

MAGNA HOUSING

SUMMARY OF OUR POLICIES AND PROCEDURES ON ANTI-SOCIAL BEHAVIOUR

1. This is a summary of our policies and procedures for dealing with anti-social behaviour (ASB). It is available free of charge, and can be provided in large print, on audio tape, or in another language. It is also available on our website. A copy of our full statements on our policies and procedures is available to view at any of our offices or can be provided upon request. Our contact details are set out at the end of this document.
2. **What is ASB?**
 - 2.1 ASB is a general term used to describe a whole range of things that people do to upset other residents. According to the Crime and Disorder Act 1998, ASB 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. The ASB Crime and Policing Act 2014 introduced simpler, more effective powers to tackle ASB and provide better protection for victims and communities than available before.
 - 2.2 Harassment or the threat of it includes harassment on the ground of the nine protected characteristics referred to in the Equality Act 2010, i.e. age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion & belief, sex and, sexual orientation, as well as colour, ethnic or national origin, nationality, political beliefs, class, responsibility for dependents unrelated criminal offences or any other condition not justified in law which may interfere with the peace and comfort of, or cause offence to, any of the above persons.
3. **Examples of ASB**
 - 3.1 ASB can take a number of forms. Some ASB is of a serious criminal nature. Other behaviour may not be criminal in nature but can still affect the quality of life in a community. Examples of ASB include:
 - 3.1.1 Racist, sexist or homophobic behaviour or language
 - 3.1.2 Actual or threatened violence against people or property
 - 3.1.3 Domestic violence
 - 3.1.4 Sexual abuse
 - 3.1.5 Foul language

- 3.1.6 Damaging or threatening to damage a person's home or possessions
- 3.1.7 Writing threatening, abusive or insulting graffiti
- 3.1.8 Hate behaviour that targets members of identified groups because of their perceived differences
- 3.1.9 Loud music
- 3.1.10 Arguing and door slamming
- 3.1.11 Offensive drunken behaviour
- 3.1.12 Use of abusive, aggressive, threatening or insulting words or behaviour
- 3.1.13 Operating noisy machinery or undertaking other noisy activities for an excessive amount of time or at unreasonable hours
- 3.1.14 Rubbish dumping and littering
- 3.1.15 Drinking alcohol in communal areas
- 3.1.16 Obstructing communal areas
- 3.1.17 Skateboarding or ball games where this is likely to cause nuisance or annoyance to nearby residents or where such activities are banned
- 3.1.18 Breach of any local bye-laws
- 3.1.19 Barking dogs and dogs fouling communal areas
- 3.1.20 Vandalism
- 3.1.21 Dealing drugs
- 3.1.22 Using homes to sell drugs or for any other unlawful purpose
- 3.1.23 Doing anything else that interferes with the peace, comfort or convenience of other people.

4. General policy statement on our approach to ASB

- 4.1 Magna has an ASB Policy, which sets out the principles underlying our approach to ASB. This policy states:
 - 4.1.1 Magna recognises the importance of tackling ASB and acknowledges its harmful effect on residents and communities.
 - 4.1.2 Magna will not tolerate ASB and will take effective and early action to tackle it.
 - 4.1.3 Magna will use a wide variety of approaches to tackle the wide range of ASB issues. This will include preventative and enforcement approaches.
 - 4.1.4 Magna will use mediation services appropriately to resolve neighbour disputes.
 - 4.1.5 Magna is committed to supporting victims and witnesses.
 - 4.1.6 Magna will not tolerate racist and other discriminatory behaviour.
 - 4.1.7 Magna will work in partnership with key agencies, including the Police and local authorities.
 - 4.1.8 Magna will sign up to protocols with Police forces in all areas where it has properties, in order to facilitate information sharing and joint working.
 - 4.1.9 Magna will work with residents to tackle ASB problems.
 - 4.1.10 Magna staff will keep up to date on best practice and legislation dealing with ASB.
- 4.2 We have a number of other policies and procedures which cover our approach to various forms of ASB. For example, our Hate Incident,

Crime and Harassment Policy sets out how we approach complaints about harassment, and our Domestic Abuse Policy sets out how we will assist victims of domestic abuse.

