

# Bradford Community Housing Trust

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## Policy (Group) Anti-Social Behaviour

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Lead Officer: Tenancy Enforcement & Mediation Manager

## **Anti-Social Behaviour Policy**

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# Anti-Social Behaviour Policy

## 1. Introduction and Statement of Intent

- 1.1 For the purpose of this policy the term 'landlords' refers to all landlords within the Bradford Community Housing Trust Group (BCHT).
- 1.2 Bradford Community Housing Trust, as a member of the Bradford Safer Communities Partnership is committed to taking positive action in conjunction with our partners, to deal with all forms of Anti Social Behaviour (ASB).
- 1.3 This policy sets out the way in which BCHT will aim to deliver this commitment, with our partners, through the adoption of effective procedures and working practices.
- 1.4 As a responsible social landlord, BCHT recognise that all residents have the right to the peaceful enjoyment of their home. Equally, every resident has a responsibility not to interfere with their neighbour's right to the peaceful enjoyment of their home.
- 1.5 BCHT is also committed to ensuring that our staff, partners and contractors are able to carry out their duties in safety and free from harassment and intimidation.
- 1.6 BCHT recognise that if not addressed, Anti Social Behaviour can significantly reduce the quality of life for our tenants and local residents. It may also result in lack of demand for properties and / or reluctance on behalf of customers to accept tenancies. We are committed to combating Anti-Social Behaviour in the interests of community cohesion.
- 1.7 BCHT recognises the rich diversity of the communities in which it operates in terms of differing lifestyles and cultures. We acknowledge these differences and aim to create an environment that supports such diversity, in line with our Equalities & Diversity Policy. As such we will investigate and deal with all allegations of anti-social behaviour in line with this commitment.
- 1.8 BCHT will continue to support this policy with separate associated policies dealing with Racial Harassment, and Domestic Violence.
- 1.9 As part of the commitment to tackle nuisance and anti social behaviour within the District, BCHT will utilise resources within both its Area Trusts, as well as through the dedicated team of Tenancy Enforcement Officers, and Legal Team, aiming to provide a co-ordinated and seamless response to these issues.

## 2.0 Strategic Context

- 2.1 Bradford Community Housing Trust recognises that anti-social behaviour is a district wide problem and this Policy has been prepared in order to take account of and be consistent with obligations imposed by legislation and other relevant locally agreed strategies and policies.

2.2 We will ensure that our policy and procedure complies with and complements the strategic objectives of Bradford Vision by:

- Help to make Bradford a safer place in which to live, learn and work, recognising the multi-cultural nature of the district whilst helping to create cohesive communities.
- Address two of the challenges from the Safer Communities Strategy;
  - Reassuring the public
  - Developing local solutions to local problems

2.3 This policy will embrace and compliment other BCHT commitments and in particular will:

- Deal appropriately with domestic violence in accordance with BCHT domestic violence policy
- Meet the requirements of the Council's Equalities Policy by ensuring that no-one is treated less favourably because of race, religion, gender, sexual orientation, disability, social class or age

### 3.0 Policy

3.1 Anti Social Behaviour is defined as:

*“any act which causes or is likely to cause harassment, alarm or distress to one or more persons not of the same household as the perpetrator”*

(Crime and Disorder Act 1998)

*“Conduct which is capable of causing nuisance or annoyance to any person; and directly or indirectly relates to or affects the housing management function of a relevant landlord; or consists of or involves using or threatening to use housing accommodation owned or managed by a relevant landlord for an unlawful purpose.*

(Housing Act 1996 as amended by the ASB Act 2003)

3.2 BCHT endorse both of the above definitions and will not tolerate any action or omission, deliberate or otherwise, which interferes with another resident's peace, quiet or security. This includes all residents in BCHT-owned properties, or areas / estates where BCHT owns property or land and extends to include owner-occupiers, visitors to the property and tenants of private rented properties. Examples of anti-social behaviour are provided at Appendix 1.

3.3 Bradford Community Housing Trust will not tolerate anti-social behaviour in any form, and will consider & take the most appropriate, effective, consistent and

proportionate action placing primary emphasis on proactive early intervention and conflict resolution, where-ever appropriate.

