

Anti-Social Behaviour Procedure

Part One – Purpose and Context of Procedure

Part Two – Guidance on Dealing with Cases (page 8 onwards)

1.0 Purpose and context (part one)

- 1.1 This procedure sets out the way in which PRHA seeks to both prevent harassment and anti-social behaviour detrimentally impacting upon the quality of lives of our service users, and others in the neighbourhood where our services are located, and how the organisation will respond to incidents of harassment and anti- social behaviour.
- 1.2 The procedure reflects our approach to supporting the service users using our services in their personal and social development and learning, and the guidance set out by the Housing Corporation's documents "Tackling racial harassment: code of practice for social landlords".

2.0 Definitions

- 2.1 **Harassment** exists when the conduct (behaviour, language or written material produced) of an individual or group repeatedly or deliberately insults, worries or troubles another individual or group.
- 2.2 **Racial Harassment** exists where the motivation for harassment is perceived to be racist by the victim or any other person.
- 2.3 **Racist Incidents** (one-off events which may or may not be part of a pattern of repeated behaviour) are defined as "any incident which is perceived to be racist by the victim or any other person". This means that even where the victim of a racist incident does not identify the situation as racist, a member of staff or a witness who believes racism was involved should ensure the incident is recorded as such.
- 2.4 **Anti-Social Behaviour** is any behaviour that detrimentally affects the quality of life of those using or delivering PRHA's services, or neighbours and others in the vicinity of PRHA's service delivery locations. Unless deliberately and repeatedly targeted at specific individuals or groups, anti-social behaviour would not usually be considered as harassment. However, incidents of anti-social behaviour should be recorded as racist incidents if they are perceived as such by those affected or by any other person.

3.0 Effects of Harassment, Racial Harassment and Anti-Social Behaviour

- 3.1 Harassment (especially racial harassment) damages those affected by it. Harassment may in its most extreme form involve physical harm to an individual or their property. Harassment also undermines people's self-confidence and self-esteem. Harassment that is targeted at people because

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of their race, culture, religious beliefs, gender or sexuality can seriously affect people's "sense of self" and their ability to develop their potential and function within society. It may lead to emotional and mental health difficulties, and harassment and bullying have been linked to young people harming themselves or committing suicide.

- 3.2** Anti-Social Behaviour can detrimentally affect people's quality of life, and their ability to get the most out of the services PRHA offers. Those affected may be put at risk or decide to leave PRHA's services. Neighbours and others working in the vicinity of our services may also find their quality of life affected.
- 3.3** Perpetrators of harassment and/or anti-social behaviour may lose their opportunity to benefit from services, if they are asked to leave because of their behaviour, and their actions could result in them getting a criminal record.
- 3.4** PRHA exists to enable its service users to develop their personal, social, educational and living skills. It is therefore important to prevent harassment and anti-social behaviour wherever possible. Where harassment and anti-social behaviour does occur, it is vital to respond in a timely and appropriate manner to support those affected and educate perpetrators.

4.0 Prevention and Publicity

- 4.1** PRHA's occupancy agreements have specific clauses that prohibit harassment, racial harassment or anti-social behaviour. These should be explained carefully to all service users at the point of "sign-up".
- 4.2** PRHA will display posters and leaflets that set out the organisation's commitment to tackling harassment and anti-social behaviour. The leaflets and posters will make clear the action that will be taken in order to deter perpetrators, and provide information for victims about how to report harassment and get the support they need.
- 4.3** Leaflets will clearly set out:
 - How to report harassment, racial harassment or anti-social behaviour
 - How incidents will be investigated
 - The physical and emotional support available
 - Practical tips on personal safety
 - Contacts for other local agencies (e.g. Police, CAB, Victim Support)
 - The victim's rights, including PRHA's Complaints Procedure
- 4.4** The leaflets will be translated so they are accessible to all PRHA service users.
- 4.5** Harassment and anti-social behaviour and diversity issues should be standing items on service users meetings, and staff team meetings.

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5.0 Complaints from Neighbours

- 5.1** If there is a complaint from a neighbour, details of their concerns must be recorded. It is important that the Project Manager is informed about any complaint received from neighbours, or others in the vicinity of one of PRHA's services.
- 5.2** The neighbour will be informed that we do take anti-social behaviour very seriously which may include taking legal proceedings to evict residents/tenants.
- 5.3** Complaints about incidents of harassment or anti social behaviour from neighbours should be recorded in the ways described below.
- 5.4** Neighbours should be treated empathetically when reporting anti social behaviour or harassment, and must be offered regular updates about any investigations and steps taken to address the matter. They should be invited to complete a feedback form commenting on how we have responded to their complaint.

