



Anti Social Behaviour Policy

R.D.C. MANAGED PROPERTIES



R P L Safety Consultancy

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1. General

Ryedale District Council Housing Services (RDCHS) is committed to proactively tackling anti-social behaviour, nuisance and harassment wherever it occurs. We recognise that whilst most residents are good neighbours, the behaviour of some causes nuisance and misery to others. This will not be tolerated and RDCHS will take firm action against perpetrators, to ensure that individual residents and local communities are able to live in peace. We work in partnership with other agencies and the wider community in tackling crime, disorder and anti-social behaviour.

In implementing this Policy, we will work with residents and partners such as the Police and the Safer Ryedale Partnership to actively pursue remedies which:

- Ensure swift action is taken to deal with anti-social behaviour.
- Adopt a multi-agency approach to deal with incidents of anti-social behaviour.
- Safeguard local communities from acts of anti-social behaviour.
- Encourage changes of behaviour to ensure the health, safety and well being of residents, their visitors and others, enabling communities to be sustained and grow.

We will regularly review this policy, our procedures and information for customers to ensure that we follow best practice. We aim to continually improve the services we provide, consistently deal with anti-social behaviour and use the powers available to us appropriately. We will ensure that our staff receive regular training to enable them to deal with anti-social behaviour effectively.

Throughout this policy when we refer to anti-social behaviour, we mean anti-social behaviour, nuisance and harassment.

We will consider all issues and reports of anti-social behaviour and we will balance the action we take against what has happened. This ensures that action is appropriate and we have considered the rights of all individuals involved in the matter.

2. What is Anti-Social Behaviour?

We define Anti Social Behaviour as:

- Behaviour which is capable of causing nuisance, or annoyance, to any person, and directly or indirectly relates to, or affects, our housing management functions; or
- Behaviour which consists of or involves using or threatening to use housing accommodation owned or managed by RDCHS, for an unlawful purpose.

The following are examples of anti-social behaviour: -

- Using or threatening violence.
- Racist behaviour, including literature, letters, verbal abuse.
- Harassment or hate behaviour, for example, because of a person's colour, race, sexual orientation, gender, age, disability, mental illness.
- Criminal activity in properties, e.g. handling stolen goods or dealing drugs.
- Drug abuse or substance misuse.
- Verbal abuse and offensive gestures.
- Domestic violence.
- Damaging property including cars and bikes.
- Arson or attempted arson.
- Dumping rubbish and furniture.
- Putting offensive materials through letterboxes.
- Malicious phone calls.
- Writing and spraying graffiti.
- Throwing things out of windows.
- Breaking shared security, for example, allowing strangers to get into the building.
- Causing a nuisance in shared areas, e.g. leaving rubbish, smoking
- Playing loud music.
- Banging and slamming doors.
- Being drunk and disorderly or incapable of looking after themselves in public.

2.1 Prevention of Anti-Social Behaviour

RDCHS seeks to prevent anti-social behaviour by clearly informing customers of our expectations:

- Through the licence agreement before they become a resident
- Through their standard terms and conditions of the licence
- At the sign up
- throughout the residency
- Through our literature.

At these times, we will tell customers what behaviour is acceptable and what will happen if they behave in an anti-social way.

Our aim is to support tenants to sustain tenancies, by preventing anti-social behaviour wherever possible and using a range of tools to tackle anti-social behaviour. We will only evict residents as a last resort, in very serious cases or where other actions have failed.

3. Early Intervention

We will do all we can to promote harmony in local communities, and to deal with problems at an early stage.

3.1 Timescales

All reports are investigated and our approach depends on the seriousness of the case. In cases of harassment or where violence is threatened or has taken place, we will contact complainants within one working day. In other less urgent cases we will contact complainants within five working days, depending on what has happened.

3.2 Acceptable Behaviour Contracts

Acceptable Behaviour Contracts form part of our commitment to early intervention. Acceptable Behaviour Contracts are aimed primarily at young people who are actively involved in anti-social behaviour, but they can also be used with adults. They are informal voluntary agreements that are drawn up by RDCHS or the Police. Other agencies and parents may be asked to sign up too where appropriate.

If we feel residents are at risk from losing their accommodation then we may take steps in partnership with other agencies to sign residents up to the contracts to try and prevent eviction from the property

3.4 Referral to Other Agencies

RDCHS will work with other agencies, such as:

- Environmental Health – loud music, rubbish dumping
- Social Care & Health – Mental Health issues, supporting families
- Police – criminal Activities, harassment

This list is not exhaustive.

We will act quickly against tenants who ignore their licence conditions, and we will work with other agencies to resolve nuisance caused by people who are not RDCHS residents. We recognise that complainants and perpetrators whose behaviour is influenced or adversely affected by drug or alcohol misuse, mental impairment, or disability may benefit from some support. We will work with specialist agencies that can assist in offering support where this is required. RDCHS offers a tenancy support service, which is available to assist all residents and will form part of their licence agreement. The service will assist those who may have difficulties in managing their accommodation. RDCHS will make referrals and actively seek the involvement of Social Care and Health and other relevant agencies to avoid eviction wherever possible.

4. Working in Partnership

There is a multi agency problem solving group working to ensure that the quality of life of residents and the local community is as harmonious as possible.

5. Firm Action to Tackle Serious Anti-Social Behaviour

5.1 Harassment is a Crime

RDCHS is a responsible landlord and will not tolerate harassment. We take all reports of harassment seriously, and are committed to tackling all forms of harassment (including racial harassment), promptly and effectively.

