Anti-Social Behaviour and Nuisance Policy

Cornwall Housing

Treven Kernow

Date: 12/08/2016

Version 4.0
**Policy control sheet**

### Current document information

<table>
<thead>
<tr>
<th>Status</th>
<th>Approved</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reference</td>
<td>ASB/031/CG</td>
</tr>
<tr>
<td>Last reviewed</td>
<td>12 August 2016</td>
</tr>
<tr>
<td>Sections amended since last version</td>
<td>2,5,6,9,10,11,17,18 &amp; 19</td>
</tr>
<tr>
<td>Reason for change</td>
<td>Review and update</td>
</tr>
<tr>
<td>Document type</td>
<td>Policy</td>
</tr>
<tr>
<td>Document location</td>
<td>Intranet and website</td>
</tr>
<tr>
<td>Area applicability</td>
<td>All</td>
</tr>
</tbody>
</table>

### Version history

<table>
<thead>
<tr>
<th>Version</th>
<th>Version created</th>
<th>Date approved</th>
<th>Date for review</th>
<th>Author/s</th>
<th>Approved by</th>
<th>Revised by</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.1</td>
<td>11-09-12</td>
<td>30-09-09</td>
<td>Sep 2014</td>
<td>C.Grose; R.Hale; P.Mayland; S.Nott</td>
<td>CCP (Estate Management Working Group)</td>
<td>R.Hale</td>
</tr>
<tr>
<td>4.0</td>
<td>12-08-16</td>
<td>26-08-16</td>
<td>26-08-17</td>
<td>C.Grose; R.Hale; P.Mayland; S.Nott</td>
<td>P. Jarman</td>
<td>A.Fitzpatrick</td>
</tr>
</tbody>
</table>

### Equality impact assessment record

<table>
<thead>
<tr>
<th>Date</th>
<th>Type of assessment conducted</th>
<th>Stage/level completed</th>
<th>Summary of actions/decisions</th>
<th>Completed by</th>
<th>Impact assessment review date</th>
</tr>
</thead>
<tbody>
<tr>
<td>16-03-10</td>
<td>Full</td>
<td>Complete</td>
<td>See EIA</td>
<td>V.Brooke; R.Hale; P.Mayland</td>
<td>March 2013</td>
</tr>
</tbody>
</table>
Notes

This policy was originally developed and agreed with tenants from all areas through the Cornwall Consultation Panel.

Legal influences on this policy

Crime and Disorder Act 1998
Anti-Social Behaviour Act 2003
Family Law Act 1996
Domestic Violence, Crime and Victims Act 2004
Equality Act 2010
Disability Discrimination Act, 1995
Human Rights Act 1998
Race Relations Act 1976, 2000
Children’s Act, 1989
Data Protection Act, 1998
Local Government Act, 1972
Anti-Social Behaviour, Crime and Policing Act 2014

Non-legal influences on this policy

Safer Cornwall Partnership Plan
Housing Strategy
Homelessness Strategy
Respect Charter for Housing
Information Exchange Protocol

Other documents linked to this policy

Anti-Social Behaviour and Nuisance Policy
Enforcing Conditions of Tenancy Policy
Drugs Misuse Policy
Racial Harassment Policy
Minority Group Harassment and Hate Crime Policy
Domestic Abuse Policies
Anti-Social Behaviour Policies and Procedures customer leaflet
Tenancy Agreements
Conditions of Tenancies
Equality and Diversity Framework
Tenants’ Handbook
Safeguarding Children, Adults and Vulnerable Adults Policy
Tenant Compacts
Tenant Participation Strategy Tenant Participation Policy
Homechoice (Allocations) Policy
Gypsy and Traveller Pitch Agreement
Gypsy and Traveller Anti-Social Behaviour Policy
Gypsy and Traveller Domestic Violence Policy
Tenancy Fraud Policy
Table of contents