- 3.4 BCHT endorse a wide range of measures to combat anti-social behaviour, as outlined in s4.4.
- 3.5 We recognise that the causes & effects of ASB are wide-ranging and varied and can affect all residents of the District, not just our tenants. We will therefore always seek to work in partnership with other agencies to ensure that all the measures available are used effectively to tackle anti-social behaviour problems, regardless of who owns the property.
- 3.6 It is our intention to demonstrate clearly what behaviour is considered acceptable and appropriate, and to give a clear message to tenants that they are responsible for their own behaviour, as well the behaviour of everyone who lives in, or visits their home. Criminal and anti-social behaviour will not be tolerated. This policy compliments commitments set out in clauses of the Tenancy Agreement as well as associated policies that relate to harassment, and domestic violence.
- 3.7 The emphasis of our actions will be to bring about changes and improvements in behaviour and to attempt to promote positive behaviours with those people responsible for anti-social behaviour in order to ensure that further action is not required. It is our intention to demonstrate clearly to individuals the determination of BCHT to take effective action on behalf of any person suffering anti-social behaviour.
- 3.8 BCHT aims to support the victims & witnesses of anti-social behaviour and will devise appropriate procedures and working practices to ensure these individuals are provided with advice, safety and protection, in conjunction with other relevant agencies. We will also ensure that those persons are suitably informed and updated of the progress of any actions.
- 3.9 In particular, BCHT will not tolerate discriminatory behaviour against any person on the grounds of race, religion, creed, gender or sexuality. We treat all racist or other hate incidents seriously and will take prompt and effective action wherever possible. To this end we endorse separate but complementary policies and procedures for dealing with such incidents.
- 3.10 All Area Trust offices are reporting centres for the Bradford Hate Crime Alliance. Within our policies and procedures we are committed to:
  - Eliminating unlawful discrimination and harassment
  - Promoting good relations between people of different racial groups
  - Encouraging people to report racially motivated incidents
  - Supporting complainants and their families
  - Taking action against perpetrators
- 3.11 Partnerships with Tenants', Residents, Community and other voluntary and non-statutory Groups are also vital when dealing with ASB and these groups will have an important role to play in this process. This role will include:

- support for measures being taken by BCHT
- providing local information
- support for individuals involved in actions (i.e. witnesses)
- active participation in policy and strategy development with regard to ASB

3.12 We recognise and will actively promote diversity within the BCHT Community and will therefore, ensure that when taking any action we will consider the needs of vulnerable or disadvantaged groups, such as aged persons, or persons with disabilities.

3.13 We will always seek to ensure that every resident within the District has equal access to the services available, regardless of who owns their home.

3.14 We are committed to achieving a high quality service to all our customers and are therefore members of, and work with and support a number of forum, dedicated to developing and sharing best practice and to representing social landlords, their tenants and communities at a local, regional and national level. These include:

- Bradford Safer Communities Partnership
- Social Landlords Crime and Nuisance Group
- Bradford Landlords Anti-Social Behaviour Forum
- Northern Consortium
- The West Yorkshire ASB Study Group
- Together Campaign
- TPAS
- Regional Housing Forum
- Housing Corporation
- CIH
- ODPM

#### **4. Use of Available Measures**

4.1 BCHT has a varied range of measures that can be used to combat anti-social behaviour, and we will use measures that are appropriate and proportionate to solve the problem.

4.2 A detailed set of procedures has been produced in conjunction with this policy that outline the type of actions that can be taken and the likely timescales for such actions.

4.3 The actions, which are incremental in nature, with the emphasis being on bringing about real changes & improvements in behaviour of those who commit ASB. They will include fast track responses in serious cases. However, if there is no change and/or improvement in the behaviour we will have no hesitation in taking any appropriate further action.

