

## **POLICY: Anti-Social Behaviour**

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### **1.0 Policy Statement:**

- 1.1 PHA Homes will endeavour to deal effectively with any issues of anti-social behaviour (ASB) and to try and prevent ASB from occurring, while helping tenants and residents make lasting changes to prevent ASB from commencing again, with the aim of helping sustain tenancies.
- 1.2 PHA Homes believes everyone has the right to live peacefully and safely in their homes, unaffected by the unacceptable behaviour of others. ASB is a breach of a tenancy agreement or lease with PHA Homes. Therefore, reports of ASB will be taken seriously and investigated thoroughly, with appropriate action taken.
- 1.3 PHA Homes believes that more serious forms of ASB, such as racial harassment, domestic abuse, intimidation and threats of violence towards any member of staff, tenant or any other person in connection with PHA's business is unacceptable and will be met with a zero tolerance approach.
- 1.4 PHA Homes will offer support to our tenants and residents and work with partner agencies such as local authorities, police, environmental health, other landlords, etc.
- 1.5 PHA Homes will ensure that staff handling these cases are trained, supported, and kept updated of any relevant changes in legislation.
- 1.6 Any safeguarding concerns will be escalated to the HoS immediately.

### **2.0 Who does this Policy apply to?**

- 2.1 PHA Homes' policy and related procedures apply to all properties owned and managed by the Association. This includes our tenants, leaseholders, shared owners, and residents of market rented accommodation.
- 2.2 This policy, and related ASB procedure, also apply to ASB carried out in the locality of our homes, by people who live in or visit any property owned, part owned or managed by us.
- 2.3 This does not apply to supported housing or any accommodation that is owned by PHA Homes but managed by other agencies. This is because these agencies should have their own ASB policy and procedures.

### **3.0 What is ASB?**

- 3.1 ASB includes a wide variety of behaviours by tenants or residents, members of their household, or their visitors which causes annoyance, nuisance or disturbance to anyone else in the vicinity. The Anti-Social Crime and Policing Act 2014 defines ASB as:

*"Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person, or conduct capable of causing nuisance or annoyance to a person in relation to that persons' occupation of residential premises or conduct capable of causing housing related nuisance or annoyance to any person."*

- 3.2 The following list provides examples of behaviours that PHA Homes will invariably investigate as ASB. This list is not exhaustive:

#### **Harassment**

ASB can include elements of harassment on the grounds of: -

- Race and Ethnicity - ("A racist incident is any incident which is perceived to be racist by the victim or any other person" - Mac Pherson Report 1999 Chapter 47).
- Age
- Gender
- Religion
- Sexual Orientation
- Mental Health
- Disability
- HIV and AIDS

#### **Domestic violence and abuse**

This can include complaints by the person directly affected or a member of the household or by a neighbour being caused distress or disturbance by incidences that are attributed to domestic violence. PHA Homes' general principles in dealing with cases of domestic violence are:

- Our priority will be the safety of the person experiencing domestic violence
- Those experiencing domestic violence are provided with a fair, consistent and sympathetic service
- We will be non-judgmental
- We will maintain confidentiality
- We will provide options suitable to the needs of the individual

#### **Criminal or illegal behaviour**

'Criminal' is defined in its strict legal sense and can include behaviour such as:

- Motoring offences
- Acts of physical violence
- Theft and burglary
- Prostitution
- Damage to the property including graffiti, damage to communal areas and fittings, damage to fencing and walls or damage to gardens

#### **Drug, Solvent and/or Alcohol misuse**

ASB can be attributed to the supply or use of illegal drugs. It can include behaviour such as:

- Violence
- Noise
- Verbal abuse
- Theft
- Damage

- Used syringes left in communal areas

### **Noise**

Anti-social behaviour under this category can include:

- Parties
- Playing musical instruments
- Shouting
- Noise from TVs, radios and hi-fis
- Burglar alarms

**Verbal or physical abuse** can include:

- Foul and abusive language
- Hate crime - Unfounded or unreasonable allegations usually based on the 7 protected characteristics
- Violence or threats of violence

### **Pets and animals**

ASB can be generated by the owning and keeping of pets and animals and can include:

- Animals fouling communal areas
- Animals being allowed to run unsupervised on balconies and footpaths
- Animals fouling in a person's home or garden so a health hazard may be created
- Unreasonable or excessive noise (barking or howling) or odours from animals
- The keeping of unsuitable or dangerous animals
- The keeping of livestock
- The feeding or attracting of birds and other animals (for example pigeons attracted to balconies)

### **Intimidation**

ASB can be generated where language or behaviour is used deliberately to intimidate a person and prevent them from the quiet enjoyment of their home. It can include acts designed to prevent a person from:

- Reporting the activities of the perpetrator
- Coming forward as a witness in a case of ASB

### **Excessive nuisance from vehicles**

ASB can result from use, ownership or repairing of vehicles and can include:

- Vehicle repairs
- The cause of nuisance through late night noise, lighting
- Excessive or inappropriate use of shared parking facilities
- Inconsiderate parking of vehicles to cause obstruction or damage to pedestrian or grassed areas.
- Dangerous driving or riding of vehicles on private roads, footpaths, grassed areas
- Noise from car alarms
- Untaxed or unroadworthy vehicles

### **Misuse of property, communal areas, or gardens**

ASB can arise from misuse of the property, communal areas or gardens which can include:

- Where the issue concerns a physical boundary and can include the size, position or height of a hedge, wall, fence, or similar boundary
- Improper or insanitary use of homes and communal areas, including rubbish being dumped in communal areas
- Nuisance caused from business use
- Lack of garden maintenance (overgrown gardens, rubbish stored in gardens, damage to gardens, vermin in gardens)
- Nuisance from bonfires
- Vehicles located in gardens without permission
- Temporary structures such as sheds, pigeon lofts and barbeques which can create an eyesore or can lead to loss of light for a neighbour

### **3.4 Hate crime**

Hate crime is used to describe behaviour which is driven by hatred or prejudice towards particular social groups, race and ethnicity, religion or beliefs, sexual orientation, disability, transgender identity.

A hate incident is defined as: A hate incident is any non-crime perceived by the victim or any other person, as being motivated by prejudice or hate

A hate crime is defined as: A criminal offence, perceived by the victim or any other person, as being motivated by prejudice or hate.

Hate crime will be dealt with as a category A type of incident.

### **3.5 What is not ASB?**

- Noise from children/babies crying
- Personal disputes with neighbours including lifestyle clashes
- Normal living noise such as closing doors, going up or down stairs or people talking, hoovering, washing machine, etc
- Smells from cooking

Sometimes PHA Homes will not be able to take any action. However, PHA Homes will provide advice and guidance to encourage tenants and residents to manage the situation themselves. Examples of such times include:

- The perpetrator is not a tenant, resident, household member or visitor of PHA Homes
- There is not enough evidence or support from victims, witnesses or other agencies
- The alleged nuisance is caused by reasonable everyday behaviours, such as living noise
- We believe that complaints are malicious
- Mediation has been offered and refused and there is no ground to pursue legal action
- It is not a landlord responsibility.

### **4.0 Tenants obligations**

4.1 PHA Homes expects its tenants, residents, household members and visitors to refrain from ASB, and accept and abide by the terms of their Tenancy Agreement or Lease, which are explicit in their terms with regards to acceptable behaviour of tenants and/or visitors to their homes. This includes PHA Homes staff and contractors.

4.2 In addition to the legal responsibilities, PHA Homes encourages tenants and residents to:

- Be realistic about what we can do as a landlord
- Try to resolve problem themselves in the first instance
- Act reasonably and do not retaliate
- Respect other people's rights to live as they choose, and be tolerant of minor disturbances
- Be compliant if PHA Homes are involved by documenting dates, times who was involved and what happened
- Report crimes to other agencies such as the Police for crimes and Environmental Health for noise
- Attend mediation, provide witness statements, and attend Court if required to help PHA Homes resolve the matter.

### **5.0 PHA's approach to tackling ASB**

5.1 We will tackle ASB by employing the following three actions:

- **Prevention** Initiatives will be used to try and stop the problem from arising in the first place and from continuing and escalating, should a problem develop.
- **Intervention** We will aim to intervene and offer support and advice if preventative measures have been unsuccessful. This option gives residents another chance, before enforcement measures are considered.
- **Enforcement** Will be used when necessary and when other options have been unsuccessful.

