

CORNWALL
HOUSING

Anti-Social Behaviour Policy

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PART OF THE
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A CORNWALL
COUNCIL COMPANY

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Strategy control sheet

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5.1	25-10-2021	22-11-2021	October 2023	C.Grose; R.Hale; P.Mayland; S.Nott	P. Jarman	A.Fitzpatrick

Notes

This policy was originally developed and agreed with tenants from all areas through the Cornwall Consultation Panel.

Legal influences on this strategy

Housing Act 1985, 1988, 1996, 2004
 Crime and Disorder Act 1998
 Anti-Social Behaviour Act 2003
 Family Law Act 1996
 Domestic Violence, Crime and Victims Act 2004
 Domestic Abuse Act 2021
 Equality Act 2010
 Disability Discrimination Act, 1995
 Human Rights Act 1998
 Race Relations Act 1976, 2000
 Children’s Act, 1989
 GDPR and Data Protection Act, 1998, 2018
 Local Government Act, 1972, 2000
 Regulation of Investigatory Powers Act, 2000
 Anti-Social Behaviour, Crime and Policing Act 2014

Cornwall Housing Limited reserves the right to use any subsequent amendments to these acts and any other legislation introduced that relates to Anti-Social Behaviour, Abuse or Hate Crime.

Other documents linked to this strategy

Enforcing Conditions of Tenancy Policy
 Drugs Misuse Policy
 Harassment and Hate Crime Policy
 Domestic Abuse and Sexual Violence Procedure
 Anti-Social Behaviour Policies and Procedures customer leaflet
 Tenancy Agreements
 Conditions of Tenancies
 Equality and Diversity Framework
 Tenants’ Handbook
 Safeguarding Children, Adults and Vulnerable Adults Policy
 Tenant Participation Strategy Tenant Participation Policy
 Homechoice (Allocations) Policy
 Gypsy and Traveller Pitch Agreement
 Tenancy Fraud Policy

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1.0 Introduction

At Cornwall Housing Ltd (CHL), we take neighbour nuisance and harassment seriously and will demonstrate by our actions that we will not tolerate anti-social behaviour (ASB), serious harassment and nuisance that disrupts the lives of individuals within our community.

In the review of this policy, CHL has had regard to all current housing and other relevant legislation.

2.0 Purpose and aim

This policy is intended to provide a framework in which CHL staff can provide support to tenants experiencing ASB and nuisance. It underlines the unacceptability of ASB and nuisance and explains the level of service tenants can expect to receive if experiencing this behaviour, dependent on the severity of the ASB and nuisance being experienced.

The policy also lays out what possible action it will take against the perpetrators of ASB and nuisance at an appropriate level. Effectively dealing with ASB in a quick and efficient way will have positive impacts for both the tenant experiencing the nuisance and also reduce any ongoing community impact.

3.0 Scope

This policy covers all tenancies for properties managed or owned by CHL.

4.0 Policy statement

CHL will not tolerate acts of ASB and nuisance being perpetrated on any estate it manages or owns. It recognises that such behaviour can have a devastating effect on individuals and communities, and it acknowledges that dealing with ASB is a high priority for all tenants.

CHL will work tirelessly with its tenants and other agencies to ensure that the estates it manages or owns are safe, pleasant places to live. It will use all legal tools available to deal with ASB, however, it will ensure that any action it takes against perpetrators is both reasonable and proportionate.

5.0 Policy details

Definition of anti-social behaviour, harassment or nuisance

Anti-social behaviour

Behaviour that causes or is likely to cause harassment, alarm or distress to one or more persons not of the same household as the perpetrator.

Harassment

Harassment involves threats of actual violence or intimidation. It can be racist behaviour or language, using or threatening to use violence, using abusive or insulting words or behaviour, damaging or threatening to damage another person's home or possessions, writing threatening/abusive or insulting graffiti, doing anything that interferes with the peace, comfort or convenience of other people.

Nuisance

Nuisance must involve disruption to the lives of the neighbouring community.

6.0 Receiving complaints

CHL will aim to record all ASB complaints and enquiries. Complaints will be accepted from a variety of sources including:

- Neighbours, neighbour's family or friends
- Councillor of the Council, Town or Parish Councils
- Board Members
- Tenants Representatives or Associations
- Other staff of the Authority
- Members of Parliament
- Citizens Advice Bureau
- Various agencies working in the community
- Solicitors

(This list is not exhaustive).

