

Anti-social behaviour

HOUSING AND PUBLIC PROTECTION SERVICE



Summary of landlord policies
and procedures for
tackling anti-social behaviour

Foreword



Mayor of Newham
Sir Robin Wales



Councillor Ian Corbett
Mayoral Advisor for
Anti-Social Behaviour

Anti-social behaviour and the impact it has on local people and communities is a major concern for everyone living and working in Newham.

As Mayor of Newham, I, along with the Mayoral Advisor for anti-social behaviour, have made tackling anti-social behaviour a top priority.

As a landlord, Newham Council have a responsibility to work closely with tenants and residents to put an end to any type of harassment or anti-social behaviour.

New legislation introduced by the government in 2003 and 2004 has given local authorities more power to deal with perpetrators. Newham Council, with the support and co-operation of its partners like the police, will ensure it uses its full power to help rid the borough of persistent offenders making Newham a place where people choose to live and work.

Introduction

This guide gives a clear summary of our policies and procedures for tackling anti-social behaviour and describes the way in which we intend to tackle anti-social behaviour to meet our responsibilities as a landlord.

The guide was prepared to meet the requirements of the Anti-Social Behaviour Act 2003. The full *Landlord Statement of Policies* and the full *Landlord Statement of Procedures* are available on request, and can also be provided in other languages, large print and Braille.

HOW COUNCIL HOUSING IS MANAGED

The majority of homes let by the council are managed by **Newham Homes** (which is an arms-length management organisation set up after consultation with our tenants and leaseholders).



A small number of council properties are managed by other organisations:

- **Pinnacle PSG** manages some homes in Canning Town as part of a private finance initiative scheme
- **Carpenters Tenant Management Organisation** manages some homes in the Stratford area
- **CTR Triangle Tenant Management Organisation** manages some homes in the Canning Town area
- **Southern Housing Group** manages some leased properties in Beckton
- Leased homes let temporarily to homeless applicants are managed either by the council's temporary accommodation team or by a number of private letting agents

The majority of properties covered in this summary are located within Newham, but a small number are not. Properties outside Newham are on estates owned by Newham in other local authority areas – Redbridge, Havering and Brentwood.

There are also some leased homes provided for homeless applicants which are located in other boroughs. Some parts of this summary will not apply to these homes, where services (other than Housing) are provided by other councils.

We commit to the following principles:

- The council and its managing agents are committed to working with residents to stop harassment and other types of anti-social behaviour
- Where a temporary leased home is managed by a private letting agent, the temporary accommodation team will assign an officer to support the investigation of any incidents of anti-social behaviour involving the council tenant
- The council's objective is to ensure that anti-social behaviour is always responded to promptly and effectively and resolved at the earliest opportunity



What is anti-social behaviour?

In terms of our role as a landlord, anti-social behaviour is conduct which:

- Is capable of causing nuisance or annoyance to another person

AND

- Directly or indirectly affects the management of council housing

OR

- Relates to the use of council housing for an unlawful purpose (or there is a threat that this will happen)

This would cover conduct in and around council housing, including behaviour in communal areas, on estates, at residents' meetings and in connection with work being carried out by our staff or contractors.

ANTI-SOCIAL BEHAVIOUR CAN INCLUDE:

- Harassment (defined in more detail below)
- Noise nuisance (including parties)
- Damaging or misusing public or communal areas (including graffiti and vandalism)
- Aggressive, offensive or threatening language or behaviour
- Violence against people or property
- Crimes based on discrimination (e.g. race, gender, sexual orientation or religion)
- Using housing accommodation for supplying drugs or other illegal purposes
- Nuisance caused by pets and other animals
- Car repairs and abandoned vehicles



Harassment is any behaviour that intimidates, dominates or harms an individual, a family or a group. Offending behaviour will be treated as harassment if it is:

- targeted
- deliberate
- continuing

Harassment can take many forms. The council has specific policies on racial and sexual harassment, but also recognises other motivations such as religion, disability, sexual orientation and perceived HIV status. Harassment can sometimes take place without any clear motivation at all.

Whatever the cause, the council will not tolerate harassment in any form by or against our tenants and leaseholders, and we will work with the police, our managing agents and other organisations to use all legal remedies available to defeat harassment.