6.0 Encouraging Reporting and Monitoring

- 6.1** PRHA takes the issues of harassment, racial harassment and anti-social behaviour very seriously, because of the damage such conduct inflicts upon victims and those around them.
- 6.2** It is very important to raise awareness of harassment and racial harassment, so that we can ensure adequate resources are available to respond and support those affected.
- 6.3** PRHA's Performance Indicators include monitoring on incidents:
 - Total number of incidents
 - Number of incidents of anti-social behaviour
 - Number of incidents of harassment
 - Number of incidents of racial harassment
 - Number of incidents/ allegations of abuse
- 6.4** For the purpose of raising awareness, and developing our responses to racist incidents and racism, incident reports should be completed even where the usual definition of "serious" incident is not fulfilled.
- 6.5** Reports of harassment / racial harassment will normally be made by service users to PRHA staff. However, reports should be accepted from other sources as well, and should be recorded and investigated thoroughly.

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- 6.6 Quarterly reports will be produced by Project/Service Managers. They will be asked to produce a commentary identifying any trends, actions required and progress against previous action plans.
- 6.7 Managers will also be required to assess any complaints received to consider whether these might concern issues of harassment or discrimination on the grounds of race, gender or sexuality.
- 6.8 Collated reports will be produced and reported to the Board quarterly.
- 6.9 Where appropriate, incidents of harassment, racial harassment and anti-social behaviour should be reported to the police. Reports to the police will usually only be made with the agreement of the victim. However, if there is a risk of harm (either physical or psychological) arising to others if the incident is not reported to the police, then the police may be involved without the consent of the victim. All reasonable steps will be taken to support and protect those affected (see PRHA's Confidentiality, Police and Confidentiality, Vulnerable Adults).

7.0 Supporting Victims and Witnesses of Harassment, Racial Harassment and Anti-Social Behaviour

- 7.1 PRHA will ensure that an appropriate and timely response is available to all service users affected by harassment or racial harassment.

This will include:

- Support from keyworkers; referral to external support groups.
- Access to and use of interpreters so that service users can be supported in their first/ preferred language
- Support to make a report to the police
- Regular information about what action is being taken against the perpetrator (including keeping people up to date with any investigations and decisions)
- Offers of appropriate alternative accommodation where required
- Measures to "target harden" specific properties/ reassure individuals may be taken. This could include the installation of CCTV or liaise with the local authority to improve street lighting. For service users in properties without 24-hour staff cover, liaison with the local police could lead to improved community policing.

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7.2 All those affected by harassment will be asked to complete a simple feedback form within four weeks of the incident being reported. This will ask about the levels of satisfaction they felt with:

- The quality of support they were offered
- The quality of information they were given about what was happening and what decisions were taken about how to respond to the perpetrator
- The outcome/ overall process

7.3 Staff will also need to be supported as incidents of harassment can be upsetting. PRHA will offer support through the line management structure, staff support mechanisms such as the employee support line and staff counselling services.

8.0 Action against Perpetrators

8.1 PRHA seeks to achieve a balance between sanctioning those who perpetrate harassment, racial harassment and anti-social behaviour, and supporting them to understand the impacts they have upon people, and amend their behaviour accordingly.

8.2 PRHA will use a range of measures to achieve an appropriate Responses to the perpetrators of harassment and anti-social behaviour:

8.3 Sanctions

- Warnings
- Evictions
- Exclusion (both temporary or permanent) from non-accommodation based services
- Reporting to the police/ pressing charges where appropriate

8.4 Education

- Acceptable Behaviour Contracts
- Referrals to anger management, drug and alcohol services, mental health and counselling services
- Support and development action plans
- Referrals to Lifeskills workshops

9.0 Training and Support for Staff

9.1 Staff will be inducted in the use of this policy through dedicated training events, discussions at team meetings, and in regular induction sessions for new staff.

