



INTRODUCED DECEMBER 2004

Amended September 2005

**MAIDSTONE HOUSING TRUST
ANTI-SOCIAL BEHAVIOUR POLICY AND PROCEDURE**

POLICY STATEMENT

Our Vision

To provide decent quality affordable homes and services, strengthen the communities we serve, meet local needs and improve the quality of life for local people.

Our Values

Customers are at the centre of our business culture.

We will invest in our staff so that the best quality services can be provided to our customers.

We will raise standards through strong partnerships.

Our services will reflect the differences and diversity of our community.

1. Introduction

- 1.1. Prior to stock transfer the Housing Department of Maidstone Borough Council dealt with incidents of anti-social behaviour and nuisance using procedures agreed in December 2000. The procedures were developed in response to the powers and duties contained in the Crime and Disorder Act 1998. This Act required Local Authorities to form partnerships with the Police and other key partners to develop a Community Safety Strategy to tackle crime and disorder.
- 1.2. The Housing Acts 1985 & 1996 specifically provide for sanctions to be applied to perpetrators of anti-social behaviour. Eviction for anti-social behaviour can be achieved due to breach of tenancy agreements and under Ground 2 of the Act specifically for nuisance and annoyance.
- 1.3. The Anti-social Behaviour Act 2003 was designed to extend powers to tackle anti-social behaviour in the local community. Part 2 of the Act deals specifically with social housing and extends powers to registered social landlords to use injunctions and demoted tenancies along with other enhancements. Section 12 of the Act also requires registered social landlords such as Maidstone Housing Trust to prepare and publish a policy and procedures clearly detailing how they will deal with occurrences of anti-social behaviour.

- 1.4. In response to the Government's clear message that social landlords must tackle anti-social behaviour Maidstone Housing Trust has dedicated resources to dealing with the problems on our estates. We have given an undertaking to deal swiftly and fairly with reported incidents of anti-social behaviour in the most appropriate way, developing best practice and utilising the powers that have been made available.

2. Statement of Intent

“Maidstone Housing Trust is committed to promoting communities where residents can live peacefully and enjoy their homes without fear of crime or anti-social behaviour. Such behaviour can ruin the quiet enjoyment of a home which everyone is entitled to.

Maidstone Housing Trust will tackle and not tolerate anti-social behaviour.

We want to improve the quality of life for our residents and in doing so it is our clear aim to deal quickly and effectively with incidents of anti-social behaviour in line with our policy and procedures.

Maidstone Housing Trust recognises that wider social issues may be responsible for a person's anti-social behaviour; such examples might be mental health, learning disabilities, poor parenting, unemployment, exclusion from school and drug or alcohol abuse. In such circumstances Maidstone Housing Trust will seek to address these issues by working with partner agencies to address the factors which may be leading to anti-social behaviour.”

3. Prevention

- 3.1. As a landlord it is our responsibility to provide our tenants with clear guidance on how to avoid acting anti socially and what type of behaviour is considered unacceptable within our tenancies. Our tenancy agreement clearly describes what actions and behaviour is unacceptable. We are committed to using the powers and remedies granted to us to take action against perpetrators of anti-social behaviour.
- 3.2. Maidstone Housing Trust will try to prevent opportunities for anti-social behaviour to occur by working in partnership with the local authority, police and other agencies as part of the crime and disorder strategy and be proactive in developing policies and initiatives.



- 3.3. Where low level nuisance or neighbour disputes occur we will promote the use of the mediation service, Maidstone Mediation, to resolve conflict.
- 3.4. We will work closely with residents groups and our Tenants Forum to develop policy which will lead to safer communities and we will ensure our estate management staff are vigilant in identifying potential problems by regular inspections of our estates and tenancy enforcement.
- 3.5. The Trust's Community Manager will oversee and co-ordinate action taken against perpetrators. The Community Manager will monitor cases and decide what action will be taken in accordance with our procedures and work closely with the Trust's legal team. The Community Manager will also represent Maidstone Housing Trust at the Anti-social Behaviour sub group meeting of the Safer Maidstone Partnership as well as the Identified Persistent and Prolific Offenders Sub Group and any other sub group of the Partnership which may from time to time be appropriate. The Community Manager will lead on use of Acceptable Behaviour Agreements which are particularly successful at tackling problems associated with the behaviour of minors.
- 3.6. Estate management staff will deal with all reported cases of anti-social behaviour in the first instance and all cases will be recorded in detail on a specific monitoring system. This work will be carried out by staff of the Housing Directorate of Maidstone Housing Trust.

