



Tackling Anti-Social Behaviour 2020

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1.0 Introduction

1.1 Harrogate Housing Association (HHA) is committed to providing and promoting a safe and secure environment for our customers to live in. We will work with all relevant agencies to help provide communities where our customers and their families can thrive; we will work with agencies to deal with perpetrators of unacceptable behaviour, who threaten the safety, security and peaceful enjoyment of our customers or communities where our properties are located.

2.0 Aims and Objectives

2.1 HHA aims to do all it can and within its power to prevent anti-social behaviour and any form of harassment, nuisance or crime affecting our customers and communities.

2.2 HHA will work in partnership with key stakeholders to support those who are witnesses of Anti- Social Behaviour (ASB) or any form of harassment.

2.3 The policy outlines HHA's approach in defining, dealing with and supporting those who suffer from Neighbour Nuisance.

2.4 The policy will be compliant with and where appropriate, utilise all legal remedies available to HHA to tackle ASB, any form of harassment or neighbour nuisance.

2.5 The aim of this policy is to prevent incidents and reoccurrence of ASB by our customers, their household or visitors and in the communities we operate in. This we aim to do by tackling ASB as efficiently and effectively as possible using a variety of approaches.

2.6 The objective of this policy is to act in the best interest of the complainant and HHA will aim to deliver this in the actions it takes. The realistic opportunity of a successful resolution to incidents will be considered in what actions HHA take.

3.0 The Regulatory and Legal Framework

3.1 Neighbourhood and Community Standard

3.1.1 Under the Neighbourhood and Community Standard registered providers are required to publish a policy on how they work with the relevant partners to prevent and tackle anti-social behaviour (ASB) in areas where they own properties. Registered Providers should in addition, work to prevent and address ASB and demonstrate:-

- Customers are made aware of their responsibilities and rights in relation to ASB.
- Strong leadership, commitment and accountability on preventing and tackling ASB that reflects a shared understanding of responsibilities with other local agencies.
- A strong focus on preventative measures tailored towards the needs of customers and their families.
- Prompt, appropriate and decisive action is taken to deal with ASB before it escalates, which focuses on resolving the problem having regard to the full range of tools and legal powers available.
- All tenants and residents can easily report ASB, are kept informed about the status of their case where responsibility rests with the organisation and are appropriately signposted where it does not.
- Provision of support to victims and witnesses.

3.2 Legal Framework

3.2.1 HHA has a duty of care to witnesses/victims of ASB and is required to meet legislative guidance as follows:-

- Anti –social behaviour, Crime and Policing Act 2014
- Equality Act 2010
- Crime and Disorder Act 1998 as amended 2002
- Housing Act 1996 and 2004
- Human Rights Act 1998

HHA will utilise its powers under these acts if necessary to enforce action against the perpetrators of ASB.

4.0 What is Anti-Social Behaviour?

4.1 Anti-Social Behaviour is defined in law as “**conduct that has caused, or is likely to cause, harassment, alarm or distress to any person**”. There are also legal definitions of anti-social behaviour which are subject to a number of legal tests in order to take action; an example of this is “*conduct capable of causing housing-related nuisance or annoyance to any person*”. HHA takes all reports of ASB seriously. However, we encourage, where appropriate, customers to discuss the incident with the person they consider to have caused the problem or speak with the customer, visitors or family members who may be causing the issue. This is so that the matter may be resolved informally before it escalates. This may not always be possible and HHA will work with the customer to achieve this.

4.2 The policy defines Anti-Social Behaviour as behaviours by an individual or group that:

- Results or is likely to result in another party feeling personally threatened/in fear of being threatened, or
- Creates a public nuisance, or
- Has a detrimental impact on the environment, or
- Has a detrimental effect upon the quality of life of an individual or the community as a whole

This can include but is not exclusive to:-

- Noise Nuisance
- Verbal Abuse
- Threatening/abusive/intimidating behaviour
- Violence
- Harassment
- Hate related incidents
- Offensive graffiti
- Drug dealing/taking
- Alcohol related incidents
- Domestic abuse
- Animal nuisance
- Prostitution and related activities

4.3. All tenancy agreements with HHA prohibit anti-social behaviour by either the customer, members of their family or, visitors to their home. HHA will not tolerate any behaviour that is designed to threaten, intimidate or abuse others, including our staff and contractors.

