



North & East Housing Association Anti-Social Behaviour Policy
Approved by the Board on 3rd Feb. 2020
Date of next review: Feb 2022
Version 1

1. Purpose

This policy sets out the principles around and the approach to managing anti-social behaviour within North & East. ASB as defined in law under the 1997 Housing (Miscellaneous Provisions) Act is further defined below in section 3. We are committed to minimising its effects and ensuring communities are places where people may live in safety and peace.

This policy outlines what we define as antisocial behaviour, how we measure it and the approaches we will take to prevent and respond to incidents of antisocial behaviour within our communities.

2. Scope

The scope of this policy relates to all tenants and residents in all properties owned or managed by North & East Housing Association.

3. Definitions

In accordance with section 16(h) of the Residential Tenancies Act 2004 tenants are obliged not to behave in a way that is anti-social. Tenants are also obliged to ensure that other occupiers or visitors to their home do not act in a way that is anti-social.

Anti-social behaviour includes either or both of the following as defined in the

Housing (Miscellaneous Provisions) Act 1997:

- “the manufacture, production, preparation, importation, exportation, sale, supply, possession for the purpose of sale or supply, or distribution of a controlled drug (within the meaning of the Misuse of Drugs Acts 1977 to 2007)”
- “any behaviour which causes or is likely to cause any significant or persistent danger, injury, damage, alarm or loss or fear to any person living, working or otherwise lawfully in or in the vicinity of a house provided by a housing authority under the Housing Acts,

1966 to 2014, or Part V of the Planning and Development Act 2000, or a housing estate in which the house is situated or a site and, without prejudice to the foregoing includes:

1. violence, threats, intimidation, coercion, harassment or serious obstruction of any person.
2. behaviour which causes any significant or persistent impairment of a person's use or enjoyment of his or her home or
3. damage to or defacement by writing or other marks of any property, including a person's home

What is the difference between neighbour nuisance and anti-social behaviour?

A range of behaviour may be referred to as "anti-social behaviour" or "neighbour nuisance". An issue solely between two neighbours is likely to be neighbour nuisance rather than anti-social behaviour. Neighbour nuisance is more likely to be a civil matter rather than a criminal matter. Common causes of concern are

- arguing
- slamming doors
- dogs barking
- dog fouling
- abandoned vehicles
- loud music
- dumping rubbish

However, if activity goes beyond annoyance and/or if it causes fear, danger, loss or injury then it can escalate into anti-social behaviour.

Very serious anti-social behaviour will normally include criminal activity such as

- drug dealing
- threats or intimidation of neighbours
- assault
- criminal damage
- racial harassment.

Less serious situations where the behaviour is likely to stop short of criminal activity but could be a deliberate attempt to cause disturbance or where the incidents are persistent and attempts to change behaviour has not worked can be categorised as anti-social behaviour. North and East require clear evidence from complainants that ASB is being perpetrated.

4. Policy Statement

- 4.1 North & East will acknowledge all complaints of ASB and if satisfied ASB is the cause commence investigation as early as possible.
- 4.2 North & East will attempt to identify and interview all interested parties as soon as possible.
- 4.3 North & East will protect the complainant's identity, if requested, when contacting anyone else about the ASB.
- 4.4 North & East will keep written records of all complaints and action taken. North & East are limited in taking action related to anonymous complaints.
- 4.5 North & East will contact the complainant and respondent when a decision has been made detailing the outcome and the reasons for the decision.
- 4.6 North & East will use the most appropriate action in the context of the ASB and be realistic about what can be achieved in a particular case and with the evidence available.
- 4.7 North & East will seek to resolve antisocial behaviour without recourse to legal action where possible, including issuing of warning letters and involvement of the Residential Tenancies Board.
- 4.8 North & East will pursue legal remedies, including court orders for eviction, where necessary.
- 4.9 North & East will encourage witnesses/victims to report incidents to both the Gardaí and to the Association.
- 4.10 North & East will close cases where there have been no further complaints for a two-month period, unless circumstances require on-going monitoring and investigation.

5. Anti-social Behaviour Prevention

Prevention is an essential part of North & East Housing Association's approach to anti-social behaviour and neighbour nuisance.

