

# RouPELL Park Residents Management Cooperative Ltd



## ANTI SOCIAL BEHAVIOUR POLICY

### 1.0 Policy Statement

- 1.1 RouPELL Park Resident Management Co-op (RPRMC) believes that all tenants and leaseholders have the right to live peacefully in their homes and is committed to allowing them to do so. It will therefore respond to any complaint of ASB where a resident of RouPELL Park is either the alleged victim or perpetrator.
- 1.2 RPRMC understands the distress ASB causes and will take a robust victim centred approach to any complaint. It also recognises the affect that ASB has on the wider community and that this undermines the wider objectives of the organisation to make RouPELL Park a great place to live.
- 1.3 Whilst RPRMC is committed to dealing with ASB it understands that there are many forms and that in some cases complaints relate to differing lifestyles and that they are often part of a neighbour dispute. RPRMC will therefore seek a wide variety of remedies for dealing with ASB and that in many cases taking legal action is not desirable and is unlikely to succeed. It will therefore deal with each case on an individual basis. However ultimately in some cases legal action may be the only effective course of action.
- 1.4 RPRMC is also aware that the nature of the construction of the estate means that there is little of no sound insulation between flat, in particular through ceilings and floors. As such the sounds of everyday living will be heard in other flats and this cannot be prevented.

### 2.0 Vision

- 2.1 RPRMC aims to create a sustainable community where our residents, their families and visitors can enjoy a quality of life free from crime and ASB and will work with our residents to tackle and reduce the levels of ASB and crime on the estate.
- 2.2 RPRMC's approach to ASB is a balanced one and based on the principles of:
  - Prevention where possible

- Support where necessary
- Enforcement when needed
- Rehabilitation when appropriate

2.3 RPRMC will help its tenants and leaseholders to find their own solutions to problems of nuisance neighbours by providing advice and support to allow them to do so. It will also give clear guidance to staff through written policies and procedures on how to deal with complaints of ASB.

2.4 It will also work closely with other agencies to deal with complaints recognising that few relate only to housing issues but may also involve elements of criminality or issues of health or social issues.

### **3.0 Legal Requirements**

3.1 The legislation and guidance upon which this policy is based and which can be accessed via the Internet for further, more detailed information is:

- Environmental Protection Act 1990
- Disability Discrimination Act 1995
- Civil Evidence Act 1995
- Housing Act 1996
- Confiscation of Alcohol (Young Persons Act 1997)
- Sex Offenders Act 1997
- Protection from Harassment Act 1997
- Crime and Disorder Act 1998
- Human Rights Act 1998
- Data Protection Act 1998
- Race Relations Amendment Act 2000
- Police Reform Act 2001
- Homeless Act 2002
- Anti-Social Behaviour Act 2003
- Serious Organised Crime & Police Act 2005
- Police and Justice Act 2006

3.2 This policy is also dependant on the terms of the agreement which states

### **ILLEGAL AND ANTI-SOCIAL BEHAVIOUR**

*In this section:*

- (1) The term 'Property' includes the Communal Areas.*
- (2) The 'Locality' is the general area in which the Property sits.*
- (3) Where these tenancy conditions require you not to do anything, you must also not permit any of your Household or any visitor to do so.*
- (4) If any joint tenant, or member of your Household or any visitor does any act which is forbidden by these tenancy conditions you (or in the case of joint tenants, all of you) will be held responsible for that act as if you had yourself done that act.*

#### **1. Your duty not to let the Property be used for illegal activities**

- 1.1 You must not use your Property, or permit it to be used, for an illegal purpose or activity.*
- 1.2. You must not carry out any illegal activity in the Locality.*

