

## ANTI-SOCIAL BEHAVIOUR STRATEGY

### Aims

We believe that our residents should be able to live peacefully and securely in their homes and property and that the living environment should be respected.

Wherever it is practicable and considered appropriate, we will take action to try to stop incidents of anti-social behaviour, lessen the effects and support residents affected by it. Anti-social behaviour may be caused by other residents, visitors or others in the local area. We will work with other agencies, including mediation services.

Similarly, our staff and other professionals are entitled to go about their rightful work in safety and free from abuse and we will endeavour to deal with any anti-social behaviour perpetuated against them.

We will listen to every complaint of anti-social behaviour and formulate a response guided by our Racial Harassment Policy, Neighbour Disputes Policy, Pets Policy and other relevant documents that we may produce. We will advise the complainant(s) of what action we intend to take, we will record and monitor developments and will feed back to complainants. We will also survey complainants as to the quality of our service.

We will account periodically to our Board and will consult with our residents on the effectiveness of the strategy.

What do we mean by anti-social behaviour?

Examples of anti-social behaviour include but are not limited to:

*Vandalism*

*Criminal activity*

*Violence or threatened violence*

*Taking drugs or drinking alcohol in areas of the building that you share*

*Drunken or disorderly behaviour*

*Excessive noise*

*Leaving or dropping rubbish*

*Out of control animals*

*Graffiti*

*Abusing our staff or contractors*

*Discrimination or harassment*

We sometimes receive complaints about activities which may be annoying but cannot be considered anti-social behaviour, such as

*A crying baby*

*Strong cooking smells*

*Children playing*

*Normal domestic noise like doors banging, or washing-machines and vacuum cleaners (in reasonable hours)*

## Service standards

- Prevent: We will seek to prevent anti-social behaviour occurring by exercising care over allocations over properties, emphasising to new tenants their responsibilities and participating in local crime and disorder reduction strategies.
- Responding to reports of anti-social behaviour: when anti-social behaviour occurs we will look at the individual circumstances and decide on the best form of action. We will need to establish whether any of the parties is disabled as this could make a significant difference to how we respond.
- Working with others: We will maintain and develop effective working relationships with the Police, Environmental Health departments and others to share information (within Data Protection legislation and guidelines and local protocols) and devise the means of dealing with particular incidents.
- Legal assistance: We will seek legal advice where appropriate. Solicitors' letters may be sent or agreements drawn up, for example, Acceptable Behaviour Contracts. All forms of legal action will be considered including possession proceedings. If this involves a vulnerable resident we will work with other agencies to seek support for that person.
- Mediation: mediation is a useful means of tenants resolving differences with the aid of trained, sympathetic and discreet counsellors and we will encourage parties to a dispute to take up mediation. We subscribe to C.A.L.M. (Confidential and Local Mediation) and AIMS (dispute resolution via Age Concern) so mediation is cost-free to tenants in most areas. We will consider providing funding for mediation services outside the existing arrangements with C.A.L.M.

The Housing Management department is responsible for responding to issues of anti-social behaviour. On-site staff are also involved in the work on anti-social behaviour as they can be useful sources of information. Sheltered Housing Scheme Managers have a particular interest in allocations decisions and need to be consulted when prospective tenants appear to present behavioural issues.

## Outcomes

- By our own actions and by working in partnership with other agencies we will seek to prevent, reduce and resolve incidents of anti-social behaviour.
- Where anti-social behaviour occurs, we will seek to achieve the speediest, most appropriate and effective resolution and will keep the complainant informed.
- We will record and monitor our actions and will report to the Board periodically. We will consult with our residents generally on the effectiveness of the policy.
- Our Racial Harassment Policy, Neighbour Disputes Policy and Pets Policy form part of this strategy together with other documents that may be approved for inclusion at a later date.

## Appendix 2

### WOMEN'S PIONEER HOUSING LIMITED

#### RACIAL HARASSMENT POLICY

Women's Pioneer abhors all forms of racial harassment, violence and abuse. We define racial harassment as an "act of verbal or physical violence which interferes with the victim's lifestyle, and which the victim believes is racially motivated".

