



# ASB Policy

## 1. Scope and Purpose

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1.1 CHISEL Housing aims to create strong neighbourhoods that are both safe and secure; in order to do this we will take a proactive approach to tackling the problems caused by anti-social behaviour (ASB) within our neighbourhoods. We acknowledge that ASB not only affects the lives of individuals it can also have a detrimental effect on the communities in which we live and work. We aim to take a proactive and robust approach to dealing with ASB with an emphasis on prevention, tenancy enforcement and finding positive solutions for all concerned.

### 1.2 Definitions

Anti-Social Behaviour (ASB) as defined by and incorporated into Sections 153A and 153B of the Housing Act 1996 and by Section 12 of the Anti-Social Behaviour Act 2003:

- *“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
- *“conduct which consists of or involves using or threatening to use housing accommodation owned or managed by a relevant landlord for an unlawful purpose”*.

#### 1.2.1 We consider anti-social behaviour to be:

- Behaviour that unreasonably interferes with, or could interfere with, a resident's normal use and enjoyment of their home, garden or neighbourhood.
- Behaviour capable of causing nuisance or annoyance to any reasonable person
- Acting in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household.
- Behaviour using, or threatening to use, our property for unlawful and or immoral purposes.

### 1.3 ASB includes but is not limited to:

- Violence or threats of violence by residents, their family, visitors.
- Domestic violence committed by a resident, family member, visitor, where it affects other members of the community.
- Harassment and intimidation including racial, homophobic and Hate Crime.
- Problems caused by groups of people on our land resulting in harassment to residents either by their direct anti-social / criminal behaviour or indirectly by creating a threatening and intimidating atmosphere.
- Illegal drug use and supply where relevant to our property / locality
- Abandoned vehicles on our land; this includes any untaxed vehicles. This will include car parks and communal garage areas and may include gardens and driveways of our properties.
- Use of motor vehicles in an anti-social manner by our residents or any other person
- Environmental ASB such as noise, graffiti, fly tipping, litter, fly posting, high hedges, overgrown gardens and animals that are causing a nuisance to others.

- Anti-social or intimidating behaviour involving firearms, air weapons replica guns and anything made, intended or adapted for use as a weapon.
- Prostitution
- Noise Nuisance.

1.4 CHISEL recognises that many problems between neighbours arise from misunderstandings or ignorance of one another's lifestyles and values and that where social cohesion is weak, lack of awareness and fear can result in minor problems escalating into more serious disputes. We encourage all our residents to be as self-reliant as possible in managing their relationships with neighbours with us stepping in only where this has failed. Our approach is to be preventative, by encouraging dialogue and the use of appropriate mediation services in all but the most extreme circumstances.

1.5 This policy applies to all of CHISEL Housing.

## **2. Policy Objectives**

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**2.1** CHISEL believes that well-managed neighbourhoods provide a better quality of life and act as a deterrent to anti-social behaviour, neighbour nuisance and crime. Anti-social acts such as graffiti or incidents of vandalism result in visible scars on an area, which in turn, have an adverse impact on the quality of life of the local community. We aim to take a proactive approach to managing our estates and neighbourhoods. CHISEL believes that prompt, appropriate and decisive action is essential to deal with ASB before it escalates, with a strong focus on resolving the problem positively for all parties whilst having regard to the full range of tools and legal powers available.

**2.2** This policy aims to:

- Take a holistic approach to tackling ASB which places emphasis on prevention and changing behaviours as well as enforcement
- Ensure CHISEL has effective partnerships at a local level with statutory and other appropriate agencies, council departments and other landlords on the sharing of information and tackling ASB
- Ensure we treat all complaints of anti-social behaviour seriously and wherever possible work with all parties to try and find a positive solution.
- Ensure our actions are prompt, firm and proportionate to the nature of the problem.
- Use all legal remedies available to us when other options have failed or are inappropriate.
- Ensure that residents are made aware of their responsibilities and rights in relation to ASB
- Ensure a strong focus exists on preventative measures tailored towards the needs of residents and their families
- Ensure that all residents can easily report ASB, are kept informed about the status of their case and are appropriately signposted to other agencies as appropriate.
- Ensure there is appropriate provision of support to victims and witnesses

## 3. Policy

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### 3.1 Shared Responsibilities

CHISEL believes that tackling anti-social behaviour is built on the shared responsibilities of CHISEL and our residents. Our respective responsibilities are fully detailed in the tenancy agreements.

#### 3.1.1 Our responsibilities as a landlord include:

- Ensuring communal areas and facilities are adequately serviced and lit; kept free of litter, unwanted items and graffiti; kept safe, clean and secure.
- Working in partnership with residents and other agencies to deal effectively with neighbour disputes at an early stage, and antisocial behaviour and neighbour nuisance
- Supporting resident initiatives which build good neighbourly relationships and a strong sense of community.
- Tackling reports of ASB quickly and effectively.
- Enforcing the terms of the tenancy or lease.

