

Plymouth Community Homes



Anti-Social Behaviour Policy

- **Purpose**

Plymouth Community Homes (PCH) recognises that anti-social behaviour (ASB) can have a harmful impact on communities, and is committed to ensuring that all of our residents enjoy their right to peace, quiet and security in and around their homes without disturbance or interference from others.

This policy is intended to ensure that Plymouth Community Homes is equipped to deal with occurrences of anti-social behaviour (ASB) when they are reported and is compliant with the requirements of the Anti-Social Behaviour Act 2003 and the Housing Act 1988.

It is the policy of PCH to deal with all complaints of ASB in accordance with our published procedure. Our aim is to thoroughly investigate all complaints of ASB and take prompt and appropriate action to tackle these problems effectively.

This policy should be read in conjunction with PCH's detailed operational procedures.

- **Definitions**

PCH has adopted the definition expressed in the Housing Act 1996 as amended by the Anti Social Behaviour Act 2003. This is that anti social behaviour is conduct which

- Is capable of causing nuisance or annoyance to any person
- Directly or indirectly relates to or affects the housing management functions of a relevant landlord; or
- Consists of or involves using or threatening to use housing accommodation owned or managed by a relevant landlord for an unlawful purpose

PCH has also adopted the definition of anti-social behaviour in the Crime and Disorder Act 1998 as behaviour causing 'Harassment, alarm or distress to one or more persons not in the same household'.

This policy applies to anyone living in or visiting a property owned by Plymouth Community Homes. It also applies to residents living in neighboring properties of different tenure and visitors to their properties.

Plymouth Community Homes considers that abusive or threatening behaviour towards its staff, contractors or agents to be a serious issue, which will be dealt with as a serious breach of tenancy.

Anti Social Behaviour can be wide ranging, some examples of which include

- Aggressive and threatening language and behaviour;
- Intimidation causing fear, alarm or distress
- Actual physical violence against people and / or property
- Anti-social behaviour related to the using or selling drugs
- Anti-social behaviour related to Alcohol or solvent abuse
- Illegal or immoral acts (including sex-working)
- Burglaries
- Muggings

- Conviction of an arrestable offence committed in the locality of your home
- Excessive noise
- Vandalism and / or graffiti
- Littering
- Nuisance from vehicles
- Domestic Abuse
- Hate Crime
- Harassment

Plymouth Community Homes defines **Nuisance** as unreasonable or irresponsible anti-social behaviour on the part of a tenant, shared owner, leaseholder, member of their household or visitor to the household, which adversely affects other members of the community. Plymouth Community Homes defines nuisance as different to harassment because it is not targeted against a specific person or persons.

Examples of nuisance can include:

- Unreasonable levels of domestic noise
- Unreasonable levels of TV, radio, sound system noise
- Unruly or abusive children
- Late night/ early morning parties or playing of musical instruments
- Use of air rifles, pellet guns and other projectile devices
- Reckless discarding of rubbish or litter
- Unreasonable use of bonfires
- Animal nuisance
- Uncontrolled pets
- Undertaking major car repairs in the street/garage blocks
- Not using the property for purely residential purposes
- Preventing access/egress to property/garage
- Abandoned vehicles

This is not an exhaustive list.

Although there are distinctions between different types of anti-social behaviour and nuisance the terms are interchangeable. Throughout this policy the term 'Anti-Social Behaviour' (ASB) is used.

- **Policy**
 1. Aims
 2. Obligations of Residents
 3. Policy Statement
 4. Equality and Diversity
 5. Monitoring and Review

1. Aims

1.1 PCH is committed to working to improve the quality of life for all its residents.

We will aim to:

- Maintain and improve the quality of life for residents and the wider community
- Contribute to community safety and crime reduction
- Protect individuals from the effects of ASB
- Promote good neighbour relations and tolerance of lifestyle differences
- Create communities where people want to live and can do so peacefully,

enjoying their homes without the fear of crime or ASB.

1.2 PCH considers hate crime and harassment to be completely unacceptable and has separate policies dealing with Hate Crime & Harassment and Equality and Diversity. All staff will receive equality and diversity training.

1.3 PCH considers domestic abuse to be completely unacceptable and has a separate policy and robust procedure to deal with incidents of domestic abuse.