4.4 HHA will work with perpetrators to change their behaviour, signpost them to other agencies and/or stakeholders to assist them to receive support. HHA will work with

vulnerable residents/customers, both witnesses/victims and perpetrators, and other agencies to deal holistically and appropriately in its response to ASB. Where necessary we will take the appropriate enforcement action.

4.5 We will work to support witnesses, witnesses and their households throughout the case. In taking action HHA will require the support and evidence of witnesses to incidents, which may require their attendance in a court hearing.

5.0 What can we do to help?

5.1. Early Intervention- HHA are committed to, where possible, preventing incidents of ASB escalating in the first instance and where appropriate use preventative methods, such as Tenancy Warning letters, Acceptable Behaviour Contracts, Notice of Intention to Seek Possession (NISP) to achieve this. If this is not possible and where appropriate HHA will consider taking legal action to resolve the situation.

5.1.1 Tenancies – All tenancies have clauses which allow us to deal with unacceptable behaviour, all new customers are provided with a Starter Tenancy which is a preventative tool that helps in managing the behaviour of customers. Through HHA's Allocations policy we are clear that those applicants who have a history of ASB/ Neighbour Nuisance or those internal customers seeking a transfer or mutual exchange who have caused ASB or nuisance issues will not be allowed into our properties or be allowed to move. At sign up all customers are asked to sign up to a Good Neighbourhood Agreement, which is a further commitment alongside their tenancy to act with consideration towards their neighbours.

5.1.2 Initial Response – HHA will use a range of tools when an initial report of an incident is provided. It will use its discretion on taking initial action and aims to respond in a proportionate way that tries not to escalate the situation. This includes:-

- Housing Officer will discuss the concerns with the “victim/witnesses”.
- Housing Officer (HO) will visit the alleged perpetrator/s within 2 working days of the report and where appropriate carry out a warning interview. A list of required behaviours and responses are agreed and set out in a “required behaviour agreement” with them. This will be reviewed and monitored by the HO and they will update the victim/witness on actions taken throughout the case.
- Following the issue of the warning, the case will be regularly reviewed by the HO and the Operations Manager, sometimes it may be necessary to issue a “formal warning” to the perpetrator/s.
- HO could consider issuing the perpetrators with an Acceptable Behaviour Contract (ABC) or where children are involved a Parenting Contract whichever is most appropriate. This may be a joint action with the Police/ Social Services.
- HHA will adopt a multi-agency approach when dealing with cases and will work with partner agencies such as Police, Probation, Social Services and Harrogate Borough Council.
- Where the HO identifies support requirements for the perpetrator and which they feel will assist them in addressing their behaviour, they will refer them to a relevant agency. The HO will use its discretion on whether Mediation/ Restorative Justice could be utilised to resolve incidents.
- HO will maintain contact and support those affected by the perpetrators behaviour. HHA will be honest with victims/witnesses about the potential need for them completing evidence sheets and/or court attendance to support HHA

in taking legal action. If victims/witnesses are not willing to do this then HHA will be clear about the effect this can have on success of any legal action. Each case will be assessed and support offered and provided where necessary.

- HO may identify certain vulnerabilities in both the perpetrator and those suffering and will use their discretion and adapt their approach to deal with the incident/s.
- A formal sign off/ feedback is completed by victim/witnesses when the incident/s is resolved.

5.2 Enforcement/ Legal Action – HHA recognises that there will inevitably be situations where conciliation and resolution of the incident/s cannot be achieved.

