



Summary of policy for dealing with anti-social behaviour

Anti-social Behaviour Act 2003 s12

Policy Statement

CHA is committed to providing residents with as safe an environment as possible. We will investigate thoroughly all incidents of anti-social behaviour (ASB) reported to us and take action where we have the power to do so. Our actions will be prompt, firm and proportionate to the nature of the problem. CHA will not hesitate to take legal action where necessary.

Personal stress and impact on the neighbourhood

CHA understands the personal stress that ASB can cause. We will do all we can to help residents feel safe, secure and able to report incidents of ASB. CHA will support residents who witness ASB, respecting confidentiality at all times.

Diverse population

CHA recognises the needs of a diverse population and always acts within the scope of its Diversity Policy, the Human Rights Act 1998, the Disability Discrimination Act 1995 and the Race Relations (Amendment) Act 2000. We understand that in a big city people have different lifestyles. We respect the rights of people to live their lives their way, but we expect them to respect the rights of others to a peaceful life.

Prevention

CHA wishes to sustain tenancies by acting early to deal with ASB. We work with other agencies to provide a range of prevention measures, for example youth projects. The aim is to divert or amend possibly disruptive behaviour and offer support to those who need help in changing their behaviour.

Standards of acceptable behaviour

CHA will support individuals and households affected by ASB. We will not hesitate to use the powers we have under the Anti-social Behaviour Act 2003 to enforce acceptable behaviour. The standards CHA expects from tenants, their household members and visitors include:

- Y no persistent noise from loud music, shouting, banging doors, car horns, late night use of washing machines and other noisy equipment.
- Y no abusive language or aggressive behaviour towards other people
- Y no violence against other people.
- Y keeping animals under control and not allowing them to foul communal areas.
- Y using the bins provided for rubbish and not leaving it lying around.
- Y no graffiti or deliberate damage to property, whether it belongs to CHA or not
- Y no hanging around in or misusing communal areas or facilities
- Y keeping internal or external access routes clear and not obstructed by household items
- Y no selling or using drugs
- Y no prostitution

Anti-social behaviour costs CHA a lot of money, in removing graffiti and repairing damage, loss of rent where flats cannot be let, legal costs for action against people behaving in this way, and staff time in dealing with the problems.

These costs have to be paid for out of the rent paid by all tenants, leaving less to spend on other areas.

Family and visitors – a tenant's obligations

Tenants are responsible for the behaviour of their children and other household members and their visitors. If they behave in an anti-social way, CHA will take action against the tenant, which may result in them losing their home.

Reporting anti-social behaviour

Reports of anti-social behaviour can be made to any CHA officer. Normally this would be the Customer Service Centre or a Neighbourhood Officer/Supported Housing Officer. CHA logs each report of ASB as a separate case which is then dealt with by the Neighbourhood Management Team or (for supported housing) the Property and Business Team.

Investigation

Reports are investigated by a Neighbourhood Officer/Supported Housing Officer. They agree an action plan with the witness. The action plan may include collecting evidence so that CHA can take legal action against the person behaving in an anti-social way.

Managing the case

The action plan is reviewed regularly by a manager. The Neighbourhood Officer/Supported Housing Officer contacts the witness regularly to keep them up to date on progress. The Officer will:

- Y work with other agencies in contact with the witness, for example, the police or the local council
- Y maintain absolute confidentiality
- Y explain each step of the procedure

The options for action

ASB can cover a wide range of activity from dumping rubbish and graffiti through to noise, unruly behaviour and abuse. In more serious cases this can involve assault, drug abuse and prostitution. Though not generally directed at any one person, the people suffering can feel under threat and reluctant to be identified during action taken to deal with those causing the problem. The action plan is therefore designed to fit the type and severity of the behaviour, and what the witness can cope with. The Team managing the case will consider all the following options:

- Y referral to the Environmental Health department for problems with rubbish dumping or excess noise
- Y provision of support and counselling to the witness by making a referral to specialist support agencies
- Y referral to mediation services for acts of inconsiderate behaviour such as late night noise or children playing
- Y maintenance works for nuisance complaints such as doors slamming
- Y repairs and/or the removal of offensive graffiti in accordance with the emergency repair procedures (that is, normally within 24 hours)
- Y where there is a threat to personal safety, reviewing security arrangements with the witness, and arranging for any required works to be done in accordance with maintenance response times.
- Y where there is a threat to personal safety, temporary/permanent re-housing options

