

# **ANTI-SOCIAL BEHAVIOUR POLICY**

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Approved by MC: 17/1/17

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## **1. OBJECTIVE OF THIS POLICY**

The objective of this policy is to set out how Quadrant Brownswood Tenant Co-operative (QBTC) will:

- make a commitment to tackling all forms of anti-social behaviour and to ensuring that our members and other residents are able to enjoy peace, quiet and security in and around their homes
- take positive action, in partnership with others, to deal with anti-social behaviour
- work with our members and others to define acceptable standards of behaviour within our community
- aim to support Hackney Council and other neighbourhood-based strategies for tackling anti-social behaviour
- seek to develop a sense of community, mutual respect and support throughout our membership and within the local community.

## **2. INTRODUCTION**

QBTC recognises that, left unchallenged, anti-social behaviour can have a significant negative impact on the lives of our members and the community. QBTC will therefore seek both to make timely and co-ordinated responses to incidents of anti-social behaviour and to take a pro-active approach to preventing anti-social behaviour occurring in the first place.

A comprehensive range of measures will be used to combat anti-social behaviour, as set out in section 5 of this policy. The measures, which include speedy responses in serious cases, are incremental in nature. Every effort will be made to bring about real changes and improvements in behaviour to ensure that further action is not required.

QBTC also recognises:

- that anti-social behaviour may affect our members; other people living with or visiting our members; and others living in, working in or visiting the area
- that everyone has a right to enjoy their own lifestyle but only where this does not interfere with the rights and quality of life of others
- the rights of individuals to a fair hearing and that there should be a presumption of innocence until the facts about any complaint of anti-social behaviour have been established
- the need to ensure that all members and residents are treated fairly, consistently and equitably and to take into account any individual needs of a member or resident

In tackling anti-social behaviour, QBTC will ensure that it complies with all appropriate legislation and regulations. Where appropriate, we will use the powers made available to us, or to other partner organisations who may be able to assist us in tackling anti-social behaviour, by:

- Local Government Act 1972
- Housing Act 1985 (as amended)
- Housing Act 1996 (as amended)
- Crime and Disorder Act 1998
- Police Reform Act 2002
- Anti-Social Behaviour Act 2003
- Domestic Violence, Crime and Victims Act 2004
- Anti-social Behaviour, Crime and Policing Act 2014

### 3. WHAT DO WE DEFINE AS ANTI-SOCIAL BEHAVIOUR?

QBTC defines anti-social behaviour as conduct which is capable of causing a nuisance or annoyance to any person and directly or indirectly relates to or affects the Co-op's operations, including the use or threatened use of the Co-op's property for an unlawful purpose.

This means that we will not tolerate any action or omission, deliberate or otherwise, which interferes with another person's peace, quiet or security. Anti-social behaviour can include but is not limited to:

- **any kind of criminal behaviour** including sale or misuse of drugs; handling stolen goods; criminal damage; and arrestable offences, such as burglary, theft or assault
- **harassment** including violence or threats of violence to other members and residents, to the Co-op's staff, agents and contractors or to any other person; abusive or insulting words or behaviour; damage or threats of damage to property belonging to another person including damage to any part of a person's home; writing threatening, abusive or insulting graffiti; or any act of omission calculated to interfere with the peace or comfort of any other person or to inconvenience such a person
- **graffiti and vandalism**
- **damage or threats of damage to another person's possessions or property**
- **racial harassment and/or other hate related behaviour** – any type of behaviour or action, including those listed above, that is carried out against another person on the grounds of race, religion, gender, sexual orientation, disability, social class or age. All such cases will be treated as serious and be dealt with accordingly
- **alcohol abuse and drunken behaviour**
- **nuisance from pets and animals** including fouling; noise from animals (including dogs barking); excessive odours from animals; keeping dangerous or unsuitable animals; using animals to intimidate or harass people; and lack of control and supervision of animals
- **noise** including loud music, shouting or arguing, door slamming, parties
- **dumping rubbish, fly tipping and littering**
- **misuse of communal areas**
- **problems caused by vehicles** including abandoned vehicles; inappropriate or illegal parking; carrying out inappropriate vehicle repairs; and excessive noise from vehicles (eg. car alarms)
- **any breaches of tenancy conditions** including untidy balconies; failure to maintain the home; and damage to the home
- **disputes between neighbours**
- **domestic disputes and domestic violence**

QBTC recognises that some cases of anti-social behaviour – e.g. some noise related cases – may be resolved by dialogue and negotiation between the parties involved. However other cases - particularly those involving criminal behaviour or harassment - may require stronger action. QBTC will use appropriate levels of action to deal with all reported cases of anti-social behaviour.