HARASSMENT MAY INCLUDE:

- Abusive or insulting behaviour (written or verbal)
- Violence and threats of violence
- Vandalism to property
- Arson or attempted arson
- Repeated and unfounded complaints against a tenant or group
- Actions or activities intended to deter a person from occupying a particular property
- Abusive telephone calls
- Uninvited visits to someone's home
- Placing excrement, rubbish or offensive materials near or in the victim's home



BEHAVIOUR WHICH MAY NOT BE CONSIDERED AS 'ANTI-SOCIAL'

Not all complaints received will be dealt with as anti-social behaviour.

Sometimes, nuisance or annoyance is caused to others unintentionally. For example, by children playing or music being played too loudly.

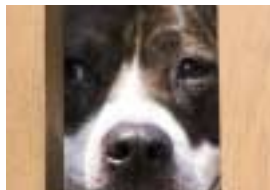
On these occasions, the council expects neighbours to be tolerant of the lifestyle and circumstances of others. Where disputes arise, we will consider whether the behaviour would be thought to be reasonable or unreasonable by most people. We may also suggest that the parties agree to mediation through an independent organisation called 'Conflict and Change'.

Tenants and leaseholders will want to avoid causing anti-social behaviour towards their neighbours and the following section describes some of the main forms of unintentional behaviour that give rise to complaints.

AVOIDING ANTI-SOCIAL BEHAVIOUR

Activities that might unintentionally cause a nuisance or annoyance to others include:

- Carrying out loud work at night (including repairs)
- Parties (it is a good idea to tell your neighbours if you intend to have a party)
- Playing a TV, radio, hi-fi or musical instruments loudly
- Not keeping dogs or other pets under control
- Letting children play in communal areas or without supervision
- Disposing of rubbish and waste in a thoughtless manner



WHAT ABOUT FAMILY MEMBERS AND VISITORS?

If you are a tenant or leaseholder of the council, you are responsible under the terms of your tenancy agreement or lease for the behaviour of members of your family or others who live with you or who visit you. Your tenancy agreement or lease covers behaviour both in your home and in the local area. Your tenancy or lease could be placed at risk if the terms and conditions of your agreement are broken. You will have been given a copy of your tenancy agreement or lease at the start, but if you need a further copy or have any queries about your obligations, you should contact your housing officer at Newham Homes **(telephone 020 8430 2500)** or other managing organisation.

If you are a leaseholder and have moved out in order to sub-let your property, you are still responsible for keeping to the conditions of your lease. If your tenant causes a nuisance, legal action can be taken against you as well as the occupiers. If the anti-social behaviour is serious or includes criminal activities, the council may apply to the court for your lease to be forfeited, if you fail to take reasonable steps to deal with the problem.

What to do if you are affected by anti-social behaviour

Newham Homes (and the other managing agents) can help to resolve problems of anti-social behaviour. However, the level of action that can be taken depends upon how severe the problem is. Therefore, where it is possible and safe to do so, it is always better to try to resolve these situations yourself and we suggest the following as ways in which you might do this:

Dealing with problems yourself-speaking to the person causing the problem

- Firstly, only if safe and appropriate, you should speak to whoever is causing you the problem. They may not be aware that they are disturbing you and a compromise may be reached
- Before approaching the person concerned you should think about what you are going to say
- Be clear about what the problem is and how it affects you
- Think about what the outcome is likely to be and stay calm and friendly. An aggressive approach won't help
- Listen and consider their point of view
- Try not to bring up incidents from the past especially if they are not relevant to the present dispute. Try instead to look to the future and how you want things to change
- If the person is unreasonable – leave the discussion
- Suggest using a neutral mediator such as 'Conflict and Change' (the phone number is available at the back of this leaflet)

If you do not feel that you can approach the person causing the problem, (or approaching them does not help), you can contact us in the ways described on the next page.



How to report the problem

Anti-social behaviour should be reported by telephone to the council's anti-social behaviour hotline on 0800 731 3300

You can also report anti-social behaviour to your housing officer or to a Local Service Centre (there is a list available on the back page).

If your home is not managed by Newham Homes, you should contact the organisation responsible to the council for management.

Abandoned cars, fly-tipping and other environmental hazards can also be reported to the council's Contact Centre on 020 8430 2000 or online at www.newham.gov.uk This will not apply to tenants or leaseholders of homes located outside Newham. These matters should generally be reported to the council in their area, unless it relates to land owned by Newham near to our properties.



