

WESTCOUNTRY HOUSING ASSOCIATION
AND RESIDENTS

TACKLING ANTI-SOCIAL BEHAVIOUR TOGETHER



WESTCOUNTRY
Housing Association

This leaflet explains what together we can do about anti-social behaviour, and the action which the Association will take when you report a problem.

“What is anti-social behaviour?”

Anti-social behaviour can take many forms. Examples include:

- noise nuisance
- intimidation and harassment, including racial harassment
- domestic violence and abuse, including emotional abuse
- homophobic harassment (harassment directed at a person’s sexuality)
- failure to look after gardens
- using the premises for illegal purposes
- vandalism
- problems caused by pets.



“I’m suffering from anti-social behaviour. What should I do?”

First of all, try talking to the person causing you the problem.

A direct approach may cause less resentment than if you involve ‘officialdom’. Stay calm and polite, and explain carefully what is causing you a nuisance. You can often solve the problem at an early stage, and prevent a serious disagreement developing. *Only* do this if you feel safe doing so.

If you:

- have already tried talking to your neighbour
 - don't feel safe talking to them, or
 - don't know who is causing the problem
- ...you should report it to us.

“Will my report be dealt with in confidence?”

We will not identify you to any person about whom you have complained. To take your complaint forward, it will normally be necessary for us to discuss the nature of your complaint with those who are causing you the problem. We will only do this with your consent. From the circumstances of the case, they may be able to identify you – for example if you have already discussed the problem with your neighbour and they know that you are likely to be making a complaint to us.

We will discuss and agree with you how we can best support you in order to minimise any problems which you may experience as a result of making your complaint.

We may wish to discuss your problem with other agencies, such as the police, to make sure our response is effective and appropriate.

We will agree with you what other agencies we will involve.

In some limited circumstances, we will have a legal duty to pass information to other agencies, for example in cases which involve alleged child abuse, or benefit fraud.

“What happens when I report a problem?”

Your report will be allocated to a named case officer (normally your housing officer), who will contact you to assess your problem.

They will then give your case one of the following priorities:

Green: for cases where it is not appropriate for the Association to become involved. Examples are problems which are beyond the Association's responsibility to deal with, such as traffic noise, arguments based upon personal disagreements, and stray cats.

Amber: for behaviour that is causing annoyance or inconvenience,

or is recurrent and affects more than one neighbour. Examples are loud music, uncontrolled dogs, and repeated disturbances late at night.

Red: for violence or threats of violence, damage or threats of damage to property in a way which appears calculated to intimidate others.

For Amber and Red cases, your case officer will aim to agree an Action Plan with you.

This may include:

- any further action you can take, such as attempting mediation with those causing the problem
- further investigation by the Association, including with other agencies who may be involved, such as the police
- with your consent, investigating your complaint with the person(s) causing you the problem
- contacting other witnesses
- taking legal action immediately (this only happens in extremely serious cases, where there is very strong evidence, and is rare.)

Your case officer will find out as much as possible about the anti-social behaviour. It is very important for you to be able to give precise details, including dates and times when you have experienced problems.

“What if I don’t agree with what the case officer suggests?”

We need to investigate your complaint without taking sides. You may want us to take legal action straight away. But we have to consider the evidence, decide if it is appropriate to take legal action, and assess the likelihood of your case being successful. If we do need to take legal action, the courts will in most cases expect us to have tried to solve the problem in other ways first. If however you do not agree with how we are dealing with your problem, you can complain. You can also get independent legal advice.

What we will do will depend on the type of anti-social behaviour, how serious it is and how much evidence there is. Your case officer will discuss with you what we can do. We will aim to agree an action plan with you.

“So what action are you likely to take?”

The vast majority of cases are resolved by taking non legal action. This may be as follows:

■ Interviewing those causing the nuisance

This needs to take place, in order for your case officer to reach an informed view of the situation. Often, telling the person concerned that someone has complained about them, and warning them about what might happen if the problem continues, is enough to calm matters down.

■ Mediation

We can use mediation to solve many kinds of disagreements between neighbours. Mediators work independently, and do not take sides or try to judge who is right or wrong. They work with everyone to agree a solution together. We can use mediation to solve fairly simple disagreements with your neighbours or even quite serious harassment if both sides are willing to take part.

■ Caution

This is a formal written warning explaining to someone how they are breaching their tenancy agreement, what they need to do to comply with their agreement, and what the likely consequences will be of ignoring the caution.



■ **Acceptable Behaviour Contracts (ABCs)**

Where people recognise that their behaviour is causing problems,



we may ask them to make a written agreement with us about how they will behave in the future. We most often use this approach with children and their families. Although these agreements are not legally binding, if they are broken, we may use this fact to support any later legal action.

“But what legal action can you take?”

In the small minority of serious cases and where there is good

evidence to support legal action, we will take whichever of the following actions is appropriate.

■ **Possession action**

We can apply to the county court for an order enabling us to evict from our property the tenant who is causing the problem.