4.4 In conjunction with our partners, we will use the wide range of measures that are available to us. These include:

- Approaching the perpetrator and discussing the problem behaviour
- Mediation
- Warning letters
- Formal Warnings/Cautions
- Weekly visits by Housing Officers to ensure compliance with the Tenancy Agreement
- Acceptable Behaviour Contracts
- Parental Control Agreements
- Environmental Health Action for Statutory Nuisance (e.g. Noise Abatement Notices)
- Undertakings
- Injunctions
- Anti Social Behaviour Orders
- Demoted Tenancies
- Possession Proceedings
- Dispersal Orders via the Police
- Closure of Premises Orders via the Police and/or Environmental Health

4.5 Additionally, in support of these measures BCHT will seek to ensure that Trust properties are not let to persons who have been subject to legal action for anti-social behaviour, in accordance with the Housing Needs and Access to Housing (Homehunter) Policy.

## **5. Mediation**

5.1 In conjunction with Bradford Metropolitan District Council, BCHT jointly-fund an independent mediation service, called 'The Mediation Service', who work closely with the Area Trusts & the Tenancy Enforcement Team, supporting a holistic approach to tackling anti-social behaviour within the Bradford district. This approach adopts forward focused methods when dealing with conflict, which leads to preventing conflict rather than just dealing with it once it has occurred. Trained Mediators will provide a means of conflict resolution to the people of Bradford, whether BCHT tenants or not that is not dependant upon the legal system and is intended to improve relationships between individuals and increase understanding.

5.2 The service will aim to solve disputes at an early stage and prevent minor problems becoming serious and difficult to address.

5.3 The Mediation Service also offers a family mediation service to young homeless people and young people threatened with homelessness in order to heal rifts between family members and prevent homelessness.

## **6. Prevention, Intervention and Rehabilitation**

- 6.1 When dealing with ASB the overall aim of BCHT is to challenge the unacceptable behaviour and change behaviour without having to resort to legal action wherever possible.
- 6.2 Our aim is to prevent Anti-social Behaviour whenever possible. BCHT in conjunction with our partners will always be aware of, and will seek to include the provision of alternative or diversionary activities, or by the design and development of the environment within our estates to improve security and discourage ASB.
- 6.3 Where perpetrators of ASB show a willingness to address the underlying causes of their behaviour, if for instance the behaviour is as a result of drug or alcohol problems, or a need for Social Services, or other specialist support, we will attempt to draw in the resources from other agencies to assist them, in this rehabilitative approach.
- 6.4 When approaching alleged perpetrators we will always give consideration to issues of vulnerability (e.g. disabilities, mental health issues, drug/alcohol abuse problems etc.) We may also consider people to be deemed vulnerable because of their age or home & family circumstances.
- 6.5 Where such vulnerability issues exist we will seek the intervention and support of other partner agencies to assist to positively address the problem behaviour. Vulnerability will not automatically prevent potential enforcement action, if deemed appropriate in any individual case assessment.
- 6.6 We will, where appropriate, work with our partners to provide a range of prevention, intervention and rehabilitation initiatives. These may include:
- Utilising 'Designing Out Crime' opportunities, in particular through planned maintenance and improvement programmes.
  - Promoting acceptable behaviour and educating children, young people, adults and communities on ASB, it's impact on others, tolerance levels etc.
  - Using problem solving groups to bring agencies together to tackle specific, local issues
  - Making referrals to other agencies/specialist staff for intervention and support, and in some cases the rehabilitation of perpetrators, including:
    - Mediation Services to assist with neighbour disputes
    - Family Group Meetings
    - Community Conferencing
    - Referrals to About Turn to assist people to manage their tenancies better
    - Drug and Alcohol Services
    - Positive action for Young People who are causing ASB (e.g. Youth Inclusion Projects and other diversionary activities)
    - Social Services
    - Bradford Health Services

- Education
- Voluntary / non statutory groups providing specialist services, for example Barnardo's, Shelter, Alcoholic's Anonymous, Bridge Project, Dial, Gingerbread, Fairweather Project.

## **7. Witness Support**

- 7.1 We recognise the important role our complaints and witnesses play in assisting us to tackle ASB problems.
- 7.2 We rely heavily on the co-operation and help our witnesses can give in bringing about solutions to problems of ASB. We recognise the need to build confidence and trust in our witnesses if we are to succeed, and will provide support to them throughout the whole process of dealing with a problem.
- 7.3 The level of support given will depend upon the needs of the individual and the particular circumstances of the case. As a minimum standard we will provide a named contact, who will maintain a regular contact with witnesses, keeping them as fully informed as possible throughout the process.
- 7.4 We may also provide the use of equipment such as for example, personal alarms, home-links, etc. to provide protection / re-assurance to witness where there is a potential for danger or reprisal; or the provision of temporary accommodation as deemed necessary.

