Our approach to anti-social behaviour:

Statement of policy

Statement of procedures

April 2017
Introduction

1. The Anti-Social Behaviour Act 2003 placed a duty on all housing associations to produce and publish policies and procedures on anti-social behaviour.

2. By 30th December 2004, all housing associations had to produce and publish:

   2.1 A statement of their policy on anti-social behaviour
   2.2 A statement of their procedures on anti-social behaviour
   2.3 A summary of the two statements

3. In preparing these documents, housing associations must have regard to statutory housing management guidance issued by the Housing Corporation (now the Homes and Communities Agency).

4. This statement of policy and statement of procedures has been drawn up in consultation with residents. The ASB Policy was last reviewed and approved by the Magna Housing Group Board in July 2016, ready for amalgamation.

5. Our anti-social behaviour policy and procedures, and the statements, will be reviewed regularly. We will use performance data to assess the effectiveness of our policy and procedures, and we will take account of new or revised legislation or good practice in our reviews.

6. These statements are available for inspection at our principal office, Oak House, and at our local offices in Dorchester, Bridport and Williton. We will send a copy upon request, free of charge to any of our residents. We may charge to provide copies to other organisations or individuals.

7. These statements are also available in a summary form, which is available free of charge from any of our offices. The summary statement is also published on our website www.magna.org.uk

8. If you would like the summary form of these statements in large print, on audio tape, or in another language, please contact our Communication Team on (01305) 214002.
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Statement of our policy on anti-social behaviour

1. Definition of anti-social behaviour

1.1 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.

1.2 The Housing Act 1996 states it is “conduct which is capable of causing nuisance or annoyance to any person and directly or indirectly relates to the or affects the housing management functions of a relevant landlord” or “conduct which consists of or involves using or threatening to use housing accommodation owned or managed by a relevant landlord for an unlawful purpose”.

1.3 The Chartered Institute of Housing suggests it is “Behaviour that unreasonably interferes with other people’s rights to the use and enjoyment of their home and community”

2. Examples of anti-social behaviour

2.1 Anti-social behaviour can take a number of forms. Some anti-social behaviour is of a serious, criminal nature. Other behaviour may not be criminal in nature but can be equally detrimental to the quality of life in a community. Examples of anti-social behaviour include:

2.1.2 Racist, sexist or homophobic behaviour or language
2.1.3 Actual or threatened violence against people or property
2.1.4 Domestic violence
2.1.5 Sexual abuse
2.1.6 Foul language
2.1.7 Damaging or threatening to damage a person’s home or possessions
2.1.8 Writing threatening, abusive or insulting graffiti
2.1.9 Hate behaviour that targets members of identified groups because of their perceived differences
2.1.10 Loud music
2.1.11 Arguing and door slamming
2.1.12 Offensive drunken behaviour
2.1.13 Use of abusive, aggressive, threatening or insulting words or behaviour
2.1.14 Operating noisy machinery or undertaking other noisy activities for an excessive amount of time or at unreasonable hours
2.1.15 Rubbish dumping and littering
2.1.16 Drinking alcohol in shared areas
2.1.17 Obstructing communal areas
2.1.18 Skateboarding or ball games where this is likely to cause nuisance or annoyance to nearby residents or where such activities are banned
2.1.19 Breach of any local bye-laws
2.1.20 Barking dogs and dogs fouling communal areas
2.1.21 Vandalism
2.1.22 Dealing drugs
2.1.23 Using homes to sell drugs or for any other unlawful purpose
2.1.24 Doing anything else that interferes with the peace, comfort or convenience or other people.

2.2 Some behaviour, even if it causes a nuisance, will not be treated as anti-social, and will therefore not be dealt with through our procedures. Examples include one-off or very infrequent parties, noise or disturbances; children’s play; noise from normal domestic appliances such as washing machines or vacuum cleaners, providing it is during reasonable hours; and gossip.

3. General policy statement on our approach to anti-social behaviour

3.1 Magna has an Anti-Social Behaviour Policy, which sets out the principles underlying our approach to anti-social behaviour. This states:

3.1.1 Magna recognises the importance of tackling anti-social behaviour and acknowledges its harmful effect on residents and communities.
3.1.2 Magna will not tolerate anti-social behaviour and will take effective and early action to tackle it.
3.1.3 Magna will use a wide variety of approaches to tackle the wide range of anti-social behaviour issues. This will include preventative and enforcement approaches.
3.1.4 Magna will use mediation services appropriately to resolve neighbour disputes.
3.1.5 Magna is committed to supporting victims and witnesses.
3.1.6 Magna will not tolerate racist and other discriminatory behaviour.
3.1.7 Magna will work with key agencies, including the Police and local authorities.
3.1.8 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.
3.1.9 Magna will work with residents to tackle anti-social behaviour problems.
3.1.10 Magna staff will keep up to date on best practice and legislation dealing with anti-social behaviour.
4. **The strategic context**

4.1 This statement of policy on anti-social behaviour links with a number of other policies and strategies that direct our service. The most important ones are set out below.

5. **Magna’s purpose, strategic objectives and behaviours**

**Purpose**
Our Purpose is why we exist:
To help people meet their housing needs.

**Strategic objectives**
Our Strategic Objectives are what we set out to achieve:

- To provide high quality housing and services
- To have good leadership and governance
- To develop, motivate and reward staff to achieve, innovate and take responsibility
- To achieve value for money in the use of our resources
- To achieve the best mix of risk, prudence, flexibility and cost-effectiveness in our finances.

**Behaviours**
Our Behaviours describe how we do it:
- we are passionate about performance
- we are committed to Magna and its customers
- we lead by example.

6. **Strategic Plan for Magna Housing**

6.1 Our strategic plan sets out what we think we need to do each year to achieve our objectives.

7. **Statutory obligations**

7.1 The Housing Act 1988 (as amended by the Housing Act 1996) sets out the grounds for eviction for breach of tenancy, waste or neglect, nuisance or annoyance/conviction, or violence to occupier. Our policies and procedures in relation to anti-social behaviour must comply with the Anti-Social Behaviour Act 2003, the Anti-Social Behaviour Crime & Policing Act 2014 and other relevant legislation.

