

FINSBURY PARK HOUSING CO-OPERATIVE ANTI-SOCIAL BEHAVIOUR POLICY

1. The Aims of this anti-social behaviour (ASB) policy:

- Finsbury Park Housing Co-operative (FPHC) is committed tackling anti-social behaviour (ASB) and strives to ensure FPHC tenants have peaceful enjoyment of their homes.
- We will attempt to take positive action, possibly in partnership with other agencies, to address ASB.
- We will work with residents and others to define acceptable standards of behaviour within the community.
- We support local authority and other lawful strategies for tackling ASB.
- We will comply with the Neighbourhood and Community Standard for community lead housing associations
- We seek to foster a sense of community, mutual respect and support in and for the local community.

2. Definition and Principles

Anti-social behaviour is generally defined as conduct capable of causing a nuisance or annoyance to any person. Examples of ASB are available in this document at (9) below.

FPHC recognises that, left unchallenged, anti-social behaviour can have a significant negative impact on the lives of residents and the community. FPHC will take action to respond to incidents of ASB and develop a pro-active approach to prevent ASB.

The following are key principles regarding challenging ASB:

- ASB may affect or be perpetrated by residents, other people living with or visiting them and other residents neighbouring to FPHC homes
- FPHC has a duty of care towards its tenants if they are experiencing ASB.
- FPHC has a duty to enforce the terms of a perpetrators tenancy agreement if the perpetrator or the actions of one of their guests are causing genuine distress to neighbours, whether or not those neighbours are members of FPHC
- Individuals have a right to a fair hearing. There should be a presumption of innocence until the facts about any complaint of ASB have been established.
- Everyone has a right to enjoy their own lifestyle but only where this does not interfere with the rights and quality of life of other residents'
- FPHC strives to ensure that all residents are treated fairly, consistently and equitably, taking into accounts any particular needs of a resident.

FPHC recognise some cases of ASB (e.g. possibly some noise related cases) relate to defining acceptable levels of tolerance in a particular area, and that such cases may require dialogue and negotiation between affected parties. However, other cases (e.g. criminal behaviour and harassment) are likely to represent ASB.

3. Responsibility of family members and visitors

FPHC requires tenants to take responsibility for the behaviour and actions of family members, guests and other visitors to their property.

4. Potential Action

Measures to tackle ASB may include:

- Dialogue with respective parties .
- Formal communication such as warning letters
- Working with agencies, such as police, local authority or environmental health, to respond to particular problems.
- Court proceedings, such as when there has been a breach of tenancy agreement.

5. Supporting complainants and witnesses

FPHC will support complainants and witnesses where there is a need to do so.

6. Preventing anti-social behaviour

FPHC will consider how it can mitigate against likely ASB behaviour through steps such as inspecting communal areas and removing rubbish and graffiti and liaising with partnerships aimed at tackling anti-social behaviour.

7. Protecting people working on behalf of FPHC

FPHC aims to provide volunteers and staff working on behalf of FPHC with relevant training and understanding of the principles of our ASB policy.

8. Delegated Authority

FPHC will delegate **its elected officers** to manage ASB, or to choose to delegate management of ASB, should the need arise.

Those managing incidents of ASB must be independent of all parties involved in the complaint.

Response may vary to reflect the needs or severity of an incident or incidents. Management responses may include:

- Consideration by MC, SGM or other meeting (subject to GDPR).
- Submit the matter to the complaints committee.
- Creation of a sub-committee empowered to act on behalf of FPHC.
- An alternative approach suitable to the matter at hand.

In all cases, management of the matter will be guided by the principles of FPHC as articulated in 3, relevant tenancy agreements, the rules of FPHC and the rule of law.

9. Examples

The following are examples of possible anti-social behaviour:

- **Harassment:** including violence or threats of violence to other residents, to staff, agents and contractors or to any other person; abusive or insulting words or behaviour; damage or threats of damage to property belonging to another person including damage to any part of a person's home; writing threatening, abusive or insulting graffiti; or any act of omission calculated to interfere with the peace or comfort of any other person or to inconvenience such a person
- Graffiti and vandalism
- Damaging or threatening to damage another person's possessions
- **Racial harassment and/or other hate related behaviour:** Any type of behaviour or action, including those listed above, that is carried out against another person on the grounds of race, religion, gender, sexual orientation, disability, social class, or age. All such cases will be treated as serious and dealt with accordingly.
- Alcohol abuse and drunken behaviour
- **Nuisance from pets and animals,** including fouling, noise from animals (including dogs barking), using animals to intimidate or harass people, lack of control of animals.
- **Noise,** including loud music, shouting or arguing, door slamming, parties.
- Dumping rubbish, fly tipping and littering
- **Misuse of communal areas,** including dumping rubbish or playing in unsuitable areas.
- **Problems caused by vehicles,** including abandoned vehicles, inappropriate or illegal parking, carrying out vehicle repairs inappropriate to the local neighbourhood, excessive noise from vehicles (e.g. car alarms).
- **Disputes between neighbours**