4. Support of Complainants & Witnesses

- 4.1. All reports of anti-social behaviour will be taken seriously as the safety and well being of residents and their households is very important to us. Initial complaints can be made in person, over the phone or in writing. We will follow up complaints promptly with a full investigation. Information given will be treated confidentially. However, it may be helpful for us to discuss the complaints with other agencies such as the police. Permission from the complainant will always be sort before this happens.
- 4.2. We will keep complainants and witnesses informed of the progress of the case. If it is likely to go to court we will provide support to those giving evidence to assist the proceedings. This might include developing an understanding of proceedings, escorting witnesses to court, using the court witness service and any other measures deemed necessary depending on the case.

5. Racial and other Harassment

- 5.1. As with any other complaint Maidstone Housing Trust will treat reports of racial or other forms of harassment in confidence and respect. Pursuant

to the Trust's policy and procedures for dealing with Racial Harassment the victim will be offered immediate and appropriate support whatever the circumstances of the complaint. Further, appropriate and speedy action will be taken against perpetrators. We can arrange to interview complainants in their home or at a local office or other place if preferred. We can arrange a language interpretation service if required. Women reporting sexual harassment or domestic violence can be interviewed by female staff and offered support from appropriate support agencies. No action will be taken against a perpetrator without the victim's consent.

6. Rehabilitation of Perpetrators

- 6.1 We recognise that some cases of anti-social behaviour are complex and difficult to resolve for a number of reasons, this can lead to frustration and dissatisfaction of residents. It may be that the perpetrators have one or many social problems which have lead them towards acts of anti-social behaviour. Examples of this may be drug or alcohol abuse, mental health or disability. In such circumstances Maidstone Housing Trust may involve the provision of support to perpetrators; this could be through the Supporting People scheme or via a case conference of service providers.
- 6.2 Juvenile perpetrators may have complex problems too; we will always seek to involve parents/guardians where appropriate when deciding on a course of action. We will also seek the involvement of education and social service providers and youth offending teams where appropriate.

7. Partnership working to tackle anti-social behaviour

- 7.1 Maidstone Housing Trust is committed to working along side our partners and stakeholders to tackle anti-social behaviour. We have signed up to the crime and disorder reduction partnership, namely the Safer Maidstone Partnership and associated sub groups. Other partners of these groups include the police, Maidstone Borough Council, social services, education, probation and youth services, voluntary and health services. Through our involvement with these groups at an operational and strategic level we can play an active role in the reduction of crime and anti-social behaviour across the Borough and ensure our needs as a housing provider are met.

8. Confidentiality and Data Protection

- 8.1 All statements and information given to Maidstone Housing Trust in the course of a complaint of anti-social behaviour will be treated as confidential. We will seek permission of the complainant or witness to share the information given with other partners assisting us in dealing with crime and anti-social behaviour on our estates.

- 8.2 Maidstone Housing Trust has signed up to the Kent & Medway Exchange of Information Protocol set up under section 115 of the Crime & Disorder Act 1998. This protocol permits the Trust to call upon other services and agencies for assistance in relation to anti-social behaviour. Within the protocol Maidstone Housing Trust will participate in case conferences to agree a common approach in dealing with such incidents.
- 8.3 Files containing personal information are subject to the Data Protection Act 1998. All information will be treated with the strictest of confidence and comply with the first principle of the Data Protection Act 1998. Anti-social behaviour files will not be kept with housing files.
- 8.4 Personal data gathered for the following reasons is exempt from the first principle:
- The prevention or detection of crime
 - The apprehension or prosecution of offenders.

