



Anti-Social Behaviour Policy

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Amendments:

Changes made	sections	date	by	Date approved by board
Minor: House of Commons briefing paper: Tackling Anti-social behaviour in social housing (England) No 0264 24 th February 2017	1 and 5 Minor amendments to link policy to this paper	4/7/2017	LB	22/11/2017
No changes	-	15/05/2019	LB	June 2019
Updated to include breach of tenancy, eviction and clarifying final rent payments. Aligned with SHTA, Handbook, Easy Read, ASB policies	All	25/09/2019	LB	17 th October 2019

1. Policy Statement

Anti-social behaviour can take many forms and can have a very serious impact on the lives of those it affects. Highstone Housing Association (HHA) places great importance on dealing with acts of anti-social behaviour and we aim to deal with all such incidents swiftly. We do appreciate that the vast majority of our tenants will wish to live a peaceful life and show mutual respect to their neighbours.

HHA will not tolerate anti-social behaviour on its developments and aims to deal firmly with any incidents that are anti-social. The legislation provides powers to housing associations and we will use these to the full, up to and including legal action to seek possession of a property where necessary and proportionate. HHA hopes that our tenants will work with us to identify perpetrators and our commitment to take the strongest line possible where appropriate. Of course there will be occasional disputes between neighbours but we expect these will be resolved amicably or through mediation. HHA accepts that it might not be able to resolve all complaints of neighbour disputes to the satisfaction of all parties but a thorough investigation will always take place.

This policy has been written taking into consideration the House of Commons briefing paper (24/2/2017) – Tackling Anti-Social Behaviour in Social Housing (England).

2. What is Anti-Social Behaviour (ASB)?

Anti-social behaviour is a general term used to describe a whole range of things that people do to upset other people. According to the Crime and Disorder Act 1998, anti-social behaviour is behaviour which causes or is likely to cause harassment, alarm or distress to one or more people who are not in the same household as the perpetrator.

Tenants are responsible for the behaviour of all persons or animals living at or visiting their property and should ensure that their conduct and that of their visitors does not detrimentally affect others.

Examples of anti-social behaviour include:

- Hate crimes
- Actual or threatened violence
- Domestic abuse
- Sexual abuse
- Foul language
- Criminal damage
- Graffiti
- Loud music
- Arguing and door slamming
- Offensive drunken behaviour
- Vandalism
- Dealing drugs
- Smoking in areas designated as “no smoking”

This list is not exhaustive.

2.1. Harassment

Tenants (or anyone living with or visiting the tenant) must not harass or cause offence or threaten anybody else in the property or its environs.

Examples of harassment include:

- Racist and homophobic behaviour or language
- Using or threatening violence
- Stalking
- Damaging or threatening to damage property
- Using insulting words or behaviour
- Doing anything that interferes with the peace and comfort of others

This list is not exhaustive

2.2. Illegal Activity

You must not use (or allow to be used) the property or its surrounding areas for any criminal or illegal activity.

Examples of illegal activity include:

- Storing, selling or using illegal drugs.
- Growing or producing illegal drugs
- Receiving, storing or handling stolen goods
- Using the property for immoral purposes
- Possessing illegal firearms or other weapons

This list is not exhaustive.

3. Our Community Responsibility

Everyone has the right to enjoy life in their own way, as long as they do not negatively impact those around them. A good neighbour will understand people's differing lifestyles and not cause upset or distress to others.

Under the Anti-social Behaviour Act 2003, we have a duty to publish a statement of how we will deal with anti-social behaviour. There may be times when it is necessary to take action against tenants (or others living with or visiting them). Examples of action we may take are:

- Applying for a court injunction
- Applying to demote the tenancy to a less secure one
- Using "acceptable behaviour contracts"
- Working alongside police or the local authority to secure an antisocial behaviour order
- In extreme cases, evicting a tenant from their property.

Please note: if you are evicted on the grounds of anti-social behaviour, it may affect your chances of being rehoused elsewhere.

4. Resolving an Anti-Social Behaviour Case

HHA will explore all avenues available to it including legal action where this is deemed to be appropriate to resolve anti-social behaviour cases to the satisfaction of the Association, complainants and witnesses, where possible. Where appropriate, the Association may make use of restorative justice methods or make referrals to specialist services as appropriate. More complex cases, including those which require legal action, will be dealt with on a case by case basis

In some cases, it may be more appropriate to support others in taking legal action, for example the Police or Local Authority. Complainants and/or witnesses will be kept updated as to who is taking the legal action and why.

5. Breach of Tenancy

It is the tenants' responsibility to comply with the terms of their tenancy agreement, failure to do so means that the tenant is in breach of their tenancy agreement. Where the breach is serious, this could result in eviction. Please refer to the Tenancy Agreement for more information.

6. Eviction

Eviction means HHA ends the tenancy and the tenant has to leave the property. In accordance with guidance at www.gov.uk/browse/housing-local-services/repossessions/evictions, HHA will provide the tenant with a written warning notice that it plans to evict the tenant. The notice is normally 4 – 8 weeks; however, eviction proceedings can start immediately if the tenant is responsible for:

- Serious anti-social behaviour, such as drug dealing
- Domestic violence

The tenant will receive confirmation of the agreed notice period end date in writing.

We will always tell the tenant why we are planning to evict them. It is important that the tenant replies quickly to the written notice. If the tenant ignores the notice and stays in the property, or HHA is not satisfied with the tenants' response, then we may apply to the court for permission to evict the tenant.

6. Housing Ombudsman

The House of Commons briefing paper (24/2/2017) – Tackling Anti-Social Behaviour in Social Housing (England) advises that: “the starting point for a tenant who is suffering from anti-social behaviour is, to obtain a copy of the landlord's policy on anti-social behaviour. If a landlord is failing to implement their policy this may form the basis of a complaint. Social landlords have internal complaints procedures – once these are exhausted a complaint involving maladministration may form the basis of a complaint to the Housing Ombudsman.”

Contact details:
The Housing Ombudsman

Exchange Tower
Harbour Exchange Square
London
E14 9GE

Telephone: 0300 111 3000

Highstone Housing Association's Customer charter sets out the formal complaints procedure for tenants, including the process for referring an unresolved complaint to the Housing Ombudsman.

7. Associated Documents

- Short-Hold Tenancy Agreement
- Tenants Handbook
- Customer Charter