QBTC expects all members to display acceptable standards of behaviour at all times. In particular QBTC expects its tenant members:

- to comply fully with the conditions set out in the tenancy agreement, particularly those relating to anti-social behaviour, nuisance and harassment
- to take responsibility for the behaviour and actions of their family members, relatives and visitors to their property.

### 4. HOW WILL WE DEAL WITH REPORTS OF ANTI-SOCIAL BEHAVIOUR?

QBTC will encourage its members and local residents, workers and visitors who are suffering from anti-social behaviour which directly or indirectly relates to or affects the Co-op's operations to report the problem as soon as possible by writing a letter to the Secretary or management committee c/o QBTC office.

Complainants' names and addresses, will not be revealed to any other party without the consent of the complainant. We will usually keep any information given to us confidential unless the person who has given us the information agrees that we can share the information with other named agencies. However, in some cases there may be legal reasons why we are obliged to pass on

information. We will inform you when and why we are doing this and to whom we are passing the information.

Where information is given to other agencies, we will ensure that the information is accurate, relevant and sufficient for the purpose for which is needed, and that it will be kept securely and for no longer than necessary.

On receipt of an anti-social behaviour complaint the Secretary and the Chair of the Co-op are authorised to take any urgent action necessary. Otherwise, the complaint will be referred to the managing agent of the Co-op.

The managing agent will:

- Record the complaint
- Make an initial assessment of the seriousness of the complaint as:
  - Serious nuisance** Behaviour including threats of or actual violence against people; drug dealing; intimidation or harassment on grounds of race, sexual orientation, religious belief or disability
  - Moderate nuisance** Behaviour including loud and frequent parties; regular and loud noise particularly late at night; regular and frequent noise from vehicles
  - Low-level nuisance** Behaviour including ball games; youths congregating; non-offensive graffiti; neighbour disputes
- Endeavour to respond in writing to the complainant within 5 working days
- As far as possible, investigate every complaint
- Endeavour to investigate every complaint within 14 days of notification, including speaking to or visiting the complainant and other parties
- Take timely, effective and consistent action to tackle the problems by using the range of measures available
- Report back to the complainant
- Provide regular reports to the complainant on the progress of persistent cases
- Provide on-going support to any witnesses, throughout the process and after that if necessary
- Use professional witnesses where appropriate
- Consider and, where possible, address issues of vulnerability of both witnesses and perpetrators
- Work in partnership with other agencies where appropriate
- Where the anti-social behaviour is being committed by anyone under the age of 18, seek to involve the parents/guardians of the young person
- Make appropriate referrals to appropriate agencies for further support/action
- Where necessary, share information with other agencies – e.g. the police/ social services

QBTC will be honest with those reporting anti-social behaviour about possible action the Co-op can take in relation to the problem; the likelihood of that action being successful; the length of time it may take to resolve; and what action, if any, needs to be taken by those reporting anti-social behaviour to enable QBTC and other agencies to act effectively.

In reality it may be very difficult for the Co-op to resolve a neighbour dispute as there may not always be a breach of the tenancy agreement. QBTC will be objective, look at the facts, and encourage members to try and resolve the problem themselves.

## 5. WHAT MEASURES WILL WE USE TO TACKLE ANTI-SOCIAL BEHAVIOUR?

QBTC will use a variety of measures to tackle anti-social behaviour. If anti-social behaviour persists, QBTC will take further appropriate action.

Measures to tackle anti-social behaviour might be taken in conjunction with other agencies and could include:

- **No further action** After listening to the complainant or the alleged perpetrator, QBTC may decide that the complaint is not justified or that the Co-op has no ability to intervene in the dispute.
- **Discussing the problem behaviour with the perpetrator** Wherever possible QBTC will seek to resolve issues of anti-social behaviour through dialogue before turning to more stringent methods.

- **Independent mediation** A referral may be offered to an independent mediator who, after listening to each side, tries to find an agreed way forward. If independent mediation is attempted but fails, it can strengthen a case in court; if either side refuses mediation, it can weaken their case in court.
- **Formal warnings**
- **Acceptable Behaviour Agreements (ABAs)**
- **Environmental Health Notices** for statutory nuisance – e.g. noise abatement notices
- **Criminal Behaviour Orders**
- **Parenting Orders**
- **Injunctions**
- **Possession proceedings** Where there has been a breach of the tenancy agreement, QBTC can serve a Notice to Quit and on expiry of the Notice apply to the County Court for a Possession Order. Once a Possession Order has been granted, QBTC can apply for a warrant of execution to evict the former tenant.
- **Dispersal orders** via the police who can direct individuals to leave an area and keep away for up to 24 hours
- **Closure of premises orders** via the police and/or Environmental Health who can temporarily close premises that are associated with anti-social behaviour for up to 3 months

## 6. HOW WILL WE SUPPORT COMPLAINANTS AND WITNESSES

QBTC is aware that making a complaint about anti-social behaviour may cause considerable concern. Complainants will be able to discuss their concerns and what support may be available to them with the Co-op Secretary or Chair or with the Managing Agent.