The association's policy takes into account harassment of all races and colour, although research has demonstrated conclusively that most racial harassment is against black and ethnic minority groups.

Women's Pioneer emphasises that it will not tolerate any act of racial harassment, whether it is carried out by the association's tenants, employees or agents, or third parties. We will take any action within our power to prevent or stop acts of racial harassment.

The association sees that harassment may include, but is not limited to:

- ❖ verbal abuse or insults
- ❖ physical assault
- ❖ threat or other intimidating behaviour
- ❖ racist graffiti
- ❖ actual or threatened damage to a person's home or property
- ❖ unacceptable behaviour aimed at someone because of his or her colour or race

The association's policy on racial harassment is set out as follows:

1. Women's Pioneer takes a victim centred approach to any instances which are reported to us. The association wishes to support anyone who is, or has been, suffering harassment. The support will always be sensitive to the victim's views and reactions. If the victim believes an act was racially motivated, the association accepts the statement as made in good faith and investigates the matter as a racial one.
2. All reported incidents of racial harassment will be assumed to be true. The association understands that proof of incidents of racial harassment may be difficult, and will always investigate incidents as soon as possible after they have been reported.
3. One of the Tenancy Conditions expressly forbids harassment by tenants, members of the tenants families or visitors.
4. Women's Pioneer will always attempt to take action against a perpetrator of racial harassment if possible, rather than moving the victim affected.

5. The association acknowledges that in certain circumstances, such as where there is a serious safety risk, it may be necessary to move a tenant. Where this happens, the victim will be moved as quickly as possible as the highest priority transfer.
6. We will encourage the victim to report all incidents of racial harassment to the police, even if staff or the victim feels there is little the police can do. The association will act positively to ensure that the police prosecute on the victim's behalf.
7. Legal action will be taken if the victim so wishes. The association understands the importance of taking positive steps to eliminate racial harassment, even if the outcome of legal action is doubtful. We also recognise the rights of the victim to refuse to use the courts, and any decision will be taken in full consultation with the victim.
8. If there is actual damage as a result of racial incidents, Women's Pioneer will ensure that repairs are carried out. The removal of racist graffiti and repair of damage caused by racial incidents will be treated as an emergency under the association's repairs procedures. If the perpetrator is known, s/he will be charged for the cost of the repair.
9. To ensure full commitment to, and understanding of, the association's policy, training in racism awareness, equal opportunities and appropriate interviewing techniques will be provided for all staff.
10. All Women's Pioneer tenants and residents will be kept fully informed and updated on the association's policy and procedures on racial harassment.
11. All incidents of racial harassment will be properly recorded and monitored by the Housing Manager, who will also report regularly to Committee.

## WOMEN'S PIONEER HOUSING LIMITED

### NEIGHBOUR DISPUTES

Tenants do occasionally have problems with their neighbours for a variety of reasons and may feel that Women's Pioneer has a responsibility to sort the matter out. Your Housing Officer will also be keen to have the dispute resolved and this information sheet is to explain Women's Pioneer Housing's policy on neighbour disputes and options available to both the Association and you as a tenant.

#### Policy

Under the terms of the tenancy agreement, all Women's Pioneer tenants have an obligation not to disturb their neighbours' quiet enjoyment of their home. This obligation is clearly explained to all new tenants when they sign their tenancy agreement.

WPH aims to encourage tenants to try to resolve neighbour disputes between themselves if appropriate and if both parties agree, we will facilitate mediation to secure this end. Tenants are encouraged to have a realistic expectation of the role of the Association in neighbour disputes, which is almost always limited to that of a mediator and /or advisor of possible further action tenants can take on their own behalf. The Association can only take proceedings for possession, or an injunction, where a serious and persistent nuisance is found to exist. It is the primary aim to resolve disputes without recourse to legal action, but where there is evidence that a serious and persistent nuisance exists and attempts to abate this nuisance have failed, WPH will instigate legal proceedings. It will be vital to the success of these proceedings that tenants are willing to be witnesses in Court.