7.2 Magna has overall responsibilities as a registered social landlord and has to comply with the Regulatory Framework of the Homes and Communities Agency. This states the need for housing associations to work in partnership with other agencies to prevent and tackle anti-social behaviour in the neighbourhoods where they own homes.
8. **Equality and Diversity Policy**

8.1 Magna Housing’s Equality and Diversity Policy states our commitment to fairness and equality for all, operating with professionalism, integrity, openness, and a belief that everyone is entitled to be treated with dignity, respect and fairness, regardless of their sex, gender reassignment, sexual orientation, race, colour, ethnic or national origin, nationality, marital status, disability, age, class, religion or belief or any other irrelevant factors.

9. **Obligations of tenants**

9.1 Our tenancy agreements set out the obligations of tenants. All tenants sign a tenancy agreement before they move into their home. The agreement makes it clear that tenants are responsible for the behaviour of people who live with them and people who visit them.

10. **Section 3.12 of Magna’s Assured Tenancy Agreement sets out detailed clauses on racial and other harassment, violence, nuisance and anti-social behaviour, as follows:**

10.1 3.12.1 - You must behave properly and be responsible for the good behaviour of everyone (including children) who lives in or visits your home. You are responsible for them in your home, on surrounding land, in shared areas and in the wider locality around your home.

10.2 3.12.2 – 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:

- other tenants and their visitors
- neighbours and their visitors and any other persons in the neighbourhood
- our employees or anyone acting on our behalf
- any other person working in the vicinity of your home
- your partner or anyone else living in or visiting your home

10.3 3.12.3 - Harassment or the threat of it includes harassment on the ground of gender (including gender reassignment), sexual orientation, marital or civil partnership status, race, colour, ethnic or national origin, nationality, religion or belief, political beliefs, disability, age or class.

10.4 3.12.4 - Examples of the behaviour which is likely to breach clauses 3.12.2 and 3.12.3 include:

- racist, sexist, or homophobic behaviour or language;
- actual or threatened violence;
- domestic violence;
• sexual abuse;
• using abusive threatening or insulting words or behaviour;
• foul language;
• damaging or threatening to damage another person's home or possessions;
• writing threatening, abusive or insulting graffiti;
• loud music;
• arguing and door-slamming;
• dog barking and fouling;
• operation of noisy machinery or other noisy activity for an excessive amount of time or at unreasonable hours;
• offensive drunkenness;
• rubbish dumping;
• drinking alcohol in communal areas (other than communal rooms);
• obstruction of communal areas;
• skateboarding or playing ball games where this is likely to cause nuisance or annoyance to nearby residents or where such activities are not permitted;

10.5 13.12.5 - You must not play, or allow to be played, any television or video or audio or audio-visual equipment or musical instrument so loudly as to cause a nuisance or 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 11 pm and 7.30 am.

10.6 **Other relevant clauses in the tenancy agreement include 3.6 about looking after your home:**

3.6.1 - You must not damage or neglect or misuse your home or 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).

10.7 **Section 3.11 is about not using your home for illegal or immoral purposes:**

3.11.1 You, your household or visitors, must not use or allow your home or any communal areas to be used for illegal or immoral purposes such as the following:
• selling or using illegal drugs;
• prostitution;
• storage and/or distribution of stolen goods.

10.8 **Section 3.13 is about animals:**

3.13.2 You must ensure that any animal 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 we believe that any animal at your home is causing annoyance or disturbance to neighbours, or for other good reason, we may at any time withdraw our consent and require that the animal be permanently removed from the property.

3.13.3 No animal may be kept on any shared area.

10.9 **Section 3.14 is about vehicles and parking:**

3.14.1 You must not park or allow members of your household or visitors to park a vehicle anywhere on the property except in a garage or on a 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 shared area) must be in roadworthy and legal condition and display a current tax disc (where required by law).

3.14.2 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 shared areas, and you must not allow those living with you or visiting you to do so:

• commercial vehicles
• personal mobility vehicles such as electric scooters or powered wheelchairs for the elderly or disabled
• caravans or motorhomes
• boats
• trailers.

We will not refuse consent without good reason.

3.14.3 You must not carry out or permit others to carry out major car repairs on the property or on shared areas or on or near any other land in the locality owned by us.

3.14.4 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 or visiting you to do so.

3.14.5 Personal mobility vehicles must be driven and (where we have given consent under clause 3.14.2) parked carefully when in the vicinity of the property or on any shared areas and in such
a way as to minimise the risk of injury and damage to persons and property. In particular electric cables used for charging such vehicles must be connected and positioned in such a way as to avoid any risk to others through tripping, electric shock or otherwise.

10.10 **Section 3.17 is about additional conditions relating to flats and maisonettes:**

3.17.1 If your home is a flat or maisonette with communal entrances, staircases, passageways or balconies:

- you must keep clean any stairs, doorway, balcony or corridor outside your home unless we provide a cleaning service;
- you must not leave or store any personal mobility or other vehicles, prams furniture or other items in a shared area or allow motor cycles, bicycles or similar machines to be left in a pram shed, nor allow others to do so, unless you have our written permission;
- you must not block the corridors, staircases, balconies or lifts or allow those living with or visiting you to do so;
- you must not throw anything from a landing, balcony, corridor or window, nor allow others to do so.
- when throwing things away, you and those living with and visiting you must use the correct container or bag provided.
- you must not smoke in enclosed communal areas or allow those living with you or visiting you to do so.

11. **Support for complainants and witnesses**

11.1 We believe that the best form of support for all victims and witnesses is to deal with their complaint quickly and efficiently and to keep them informed at all stages. We also ensure that complainants know the name of the officer dealing with their case. However, in cases of persistent or severe anti-social behaviour, we will consider what further support can be provided to the victim. This may take the form of advice or information or more practical help.

