



# **BRO MYRDDIN HOUSING ASSOCIATION**

## **ANTI-SOCIAL BEHAVIOUR POLICY**

<b>Version</b>	<b>4</b>
<b>Date of Policy</b>	<b>October 2019</b>
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<b>Responsible person</b>	<b>Housing Services Manager</b>

## 1. Introduction

This policy demonstrates our strong commitment and outlines our response to dealing with allegations of Anti-Social Behaviour (ASB) in our role as a Registered Social Landlord.

We recognise the negative impact that anti-social behaviour can have on our residents, communities and assets.

We believe that everyone has the right to live the way they want as long as it doesn't unlawfully spoil the quality of life of others. This means being tolerant, accepting and respecting the needs and choices of other people.

ASB is not acceptable and we will act quickly to deal with it when it occurs and take measures to prevent it.

The objectives of the policy are to:

- Support and maintain sustainable tenancies wherever possible.
- Support and maintain sustainable communities where people feel safe and want to live.
- Support complainants and others affected by ASB.
- Support initiatives to rehabilitate perpetrators.
- To comply with our legal obligations as a landlord.
- To contribute to the reduction of crime and anti-social behaviour in our communities.
- Work with partner agencies to tackle ASB.
- Develop and support measures to prevent ASB.

## 2. General Policy Statement

Bro Myrddin Housing Association exists to provide housing and support that transforms lives and strengthens communities. It is therefore vital that Bro Myrddin's approach to ASB empowers individuals to take responsibility for their circumstances, supports them to identify options and therefore develops resilience.

### **Prevention**

- We aim to maintain sustainable communities where residents form relationships with their neighbours and take pride in their surroundings.
- We will make new and returning residents aware of the impact and consequences of perpetrating ASB.
- We will prioritise the prevention of ASB in areas where it is most prevalent and severe.
- We support improvements to design out crime for existing housing stock and new developments. Our homes are ordinarily built to 'Secure By Design' standards.

### **Intervention**

- We will work with all associated parties to find a satisfactory resolution to the problem.

- We will respond to and investigate all reports of ASB from residents as quickly as possible, and within the specified time scales.
- We will show customers empathy and will encourage all parties involved in any dispute to do the same.
- We will seek to support victims and take action against perpetrators where appropriate.
- We will work with any of our residents whose behaviour is deemed anti-social and help ensure that their actions do not have a negative effect on anyone else's quality of life. Should the person(s) involved be unwilling or unable to change their behaviour then we will take appropriate and proportionate enforcement action.
- We will liaise with the Police, Local Authority and other relevant agencies to support them in taking action to resolve ASB.

## **Enforcement**

- We will take a tailored approach to tackling more serious and persistent cases of ASB. This approach will depend on the frequency and severity of incidents and vulnerabilities of those involved.
- In seeking to resolve ASB, we will use the full range of enforcement tools and legal powers.
- Where possible, we will use CCTV to ensure the safety of communities to gather evidence and resolve ASB, in line with our CCTV Policy.
- The Association will, if required to use legal remedies to prevent and tackle ASB, seek to recover the cost of the legal action from the perpetrator.

## **Support**

- We will work with partner agencies to ensure early intervention in all reported cases of ASB, where necessary.
- We will encourage and support victims to continue to live in their home and work with us to resolve any problems in the community in order for them to sustain their tenancy. We will only consider rehousing residents in exceptional circumstances.
- We will review security measures for witnesses where appropriate and ensure that they are well prepared for court.
- In some cases as a landlord, we will not always be the organisation with the responsibility or powers to deal with allegation(s) made. In these circumstances we adopt a partnership approach and work proactively with other professional organisations such as the Police or Local Authority.
- We support rehabilitation initiatives that seek to have a positive impact on the behaviour of other parties, particularly where the other party is vulnerable and/or the behaviour is a consequence of drug abuse, alcohol abuse, mental health issues or disability.
- Juvenile perpetrators may also experience problems with their families and school. We will try, wherever possible, to assist Social Services and Youth Offending Teams in identifying the underlying causes of their anti-social behaviour and where appropriate, participate in efforts to change their behaviour.
- We provide access to interpreters or information in other formats where required.

