



City of London Corporation
Department of Community and Children's Services
Housing Service
Anti-Social Behaviour Policy

DRAFT

Approved by:	<i>Housing Management & Almshouses Sub-Committee</i>
Approval Date:	
Review Date:	

1. Introduction

This policy outlines the City of London Corporation's approach to managing instances of anti-social behaviour occurring on its housing estates, or which relate to, or affect, its ability to manage those estates and related premises.

Anti-social behaviour is prohibited by the City's tenancies, leases and licences. This policy is intended to describe how housing management staff will deal with breaches of these agreements by residents and others who commit acts of anti-social behaviour.

We recognise that anti-social behaviour can have a severe impact on the wellbeing of residents and we are committed to taking appropriate action to resolve cases when they occur. We will work in partnership with other agencies to tackle anti-social behaviour effectively.

2. Aims & Scope

The City's Housing Service aims to:

- Take effective action in cases of anti-social behaviour
- Set realistic expectations around how we can help resolve cases
- Promote an environment on our estates where residents feel confident in coming forward to report anti-social behaviour
- Provide appropriate support and advice to complainants and perpetrators
- Work in partnership with key agencies to tackle anti-social behaviour
- Protect City of London staff and contractors from anti-social behaviour at work and take effective action when it occurs

This policy applies to:

- the Corporation's Housing Revenue Account ("HRA") housing estates
- the City of London and Gresham Almshouses
- commercial properties managed as part of HRA estates

This policy covers anti-social behaviour affecting our residents and their households or visitors, our commercial tenants and our staff, agents and contractors. It applies to incidents whether they are in person, or threatening, abusive or insulting language in other communications, such as telephone calls, letters, e-mails, text messages or in posts on websites.

3. Definition of Anti-Social Behaviour

There is no single definition of anti-social behaviour but the most relevant for housing management purposes is contained in the Anti-Social Behaviour, Crime and Policing Act 2014:

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

This definition also covers behaviour that affects the City's ability to manage its housing stock and premises. Unacceptable conduct towards the City's staff, agents and contractors is also specifically covered in the legislation.

The term "anti-social behaviour" covers a wide range of unacceptable activity that causes harm to individuals, to the community or to the environment. It also includes behaviour that lead to fear of crime, or cause people to feel less safe.

3.1. Unacceptable Behaviour

Our anti-social behaviour policy covers a wide range of unacceptable behaviour. Anti-social behaviour may or may not be criminal; what is important is the effect the behaviour has on others.

The behaviour in question will normally fall into one of four broad categories:

- Misuse of public or communal spaces
- Disregard for the community and personal wellbeing
- Acts directed at people
- Environmental damage or nuisance

Specific examples of anti-social behaviour include:

- Physical violence
- Domestic violence and abuse
- Vandalism and damage to property
- Hate-related incidents based on race, religion or belief, disability, age, sexual orientation, sex, gender identity or marriage/civil partnership status
- Verbal abuse, harassment, intimidation and threatening behaviour
- Prostitution, public sex acts and kerb crawling
- Drug misuse and drug-dealing

- Alcohol misuse and related behaviour
- Misuse of communal areas and public spaces
- Using City property for an illegal or immoral purpose (or threatening to do so)
- Noise nuisance
- Nuisance caused by pets or animals
- Vehicle-related nuisance
- Fly-tipping
- Making malicious or unfounded complaints of anti-social behaviour
- Other criminal activity

This is not an exhaustive list and our standard tenancy agreement, leases and licences include clauses relating to anti-social behaviour and what the City regards as unacceptable behaviour. The Tenancy Handbook includes more detailed examples of nuisance behaviour and should be read in conjunction with this policy.

Certain other breaches of tenancy, lease or licence may amount to anti-social behaviour if they are sufficiently serious or persistent. Example breaches include:

- Using a property for business purposes where this causes a nuisance
- Failing to keep a property in a clean and habitable condition
- Failing to keep a garden in reasonable condition

3.2. Acceptable Behaviour

Most of our housing stock is made up of blocks of flats and many of these properties are situated in busy areas of central London. Some noise disturbance and other minor annoyances are to be expected when living in such proximity to other people.

