



## Nuisance and Anti-Social Behaviour Policy

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*for you – for your community – not for profit*

## 1.0 INTRODUCTION

- 1.1 The Homes and Communities Agency (HCA) in line with the Neighbourhood and Community Standard require registered providers to work in partnership with other agencies to prevent and tackle anti-social behaviour in the neighbourhoods where they own homes.
- 1.2 This Policy will cover Nuisance and Anti-social behaviour, Domestic Violence, Harassment and Hate Crime. The Policy is intended to fulfil the legislative requirements imposed on Two Rivers Housing (TRH) by the provisions of the ASB Crime and Policing Act 2014. Legislation requires that this Policy be published and made available to the public.
- 1.3 The table below indicates the new tools within the Act and those which are being replaced.

<b>New Tools</b>	<b>Replaces</b>
<b>Injunction</b>	ASBO/ASBI/ISO/DBO
<b>Criminal Behaviour Order</b>	Crasbo
<b>Closure Order</b>	Crackhouse & Premises Closure Order
<b>Community Protection Notice</b>	Environmental Powers
<b>Dispersal Powers</b>	Current dispersal Powers
<b>Public Spaces Protection Order</b>	Orders relating to control of land.
<b>Mandatory Grounds for Possession</b>	New

- 1.4 The ASB Crime and Policing Act focuses on 'Putting victims first' and there is a strong emphasis on partnership working to support the resolution of anti-social behaviour.
- 1.5 The Act includes two new measures which are designed to give victims and the community a say in the way anti-social behaviour is dealt with. They are 'the Community Review' and 'the Community Remedy'.
- 1.6 The Community Review gives victims the opportunity to request a review of their case, where the locally defined threshold is met. The threshold for Gloucestershire is:
- Three reports from the same person in six months; or
  - Five reports involving the same location, culprit or problem from more than one individual or group within six months.

The Community Remedy gives the victims a say in the 'out of court' punishment of perpetrators for low level crime and anti-social behaviour.

## 2.0 STATEMENT OF INTENT

### 2.1 Nuisance and Anti-Social Behaviour

2.1.1 TRH is committed to encouraging good tenancy relations and equal opportunities between its tenants and all members of the local community. TRH also aims to ensure that its tenants, their homes and their neighbourhoods are safe and secure.

2.1.2 TRH intends to meet the aims of this Policy by enforcing the relevant terms and conditions of its tenancy agreement, which states that each tenant is:

*“Responsible for the conduct of all people (including children) living in or visiting your home, and you or any person living in or visiting your home must not do any of the following: cause a nuisance or annoyance to anyone in the locality; use or permit your home to be used for any criminal, immoral or illegal purpose.”*

Additionally:

*“If you or any other person (including children) living in or visiting your home causes a nuisance, annoys anyone or behaves in an anti-social way, we may take legal action to evict you.”*

Types of nuisance or anti-social behaviour included in the tenancy agreement are:

- using a property for illegal purposes;
- conviction for an arrestable offence at a property or in the locality;
- causing a danger to anyone at a property or in the locality;
- causing damage to fire-fighting equipment, closed circuit television equipment, door entry or alarm systems, or any other property;
- using a property to take, supply or store illegal drugs;
- making an unreasonable amount of noise by playing a musical instrument, radio, television or other equipment;
- intolerant attitudes towards persons with different lifestyles; and/or
- keeping an animal that causes or could cause a nuisance or disturbance to people, or that damages property.

2.1.3 When TRH receives a report of nuisance or anti-social behaviour from a member of the public, the incident is categorised by the Tenancy Compliance Officer. The categories are as follows:

Priority	Example of incident	Timescale
1 = Very Serious	Actual violence Threats of violence	Contact to be made with complainant within one working day.

	Serious criminal activity Domestic Violence Hate Crime	
2 = Serious	Continued loud noise Heated verbal arguments Serious neighbour disputes Petty criminal activity Threatening or intimidating behaviour	Contact to be made with the complainant within two working days
3 = Minor	Noise from domestic appliances Parking complaints Neighbour disputes Neglect of property	Contact to be made with complainant within seven working days.