## **Multi agency Partnerships**

We engage with a variety of multi-agency partnership in order to address, anti-social behaviour, crime and other related issues. This includes;

- Multi-Agency Public Protection Arrangements (MAPPA)
- Multi-Agency Risk Assessment Conferences (MARAC)
- Problem Solving Groups (PSG)

This enables us to proactively contribute to the effectiveness of local strategies for reducing crime as well as evidencing our commitment to working with partners and sharing information.

### 3. Cross Tenure Issues

We recognise that effective cross-tenure working is essential for the success of any anti-social behaviour policy. This recognition is reflected in our ongoing commitment to multi-agency working in order to ensure that anti-social behaviour is tackled across all tenures.

We will act to protect owner-occupiers or those in other tenures from the actions of any Association residents, and equally, will take action in collaboration with other agencies against people in other tenures to protect our residents.

### 4. Definition of ASB

According to the Anti-social Behaviour Crime and Policing Act 2014, ASB can be defined as:-

- (a) Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person,
- (b) Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or
- (c) Conduct capable of causing housing-related nuisance or annoyance to any person

For the purposes of this policy, we define ASB as 'conduct which is capable of causing nuisance, annoyance, distress, harassment or alarm to any person not in the same household and which directly or indirectly relates to or affects the Bro Myrddin Housing Association's housing management functions, neighbours and the local community.' Or 'Conduct which consists of or involves using or threatening to use housing accommodation owned or managed by Bro Myrddin Housing Association for an unlawful purpose'.

The housing management function of a landlord covers any activity that we would undertake in the day to day and strategic management of our properties. This includes but is not limited to:

- Interactions with residents.
- Maintenance and repairs.

- The collection of rent and other charges.
- Managing estates and other areas.

Some examples of behaviour that we treat as ASB include, but are not limited to:

- Intimidation and harassment.
- Actual violence against people or property.
- Using or threatening to use housing accommodation to sell drugs, or for other unlawful purposes.
- Hate behaviour that targets members of identified groups because of their perceived differences.
- The fouling of communal/public areas, graffiti, fly tipping and nuisance vehicles.
- Noise (deemed to be statutory nuisance).
- Arson.
- Sexual offences.
- Weapons.

The following are some examples of reports that we would not consider to be ASB:

- Babies crying.
- Smells from cooking.
- Sounds of normal day to day living, like opening and closing of doors, footsteps, lights being switched on or off, toilet flushes etc.
- DIY noise.
- Conversations heard through walls or floors.
- One off parties such as BBQs, birthday parties.
- Putting rubbish out on the wrong day.
- Clashes of lifestyle, including cultural differences.
- Parking in the wrong bay.
- Personal differences/family disputes.
- Cats roaming and fouling.
- Staring or looking at someone.
- Children playing.
- Disagreements about parking.
- Normal vehicle noise.

5. Examples of anti-social behaviour in order of our priorities and response times include:

<p><b>Priority 1:</b> Response Time: 1 Working day</p>	<ul style="list-style-type: none"> <li>• Actual Violence or threats of violence against people or property</li> <li>• Sexual offences</li> <li>• Weapons</li> <li>• Arson</li> <li>• Hate crime</li> </ul>
<p><b>Priority 2:</b> Response Time: 5 Working days</p>	<ul style="list-style-type: none"> <li>• Criminal behaviour including drug dealing</li> <li>• Noise Nuisance</li> <li>• Graffiti</li> <li>• Fly tipping</li> <li>• Intimidation or harassment</li> </ul>

<p><b>Priority 3:</b> Response Time: 10 Working days</p>	<ul style="list-style-type: none"> <li>• Nuisance vehicles</li> <li>• Abandoned cars</li> </ul>
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## 6. Protection of employees

We will not tolerate abuse towards our employees, resident representatives or contractors working on behalf of the association. We recognise our duty of care to employees and our responsibility as an employer. We will therefore not tolerate acts of aggression, verbal abuse, threats and physical violence, which could have a damaging effect on the health and wellbeing of our staff and/or anyone contracted to work on behalf of the association. For further information on this please see the Unacceptable Actions Policy.