5.2.1 Enforcement action will only be taken if HHA have sufficient evidence to pursue this and also when there is a realistic chance of success. The following are some of the tools that HHA could use in pursuing enforcement action against perpetrator/s;

- Undertakings provided at court
- Injunctions
- Possession Orders/ Eviction

HHA will work with key partners and stakeholders before any decision is made for legal action and support to be provided. There may be other solutions to resolving ASB and these maybe considered in conjunction with our partners and stakeholders, these include;-

- Noise Abatement Notice - issued by the Local Authority.
- A closure of the property in conjunction with the Police and Local Authority.
- Criminal Behaviour Orders (CBOs) – issued by the Police.
- Dispersal Orders -issued by the Police.
- Community Protection Notices – issued by the Police.

5.2.2 Multi Agency Working- Dealing with and managing ASB will necessitate a multi-agency approach and as a result there will be a sharing of information through a data sharing protocol. As a Registered Provider HHA has a duty to share information with relevant agencies. HHA are committed to working with partners and stakeholders to deliver the effective management of ASB incidents in our tenancies and communities.

5.3 Supporting Victims and Witnesses- HHA aim to do what it can to support those suffering from ASB.

5.3.1 Offering our support to victims and witnesses of ASB by investigating incidents and supporting witnesses, we will;-

- Be open and honest about what we can do for them.
- Provide a variety of methods to report incidents of ASB – this includes diary sheets, visit in person or telephone to office, via Contact Us form on our website and email.
- Assess any issues such as Safeguarding and act appropriately.
- Ensuring that there is sufficient evidence from victims/witnesses to pursue action. This includes being open and honest with victims/witnesses about their input to successfully resolving incidents.

- Act promptly to any incidents to ensure the protection of victims/witnesses.
- Ensure that victims and witnesses are kept informed at all stages of the investigation.
- Remove offensive race and hate graffiti in 24 hours.
- Where it is considered appropriate, provide additional security measures such as CCTV.
- Where there is a significant risk of harm that cannot be addressed by other interventions HHA will (if suitable accommodation in its own stock is not available) work with partner agencies to look to re house victims/witnesses.
- In certain circumstances confidentiality may be subject to a duty to disclose relevant information to other statutory agencies.

5.3.2 Dealing with Vulnerable Perpetrators- HHA recognises that each case of ASB will be different and may involve perpetrators who themselves may have complex and complicated lifestyles and/or issues. HHA will treat everyone fairly and therefore will recognise that some perpetrators may need additional support, this could include those who may have issues such as:-

- Drug/Alcohol Abuse
- Mental Health or any form of disability
- Children at risk

Where a perpetrator has such vulnerability HHA will try to ensure that they have access to support to help address any unacceptable behaviour and to prevent the reoccurrence of any issues.

6.0 Other Forms of Unacceptable Behaviour- HHA will not tolerate any form of unacceptable behaviour either carried out by our customers, their family or visitors as perpetrators. There are 3 serious forms of unacceptable behaviour that HHA will adopt a zero tolerance towards and are specifically identified as follows:-

- Harassment
- Hate crime
- Domestic abuse

6.1 Harassment- is defined as *“unwanted behaviour which you find offensive or which makes you feel intimidated or humiliated. It can happen on its own or alongside other forms of harassment. Unwanted behaviour can be: spoken or written words or abuse.”* it occurs when an individual acts or says things towards another person with the intent to offend.

6.1.1 Harassment is prohibited under the Protection from Harassment Act 1997, and generally covers but is not limited to:-

- Verbal abuse - including spreading rumours, verbal comments and jokes
- Threats - abusive gestures or other physically offensive moves
- Vandalism specifically directed at someone, such as homophobic or transphobic harassment
- Offensive graffiti.
- Cyber bullying - offensive social media posts

6.2 Hate Crime- Hate incidents and hate crime are “*acts of violence or hostility directed at people because of who they are or who someone thinks they are.*” A hate incident is a criminal offence and is classed as a hate crime, if the victim or anyone else thinks it was motivated by hostility or prejudice based on one of the following things:

- Disability
- Race
- Religion
- Transgender identity
- Sexual orientation.
- Physical attributes

If our customers feel that they have been a victim of a hate crime they must report it to the Police in the first instance and then contact HHA.

