



<b>No.</b>	
<b>Policy Title</b>	<b>Anti- Social Behaviour Policy</b>
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### **1. Policy Statement**

Nehemiah is committed to tackling anti-social behaviour as it recognises that anti-social behaviour is damaging within communities and that the lives of customers and their families can be blighted by the behaviour of an unreasonable minority. Nehemiah’s mission is ‘ *to build successful, sustainable and diverse communities by providing housing and wellbeing services in a culturally sensitive way to our current and our future customers*’

Nehemiah is committed to preventing and tackling anti-social behaviour and has signed up to the Respect – ASB Charter for Housing. We will work with partners and communities to tackle the causes of anti-social behaviour, by using preventative and early intervention measures where behaviour does not change, we will use the full range of enforcement

tools appropriately, protecting victims and witnesses.

### **Putting the victim first**

Nehemiah is committed to ensuring the victim has a say in the way complaints of anti-social behaviour is dealt with and ensure their voice is heard.

## **2. Definition of Anti-social: Source Anti-Social Behaviour, Crime and Policing Act 2014: Anti-Social behaviour powers (Statutory guidance for frontline professionals Revised in January 2021)**

### **Non-housing related**

Anti-social behaviour in a non-housing related context is that the conduct concerned has caused, or is likely to cause, harassment, alarm or distress to any person. This will apply, for example, where the anti-social behaviour has occurred in a public place, such as a town or city centre, shopping mall, or local park, and where the behaviour does not affect the housing management functions of a social landlord or people in their homes.

### **Housing-related**

Anti-social behaviour in a housing context is conduct is capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises or conduct capable of causing housing-related nuisance or annoyance to any person. Only social landlords, local councils or the police are able to apply for an injunction under these provisions. In the case of social landlords only, "housing-related" means directly or indirectly relating to their housing management function. (Definition source: Crime and Policing Act 2014)

Nehemiah understands that sometimes everyday living noise and activities can be annoying, but unless it is excessive or unreasonable it would not be considered anti-social behaviour

Examples include:

- Children playing
- Day-to-day noises such as: toilets flushing, doors banging, vacuuming, washing machines and walking on hard floors
- Mowing the lawn
- Occasional dog barking

Nehemiah understands that families and couples may disagree from time to time. So, if customers hear their neighbours having an argument (infrequently), this is unlikely to be deemed anti-social behaviour. However, we would encourage customers to report any immediate concerns about someone's safety to the police.

When we investigate noise nuisance, will take into consideration the location, time and frequency.

Other examples of anti-social behaviour include:

- Intimidation and harassment.
  - Aggressive and threatening language and behaviour.
  - Hate-related behaviour and/or incidents that targets members of identified groups because of their perceived differences (e.g. race, sexual orientation, gender, disability, religion, age).
  - Domestic abuse (including psychological, physical, sexual, financial or emotional abuse).
  - Using homes to sell, grow/cultivate drugs, or for other unlawful purposes.
  - Vandalism and damage to property.
  - Nuisance from vehicles.
  - Actual violence against people and property or land.
  - Nuisance caused by alcohol and solvent abuse.
  - Nuisance caused by pets and animals.
  - Untidy gardens, dumped rubbish, lack of care for homes or communal areas.
- (Please note this list is not exhaustive).

### 3. Our Policy

Nehemiah's approach to dealing with anti-social behaviour is based around the principles within the Anti-social behaviour, Crime and Policing Act 2014:

- **Focusing the response to anti-social behaviour on the needs of victims** – working with other agencies to identify and support people at high risk of harm. With flexible approaches Nehemiah aim to deliver solutions that will work.
- **Empowering communities to get involved in tackling anti-social behaviour** – by agreeing shared actions with residents and partners, to develop safe communities where anti-social behaviour is recognised as unacceptable and dealt with. Customers should be encouraged to report any criminal activity to the police.
- **Ensure professionals are able to protect the public quickly** – through the appropriate use of the legislation that could include an action for possession of the perpetrators home as the last resort.
- **Focus on long-term solutions** – working with partners to address the underlying issues that drive anti-social behaviour, such as binge drinking, drug use, mental health issues, troubled family backgrounds and irresponsible dog ownership.