1. Introduction .......................... 2
2. Purpose and aim ....................... 2
3. Scope .................................. 2
4. Policy statement ....................... 2
5. Policy details .......................... 3
6. Receiving complaints ................. 3
7. Anonymous complaints ............... 4
8. Malicious and vexatious complaints .. 4
9. Responding to complaints and enquiries .... 4
10. Recording complaints and enquiries .. 5
11. Agreeing the action with the complainant .... 5
12. Contacting the alleged perpetrator .... 5
13. Failure to attend and agreed interview .... 5
14. Breach of Tenancy Conditions ....... 6
15. Initial response and investigation .... 6
16. Vulnerable tenants .................... 7
17. Further action ........................ 7
18. Victim and witness support .......... 7
19. Witness assistance ................. 8
20. The role of Tenants’ and Residents’ Associations .... 8
21. Diversity and equality ............... 8
1. Introduction

In the review of this policy, Cornwall Housing has had regard to current housing and other relevant legislation. At Cornwall Housing, we take neighbour nuisance and harassment seriously and will demonstrate by our actions that we will not tolerate anti-social behaviour, serious harassment and nuisance that disrupts the lives of individuals in the community. Cornwall Housing will formally acknowledge and investigate every report of neighbour nuisance in the agreed timescale and appropriate action will be taken.

2. Purpose and aim

This policy is intended to provide a framework in which Cornwall Housing staff can provide support to tenants experiencing anti-social behaviour and nuisance. It underlines the unacceptability of anti-social behaviour and nuisance, and explains the level of service tenants can expect to receive if experiencing this behaviour, dependent on the severity of the anti-social behaviour and nuisance being experienced.

The policy also lays out what possible action it will take against the perpetrators of anti-social behaviour and nuisance at an appropriate level. Effectively dealing with anti-social behaviour in a quick and efficient way will have positive impacts for both the tenant experiencing the nuisance and also reduce any ongoing community impact.

3. Scope

This policy covers all tenancies for properties managed or owned by Cornwall Housing.

4. Policy statement

Cornwall Housing will not tolerate acts of anti-social behaviour and nuisance being perpetrated on any estate it manages or owns. It recognises that such behaviour can have a devastating effect on individuals and communities, and it acknowledges that dealing with anti-social behaviour is a high priority for all tenants.

Cornwall Housing will work tirelessly with its tenants and other agencies to ensure that the estates it manages or owns are safe, pleasant places to live. It will use all legal tools available to deal with anti-social behaviour, however, it will ensure that any action it takes against perpetrators is both reasonable and proportionate.
5. Policy details

Definition of ant-social behaviour, harassment or nuisance

Anti-social behaviour

*Behaviour that causes or is likely to cause harassment, alarm or distress to one or more persons not of the same household as the perpetrator.*

Harassment

*Harassment involves threats of actual violence or intimidation. It can be racist behaviour or language, using or threatening to use violence, using abusive or insulting words or behaviour, damaging or threatening to damage another person’s home or possessions, writing threatening, abusive or insulting graffiti, doing anything that interferes with the peace, comfort or convenience of other people.*

Nuisance

*Nuisance must involve disruption to the lives of the neighbouring community.*

6. Receiving complaints

All complaints and enquiries will be recorded. Complaints will be accepted from a variety of sources including:

- Neighbours, neighbours family or friend
- Councillor of the Council, Town or Parish Councils
- Board Members
- Tenants Representatives or Associations
- other staff of the Authority
- Members of Parliament
- Citizens Advice Bureau
- various agencies working in the community
- solicitors

This list is not exhaustive. Cornwall Housing will receive complaints/enquiries at any Council office, or One Stop Shop, which will be directed to Cornwall Housing. Complaints will be accepted by the following methods:

- correspondence
- in person
- by telephone or fax
- email or any other source
7. **Anonymous complaints**

Anonymous complaints will be received and recorded but the evidential value of them is minimal, also, it is not possible to advise the complainant of progress in investigating the matter.

The complaint will be acted upon only where it can be easily substantiated, for example garden rubbish.

Complaints of a more serious nature, for example drug taking/benefit fraud will be logged. This information may be passed on to another appropriate agency.

8. **Malicious and vexatious complaints**

Cornwall Housing may take action against complainants if after investigation the complaint is shown to be malicious and without foundation.