6.3 Domestic Abuse – Domestic abuse is defined as “*any incident or pattern of incidents of controlling or coercive or threatening behaviour, violence, including sexual violence, or abuse*”

6.3.1 Domestic abuse can include but is not limited to the following;-

1. Coercive control (a pattern of intimidation, degradation, isolation and control with the use of or threat of physical or sexual violence)
2. Psychological and/or emotional abuse.
3. Physical or sexual abuse.
4. Financial or economic abuse.
5. Harassment and stalking.
6. Online or digital abuse.

6.3.2 HHA will treat anyone reporting domestic abuse to us in a sympathetic and supportive manner. HHA will take all reported incidents seriously and customers will be given advice and assistance to help them decide what they want to do.

Housing Officers will sign post witnesses to the relevant partners and stakeholders who will be able to assist them and provide immediate assistance if they require it. Housing Officers will also offer other advice as necessary/required.

7.0 What is Neighbour Nuisance?

7.1 Neighbour Nuisance is defined as “*behaviour that unreasonably interferes with other people’s rights to the use and enjoyment of their home and community and which is likely to cause offence, alarm or distress to another individual or household*”.

7.2 Many cases of Neighbour Nuisance that are reported normally refer to activity that has been specifically linked to an address where HHA have a tenancy agreement in place, and the behaviour of the customer will be managed and dealt with more appropriately as a tenancy matter. HHA’s response to these reports will always be to work with both the perpetrator and the complainant to resolve the situation and prevent any escalation in the matter.

7.3 Neighbour Nuisance is disputes with your immediate neighbours where the person/s causing the problem is not doing so intentionally, not persistent and/ or no serious harm is caused. It is often a clash of lifestyles or difference of opinion about what is or is not acceptable. These include but are not limited to:-

- Untidy gardens
- Children playing at reasonable hours
- Shouting and arguing
- Overhanging trees/ hedges
- Noise that happens during normal hours and is normally unintentional and not persistent and does not breach noise legislation,
- DIY activities at reasonable times of the day
- Car parking disputes.
- Dogs barking

7.4 HHA deems these sorts of issues of nuisance as ones where it would be unlikely to pursue a legal response. There may be other agencies that can take legal action if required.

7.5 HHA will provide the complainant with advice on how to approach their neighbour to stop/ reduce the nuisance occurring again. If the matter is not fully resolved the HO will stay in regular contact to get updates from the complainant and provide other advice on resolving the issues as appropriate.

7.6 HHA recognises that some situations can change and what starts as a neighbour dispute can sometimes develop into anti-social behaviour. HHA aim to do all it can to prevent this but will look at each case and take appropriate action to resolve this.

8.0 What can we do to help with Neighbour Nuisance?

8.1 When a neighbour nuisance is reported to HHA we will take this report seriously and take a note of all the details. The HO will arrange to meet with the complainant to discuss the circumstances of the problem within 5 working days.

8.2 Depending on the details the complainant has provided the HO will ask that they first approach their neighbour about the issue either in person or through writing them a letter, this will be dependent on what they are most comfortable with. HO will offer advice on how to do this. A record of their comments will be recorded on the HHA housing management system and a task will be generated for the HO to follow this up within 10 days.

8.3 If the complainant contacts HHA again with the same complaint, the HO will talk to the other people involved; this is so that an agreement about the best way forward is made. On these occasions HHA/HO will encourage the parties to talk to one another regarding the issues that have arisen. This is to enable a resolution to be achieved between the parties.

8.4 HHA will encourage neighbour disputes to be resolved through discussion, leading to understanding and compromise. HHA will use its discretion on whether to refer those involved in a dispute to a recognised mediation service. A referral will only be considered if HHA is satisfied that everyone involved is willing to take part in the process and is genuinely willing to resolve the matter.