Most cases of anti-social behaviour are resolved without formal action. However some more serious cases, where formal action is required, may be greatly assisted by complainants being prepared to act as witnesses. QBTC recognises that acting as a witness in an anti-social behaviour case may cause considerable anxiety and stress, and we are committed to doing all we can to support, reassure and protect complainants that are prepared to act as witnesses.

The level of support given will be tailored to the needs of the particular individual and the circumstances of the case. As a minimum, we will maintain regular contact with witnesses, keeping them as fully informed as possible throughout the process. Other support may include:

- providing additional security measures to the home
- arranging interpreters for people for whom English is not their first language
- explaining each stage of the process in detail to witnesses
- providing support before, during and after court action, which may include arranging pre-case court visits; arranging transport to and from court; and maintaining contact after a court hearing
- using professional witnesses to gather additional evidence to support a case and to give evidence on behalf of witnesses
- liaising with Victim Support and other relevant agencies to provide additional support and/or counselling
- in extreme circumstances, considering moving witnesses, either temporarily or permanently, for their protection

## 7. HOW CAN WE PREVENT ANTI-SOCIAL BEHAVIOUR?

Wherever possible QBTC will take steps to prevent anti-social behaviour occurring. The following are examples of actions the Co-op might take:

- developing a sense of community within QBTC to ensure that all members feel a sense of mutual support and respect for each other
- promoting acceptable behaviour and making members aware of anti-social behaviour and its impact on others
- regularly inspecting the property and removing graffiti, dumped rubbish and abandoned vehicles as quickly as possible
- making referrals to other agencies for intervention and support where appropriate
- sharing information with the police and other agencies for the purposes of prevention and detection of crime and disorder (the identity of the person who supplied any information will remain confidential, unless we have their permission to reveal it)

## **8. HOW WILL WE DEAL WITH RACIAL OR OTHER HARASSMENT?**

QBTC's tenancy agreement states that:

'That you, your family or visitors will not harass any person residing, visiting or otherwise engaged in a lawful activity in the locality (For these purposes locality means within 500 metres of the property you occupy) on the grounds of age, sex, colour, ethnic or national origin or because of disability, religion, appearance, sexuality or marital status.' (Section 6)

We will deal with such incidents by:

- responding quickly and effectively in all cases
- ensuring that the perpetrators are identified wherever possible and action is taken
- ensuring that our members are aware of our policies in this area and feel able to report incidents

QBTC will also act quickly to remove racist or offensive graffiti, wherever possible within 24 hours.

## **9. HOW WILL WE PROTECT PEOPLE WORKING ON BEHALF OF THE CO-OP?**

QBTC will not tolerate verbal or physical abuse against its members, staff, agents or contractors working on behalf of the Co-op. We will take appropriate action to deal with abuse of this nature, using warning letters, injunctions (with the power of arrest if appropriate) and other forms of legal action to protect members, staff, agents and contractors from anti-social behaviour, graffiti, criminal damage, harassment, threats and verbal or physical assault.

## **10. TRAINING ON ANTI-SOCIAL BEHAVIOUR**

QBTC will ensure that its members dealing with anti-social behaviour and agents acting on its behalf have received proper training to equip them to deal with anti-social behaviour issues.

In particular QBTC will ensure that those tackling anti-social behaviour on behalf of the Co-op:

- are aware of issues surrounding anti-social behaviour, including legislation and the powers available to tackle anti-social behaviour
- understand the importance of dealing with problems quickly
- are able to record details of incidents fully and accurately
- understand the need to ensure appropriate dialogue between QBTC's Management Committee and its agents in relation to anti-social behaviour
- are able to provide the complainant with practical information, advice and support
- are aware of the need to treat the complaint confidentially and sensitively
- understand and are sensitive to diversity issues

## **11. HOW WILL WE REVIEW THIS POLICY?**

This policy will be reviewed on a two yearly basis and may be revised accordingly.

## **CONTACTS LIST**

**Police**  
**Domestic violence unit**  
**Hackney Social Services**  
**Hackney Noise Nuisance Team**  
**Childline**  
**Victim Support**  
**WCC**  
**Samaritans**  
**NHS Direct**