9.2 PRHA offers training in a range of areas that will enable staff to understand victim's perceptions and respond appropriately to meet their needs for support and advice:

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- Equality and Diversity Training
- PRHA Harassment & Bullying Policy & Procedure CS32 to include understanding the impacts of harassment and racial harassment on people, what support to offer, local services and resources
- Interviewing skills
- Housing Law (to ensure staff are aware of appropriate measures that can be taken to evict perpetrators)
- Working with Difficult, Disturbing and Dangerous Behaviour
- Effective Listening Skills
- Investigation Skills (for complaints, allegations of abuse, incidents and harassment cases)

10.0 Service User Involvement

PRHA is committed to involving service users in how we manage and improve our direct services. When this policy or procedure is reviewed we will endeavour to consult and involve service users and consider their views. Where possible and relevant we will make the necessary changes based on the comments and suggestions we receive from our service users. PRHA will also give Service Users feedback to let them know how their views have influenced any changes in a policy or procedure.

11.0 REVIEW

This policy and procedure and any supporting documents will be reviewed on an annual basis or sooner where any changing legislation has an impact.

Guidance on Dealing with Cases (Part Two)

This part of the procedure outlines and gives guidance on working with Anti Social Behaviour cases.

1. Defining the ASB case

It is extremely important that we keep accurate records of all ASB cases. However, in all cases if there is an incident or disturbance then the emergency services and management should be contacted first. Then the recording and definitions of the case will follow as part of PRHA's Incident report but also in monitoring of ASB cases.

Defining a case will depend, to a certain extent, on individual judgment. However all staff should bear the following in mind:

- Choose ONE category only. An ASB complaint may cover a range of issues. However, in order to get an accurate picture of the extent and type of ASB in our projects, you should avoid defining cases as 'Multiple' or 'other' where possible.

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- The complaint's view. You can ask the complainant how they would define their complaint. This is particularly important for reports of racial harassment or domestic violence.
- Most serious first. If you have a report that covers a number of issues, use the most serious incident to categorise the case. For example, if you have a case of ongoing noise nuisance and there has been an incident of racial abuse, you should categorise this as 'Racial Harassment'.
- Most common incident. If a complainant reports a number of incidents, you can categorise the case according to what was the most common incident. For example, if a report consists of ten noise incidents and two verbal abuse incidents, you should categorise it as 'Noise'.
 - If you are unsure how to categorise a case, speak to your manager in the first instance.

Once you have established case category, you should record it on the Salesforce Database.

Noise

This category is for cases of nuisance or harassment caused by excessive or unreasonable levels of noise. Includes:

- Noise from parties
- Playing musical instruments
- Shouting
- Noise from TV, radio or hi-fi's
- DIY work e.g. hammering and banging

It is important to remember that there is no set legal definition of what noise nuisance is. Enjoyable music for one person may be excessive noise to another. Similarly, DIY noise may be reasonable at 1.00pm in the afternoon, but not at midnight.

Legal action on noise nuisance has developed out of case law, and each case must be judged on its merits. Particular factors to take into account are:

- How often the noise occurs
- Duration of the noise
- Volume of noise
- Time of day the noise occurs
- Location of the noise

Interview complainant in the usual way, and complete the ASB Form. Depending on the case, you can suggest or take the following actions:

- Give the complainant and incident diary and explain how to complete it.
- Explain the role of the environmental health noise patrol, and give the complainant contact details.
- Interview the person complained about

An alternative option that you can suggest at this initial stage is mediation.

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Make follow up contact with the complainant, and obtain completed diary sheets from them (if applicable). At this stage, you can refer the case to Environmental Health. Another option is to contact other residents in block/street via a block letter or visit, to see if they have been experiencing problems.

If the complaints persist and Environmental Health witnesses noise nuisance they may serve a noise abatement order. Once we have received this information, we may take legal action.

The complaints may persist but environmental Health might not witness noise nuisance or they do not consider the noise to be excessive. The Keyworker/Housing Officer should then discuss the case with the Project Manager/Housing Services Manager.

If legal action is considered appropriate at this stage an application could be made for an injunction, or possession proceedings. This would depend upon any action that was being taken by Environmental Health e.g. noise abatement orders.

If legal action is not feasible at this stage, most likely due to lack of independent evidence, you should continue to monitor for further incidents.

Violent Behaviour

Violent behaviour includes 'one off' incidents of the following:

- Aggressive behaviour
- Behaviour that creates a fear of violence
- Threats of violence

Violent behaviour does not include actual violence, which should usually be recorded under 'Criminal behaviour'. Ongoing behaviour that intimidates victims is recorded under 'intimidation'.