8.5 HHA will look at other practical ways to resolve a neighbour dispute such as;-

- Noise Problems - Discuss and agree what hours are reasonable for certain activities to take place and whether modifications such as door closers might help reduce noise levels.
- Children playing in shared areas – discussing what hours are reasonable for children to play in these areas, or the most suitable local areas avoiding cars and damage to property.
- Promote the Good Neighbour Agreement in the area.

- Work with other local agencies, to promote good citizenship, for those not a customer of HHA.

8.6 A feedback form will be sent out to the complainant when we have not received a further report for 15 working days. This will allow HHA to monitor how effective it has been in dealing with these cases. If a complainant feels that HHA have not carried out its policy then a complaint can be made through the Customer Feedback, Comments and Complaints Policy. A detailed response as per the Complaints policy will be provided. The feedback will be compiled into a lesson learned report every quarter and presented to the Customer Liaison Panel for discussion and comment. This is so we can be open to improving the way we do things.

8.7 HHA believes that some neighbour nuisance is a community problem and can only be resolved with the support of the community to tackle it. HHA will sign post to other agencies such as Environmental Health, Social Services and other departments in Harrogate Borough Council or North Yorkshire County Council for assistance in a resolution.

9.0. Appendix 1 Record/Log Form for ASB and NN cases

These forms will be completed by staff as initial recording of the issue and logged in the ASB folder on the H drive> Anti-Social Behaviour. Neighbour Nuisance cases. Forms will be destroyed in line with GDPR rules.



Record of Anti-Social Behaviour/ Neighbour Nuisance

Incident Report by.....

Address.....

Contact Email....., Mobile.....Tel.....

Describe the problem/problems experienced

Who is causing this problem?

Have they reported this to any other agencies/ approached the person causing the problem

Has this problem occurred before? If so who did they report it to?

Action

Logged by Referred to

ASB/ NN Active H task created.....

Case Review date..... Case Closed date.....

Feedback Form sent Returned.....

Comments/ Lessons Learned

.....

.....

10.1 Case Sign Off Letter



NN/ CASE 01

30 February 2020

Mr and Mrs Dunne
106 The Avenue
Harrogate
HG5 6LL

Dear Mr and Mrs Dunne

Case Closure Ref NN 01/20 NAME

You were recently in contact with us over some issues you had been experiencing with your neighbour

As you know, I have been working with you and your neighbour.....to try and resolve these issues and hopefully move forward with this matter. I am pleased to note that there has been no re occurrence of the issue you raised with us. I have not received any reports of ongoing issues for the last 15 days and I therefore hope that the problems you have experienced are now finally resolved.

This means that I am now closing the case file on the matter. This will end our involvement in the case and I hope that you can continue to enjoy your home and neighbourhood going forward.

Harrogate Housing Association would like to receive your feedback on how we have managed this for you and look into ways of improving what we do for you. I would be grateful if you could take 5 minutes of your time to complete the feedback form and send it back to us or email your response to info@hhal.org.uk .

Yours sincerely

Housing Officer

10.2 Feedback Form



Feedback Form

Please complete the feedback on how we have dealt with your issue. It is important to us that you are as open as you can be in respect of the service you received in your last contact with us. Please either send it back or email your answers to info@hhal.org.uk - **please use your case reference number at the top of all our correspondence to you.**

CASE REF:

1. Did we contact you promptly (within 5 working days) when you reported an issue to us.....**YES / NO?**
2. If no, how long after did you receive contact from us
3. Did the Housing Officer follow up on the progress of your issue in at least 10 working days.....**YES/ NO?**
4. If no, how long after did you receive contact from us
5. Was the matter resolved or a compromise achieved that you were happy with?

Yes – *the issue has not re-occurred*

No – *What would you have liked to happen?*

.....
.....
.....

6. Do you feel that HHA took your issue seriously and provided you with the support and advice you needed?**YES/ NO**
7. If you feel we could have done better what should or could we improve on?

.....
.....
.....
.....
.....