Where neighbour disputes arise, we would expect tenants to raise their complaint with their neighbour or the person causing the nuisance. The exception to this would be where there is a real threat or fear of retaliation or where the nuisance is extreme and requires immediate legal action.

Women's Pioneer categorises nuisance complaints as follows:

- Personal neighbour disputes – we cannot resolve these problems but we may be able to provide you with advice or to refer you to appropriate organisations who can help, for example, with mediation
- Behaviour in breach of the tenancy agreement – where no other agencies are involved, we will take action to try to resolve the problem. This may involve legal action in serious cases. We will formulate an action plan with the person making the complaint, setting out what action is appropriate for WPH and the complainant to take, in the circumstances
- Behaviour in breach of the tenancy agreement where other agencies are involved – we will take action in liaison with other agencies that are involved.

Many neighbour problems can best be solved informally, by both parties talking things over. Often a direct and informal approach to the person with whom you have been experiencing the difficulty, may secure an improvement. It should be remembered that at times some of us make more noise than we should and therefore usually some give and take is needed. So, when you first make a complaint to your Housing Officer/Warden, s/he will advise you to try talking to your neighbour in the first instance.

If you have tried speaking to your neighbour and haven't had any success, your Housing Officer will offer to mediate between the parties concerned, or if it appears that it would be more effective for an outside agency to mediate and this can be secure, s/he will offer this instead.

You should be keeping a detailed diary of the disturbances you are suffering, ensuring that you keep a note of the times, dates and type of disturbance that is occurring. This is necessary, just in case either you, or the Association think that it is appropriate to take legal action in the future.

If either or one of the parties does not agree to meet, or a meeting has taken place but this hasn't brought about an improvement, the Housing Officer and a senior member of housing management will decide whether there is anything further the Association can do. There is a clause in every tenant's tenancy agreement not allowing tenants to cause a nuisance. This is a clause that the Association takes very seriously and will take action on, if it considers it appropriate. If it is decided that the Association is to take legal action, a description of the options is given below.

Unfortunately, tenants may be disappointed, because it is decided that the Association can do no more and it is up to the tenant to take further action if s/he wishes. This decision will not be taken lightly.

The Association's options as far as neighbour disputes are concerned are limited. It can take out an INJUNCTION against the offending tenant/s. However such a course of action is only likely to be followed if a repeated nuisance is affecting a number of neighbours, or there is an urgent need to protect a tenant against harassment, or there is a serious and frequent breach of a particular clause of the tenancy agreement. This can only apply to the tenant and not just anyone living in the property.

The other option is for POSSESSION PROCEEDINGS to be taken. This is a very serious action, it means that the Association is intending to evict the perpetrator from their home. Because of the nature of this option, the Judge has to be convinced that a "serious and persistent" nuisance exists. The Judge has to believe that it is reasonable that possession is given and will take into account all circumstances, which may include; how often the nuisance occurs, whether they are serious, whether they are deliberate and/or racially motivated, whether action has previously been taken to stop similar behaviour etc. A Judge may not consider it reasonable to grant possession if the perpetrator is elderly and/or confused, or mentally ill, if the nuisance has ceased, if the victim has been transferred, or if the victim has retaliated. It cannot be stressed enough that the Judge has to be convinced that the nuisance is serious and persistent. The interference level must be substantial and the law does not appear to take into account

sensitivity of the victim eg. account of the special needs of night workers would not be taken into account.

As you can see, it is not necessarily straightforward for the Association to take legal action. This is why we encourage neighbours to try to sort their problems out between themselves if possible, or offer to mediate.

If the Association decides that the nuisance would not be considered “serious and persistent” in a court of law and therefore it is not appropriate for the Association to take any legal action, there are various actions that you may take yourself and these are listed below.

## Tenants’ Options

### Section 79/80 of the 1990 Environmental Protection Act

This gives Local Authorities powers to deal with noise, which they consider to be a statutory nuisance. You will need to explain your problem to an Environmental Health Officer, who will then judge whether a visit is necessary. They assess the level and frequency of the nuisance and whether the perpetrator can actually do anything to stop it. If they are satisfied that a nuisance exists, they will usually contact the person responsible in an attempt to resolve the matter informally. If this fails, they may serve a notice on the person, which will require the abatement of the nuisance and it may specify how this is to be achieved. If the perpetrator fails to comply with the notice, proceedings can be taken in the Magistrates courts.