## 5.2 Preventative action

- Offering mediation services
- Warning letters
- Arrange support packages for tenants or residents who are vulnerable or at risk
- Removal of graffiti quickly and thoroughly (within 24 hours)
- Door entry systems on blocks of flats
- Community initiatives to involve our tenants and residents of all ages
- Designing our new properties with features to enhance security
- Regular estate visits by staff of the Association
- Feedback surveys on the delivery and quality of services provided
- Landscaping and cleaning contracts to maintain the appearance of estates

## 5.3 Intervention action

If preventative methods have been unsuccessful, we will intervene using some of the following methods:

- Using Acceptable Behaviour Contract (ABC's)
- Serving Notice of Seeking Possession (NOSP) or Section 21 Notice (S21)
- Referral to other agencies, e.g. Police, Environmental Health and social services – this may include joint visits.

## 5.4 Enforcement action

Where a breach of the conditions of the tenancy agreement has been proved and enforcement of the conditions in the tenancy agreement is appropriate, we will attempt to tackle the behaviour of the people responsible. To do this we will:

- Work closely with the Police, Environmental Health and other agencies to consider appropriate action, including the use of Community Protection Warnings (CPW) or Community Protection Notice (CPN)
- Ask the courts to grant injunctions where appropriate
- Ask the courts to grant Outright Possession Orders where appropriate, or on strict terms if suspended
- Ensure that staff handling these cases are trained, supported, and kept updated of any relevant changes in legislation.

## 6.0 Legal Framework

- 6.1 PHA Homes will have regard to all relevant legal Acts when dealing with ASB, including the Anti-Social Behaviour Crime and Policing Act 2014.
- 6.2 Reports of ASB will be taken seriously and investigated thoroughly and the appropriate action taken. All complaints will be entered onto the Housing Management System and updated regularly. The HoS will monitor all complaints
- 6.3 PHA Homes will respect individuals right to remain anonymous, and wherever possible, the identity of complainants will remain anonymous in accordance with Data Protection Legislation and PHA Homes policies. However, complainants will be advised that this may be deemed as weaker, hearsay evidence.

- 6.4 PHA Homes will disclose information to the Police, Social Services, Environmental Health and other agencies, as we may have joint interest or responsibility to prevent and detect crime, apprehension or prosecution of offenders, and the protection of children, young people or vulnerable adults to make a safer community.
- 6.5 PHA Homes will always consider the Equality Act and Human Rights Act when considering and taking legal action and will review the proportionality of the action, the needs of the victim, perpetrator and those living in the locality.

**PHA Homes will NOT re-house people who have been the subject of legal proceedings for nuisance.**

## **7.0 Working with other agencies**

- 7.1 PHA Homes may work in partnership with other agencies when tackling ASB - Some of the agencies we work with are:
- Hampshire police
  - Community Safety Partnerships department (at EHDC) – Community Trigger
  - Environmental Health department
  - Youth Offending Teams
  - Education Authorities
  - Petersfield CAB
  - Social Services (Adult and Child)
  - Probation Service
  - Inclusion
  - Other Registered Providers

## **8.0 Rehabilitation for perpetrators**

- 8.1 PHA Homes acknowledges that when possible, perpetrators of ASB should be offered support to try and change their behaviour, either from the Association itself or from an appropriate external agency.
- 8.2 Some of the ways we will encourage the rehabilitation of those engaging in ASB are:
- Working with other agencies to tackle issues, such as drug and alcohol abuse or mental health
  - Providing floating support for our residents who may be at risk or vulnerable
  - Use of ABC's or CPN's.

## **9.0 Support for witnesses and those suffering from ASB**

- 9.1 PHA Homes will ensure that those suffering because of ASB are supported and kept informed of progress until the case is concluded. We aim to provide an environment where victims and witnesses feel confident and safe in coming forward to report ASB.
- 9.2 To do this PHA Homes will.
- Offer various contact methods, such as telephone, text, email or home visits to maintain contact
  - Provide regular updates to complainants
  - Set expectations so that they are aware of what we can and cannot do, and we can be clear as to what is expected or required from them
  - Assess and refer vulnerable tenants and residents to appropriate support if required.