

# Brockley Tenants'

## Housing Co-operative

### Antisocial Behaviour Policy

#### 1 Introduction

This policy outlines Brockley Tenants' Housing Co-operatives approach to anti-social behaviour (commonly known as ASB). It sets out what we can do and describes the support we can give to members when they report ASB to us / to our managing agent.

The tenancy agreements we issue to our members prohibit all forms of ASB and we will consider any member found to be a perpetrator of ASB to be in breach of the conditions of tenancy. The co-operative has the power to implement a range of sanctions, including legal action if the ASB is serious or persistent. We may also consider that the tenancy agreement has been breached if family members or invited visitors cause ASB.

We expect our members to be considerate and reasonable to their neighbours and when minor disputes arise we will usually ask the members involved to attempt to resolve their differences by negotiation. If this is not feasible, we may in more serious cases offer mediation.

#### 2 What do we mean by Anti-Social Behaviour?

Brockley Tenants' Housing Co-operative recognises that people have differing levels of tolerance and that the same behaviour may have a greater or lesser impact dependent on the circumstances of the victim and perpetrator. When ASB is reported to us / to our staff we will always consider the circumstances of the victim and the perpetrator before deciding on the appropriate course of action.

For the purpose of our ASB policy, domestic abuse and harassment on the grounds of a protected characteristic will also be considered as a form of anti-social behaviour. In addition to this policy, there are laws which give landlords and the police additional powers to tackle these offences and we will use these powers when appropriate.

Less serious acts of ASB are commonly known as nuisance and it may not always be appropriate or feasible for us to take legal action over nuisance, particularly if it is short lived. If there are allegations and counter-allegations of nuisance from two or more members, we may consider that a *neighbour dispute* exists and dependent on the nature of the allegations they may be resolved more effectively through mediation, rather than enforcement action.

We will use the following definitions of ASB as our starting point when assessing complaints from members and others:

The **Anti-Social Behaviour Act 2003** defines ASB as - '*Conduct which is capable of causing nuisance or annoyance to any person and directly relates to, or affects the housing management function of a relevant landlord*'

The **Home Office** defines ASB as - '*Any aggressive behaviour, intimidating or destructive activity that damages or destroys another person's quality of life.*'

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### 3 Objectives of the Antisocial Behaviour Policy

The objectives of the ASB policy are:

- To make it easy for our members to report ASB, nuisance, domestic abuse and harassment;
- To ensure that reports of ASB are dealt with in a courteous, sensitive and efficient manner and that they are investigated promptly whilst maintaining appropriate discretion and confidentiality;
- To ensure that we keep adequate records of reports so that we can monitor cases effectively.

### 4 Members' obligations

Members are expected to abide by the terms and conditions of their tenancy agreement at all times. They are required:

- Not to commit harassment – this includes verbal abuse and also any other sort of behaviour which is intended to, or can be expected to cause distress;
- Not to perpetrate domestic abuse – this includes physical violence and psychological abuse;
- Not to be involved in criminal activity. If a member commits a criminal offence in the vicinity of their home, the co-operative has the right to treat this as ASB;
- Not to cause a nuisance by playing loud music or otherwise make excessive noise;
- Not to cause damage to their own homes, to other people's homes or to the common areas such as, but not limited to, communal hallways and gardens;
- To dispose of rubbish appropriately and not to dump rubbish;
- To ensure that vehicles are kept taxed and insured, or that a SORN is obtained;
- To keep pets under control – prevent them from causing a nuisance and ensure that they do not foul or otherwise damage the member's home, another member's home or the communal areas.

#### Pets

Members with dogs should be aware that if a dog barks to the extent that it persistently disturbs people living in neighbouring properties, behaves aggressively or persistently fouls contained gardens or communal areas that we may treat this as nuisance or ASB. If the problem persists the member may be asked to re-home their dog(s).