## **8.0 Sharing Information**

- 8.1 BCHT recognise that we cannot deal with anti-social behaviour on our own. The problem of Anti Social Behaviour exists throughout the whole community and no one agency holds all of the answers or potential solutions.
- 8.2 We will therefore work with a number of other agencies to enable us to co-ordinate more effectively, and enable us to respond appropriately to such problems. It also allows us to co-ordinate our action and to formulate a package of measures to tackle complex problems.
- 8.3 We will, where appropriate, share information with our partners, as outlined in Appendix 2, for the purposes of prevention and detection of crime and disorder, under the provisions of s151, Crime & Disorder Act, 1998.
- 8.4 All information will only be shared in line with the Bradford Safer Communities Partnership's agreed Information Sharing Protocol.
- 8.5 We recognise that confidentiality is fundamental to developing a relationship of trust with complainants. We will ensure that all data and information handled and used for the purposes of combating anti-social behaviour, will be done with due regard to the provisions of the Data Protection Act, 1998. This will guarantee therefore that the identity of persons who supply information will remain confidential, unless we have their permission to reveal it to any other 3<sup>rd</sup> party.

8.6 In the case of non-statutory organisations, BCHT will develop specific information sharing protocols that will be used.

## **9. Publicity**

9.1 BCHT recognise that in order to demonstrate our commitment to tackling anti-social behaviour and build confidence in the service, we need to be able to demonstrate its successes. We, together with our partners will continue to enhance our reputation by publicising our successes and working with the media to encourage positive reporting of the way in which we are tackling anti-social behaviour.

9.2 Reporting our successes in tackling problem behaviour in a positive manner will have a threefold effect:

- It will have a positive impact on the quality of life on our estates.
- It will build confidence in the services we provide and will encourage people to come forward and report problems to us in the knowledge that we will work to successfully resolve their problems.
- It will send a clear message to people who behave in an anti-social manner that this kind of behaviour will not be tolerated and that action can and will be taken.

9.3 We will use a range of methods to publicise our success in tackling ASB including:

- Press releases, to the local press, local radio and television.
- Publicity Materials (e.g. posters and leaflets publicising the services, leaflets on ASBO cases etc.)
- Awareness Raising Sessions
- Training local people

9.4 All parties will undertake publicity in accordance with the agreed, 'Bradford District Media Strategy & Protocol (Anti-Social Behaviour)'.

## **10. Training**

10.1 In order to provide an excellent service we will ensure that staff are properly trained to use the procedures to combat anti-social behaviour.

10.2 The training programme will ensure all staff:

- Are aware of the issues surrounding ASB, harassment and hate incidents
- Understand the legislation surrounding ASB, Harassment and Hate Incidents and the powers available to us
- Understand the importance of dealing with such problems promptly
- Are able to record details of reported incidents fully and accurately
- Understand the need to pass the details to the appropriate member of staff promptly

- Are able to provide the complainant with practical information, advice and support
- Are fully aware of the need to treat the complaint sensitively and confidentially.
- Understand and are sensitive to issues of diversity.

10.3 It will also ensure that staff who are responsible for investigating reports of ASB:

- Are able to effectively prioritise complaints and deal with them appropriately
- Understand the need to act promptly and fully investigate a complaint
- Aware of all the options available to them and are able to use these to deliver an effective, proportionate and timely response to problems.
- Are aware of the options available to support victims and witnesses and are able to utilise these effectively.

10.4 We will also strive to raise awareness of the issues surrounding ASB within BCHT by providing training and briefings to Board Members, Tenants and Residents Groups, and other agencies/departments as may be required.

## **11.0 Monitoring**

11.1 Monitoring reports will be provided to all Board members on a quarterly basis. These reports will consist of performance information as required by the Housing Corporation and any other reports the Boards feel may improve service delivery.

11.2 The progress of individual cases will be monitored as an ongoing operational process by means of regular file reviews and case review meetings, where appropriate between line managers and the individual officers responsible for case management.

