



Warwick District Council

Housing

Summary of Current Policy and Procedures on Anti-Social Behaviour

1. OBJECTIVES

The Council recognises the importance that tenants place on the ability to live peacefully in their homes. Anti-social behaviour and neighbour nuisance includes a broad range of disruptive behaviour and often causes misery and distress. The objectives of this policy are:

- 1.1 To enable Council tenants and their families to live peacefully in their homes.
- 1.2 To take all possible steps to tackle and prevent behaviour that causes problems for others in order to create a safer environment.
- 1.3 To take prompt and effective action to investigate all allegations of harassment, nuisance and anti-social behaviour and establish clear guidelines and procedures for staff.

2. POLICY STANDARDS

The scope of this policy covers all forms of anti-social behaviour within and in the locality of Council-owned homes.

2.1 Definitions

2.1.1 Nuisance

Tenants, other persons living in the tenants' home, and visitors behaving in a way which causes or is likely to cause danger, nuisance, annoyance or disturbance to other tenants, Council staff, contractors or any other persons residing in or visiting the locality.

2.1.2 Anti-Social Behaviour

A person acting in an anti-social manner that causes or is likely to cause harassment, alarm or distress to one or more persons not of the same household as himself.

This includes conduct which:

- is capable of causing nuisance or annoyance to any person and
- 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.

2.1.3 Harassment

Harassment is an extreme form of nuisance and anti-social behaviour against groups or individuals and may be specifically described as:-

Racial Harassment

Harassment which is racially motivated, defined by the Commission for Racial Equality as "may be verbal or physical and which includes attacks on property

as well as the person, suffered by individuals or groups because of their colour, race, nationality or ethnic origin, when the victim believes that the perpetrator was acting on racial grounds and/or there is evidence of racism". There is a separate policy and procedure for dealing with incidents of racial harassment.

Sexual Harassment

The interference with a person's comfort or safety on grounds of gender or sexual orientation.

Disability Harassment

The interference with a person's comfort or safety on grounds of their disability.

2.2 Responding to complaints of Anti-Social Behaviour

- Clear information will be provided to residents on how to report harassment, nuisance and anti-social behaviour, irrespective of tenure. All reports will be treated confidentially and formally acknowledged. On receipt of the complaint all possible remedies will be explored including the use of mediation, injunctions, Anti-Social Behaviour Orders, possession proceedings, Acceptable Behaviour Commitments, and all other available legal remedies. Often underlying causes of anti-social behaviour are very complex and this requires the policy to be flexible in its approach. Decision making tailored to the individual circumstances is crucial.
- The Council will ensure that a prompt and sympathetic approach is adopted when dealing with cases of alleged harassment, nuisance and anti-social behaviour. The Council will endeavour to provide the victim(s) and/or witnesses with the appropriate level of support and guidance to enable them to co-operate fully with any investigation.
- All of the remedies used by the Council will be subject to Human Rights considerations. There will be a balancing exercise between the rights of the victim and the perpetrator, and an assessment of whether the remedy is proportionate to the outcome sought.
- Where the alleged perpetrator is a child, the Council will ensure that Social Services undertake an assessment under S17 of the Children Act 1989 to identify whether a child is 'in need', necessitating the provision of services to that child and the family to meet those needs.

2.3 The Council is committed to adopting best practice in the management of harassment, nuisance and anti-social behaviour, and will ensure that the adopted definitions of nuisance and anti-social behaviour are the same as those developed by lead agencies such as the Government's Anti-Social Behaviour Unit.

2.4 It is recognised that anti-social behaviour is not just a housing management problem and that a strategic and holistic approach must be adopted. The Council will work in partnership with Police, other responsible authorities and agencies to reduce crime and disorder, anti-social behaviour and the fear of crime in Warwick District. The Council will support the local Crime and Disorder Reduction Partnerships and

Community Safety Initiatives and any other relevant partnership arrangements where these add value.

2.5 Anti-Social Behaviour Procedure – First Stage

2.5.1 Complaints can be received in any form. The complaint does not have to be made in writing. The complaint will be recorded on the appropriate Proforma (ASB1).

2.5.2 Complainant should be encouraged to contact the neighbour in the first instance, to approach politely and bring the problem to the neighbour's attention. Neighbours should be encouraged to resolve the problem themselves, but get back to the Housing Officer if necessary. ("Being Neighbourly") .

Standard letter (ASB2) to acknowledge that a complaint has been made and that this is the advice given.

Or if the complaint is of a minor nature advise the complainant that the Council is not prepared to become involved at this stage. The Housing Officer should, however, consider the potential for escalation and possible referral to an external mediation agency.

Issue standard letter (ASB3) confirming the Council's stance at this point, noting the complaint but no intention to pursue as there is no breach of Conditions of Tenancy.

2.5.3 If the behaviour complained of is likely to constitute a Breach of Conditions of Tenancy, contact the complainant (telephone or visit) establish the facts, explain the Council's policy and agree a course of action. Explain that the onus is on the complainant and other witnesses to provide evidence upon which the Council will act. Consider other methods by which evidence can be obtained e.g. Police, Environmental Health.

2.5.4 The investigating officer should also consider whether other agencies can assist in resolving the situation e.g. Social Services or the Probation Service. Often, anti-social behaviour is not just a "housing" problem but one that requires assistance from others to resolve.

2.5.5 If the complainant wishes to pursue, issue the nuisance logs, for return within an agreed timescale. The usual time period for completion is 28 days but any serious incidents can be reported immediately to the Housing Officer as immediate intervention may be appropriate

Confirm agreed course of action in writing. (Use non-standard letter (ASB4) and issue with diary forms).

