



Housing Services Anti-Social Behaviour (ASB) Policy (2024)

CONTENTS

1. Introduction

- 1.1 - Purpose of this policy
- 1.2 - Aims of this policy
- 1.3 - Scope of this policy
- 1.4 - Legal context of this policy

2. Background

3. What is ASB?

4. Our approach to ASB

- 4.1 - Prevention
- 4.2 - Enforcement
- 4.3 - Rehabilitation
- 4.4 - Service Standards
- 4.5 - How to report ASB

5. Tenancy obligations

- 5.1 - Introductory tenancies
- 5.2 - Fixed-Term tenancies

6. Vulnerable groups

7. Housing staff and contractors safety

8. Remedial actions

- 8.1 - Informal interventions
- 8.2 - Acceptable Behaviour Contract (ABC)
- 8.3 - Parenting Contract
- 8.4 - Parenting Order
- 8.5 - Injunctions
- 8.6 - Criminal Behaviour Order (CBO)
- 8.7 - Demotion of Tenancy
- 8.8 - Eviction
- 8.9 - Community Protection Notice (CPN)
- 8.10 - Closure Notice/Order
- 8.11 - Court Undertaking
- 8.12 - Introduction of Introductory Tenancies
- 8.13 - Withdrawing an Offer of Accommodation
- 8.14 - Fixed Penalty Notices (FPN)

- 8.15 - Noise Abatement Notice (NAN)
- 8.16 - Mediation
- 8.17 - Community Remedy
- 8.18 - Community Trigger/ASB Case Review

9. Support for victims and witnesses

- 9.1 - Use of professional witnesses
- 9.2 - Translation and Interpreting Service
- 9.3 - Repairs & security of premises
- 9.4 - Witness support
- 9.5 - Rehousing (Special Management Transfer)
- 9.6 - Malicious Reporting

10. Staff Training

11. Equal opportunities statement

12. Data Protection statement

13. Dissemination and communication of this policy

14. Implementation of this policy

15. Monitoring and review of this policy

16. Delegated authority to make minor changes to this policy

Appendices

- Appendix 1 - Our Partners
- Appendix 2 - Teams working together on ASB
- Appendix 3 - Our Performance Measures

1. Introduction

1.1 - Purpose of this policy

The purpose of this policy is to fulfil a legal requirement for the Council to publish an Anti-social Behaviour (ASB) policy - pursuant to Section 218A of the Housing Act 1996 which requires local housing authorities, as landlords, to prepare and publish policies and procedures in relation to ASB.

Consequently, it is designed to give a clear statement of the Council's approach to ASB and the way it intends to work with residents and relevant, partner organisations to combat this social, behavioural problem.

1.2 - Aims of this policy

Havering Council ('the Council') aims to ensure that Havering residents, businesses and visitors to the borough are informed about what action is being taken to address Anti-social Behaviour (ASB); make them feel it is worthwhile for them to report instances of ASB and that action will be taken against perpetrators.

Havering Council's Housing Services ('Housing Services') works towards improving the quality of life for all Havering residents. We want to create communities where people can enjoy their homes in safety without living in fear of crime.

This policy aims to give a clear account of our on-going commitment to deal with all aspects of ASB.

To this end, we will adopt a victim-centred approach, at the same time recognising that perpetrators may be subject to particular vulnerabilities. Therefore, we will follow a preventative model; identifying and addressing potential risks at the earliest possible stage.

1.3 - Scope of this policy

This Housing policy highlights the following key principles in the way it deals with ASB:

- Defining ASB
- Setting clear service standards
- Placing victims and witnesses first, including providing witness support
- Taking appropriate and proportionate remedial action swiftly
- Work in partnership with local neighbourhoods throughout
- Value equality, inclusion and diversity, treating everyone with fairness and respect

The scope of this policy extends to all Council tenants and leaseholders, Council staff and Council-appointed contractors.

1.4 - Legal context of this policy

This policy complies with all current legislative and regulatory requirements.