2.1.4 TRH recognises that each case of nuisance and/or anti-social behaviour is unique and will require actions that are appropriate to it. However, all of TRH's actions will incorporate a number of objectives. These are:

- to promote good tenancy relations, in order to minimise the risk of nuisance and anti-social behaviour on its estates;
- to introduce initiatives to prevent anti-social behaviour;
- to take action when it is believed that nuisance or anti-social behaviour has been or is taking place;
- to provide support and protection to any victim of nuisance or anti-social behaviour to enable them to continue living in their home, where this is possible;
- to take appropriate action against the perpetrators of nuisance or anti-social behaviour, in consultation with the victim;
- to keep the victim informed of any development regarding action taken against the perpetrator;
- to take a leading role in any multi-agency response to the causes and consequences of nuisance or anti-social behaviour;
- to work with other agencies such as Turning Point who support people with drug and alcohol problems, to develop rehabilitation schemes to change the behaviour of perpetrators; and
- to work with Restorative Gloucestershire and the equivalent body in Herefordshire, the police and other relevant agencies when a case review is requested.

## 2.2 Domestic Abuse

2.2.1 TRH intends to meet the aims of this policy by enforcing the relevant terms and conditions of its tenancy agreement, which state that:

*“You must not assault your husband or wife or partner or former husband or wife or partner or other family member whether they are living with you or not, and you must not harass them or use mental, emotional or sexual abuse that might be expected to cause anyone who lives with you to leave your home. If there is any breach of this clause, we may take legal action to evict you.”*

2.2.2 TRH is committed to giving support and assistance to any person living in its properties that is a victim of domestic violence. Victims of domestic violence will receive a sympathetic, supportive and non-judgmental response from TRH’s employees.

2.2.3 TRH will treat any allegation of domestic violence seriously and will give assistance as a matter of urgency. It will arrange for an interview to take place, usually within one working day of an allegation being made. When this is not possible because of a weekend or bank holiday we will contact the victim on the first working day following this period. The relevant Local Authority would be responsible for emergency accommodation during weekends and bank holiday.

2.2.4 TRH will ensure that any information it receives is treated in the strictest confidence and in line with data protection legislation.

2.2.5 TRH will not advise a victim of domestic violence to give up their tenancy unless they have secured permanent housing, or they have been advised to do so by their legal representative.

2.2.6 TRH will liaise with specialist agencies in order to ensure that victims have access to independent advice and support. TRH is a member of the Sanctuary schemes both in the Forest of Dean and Gloucester City. These are agencies that support victims of domestic violence to remain in their home with appropriate security. TRH will advise the victim of their responsibilities as a tenant and advise them to seek advice from the District Council’s homelessness section.

2.2.7 TRH will take a victim centred approach to allegations of domestic violence so that victims feel supported and protected.

2.2.8 TRH will take action whenever possible against the perpetrators of domestic violence, with the consent of the victim. This may include the use of injunctions and/or action to repossess tenancies.

2.2.9 TRH will also have regard to the following when dealing with cases of domestic violence:

- all reported incidents will be dealt with sensitively. The safety and security of the victim will be of paramount importance.
- all reported incidents and subsequent actions will be recorded on TRH anti-social behaviour management system.
- a home visit and any necessary repairs to the victim's property will normally be carried out within one working day of a reported incident. The victim will be kept informed of any subsequent actions.
- when a management transfer is considered appropriate then immediate priority will be given to the victim and every effort will be made to secure a move as soon as possible. This may involve an offer of rehousing on a temporary basis.
- a transfer will be considered if evidence can be provided of actual or threatened violence, or there is concern for the safety and well being of the victim or their family.
- all necessary links with statutory, non-statutory and community agencies will be made in order that effective action is taken and all necessary support for the victim is available.

## 2.3 Harassment

### 2.3.1 The terms and conditions of tenancy state:

*"You are responsible for the conduct of all people (including children) living in or visiting your home, and you or any person living in or visiting your home must not do any of the following: harass, threaten or use violence towards anyone in the locality; any of our employees, contractors or agents; or anyone living in or visiting your home."*

### 2.3.2 TRH recognises that each case of harassment is unique and will require actions that are appropriate to it. However, all of TRH's actions will incorporate a number of objectives. These are:

- to promote good tenancy relations, in order to minimise the risk of racial and other harassment on its estates;
- to take action when the victim perceives that harassment has been or is taking place;
- to provide support and protection to the victim to enable them to continue living in their home, where this is possible;
- to take appropriate action against the perpetrators of harassment, in consultation with the victim;
- to take a leading role in any multi-agency response to the causes and consequences of harassment; and
- to consider mediation as an option for resolving cases of harassment, when this is appropriate.