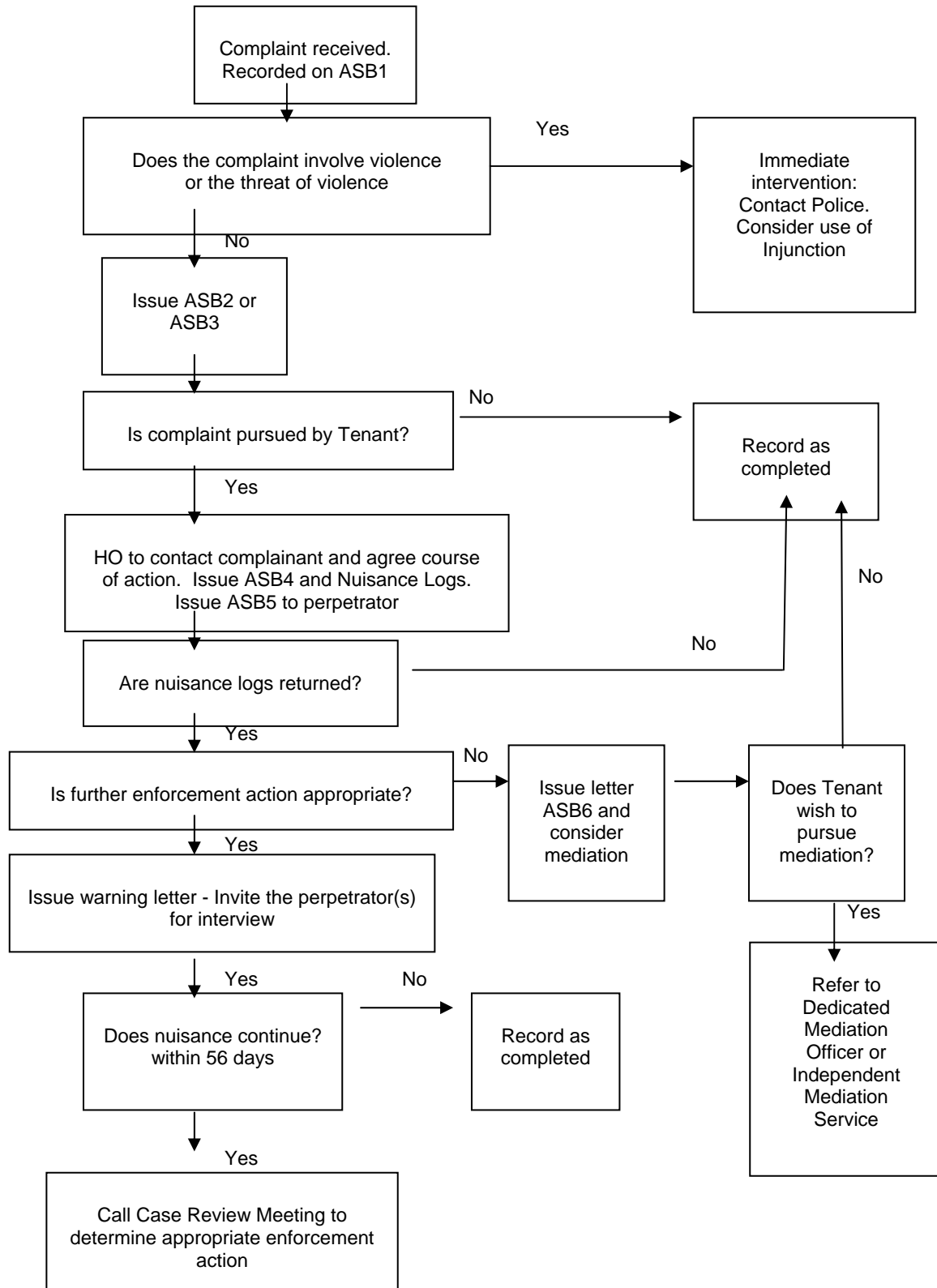
2.5.6 The tenant causing the nuisance must be notified of the nature of the complaint and that incidents of nuisance/anti-social behaviour are being recorded. The complainant's identity remains confidential. A letter of notification should be issued to the tenant causing the nuisance. (Standard letter ASB5).

- 2.5.7 If the logs are not returned or do not contain sufficient evidence to commence proceedings, notify the complainant in writing, issue Standard letter (ASB6(i) or ASB6(ii) and consider referral to an external mediation agency.
- 2.5.8 If the nuisance continues and if there is a persistent Breach of Conditions of Tenancy, seek to corroborate with other witnesses, professional if possible (including other Business Units/Agencies).
- 2.5.9 Issue a warning letter to the perpetrator, detailing the nature of the nuisance and how others are affected by it. Invite the perpetrator to attend for interview and repeat the warning and advise that legal action will be taken to enforce the Council's Conditions of Tenancy if the nuisance continues.
- 2.5.10 If the nuisance continues, call a formal case review meeting to include a representative from Legal Services to determine a course of action and identify the most appropriate remedy.
- 2.5.11 The Case Review Meeting will include the Estates Manager or Tenancy Services Manager, the Tenancy Enforcement Officer, the Housing Officer(s) involved in the case and a representative from Legal Services. The meeting will consider all options available to address the anti-social behaviour. The meeting will determine the most appropriate enforcement strategy.

2.6 Confidentiality

The Council subscribes to the County-wide "Sharing of Information Protocol". However, the source of complaints will not be disclosed to any third party without the express consent of the complainant and confidentiality will be respected at all times.

**ANTI-SOCIAL BEHAVIOUR PROCEDURE
FIRST STAGE FLOW CHART**



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