Certain behaviour is therefore not usually regarded as being capable of amounting to anti-social behaviour and will not be dealt with under this policy. This includes 'reasonable living noise' from residential properties, such as people talking, babies crying, noise from the use of kitchens and bathrooms, people walking around in their homes, doors and cupboards being opened and closed and the use of household electrical appliances at reasonable times of day. Other issues like cooking and tobacco odours emanating from residential properties are also considered acceptable and will not be treated as anti-social behaviour.

We will not take enforcement action under this policy in the above situations. When neighbours are in dispute about any of the above issues we will normally, with their consent, refer the parties to independent mediation.

4. Reporting Anti-Social Behaviour

Complaints of anti-social behaviour affecting City of London Corporation residents and lessees will be accepted from any source and can be made in person, in writing or via telephone.

When a City of London Corporation resident or lessee complains about anti-social behaviour from someone who is not our resident, we will support the complainant to resolve the case by working with relevant agencies, such as the Police and community safety teams.

We will act on anonymous complaints where possible and will seek evidence from other sources to corroborate the complaint and take appropriate action. Complainants will be encouraged to make named complaints and leave contact details as this will enable a more effective investigation into the complaint.

5. Residents' Responsibilities

The City of London Corporation expects its residents to show consideration for their neighbours and the wider community by not behaving anti-socially or allowing their household members or visitors to do so. Responsibilities are outlined in the City's tenancy, lease and licence agreements.

We will encourage and support residents to:

- Report incidents of anti-social behaviour, harassment and domestic abuse
- Report incidents to the Police as appropriate
- Take responsibility for minor personal disputes with their neighbours and to try to resolve any such problems themselves in a reasonable manner, for example by participating in mediation

6. Addressing the Causes of Anti-Social Behaviour

We recognise that anti-social behaviour has many causes and many factors may lead to someone behaving anti-socially. These may include mental health issues, drug or alcohol dependency, family breakdown or exploitation by others.

We aim to address the causes of anti-social behaviour by working with statutory and voluntary agencies, by providing support directly, or through community development initiatives. Where appropriate, we will make referrals to other agencies to address the root causes of an individual's anti-social behaviour. We may also take enforcement action alongside supportive measures where this is appropriate.

7. Taking a Preventative Approach

We aim to prevent anti-social behaviour wherever possible, and our preventative approach includes:

- Inserting clear clauses in tenancy, lease and licence agreements prohibiting anti-social behaviour and detailing resident responsibilities
- Promoting our commitment to dealing with anti-social behaviour
- Training staff to deal effectively with minor issues to prevent them escalating
- Assessing vulnerability and support needs of our residents and providing support, or referring to appropriate external agencies
- Ensuring new residential developments are designed with security and crime-reduction in mind
- Considering physical improvements to properties to reduce or eliminate crime and anti-social behaviour
- Operating sensitive lettings where appropriate
- Using introductory tenancies for new tenants
- Considering refusing housing applicants with a known history of causing serious anti-social behaviour

8. Supporting Complainants and Witnesses

The action we take to support complainants and witnesses will vary depending on the type of anti-social behaviour experienced. We will deal sympathetically and confidentially with complainant and witnesses. We will also take the following action, as appropriate to each case:

- Formulate an agreed action plan with the complainant at the outset
- Provide appropriate support to the complainant until the case is closed, including regular updates on progress (frequency of contact will be agreed at the outset)
- Take swift and proportionate action to stop intimidation, including legal remedies
- Inform the complainant and any witnesses about services that our partners and local agencies can provide, such as victim support
- Provide witnesses with information and support to help them make a decision about signing a witness statement and going to court. Witnesses in court proceedings will be offered appropriate support
- Protect complainants' and witnesses' identities where they request to remain anonymous
- Where attendance at court is required, reimburse witnesses for travel expenses, explain court procedures and accompany witnesses to court
- Take practical measures to protect complainants and witnesses, for example by providing extra security measures at their home

