

# Information for Tenants

Leaflet No. 11  
(Issue Jan 2017)

**Arcon Housing Association will not tolerate any form of antisocial behaviour or harassment. We believe that all residents have a right to peaceful enjoyment of their own home.**

## What is Antisocial Behaviour

- Noise Nuisance i.e. loud music, arguing, banging doors, using household appliances at unreasonable hours
- Domestic violence
- Pets barking and fouling
- Graffiti and vandalism
- Criminal damage
- Damage to property
- Using the property for illegal or immoral purposes i.e. drug dealing, prostitution

## What is Harassment

- Racial and other harassment
- Verbal abuse and threatening behaviour

Harassment is targeted and intentional behaviour which interferes with the peaceful enjoyment or safety of people in their own homes. Examples are verbal and written abuse or use or threats of violence against people or their property. This can be on the grounds of race, age, nationality, religion, disability, gender or sexual orientation.

## How to Deal with the problem

### What you can do for yourself

If you experience violent behaviour or harassment you **SHOULD NOT** try to resolve the matter yourself. Incidents of a criminal nature should be reported to the police as a matter of priority. You should contact your housing officer and your complaint will be dealt with sensitively.

For problems of a nonviolent nature your first step should be to approach them yourself. You can then explain what it is that they are doing that is disturbing you. It is often the case that your neighbour will not realise that what they are doing is causing a problem. These initial steps often resolve the situation. However, if you need to take your complaint further please contact your housing officer.

### Action for Nuisance under the Environmental Protection Act

Certain acts of nuisance for example noise, dust and dumping rubbish can be dealt with by taking legal action under the Environmental Protection Act. Environmental Health Officers will investigate the nuisance and usually send a warning letter. If the problem continues and the officers are satisfied that a nuisance exists in law they can serve an abatement notice. If the nuisance continues the council will take the matter to the magistrates' court.

### What Arcon can do to help

You can report antisocial behaviour to your housing officer by telephone or email. If the office is closed and you wish to report an issue you can call your Housing Officer's direct number and leave a message or you can call on 0161 214 4120 and your call will be transferred to our 24 hour call centre. The call centre will take the details of your complaint and report it to the main office before it opens the following working day.

# Antisocial Behaviour

Your housing officer will interview both yourself and the alleged perpetrator (this may take place over the telephone). Your housing officer will then investigate the complaint further and if necessary issue you with diary sheets so that you can record any future incidents. This is very important as diary sheets are invaluable to the action we take and are often used as evidence if legal action is required. If you are not able to complete diary sheets we may be able to accept the evidence from you by email or text however the level of information needs to be the same as it is important that we can demonstrate the effect that the antisocial behaviour is having on the complainants.

If the antisocial behaviour is noise nuisance Arcon may arrange for recording equipment to be fitted into your property to gather evidence to support this.

The list below details the actions available to Arcon when dealing with antisocial behaviour.

### **Verbal and written warnings**

We will usually write to a tenant if a complaint has been made against them. If it is felt by the housing officer that a telephone call is more appropriate they will call to discuss the complaint with the tenant. A record will always be kept of any telephone conversations. If the complainant wants to remain anonymous we will not inform the perpetrator of their identity.

### **Starter Tenancies**

All new tenants are issued with a six-month Starter Tenancy. If we receive complaints of serious antisocial behaviour within this period, which can be proved, we can end the tenancy after six months. The tenant will have to leave the property and will be classed as intentionally homeless by the council. For less serious behaviour the starter tenancy can be extended for a further six months to give the new tenant a chance to change their behaviour. If the antisocial behaviour continues we can end the tenancy at the end of this period.

### **Mediation**

Mediation is the process of trying to resolve a dispute by bringing in an independent third party. It is particularly suited to cases where communication between the parties appears to be part of the problem. Usually the mediator will see both parties individually before any face to face meeting takes place, giving both sides a chance to put forward their case. If necessary, a joint meeting takes place on neutral territory and the mediator tries to help both parties reach a resolution which meets both their interests.



## **Acceptable Behaviour Contracts (ABCs)**

These are usually used to deal with nuisance caused by youths but are used occasionally for adults. It sets boundaries about the type of behaviour that is not acceptable. We will ask the tenant to sign it, along with housing officer and the Police. It is not a legally binding contract. The ABC is seen as an opportunity for the person causing the antisocial behaviour to change the way that they are behaving without the need for legal action.

## **Civil Injunctions**

This is an order from the court which can be used for any person aged 10 or over if the court is satisfied that this person has acted in an antisocial manner or threatened to do so. They can be used to enforce the terms of the Tenancy Agreement, to stop a person from committing specific acts of nuisance or to prevent a person from having contact with victims. In cases where there has been or there is a threat of violence a power of arrest can be attached. They can also have positive requirements attached to them such as the requirement to attend drug or alcohol rehabilitation sessions or work with tenancy support services. This is a civil order so the person does not get a criminal record however if they break the terms of the injunction they can receive an unlimited fine or could be sent to prison for up to 2 years.

## **Demotion Orders**

These are obtained from the court and change the tenancy to a less secure one for a year. If there is further antisocial behaviour during this period the tenancy can be ended without returning the court. If there are no further problems during the year the tenant is automatically given a new assured tenancy.

## **Possession Orders**

In cases of serious and persistent antisocial behaviour we can ask a court for possession of a property. We will only usually get possession if the tenant has broken the terms of their civil injunction or been convicted of a serious offence committed in the locality of the property. This is because courts are reluctant to make a person or family homeless unless we have used the other tools available to us to stop the antisocial behaviour.

If a tenant is evicted for antisocial behaviour they will be considered to be intentionally homeless by the local authority and the council and other Housing Associations will not rehouse them.

## **Dispersal Orders**

If a group of people are causing a nuisance in the area we can work in conjunction with the police to get an order from the court which will not allow groups to congregate in a defined area.

## **Parenting Contracts & Orders**

Parenting contracts and orders offer ways of helping parents to manage their children's behaviour through training and support for the parent(s). The contracts are a two way agreement whereby parents agree to comply and we also agree to provide the necessary support to assist them.

## ASB Case Reviews

If you are not happy with the way that Arcon has responded to your complaints about antisocial behaviour you can also ask for an ASB Case Review formerly known as The Community Trigger. This has been introduced to enable victims to request a multi agency case review if they are not satisfied with the response to their complaints about antisocial behaviour. It can be used in the following circumstances:

- You have complained 3 times in the last 6 months about separate incidents
- 5 people in the local community have complained separately in the last 6 months about similar incidents

Your complaints may have been made to Arcon or directly to the Police.

To use the community trigger please contact your council:

<https://www.gov.uk/find-your-local-council>

If you need to know more information about how Arcon tackles antisocial behaviour than we have been able to give you in this leaflet, then please make an appointment with your housing officer. We are committed to tackle antisocial behaviour, we need your help to this and together we can make a difference.

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