- Y with the consent of the witness, investigation to establish the identity of those causing the problem
- Y agreement of an Acceptable Behaviour Contract with the person causing the problem
- Y working with local authority ASB teams and Youth Inclusion Support Panels to help those causing the problem to modify their behaviour.
- Y subject to the consent of the witness, legal action against the perpetrator(s) including:
 - injunction to prevent the ASB continuing
 - application for an Anti-social Behaviour Order
 - demotion of tenancy
 - possession action leading to eviction
 - supporting the police and/or local authority in taking criminal proceedings provision of support to the witness in their own legal action, for example, taking out an injunction
- Y if the ASB appears to arise from someone's mental health needs, providing more support for them, involvement of health care professionals or a more appropriate placement

What powers does CHA have?

CHA wants to stop ASB occurring, not displace it to another area. We try to avoid using legal action if possible, and usually use a range of non-legal remedies to solve problems.

Each year, CHA sets aside a budget for tackling ASB and we need to make best use of the money we have. Legal costs can be very high, so in deciding with affected residents the best action to take, we examine the likely costs and consider value for money. Working effectively with other agencies is vital in achieving this.

These are the powers which CHA has:

- Y Starter tenancies - When letting new schemes, CHA will grant new tenants a starter tenancy. The advantage of this is that possession of the property for ASB is easier within the first year. After 12 months, if the tenancy has been conducted satisfactorily, it will be converted to a full assured tenancy.
- Y Mediation - If the problem seems to arise from misunderstandings between neighbours, CHA can arrange mediation by an independent agency. This will only work if both neighbours are willing to take part and to reach an agreement about living peacefully together.
- Y Acceptable behaviour contract - Where a young person is causing a problem, CHA will arrange a meeting with the police, the council's youth support team and the parents, at which the young person signs a contract setting out how they promise to behave in future. The contract has no legal force, but if they do not keep to their agreement it can be used in evidence for more serious action.
- Y Parental guidance agreement - The parents of a young person signing an acceptable behaviour contract can be asked to sign an agreement that they will ensure that their son or daughter keeps to the terms of their contract.
- Y Injunction - CHA can apply to the Court for an injunction. This is an order requiring the offender to stop doing something, for example, playing loud music, or going to a particular street. If they break the court order they can be arrested. CHA will usually tell the person that it intends to apply for an injunction, so they can go to Court and put their point of view. However, in urgent cases CHA can go to Court without telling the offender first.
- Y Anti-social behaviour orders - CHA can apply to the Court for an anti-social behaviour order (ASBO). This is similar to an injunction, it is an order requiring the offender to stop doing something. An order lasts for at least two years. If they break the order they can be arrested, the maximum penalty on conviction is 5 years imprisonment.
- Y Demotion of tenancy - CHA can apply to the Court to demote a tenancy to an assured shorthold tenancy. If there are no more problems, after a year the tenancy will be promoted to an assured tenancy automatically. But if the tenant, their family or visitors carry on behaving badly, CHA can end their tenancy quickly by applying to the Court and they will lose their home. We will also make every effort to reclaim our legal costs from the tenant.

- Y Eviction - By signing their Tenancy Agreement, tenants agree that they, their household and visitors will not cause a nuisance to their neighbours or anyone living in the local area. If they, their family or visitors behave in an antisocial way, CHA will take court action against them and they may lose their home. We will also make every effort to reclaim our legal costs from them.

Help us to help you

The people on the receiving end of anti-social behaviour may feel too intimidated to complain, but without evidence there is little CHA can do. CHA treats all reports from witnesses in complete confidence.

Support for witnesses

Giving evidence in court can be very intimidating, but CHA will do all it can to help. We will explain the process and offer support so that witnesses have the confidence to go through with it. The courts will accept written statements by witnesses. We will also use evidence given by CHA officers and by others such as the police and street wardens. In serious cases we will consider using professional witnesses or video evidence.

Working with other agencies

In tackling anti-social behaviour, CHA works with local councils, the police, street wardens and other agencies, sharing information and taking joint action. CHA can also put those suffering from anti-social behaviour in touch with agencies that may be able to help.

community housing association limited

100 chalk farm road london NW1 8EH tel 020 7428 4328 fax 020 7428 4219 www.communityhousing.org.uk

housing corporation registration no LH0171 a charitable and provident society no 20453R

Dec 04