11.2 Examples of the sort of support that can be offered include referrals to other agencies such as Victim Support or a Race Equality Council; advice about rehousing if this is desired; the installation of a Medvivo Careline alarm; advice from the Police about crime prevention; making a referral to a tenancy support agency; more regular home visits; getting repairs done quickly or considering target hardening measures such as additional locks of fencing.

11.3 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 to be available if the complainant's first language is not English.

11.4 Where the complainant is unable or unwilling to provide evidence, we will look at other means of gathering this. This may take the form of photographic or other first-hand evidence gathered by an officer; the installation of noise monitoring or mobile CCTV equipment; information from other agencies such as the police or environmental health; or the use of a professional witness.

11.5 We aim to support witnesses in the ways described above for victims. In addition, we look to support witnesses by keeping them informed throughout a case; by offering them a choice of venue at which to provide their witness statements or other evidence; and by involving our legal team in taking witness statements.

12. Racial and other harassment policies

12.1 We have a Hate Crime and Harassment Policy. This sets out how we deal with all complaints about harassment. Our tenancy agreement contains detailed clauses on racial and other harassment, as set out above on page 7.

13. Domestic Abuse Policy

13.1 We have a Domestic Abuse Policy, which sets out definitions of domestic abuse and sets out how we will assist victims of domestic abuse through our anti-social behaviour procedures, Lettings Policy and/or our Safeguarding Children and Adults at Risk Policy or Procedure, as appropriate.

14. Abandoned vehicles

14.1 Abandoned vehicles are unsightly and pose a potential hazard, as well as acting as a focal point for other forms of anti-social behaviour. We have a procedure for dealing with abandoned vehicles on our land. Housing officers will deal swiftly with such vehicles as soon as we become aware of them. Ultimately we will 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.

15. Prevention of anti-social behaviour

15.1 We firmly believe that the best approach to tackling anti-social behaviour is to prevent it happening in the first place. There are a number of measures that we take to prevent problems or
tackle them before they become serious. Some of the most important ones are described below.

15.2 **Sign-ups:** the sign-up process is critical. It is our opportunity to ensure new tenants and licence holders understand their written tenancy or licence agreement, particularly the clauses relating to anti-social behaviour. The officer conducting the sign-up ensures that new residents are clear on their obligations to other residents. For residents in supported housing, the Housing Officer and/or the Project Support Officer ensure the scheme’s House Rules are also made clear.

15.3 **Home visits:** we visit all new tenants at their home within the first few weeks of their tenancy. We also undertake regular home visits in other circumstances. Home visits are also a chance for staff to pick up on any problems at an early stage and discuss these with residents. Examples may include problems with pets or the condition of a garden.

15.4 **Estate inspections:** our housing officers and community caretakers undertake neighbourhood inspections. These can also be a means of detecting any potential anti-social behaviour issues at an early stage, particularly in communal areas. Examples include abandoned cars and other items, graffiti, vandalism, rubbish problems, loud noise from individual properties, blocked hallways or landings etc.

15.5 **Tenancy support:** for some households, the provision of tenancy (or floating) support may help the household to manage their tenancy and prevent complaints about anti-social behaviour. Housing Officers refer households where tenancy or floating support may be appropriate to Magna’s tenancy sustainment officer, or other agencies who provide this service.

15.6 **Lettings:** Assessment and referencing of potential tenants is critical to preventing anti-social behaviour. Our Lettings Policy states that applicants who have materially breached the terms of a current or previous tenancy, for example through ASB, within the last two years may be refused.

16. **Rehabilitation of perpetrators**

16.1 The aim of our approach to anti-social behaviour is to prevent it happening and ensure that such behaviour ceases. We will inform alleged perpetrators of complaints made against them and make it clear what they need to do to prevent further complaints. We will give alleged perpetrators the chance to respond to complaints made against them.
16.2 Where appropriate, we will seek to provide support to perpetrators of anti-social behaviour, with the aim of helping the perpetrator to stop the offending behaviour and therefore the complaints. The form of support will vary according to the nature and severity of the complaints and the needs of the residents but may include the following:

16.2.1 Providing the service of a community caretaker to provide one-off assistance or help with overgrown gardens, rubbish removal, external clearing and cleaning etc where the tenant has difficulties coping with such matters

16.2.2 Considering the provision of tenancy or floating support provided by another agency

16.2.3 Providing clear advice and guidance on the anti-social behaviour, its effect on neighbours, and how the resident can avoid further complaints

16.2.4 Working with the police and other statutory and voluntary agencies who may be involved with the resident such as social services

16.2.5 Where anti-social behaviour is linked to drug or alcohol abuse, or to mental health problems or disability, we will work with any agencies involved with the resident such as drug and alcohol agencies or community mental health teams

16.2.6 Implementing Acceptable Behaviour Contracts (see page 23)

16.2.7 Providing advice or assistance with rehousing where desired by the perpetrator and where the nature of the current accommodation is a clear factor in the behaviour.

17. Multi-agency partnerships

17.1 We do not operate in isolation. We are part of a wider community, and we share the problems and challenges of that wider community. It is unlikely that we will be able to resolve all cases of anti-social behaviour on our own. We therefore work closely with a range of other agencies, as well as with the residents involved. When considering our approach to anti-social behaviour and when working to resolve individual cases, we aim to consult with the police, local Community Safety Partnerships, environmental health officers and dog wardens, parish councils and panels, youth offending and probation teams, schools, health services, social services, probation services, Racial Equality Council, Mediation services and other local community groups.

18. Data protection and information exchange

18.1 Where legal action is being considered, we can request and expect to receive information held by the police about individuals who are involved in acts of ASB and other criminal activity.
18.2 Magna is signed up to a formal information sharing protocol and staff have been trained in its use.

18.3 All information sharing is consistent with Magna’s obligations and responsibilities under the Data Protection Act 1998.

18.4 In accordance with the Information Sharing Protocol, disclosure of any personal data must be bound to both common and statute law, for example defamation, the common law duty of confidence, the Data Protection Act 1998, and the Human Rights Act 1998.