#### **2. Your duty not to cause nuisance or harass others**

- 2.1 You may not put anything in the Communal Areas that is likely to cause a nuisance, annoyance or danger to anyone. This includes washing, personal belongings and household rubbish not left inside the bins provided. We will charge you for the cost of clearing anything left by you or your household or visitors which is likely to cause a nuisance, annoyance or danger to anyone.*
- 2.2 You must ensure that you have adequate floor coverings to stop or reasonably minimise noise being transmitted to adjacent properties. You must ensure that only curtains or proper window dressings are used at windows. You must not cover the walls in fabric or other materials so as to significantly impede the exposure of the walls to air.*
- 2.3 You must not do anything which is, or which is intended to, or which is likely to be a nuisance or danger to other people, or which causes damage to our property or the property of our tenants and lessees, their families, lodgers or visitors. For example, you must not:*
  - (i) play any music or use a radio, television or other equipment in a way which is intended or is likely to annoy any other person;*

- (ii) allow your dog, or a dog brought into your Property by someone living with you or visiting your Property, to bark in a way which is likely to annoy any other person or to foul the Communal Areas or the Locality;*
- (iii) put up any sign, notice or advert (except a temporary notice of reasonable size about elections or community events) without our written permission;*
- (iv) block any Communal Area, either by standing or sitting there or by leaving gas cylinders and other hazardous items, rubbish, prams, bicycles or other objects there;*
- (v) damage any part of the Property or the Communal Areas;*
- (vi) throw rubbish or anything from a window or balcony, or anywhere in the estate or Locality;*
- (vii) feed pigeons or other pests;*
- (viii) rev engines or use noisy machinery or tools;*
- (ix) damage, deface or write graffiti in the Communal Areas or Locality;*
- (x) remove wheel clamps fitted by us or our contractors;*
- (xi) interfere with security and safety equipment;*
- (xii) tamper with gas or electric supplies or with the meters;*
- (xiii) park illegally or contrary to any directions or notice issued by us, or in any way that may hinder the collection of refuse or emergency vehicles or without reasonable consideration for other road-users;*
- (xiv) undertake any activity which produces poisonous fumes;*
- (xv) leave oil or car parts on estates, or in garages or parking areas;*
- (xvi) leave hypodermic needles or syringes in the Locality, or dispose of them anywhere except in a designated "sharps" bin.*

*1.1 You must not be violent, abusive or threatening towards any other person in the Property or the Locality or allow members of your household or invited visitors to do so.*

*1.2 You must not be violent, abusive or threatening towards any officers, representatives or contractors or allow members of your household or invited visitors to do this.*

*1.3 You must not be violent, abusive or threatening towards or discriminate against anyone who also has a right to be in the Property or Locality, because*

*of their race, sex, sexuality, age, religious belief or disability. And you must not allow members of your household or invited visitors to do this.*

- 1.4 *You must comply with any regulations which we impose from time to time concerning parking of vehicles and any other matters relating to the Property or estate.*
- 1.5 *You must not keep any firearm, shotgun, or air-powered weapon (for example, an air rifle) in the Property without appropriate firearms or shotgun certification required by any legislation and (whether any certification is required) not without the Council's written permission. If you are permitted to keep such an item, you must ensure that it is secure and you must comply with any legal requirements or any conditions of our permission at all times.*
- 1.6 *You must not discharge any firearm, shotgun, rifle, air weapon in the Property or in the Locality.*

#### **4.0 Defining Anti Social Behaviour and Harassment**

4.1 RPRMC recognises that there are many different types of ASB and Harassment and that they will be different levels of severity and will affect people in different ways. These have been classified into categories which are set out in the appendix along with time scales by which we will respond.

4.2 The types of behaviour that we consider to be anti social include

- Domestic violence and abuse
- Physical violence
- Hate related incidents (based on race, sexual orientation, gender reassignment, disability, religion or belief)
- Other Harassment
- Verbal abuse, harassment, intimidation or threatening behaviour
- Drugs, substance misuse or drug dealing
- Alcohol related nuisance such as street drinking
- Vandalism and damage to property including graffiti
- Prostitution, sexual acts or kerb crawling
- Illegal and immoral use of premises
- Other criminal behaviour
- Misuse of communal areas or public spaces or loitering including playing in unsuitable areas (skateboarding or roller-blading on landings, football near windows, or in lobbies or on landings etc.)