9. **Responding to complaints and enquiries**

All complaints/enquiries will be scrutinised on the day of receipt if a working day or the next working day, and separated into two categories, (A) or (B) for response:

(i) **Anti-social Behaviour, Severe harassment (A)**

Where the complaint implies severe harassment, or where physical violence or intimidation is threatened or has happened, or where the harassment is discriminatory in nature.

Cornwall Housing will aim to respond within 24 hours or the next working day and follow the Anti-social Behaviour, Serious Harassment Policy.

(ii) **Nuisance (B)**

Other complaints/enquiries will be dealt with in accordance with our Service Standards Policy. We will aim to acknowledge the complaint within 3 working days and make first contact with the complainant within 5 working days.

(We will aim to respond and investigate Breaches of Conditions of Tenancy within 10 working days but will not necessarily be resolved in 10 working days).

All enquires that are categorised as a (B) will initially be dealt with by the Housing Officer and carried out in line with this policy.
If the problems persist, a joint working approach between the Housing Officer and Neighbourhood Enforcement Officer will be adopted prior to the hand over to the Enforcement Team.

Any complaint that is categorised as a (A) will be immediately passed to the Neighbourhood Enforcement Team so that it can be investigated further.

10. Recording complaints and enquiries

All complaints will be recorded, logged and remain confidential.

11. Agreeing the action with the complainant

Cornwall Housing will work with the complainant to agree an Action Plan for investigating the complaint in line with the Respect Charter Toolkit.

This Action Plan will set out the responsibilities and actions of Cornwall Housing and the responsibilities and actions of the complainant.

The principles, which Cornwall Housing’s response will make clear, are:

- Anyone has the right to their chosen lifestyle providing this does not spoil the quality of life of others
- The council recognises the need for tolerance and respect for the requirements and needs of others.
- Where substantiated anti-social behaviour has occurred, Cornwall Housing will take all action necessary to prevent further incidents.
- Data protection issues may prevent the council from disclosing information.

At all stages of action the complainant/victim will be kept informed.

12. Contacting the alleged perpetrator

Following the agreement of an Action Plan appropriate contact will be made and will be sensitive and non-judgmental. Correspondence should indicate the nature of the complaint and give opportunity to respond.

- For interviews without prior appointment the tenant should be made aware that alleged breaches of the Conditions of Tenancy are to be discussed.
- Interviews will never be carried out on the door step.
- If the tenant declines to be interviewed, a follow up appointment will be offered and confirmed in writing.

13. Failure to attend an agreed interview

Failure to attend an agreed interview and where the complaint can be easily substantiated, for example illegal parking, boundary wall removed, illegal buildings erected, numerous pets, unkempt gardens etc., the tenant will be
sent a warning letter. This will set out how they are breaching their Conditions of Tenancy and the timescales to comply with them set out.

Where a complaint cannot be easily substantiated a second interview letter will be sent out immediately. Should the perpetrator fail to attend this interview, Officers may attempt a home visit or other means of contact. Between the date of the first unattended interview and the second offered interview date an attempt to substantiate the initial complaint will be made by contacting all witnesses and contacting other neighbours who may be affected.

All methods will be used to contact the alleged perpetrator, however if contact is refused, officers will continue to investigate and where complaints are substantiated appropriate action will be taken.

14. Breach of Tenancy Conditions

Following a substantiated complaint tenants will be given a timescale to conform to their Conditions of Tenancy.

Cornwall Housing and its authorised agents will issue warnings to tenants to cease actions causing a nuisance and a second occurrence may result in more serious legal action.

The following examples where a warning to cease will be issued includes, but is not exhaustive:

- illegal and immoral actions
- harassment
- loud music/disturbance/unwarranted noise
- rowdy behaviour
- graffiti
- damage to the property
- pets or animals causing a nuisance
- major or persistent car repairs
- businesses that cause a nuisance to neighbours

A follow up visit by Cornwall Housing will then be carried out if the nuisance persists.