We define harassment as personalised, deliberate, unwanted acts of verbal or physical violence or other behaviour which is intended to cause harm, distress or damage to people or property. Harassment may be suffered by people or groups because of their race, ethnic or national origin, gender, sexuality, HIV status, religious beliefs, disability, age or family circumstances. We define a racist incident as any incident which is perceived to be racist by the victim or any other person. We will adopt a victim-centred approach to dealing with harassment, and the victim's wishes will play an important role in determining what action will be taken. Anonymous reports of harassment will not be ignored.

The extent to which the RDCHS can assist and take action on behalf of people experiencing harassment will vary greatly and be strongest where the perpetrators of the harassment are RDCHS residents, their relatives or visitors. The range of tools we can use to tackle harassment, are explained below. We can also work in partnership with the Police to obtain remedies for criminal offences of harassment.

5.2 Legal Action

We have a range of tools that we can use to tackle anti-social behaviour and harassment such as:

Recovery of Accommodation.

This is the last resort and will lead to the tenant having to leave the accommodation. As all residents are signed up to an excluded licence, in cases of continued minor cases of ASB then residents will be given reasonable notice to vacate the accommodation. If the residents fails to leave then the Council will change the locks to the property prohibiting access. There is no requirement for the Council to obtain an order from court permitting eviction. In cases of severe ASB then the resident may be given 24 hours in which to vacate the premises again if the resident fails to do so then the Council will instruct the locks to be changed.

Injunctions.

These are powerful tools to tackle anti-social behaviour quickly. An injunction is an order that may require a person to do something or prohibit them from doing something. Breach of an injunction can result in a fine or up to two years imprisonment. Injunctions cannot be used for children.

Anti-social behaviour orders.

These are orders to protect the public from anti-social behaviour. They work in a similar way to injunctions, but can be used for anyone over the age of ten years. Breach of an antisocial behaviour order is a criminal offence and can result in either a fine or up to five years imprisonment.

We have to go to court to obtain the last two of these legal remedies. Our chances of being successful in court are greatly improved if we have witnesses who can give evidence.

6. Providing support

6.1 Supporting complainants and witnesses

RDCHS understands the importance of supporting complainants and witnesses of anti-social behaviour. We will respond promptly to reports of anti-social behaviour, and keep complainants regularly informed of progress whilst we are dealing with the case.

If we do go to court, witnesses will be asked to give evidence. We can provide a range of support including escorting witnesses to court and providing additional property security. Other measures are available, depending on the severity of the case.

RDCHS will seek to resolve the anti-social behaviour by tackling those causing it and taking enforcement action where necessary.

6.2 Rehabilitation of Perpetrators

We will work with people who cause anti-social behaviour (perpetrators) to change their behaviour through specialist support, for example where perpetrators suffer from drug or alcohol abuse, have mental health impairment, or are disabled. We will try to agree with perpetrators how they can change their behaviour before we take legal action. This is likely to be through the use of acceptable behaviour contracts.

6.3 Recharging for Work we Have to Carry Out to Stop Nuisance

RDCHS may charge tenants for any remedial work we have to carry out to stop nuisance, such as removing rubbish. If the person responsible for the nuisance doesn't pay the charges for this we may take them to court and get a Money Judgement Order to recover the costs. Examples of when we will do this are: -

- Removal of rubbish constituting a statutory nuisance.
- Removal of rubbish discarded in communal areas.
- Clearing blocked drains due to misuse.
- Removal of offensive graffiti.
- Repairing damage caused by perpetrators i.e. broken windows, doors.

6.4 Monitoring and Reporting our Performance on Anti-Social Behaviour

Our performance in dealing with anti-social behaviour will be regularly monitored by Senior Managers We will also seek the views of complainants on:

- The effectiveness of the process
- Whether they were kept fully informed
- Whether timescales and deadlines were achieved
- Whether the outcome was satisfactory
- Whether sufficient support was provided during the process.

6.5 Confidentiality

Everybody involved in a complaint of anti-social behaviour has the right to expect that personal information will be dealt with in a sensitive and confidential manner. Wherever possible, RDCHS will maintain confidentiality as a fundamental principle, however, we may not be able to do this where:

- (i) There are child protection issues; a person is at risk of violence or harm.
- (ii) There is information relating to a crime or act of terrorism.
- (iii) There is a court subpoena/summons.
- (iv) There is suspected fraud.

Any information provided is subject to the requirements of The Data Protection Act. Personal data will be held and processed by RDCHS when dealing with anti-social behaviour. Any personal details provided may be shared with certain external agencies that work with us in tackling anti-social behaviour, and also as part of any statutory duties requiring such a disclosure. Individuals may request a copy of their personal information by sending a request to RDCHS.

6.6 Publicity

Where appropriate RDCHS will publicise the successful action we have taken against perpetrators of anti-social behaviour.

6.7 Policy Statement Review

Our policy and procedures will be reviewed on a regular basis to ensure they are relevant and reflect best practice.

7 Conclusion

Anti-social behaviour, nuisance and harassment can have a detrimental affect on victim's mental and physical health, and on the environment. This Policy seeks to reduce these behaviours and alleviate the fear of crime and anti-social behaviour. Customers who are unhappy with the way a report of anti-social behaviour has been dealt with can use our complaints procedure.

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