5. Obligations of tenants

- 5.1 Our tenancy agreement sets out the obligations of tenants. The main conditions relating to ASB are as follows:
- 5.1.1 You must behave properly and be responsible for the behaviour of everyone (including children) who live in or visits your home. You are responsible for their behaviour in your home, on surrounding land in communal areas and in the wider locality around your home.
 - 5.1.2 You, the members of your household or any visitors must not behave in any way that causes or is capable of causing nuisance, annoyance, disturbance, harassment, alarm or distress to:
 - 5.1.2.1 others, tenants and their visitors
 - 5.1.2.2 neighbours and their visitors and any other persons in the neighbourhood
 - 5.1.2.3 our employees or any one acting on our behalf
 - 5.1.2.4 any other person working in the vicinity of your home
 - 5.1.3 You must not damage, or neglect or misuse your home, your garden or any fixture or fitting in it which belongs to us. You must repair all such damage (whether deliberate or accidental) caused by you or someone living with or visiting you and your repairs must meet our standards. If you do not, you will have to repay the cost of any repairs which we have to carry out (either during the tenancy or after you have moved out of the property). Before we carry out the work, we will write to you with details of the work to be carried out and the cost (but this may not be possible if the work is urgent or we cannot contact you).
 - 5.1.4 You, your household, or visitors must not use or allow your home or any communal areas to be used for illegal or immoral purposes.
 - 5.1.5 You must not park, or allow members of your household to park, a vehicle anywhere on the property except in a garage or on driveway or paved area intended for parking. Any vehicle left on a driveway or on a parking area (whether on the property or on a communal area) must be in roadworthy and legal condition and display a current tax disc (where required by law).
 - 5.1.6 Unless you first obtain our written consent you must not park any of the following on any garden, driveway or paved area on the property or in the vicinity of the property or on any communal areas, and you must not allow those living with you or visiting you to do so;
 - 5.1.6.1 commercial vehicle
 - 5.1.6.2 personal mobility vehicles such as electric scooters or powered wheelchairs for the elderly or disabled (our consent is only required for parking a personal mobility vehicle in a communal area)
 - 5.1.6.3 caravans or motorhomes

- 5.1.6.4 boats
- 5.1.6.5 trailers
- 5.1.7 You must not carry out, or permit others to carry out, major car repairs on the property or on communal areas or on or near any other land in the locality owned by us.
- 5.1.8 You must not park in any position which would or might obstruct emergency service vehicles or vehicles belonging to neighbours and their visitors and you must not allow those living with you to do so.
 - 5.1.9 If your home is a flat or maisonette with communal entrances, staircases, passageways or balconies:
 - 5.1.9.1 you must keep clean any stairs, doorway, balcony or corridor outside your home unless we provide a cleaning service
 - 5.1.9.2 you must not leave or store any personal mobility or other vehicles, prams, furniture or other items in a communal area or allow motor cycles, bicycles or similar machines to be left in a pram shed, or allow others to do so, unless you have our written permission.
 - 5.1.9.3 not block the corridors, staircases, balconies or lifts or allow those living with you or visiting you to do so;
 - 5.1.9.4 you must not throw anything from a landing, balcony, corridor or window, or allow others to do so.
 - 5.1.9.5 when throwing things away, you, and those living with and visiting you must use the correct container or bag provided.
 - 5.1.10 You must not smoke in enclosed communal areas or allow those living with you or visiting you to do so.
 - 5.1.11 You must ensure that any animal at you are allowed to keep at your home is kept under control at all times in such a way as to avoid annoyance or disturbance to your neighbours. If any animal at your home is causing annoyance or disturbance to your neighbours. If any animal at your home is causing annoyance or disturbance to neighbours, or for any other good reason, we may at any time withdraw our consent and require that the animal is permanently removed from the property.
 - 5.1.12 No animal may be kept on any communal area.
 - 5.1.13 You must not play, or allow to be played, any television or video or audio or audio-visual equipment or musical equipment so loudly as to cause a nuisance and annoyance to neighbours or other persons in the neighbourhood at any time of day or so loudly as to be audible outside the property between the hours of 11pm and 7.30pm.