Please return to 10 High Street or email response to info@hhal.org.uk. Thank you for your time

11.0 Appendix 3 Information Leaflet

Information leaflet will be sent to customers about Tackling Anti-Social Behaviour and Neighbour Nuisance and included in Tenancy Sign Up packs. It will advise on what the difference is between them and what actions we can take and help manage expectations


Tackling ASB and Neighbour Nuisance Leaflet

Harrogate Housing Association (HHA) is committed to providing and promoting a safe and secure environment for our customers to live in.

We will work with all relevant agencies to help provide communities where our customers and their families can thrive.

We will work with agencies to deal with perpetrators of unacceptable behaviour, who threaten the safety, security and peaceful enjoyment of individuals or communities where our properties are located.

Our Policy on Tackling Anti-Social Behaviour and Noise Nuisance is available on our website www.hhat.org.uk




Harrogate Housing Association
Phone: 01423 884018
E-mail: info@hhat.org.uk

Useful Numbers and contacts


Police (non Emergency) : **101**

Crime stoppers : **0800 555 111**

Harrogate Borough Council ; **01423 500600** or
www.harrogate.gov.uk/info/20141/nuisances/656/noise_nuisance


Health and Adult Services; **01609 780780/ mini com; 01609779838**

Safeguarding Team **01609 780780** or email <https://www.northyorks.gov.uk/child-protection>.




Tackling Anti-Social Behaviour and Neighbour Nuisance

What we can do to help



Harrogate Housing Association
Contact us on 01423 884018 or email info@hhat.org.uk



What is Anti – Social Behaviour?

Anti-Social behaviour is defined in law as "conduct that has caused, or is likely to cause, harassment, alarm or distress to any person". Examples are ;

- Verbal Abuse
- Threatening/abusive/intimidating behaviour
- Violence and or Harassment of any kind
- Hate related incidents
- Drug dealing/taking and/ or Alcohol related incidents
- Domestic Abuse
- Prostitution and related activities

What is Neighbour Nuisance?

Neighbour Nuisance is defined as "behaviour that unreasonably interferes with other people's rights to the use and enjoyment of their home and community". Such as;

- Untidy gardens /Overhanging trees/ hedges
- Children playing at reasonable hours
- Shouting and arguing
- Noise that happens during normal hours and is normally unintentional and not persistent and does not breach noise legislation,
- DIY activities at reasonable times of the day
- Car parking disputes.
- Dog Barking

ANTI-SOCIAL BEHAVIOUR (ASB)

At HHA we will use all tools available to us in a proportionate and timely manner to tackle incidents of ASB. We make an assessment based on the circumstances of each case on what tools we will use.

We will aim to

- Prevent ASB happening in the first place by rigorously enforcing our tenancy agreements.
- Look to modify behaviour through, support, persuasion and legal sanction.
- Focus on the impact for victims and support them through the process.
- Work with partners to tackle all forms of ASB.
- Identify vulnerable people and work with them appropriately.

What will happen after you've reported ASB ? HHA will carry out an initial assessment, for most cases you should receive contact from your Housing Officer in 3 working days. For HHA to progress cases we will need ongoing evidence and information. This can include

- Details of other people affected by the ASB
- Asking you to complete diary sheets of what is happening, when, for how long and how it is affecting you.
- Whether you have reported to other agencies such as the police
- What support you might need.

You may be asked to attend a court hearing to provide evidence if we have to pursue an eviction.

HHA will support you in this and be open and honest

NEIGHBOUR NUISANCE

At some point in our lives we all may suffer from some form of Neighbour Nuisance. Sometimes the person's causing the problem is not doing so intentionally. It is often a clash of lifestyles or difference of opinion about what is or is not acceptable.

What will happen if you report a Neighbour Nuisance?

HHA will ask that, as neighbours, you try and resolve the problem by speaking amicably with each other if it is appropriate to do so. Sometimes matters can be resolved without escalating to HHA. If this does not resolve the matter we will ;

- Speak to the complainant within 5 working days. Details noted and advice/support given.
- If the nuisance persists then the Housing Officer will visit both parties and arrange a agreed way forward.
- After 10 working days the case will be reviewed by the Housing Officer and further action or referral considered.