To take a case to court we need to have clear, detailed written evidence about the anti social behaviour. People who have witnessed the nuisance need to sign statements and normally need to answer questions in court about their evidence. The court then decides what order to give, based on this evidence. In some cases, for instance where potential witnesses fear reprisals, it may be possible for evidence to be given on a ‘hearsay’ basis by another person, such as a housing officer or police officer. Hearsay evidence, and the reasons for giving it, needs to be very strong for the court to rely on it to make a judgement in favour of the association.

At court we can ask for one of the following:

A suspended possession order

This means the tenant must meet the terms the court sets, or face eviction. Usually the order says that the tenant must not break their tenancy conditions or cause a nuisance. If they keep to this agreement, the tenant can stay in their home. If not, we can go back to the court and ask for an order to evict the tenant.

An outright possession order

This allows us to apply for an order for the tenant to be evicted, normally 28 days after the possession order is given. The court will only give this kind of order where there is strong evidence of serious ongoing nuisance.

Injunctions

An injunction is a court order which sets out a standard of behaviour for the person causing the nuisance. For example, it can order someone to stop causing nuisance or annoyance, or entering certain buildings or areas. In certain circumstances, a person who breaches an injunction can be arrested.

Anti-Social Behaviour Orders (ASBOs)

Together with the police and local authorities we can apply for ASBOs. Local agencies such as the police, education, social services and housing associations can work together to provide evidence of anti social behaviour and apply for a court order. The court can make an ASBO against anyone aged over 10. They are most usually used where anti social behaviour is affecting a neighbourhood, rather than where there is a dispute between two neighbours. An ASBO is similar to an injunction.

Demoted tenancies

We can apply to court for an order to 'demote' a tenancy, if the tenant has behaved anti socially. This means that the person concerned will have less security of tenure, and can be more easily evicted if they continue with their anti social behaviour.

“But I am really worried about going to court”

If we decide that court action is appropriate and you are prepared

to give evidence, we will support and advise you about what to expect, how to deal with the court process, and give practical help such as providing transport and out of pocket expenses to enable you to attend the court hearing. Your case officer or another housing officer will accompany you throughout the court hearing. Where we employ a solicitor to present the case in court, they will also be available to give you advice.

Whatever the result of the court action, we will continue to support you afterwards, and keep you fully informed of developments.

“I am experiencing racial abuse and harassment”

We take this matter very seriously. Any Westcountry tenant who carries out such acts is in breach of their tenancy agreement. You should contact us straight away. This is also a criminal matter and you should immediately report any incidents to the police.

Your case officer will offer advice and discuss with you how you can be supported. They will also give advice on your housing

options and possible legal action by the Association. At the end of this leaflet are details of other agencies who you might wish to talk to.

“I am experiencing abuse or violence from my partner or a close family member”

Domestic violence or abuse can take many forms: actual acts of violence, but also includes behaviour which is emotionally or psychologically abusive. Any



Westcountry resident who carries out such acts is in breach of their tenancy agreement.

We recognise how difficult it is to complain about, and take action against a person with whom you live and are emotionally involved.

Your case officer will offer advice on your housing options and refer you to agencies who can offer support.

We will also discuss with you what legal action we may be able to take against the person who is being abusive to you.

Other agencies which can give advice and support:

Devon and Cornwall

Police:

Website: www.devon-cornwall.police.uk

Lots of information here about the police service, including details of your

local police station and neighbourhood beat manager (local constable), and how it responds to incidents of racial harassment and domestic violence or abuse.

Devon and Cornwall Constabulary:

Tel. 08452 777444, or 999 in an emergency.

Race Equality Councils

Provide advice and support, including to those who are suffering racial harassment or abuse.

Plymouth and District Racial Equality Council

Website: www.plymouthrec.org Tel: 01752 224555.



Devon Race Equality Council

Website: www.devonrec.org.uk Tel: 01392 422566.

E-mail: devonrecc@devonrec.org

Council for Racial Equality in Cornwall

Website: www.crec.org.uk Tel: 01637 852410.

Legal Aid advice

Website: www.clsdirect.org.uk Tel: 0845 345 4 345.

Local Councils: Environmental Health services

Have legal powers to deal with amplified noise nuisance (sound systems, stereos etc.) They also have legal responsibilities for dealing with litter and rubbish in public places.

Local Councils: Dog Wardens

Will follow up reports of stray dogs, and dog fouling in public places.

Womens Aid freephone 24-hour domestic violence

Helpline: 0808 2000 247, or www.womensaid.org.uk

This is a national helpline for women suffering domestic violence. It has a minicom service and language-line facility.

Local Women's Aid refuge services

For women suffering domestic violence.

East Devon 01392 435560

Exeter 01392 426483

Mid Devon 01392 426521

North Devon 01271 321946

South Devon 01364 644088

West Devon 01837 55228

Broken Rainbow

Lesbian, gay, bisexual and transgender domestic violence forum:
07812 644914.

WESTCOUNTRY HOUSING ASSOCIATION

Head Office:

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