#### 3(i) Tenancy Conditions

Nehemiah expects its customers to comply with the terms and conditions of their tenancy agreement and to ensure that their actions and those of their family or visitors do not breach these by engaging in anti-social behaviour. Nehemiah relevant tenancy agreement clauses are:

### **Use of Premises**

*To use the Premises for residential purposes as the Tenant's only or principle home and not to:*

- (i) Operate any business at the Premises that might cause a nuisance or annoyance to other persons in the neighbourhood.*
- (ii) Use or allow the Premises to be used for any immoral or illegal purpose.*
- (iii) Use any equipment operated by butane gas or store butane gas bottles*
- (iv) in the premises.*

### **Nuisance**

*Neither to cause, or act in a way which is likely to cause, nor allow members of his or her household or visitors to cause, or act in a way which is likely to cause,*

*a nuisance or annoyance to other persons in the neighbourhood or to any tenant, agent, employee or contractor of the Association.*

### **Racial and Other Harassment**

*Neither to commit, nor allow members of his or her household or visitors to commit, any harassment, or threat of harassment, on the grounds of race, colour, religion, sex, sexual orientation, age or disability that may interfere with the peace and comfort of, or may cause offence to, other persons in the neighbourhood or to any tenant, employee, agent or contractor of the Association.*

### **Noise**

*Neither to play nor allow to be played, any radio, television, record or tape recording, musical instrument, or digital music player so loudly that it causes, or is likely to cause, a nuisance or annoyance, at any time, to other persons in the neighbourhood.*

### **Pets**

- Not to keep any animals registered under the Dangerous Wild Animals Act 1976 or the Dangerous Dogs Act 1991 (amended in 1997) at the Premises.*
- To keep under control any pet(s) at the premises and not to keep any pet(s) that might cause a nuisance or annoyance to*

*other persons in the neighbourhood.*

### **3(ii) Early Intervention and Prevention of Anti-social Behaviour**

Customers will be told at the application stage that they are expected to be a good neighbour and the conduct expected of them will be explained. This will include the need for tolerance towards others. Our policy on anti-social behaviour will be discussed with all new customers at the tenancy sign up stage.

- Nehemiah will give honest advice on how our customers can deal with disputes with their neighbours, explaining what we can and can't do and what they will need to do to resolve issues and problems.
- We will encourage our customers to speak to their neighbours where appropriate to try and resolve matters themselves. Where it is appropriate Nehemiah will offer mediation to help customers resolve disputes.
- We will work with other agencies where appropriate to ensure that the appropriate level of support needed by individual customers to sustain a tenancy is available.
- We will work with other agencies where appropriate to obtain support for parents to improve parenting skills and signpost accordingly.
- We will work with other agencies where appropriate to contribute to the provision of diversionary activities to engage young people positively. Where a local authority engages in Family Intervention Projects and the Troubled Families Programme, Nehemiah will assist in providing support where possible.
- Nehemiah will participate in strategies on anti-social behaviour introduced by local authorities and the Police. We will work in partnership with relevant agencies to develop sustainable estates where anti-social behaviour is not tolerated.
- Nehemiah will promote and support the formation of Neighbourhood Watch Groups.
- Nehemiah will work to '**Secured by Design**' standards where possible on all new developments and incorporate these principles in refurbishment schemes.

### **3(iii) Information for Customers**

Nehemiah will give customers honest advice about what we can and cannot do and what they will need to do to put a stop to the problems they

are experiencing. We will publish information on how to contact us to report anti-social behaviour, what information we will need and the service standards that our customers can expect from us in dealing with reports of anti-social behaviour. We will provide our customers with a named contact responsible for dealing with their report. If we identify anti-social behaviour, we will agree an action plan which will include what Nehemiah will do, what the customer needs to do and outline the process for dealing with reports of anti-social behaviour.