10. Anti-Social Behaviour Procedures

a. Reporting:

All tenants and residents of FPHC will receive documents explaining how to report ASB. They can write to Finsbury Park Housing Co-operative, 12 Pine Grove, London N4 3LL to report anti-social behaviour.

b. Responding:

The Delegated Authority will contact the complainant within 30 days of the report being lodged. The DA will discuss with the complainant what they would like FPHC to do and what options might be available.

c. Recording:

The DA will record details of the incident(s) on an ASB reporting form. The DA will provide the complainant with ASB diary sheets.

d. Investigation:

Unless the complainant withholds consent, the DA will talk to both the victim/survivor and the alleged perpetrator. It may become clear that more evidence is needed to take things forward which might exceed our capacity or authority e.g. knocking on doors of neighbours to find out if they witnessed anything pertinent to the case. FPHC might ask the local Safer Communities police team or Islington Council's ASB Team to investigate further.

e. Risk Assessment:

The DA will complete a risk assessment form as used by the London Borough of Islington. If the assessment is very high then FPHC will make representations to the police and or the council to use its authority to act.

f. Legal Advice:

Where appropriate FPHC will take advice from our solicitors of the efficacy of possible legal action – their pros and cons.

g. Co-operation with other agencies:

Even where the risk assessment is not especially high FPHC might need to work with other agencies and share information with those agencies. In most cases this may require the consent of the complainants, though FPHC will cooperate with law enforcement and other statutory authorities.

h. Confidentiality:

Information about the case will be held confidentially by the DA and may also be shared in closed (confidential) meetings of the Management Committee or delegated investigatory groups.

i. GDPR:

FPHC is conscious of its responsibilities under GDPR and will always strive to ensure sensitive information is secured in line with the organization's responsibilities under GDPR

11. Reporting Back to the Complainant:

FPHC will report back on the progress of the investigation and legal processes.

12. Hate Crime:

See Appendix. People don't necessarily say they have experienced a hate crime or incident. FPHC will attempt to ascertain incidents of such violation. In the event hate crime or potential hate crime is identified it will be investigated as such. We may direct plaintiffs toward relevant support organisations in such cases.

13. Support:

In the event more support is required, the DA will try to encourage other members of the FPHC community to assist and will seek to identify external support resources that may be able to help. This primarily for emotional support and deterrence – perpetrators tend to go for isolated people. Secondly, visitors might witness something. FPHC will in some cases signpost or refer people to Victim's Support.

APPENDIX – FURTHER DEFINITIONS

1. What is a Hate Crime?

There are various definitions of hate crime. This is the one used by the Metropolitan Police:

“A hate crime is defined as any criminal offence which is perceived by the victim or any other person to be motivated by hostility or prejudice based on person's race or perceived race; religion or perceived religion; sexual orientation or perceived sexual orientation; disability or perceived disability and any crime motivated by hostility or prejudice against a person who is transgender or perceived to be transgender.” [Source: www.met.police.uk/advice/advice-and-information/hco/hate-crime/what-is-hate-crime/]

A hate incident is therefore any incident which the victim, or anyone else, thinks is based on someone's prejudice towards them because of their race, religion, sexual orientation, disability or because they are transgender

2. What is Harassment?

The important thing about the Prevention of Harassment Act 1997 is that it deals with things which singly is not a crime but if done repeatedly may represent a course of conduct which is illegal. People are warned either by the police or by the individual suffering the harassment or the council or housing association. If they continue doing these things following a warning they are subject to arrest and can be charged, tried and convicted under the act.

The House of Commons Briefing Library Briefing on the Act says:

“The Protection from Harassment Act 1997 was originally introduced to deal with the problem of stalking. However, it deals with a much wider range of behaviour, including behaviour which alarms or distresses the victim. The Act gives both criminal and civil remedies.

There are two criminal offences:

- pursuing a course of conduct amounting to harassment;
- a more serious offence where the conduct puts the victim in fear of violence

Harassing a person includes alarming the person or causing the person distress.

A “course of conduct”, which can include speech, must normally involve conduct on at least two occasions. There are special provisions to cover harassment targeting two or more people to persuade (for example certain kinds of protest action against companies) and harassment of an individual carried out by two or more people.

In addition to the criminal offences, a civil court can impose civil injunctions in harassment cases as well as awarding damages to the victim for the harassment.

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