15. Initial response and investigation

If there is a possibility that conciliation/mediation could be effective, this will be attempted. Anything, which can be done, will be done to avoid increased conflict in such circumstances; this includes working closely with multi-agencies. However, we will take responsive action, where necessary, i.e. in serious cases of harassment or victimisation.

The possibility of legal action will be made clear to all parties at the beginning of the investigation.
16. **Vulnerable tenants**

Cornwall Housing will take the necessary measures to protect tenants who are vulnerable due to age, physical or mental illness, or have a learning disability, whether they are the complainant or perpetrator.

The special needs of vulnerable tenants who may behave anti-socially will be dealt with sensitively and where appropriate in partnership with other relevant support organisations. If it becomes necessary to take legal action against vulnerable tenants, the support organisation will be consulted throughout the process and informed of the outcome.

17. **Further action**

Cornwall Housing recognises that anti-social behaviour covers a wide range of issues and will need to be tackled in an appropriate manner using both legal and supportive methods. Examples include:

- Mediation
- Acceptable Behaviour Contract (ABC)
- Injunctions
- Extension of Introductory tenancy
- Notice of Seeking a Demoted Tenancy
- Notice of Intention to Seek Possession
- Anti-social Behaviour Orders
- Possessions Proceedings (Eviction)
- Any other appropriate actions

This policy allows Cornwall Housing and its agents the authority to act on behalf of Cornwall Council to use any of the above to remedy nuisance and anti-social behaviour where appropriate.

Cornwall Housing will also actively, and in partnership, work with the perpetrators in order for them to amend their behaviour.

18. **Victim and witness support**

Cornwall Housing will endeavour to support the victim or witness throughout any harassment or nuisance case. They will use the power of the courts and seek support from the police and other agencies where necessary. This will be with a view that they can remain in their own home. However, where there is a genuine risk to the safety of the complainant or victim, by remaining in their home, Cornwall Housing will consider either a temporary or a permanent move.

The focus will always be directed at ending the anti-social behaviour, but other measures that Cornwall Housing may be able to access include:

- Additional security.
• The use of security patrols.
• The use of professional agencies to witness events subject to Regulatory Investigatory Powers Act (RIPA) approval.
• The provision of mobile phones to victims.
• The installation of Lifeline telephones/alarms.
• The use of surveillance and/or sound monitoring equipment to record evidence subject to RIPA approval where the recording is covert. For the avoidance of any doubt, RIPA approval is not necessary where the recording is overt. Therefore the perpetrator should always be advised that recording equipment is being installed prior to its use.

19. **Witness assistance**

Successful legal action against perpetrators is always difficult and Cornwall Housing recognises the support and assistance tenants or witnesses may need to attend Court.

Cornwall Housing will help witnesses attend Court by offering:

- reimbursement of costs for child care facilities
- loss of earnings for witnesses (other than the complainants)
- free transport to court

In addition Cornwall Housing will help prepare all witnesses by giving advice on what will happen in Court and answering concerns and questions.

20. **The role of Tenants’ and Residents’ Associations**

Cornwall Housing Tenant’s forums, Tenants’ and Residents’ Associations, and tenant representatives play a vital role in establishing a safe and inclusive environment. They can offer support and a point of contact for victims, and they are ideally placed to promote and publicise the unacceptability of any form of anti-social behaviour within their community.

21. **Diversity and equality**

Cornwall Housing understands and respects the diversity of all its tenants, and is committed to providing information and services equally and without discrimination to meet the needs of all sections of the community.
Alternative formats

Furvasow Erel

If you would like this information on audio CD, audio tape, Braille, large print, any other format or interpreted in a language other than English, please contact:-

Mar mynnowgh hwi kavos an kedhlow ma war son-sidi, sonsnod, yn Braille, prynt bras, furvas aral po styrys yn taves dres Sowsnek, kestezewgh mar pleg:-

Address

Cornwall Housing
Chy Trevail
Beacon Technology Park
Bodmin
Cornwall
PL31 2FR

Telephone

General enquiries: 0300 1234 161

Text: 07941 712 712

Email

General enquiries: info@cornwallhousing.org.uk

Website

www.cornwallhousing.org.uk