9. Training staff to deal with Anti-Social Behaviour

- 9.1 All estate management and supporting staff will attend a training programme to enable them to deal with reports of anti-social behaviour effectively and deliver the services detailed in this policy and procedure. We will implement a referral system to ensure the Community Manager is able to deal with the most pressing and serious cases which require the greatest legal intervention.
- 9.2 We will ensure all new estate management and supporting staff are trained accordingly and we will undertake regular reviews of training needs within this area of work.

10. Definition of anti-social behaviour

- 10.1 There is no single definition of anti-social behaviour; however the Housing Act 1996 as amended by the Anti-social Behaviour Act 2003 defines it as:
- **Conduct** which is **capable of causing nuisance or annoyance to any person**; and which directly or indirectly relates to or affects the housing management functions of a relevant landlord: or
 - **Conduct** which **consists of or involves using or threatening to use housing accommodation owned or managed by a relevant landlord for an unlawful purpose.**
- 10.2 This description is wide enough to encompass most landlords' own understanding of anti-social behaviour. It is, however, helpful to give

examples of the types of behaviour likely to be defined as anti-social. The following list is by no means exhaustive and should be considered as examples only:

- Noise nuisance
- Nuisance from vehicles including noise, parking and abandonment
- Intimidation and harassment
- Fouling of public area
- Graffiti, vandalism
- Inappropriate dumping or discarding of household or general rubbish
- Aggressive and threatening language and behaviour
- Actual violence against people and property
- Arson or attempted arson
- Hate behaviour that targets members of identified groups because of their perceived difference
- Domestic violence
- Using housing accommodation to sell drugs, or for other unlawful purposes

10.3 To help us to deal effectively with reports of anti-social behaviour we have set three categories of behaviour and set time limits to how quickly we will respond.

10.3.1 Category A Serious criminal anti-social behaviour.

This category includes the following types of behaviour and a response will be made within **one working day**. This type of behaviour will always be reported by us to the police unless the complainant has specifically asked us not to. If the matter is not reported to the police it may seriously affect our ability to deal with the problem.

Racial harassment or other hate crime
Domestic violence
Assault
Serious intimidation
Arson or attempted arson
Serious harassment
Serious drug use and dealing
Criminal damage to property

10.3.2 Category B Anti-social behaviour.

This category includes verbal, written or physical threats of violence or intimidation. These types of incident will normally involve joint working with the police, particularly where legal action may be required.

Again if the matter is not reported to the police our ability to deal effectively with the complaint may be seriously affected. We will respond to this type of incident within **five working days**.

Threats and intimidation including verbal abuse
Bullying
Vehicle damage and theft
Vandalism
Graffiti
Burglary
Prostitution

10.3.3 Category C Other anti-social behaviour.

This category includes most other types of anti-social behaviour. In some cases we will suggest mediation to resolve disputes. We will need to collect evidence and usually want to ask other residents if they are being affected by similar behaviour. We will usually deal with this type of behaviour by enforcing the tenancy agreement. However we may also use other legal remedies if appropriate. We will respond to this type of incident within **ten working days**.

Persistent vehicle repairs
Abandoned vehicles or persistent inconsiderate parking
Noise disturbance – loud music/argument etc.
Noisy dogs/ dog mess or other pet nuisance
Actual nuisance caused by youths or children
Dumping rubbish
Rowdy behaviour/drunkenness
Property in unsanitary condition (unsightly or causing pollution or vermin)
Riding motor bikes or mopeds other than on the highway

11. Closing Cases

After each case has been closed the officer dealing will write to the complainant and persons complained about, to advise them that the case has been closed and explain the reason for closing the case. The complainant will be advised to contact the officer again if any further incidents occur. Comment regarding customer satisfaction will be requested.

12. Main Legal Remedies

There are several legal remedies that have been introduced over recent years to help social landlords combat anti-social behaviour. Maidstone Housing Trust will use any action it finds necessary to deal with anti-social behaviour. Below is a summary of the main legal remedies available.