6. Making a complaint about ASB

- 6.1. Complaints about ASB can be made in various ways:
 - 6.1.1 in person
 - 6.1.2 by letter
 - 6.1.3 by telephone
 - 6.1.4 via email to asbteam@magna.org.uk
 - 6.1.5 via a local authority (e.g. Environmental Health)
 - 6.1.6 via a resident representative
 - 6.1.8 via an M.P. or Councillor
 - 6.1.9 via a Board Member
 - 6.1.10 as a formal complaint
 - 6.1.11 by way of a petition

7. Processing a complaint about ASB

- 7.1 We aim to acknowledge all complaints (except those made anonymously) using the standard acknowledgement letter. This will give the name and telephone number of the Housing Officer dealing with the case. We categorise complaints and respond within timescales according to the nature of complaint.
 - 7.1.1 Category A: Allegations of Extreme ASB
 - Response time – one working day
 - Some examples may be:
 - Criminal Activity
 - Drug dealing
 - Assault
 - Threats of violence
 - Harassment (including racial harassment and hate crime)
 - Domestic violence
 - 7.1.2 Category B – Allegations of Serious ASB
 - Response time three working days
 - Some examples may be:
 - Aggressive and abusive behaviour
 - Frequent and persistent disturbances (including noise)
 - Drug, solvent and alcohol abuse in communal areas
 - Vandalism
 - 7.1.3 Category C – Allegations of ASB
 - Response time five working days
 - Some examples may be:
 - Pet nuisance
 - Constant door slamming and arguing
 - Operating noisy machinery for excessive amounts of time
- 7.2 Sometimes, a complaint about ASB will be made anonymously. While it is difficult to act on the basis of an anonymous complaint alone, we will gather as much information as possible and check the substance of the complaint.

- 7.3 When a complaint is received, we try to obtain as much information as possible straight away or through a follow-up telephone call or home visit.
- 7.4 Wherever possible, we encourage complainants to discuss the ASB with the alleged perpetrator. If the complainant then contacts the alleged perpetrator and manages to resolve the problem, no further action will be taken and the case will be closed.
- 7.5 We will complete and agree an ASB Action Plan with the complainant. This will outline the actions that both parties will take to try and resolve the problem.
- 7.6 If there are any agencies involved with the complainant or perpetrator and his or her family, such as Social Services, the Probation service, health services or any other agencies, then we will contact the agency to gather information or seek advice/help.
- 7.7 We will deal with complaints quickly and efficiently and keep complainants informed at all stages.
- 7.8 In cases of persistent or severe ASB, we will consider what further support can be provided to the victim. This may include referrals to other agencies, advice about rehousing, installation of a Medvivo Careline alarm, advice from the Police about crime prevention or more regular home visits.
- 7.9 If the complainant wishes, any meetings or interviews with them can be held at one of our offices. We will also arrange for an interpretation service if the complainant's first language is not English.
- 7.10 Once we have gathered information about the ASB, we will contact the alleged perpetrator in all cases where the alleged perpetrator is a tenant. This will enable us to talk to the alleged perpetrator about the complaint and also to hear their version of events. In some cases, bringing the complaint to the attention of the alleged perpetrator will be enough to stop the behaviour.
- 7.11 We will make clear to the alleged perpetrator what they need to do to prevent any further action being taken, and what may follow if they do not resolve the problem. We will follow up the home visit with a letter. The situation will then be monitored, with further visits and/or further letters. When we are satisfied that the ASB has ceased, we will close the case.