Criminal Behaviour

This is behaviour where a criminal offence has been alleged. This is criminal in its legal sense, although it does not have to have been reported to the police.

Criminal behaviour includes:

- Theft, robbery and burglary
- Assault and physical violence
- Prostitution
- Car crime

Many ASB issues are obviously criminal offences, but are better recorded in other categories. For example, drug related offences – including drug dealing – should be recorded under 'Drugs'

Racial Harassment

The importance of racial harassment and the specific action required in RH cases, means that racial harassment has its own separate procedure.

Please refer to - Harassment & Bullying Policy & Procedure **CS32**

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An ASB case should be classified and investigated as racial harassment if you, the victim or any other person believes it to be racist.

Harassment

Harassment can be described as discriminatory behaviour, which takes place over a period of time. It has been sub-divided into the following categories:

- Age
- Gender
- Religion
- Sexual orientation (NB: you can refer these Harassment cases to the Police third party reporting scheme, if the victim agrees)
- HIV/AIDS
- Mental Health
- Disability
- Other / Unclassified

Damage to Property

Deliberate damage to property includes:

- Graffiti
- Damage caused to other residents' property
- Damage to communal areas (e.g. door entry system, lifts) but see also 'Rubbish/Communal area misuse'

Pets and Animals

PRHA does not allow animals to be kept at the property without prior permission.

'Pets and animals' relates to nuisance caused by the keeping of pets:

- fouling in communal areas and gardens which creates a health hazard
- Excessive noise or smells caused by the keeping of animals
- Keeping dangerous or unsuitable animals
- Feeding and attracting birds or other animals such as pigeons
- Using animals to intimidate other residents

In addition to the normal investigation process that can be taken in these cases, we will also work alongside the council's animal wardens. The powers that the animal wardens have available to them can assist us if we want to act against someone for animal-related ASB.

Animal warden has the power to impose fines of up to £1000 for allowing a dog to foul a public area (dogs (fouling of land) Act 1996). However, this only applies to public spaces, and not to land owned by PRHA. Animal wardens can also deal with 'problem' pets, which cause a smell or noise nuisance to neighbours. This can also result in a prosecution and /or fine of up to £5000 (Environmental Protection Act 1990).

Animal wardens undertake regular patrols, but can also respond to calls from members of the public and organisations like PRHA. You should encourage

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residents to report animal related ASB, either to you or directly to the Animal Warden.

We will investigate all complaints about another resident regarding pets and animals. If the complaint is substantiated, we may seek to withdraw the implied permission to have pets and enforce tenancy conditions. However, any action will depend on the circumstances of the case.

Intimidation

Intimidation is usually defined in relation to behaviour that is designed to prevent victims or other from reporting ASB or from attending court. However, if a victim feels that they are being intimidated for any other reason it can be classified as intimidation.

Verbal Abuse

This means foul and abusive language. It does NOT include the following:

- Threats (see 'Violent behaviour')
- Racial abuse (see 'Racial Harassment')
- Other discriminatory abuse (see 'Harassment')

Abusive language within a relationship may be better categorized as domestic violence (see 'Domestic Violence' for more details).

Drugs

This category covers cases of ASB that are a result of the dealing and /or taking of drugs. There is considerable overlap with other categories such as noise, damage, criminal behaviour (e.g. theft and burglary, prostitution and possession of weapons) and verbal abuse. However, where drugs are involved, the case should be categorized here.

'Drugs' can also include:

- Drug taking and drug dealing
- Drug-related rubbish found on the premises

PRHA will not tolerate the use or dealing of any illegal substances or non prescribed drugs on the premises.

Please be aware that substance misuse is a very sensitive topic. Many people who report drug incidents prefer to remain anonymous and often do not want to complete an ASB report form. If a resident gives you confidential information about drugs, ask them if they would be prepared to speak in confidence to the Keyworker/Housing officer.

Alcohol and Solvent Abuse

This category is for cases that are specifically caused by the behaviour arising from misuse of alcohol or solvents. It can include noise, verbal abuse, physical attacks and damage to property where alcohol and solvent abuse was a specific cause.

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Where drug or alcohol use is causing inappropriate behaviour and ASB this should be addressed through Audit C, risk assessment and support tools on an ongoing basis. Referral to specialist agencies, detox, reduction or harm minimization programme should be considered.