1.4 PCH recognises that anti-social behaviour (ASB) can have a harmful impact on communities, and is committed to ensuring that all of our residents enjoy their right to peace, quiet and security in and around their homes without disturbance or interference from others.

1.5 This policy is intended to ensure that Plymouth Community Homes is equipped to deal with occurrences of anti-social behaviour (ASB) when they are reported and is compliant with the requirements of the Anti-Social Behaviour Act 2003 and the Housing Act 1988.

1.6 It is the policy of PCH to deal with all complaints of ASB in accordance with our published procedure. Our aim is to thoroughly investigate all complaints of ASB and take prompt and appropriate action to tackle these problems effectively.

1.7 This policy should be read in conjunction with PCH's detailed operational procedures.

2. Obligations of Residents

All tenants are bound by the terms of their tenancy agreements not to cause a nuisance and annoyance to neighbours. The key tenancy clauses in PCH tenancy agreements are summarised below:

2.1 To use the Premises for residential purposes as your only or principal home and not to use the Premises for immoral or illegal purposes and not to operate a business at the Premises without the written consent of PCH. To use the communal facilities with due regard for the convenience and safety of others.

2.2 Not to cause or allow members of your household or invited visitors to cause a nuisance or annoyance through ASB of whatever sort, including noise, to neighbours or other tenants of the Association.

2.3 Not to commit or allow members of your household or invited visitors to

commit any form of harassment on the grounds of race, colour, religion, gender, sexual orientation or disability which may interfere with the peace and comfort of, or cause offence to, any other tenant, member of the household, visitors, neighbour or employee of the Association.

2.4 Not to play or allow to be played any radio, television, sound system or musical instrument so loudly or create other noise so as to cause a nuisance or annoyance to neighbours.

2.5 As part of its overall approach to dealing with ASB, the Association will enforce the conditions of tenancy, using court action if necessary, including taking possession of the property where this is the most appropriate course of action.

3. Policy Statement

PCH will:

3.1 Treat instances of ASB seriously

3.2 Train its staff to deal with ASB effectively, within agreed procedures

3.3 Act in accordance with statutory requirements

3.4 Develop a 24 hour Anti-Social Behaviour hotline within two years of transfer

3.5 Ensure there are staff in each housing team to provide expert advice and support on anti-social behaviour

3.7 Prioritise cases according to our procedure agreed with resident representatives

3.8 Remain supportive and enable residents to sustain their tenancies.

3.9 Give clear advice and appropriate support to all tenants to help deal with anti-social behaviour

3.10 Take early and firm action against tenancy breaches which blight neighbourhoods or cause nuisance to others, such as noise, untidy gardens and car repairs

3.11 Work closely with Plymouth City Council Anti-Social Behaviour Unit which would assist in achieving solution to more serious cases

3.12 Work with the Plymouth City Council's Family Intervention Project and where appropriate use Family Intervention Tenancies. Family Intervention Tenancies (FIT) are a special type of tenancy given to a person against whom a possession order has been made or could have been made for anti-social behaviour, and who is receiving a behaviour support package through a family intervention project. FITs have no security of tenure.

3.13 Work jointly with the Police, and other partner agencies to find effective solutions to ASB

3.14 PCH will sign up to information protocols with partner agencies to ensure any information communicated is done so within the legal parameters of the Data Protection Act and Human Rights Act.

3.15 Have regard to its Equality and Diversity Policy when dealing with ASB

3.16 Enforce its tenancy conditions and use all informal and legal tools as appropriate to achieve the objectives of this policy

3.17 Use 'starter' tenancies for new tenants for the initial twelve months of their tenancy

3.18 Consider the vulnerability of residents involved in ASB and seek to promote and support rehabilitation, in conjunction with other support agencies

3.19 Provide access to independent mediation support in appropriate cases

3.20 Carry out security improvements to homes and estates in consultation with tenants as a part of a general crime prevention approach

3.21 Work with Plymouth Community Safety Partnership on measures to reduce crime.

3.22 Take severe action against the perpetrators of ASB where this is justified

3.23 Support witnesses in cases of ASB and maintain witness confidentiality

3.24 Decline to act, or close cases where this is the most appropriate course of action. In this event, all parties will be notified of the decision, and reasons will be given in writing. Details will be given of how the decision may be challenged via the Association's Complaints Procedure

3.25 Report its performance on dealing with ASB as part of its key performance indicators

4. Equality and Diversity

4.1 PCH recognises that it operates in a community within which there is wide social diversity, and are committed to providing equal opportunities and valuing diversity.