19. Confidentiality

19.1 Where a complainant does not wish their identity to be known, we will respect this in any dealings we have with the alleged perpetrator. We will present the perpetrator with alternative sources of evidence to discuss the complaint, or where this is not possible, we will make it clear to the alleged perpetrator that we cannot tell them the identity of the person who has complained.

19.2 In some cases, it will not be possible to hide the identity of the complainant, for example where the alleged perpetrator has committed an act directly against the complainant, and where the complainant’s identity will therefore be obvious. In such cases, we will ensure the complainant is aware of this before we approach the perpetrator.

19.3 Information about complainants and perpetrators may be shared with other agencies for the purposes of preventing anti-social behaviour or crime.

20. Cross-tenure approaches

20.1 Complaints may be made by tenants or by others. Most complaints about anti-social behaviour will be made by tenants, about other tenants. Other complaints will be made by people who are not tenants, but the complaints will be about our tenants. Both types of complaint should be dealt with in the same way, through our procedures.

20.2 Sometimes, we will receive complaints from our tenants about anti-social behaviour involving people who are not our tenants. For example, a tenant may complain about a neighbour, who is an owner-occupier, a tenant of another registered provider (RP), or a private tenant.
20.3 Where this is the case, there is much less that we can do to investigate or remedy the situation. However, we can offer advice to the tenant about other agencies they can contact, such as their local Community Safety Partnership, the Police or mediation services. We can also offer help, for example with contact details or help with writing letters. If the perpetrator is the tenant of another RP, we can contact that RP on our tenant’s behalf and liaise with them.

20.4 If the alleged perpetrator is one of our leaseholders, there are measures we can take to enforce breaches of covenants, such as applying for an injunction and in extreme cases we can serve a notice under section 146 of the Law of Property Act 1925. These notices specify the breach of lease, giving the leaseholder a chance to remedy it. If a Leasehold Valuation Tribunal or a Court then determine that a breach has occurred, or if the leaseholder admits the breach, we can serve a notice of forfeiture. Forfeiture means ending the lease and repossession by us because the lease conditions have not been met.

20.5 In practice, forfeiture would be an unlikely remedy. However, we will consider other non-legal remedies to tackle anti-social behaviour by leaseholders as set out later in this document.

20.6 Where the anti-social behaviour involves supported housing residents, we will liaise with support staff about the complaints, whether the support is provided by Magna or by another agency such as Social Services. Not all of the investigative processes or remedies set out in our procedures will be appropriate. We will take particular care where the anti-social behaviour involves residents with learning disabilities or mental health problems.

21. **Training of staff**

21.1 All staff who deal with complaints about anti-social behaviour have access to our policy and procedures and other paperwork associated with our approach to the problem. Further guidance is available to staff through managers or from our in-house legal team.

21.2 All staff have access to regular in-house and external training and other sources of guidance and information on the law and practice on anti-social behaviour.

22. **Information on other relevant policies and service standards**

22.1 As well as the many policies and procedures directly relating to anti-social behaviour set out earlier in this statement, we have a number of other policies and procedures which influence our approach to anti-social behaviour. These are as follows:
22.2 Equality and Diversity Policy: The purpose of the policy is to ensure that Magna does not treat any person or group of people receiving services or applying for accommodation, employment or contracts with Magna any less favourably than any other person or group of people because of their sex, gender reassignment, sexual orientation, marital or civil partnership status, pregnancy or maternity status, race, colour, ethnic or national origin, nationality, religion or belief, political beliefs, disability, age, class, responsibility for dependents, whether they are part time or shift workers, have any unrelated criminal offences or if there were any other matter which causes a person to be treated with injustice.

22.3 Customer Service Standards: these lay down the standards our customers can expect from us in all areas of our work. They include how we will deal with items of correspondence, how we will behave when you contact us, and how we monitor those standards.

22.4 Code of Conduct for Employees: this sets out the high standards expected from staff in all aspects of the service they provide to tenants, service users and others. It also sets out the behaviours which staff are expected to demonstrate.

22.5 Eviction Policy: our Eviction Policy states that we will only commence legal action to evict tenants after all reasonable methods of obtaining adherence to the tenancy agreement have failed. Eviction is used only as a final resort.

22.6 Formal Complaints Policy: if anyone is dissatisfied by the way we handle a complaint about anti-social behaviour, they may use our Formal Complaints Policy. Details are available on our website.
Statement of our procedures on anti-social behaviour

22. Making a complaint about anti-social behaviour

22.1 Most complaints about anti-social behaviour are dealt with by our specialist Community Safety Team. However, the most minor nuisance issues are dealt with by housing officers from the Tenancy Management teams responsible for the area in which it occurs. Housing officers in both the Community Safety and Tenancy Management teams are part of our Housing Services department, and are based in Dorchester, Williton, Bridport, Sherborne and elsewhere. Complaints about anti-social behaviour can be made in many ways, including in person, by letter, by telephone, by e mail or via our website. Contact details are at the end of this document.

22.2 We also receive complaints about anti-social behaviour via other routes, such as through a local authority (e.g. Environmental Health), a community representative, a support worker, an MP or councillor, a Board Member, as a formal complaint, or by way of a petition. We will deal with all such complaints through these procedures.

23. Processing a complaint about anti-social behaviour

23.1 We aim to acknowledge all complaints (except those made anonymously) using our 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:

Category A: Allegations of Extreme Anti-Social Behaviour
Response time one working day
Some examples may be:
Criminal activity involving violence
Drug dealing
Assault
Threats of violence
Harassment (Including racial harassment and hate crime)
Domestic violence

Category B:
Allegations of Serious Anti-Social Behaviour
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
Category C: Allegations of Anti-Social Behaviour
Response time five working days
Some examples may be:
Pet nuisance
Constant door slamming and arguing
Operating noisy machinery for excessive amounts of time

23.2 Sometimes, a complaint about anti-social behaviour will be made anonymously. We do not ignore anonymous complaints. While it is sometimes difficult to act on the basis of an anonymous complaint alone, we gather as much information as possible and check the substance of the complaint.