### 2.3.3 TRH will also have regard to the following when dealing with cases of harassment:

- all reported incidents will be dealt with sensitively. The safety and security of the victim will be of paramount importance.
- all reported incidents and subsequent actions will be recorded on TRH Anti-social Behaviour management system.
- a home visit and any necessary repairs to the victim's property will normally be carried out within one working day of a reported incident. The victim will be kept informed of any subsequent actions.
- when a management transfer is considered appropriate then immediate priority will be given to the victim and every effort will be made to secure a move as soon as possible. This may involve an offer of rehousing on a temporary basis.
- all necessary links with statutory, non-statutory and community agencies will be made in order that effective action is taken and all necessary support for the victim is available.

## 2.4 Hate Crime

2.4.1 The government's definition of hate crime involves any criminal offence which is perceived by the victim or any other person to be motivated by hostility or prejudice based on a personal characteristic. Hate crime can be motivated by:

- disability;
- gender identity;
- race;
- religion or faith; and/or
- sexual orientation.

2.4.2 TRH will prevent hate crime by:

- challenging the attitudes and behaviours that foster hatred, and encouraging early intervention to reduce the risk of incidents escalating.
- Increasing the reporting of hate crime by building victims' confidence to come forward and seek justice, and working with organisations to make sure the right support is available when they do.

2.4.3 TRH will not tolerate any incidents of hate crime, whether committed by one of its tenants, a member of the community, an employee or a contractor. TRH is committed to taking appropriate action against any perpetrator, with the aim of protecting the victim, stopping the hate crime, preventing further incidents, and providing education.

2.4.4 TRH will meet the aims of this policy by enforcing the terms and conditions of its tenancy agreement. This states that tenants must ensure that they *"..... or any other person (including children) living in or visiting your home must not harass any other tenants or their visitors, our employees or contractors or any other person in the local area on the grounds of race, colour, religion, disability, age, sex, sexual orientation, appearance or mental or physical*

*capacity.... this behaviour could result in legal action being taken to evict you."*

- 2.4.5 Hate Crime is defined as "***an incident or a series of incidents intended or likely to intimidate, offend or harm an individual or group***" It can take many forms, including threats, name calling, graffiti, rubbish dumping, letters or telephone calls and assaults on people and property. This list is not exhaustive.
- 2.4.6 Hate Crime can also happen at a relatively low level which can be harder to identify. However, it is still important to deal with this type of low level incident to prevent it escalating into something more serious. All reported incidents of hate crime, no matter how "minor", will be investigated by TRH.
- 2.4.7 Occasionally there may be some doubt about whether an incident constitutes hate crime. However, in general, if the incident causes alarm, distress, intimidation or insecurity to the victim, and is motivated or **perceived to be** through prejudice or hate then the incident will be treated as such by TRH.
- 2.4.8 TRH recognises that each case of hate crime is unique and will require actions that are appropriate to it. However, it will incorporate a number of objectives into its procedures in order to reach its aims. These include:
- Promoting good tenancy relations, in order to minimise the risk of hate crime and intolerance on its estates.
  - Taking a victim centred approach when dealing with prejudice or hate incidents. An incident will be accepted as being hate crime if the victim, or another person, believes it to be so, and until further investigations prove otherwise. However, this will not mean that the alleged perpetrator is immediately assumed to be guilty.
  - Providing support and protection to the victim to enable them to continue living in their home, wherever possible and practicable.
  - Taking appropriate action against the perpetrators of hate crime. Action will only be taken after consulting the victim and taking their wishes into account.
  - Taking a leading role in any multi-agency response to the causes and consequences of hate crime.
  - Co-operating with other local agencies to ensure that people have the confidence to report hate incidents in the knowledge that their complaints will be recorded and investigated.