8. Gathering information and evidence

- 8.1 There are a number of ways in which we can gather evidence about ASB. The process of gathering evidence may start as soon as the complaint about ASB is received, or may start after the initial approaches to the alleged perpetrator have failed to achieve an end to

the problem. The methods we use will depend on the nature of the ASB, but include:

8.1.1 Issuing Incident Diaries

In most cases where ASB appears to be of a regular nature, we will issue an Incident Diary to the resident(s) who has complained. Incident Diaries help us to gauge the scale of the ASB and can sometimes be used as evidence in Court. They need to be filled in on a regular basis.

8.1.2 Noise monitoring equipment

Where the ASB involves alleged noise nuisance, we may use our own noise monitoring equipment to gather independent evidence. We have three sets of equipment available.

8.1.3 Professional witnesses

Professional witnesses may be used where residents are not willing to give evidence. They can provide a record of incidents and take video or photographic evidence.

8.1.4 CCTV evidence

We have our own mobile CCTV equipment, which can be used to gather independent evidence about more serious on-going ASB. CCTV is also installed in some supported housing schemes.

8.1.5 Photographs

Photographs may be taken to provide evidence, e.g. of damage caused to property or rubbish accumulating in gardens. These may be provided by residents or by staff.

8.1.6 Video evidence supplied by residents

Residents may offer their own video evidence. For this to be admissible in Court, the footage should be timed and dated, or backed up by diary sheets which are timed and dated and which refer to the use of the video camera, and must not be of an intrusive nature.

8.1.7 Information from the Police

We have information sharing protocols in place with the Police forces in most areas where we have properties. The protocols may be used to gather information where there is alleged criminal behaviour.

8.1.8 Information from other agencies

It may be possible to gather evidence from other agencies, such as Social Services, doctors or other agencies, about the ASB or its effect on the complaint.

9. Actions we can take

- 9.1 Once we have gathered all the available information and evidence, and if the ASB is proven and continuing, we will decide on the best way of

trying to resolve the problem. In general, we will explore non-legal remedies first, unless the behaviour is of a serious, persistent or criminal nature.

- 9.2 In addition to the actions we can take, as set out below, there are a number of measures that the Police, local authorities and other agencies can take to tackle some forms of ASB. These measures may be taken in conjunction with the action taken by us. They may also be more appropriate in cases where the ASB is not caused by Magna residents.

10. Non-legal remedies for tackling ASB

The following are some of the more usual non-legal ways available to tackle ASB. However, other approaches may be used in some cases.

10.1 Mediation

This is a voluntary process in which trained, experienced mediators acting as a neutral third party help people who are in dispute to work together to solve their problem.

10.2 Community Initiatives Fund Budget

We may consider a bid for money from the resident Community Initiatives Fund Budget, for example for extra lighting, improved car parking facilities, planting to deter access to ground floor windows, the provision of litter bins etc.

10.3 Security patrols

In exceptional circumstances, to prevent severe ASB involving violence, to secure the safety of residents and/or staff, we may employ a temporary security patrol. This option will generally only be appropriate for supported housing schemes, and will normally be used alongside legal remedies such as injunctions or possession.

10.4 Dealing with abandoned vehicles

We will serve notices and arrange for the removal and disposal of such vehicles if we cannot trace the owner or if the owner will not remove their vehicle themselves.

10.5 Local authority dog wardens

Where there are problems with dogs, such as strays or fouling, dog wardens may be able to supply dog bins, signs or give advice to residents.

10.6 Police advice and help

The Police can provide advice and may, on occasion, agree to extra patrols in an area as a short-term measure. In addition, they can provide crime prevention advice to residents and the housing officer.

10.7 Community Caretakers

They can clear away rubbish or needles dumped in communal areas, carry out regular patrols of communal areas and carry out spot checks.

10.8 **Involving Environmental Health**

Local authorities can take various actions to deal with statutory nuisance. A visit by an Environmental Health officer and perhaps a warning letter may help solve the problem.

10.9 **Involving local authority ASB Officers**

Many councils have dedicated ASB Officers. They can give advice and take part in any action against perpetrators, along with the Police and other agencies.

11. **Legal remedies for tackling ASB**

There are a number of legal approaches to tackling ASB, other than those involving possession actions. These are considered below.