## 7. Obligations of residents

- a) The tenancy agreement is a legally binding contract between Bro Myrddin Housing Association as landlord and our residents. It sets out obligations, terms and conditions on both parties. Our tenancy agreements contain specific clauses on ASB. These clauses make clear to residents what type of behaviour they are responsible for what type of behaviour is not acceptable. Residents are responsible for the behaviour of those who live with them and visitors, this includes children.
- b) We will make clear to residents from the outset whether what they are reporting to us as ASB is something that we can realistically and appropriately investigate. We will clarify our position if it is unlikely we can effectively investigate the matter if other statutory bodies are unwilling to support it. If this is the case, an explanation will be given as to why and alternatives for how the resident could deal with the issue themselves will be offered.
- c) We expect residents to take responsibility for minor personal disputes with their neighbours and we will offer advice on how to approach their neighbour in the first instance.
- d) In cases where it has been identified that there is a housing-related neighbour dispute, and both parties are willing to engage to reach a resolve, the Housing Officer will determine whether a referral for mediation would be appropriate.
- e) We will be clear with residents if we feel another agency would be better placed to investigate their issue, for example the Police or Local Authority. We will provide advice on what agency would be more appropriate and provide contacts details, but we would expect residents to liaise directly with those agencies thereafter.

## 8. The Legislative and Strategic Context

The policy complies with the legislative and good practice requirements, having regard to the following legislation;

- Housing (Wales) Act 2014

- Anti-social Behaviour, Crime and Policing Act 2014
- Anti-social Behaviour Act 2003
- Crime and Disorder Act 1998
- Criminal Justice Act 2003
- Children Act 1989
- Data Protection Act 2018
- Environmental Protection Act 1990
- Equality Act 2010
- Housing Act 1996
- Human Rights Act 1998
- Noise and Statutory Nuisance Act 1993

Any action which the Association takes will be in accordance with current legislative powers.

#### 9. Community Trigger

The ASB, Crime and Policing Act 2014 introduced the "Community Trigger". This allows members of the community to ask for a review of the responses to their reports of ASB. The Community Trigger and how to enact this for each area should be available via the relevant Local Authority and Police websites.

#### 10. Hate Crime

When someone is hostile to another person because of their disability, nationality, race, religion, sexual orientation or transgender identity and they show their hostility by intimidation, harassment, damaging property or violence it is a hate crime.

This can be committed against a person or a property. Incidents can range from low level ASB to harassment, abusive language, criminal damage/damage to property, threats and physical violence. We will not tolerate any form of hate crime. We work in partnership with the Police and other agencies to support victims, investigate complaints and deal with perpetrators quickly and firmly.

#### 11. Domestic Abuse

We have a separate policy for domestic abuse, but we recognise that some reports of noise nuisance, disturbances and or anti-social behaviour could be an indicator of potential domestic abuse and or safeguarding issues (e.g. complaints about noisy arguments could suggest that a domestic argument is taking place). We will ensure that any potential indicators for domestic abuse and or safeguarding matters are actively considered as part of our ASB investigation and will take appropriate actions including raising safeguarding alerts in line with our policies and procedures.

We believe domestic abuse is unacceptable and we are committed to providing support, in a confidential, sensitive and non-judgemental manner, to those who experience domestic abuse; to raise awareness; and where appropriate to take action against perpetrators of domestic abuse.

## 12. Equality and Diversity

We are committed to treating all our customers and staff with fairness and respect and we are committed to providing an equal service to all. Any action taken under this policy will comply with Bro Myrddin's Equality and Diversity Policy and current equalities legislation.

## 13. Information Sharing and Confidentiality

We will comply fully with the requirements of any new or existing relevant legislation. This will be done in accordance with our Data Protection Policy. ASB cases will be dealt with in confidence and will be handled with discretion and sensitivity.

## 14. Training

We are committed to training all our staff who deal with anti-social behaviour in order to give them the confidence and knowledge to identify and investigate incidents and reports of anti-social behaviour.

## 15. Policy Review

This policy will be further reviewed after three years or earlier if there are changes to the relevant legislation.

## 16. Accessibility

A copy of this policy will be made readily available to all stakeholders on request and will also be found on our website.