Noise is a subjective thing and different people react in different ways. A noise may be irritating, but not necessarily a nuisance in the legal sense. In deciding whether a statutory nuisance exists, they have to assess whether an average, reasonable person would be bothered by the noise, taking into account not only the level, but how often and for how long it occurs. Because the nuisance often happens outside office hours, most Local Authorities will have an out of hours number to phone and will try to send someone to witness the noise. Before a Notice is served, Environmental Health Officers will usually have made several visits and sent at least one warning letter. They must make a judgement of whether a statutory nuisance exists; they cannot just take the word of the complainant. The whole process can take a long time.

### Section 82 of the 1990 Environmental Protection Act

If the Local Authority has decided not to take action, or you do not wish them to be involved, you can as an occupier of any premises affected by a disturbance, complain directly to the Magistrates Court under section 82. Again, the magistrate will need to be persuaded that a statutory nuisance exists. So it is important to keep written records of the dates, times, duration of the noise and a description of its nature and the extent of the nuisance it causes you in the reasonable occupation of your premises. Witnesses should be obtained if possible.

Before complaining to the Magistrate, you should try to resolve the problem informally and if necessary by writing to the person responsible. If you are unable to identify that person, you can write to the owner, or occupier. Make sure you date the letter and

keep a copy. You will need to show the court that you have acted in a reasonable manner and given the person responsible a chance to remedy the situation before resorting to legal measures.

You do not need a solicitor to represent you at the hearing. If you present your own case the Clerk of the Court will give you advice and guidance, or you can contact your local Citizens Advice Bureau, which may be able to assist. If the Court decides in your favour, it will make an order requiring the abatement of the nuisance, specifying whatever measures it considered necessary to achieve this. It may also prohibit, or restrict a recurrence of the nuisance.

If the order is breached, there is a fine for each recurrence. Notification of the contravention is the responsibility of the person who initiated the action. Costs may be awarded against the loser.

### Civil Action

You can seek an injunction restraining the defendant from continuing the nuisance and it is sometimes possible to claim damages. However, to succeed, you must show that the noise causes inconvenience beyond what other occupiers in the neighbourhood can be expected to bear. Civil action can be very expensive and is highly advisable first to seek the advice of a solicitor. It may be possible to obtain this free, or at a reduced cost under the legal advice and assistance scheme.

If you are experiencing difficulties with a neighbour, please try to speak to them first; you may be surprised how reasonable they are. If this does not work, please contact your Housing Officer/Warden, who will do his/her best to help you to resolve the matter.





## **WOMEN'S PIONEER HOUSING LTD**

### **PETS POLICY**

We do not normally object to a tenant keeping a pet if it does which does not require access to a garden, unless the pet is likely to cause nuisance through noise or some other cause or the pet's welfare cannot be assured.

Sitting tenants in properties we acquire who have a pet at the time may keep that pet but will be required to find another home for it if it becomes cause for complaint which in our opinion is a reasonable complaint.

#### **Dogs**

Prior permission is required for a dog, except if the dog is a guide dog or hearing dog. We will give permission to keep a dog only if the tenant has direct access to and exclusive use of a garden.

#### **Cats**

Permission to keep a cat is not required. However, a cat must not be allowed into the common areas of the house unless the owner takes it.

#### **Other animals**

Permission to keep small animals such as fish or lizards in a tank, budgerigars, hamsters is not required. If you wish to keep any other kind of pet please contact us with the details to check whether permission is required.

#### **Conditions attaching to permission**

Permission to keep a pet is granted only on condition that it does not become cause for complaint. If it does become cause for complaint, which in our opinion is a reasonable complaint, we will withdraw permission and require you to find another home for it.

#### **Where no permission has been granted**

Where our permission to keep a particular pet is required but you have acquired the pet without obtaining our permission, we have the right to require you to find another home for it.