When reporting a problem, the person taking your complaint will log the details and will advise you of the next steps that will be taken:

- Environmental issues (fly-tipping, abandoned cars etc) will be reported to the appropriate section for action. We have set target time-scales for dealing with these matters and you should be advised how long it is likely to take to deal with the problem
- Where the problem requires investigation (such as a complaint about a neighbour), the housing officer in Newham Homes (or other managing organisation) will be asked to deal with the issue initially
- If the problem is severe (because, for example, there is continuing danger) an officer will be assigned to investigate immediately

Where complaints relate to people who are not occupying council properties – e.g. owner – occupiers, private tenants and businesses, these will be referred to the council's Crime and Anti-Social Behaviour Service.

- Suggest mediation between the parties involved if this is an appropriate way to resolve the problem
- Explain what can be done to assist – for example, we will talk to the person causing the nuisance, if you agree to this
- If appropriate, ask you to agree to allow us to discuss the matter with the police or with other agencies
- Consider how to support you. This can include an assessment of your home for additional security measures or looking at other support you may need
- Discuss all options to resolve the problem
- Agree an action plan with you
- Discuss and agree how contact with you will be maintained

If you are in continuing danger, we will aim to interview you within *2 working days* after you have contacted us.

If you have suffered repeated incidents of harassment or nuisance, or it seems likely that incidents will continue, we will aim to interview you within *5 working days*.

If the incident is less serious and is not likely to cause continuing nuisance to you, we will aim to interview you within *10 working days*.

Wherever possible, we will attempt to resolve disputes informally. Legal action is only taken in a small number of cases, where other solutions fail or where the anti-social behaviour is of a particularly serious nature.

ACTION FOLLOWING YOUR INTERVIEW

After your interview the officer who met with you will:

- Confirm the action plan with their manager
- Investigate the circumstances including interviewing any witnesses
- Check records to see if any other complaints have been made about the same person or same type of incident
- Interview the perpetrator, if you have given your consent to this
- Work with the police or other agencies, if appropriate and you have agreed to this
- Take any other appropriate action to investigate and stop the anti-social behaviour

In some cases the person causing the nuisance needs help or support. In such circumstances, the officer will refer them to an appropriate agency. This could be a youth inclusion support panel, mental health services or agencies that can assist with alcohol or drug problems.

At the end of the investigation, a decision will be taken on the most appropriate action for each case.



WAYS OF DEALING WITH ANTI-SOCIAL BEHAVIOUR INCLUDE:

- Mediation – this is often the best solution for neighbour disputes and household noise problems
- Referring the person causing the problem for support-for example, referring a young person to a youth inclusion support panel
- Warning the person causing the problem about their behaviour and the possible consequences (such as losing their home, if they are a council tenant or leaseholder)
- Setting up an ‘acceptable behaviour contract’ with the person, which will state what they must not do. The person needs to sign this
- Removing racist or offensive graffiti promptly (within 24 hours of it being reported to us)
- Improving the security of your home, if you are a council tenant
- Reducing the priority of the person causing anti-social behaviour on our housing list, if they are registered

LEGAL ACTION

If the anti-social behaviour is very serious or if non-legal methods are attempted and fail, and there is clear proof of anti-social behaviour, legal action can be taken. Such action will be taken by the council's Crime & Anti-Social Behaviour Service, rather than by Newham Homes (or other managing agent). The Crime & Anti-Social Behaviour Service will however work closely with the managing agent to ensure that you are kept fully informed. Legal action that can be considered includes:

- Applications for Anti-Social Behaviour Orders (ASBOs)
- Proceedings for evicting council tenants due to their behaviour or that of their family members or their visitors
- Proceedings for demoting their tenancy to a less secure one, so that it can be ended easily if further incidents occur
- Applications for injunctions
- Police prosecutions, where there are possible criminal offences
- Applications for a residential lease to be forfeited
- Prosecution by the council through the criminal court (where there are substantiated complaints about noise) and seizure of amplified music equipment



How will we decide if the investigation is finished?

YOUR CASE MAY BE CLOSED IF:

- Mediation has been suggested and this has not been taken up, and there appears to be no other suitable way to help you
- Your complaint cannot be substantiated
- You have taken retaliatory action which is inappropriate or a breach of your own tenancy or lease
- There have been no incidents for three months (but you are welcome to contact us again if you have further problems)
- Your complaint appears to be unfounded or is not regarded as anti-social behaviour
- Three attempts have been made to contact you in the agreed way, but officers have been unable to speak to you
- You decide to withdraw your complaint
- The person causing the problem moves away and is not likely to return



Further action may be taken against a complainant if we find that a complaint made is malicious or a hoax.