23.3 However a complaint is received, we log all the details on the Academy housing system. The information is gathered at the time of the initial complaint, or during a follow-up telephone call or home visit. We try to obtain as much relevant information as possible from the complainant. This will include:

23.3.1 Details of the complainant
23.3.2 Details of how the behaviour affects the complainant
23.3.3 Details of the specific incident being reported
23.3.4 Details about the nature and pattern of the anti-social behaviour, e.g. times, frequency, how long it has been going on, any patterns
23.3.5 Details of any evidence the complainant has
23.3.6 Details of the alleged perpetrator who is causing the anti-social behaviour, and whether they are a tenant
23.3.7 Whether it has been reported before to Magna
23.3.8 If it has, how was the complaint dealt with?
23.3.9 Was the problem solved last time?
23.3.10 Have there been other recent complaints (recorded) which could be used as evidence to support the current complaint?
23.3.11 Whether any other agencies are involved, such as the Police or Environmental Health. If they are, we gather full details, such as the name of any officers dealing with the case, incident numbers etc and check what action is being taken
23.3.12 What does the complainant expect us to be able to do about the problem now?

23.4 The housing officer will ask the complainant whether they have discussed the anti-social behaviour with the alleged perpetrator. If they have, we will record the details of this approach and the outcome. If they have not, we will advise that this should be the first approach.
23.5 A detailed victim vulnerability assessment will be carried out in every case. If the risk is deemed high, then a risk assessment conference will be organised by the housing officer with appropriate agencies such as social services, Police, GP and mental health teams invited.

23.6 If the complainant then contacts the alleged perpetrator and manages to resolve the problem, no further action is required. The case will then be closed.

23.7 The complainant may be unwilling to contact the alleged perpetrator themselves, for example if they are afraid of repercussions because the alleged perpetrator is known to be or is feared to be violent, or if they have an injunction preventing them from meeting the alleged perpetrator. If they are unwilling or unable to contact the alleged perpetrator, we will agree to either visit and/or write to the alleged perpetrator of the anti-social behaviour.

24. **Visiting the complainant**

24.1 The next step is to visit the originators of the complaint, if this has not already been done. We will complete and agree an Anti-Social Behaviour Action Plan with the complainant. This will outline the actions that both parties will take to try and resolve the problem.

24.2 Where the circumstances require, we will make sure complainants understand why we require their co-operation to bring the matter to a satisfactory conclusion. In a few cases, this could mean that they will be required to give evidence in Court. It is important from the outset to make residents aware of this possibility, as the case against the alleged perpetrator(s) of the anti-social behaviour will be severely weakened if they are not willing to do so.

24.3 Where complainants are unwilling to give such evidence, it may not be possible to take the matter any further because of insufficient evidence to pursue a case through to eventual Court action. If that is the decision, we will confirm this to the complainant(s) in writing. However, there will often be other actions which can be taken to investigate or remedy the situation.

24.4 It may be that complainants are not willing to give evidence because they have been threatened by or are concerned about retaliation from persons believed or known to be violent. In this case, we will attempt to pursue the case without such witnesses.
25. **Contacting other agencies**

25.1 If there are any other agencies involved with the complainant and his or her family, such as Social Services, Probation, health services or any other agencies, then we will contact the agency to gather further information or seek advice/help.

26. **Contacting the alleged perpetrator(s)**

26.1 Once we have gathered information about the anti-social behaviour from the complainant and other agencies where applicable, we will contact the alleged perpetrator in all cases where the alleged perpetrator is a tenant. In most cases, this will initially be by way of a letter outlining the allegations made. A home visit may be more appropriate, and 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.

26.2 If the complainant does not wish their name to be used, we will take great care when talking to the alleged perpetrator so that the identity of the complainant is not disclosed.

26.3 We will make clear to the alleged perpetrator what they need to do to prevent any further action being taken. For example, this may involve clearing away rubbish from their garden; stopping loud music or other noise at night; controlling the activities of children or other household members or visitors; or keeping pets under control. We will also make clear to the alleged perpetrator what further action may follow if they do not resolve the problem.

26.4 When agreement has been reached about how the behaviour can be improved, where appropriate, we will follow up the home visit with a letter. The situation will then be monitored. This will usually be by way of a further home visit, or contact with the complainant to see if the situation has improved.

26.5 When we are satisfied that the anti-social behaviour has ceased, we will close the case.

26.6 If the initial home visit and letter does not stop the anti-social behaviour, then a further home visit and/or a further warning letter may be appropriate. This will be confirmed in writing.

26.7 If monitoring shows that the problem still exists after these actions, we will consider further remedies. These may be legal remedies or other solutions.

27. **Gathering Evidence**
27.1 There are a number of ways in which we can gather evidence about anti-social behaviour. We will decide on the best means, depending on the nature of the anti-social behaviour.

27.2 The process of gathering evidence may start as soon as the complaint about anti-social behaviour is received, or may start after the initial approaches to the alleged perpetrator have failed to achieve an end to the problem.

28. Issuing Incident Diaries

28.1 In most cases where anti-social behaviour appears to be of a regular nature, we will encourage the complainant to use the online reporting form on Magna’s website, or issue an Incident Diary to the individual residents complaining. We will ensure the residents know how to fill in the diary and emphasise the necessity for them to list the incidents of anti-social behaviour on the sheets or online form in as much detail as possible. Residents should only record events which they have personally seen or heard. It is absolutely essential that they provide the:

28.1.1 Date
28.1.2 Time
28.1.3 Incident details
28.1.4 The names of the people causing the nuisance (if known) together with their own name and address.

28.2 We will advise residents to maintain these records as long as the problem exists. The records have a dual purpose. They help us to gauge the scale of the anti-social behaviour (and, therefore, the relevance of Court action) and can be possible evidence in Court. They, therefore, need to be filled in on a regular basis.

28.3 We will ensure residents understand that it is vital that we are kept informed of incidents as and when they occur.

28.4 Where incident diaries or online logs are not provided as requested, we will contact the complainants to discuss why they are not providing the information. If it is because the anti-social behaviour has ceased, then the case will be closed. If the behaviour has not ceased, but the complainant is unwilling to provide the information, we will advise the complainant that without their evidence, it may not be possible to take any further action.