2. Case Management

The initial stages of ASB case investigation includes:

- Receiving the initial complaint
- Interviewing the victim
- Interviewing the person Complained About
- Case management and monitoring
- Supporting victims and witnesses

Introduction

The initial response to an ASB complaint is crucial, so that victims and complainants can be confident that we are taking their report seriously. At this stage, the emphasis should be on ensuring the safety of the victim as well stopping the behaviour of the PCA (person complained about). However, we will take legal action if it is the right course of action as described in section 6.

2.1 Receiving the complaint

ASB complaints can come from various sources: letter, telephone call, or a visit to the office or the on call service.

Where possible, you must record a complaint on an ASB incident report form. If it is not possible to use a report form, you should make sure that you have taken detailed notes of the complaint. The officer taking the report must pass the details to the relevant member of staff and the manager of the scheme within 24 hours. The keyworker/housing officer should contact the victim to arrange an interview (see section 4. 2 below). In the keyworkers/housing officer's absence, it should be passed to their line manager. If the complaint is serious, you should speak to the solicitor.

Anonymous reports should still be recorded as above. You may be able to investigate cases such as dangerous rubbish dumping without the need for an identified complainant.

Checking previous tenancy history: at the early stage of the case investigation, when recording the first complaint, you should check the tenancy files of those involved. This is important, as there may have been a complaint made previously or there may be action that is currently being taken. You can check previous history by searching Omni ledger or ASB cases on Salesforce. It is also a good idea to speak to the keyworker / housing officer to see if they are taking any action in a particular case.

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Checking previous tenancy history is important for your personal safety. Staff should review PRHA risk assessment and should refer to Lone Working Policy & Procedure **CS35** in all instances of investigation complaints.

2.2 Interviewing the victim

Points to remember

- Always take the complaint seriously
- Make sure the victim has your contact details
- Always respect the victim's confidentiality

An interview with the victim should take place within **three working days** of a complaint being made. An interview may have to be arranged at very short (or with no) notice. The following points should be considered:

- Ensure interview takes place in a private and secure place (such as an interview room)
- The victim may prefer to be interviewed by an officer of the same sex
- Whether the victim requires an interpreter
- You should allow enough time to conduct the interview

For more information on how to conduct the interview, including question to ask the victim, please see the ASB complainant interview questions sheet' in the appendix.

Completing the ASB form

Where possible, you should record the complaint on the standard ASB form. For most cases, the keyworker, Supported housing officer or housing officer will complete the ASB form with the victim.

2.3 Actions – Interviewing the Person Complained About (PCA)

If the victim agrees, the person complained about can be interviewed and the allegations put to them. This gives the person complained about the chance to respond to the allegations. In order to protect the complainant their name should be kept confidential.

Always consider your personal safety when arranging person complained about interviews. In most cases you should conduct an interview with another staff member present. If you want to conduct an interview or visit on your own, particularly if it is concerning 'less serious' ASB, you should discuss it first with your line manager.

You should contact the person complained about within five working days requesting that they attend an interview. The interview can be in the office, only do interviews at the persons home with the approval of your line manager.

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If the person does not respond to a first request for an interview, send a second interview letter, offering another appointment. If the person does not respond to the second letter, discuss with your line manager.

Before the interview, you should make the following preparations:

- Check the file to see if there have been previous complaints. Also discuss with line manager
- Check the (potentially violent) list on Omniledger/Salesforce.
- Prepare what you will say in the interview, using interview question sheet.

Following interview, you can speak to your line manager if you need advice on next course of action.

Usually, a warning letter is sent to the Person Complained About. This should be sent to the Person Complained About within **five working days** of the interview. The content will vary according to the case, but as a guide, the letter should:

- State what the original allegation was
- Note what the person complained about's response to the allegation was.
- Contain the relevant clauses of the tenancy conditions.

After the person complained about interview has been completed, and a warning letter sent you should contact the complainant within **five working days** to update them on the action you have taken. This can be by letter or telephone.

Others

Block Letters

If there is no identified Person Complained About, it may be appropriate to send a general letter to the block. A block letter can be a general warning or an appeal for information.

Other Witnesses

The complainant may have identified other witnesses, or other people who have been victims. You should contact these other witnesses and arrange to take a statement from them.