### **3(iv) Support for Complainants**

The following are examples of how Nehemiah will support victims and witnesses of anti-social behaviour:

- **Regular contact** – the housing team will be in regular contact with complainants to make sure that as many of their needs are being met as possible and to provide feedback on the progress of dealing with the anti- social behaviour.
- **Victim Support** – Nehemiah can provide contact details of Victim Support who in turn can provide support and guidance for victims of crime.
- **Referrals to Other Agencies** - Nehemiah can make referrals to agencies that provide specialist advice and support such as the Citizens Advice Bureau, the Police, Mediation services and local authorities.
- **Support During Legal Action** – If a customer needs to attend court, we will agree with them what support is necessary. For example, we can arrange transport and stay with customers during Court proceedings and help with childcare costs. In extreme cases where there is a risk to a customer's safety, we may be able to help with alternative accommodation, on a temporary or permanent basis depending on the circumstances of the case.
- **Additional Security Measures** – In cases where a victim/witness is felt to be at risk of reprisals, either against themselves or their property, Nehemiah will be considering providing additional security measures if a referral is made by statutory organisations' i.e. police and social services. This can include fitting window locks, security lights, provision of a panic alarm or an emergency calls only mobile phone, for example.
- **Police Protection** – If there is risk of violence, we will work with the Police who can support complainants in preventing complainants from being further intimidated.

### **3(v) Remedies for Dealing with Anti-social Behaviour**

Nehemiah will use a range of options, depending upon the nature of the case, to resolve the anti-social behaviour, which could include any of the following:

#### ***Non-Legal Action***

- **Interview** - Depending on the situation Nehemiah will interview the person that the allegation has been made about to ensure that they are given an opportunity to change their behaviour. This will be necessary before more formal action is taken.
- **Mediation** – where appropriate, mediation will be offered to the parties involved in order to try to achieve an understanding of the issue in order to enable both sides to move towards a solution to the complaint. We engage the services of a trained mediator who remains impartial throughout the process.
- **Acceptable Behaviour Contracts (ABC)** – If appropriate we will invite the person committing the anti-social behaviour to sign a voluntary written agreement with, Nehemiah UCHA and in some circumstances other agencies involved in dealing with the anti-social behaviour such as the Police. This type of agreement can be considered where the person/s who has committed anti-social behaviour has expressed genuine willingness to change their behaviour.
- **Parenting Contracts** – are a supportive measure that provides a structured and balanced way for agencies to work with parents on a voluntary basis to improve the behaviour of a child or young person up to the age of 17. This would involve voluntarily signing a written contract between the parent, Nehemiah and other agencies involved. The contract will normally require the parent to engage in a parenting programme and/or specify particular ways in which the parent is required to exercise control over their child's behaviour.
- **Family Intervention Projects** – where there is a Family Intervention Project operating in a given local authority area, we will liaise with the local authority in order to seek a referral to the Project where appropriate. Family Intervention Projects exist to sustain the tenancy of families at risk of eviction for anti- social behaviour. The projects, which are voluntary, provide intensive support to a family through various agencies. Where the scheme is in operation, the family being supported must either change their behaviour or risk losing their home.

#### ***Legal Action***

Nehemiah will consider legal action if all other means of resolving the complaint have failed. Where anti-social behaviour is very serious, we may

start legal action straightaway.

- **Injunction-** is an order from the County Court requiring a person to do something or prevent them from doing something. An injunction will usually be the first form of legal action that Nehemiah will consider after informal action has failed. An injunction can be granted if court is satisfied on balance of probabilities that the Respondent engaged or threatened to engage in anti-social behaviour. The second condition is if it is just and convenient to grant the injunction for purpose of preventing the Respondent from engaging in anti-social behaviour. We will work with other agencies such as mental health support professionals and drug and alcohol support services to provide support services to supervise compliance with the positive terms of an injunction. Injunctions can be used for adults and minors.
- **Demotion of a Secure Tenancy** – is a court order reducing the tenancy rights of a person responsible for anti-social behaviour for a period of 12 months. Demotions will be sought where Nehemiah believes that somebody will respond to such an incentive to change their behaviour.
- **Possession Proceedings** – we will make an application for a possession order asking the Court to end the tenancy of a customer who is acting in an anti-social manner or whose visitors are acting in such a manner, where the behaviour of the tenant/their visitors is serious enough and/or where other methods of controlling the behaviour has been tried and failed. We will therefore only use possession proceedings as a last resort.
- **Ending an Assured Shorthold Tenancy and Starter Tenancies** – Assured shorthold tenancies are issued to customers living in our housing schemes. Where the tenant breaches their tenancy agreement during this time and their behaviour doesn't change then Nehemiah may end the tenancy by serving a Section 21 Notice. Please note eviction is the ultimate sanction and we will pursue this as a last resort, where we believe no other action will be achievable to resolve the anti-social behaviour.