11.1 **ASB Orders and Acceptable Behaviour Contracts**

11.1.1 An Acceptable Behaviour Contract (ABC) is a voluntary written contract between the person(s) involved in the ASB and us. In some cases where the ASB is more serious and involves the police, we may include the police or the Crime and Disorder Partnership as a joint signatory. It sets out the acts which the person agrees not to continue. If the contract is breached, this can be used by us to support any court action.

11.1.2 An ASB Order (ASBO) is an order made in a magistrates or county court against anyone who has acted in an anti-social manner. It is a criminal offence to breach such an order, with a maximum penalty of five years in prison.

11.1.3 Where an ASBO or ABC is considered suitable, we will liaise with the relevant local authority and the Police.

11.2 **Injunctions**

11.2.1 We can apply to the County Court for injunctions to enforce a tenancy condition, prohibit damage to our premises or trespassing on our property. We can also apply for ASB injunctions or injunctions against unlawful use of our premises.

11.3 **Demoted tenancies**

11.3.1 We may be able to apply to the County Court for a demotion order. If the Court grants a demotion order, the assured tenant will become an assured shorthold tenant for a period of one year and if there is no improvement in their behaviour, possession can be gained more easily.

11.4 **Private action for nuisance**

11.4.1 An individual can take an action in the County Court for damages and an injunction to restrain a person from causing further nuisance. It is necessary to prove a nuisance exists. This remedy may be useful where the ASB is being caused by perpetrators who are not our tenants. The aggrieved party should seek independent legal advice on this.

11.5 Possession action

11.5.1 In serious cases of persistent nuisance, harassment or ASB, we can apply to the County Court to regain possession of a property. As a general guideline, we will consider possession only where all reasonable efforts to resolve the problem by other means have failed; where there are multiple complaints supported by evidence; or where individual complaints of nuisance are serious and third party evidence is available, e.g. from Environmental Health and/or Police

11.5.2 We will first warn the perpetrator(s) in writing that unless the behaviour is abated, a legal notice will be served, and that this may lead to them losing their home.

11.5.3 If this does not significantly reduce or stop the ASB, we will serve either a notice seeking possession, notice seeking demotion or a notice to quit. In such cases, we will need witness statements from the individual residents complaining.

11.5.4 If we decide to proceed with Court action, the case will be heard by a Judge in Court. If we are awarded possession of the property, we will be able to make an application for a Warrant for Possession. When a Warrant for Possession is issued, it is the Court who arranges and notifies both the tenant and Magna of the eviction date.

11.5.5 Where there is serious or continuing ASB from a licence holder in supported housing, then a written 28 day notice to quit will be served. In exceptional circumstances, where there is seriously disruptive or violent behaviour, we may give less notice.

12. Closing a case

12.1 A case may be closed when the complainant or perpetrator moves home; when the complainant and perpetrator come to their own amicable solution, through mediation or some other means; when the complainant confirms that the ASB has ceased; or when the perpetrator is evicted. When we decide that a case is closed, we will write to the complainant, and if appropriate to the alleged perpetrator, to confirm this.

13. Complaints about our handling of ASB cases

13.1 Complaints about the way we have handled an ASB case should be directed to the Community Services Manager in the first instance.

13.2 If complainants are still not happy, then they can use the Formal Complaints procedure. Copies of formal complaints forms are available from all of our offices, or by telephoning our office on 01305 216000, or from our website.

14. Data collection and monitoring of ASB

- 14.1 We will ensure that all reported incidents of ASB are logged and monitored. This information is reviewed each month by Magna's management team, and is reported to the Magna Housing Board.
- 14.2 We will carry out a satisfaction survey on all closed cases every month. This is to ensure that we gather feedback from complainants about how we dealt with their case.

Contacting us

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Fax: 01305 216099
E mail: oak@magna.org.uk

Community Safety Team 01305 216090

Email to asbteam@magna.org.uk for category A, B and C
complaints

or

tenancymanagement@magna.org.uk for category
D complaints

Our Website: www.magna.org.uk

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