Child protection/social services

If you believe/suspect/are told that children might be at risk, you should complete the Child Protection internal referral form and pass it to PRHA's managers. This can then be discussed with social services and case referred to them.

2.4 Case Management and Administration

PRHA uses Omni ledger/Salesforce.

It is important to record and regularly update all ASB cases on the database. Any action taken in a case or other developments should be recorded on the database within **24 hours** of the action taking place.

ASB Standards

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Topic	Time scale
Urgent complaint received (threat to person or property)	Within 24 hours
Non urgent Interview victim/complete ASB form	Contact complainant within 3 working days & offer to visit/interview in 5 working days
Where person complained about identified, send warning letter (if no interview)	Within 5 working days
Where person complained about identified: send interview letter	Within 5 working days
After interview: send warning letter	Within 5 working days
After interview: contact and update victim	Within 5 working days
First monthly review	1 month after complaint
Second monthly review	1 month after first review (if no prior contact)
Third monthly review	1 month after second review (if no prior contact)
Closure letters (if appropriate)	Within 5 working days of the ASB case panel
Database – record any actions taken on database	Within 24 hours of action taking place

2.5 Supporting Witnesses and Victims.

To support tenants we will assess security needs, offer referral to victim support and use professional witnesses where appropriate.

3. Non legal remedies

3 Self Help and Mediation

In less serious cases of ASB, the complainant may be able to resolve the problem themselves by approaching the person they are complaining about directly. This is worth discussing with the complainant, as it can often be the most effective way of resolving the problem. If the complainant feels confident dealing with the problem you should encourage them to contact you and update you on how they got on.

You should exercise caution in recommending this course of action, in the event the complainant may not feel confident approaching the other person themselves. You should certainly advise against this 'informal mediation' if there have been threats or actual violence, or in cases of racial harassment.

Mediation

Mediation is not always an appropriate option, particularly where there have been threats, violence or in racial harassment cases. Always check with the manager of the scheme.

A more formal way of resolving ASB cases without resorting to tenancy action is mediation. Mediation should be offered as an option early on in a case, and you should encourage complainants to try this route.

If the complainant agrees to mediation, you can refer them to Tower Hamlets Mediation Services.

3.1 Security measures

The most important thing in an ASB case investigation is the safety of the complainant. We can offer enhanced security measures for the complainant's home. Security measures are most appropriate in cases where there has been violence, threats or damage to property.

Security measures include:

- Fireproof letterboxes: If the incident involves flammable material put through the letterbox.
- Lock change: In certain circumstances, we may be able to arrange a lock change to a property. However, you must discuss this with your manager.
- Security alarms: If there has been violence or a fear of violence.
- CCTV: to monitor further incidents and gather evidence.
- Graffiti: If racist or particularly offensive graffiti is found, inform Tower Hamlets immediately. They will arrange to remove within 24 hours.
- Damage to property: Report any damage as soon as possible to Property Services as a priority.
- Use of security guards to cover out of hours.
- Disconnecting door entry systems.

3.2 Temporary Accommodation

Depending on the ASB experienced, the victim may not feel safe living in their home. A resident may also feel unsafe if he or she is a witness attending court. PRHA does not provide emergency or temporary accommodation. Therefore, if the victim wishes to leave their home, you should advise them to go to the Homeless Person's Unit of the council or the HOST team.

If the victim is particularly vulnerable, you can arrange transport for them. In addition, you should give the victim a copy of the ASB report form (if one was completed) and your contact details. It is also worth calling the HPU to provide them with background information to support the victim in their homeless application.

See also Injunctions, in Section 7 of this procedure. An injunction may be a way of offering protection to the victim or witness while still enabling them to remain in their home.

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3.3 Referrals and joint working

Working with other organisation is vital to our work to tackle ASB. This section describes the organisations that we work with. It includes contact details, and how and when to refer cases to them.

Safer Neighbourhoods Teams
 LBTH Mediation Service at Toby Club

3.4 Environmental Health.

Environmental Health have powers under the Environmental Protection Act 1990 which are sometimes more appropriate than the powers we have as a landlord, they deal with:

- Noise nuisance
- Dumping of rubbish
- Unhygienic premises

The tenant can make a complaint directly to environmental health. Environmental Health should investigate the claim and if appropriate they will serve an abatement notice against the perpetrator. Should the behaviour continue to contravene the notice, they can apply to the magistrate's court to prosecute and the perpetrator can be fined. The Environmental Health department may also be given power to take any action necessary to prevent the nuisance re-occurring i.e. seizing of stereo equipment.