#### 3.1.2 Residents' responsibilities include:

- Being a considerate neighbour and not causing disturbance within the community.
- Ensuring children, other household members or visitors do not cause a nuisance, disturbance or commit any ASB in the community.
- Taking responsibility for minor personal disputes with their neighbours and to trying to resolve any such problems themselves in a reasonable manner.
- Reporting any anti-social behaviour or nuisance.
- Reporting all crimes, including threats or acts of violence, to the Police.
- Working with us to resolve disputes/issues, for example by providing witness statements, attending court etc.

### 3.2 Being a Considerate Neighbour

CHISEL acknowledges that all residents have the right to live peacefully together and we recognise that in order to achieve this there is a need for a degree of tolerance, reasonableness and give and take by all parties. We recognise that people have different lifestyles and we encourage our residents to respect the right of their neighbours to choose how they lead their lives.

We recognise that residents of any scheme or estate may not always be friends or indeed see eye to eye, but we expect all residents to:

- Accept personal responsibility for behaving well, being polite and treating each other with respect.
- Respect other peoples' right to their chosen lifestyle and everyday reasonable level of disturbance such as food smells, babies crying at night or religious practices.
- Do their best to adopt a spirit of goodwill towards each other
- Tell their neighbour if there is a problem to order to try and find a positive solution and where possible not to involve third parties before doing so

In the case of minor neighbour disputes, residents will be advised to resolve disputes between themselves wherever possible in a reasonable and tolerant manner.

### **3.3 Working with residents**

Resident involvement is central to our work and a key part of building strong and safe communities irrespective of tenure. Therefore we encourage and support joint working between residents, staff and other partners to allow communities to flourish.

We will work with residents to:

- Manage our estates effectively
- Develop Good Neighbourhood Agreements
- Tackle anti-social behaviour in a proactive way as a community
- Use community initiatives to deter crime and ASB
- Measure our performance against agreed standards
- Agree local priorities and estate improvements

### **3.4 Working with Other Agencies**

We are committed to multi-agency working to tackle ASB and therefore we will work in partnership with the police, local authorities and other landlords and agencies at a local level to find positive ways of dealing with ASB.

### **3.5 We will not usually take action in circumstances such as those listed below:**

- Neighbour disputes where the complainant has taken no steps to solve the problem first
- One off or occasional social events e.g. parties (unless there is evidence of serious nuisance occurring or they go on all night)
- Parking issues on local authority adopted roads
- Minor lifestyle disagreements, such as cooking smells, noise of a child playing in their own home, everyday noises.

### **3.6 Dealing with ASB**

Our response to proven allegations of ASB will be proportionate and appropriate and we will address ASB through effective:

- Preventative action and early intervention
- Provision of support and advice for those reporting ASB and witnesses
- Provision of support for vulnerable perpetrators
- Legal action against perpetrators (whether by CHISEL or another agency)

In some cases it may prove difficult to gather the evidence needed to meet the standards required for legal intervention, particularly because of the pattern or nature of the behaviour, and in this case we will only go to court where we feel the evidence is strong enough to secure a successful outcome. In severe cases, where victims cannot be expected to give evidence due to a high risk of violent retaliation we will work with the police and may consider deploying CCTV and professional witness services.

#### **3.6.1 Preventative and Early Intervention**

CHISEL Housing will endeavour to prevent anti-social behaviour from occurring in the first place. We will do this by:

- Ensuring all new residents are made aware of their rights and responsibilities in relation to anti-social behaviour.
- Regular estate inspections to ensure estates are clean, safe and secure
- The use of Starter Tenancies
- Ensuring that all new schemes are built to appropriate standards
- Close multi-agency working

- Community projects which may assist in reducing anti-social behaviour (e.g. young person's activities or clean up days)
- Using mediation services and acceptable behaviour contracts
- Using family intervention projects where available and appropriate

### 3.6.2 **Support for Witnesses and Complainants**

For all cases of ASB that are reported, we will set up an agreed action plan with the complainant for how the case will be handled and will keep the complainant informed of actions taken throughout the process; this will normally be monthly but may be weekly for serious cases. We will provide support to complainants and any witnesses as appropriate to the nature of the case.

When closing a case we will seek the agreement of the complainant to do this, as well as their views on how the case has been handled. We may sometimes need to close cases without the agreement of the complainant although this should be the exception rather than the rule.

Where appropriate, additional support to victims will be arranged either via multi-agency working or by referral to witness and victim support services.