28.5 If incident diaries or logs are received, but they do not provide evidence of anti-social behaviour and no further action is appropriate, we will write to the complainant acknowledging
receipt of the diary, but say that the evidence of nuisance is not sufficient, or has insufficient corroboration to warrant further action. If this advice is given the complainant should be advised to make further contact if the situation deteriorates.

29. Noise monitoring equipment

29.1 Where the anti-social behaviour involves alleged noise nuisance, we may use our own noise monitoring equipment as a way of gathering independent evidence. We have three sets of equipment available.

30. Professional witnesses

30.1 On occasion, the use of a professional witness may be appropriate. Professional witnesses can provide a record of incidents and sometimes take video or photographic evidence. Professional witnesses may be used in cases where no residents are willing to give evidence.

31. CCTV evidence

31.1 CCTV evidence can be useful. We have our own mobile CCTV equipment, which can be used to gather independent evidence about more serious ongoing anti-social behaviour. Guidance on the appropriateness of using CCTV is available to staff in our Procedure for the Use of Redeployable CCTV

31.2 In some supported housing schemes and blocks of flats, CCTV is installed. Evidence from this may be useful.

32. Photographs

32.1 Photographs may be useful evidence of anti-social behaviour in some cases, e.g. of damage caused to property or rubbish accumulating in gardens or elsewhere. These may be provided by residents or by staff. Photographs should be timed and dated wherever possible. Where this is not possible, the date and time should be noted on the back of the photograph.

33. Video evidence supplied by residents

33.1 Residents complaining about anti-social behaviour may occasionally offer their own video evidence to support their complaint. For this to be useful in the event of a case going to Court, the footage should be timed and dated. If the video equipment does not have this facility, then the evidence may be useful if it is backed up by log sheets which are timed and dated and which refer to the use of the video camera.
33.2 If video footage is not clearly linked in time or date to specific acts of anti-social behaviour, or if the footage does not prove behaviour linked to a tenant, it may be of no use in taking action against the alleged perpetrator. In addition, video footage may not be admissible in Court if it is of an intrusive nature, in accordance with the Regulation of Investigative Powers Act 2000. We will check the validity of any video evidence with our legal team.

34. Information from the Police

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

35. Information from other agencies

35.1 In some cases, it may be possible to gather evidence from other agencies about the anti-social behaviour or its affect on the complaint. For example, Social Services, doctors, or other agencies may supply supporting information or evidence.

36. Actions we can take

36.1 Once all the available information has been gathered, we will decide on the most appropriate way of attempting to resolve the problem. There are a range of legal and non-legal remedies available. We will decide on the best approach, taking into account the nature and severity of the anti-social behaviour and its effect on the complainant. In general, we will explore non-legal remedies first, unless the behaviour is of a serious, persistent or criminal nature.

37. Non-legal remedies for tackling anti-social behaviour

There are a range of non-legal remedies available to tackle anti-social behaviour. The following are some of the more usual remedies. However, this is not an exhaustive list and other approaches may be applicable in some cases.

37.1 Mediation:

37.1.1 In some cases of anti-social behaviour, mediation may be a solution. Mediation 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. The solution is chosen, negotiated and agreed by the people themselves.
37.1.2 Mediation will only be appropriate where two parties are unable to communicate effectively with each other, who cannot find the solution themselves, but who do wish to settle their dispute. It will not be appropriate if one party will not take part or if either party feels unsafe.

37.2 Magna Community Initiatives Fund:
37.2.1 In some cases, e.g. where the anti-social behaviour is not severe but is persistent, it may be an option to consider a bid to the Community Initiative Fund Forum for money from their Community Initiatives Fund. Examples may include bids for extra lighting, improved car parking facilities, planting to deter access to ground floor windows, the installation of locking bollards to prevent unauthorised access, the provision of litter bins etc.

37.3 Security patrols:
37.3.1 In exceptional circumstances, to prevent severe anti-social behaviour, employing a temporary security patrol may be an option. This is expensive however, and will only be considered where there is an anticipated threat of serious anti-social behaviour and it is needed to secure the safety of residents and/or staff. This option will generally only be appropriate for supported housing schemes, and will normally be used alongside legal remedies such as injunctions or possession action.

37.4 Dealing with abandoned cars:
37.4.1 Where the anti-social behaviour includes problems with abandoned cars or other vehicles, we will serve notices and arrange for the removal of such vehicles if we cannot trace the owner or if the owner will not remove the vehicle themselves.

37.5 Local authority dog wardens:
37.5.1 Local authority dog wardens can be a useful source of information and advice where the anti-social behaviour involves problems with dogs, such as strays or fouling. For example, they may be able to supply dog bins or signs or give advice to residents.

37.6 Police advice and help:
37.6.1 We will contact the local Police where the anti-social behaviour is taking place in communal areas. They can provide advice and may on occasion agree to extra patrols in the area as a short-term measure. In
addition, they can provide crime prevention advice to individual residents or the Housing Officer.

37.7 **Community Caretakers:**
37.7.1 They can play an important role in deterring or reducing some forms of anti-social behaviour. For example, they can clear away rubbish or needles dumped in communal areas, in order to improve the environment and remove focal points of anti-social behaviour. They can also carry out regular patrols of communal areas and carry out spot checks.

37.8 **Involving Environmental Health in the investigation:**
37.8.1 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.

37.8.2 If the anti-social behaviour persists and is viewed as a statutory nuisance by the Environmental Health Officer, then any Abatement Notice or subsequent successful prosecution will help any possession action we take.

37.9 **Involving local authority Anti-Social Behaviour Officers:**
37.9.1 We may contact the local authority’s team with responsibility for crime and disorder issues. Many councils have dedicated ASB officers. They can give advice and take part in any action, along with the Police and other agencies.

38. **Legal remedies for tackling anti-social behaviour**

There are a number of legal approaches to tackling anti-social behaviour, other than those involving possession actions by Magna. These are considered below.