- Noise (e.g. persistent loud music)
- Pets and animal nuisance
- Nuisance from vehicles
- Not looking after a private garden
- Litter, rubbish or fly-tipping including leaving rubbish sacks on landings, lobbies, throwing things out of windows
- Abandoned vehicles;
- Businesses causing a nuisance
- Gang-related offences
- Parking in a way that causes obstruction to estate roads
- Carrying out regular repairs or other work to vehicles in parking bays or the road

4.3 In most cases we will not treat the following as examples of ASB

- Household noise due to everyday living (e.g. babies crying, banging doors, flushing toilets, vacuum cleaning, slamming doors etc)
- Children playing
- One off parties, BBQ's or celebrations at reasonable times
- Cooking odours or smells
- DIY in reasonable hours
- Young people gathering socially (unless they are being intimidating)
- Minor one off car repairs
- Someone parking lawfully outside your home
- Civic disputes between neighbours (e.g. boundary issues).

However, if any of the above examples are found to be having a harmful impact on a person because they are vulnerable, then we will investigate the matter further.

4.3 In all cases we will respond sensitively and objectively and our initial response may be in the form of a telephone call, visit to your home, letter, email or by asking you to attend a meeting in the office.

## **5.0 Prevention**

5.1 RPRMC believes that the best way to tackle ASB is to prevent it from happening in the first place. We will seek to achieve this through a number of direct and indirect measures

- RPRMC will use introductory tenancies for all new tenants who have not previously held a secure tenancy elsewhere. These give lower levels of security which means they are easier to end if someone causes nuisance.
- We will explain our approach to ASB when we sign up new tenants and we will explain this again at the settling in visit after 6 weeks.

- iii. We will ensure that all tenants have a copy of our service standard on dealing with ASB.
- iv. Where we carry out works that change the design of the estate we will ensure they follow, 'secure by design' guidelines.
- v. We will build a community that is based on respect for neighbours and where residents are confident to exercise their rights and feel able to challenge ASB where it occurs.
- vi. Work with specific groups, particularly young people to ensure that they understand the affect their actions can have on the wider community.

## **6.0 Vulnerable People**

6.1 RPRMC will support customers who have difficulty in managing their home and require extra help to maintain their tenancies. This may be because of mental health issues, special needs, learning or physical disabilities or because tenants are elderly. Other vulnerable groups may also include young tenants, ex-offenders and those who are misusing drugs and alcohol and those who have been in care.

6.2 RPRMC will work in conjunction with the voluntary and support sector agencies to help provide support, guidance and information to these vulnerable tenants to help them stay in their home and prevent incidents of ASB. WE will however take action for breach of tenancy if joint working with support agencies fails to resolve the problems as it has a duty of care to its other tenants.

## **7.0 Dealing with Complaints of ASB**

7.1 Complaints of ASB can be made in person, by phone, in writing or by email to RPRMC staff at the Community Office. In all cases we will act quickly and in a victim centred way. We will also ensure that the complainant understands what we are able to do in each case and what our expectations will be if we are to deal with the complaint. We will also try to resolve any problems with the minimum level of intervention with an emphasis on resolving issues without recourse to legal action.

7.2 Other than in cases where there physical violence has been used or where we assess that there is a genuine threat of violence we deal with the complaint whilst the complainant remains in their home.

7.3 Any complaints of ASB will be treated as totally confidential and no approach will be made to the alleged perpetrator without the consent of the complainant.

7.4 Our approach to tackling any complaint of ASB is based on a staged approach

- i. We will encourage complainants to talk to their neighbours to see if that will resolve the problem. In many cases people are not aware that they are causing a problem.
- ii. Responding to complaints in the time scale set out in the appendix.
- iii. Interviewing the alleged perpetrator. Other in the most severe cases most of which will involve the input of other agencies where we believe that doing so will make matters worse.
- iv. Develop an action plan with the complainant.
- v. Mediation. RPRMC believe that mediation is the best way of resolving disputes between neighbours.
- vi. Gathering evidence
- vii. Taking Action
- viii. Case Closure

7.5 RPRMC will seek to use a number of tools to resolve ASB before it considers legal action. These will include

- Sending warning letters (this may be to all residents in a block where the complaint is non specific e.g. leaving black bags on balconies)
- Mediation
- The use of Acceptable Behaviour Contracts or Parenting Orders
- Working with other partners to change behaviours
- Good Neighbour Agreements
- Using mobile CCTV equipment
- Target Hardening Works
- Regular Estate Walkabouts
- Publicising successful cases and actions taken against ASB

7.6 Where non legal action is not successful and we have gathered sufficient evidence to do so RPRMC will take legal action to stop the ASB. Legal action will also be taken where the level of ASB is such that the use on other routes is not considered to be appropriate.

