

## **Appendix III**

### **TENANTS ANTI-SOCIAL BEHAVIOUR POLICY**

#### **1. GENERAL STATEMENT**

Rochford District Council recognises the serious effects that anti-social behaviour can have on its customers and is committed in ensuring that our customers have quiet enjoyment of their homes. It accepts that in order to provide a quality housing service, it must be effective in tackling the problems created by anti-social tenants.

To this end:

- Every report of anti-social behaviour involving tenants will be quickly and formally acknowledged;
- Every report of anti-social behaviour involving tenants will be investigated by the local housing team;
- Investigations will seek to identify and interview all interested parties;
- Investigations will start at the earliest possible time after receipt of the complaint;
- Investigators will, in the first place, assume that the complaint is justifiable;
- Responses will, as necessary and as appropriate, move from advice and conciliation to legal action by Rochford District Council if appropriate.

Rochford District Council will demonstrate by its actions that it will not tolerate anti-social behaviour from tenants of its social housing properties, which is included as a clause in its tenancy agreement.

#### **2. PRINCIPLES**

The principles which Rochford District Council's response should make it clear are:

- Anyone has the right to their chosen lifestyle providing this doesn't spoil the quality of life of others;
- This implies some degree of tolerance of and respect for the requirements and needs of others;
- Rochford District Council has a role as landlord in ensuring that such rights and obligations are realised in individual cases;
- Rochford District Council has a larger role within the arena of the public interest to promote and protect the interests of those living within its boundaries.

#### **3. DEFINITION**

The term anti-social behaviour covers any kind of nuisance, unreasonable disturbance or harassment e.g.:

- Verbal abuse, threats, violence or other unpleasant acts
- Creating unreasonable noise that intrudes on other people's lives
- Harassment because of gender, ethnic background, religion, sexual orientation or any other targeted intimidation

- Unreasonable interference with a persons' rights to peaceful enjoyment of their homes or neighbourhoods.

In cases of racial harassment the Racial Harassment Policy must also be followed.

#### **4. EARLY STAGES**

Complainant will be treated in a supportive way and initially it will be assumed that the complaint is justified. At the appropriate time, any alleged perpetrator must be given an opportunity to give their version of the events in question. The rights of any alleged perpetrator, under the Human Rights Act 1998 and natural justice, need to be recognised.

Housing staff will liaise with the Community Safety Officer in serious cases of anti-social behaviour in order that they can establish police involvement and be aware of the situation in case it reaches the stage of requiring an ASBO.

In cases of conflict between neighbours, wherever possible conciliation will be recommended through mediation services. Any solution will be considered to avoid increased conflict in such circumstances, including using the Environmental Protection Unit or other Support Services. However quick, responsive action will be taken where necessary in cases of violence or threats of violence in order to protect complainants and their witnesses.

The possibility of legal action will be discussed with all parties (including the perpetrator) at the appropriate time during the investigation. This time is, however, unlikely to be in the early stages of case development unless the complainant needs urgent legal protection as a result of violence or the threat of violence.

An action plan will be established with the complainant, who will be contacted regularly during the course of proceedings. Complainants details will be kept confidential if requested.

In addition an action plan should be established with the perpetrator to work towards preventing a repeat of the behaviour and to re-habilitate the perpetrator. However the Council recognises that malicious or unfounded complaints of anti-social behaviour can have a devastating effect on those falsely accused. It would not serve the interests of the Council for any policy or procedure to be abused and for victims of malicious or unfounded allegations to have no redress. Complaints of anti-social behaviour that are found to be intentionally frivolous or vexatious, will themselves be treated as anti-social behaviour and may place any tenant so found in breach of their Tenancy Agreement.

Rochford District Council will, if necessary, use legal action based on the tenancy conditions or leasehold covenants to resolve complaints against individuals who are perpetrators of nuisance and are our tenants or leaseholders whether the complainants are council tenants, private tenants or owner-occupiers. Complaints by tenants who are victims of nuisance caused by perpetrators who are not its tenants will also be dealt with by referral and liaison such as with the Environmental Pollution Unit, or mediation services.

#### **5. THE INITIAL RESPONSE**

Complaints may be received verbally or in writing from the principal complainant or from someone acting on their behalf.

All complaints will be treated sensitively and investigated promptly without using resources unnecessarily on frivolous complaints.

Complainants will generally be interviewed within 5 days except in obviously serious circumstances when this will be within 24 hours.

The person investigating the complaint should bear in mind the principles set out above. These should also be made clear to the complainant and the alleged perpetrator. Sensitivity will be exercised with regard to personal information e.g. sex, race, religion, disability.

In *all* cases discretion will be exercised to ensure that an interviewer does not give away to alleged perpetrators information which might put complainants and witnesses further at risk.

## **5. LEGAL ACTION**

Should the investigation establish that there is serious or chronic, anti-social behaviour, the perpetrator will be interviewed and told to change this behaviour. If the perpetrator/s are the children of, or visitors to, the tenant, then the tenant will be advised that they are responsible for their behaviour under the terms of the Tenancy Agreement and told that this behaviour must stop.

Should this interview fail to stop the nuisance, formal warnings will be given to the perpetrator and, if these (in turn) fail then, following Legal advice that there is sufficient evidence to commence proceedings, then legal action may be commenced. This may begin with an application for an ex-parte or interlocutory injunction. It may also be appropriate to commence possession proceedings at the same time by issuing a Notice Seeking Possession. A formal undertaking in court by the perpetrator will be as acceptable as an injunction. Should either be broken, committal proceedings will generally be brought urgently.

## **6. SUPPORT FOR COMPLAINANTS AND THEIR WITNESSES**

Rochford District Council will not normally re-house complainants, but will seek to resolve the situation by tackling the perpetrator about their anti-social behaviour and securing the ending of this behaviour. In very rare and serious cases it may be necessary to re-house complainants or witnesses on a temporary or permanent basis e.g. in cases involving extremely violent, or organised criminal activity.

Complainants and witnesses will be actively supported in order to ensure the success of legal action. Support must include the provision of good, regular and up to date information on the progress of cases. At the same time, efforts must be made to be realistic and to strike a balance between establishing reasonable optimism and avoiding unreasonable aspirations.

## **7. POST-EVICTION AND OTHER REHOUSING APPLICATIONS**

Rochford District Council will when considering re-housing any person abide by the Homelessness Act 2002 and exclude from its Housing Register any person or member of his family demonstrated to be guilty of anti-social behaviour such that this behaviour makes them unsuitable to be a tenant of Rochford District Council and at the time of application they are still considered to be unsuitable.

To this end, Rochford District Council will keep copies of the information stored at the County Court about such persons. Copies of such information will be provided to other departments or Local Authorities in order that that may assess a homeless/housing application, provided the applicant has given written authority for such disclosure.