Supporting victims of anti-social behaviour

The council has clear guidelines on supporting victims of anti-social behaviour, which are set out below:

- All reports of anti-social behaviour will be taken seriously
- The safety of residents and their families is always the first concern
- Women reporting sexual harassment or domestic violence will be offered an interview with a female member of staff, wherever possible
- An interpreter or sign language interpreter will be provided for your interview, if necessary



- If you cannot visit the office, for example because of a disability, you can contact us by telephone or through a third party and an appointment to visit you at your home will be arranged
- All reports of anti-social behaviour will be treated as strictly confidential
- No action will be taken against a person harassing you without your consent
- We will not reveal your identity without your permission
- Letters or other written material sent to you can be translated into your preferred language
- If you are a council tenant, any urgent repairs needed as a result of anti-social behaviour will be carried out the same day, where possible
- We will assess your home environment and look at what security measures can be provided for you
- Any racist or offensive graffiti will be attended to within 24 hours of it being reported
- We will refer you to other agencies for support where appropriate, and if you agree to this

- In serious cases of harassment, where legal action is being taken against the person responsible, and you are at risk of significant harm, alternative temporary accommodation may be arranged. In the most severe cases, emergency re-housing on a permanent basis may be considered, if there are no other options
- Regular contact will be maintained with you in the agreed manner during the investigation of your complaint

THREATS AND VIOLENCE TO STAFF

- Newham will not tolerate abuse, threats and assaults on staff and will vigorously pursue perpetrators through the courts.

USE OF INFORMATION

- All information obtained by the council will be used in compliance with the Data Protection Act 1998 and other statutory provisions restricting how the information may be used or shared with other agencies.

COMPLAINTS

- If you are not satisfied with how we have dealt with the anti-social behaviour problem that you have reported to the council, Newham Homes or another of our managing agents, you can pursue this through the council's Comments and Complaints Procedure. Details of this procedure and a form can be found at a Local Service Centre or by telephoning the council's Contact Centre on 020 8430 2000.
- If you are still dissatisfied after following the council's own procedure for dealing with complaints, you can take your complaint to the Local Government Ombudsman (the address for this is on our comments and complaints form).

Useful contacts

You can report all forms of anti-social behaviour to the hotline number or to the e-mail address below.

You can also phone the council's Contact Centre or go in person to any Local Service Centre.

Anti-Social Behaviour hotline 0800 731 3300 (email: asb@newham.gov.uk)

Police

In emergency ring 999. Other calls 020 8534 1212

Public Protection

020 8557 8948 (to report noise nuisance)

Newham Homes

020 8430 2500

Newham Council Contact Centre

020 8430 2000 (to report abandoned vehicles, fly-tipping, graffiti etc)

Out of hours emergencies 020 8472 9624

Web address: www.newham.gov.uk

Conflict and Change

Tel: 020 8552 2050 Fax: 020 8470 5505
(independent mediation service)

Victim Support

020 8555 8254

Dog warden/animal welfare

020 8519 8187

Local Service Centres

All Centres (except Docklands) are open from 9am to 5pm Monday to Friday.

Manor Park and Canning Town are also open from 9am to 12 noon on Saturdays.

Docklands is open from 9am to 1pm on Mondays, Tuesdays, Thursdays and Fridays and from 12 noon to 4pm on Wednesdays.

Beckton Local Service Centre

Beckton Globe, 1 Kingsford Way, Beckton, E6 5JQ

Forest Gate Local Service Centre

4-20 Woodgrange Road, Forest Gate E7 0QH

Green Street Local Service Centre

403-405 Green Street, Upton Park E13 9AU

East Ham Local Service Centre

Town Hall Annexe, 330-354 Barking Road E6 2RT

Stratford Local Service Centre

112-118 The Grove, Stratford E15 1NS

Manor Park Local Service Centre

685-689 Romford Road, Manor Park E12 5AD

Canning Town Local Service Centre

3 Beckton Road, Canning Town E16 4DT

Docklands Local Service Centre

4 Pier Parade, North Woolwich E16 2LJ

Monday - Friday
9.00am - 5.00pm



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