38.1 **Injunctions**
38.2.1 We can apply to the County Court for injunctions to stop individuals engaging in anti-social behaviour. These injunctions can also include ‘positive requirements’ to get the perpetrator to address the underlying causes of their ASB.

38.3 **Demoted tenancies**
38.3.1 We can serve a two-week notice on assured tenants setting out details of the alleged anti-social behaviour. Following this, we can apply to the Court for a demotion order. The Court will grant an order if it is proved that the tenant or a person residing in or
visiting their home has engaged or threatened to engage in conduct which causes or is capable of causing nuisance or annoyance, even if no complaint has been received, which directly or indirectly relates to or affects the management of our stock. If a demotion order is granted, the assured tenancy will end and be replaced with a Demoted Assured Shorthold Tenancy. Effectively this means the tenant will become an assured shorthold tenant for a period of 1 year and if there is no improvement in their behaviour, possession can be gained more easily.

38.3.2 Where a demoted tenancy is granted, we will keep the anti-social behaviour problems under review. After one year, the tenancy will automatically convert back to an assured tenancy unless possession proceedings have been commenced. If proceedings have commenced, then the tenancy will remain demoted beyond the 12 months until either the notice is withdrawn; or no proceedings have been issued after 6 months; or a court decides whether or not to give possession.

38.4 Private action for nuisance
38.4.1 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 anti-social behaviour is being caused by perpetrators who are not our tenants. The aggrieved party should seek independent legal advice. We cannot give advice on this.

38.5 Possession action: assured tenants
38.5.1 In serious cases of persistent nuisance, annoyance or anti-social behaviour we can, under the Housing Act 1988 (as amended by the Housing Act 1996), apply to the County Court to regain possession of a property. However, our ability to take successful legal action against a tenant is restricted to cases where it can be proved in Court that there is persistent nuisance.

38.5.2 As a general guideline, we will consider Court action where all reasonable efforts to resolve the problem by other means have failed; where there is statutory nuisance held as such by a Court; 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 the Environmental Health Officer or similar). The relevant
grounds for possession will always be Grounds 12 and 14 (Housing Act 1988 (as amended by the Housing Act 1996, schedule 2).

38.5.3 **Ground 12:** We may seek possession if an express clause in the tenancy agreement is broken. Ground 12 states that “Any obligation of the tenancy (other than one related to the payment of rent) has been broken or not performed”.

38.5.4 **Ground 14:** We may seek possession under ground 14 which states that “The tenant or a person residing in or visiting the dwelling-house has been guilty of conduct causing or likely to cause a nuisance or annoyance to a person residing, visiting or otherwise engaged in a lawful activity in the locality of the dwelling or has been convicted of using the dwelling or allowing it to be used for immoral or illegal purposes or an arrestable offence committed in or in the locality of the dwelling house”.

38.5.5 This means that with Ground 14 it is not necessary to prove a nuisance has actually been caused, just likely to cause a nuisance and annoyance is sufficient. It also means that if a tenant has been convicted e.g. of supplying drugs or assaulting a neighbour, we can seek possession.

38.5.6 **Ground 7a:** This is a mandatory ground introduced by the Anti-Social behaviour Crime and Polcing Act 2014. It enables Magna to apply to the court for possession where a resident has

- 38.5.6.1 been convicted of a criminal offence specified in Schdeule 2A to the Housing Act 1985
- 38.5.6.2 been found by a court to have breached a civil injunction
- 38.5.6.3 been convicted for breaching a criminal behaviour order
- 38.5.6.4 been convicted for breaching a noise abatement notice
- 38.5.6.5 has their property closed for more than 48 hours under a closure order for ASB.

38.5.7 Our Assured Tenancy Agreement sets out detailed clauses on racial and other harassment, violence and nuisance. Other relevant clauses include clauses about pets; about vehicles and parking, and additional conditions applying to flats and maisonettes. These are set out on pages 7 to 10.
38.6 Warning the perpetrators

38.6.1 If we believe that the case constitutes a continuing substantial nuisance to other residents we will warn the perpetrator or perpetrators in writing that unless the behaviour is abated, a Notice Seeking Possession will be served, and that this may lead to action being taken in the County Court to recover possession of their home.

38.6.2 We will keep in regular contact with the residents who complained of the anti-social behaviour for confirmation as to whether the behaviour has abated, in which case no further action is required. The case can then be closed.

38.6.3 However, where the anti-social behaviour is continuing, we will continue to keep track of the problems. Depending on the type of nuisance, contact will be monthly at least.

38.6.4 If other agencies are known to be involved with the perpetrators, such as Social Services or Probation, we will contact them to see if they have had recent contact and whether they can possibly support the family to stop the anti-social behaviour or can throw further light on the family situation.

38.7 Witness statements

38.7.1 Where complainants are prepared to give evidence in Court then we will need witness statements from the individual residents complaining. Our legal team will help with this process and will take the witness statements.

38.8 Serving a Notice Seeking Possession

38.8.1 If the threat of a Notice Seeking Possession (NSP) does not lead to a significant reduction or cessation of the anti-social behaviour, and if no other remedy is appropriate or has not worked, then where serious nuisance is continuing we will serve a NSP.

38.8.2 We will wherever possible serve the NSP by hand, so that we can advise the tenant of the implications, and we will include an explanatory covering letter. As a last resort, it will be put through the letterbox of the tenant concerned.
38.8.3 The statutory time for a NSP to run is 28 days taken from the commencement of the rental period, Monday of each week. However, accelerated possession proceedings for NSPs served under Ground 14 as described above mean that as soon as the notice has been served, we can begin possession proceedings rather than have to wait for the normal 28 day expiry period.

38.9 *Action on expiry of the notice period*

38.9.1 When the 28 day notice expires we will consider whether the nuisance still exists and whether the case should proceed to Court. The NSP has a life of 12 months and, therefore, further action can be delayed for a period if substantial improvements have occurred.