### 3.6.3 **Re-housing complainants, witnesses or perpetrators**

This policy is focused on stopping the anti-social behaviour rather than moving the complainant, witness or perpetrator. CHISEL Housing will seek to resolve the situation by tackling the perpetrator about their anti-social behaviour and securing an end to this behaviour. However, in very rare and serious cases, it may be necessary to re-house complainants or witnesses on a permanent basis. Such circumstances are where we believe that continued occupation would place the household at serious risk of harm, supported by evidence from other agencies or the police. Where we deem it necessary to re-house residents it will normally be through the Local Authority given our limited stock, therefore re-housing can never be guaranteed.

### 3.6.4 **Support for Perpetrators**

We will look to signpost perpetrators of anti-social behaviour who are vulnerable themselves to specialist advisors to prevent or manage issues as they arise. Specialist agencies may include, but are not limited to, the local community health team, drug action teams and community-based organisations such as drug and alcohol support and mental health services.

Where we believe someone has a disability as defined by the DDA, we will ensure that we carry out an assessment to ascertain whether the ASB is a direct result of their disability before taking any legal action.

### 3.6.5 **Out of Hours**

We will publish local contact numbers for out of hours services such as the police and environmental teams etc on our website and in local newsletters.

## 3.7 **Categories of ASB**

We aim to respond within certain target response times depending on the seriousness of the case. By "response times" we mean the time it takes for a member of CHISEL staff to make initial contact with the victim, record the details and take any possible immediate actions.

We will categorise ASB into 3 priorities, A, B and C as follows:

### **Priority A Cases (Response in 1 working day – between Mon - Thurs)**

Where there is any evidence that the household is at risk of serious assault or in any danger, or there is persistent serious harassment and the complainant is vulnerable, the case will be determined as a Priority A.

Examples are as follows:

- Actual violence or threats of violence (including domestic abuse)
- Confirmed Class A drug dealing
- Racial or any other form of harassment including hate crime

### **Priority B Cases (Response in 7 working days)**

Examples are as follows:

- Drug dealing or on-going nuisance caused by drug related issues
- On-going noise – including shouting, music, drunken behaviour,
- Misuse of communal areas
- Serious or on-going intimidating behaviour
- On-going vandalism
- On-going or serious problems with pets/animals e.g. dogs used to intimidate others
- On-going dispute

### **Priority C Cases (Response in 15 working days)**

Examples are as follows:

- Noise i.e. disagreements, arguments
- Car repairs
- Vehicle related nuisance
- Boundary disputes
- Ball games
- Fly tipping
- Littering
- Nuisance Pets/Animals
- Bonfires
- Parking issues

## **3.8 Legal Action**

Where the case is either serious and/or criminal or other intervention has failed to stop or prevent persistent ASB, we may pursue legal action. Eviction will always be the last resort or where there is serious risk to others. The legal options taken will vary depending on:

- The type of behaviour and its impact on others;
- The age of the perpetrator;
- Any vulnerability or disability of the perpetrator;
- Whether the perpetrator is a resident or non-resident;
- Willingness of the perpetrator to engage with any support or intervention packages offered; and
- The evidence we have to support the case.

3.9.1 All criminal cases will be referred to the Police to deal with.

3.9.2 We will use whatever legal remedies are available for use at the time.

3.9.3. Eviction is always the last resort but will be used in extremely serious cases.

## 4. Monitoring

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- 4.1 We will review the number of complaints about anti-social behaviour to ensure the effectiveness of this policy on a regular basis. Additionally we will survey all complainants who had an ASB case closed each quarter and we will report on
- Satisfaction with the way the case was dealt with
  - Satisfaction with how well resident was kept informed regarding their ASB case
  - Satisfaction with the final outcome

## 5. Equality and Diversity

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- 5.1 For CHISEL, diversity is about respecting the differences of our individual residents, partners and staff, ensuring that all people that come into contact with us have access to the same high standards of behaviour and service. Communication and service delivery will be tailored to individual needs to ensure that the service is accessible to all residents.
- 5.2 Complaints about ASB may be made to any member of staff. Complaints can be made by the complainant or from someone acting on their behalf verbally or in writing in many different ways including:
- Telephone
  - Visiting our offices
  - To a visiting member of staff
  - Letter
  - E-mail
- 5.3 We aim to ensure that we give additional support to both complainants and alleged perpetrators where there is a disability or additional support need. In the event that the perpetrator has a disability, we will carry out an assessment to ensure that any ASB is not a direct result of their disability before taking any legal action. Where we believe the two to be linked we will attempt to access appropriate support.

## 6. Publicising the Policy

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- 6.1 This policy and procedure will be promoted to residents through:
- The Residents Handbook
  - Residents Leaflets
  - Information on the CHISEL website
  - Articles in the newsletter
  - Residents meetings
- 6.2 This policy and procedure will be promoted to staff through:
- Discussion at team meetings
  - Staff training
- 6.3 We will publish actions taken and successes in the newsletter

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