12.1 Acceptable Behaviour Agreements (Crime & Disorder Act 1998)

Although not legally binding, Acceptable Behaviour Agreements are written agreements aimed mostly at young people between the ages of 10 and 18 but can be used for adults. An agreement is agreed and signed at a meeting with the police, the Community Manager and the individual in conjunction with their parents or representatives where appropriate. An Acceptable Behaviour Agreement is a voluntary agreement requiring co-operation from all parties. If it is breached there is no legal redress however evidence of breaches can be used in support of an Anti-Social Behaviour Order or other court proceedings. They usually last for six months.

12.2 Injunctions

Section 13 of the Anti-Social Behaviour Act 2003 amends sections 152 and 153 of the Housing Act 1996 and allows social landlords to apply for injunctions to prohibit anti-social behaviour that affects their management function of their housing stock. The new powers allow social landlords to be more proactive in tackling anti-social behaviour and provide effective protection to neighbourhoods affected. This will make it easier to exclude perpetrators from areas where they have been causing anti-social behaviour. Alternatively a power of arrest can be added to the injunction.

12.3 Anti-Social Behaviour Order (ASBO)

Since December 2002 registered social landlords have been added to the relevant authorities that can apply for an Anti-Social Behaviour Order. These are civil orders obtained in the Magistrates Court using civil rules of evidence. However breach of an order is a criminal offence and can carry a prison sentence of six months. They are designed to tackle persistent anti-social behaviour. It is also possible to attach an ASBO on criminal proceedings. When considering an individual for an ASBO it is a requirement to consult with the local authority and the police and it is most likely that Maidstone Housing Trust would only consider taking out an ASBO in conjunction with the police. An ASBO might be considered where stopping anti-social behaviour is more appropriate than eviction.

12.4 Possession Proceedings

In cases where anti-social behaviour is serious and persistent it may be appropriate to consider eviction proceedings to end a tenancy. Eviction for harassment and anti-social behaviour can be achieved under the appropriate Housing Acts using grounds which cover breaches in tenancy, nuisance and annoyance and certain convictions. When considering possession proceedings it will be necessary to gather sufficient detailed evidence and witnesses will, in most cases, be required to give evidence in court proceedings.

12.5 Demotion Orders

The Anti-Social Behaviour Act 2003 gives a new power to registered social landlords to apply for an order for the demotion of a tenancy, where a tenant or resident of, or visitor to a property, is guilty of anti-social behaviour. A Demotion Order has the effect of ending an assured tenancy and replacing it with a demoted tenancy. This removes the tenant's Right to Buy and security for one year. At the end of the year if there has been no further cause to take action the tenancy will become an assured tenancy. It should be noted that it is possible to end a demoted tenancy by an order of the court during the twelve month demotion period and eviction would follow. If a demotion order were obtained against an assured protected tenancy, after twelve months the tenancy would revert to a standard assured tenancy.

- 12.6 There is a range of other powers available to the police and local authority that may be appropriate to tackle problems within Maidstone Housing Trust stock. Through our involvement in the crime and disorder reduction group, Safer Maidstone Partnership we can work together with other partners to exercise their powers. These may include:

Environmental Protection Act 1980 and Statutory Nuisance Act 1993

The Noise Act 1996

Protection from Harassment Act 1997

Parenting Orders

Child Safety Orders

Child Curfew Schemes

Dispersal Orders

Closure Order – Premises used for supply, use or production of Class A drugs (ASB Act 2003)

13. Evaluation and Review

13.1 We will keep accurate records of all cases of anti-social behaviour reported to us and detail all action we take. These records will assist us to provide data on levels and type of anti-social behaviour. We will also request feedback on how satisfied residents are with the action we have taken in each case.

13.2 We will monitor and evaluate the work we do and review our policy and procedures as necessary.

14. Publicity

14.1 Leaflets outlining services available to victims of anti-social behaviour will be available at all of the Trust's offices. A summary statement of the Trust's policy and procedure for Anti-social Behaviour will also be available.

14.2 Data and information relating to incidents of anti-social behaviour will be published by the Trust to inform the community and to promote service delivery improvements as a result of any action which is taken by the Trust.