7.7 Options for legal action will include

- Applying for an Anti Social Behaviour Order
- Seeking a Demotion Order
- Ending an introductory tenancy
- Taking legal action for possession, including seeking an eviction
- Forfeiture of a lease



- Closure Orders
  - Dispersal notices
  - Injunctions and exclusions orders under sections 153A, 153B, 153C or 153D of the 1996 Housing Act (Crime Prevention Injunction\*);
  - Injunctions under section 222 of the Local Government Act 1972;
  - Gang injunctions under the Policing and Crime Act 2009;
  - In connection with any of the injunctions above, applications for powers of arrest;
  - Any other legal action which could be taken with the support of the police or local authority, for example, Environmental Protection Act (1990) action or criminal prosecution.
- 7.8 We will keep complainants informed throughout the investigation of the complaint with contact at least once a fortnight.
- 7.9 Where circumstances warrant it legal action will be taken without prior warning to the perpetrator.
- 7.9 We will only divulge information to a third party with the consent of the complainant and subject to information sharing protocols and the Data Protection Act. The exception to this is where there are concerns of criminality or of safeguarding relating to children or vulnerable adults.
- 7.10 Where appropriate and with the agreement of the Estate Director and in line with current Home Office Guidance RPRMC may make use of covert surveillance, either by the use of cameras or professional witnesses.

## **8.0 Principles of Enforcement**

- 8.1 To achieve effective and equitable enforcement four key principles will be used as guidance:
- Proportionality in the application of the law and in securing compliance
  - Consistency of approach
  - Transparency about how RPRMC operates and what residents may expect from us
  - Targeting of enforcement action
- 8.2 Proportionality
- 8.2.1 The concept of proportionality is included in much of the regulatory system through the balance of action to protect the public and the environment against risk and costs.

8.2.2 Some incidents or breaches of regulatory requirements cause or have the potential to cause serious harm. Others may interfere with people's enjoyment or rights. The enforcement action taken will be proportionate to the risks posed and the seriousness of any breach of the law.

8.2.3 Informal action is normally appropriate when:

- The act is not serious enough to warrant formal action or the consequences of non-compliance do not pose a significant risk
- From the residents past history it can be reasonably expected that informal action will achieve compliance
- Confidence is high in the individual's ability to resolve the issue

### 8.3 Consistency

8.3.1 Consistency means taking a similar approach in similar circumstances to achieve similar ends whether it be in relation to advice tendered, the response to incidents, the use of powers, or decisions on whether to take legal action. Consistency does not mean simple uniformity, and as a consequence, officers, prior to taking action, will take account of variables including:

- The history of previous incidents and / or breaches
- Evidence of previous good behaviour
- The likely effectiveness of the enforcement options available
- Confidence in whether the resident is able to resolve the issue as a consequence of the enforcement action most appropriate in usual circumstances
- The scale of impact of the incident
- The risks associated with the incident

8.3.2 Decisions on enforcement are a matter of professional judgement and the exercise of discretion. We will ensure:

- Officers are aware of this and associated policies and have adequate training and competency in respect of enforcement
- Publication and dissemination of standards and policies
- Officers have regard to national and local co-ordination arrangements for example:
  - Chartered Institute of Housing Professional Practice Notes (attached to ASB Procedures)

- Individual Case File with guidance notes
- Statutory Codes of Practice / Guidance
- Community Safety guidance
- SLCNG guidance

#### 8.4 Transparency

8.4.1 Transparency is important in maintaining residents confidence in our ability to enforce tenancy conditions. It means helping residents understand what is expected of them and their visitors and what they should expect from us. It also means making clear why an officer intends to or has taken enforcement action. To achieve this we will ensure that:

- Where enforcement action is required it is clearly explained why the action is necessary, when it must be carried out and if it is best practice advice or a legal requirement
- An opportunity is provided to the resident to discuss with the Housing Officer what is required to comply before formal enforcement action is taken, unless urgent action is required, for example, to protect health and safety or to prevent evidence being destroyed
- Where urgent action is required a written explanation of the reasons is provided as soon as practicable after the event
- A written explanation is given on any rights of appeal against formal enforcement action at the time the action is taken

8.4.2 In all written communications, Plain English will be used as far as is practicable. Translation of written communications into Braille or an alternative language and where necessary, a translator for face to face discussions on enforcement issues, will be provided where a need has been identified.

#### 8.5.1 Targeting

8.5.1 Targeting means making sure that effort is directed primarily towards those whose activities give rise to the greatest risks.

8.5.2 Working in conjunction with the Police and Community Safety will assist in ensuring resources are targeted effectively.

## **9.0 Case Closure**

9.1 A key part of dealing with complaints of ASB is case closure. Complainants will be told of the decision to close the case 7 days beforehand. The case may be closed because

- No complaints are received for 3 months
- Where the complainant agrees that the matter has been resolved
- Where the tenancy is ended either through legal action or abandonment
- The complainant withdraws the complaint
- Where there is insufficient evidence to progress the matter further
- Where after investigation the complaint cannot be substantiated
- Where the level and nature of the complaint is such that it is not felt to fall within the scope of this policy.

## **10.0 Tenant Involvement**

10.1 RPRMC understands that only by working with and involving its residents will we be successful in tackling and reducing instances of ASB. This policy has been drawn up in partnership with residents and any review will also be carried out with full resident involvement.

10.2 We also recognise that it is essential to carry out an ongoing review of the way residents feel we are dealing with complaints of ASB. We will therefore carry out satisfaction surveys of all complainants and alleged perpetrators once their case has been closed. We will also carry out regular consultation with our wider resident body on their view of the success of this policy.

## **11.0 Equalities and Diversity**

11.1 RPRMC is committed to equal opportunities and values diversity. We will ensure that in all cases the application of the policy is fair and transparent irrespective of race, refugee/asylum status, religion, age, sexual orientation, disability and gender.

11.2 We will provide copies of this policy in an accessible manner; for example in large print and other languages upon request. RPRMC is opposed to discrimination on any grounds.

11.3 We will monitor cases to ensure that they are dealt with in a consistent manner, including levels of satisfaction with our performance and where appropriate investigate differences in performance according to equality data.

11.4 We will ensure that all staff are fully trained in dealing with ASB.

## **12.0 Persistent or Multiple Complaints**

- 12.1 In some cases individuals will make multiple complaints about cases that are best resolved through mediation, where there is no evidence to take a case further or which do not fall under the scope of this policy. In those cases RPRMC will close the case and will not reopen it unless new and relevant information is provided.
- 12.2 In these circumstances, where complaints continue to be made RPRMC may take the view that this amounts to harassment and may choose to take action accordingly.

### **13.0 Appeals and Complaints**

- 13.1 Appeals in the implementation of this policy will be dealt with through RPRG's complaints procedure.

## **Appendix**

Agreed June 2014  
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## Categories of Anti Social Behaviour and time scales for response

Category	Definition	Maximum Initial Response
High	Actual or substantiated threats of physical assault, serious intimidation or harassment of whatever nature, domestic violence, serious criminal activity and serious damage to RPRMC property	1 Working day
Medium	Minor criminal activity, drug dealing, verbal abuse, intimidating behaviour by groups or individuals, significant noise nuisance, dangerous dogs	3 Working days
Low	Minor neighbour disputes, domestic noise, pets, refuse, parking, property condition, gardens, subletting and fraud	10 Working Days
Non tenancy related	Non housing related matter or issues in other agencies jurisdiction. Complaints will be acknowledged within the set time span but in cases such as those relating to safeguarding will be dealt with immediately.	10 Working Days