Alternative housing options, such as transfers for complainants, will normally only be considered when other options have been exhausted or where there is evidence of significant risk to the complainant. Our focus is on stopping the anti-social behaviour, rather than transferring complainants elsewhere. Decisions on housing need will be made in accordance with our housing Allocations Scheme. In cases where we do consider someone's housing options, the Police and other relevant agencies will normally be consulted for their assessment of the risks involved.

9. Perpetrators with Support Needs

We recognise that perpetrators may need help and support to sustain their tenancy, lease or licence. We will ensure that the action we take is proportionate and takes due account of any vulnerability the perpetrator has.

Where appropriate we will provide support directly, or work with external specialist agencies, to seek to moderate the anti-social behaviour and sustain the perpetrator's tenancy, lease or licence. We recognise that in these circumstances changes in behaviour may be gradual and not immediately achieved.

We may arrange for perpetrators to receive support in the following ways:

- Referral to community mental health teams
- Referral to substance misuse programmes
- Referral to social services
- Advice on adult learning
- Referrals to floating support services

Perpetrators of anti-social behaviour may be part of a vulnerable household, with children, young people or adults who are in need of support; the anti-social behaviour may be a trigger which alerts us to wider problems the household is experiencing. This may include child protection and safeguarding issues. We will respond to such situations in line with our Safeguarding Policy.

10. Early Intervention and Informal Remedies

In many cases anti-social behaviour can be stopped if challenged early enough. We will usually attempt to use informal remedies before taking legal action, though in some cases it will be appropriate to commence legal action immediately (for example in cases involving violence, threats of violence, damage or threats of damage to property or other serious criminal activity). If we decide to proceed straight to legal action, we will make our reasoning clear.

Informal measures we may consider include:

- Referrals to support agencies
- Warnings (written or verbal)
- Acceptable Behaviour Agreements
- Referral to independent mediation

In cases where neighbours are in dispute, we expect the parties to participate in independent mediation. This may be the only remedy open to us in some cases.

12. Legal Action

We may pursue legal action where the behaviour is deemed to be sufficiently serious, is a criminal offence, or other intervention has failed to stop or prevent persistent anti-social behaviour. We will encourage and support complainants to report crimes to the Police. We will work in a way that supports the Police's investigation, which may involve taking no action of our own until the outcome of the Police investigation.

Legal remedies include:

- Possession Orders
- Injunctions
- Demotion of tenancy
- Forfeiture of lease
- Criminal Behaviour Orders (in conjunction with the Police and prosecuting authorities)
- Closure Notices and Closure Orders (in conjunction with the Police and other Local Authorities)
- Either taking or supporting action under environmental protection legislation (for example, in cases of noise nuisance)
- Taking or supporting action under the Anti-Social Behaviour, Crime and Policing Act 2014

Seeking a perpetrator's eviction is normally regarded as a last resort, though in more serious cases it may be both reasonable and proportionate to commence legal action without first attempting other solutions. Action to end a tenancy, lease or licence will be authorised by a senior manager, normally an Area Manager or higher. We will seek possession where there is serious risk to other people or property, or other measures have not been successful in resolving persistent anti-social behaviour.

The action taken will vary depending on:

- The level of risk involved in the case
- The seriousness of any criminal offence involved
- Any history of anti-social behaviour involving the same person
- The success of previous measures taken
- The complainant's personal circumstances including support needs or vulnerabilities
- The perpetrator's personal circumstances including support needs or vulnerabilities
- The willingness of the perpetrator to engage with the City or other agencies

When seeking possession of a property, we may use mandatory or discretionary grounds as appropriate. When using mandatory grounds, we will comply with our obligation to provide the tenant the opportunity to seek a review of our decision. This review will be undertaken by a senior manager who was not involved in the original decision, normally an Area Manager in the first instance.