CHL will receive complaints/enquiries at any Council office, or One Stop Shop, which will be directed to CHL. Complaints will be accepted by the following methods:

- correspondence
- in person
- by telephone or text
- email or any other source

7.0 Anonymous complaints

Anonymous complaints will be received and recorded but the evidential value of them is minimal. Also, it is not possible to advise the complainant of progress in investigating the matter.

The complaint will be acted upon only where it can be easily substantiated, for example garden rubbish.

Complaints of a more serious nature, for example drug taking/benefit fraud will be logged. This information may be passed on to another appropriate agency.

8.0 Malicious and vexatious complaints

CHL may take action against complainants if after investigation the complaint is shown to be malicious and without foundation.

9.0 Responding to complaints and enquiries

We aim to scrutinise complaints/enquiries on the day of receipt or the next working day. The complaints/enquiries are then separated into two categories, (A) or (B) for response:

(i) Severe harassment **(A)**

Where the complaint implies severe harassment, or where physical violence or intimidation is threatened or has happened, or where the harassment is discriminatory in nature.

Cornwall Housing will aim to respond within 24 hours or the next working day and follow the relevant policy and procedure.

(ii) Nuisance **(B)**

Other complaints/enquiries will be dealt with in accordance with our Service Standards Policy. We will aim to acknowledge the complaint within 3 working days and make first contact with the complainant within 5 working days.

(We will aim to respond and investigate Breaches of Conditions of Tenancy within 10 working days. However, the ASB will not necessarily be resolved within this time scale).

All enquiries that are categorised as (B) will initially be dealt with by the Housing Officer and carried out in line with this policy.

If the problems persist, a joint working approach between the Housing Officer and Neighbourhood Enforcement Officer will be adopted prior to the hand over to the Enforcement Team.

Any complaint that is categorised as a (A) will be immediately passed to the Neighbourhood Enforcement Team so that it can be investigated further.

10.0 Recording complaints and enquiries

CHL aim to record and log all complaints which will remain confidential.

11.0 Agreeing the action with the complainant

CHL will aim to work with the complainant to discuss and agree an action plan for investigating the complaint in line with the Respect Charter Toolkit.

During the discussion the responsibilities and actions of CHL and the complainant should be agreed, and realistic expectations should be set.

The principles, which CHL response will make clear, are:

- Anyone has the right to their chosen lifestyle providing this does not spoil the quality of life of others
- The council recognises the need for tolerance and respect for the requirements and needs of others.
- Where substantiated ASB has occurred, CHL will take all action necessary to prevent further incidents.

At every stages of the action, CHL will aim to keep the complainant/victim informed although GDPR will also have to be taken into consideration.

12.0 Contacting the alleged perpetrator

Following the agreement of an Action Plan appropriate contact will be made and will be sensitive and non-judgmental. Correspondence should indicate the nature of the complaint and give opportunity to respond.

- GDPR may prevent the CHL from disclosing information.
- For interviews without prior appointment the tenant should be made aware that alleged breaches of the Conditions of Tenancy are to be discussed.
- Interviews will never be carried out on the doorstep.
- If the tenant declines to be interviewed, a follow up appointment will be offered and confirmed in writing.

13.0 Failure to attend an agreed interview

Failure to attend an agreed interview and where the complaint can be easily substantiated, for example illegal parking, boundary wall removed, illegal buildings erected, numerous pets, unkempt gardens etc., the tenant will be sent a warning letter. This will set out how they are breaching their Conditions of Tenancy and give a timescale to comply with them.

Where a complaint cannot be easily substantiated a second interview letter should be sent out immediately. Should the perpetrator fail to attend this interview, Officers may attempt a home visit or other means of contact. Between the date of the first unattended interview and the second offered interview date an attempt to substantiate the initial complaint will be made by contacting all witnesses and other

neighbours who may be affected.

All methods will be used to contact the alleged perpetrator, however if contact is refused, officers will continue to investigate and where complaints are substantiated appropriate action will be taken.

14.0 Breach of Tenancy Conditions

Following a substantiated complaint tenants will be given a timescale to conform to their Conditions of Tenancy.