## **12. Review Mechanisms**

12.1 There will be an automatic review of this policy whenever there is a change of statutory or regulatory provisions, or when other information becomes available that will impact on the policy such as the outcome of a fundamental service review. In any event there will be a substantive review of this policy every 3 years.

12.2 In addition, the Policy and the accompanying procedures will be subject to ongoing scrutiny and operational review, in consultation with all relevant stakeholders. To do this we will establish an Anti Social Behaviour Forum that will include:

- Residents
- Staff
- Partner Agencies
- Elected Members
- Board Members

**13. Associated Policies, Documents and Legislation.**

1. Racial Harassment/Hate Crime Policy
2. Domestic Violence Policy
3. Violence Against Staff Policy
4. Housing Needs and Access to Housing Policy
5. Vulnerable Adults Policy
6. Tenancy Agreement
7. Tenant's Handbook
8. Housing Act 1988
9. Housing Act 1996
10. Crime and Disorder Act 1998
11. Human Rights Act 1998
12. Homelessness Act 2002
13. Police Reform Act 2002
14. Anti-Social Behaviour Act 2003
15. Housing Act 2004
16. Data Protection Act, 1998

## Appendix 1

Examples of Anti Social Behaviour include, **but are not limited to:**

1. **Certain kinds of Criminal Behaviour**, these include:
  - Sale or misuse of drugs
  - Handling stolen goods
  - Criminal damage
  - Taking Vehicles without the owners consent
  - Dangerous driving
  - Burglary
  - Arson
2. **Violence or threats of violence against the person**
  - An assault upon another person or placing that person in fear that they are going to be assaulted
3. **Actual or threat of Damage to Property / Possessions**
  - Graffiti
  - Vandalism
4. **Domestic Violence**
  - A separate policy is available for dealing with incidents of Domestic Violence
5. **Drunken or Loutish Behaviour**
  - Drunkenness causing harassment, alarm or distress.
6. **Nuisance from Animals**, this includes
  - Fouling
  - Noise from animals (including dogs barking)
  - Excessive odours from animals
  - Keeping dangerous or unsuitable animals
  - Using animals to intimidate or harass people
  - Lack of control and supervision of animals
  - Keeping an excessive number of animals
  - Keeping animals that are in breach of those allowed by the Tenancy Agreement
7. **Persistent & Consistent Noise**, these include:
  - loud music or noise from the TV or musical instruments
  - shouting, screaming and swearing
  - arguing
  - doors slamming
  - banging on walls or ceilings
  - parties
  - cars & other motorised vehicles revving
  - Playing ball games in confined areas

**8. Dumping Rubbish and Misuse of Communal Areas**

- Leaving refuse or unwanted household items in communal entrances, staircases, landings or on grassed areas.
- Fly tipping on BCHT land

**9. Misuse of Fireworks**

- The ASB Act 2003 provides legislative powers for dealing with people who use fireworks in a dangerous manner.

**10. Breaches of Tenancy Conditions, these include:**

- Nuisance from business use
- Nuisance from vehicles (including car repairs)
- Untidy and unkempt gardens
- Failure to maintain the property
- Damage to the property

**11. Harassment, this includes**

- intimidation
- abusive or insulting words or behaviour
- physical abuse
- acts or words which interfere with the peace of another person
- making indecent or offensive gestures.

**12. Racial Harassment and/or other hate related behaviour**

- Any type of behaviour or action, including those listed above that is carried out against another person on the grounds of:
  - Race
  - Religion
  - Gender
  - Sexual Orientation
  - Disability
  - Social Class
  - Age

## **Appendix 2**

### **Within Bradford Council**

- Community Safety
- Bradford safer Communities Partnership
- Youth Offending Team
- Bradford Council's Anti Social Behaviour Team
- Drug and Alcohol Action Team
- Junior Youth Inclusion Programme
- Environmental Health
- Education Services
- Social Services

### **Other Agencies**

- Police
- Fire Service
- City Centre Wardens
- West Yorkshire Probation Service
- Victim Support
- CVS
- Bradford Health Services
- Bradford Tenants Federation
- Individual Area Federations
- All other Social Landlords
- Bradford Hate Crime alliance
- RSPCA