13. Taking Appropriate Action

We are under a duty to ensure that any action we take, especially legal action, is both a reasonable and proportionate response to the behaviour in question. Any measures we put in place must also have a reasonable chance of working.

We will often have to make difficult decisions when dealing with anti-social behaviour cases and will have to balance several competing considerations. Sometimes, this may mean that we take action that the complainant does not consider to be adequate. We will explain the reasoning behind our decisions to ensure that complainants and perpetrators understand them clearly.

All parties in an anti-social behaviour case will be treated fairly. Counter allegations will be treated as separate cases and action will be taken based on the evidence available.

14. Partnership Working

We recognise that working in partnership with other agencies is key to dealing effectively with issues of anti-social behaviour. We will participate in initiatives designed to improve information exchange and better joint working, with the aim of improving responses to anti-social behaviour.

Our housing stock is in the City of London and in six surrounding boroughs. Partnership working will take different forms depending on the location, though we are committed to forming partnerships with relevant agencies, both in the City and in our host boroughs.

Where other agencies have more effective powers and resources to deal with anti-social behaviour, we will refer the case to the relevant agency and support any action they take.

We will also work with agencies providing support for both complainants and perpetrators, including social services, floating support and tenancy sustainment services, victim support and more specialist agencies.

We will also refer to and participate in multi-agency panels such a domestic violence MARACs (Multi-Agency Risk Assessment Conferences) and similar panels relating to anti-social behaviour and community safety issues.

15. Service Standards

We will publish our service standards relating to anti-social behaviour. These standards will outline how we will respond to reports of anti-social behaviour and our commitment to resolving cases fairly and effectively.

16. Closing Cases

We will write to complainants when ceasing investigation and closing cases. We will advise of our reasons for closing the case and offer further advice as appropriate.

Cases may be closed for a variety of reasons, but we will typically do so when:

- the anti-social behaviour has ceased, been addressed or resolved
- appropriate legal or enforcement action has commenced
- the behaviour, on investigation, is not objectively anti-social
- the complainant has failed to engage appropriately
- the allegations cannot be substantiated
- the allegations are deemed vexatious or malicious

17. Monitoring and Performance

We will monitor our use of this policy and the way in which it is implemented, ensuring that any relevant information is reported at appropriate intervals.

18. Training

We will provide all staff responsible for implementing this policy with comprehensive training as required.

19. Equality and Diversity

This Policy has been subject to a full Equalities Analysis and will be implemented in accordance with our responsibilities and duties under relevant legislation, including the Equalities Act 2010.

20. Accessibility

We will ensure that tenants' needs are considered when implementing this Policy to ensure that they are treated fairly. We will make appropriate arrangements to ensure that customers with distinct communication needs are not unreasonably and disproportionately affected. This could involve providing communications in alternative languages or formats or providing interpretation or transcription as appropriate.

21. Data Protection and Information Exchange

We will comply with our obligations under relevant data protection legislation and regulations. We will process and store personal information securely.

There are some circumstances in which we are required by law to disclose information given to us. We will normally discuss this with the party giving us the information, but this may not always be possible.

22. Policy Review

We will review this policy at least every three years, or following relevant changes to legislation, regulation or policy.

22. Statutory and Regulatory Framework

This policy is informed by the following legislation and regulation:

Neighbourhood and Community Standard 2012
Anti-Social Behaviour, Crime and Policing Act 2014
Anti-Social Behaviour Act 2003
Crime and Disorder Act 1998
Data Protection Act 1998
Equality Act 2010
Housing Act 1996
Housing Act 1985
Housing Act 1988

23. Associated Documents

This policy is supported by the following documents:

- Anti-Social Behaviour Procedure
- Hate Incidents Policy
- Safeguarding Policy

- Domestic Violence and Abuse Policy and Procedure
- Tenancy Policy

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