CHL and its authorised agents will issue warnings to tenants to cease actions causing a nuisance. A second occurrence may result in more serious legal action.

The following examples where a warning to cease will be issued includes, but is not exhaustive:

- illegal and immoral actions
- harassment
- loud music/disturbance/unwarranted noise
- rowdy behaviour
- graffiti
- damage to the property
- pets or animals causing a nuisance
- major or persistent car repairs
- businesses that cause a nuisance to neighbours

A follow up visit by CHL will then be carried out if the nuisance persists.

15.0 Initial response and investigation

If there is a possibility that conciliation/mediation could be effective, this will be considered. CHL will aim to do anything in order to avoid increased conflict in such circumstances; this includes working closely with multi-agencies and offering support. However, we will take responsive action, where necessary, i.e. in serious cases of harassment or victimisation.

The possibility of legal action will be made clear to all parties at the beginning of the investigation.

16.0 Vulnerable tenants

CHL will take the necessary measures to protect tenants who are vulnerable due to age, physical or mental illness, or have a learning disability, whether they are the complainant or perpetrator.

The special needs of vulnerable tenants who may behave anti-socially will be dealt with sensitively and where appropriate in partnership with other relevant support organisations. If it becomes necessary to take legal action against vulnerable tenants, CHL will aim to ensure that the support organisation are consulted throughout the process and informed of the outcome.

17.0 Further action

CHL recognises that ASB covers a wide range of issues and will need to be tackled in an appropriate manner using both legal and supportive methods. Examples include:

- Mediation
- Acceptable Behaviour Contract (ABC)
- Injunctions
- Extension of Introductory tenancy
- Notice of Seeking a Demoted Tenancy
- Notice of Intention to Seek Possession
- Anti-Social Behaviour Orders
- Possessions Proceedings (Eviction)
- Any other appropriate actions

This policy allows CHL and its agents the authority to act on behalf of Cornwall Council and to use any of the above to remedy nuisance and ASB where appropriate.

CHL will also actively, and in partnership, attempt to work with the perpetrators in order for them to amend their behaviour.

18.0 Victim and witness support

CHL will endeavour to support the victim or witness throughout any harassment or nuisance case. We will use the power of the courts and seek support from the police and other agencies where necessary. This will be with a view that they can remain in their own home. However, where there is a genuine risk to the safety of the complainant or victim, by remaining in their home, CHL will consider either a temporary or a permanent move.

The focus will always be directed at ending the ASB, but other measures that CHL may be able to access include:

- Additional security.
- The use of security patrols.
- The use of professional agencies to witness events subject to Regulatory Investigatory Powers Act (RIPA) approval.
- The provision of mobile phones to victims.
- The installation of Lifeline telephones/alarms.
- The use of surveillance and/or sound monitoring equipment to record evidence subject to RIPA approval where the recording is covert. For the avoidance of any doubt, RIPA approval is not necessary where the recording is overt. Therefore, the perpetrator should always be advised that recording equipment is being installed prior to its use.
- The Noise App

19.0 Witness assistance

Successful legal action against perpetrators is always difficult and CHL recognises the support and assistance tenants, or witnesses may need to attend Court.

CHL will help witnesses attend Court by offering:

- reimbursement of costs for childcare facilities
- loss of earnings for witnesses (other than the complainants)
- free transport to court

In addition, CHL will help prepare all witnesses by giving advice on what will happen in Court and answering concerns and questions.

20.0 The role of tenants and residents' associations

CHL Tenant's forums, Tenants' and Residents' Associations, and tenant representatives play a vital role in establishing a safe and inclusive environment. They can offer support and a point of contact for victims, and they are ideally placed to promote and publicise the unacceptability of any form of ASB within their community.

21.0 Diversity and equality

CHL understands and respects the diversity of all its tenants and is committed to providing information and services equally and without discrimination to meet the needs of all sections of the community.

Alternative formats

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If you would like this information on audio CD, audio tape, Braille, large print, any other format or interpreted in a language other than English, please contact:-

Mar mynnowgh hwi kavos an kedhlow ma war son-sidi, sonsnod, yn Braille, prynt bras, furvas aral po styrys yn taves dres Sowsnek, kesteveugh mar pleg:-

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