### **3(vi) Multi Agency Partnerships**

Nehemiah recognises that tackling the complex issue of anti-social behaviour is not the sole responsibility of the housing provider and cannot be dealt with alone.

Nehemiah works with other agencies in the local Community Safety Partnership (CSP). Including:

- Local authorities
- Police force  
covering the area
  - Fire Service
  - Probation Service



- Clinical Commissioning Groups
- Community and Voluntary Groups
- Social Housing Partnerships or Housing Associations who are co-opted into local arrangement.

Nehemiah will be guided by the relevant Community Remedy Documents produced by the Police when identifying solutions to anti-social behaviour issues.

#### **4. Customer Feedback**

In order to monitor how we deal with anti-social behaviour we will aim to obtain feedback from 20% of complainants at the end of their case about their experience of reporting anti-social behaviour to Nehemiah. We will use the information collated in this survey to continually evaluate and improve the anti-social behaviour service and will include the survey outcomes in our performance reports to Operations Committee and our customers.

#### **5. Data Protection and Information Exchange**

Nehemiah will make use of section 115 of the Crime and Disorder Act 1998 and The General Data Protection Regulation (GDPR) which came into force in the UK (and across the EU) on 25 May 2018. The GDPR, which replaces the Data Protection Directive (95/46/EC), aims to strengthen the security and protection of personal data in all Member States.

Nehemiah will ensure Data is processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures

#### **6. Training and Support for Staff**

Nehemiah will ensure that employees dealing with anti-social behaviour have received the appropriate training and support to enable them to deal effectively and confidently with the issues presented.

#### **7. Monitoring and Review**

Quarterly reports will be made to Nehemiah's Operations Committee to monitor the effectiveness and success of the policy. The policy will be reviewed every 3 years or sooner if legislation or good practice dictates.

#### **8. Legalisation**

- Anti-Social Behaviour, Crime and Policing Act 2014 (amendment order 2019) (This includes two measures created to give victims and communities a say in the way that complaints of anti-social behaviour are dealt with, and to help ensure that victims 'voices

are heard.

- Section 8 of the Housing Act 1988, (if a notice seeking possession is served, relying on Ground 14 (Anti-social behaviour) then possession proceedings can be issued immediately upon service of the notice (unless Ground 7A is also being relied upon).

Housing Act 2004 (gives landlords of secure tenants the right to refuse mutual exchange applications if action has been taken against the household on anti-social behaviour grounds or if such action is pending.

## 9. Link to Other Policies

This policy should be read and in conjunction with the following Nehemiah Housing Management Policies:

- Lettings Policy
- Pet policy implemented
- Safeguarding Children & Adults at Risk Policy
- Tenancy Policy
- Tenancy Sustainment Policy
- Harassment and Hate Crime Policy
- Domestic Abuse Policy
- Void and Letting Procedure
- Customer Engagement Strategy
- Abandonment Policy
- GDPR Policy
- Equality and Diversity Policy
- Neighbourhood Improvement

### Other Useful Links

- [https://www.birmingham.gov.uk/info/20095/antisocial\\_behaviour\\_and\\_neighbour\\_disputes/565/antisocial\\_behaviour/2](https://www.birmingham.gov.uk/info/20095/antisocial_behaviour_and_neighbour_disputes/565/antisocial_behaviour/2)
- [https://go.walsall.gov.uk/anti\\_social\\_behaviour](https://go.walsall.gov.uk/anti_social_behaviour)
- [www.coventry.gov.uk/info/47/community\\_safety\\_and\\_preventing\\_crime/655/anti-social\\_behaviour](http://www.coventry.gov.uk/info/47/community_safety_and_preventing_crime/655/anti-social_behaviour)
- [www.wolverhamptonhomes.org.uk/help-support/anti-social-behaviour/](http://www.wolverhamptonhomes.org.uk/help-support/anti-social-behaviour/)
- <https://www.dudley.gov.uk/residents/housing/your-tenancy/anti-social-behaviour/>
- [www.sandwell.gov.uk/info/20208/crime\\_prevention\\_and\\_emergencies/3155/the\\_community\\_trigger\\_-](http://www.sandwell.gov.uk/info/20208/crime_prevention_and_emergencies/3155/the_community_trigger_-)