38.9.2 If we decide to delay taking further action, we will keep in contact the affected residents, to let them know what is happening.

38.9.3 If, for any reason no further action is to be taken, we will write to the complainants and explain why.

38.10 *Court action*

38.10.1 If we decide to proceed with Court action, we will draw up the Particulars of Claim and send them to the court. The date of the Court hearing is decided by the Court. We will be advised of the Court date.

38.10.2 The Housing Officer responsible for investigating the case will be required to give evidence in Court.

38.10.3 The case will be heard by a Judge in Court. This may involve witnesses giving evidence and being cross-examined by the defending Counsel. Courts are required to consider whether it is reasonable to grant a possession order for nuisance and give particular consideration to the actual or likely effect which anti-social behaviour has had or could have on others.

38.10.4 If the judgement is for Magna to gain possession of the property, the judgement will stipulate when this should occur. It will either be:

38.10.5.1 28 days from the date of the judgement. In this case, we will monitor the situation and if there is no improvement after 28 days, we
will apply to the County Court for a Warrant for Possession.

OR

38.10.5.2 Forthwith (immediate possession). In this case we will normally make an immediate application for a Warrant for Possession.

38.10.6 When a Warrant for Possession is issued it is the Court who arranges and notifies both the tenant and Magna of the eviction date.

38.10.7 If possession is not granted, we will review the case with our legal team to decide how to proceed. The case may have to be monitored for better evidence if the problems persist.

38.10.8 We will notify the complainants of the outcome of the Court Hearing.

39. Possession action: assured shorthold tenants

39.1 Where there is serious, continuing nuisance involving an assured shorthold tenant, we can take court action for possession in the same way as described above for assured tenants. This will be our usual approach, whenever the desired outcome is to stop the anti-social behaviour.

39.2 Alternatively, we can serve a notice under section 21 of the Housing Act 1988. Under section 21, a court must grant possession if it is satisfied that we have served at least 2 months’ notice on the tenant, expiring no earlier than the end of a period of the tenancy (the end of the month). This has the advantage of being quicker, and possession is guaranteed as long as the correct procedures are followed.

39.3 We will only use the option of serving a Section 21 notice where the desired outcome is to evict the tenant. This will therefore only be used in severe cases of persistent anti-social behaviour, where all other reasonable approaches and attempts to stop the behaviour have been tried without success. We will make a clear record on the tenancy file showing why the notice has been served.

40. Possession action: licence holders

40.1 Where there is serious or continuing anti-social behaviour from a licence holder in supported housing, then a written 28 day notice to quit may be served. However, in exceptional circumstances, where there is seriously disruptive or violent behaviour, we may give less notice.
41. **Possession action: Starter Tenants**

41.1 Starter tenancies encourage new residents to conduct their tenancies properly and allow Manga to ensure that new residents are able to sustain a long-term tenancy without breaching its terms. In cases of extreme or persistent ASB, a notice requiring possession will be served where other reasonable attempts to stop the behaviour have been used without success.

42. **Action by other agencies**

42.1 There are a number of measures that the Police, local authorities and other agencies can take to tackle some forms of anti-social behaviour. These measures may be useful in addition to remedies we can take. They may also be useful in cases where the anti-social behaviour is not caused by our tenants.

42.2 Some of the actions available to partner agencies such as the Police are:

42.2.1 **Dispersal powers:** which allow the police to direct people to leave a public place and not return for a specified time.

42.2.2 **Community Protection Notices:** designed to deal with particular on-going instances of environmental ASB and can be used against individuals or organisations.

42.2.3 **Public Space Protection Orders:** these deal with a particular nuisance or problem in a specific public area.

42.2.4 **Closure of premises:** prevents people from using a residential property for three to six months because they have committed ASB there

42.2.5 **Criminal Behaviour Orders:** made on conviction to prevent ASB.

42.3 It is crucial that a multi-agency approach is adopted; several of the actions available to partner agencies such as the Criminal behaviour Order and Closure Powers can mean a mandatory ground for possession if breached.

43. **Closing a Case**

43.1 A case may be closed for a number of reasons:

43.1.1 The complainant or perpetrator may move home
43.1.2 The complainant and perpetrator may come to their own amicable solution, through mediation or some other means

43.1.3 The complainant may confirm that the anti-social behaviour has ceased

43.1.4 The perpetrator may be evicted

43.1.5 There may be no further meaningful intervention that Magna can provide

43.1.6 Another agency may be better placed to deal with the issues, so the complainant is signposted to the appropriate agency.

43.2 When we decide that a case is closed, we will write to the complainant, and if appropriate to the alleged perpetrator, to confirm this.

44. Complaints

44.1 If anyone has a complaint about the way we have handled an anti-social behaviour case, they should contact the Community Safety Manager in the first instance.

44.2 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, by telephoning 01305 216000 or from our website.

45. Data collection and monitoring

45.1 We ensure that all reported incidents of anti-social behaviour are logged and monitored. We keep clear, accurate, dated records of incidents and actions taken, in accordance with these procedures.

45.2 Each Housing Officer will record summary details of the cases they are dealing with. This includes the number of ongoing cases; the number of new cases; the number of closed cases; the number of Notices Seeking Possession served; the number of Section 21 notices served; the number of ABCs and injunctions; the number of racial harassment cases; and the number of evictions.

45.3 Every month, we put together all this summary performance information about anti-social behaviour and nuisance. This information is reported on every month in the Performance Indicator information.
A satisfaction survey is completed for every closed case unless refused by the complainant. This may be in the form of a letter when we advise the complainant the case is closed, a link to an online survey or by telephone call from a member of the Policy, Governance and Research team (PGR). This is to ensure that we gather feedback from complainants about how we dealt with their case and their experiences of the process. The results of the satisfaction survey are logged by the PGR Team and will also be included in the quarterly performance information for monitoring purposes. This information helps us to review the effectiveness of the service and highlight any areas where improvements can be made.
Appendix 1

Contacting us

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Please contact our Communication Team on telephone number (01305) 216002 to obtain copies of this summary in large print, on audio tape or in another language.