4.2 Through the management of our housing stock we aim to treat all customers fairly, and with respect and professionalism regardless of their gender, race, age, disability, religion, sexual orientation and marital status.

4.3 To enable all residents to have clear information and equal access to our available properties, PCH publishes information in a range of appropriate languages and formats and through a range of media. Feedback is also accepted through a variety of different routes to reflect individual customers' preferences or needs.

4.4 This policy has been designed to be fully inclusive regardless of the ethnicity, gender, sexuality, religious belief, or disability of service users or residents.

4.5 The policy has been developed giving full consideration to the PCH Equality and Diversity policy.

5. Monitoring and review:

5.1 This policy will be reviewed regularly in accordance with PCH's review timetable by the Customer Focus Committee.

5.2 Procedures relating to this policy will also be periodically reviewed, taking into account any operational issues that arise.

5.3 Review will take into account any changes in law and best practice.

5.4 The reviews will include equality impact assessments to ensure that all of our policies encourage and support our determination to promote equality and eliminate unlawful discrimination.

5.5 Plymouth Community Homes will ensure that opportunities are provided for tenants and leaseholders to engage in the process of reviewing and monitoring this policy.

5.6 Systems will be in place to monitor progress against agreed targets, and reported via the Customer Focus Committee to the Board on an annual basis.

5.7 Monitoring will include the following elements

- assessments of tenant satisfaction with what is being done, making sure that methods of doing so take into account the access needs of all;
- regular reports to the board who have overall responsibility for ensuring that the policy delivers continuous improvement and value for money
- systems that identify performance issues and monitor the progress of actions to address them

• **Relevant legislation:** For information (not exhaustive)

Anti Social Behaviour Act 2003	Gave police, local authorities and landlords the ability to demote secure tenancies, close crack houses and disperse groups of people. The Act also allows Local Education Authorities to give fixed penalty notices to parents who allow their children to truant
Housing Act 2004	Allows local authorities and landlords to extend introductory tenancies for a further six months and to withhold consent for mutual exchanges for secure tenants. Right to Buy can also be suspended and Registered Social landlords become relevant authorities for disclosure purposes.
Criminal Justice and Police Act 2001	Introduced stronger penalties for witness intimidation. Changed the wording of the 1998 Crime and Disorder Act so that curfews could be sought for children up to the age of 16.
Crime and disorder Act 1998	Gave Authorities and police significant new powers for dealing with a persistent nuisance, harassment and criminal behaviour. The Act also places a duty on local authorities to work in partnership with the police and other key agencies to develop a strategy for reducing crime and disorder Enables relevant authorities to apply for Anti Social Behaviour Orders for persons aged 10 and over. Initially relevant authorities were councils and the police, but this was later extended to registered social landlords.

	S. 115 allows for information sharing protocols to be developed.
Police reform Act 2002	Introduced new provisions and powers for dealing with anti social behaviour.
Housing Act 1996	Made injunctions available to a greater extent. S 152 allows for injunctions to be obtained with a power of arrest. Strengthen the grounds for possession (see 1985 Housing Act below)
Housing Act 1988	<p>Schedule 2 lists the grounds for possession for assured tenants. The grounds for possession were strengthened through the 1996 Housing Act</p> <p>Ground 14 now reads</p> <p><i>'The tenant or a person residing in or visiting the dwelling-house:</i></p> <p><i>a. has been guilty of conduct causing or likely to cause a nuisance or annoyance to a person residing, visiting or otherwise engaging in a lawful activity in the locality or;</i></p> <p><i>b. has been convicted of:</i></p> <p><i>i. using the dwelling-house or allowing it to be used for immoral or illegal purposes, or</i></p> <p><i>ii. an indictable offence committed in, or in the locality of the dwelling house'.</i></p>

• **Links to other policies and strategies**

- Customer Care and Access Policy
- Equality and Diversity policy
- Harassment and Hate Crime Policy
- Tenancy Management Policy
- Domestic Abuse Policy
- Complaints Policy
- Vulnerable Persons Policy
- Social Inclusion and Anti-Poverty Policy