- Where appropriate, the Association will consider the scheme layout at planning and design stage to maximise safety and security.
- The Association will adopt a strategic approach when allocating tenancies.
- North & East will ensure that all tenants are aware of their responsibilities. This information will be relayed to all potential tenants during the initial interview, at pre tenancy training and also on signing the Tenancy Agreement.
- The Tenancy Agreement signed between the Association and the Tenant is the primary document that defines the respective responsibilities and rights of both parties.
- All new tenants will receive a tenant handbook which outlines the approach to anti-social behaviour and neighbour nuisance.
- North & East will seek information from the Local Authority under section 15 of the Housing (Miscellaneous Provisions) 1997 Act, in relation to any nomination received.
- The Association will adopt a multi-organisational approach that involves working closely with the Local Authorities, the Gardaí and other relevant bodies.
- The Association may refuse or defer a letting where it considers that members of the applicant's household have engaged in anti-social behaviour in the 5 years prior. However, we will be mindful of the rehabilitation of offenders and will work with partner agencies to support such people to live in the community
- North & East will ensure that staff has adequate training to deal with anti-social behaviour issues.
- North & East will approach anti-social behaviour in a proactive manner. We will seek to resolve issues quickly and without recourse to legal action.

6. Tenant information and participation

6.1 We will seek to ensure that applicants and tenants understand the implications of causing antisocial behaviour by providing information at the pre-tenancy stage, at tenancy agreement signing and during the first few months of a tenant settling into their new home.

6.2 We will involve tenants in measures to counter antisocial behaviour through:

- Questionnaires and surveys to gather tenant's views on antisocial behaviour in our estates;
- Meetings with tenants to address particular situations or incidents;
- Estate meetings to discuss problems with rubbish disposal etc.;
- Publicising our policy on neighbour nuisance through our website, tenant handbook, newsletters, leaflets etc. This may include articles on neighbour nuisance issues and will demonstrate how we will deal with particular scenarios.

- Meetings with resident's associations or any other tenant forums in place.

6.3 The aim of these meetings and measures will be to:

- Ensure that all tenants are aware of our stance on neighbour nuisance and antisocial behaviour and how it will be dealt with;
- Make all tenants aware that nuisance of any kind will not be tolerated, and that we expect all tenants not to cause a nuisance;
- Ensure that the potentially serious consequences of causing nuisance are understood;
- Create a climate within each estate which clearly states that nuisance is not acceptable there;
- Encourage the reporting of genuine persistent nuisance;
- Encourage those who live near to victims of antisocial behaviour to offer support, which can assist in deterring those who cause nuisance.

7. Staff Training & Protection

In order to achieve the roles, set out for them, staff dealing with complaints of neighbour nuisance and anti-social behaviour will receive appropriate training. This may include training on interview skills, report writing, lone working and any other relevant training for the prevention and resolution of complaints.

Threats to staff during the course of their duties will not be tolerated and legal remedies will be used to protect staff. Staff will be supported if they choose to pursue criminal charges against the complainant or the perpetrator.

8. Roles and Responsibilities

The Tenant Services & Engagement Manager is responsible for policy implementation, monitoring, evaluation, ensuring effectiveness and addressing any issues that arise. The Housing Team is responsible for implementing the policy and related procedures and for communicating effectively with all stakeholders.

9. Related Documentation

- Anti –Social Behaviour Procedures
- Legal Policy & Procedures (TBC)
- Estate Management Policy

10. Complaints and Appeals

Tenants have a right to complain about anti-social behaviour and to have their complaint dealt with in a prompt and fair manner, in accordance with the Association’s procedures. If a tenant is not satisfied with the way in which his/her grievance was handled or with the outcome of the investigation, he/she can make a complaint as per the Association’s Complaints Policy.

11. Equality Statement

North & East is committed to equality and diversity. We work hard to provide homes and services that meet the needs of our diverse communities. We will provide training for our staff on equality and diversity to ensure that tenants are not discriminated against in the way that we deliver services for reasons of:

- Gender
- Civil status
- Family status
- Sexual orientation
- Religion
- Age (does not apply to a person under 16)
- Disability
- Race
- Membership of the Traveller community

12. Data Protection

North & East takes its data protection responsibilities very seriously and is compliant with all current data protection legislation.

For further information, please refer to our Data Protection policy.

• **Amendment**

| Old version number | Reason for updating | New version number & date of issue |
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