### **3.0 SOLUTIONS TO NUISANCE AND ANTI-SOCIAL BEHAVIOUR**

- 3.1 TRH will take action when nuisance, anti-social behaviour, domestic violence, harassment or hate crime takes place in connection with one of its tenancies and is directed against any of its tenants, their families or visitors or is carried out by any of its tenants, their families or visitors. TRH will also take action when nuisance or anti-social behaviour adversely affects its interests and is caused by individuals who do not come under the above categories.



3.2 TRH will consider the appropriate use of the following solutions to deal with instances of nuisance or anti-social behaviour:

- acceptable behaviour agreements;
- acceptable behaviour contracts;
- mediation;
- Restorative Justice;
- professional witnesses;
- undertakings;
- injunctions for minors aged 10 -17 years old and adults aged 18+ years;
- the use of starter tenancies;
- demotion orders;
- possession proceedings;
- mandatory grounds for possession. These grounds can be used when a tenant, a member of the tenant's household, or a person visiting the property has met one of the following conditions:
  - convicted of a serious offence (specified in Schedule 2A to the Housing Act 1985);
  - found by a court to have breached a civil injunction;
  - convicted for breaching a criminal behaviour order (CBO);
  - convicted for breaching a noise abatement notice; or
  - the tenant's property has been closed for more than 48 hours under a closure order for anti-social behaviour.

To use any of the mandatory grounds, the offence or breach needs to have occurred in the locality of the property or affected a person with a right to live in the locality or affected TRH or its staff/contractors.

Tools available with support from other agencies include:

- Community Protection Notice - for use by Police and Council. Registered Providers can be given delegated authority.
- Public Spaces Protection Order – for use by Council's following consultation with the Police and Police and Crime Commissioner.
- Dispersal – for use by Police, this can be delegated to PCSO's.
- Closure Order – for use by Council or Police.

3.3 TRH will also have regard to the following when dealing with cases of nuisance or anti-social behaviour:

- all reported incidents will be dealt with sensitively. The safety, security and confidentiality of the victim will be of paramount importance.
- anonymous complaints or reports will be acted upon only if evidence can be obtained by TRH's employees or from a reliable third party.
- in high priority cases a home visit and any necessary repairs to the victim's property will normally be carried out within one working day of

a reported incident. The victim will be kept informed of any subsequent actions.

- all reported incidents will be investigated fairly and impartially. The appropriate actions will be taken to deal with any issue after consultation with the complainant.
- when a management transfer is considered appropriate then immediate priority will be given to the victim and every effort will be made to secure a move as soon as possible. This may involve an offer of rehousing on a temporary basis.
- all necessary links with statutory, non-statutory and community agencies will be made in order that effective action is taken and all necessary support for the victim is available.

The exchange of information for the purpose of Safer Estates, Acceptable Behaviour Contracts and Injunctions or other legal action required will be in accordance with the Gloucestershire Constabulary Information Sharing Agreement and any equivalent agreement for Herefordshire.

#### **4.0 IMPLEMENTATION**

- 4.1 The Neighbourhood Housing Team Leader is responsible for ensuring that this policy is communicated and implemented.
- 4.2 It is the responsibility of all of TRH's employees to ensure that their work is carried out in line with this policy and the procedures attached to it.
- 4.3 TRH will ensure that it trains all of its employees so that they fully understand this policy and the procedures attached to it.
- 4.4 TRH will ensure that this policy and the procedures attached to it are implemented in accordance with TRH's Equality and Diversity Policy.
- 4.5 TRH will ensure that this policy and the procedures attached to it are implemented in accordance with TRH's Customer Care Policy.

#### **5.0. MONITORING**

- 5.1 The Neighbourhood Housing Team Leader is responsible for monitoring this policy to ensure that it is correctly applied.
- 5.2 TRH will regularly analyse the information that is held on its records to ensure that actions that have been taken are reasonable and consistent and in line with this policy.

#### **6.0. REVIEW**

- 6.1 The Neighbourhood Housing Team Leader will be responsible for ensuring that reviews of this policy are carried out.

- 6.2 TRH will undertake a review of this policy whenever there are relevant changes to legislation, case law or good practice that may impact on it.
- 6.3 In the absence of any other trigger for a review, the policy will be reviewed at three yearly intervals or such other period as the Board of TRH may from time to time determine.
- 6.4 The controlled procedures relating to this policy will be maintained and periodically reviewed, taking into account any operational issues that arise or changes to legislation, case law or good practice.

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