4 Legal Remedies

The decision about whether or not to take legal action can be made at any stage but only after full consideration has been given to non-legal remedies.

If non-legal remedies are not appropriate then please refer to the Breach of Licence Agreement and Breach of Tenancy Policy as appropriate.

4.1 Applying for a possession order.

Serving a NOSP is the first stage of action to get an order for repossession (suspended or outright). Serving a notice does not mean we will necessarily go to court and can be used as a warning.

If the tenant is an assured tenant the grounds for possession will be discretionary. It is therefore vital that sufficient evidence has been collected to support the case. (Assured short hold tenancies and licences can be dealt with separately by following the relevant procedures outlined above.)

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Where a case is definitely going to court, a solicitor should be appointed and given the evidence. A suspended possession order can be a useful way of curtailing the ASB in question. It offers the threat of eviction and can include specific dos and don'ts as part of the conditions. Examples of suspended orders obtained are:

- No nuisance/annoyance to neighbours
- No harassment/intimidation of neighbours

In many cases the evidence will not be strong enough for an outright order or the nature of the offence does not warrant eviction. Where the case is defended, lawyers will often use grounds of reasonableness. They are much more likely to agree to a suspended order and will have a harder job arguing against it.

Repossession should be seen as a last resort, although the decision can be taken at any stage of the complaint.

4.2 Legal Action by tenants.

A tenant is able to take out an injunction to prevent someone from doing something e.g. harassing them. Injunctions can be used to exclude someone from an area, usually the vicinity of the complainant's home. See injunctions below for more information.

4.3 Injunctions.

Injunctions can also be considered as part of a plan for anti-social behaviour. They can be allied to actions for re-possession or taken out as a separate action.

An injunction is granted by a County Court to either stop someone doing something e.g. threatening behaviour or to make them do something e.g. removing rubbish from their garden. The injunction can be taken out by the tenant whose rights are being infringed or by PRHA for breach of tenancy. The advantages of using injunctions include

- A very quick response to emergency situations
- Witnesses do not need to attend court
- Strengthening the case for possession

S153A – The anti-social behaviour injunction

This will apply to conduct: Capable of causing nuisance or annoyance to anyone and which directly or indirectly relates to or affects out "housing management functions".

S153B Permits an injunction, to restrain conduct which would use, or threaten to use housing accommodation owned or managed by PRHA for an unlawful purpose.

S153C Allows a Court to exclude a Defendant to injunction from entering or being in any premises or area specified in the injunction, or attach the power of arrest

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where conduct included the use or threatened use of violence. A perpetual injunction is used to restrain someone from repeated acts of nuisance. These are a good remedy where re-possession is not appropriate or difficult to obtain due to lack of evidence. They can also be easier to obtain than a suspended order for possession as the remedy for breach is a fine/imprisonment rather than eviction.

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Appendix

ASB complainant interview questions sheet

This is a 'question sheet' of things to discuss during an interview of a Person Complained about. It may be useful to have this to hand during the interview.

- Thank the person(s) for attending. Explain the reason for the interview
- Explain PRHA's policy
- That all complaints of ASB are taken seriously
- All complaints are investigated
- ASB is a breach of tenancy agreement
- Breach of tenancy conditions could result in tenancy action, such as possession.
- What the alleged incident is, and when and where it occurred.
- Do not tell them details (e.g. name and address) of the complainant. Explain that any complaints about ASB are treated as confidential. (Always be aware of not disclosing the complainant's details accidentally).
- Stress that this is a complaint or allegation. You are not directly accusing them of anything.
- Ask the person for their comments
- Ask the person whether they accept the allegations.
- If they deny them, do they think someone else has caused the problem?
- Counter-allegations may be made – state that you will treat these counter-complaints seriously, but separately from the current allegations.
- Draw attention to the person's obligations under the terms of their tenancy agreement.
- Ask the person if they would like to discuss anything else.
- Close the interview by saying that the interview will be confirmed in writing.

After the interview

- Deal with any counter-allegation by completing an ASB report form
- Ensure that detailed notes have been taken in the meeting
- Update the ASB database
- Contact the victim to provide an update

Send letter to person confirming the interview