### 5 Our response to Anti-Social Behaviour

We know that everybody is different and that people are not always affected to the same extent when subjected to ASB, so our aim is to take every report of ASB seriously. Our staff or our committee will respond sensitively and appropriately to the specific circumstances of the victim and the perpetrator.

We want to make it easy for our members to tell us if they are affected by ASB and to trust us to respond effectively. Members can report ASB by telephone, in writing or in person. If we establish that the victim or the perpetrator cannot speak or understand English, we will arrange for an interpreter to attend interviews.

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Any member experiencing violence, or the threat of violence should report the matter to the police in the first instance. Similarly, the co-operative has no capacity to respond to disturbances which happen at night, including loud parties and drunken and abusive behaviour. In these instances the tenant member should contact Lewisham Council's Environmental Health Team.

When we receive a report of ASB, we will aim to respond within the time-scales set out below:

Stage	Action	Target Time
1	Carry out an assessment of the complaint to establish the nature and urgency of the situation	1 working day
2	In cases involving harassment of any kind; violence or threat of violence (including domestic violence); or threat to a person's safety or property we will always interview the complainant in person or by telephone.	2 working days
	In all other cases we will contact the victim to take a statement and to discuss their concerns.	5 working days
3	Contact the perpetrator to discuss the allegations made against them.	10 working days
4	Advise the complainant of the action we intend to take	As quickly as possible

Once we have conducted the investigation, we will decide what action, if any, is appropriate. We will advise the complainant how long it will take us to complete the action and how we will keep them informed.

If there is no evidence of ASB or we decide we cannot take any formal action, we will talk to the alleged perpetrator and inform the complainant. In some cases we may offer to arrange mediation to resolve the matter.

Records relating to cases of ASB will always be retained on the tenancy file. File notes from interviews carried out and copies of correspondence will also be retained for future reference.

### 6 Preventing Antisocial Behaviour

We will tell every new member about the obligations of their tenancy agreement not to cause nuisance, ASB, domestic abuse or harassment when they sign up for their property. Our committee members / agent will also explain to members that they are responsible for the actions of other household members and visitors. Action we may take to prevent incidences of ASB includes, but is not limited to:

- Structured interviews
- Mediation
- Formal warnings
- Speedy removal of offensive graffiti
- Multi-agency approaches, working with the police, social services, environmental health departments, local authorities and local community organisations
- Good neighbour agreements
- Acceptable behaviour contracts



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### 7 Legal action

Brockley Tenants' Housing Co-operative aims to resolve most cases of ASB without resorting to legal action. However, if the behaviour is serious or persistent, and in particular if it involves harassment or domestic abuse, we may consider that legal action is necessary.

Legal action may include:

- Obtaining an *Anti-Social Behaviour Injunction*
- Serving a *Notice to Quit* on the grounds that the tenancy agreement has been breached
- Applying to the county court for a *Possession Order*
- Expulsion from membership
- Evicting the member from their home - eviction will always be a last resort.

### 8 Vulnerable members

Brockley Tenants' Housing Co-operative recognises that some of our members may be vulnerable because of their age, their health or disability. If we know that a victim or perpetrator of ASB is vulnerable, we will do everything we can to make personal contact at an early stage and we will take their vulnerability into account when deciding what action we should take.

Before we take legal action that might result in the eviction of a vulnerable person, we will endeavour to find a suitable agency to support them. We will also advise social services before we evict anyone who is vulnerable from their home.

### 9 Monitoring and reporting

The housing management and maintenance committee will be made aware of any significant cases of ASB at the next meeting following receipt of information. This will include all cases of harassment and domestic abuse. The committee may choose to receive this information in an anonymous format.

A report will be presented to the annual general meeting detailing the number and type of ASB cases reported. However, the details of specific cases will be kept confidential.

### 10 Policy review

This policy will be reviewed annually. It will also be reviewed if there are changes to relevant legislation or to the regulatory framework.