Accordingly, it should be read in conjunction with the following documents:

- Housing Services - Domestic Abuse Policy
- Housing Services - Hate Crime Policy
- Environmental Protection Act 1990 – Statutory Nuisance
- Housing Act 1985 and 1996
- The Crime and Disorder Act 1998
- Children Act 1989 (amended 2005)
- Data Protection Act 1998
- Human Rights Act 1998
- Protection from Harassment Act 1997
- Sex Offenders Act 1997
- Civil Evidence Act 1995
- Regulatory Investigatory Powers Act 2000
- Young Persons Act 1997
- Local Government Act 2000
- Homelessness Act 2002
- Police Reform Act 2002
- Children Act 2004 and Every Child Matters Steps 2004
- Domestic Violence, Crime and Victims Act 2004
- Regulatory Reform Fire Safety order 2005
- Equality Act 2010
- Anti-social Behaviour, Crime and Policing Act 2014
- 2014 and the Anti-social Behaviour, Crime and Policing Act 2014: Anti-social behaviour statutory guidance for frontline professionals
- Domestic Abuse Act 2021
- Local Government Act 1972
- Localism Act 2011
- Town and Country Planning Act 1990
- Dangerous Dogs Act 1991
- Possession Claims by Social Landlords

2. Background

Most people care deeply about the neighbourhood and community in which they live. Many play an active part in making their neighbourhood a more pleasant, safer place to live.

Anti-social behaviour takes many forms, from aggressive, noisy or abusive behaviour to neighbourhood disturbances involving drugs, abandoned cars or animals.

Our ASB management service applies throughout our housing provision, recognising that detailed processes may vary depending on the type of housing concerned.

3. What is ASB?

The Crime and Disorder Act 1998 defines ASB as being:

“Acting in a manner that is unreasonable, persistent, disturbing or harassing to one or more persons not of the same household as themselves”

The Anti-Social Behaviour Crime and Policing Act 2014 has added extra context to this definition:

- Conduct that has caused, or is likely to cause harassment, alarm or distress to any person.
- Conduct capable of causing nuisance or annoyance to a person in relation to that person’s occupation of a residential premises, or
- Conduct capable of causing housing related nuisance or annoyance to any person

ASB may or may not involve criminal activity. The main consideration that decides whether a specific behaviour is anti-social is if it adversely impacts on others.

4. Our approach to ASB

Our approach to ASB is based on four key principles:

4.1 - Prevention

We will act reasonably and proportionately in line with the severity and persistence of the ASB. Our intention is to deter such behaviour in the first place, and to encourage victims to come forward as witnesses.

We will also:

- Identify the causes of ASB, using information collected to identify and target local hot spots
- Encourage tenants and residents to report incidents of ASB
- Consider introducing changes to the physical environment of estates that will ‘design out’ crime, including redesigning open spaces in a manner that reduces crime/the fear of crime.

Housing Services is committed to tackling ASB by taking a collaborative, multi-agency approach to dealing with casework handling, including appropriate information sharing protocols.

Appendix 1 provides examples of some of the partners we work with in respect of ASB.

4.2 - Enforcement

A key aspect of our approach to enforcement is to ensure that perpetrators are offered appropriate support to assist them in modifying their behaviour.

However, we will act against those who persist in causing ASB, by use of:

- Legal powers available under the Anti-Social Behaviour, Crime and Policing Act 2014
- Additional remedies to manage anti-social behaviour, such as mediation.

4.3 - Rehabilitation

The rehabilitation of perpetrators is a key aspect of our approach to dealing with ASB.

We will work closely with our expert partners to help correct/improve the behaviour of perpetrators via recognised best practice.

4.4 - Service Standards

- We will contact victims within one working day of receipt of Priority One incidents (i.e. involving physical violence).
- We will visit or contact victims of other ASB within five working days of receiving their report. During the visit/contact, an Action Plan will be agreed and progressed.
- We will keep victims informed of progress for a minimum of at least every 15 working days.
- We will make safe any damage to a tenant's home as a result of ASB within 24 hours, provided the necessary repairs falls within our normal repair duty.

Additionally, we will ensure that:

- All reports of ASB are acknowledged and investigated fairly, thoroughly and within the given timescales.
- Ensure complainants are treated professionally and that the complaint is treated in total confidentiality throughout unless:
 - a) there is a legal requirement for disclosure, or
 - b) the complainant gives us permission to disclose.

Within one month from the date the ASB case has been closed, we will contact the victim/s to assess their thoughts on the service we provided.

4.5 - How to report ASB

- In person by visiting, or by writing to:
Town Hall, Main Road, Romford RM1 3BB
- By telephone:
9am-5pm, Mondays to Fridays on 01708 432824
After office hours/other times: 01708 433999
- By email:
asbhavering.gov.uk
- By visiting our website and completing the online form:
[Report anti-social behaviour in our community | Anti-social behaviour in our community | London Borough of Havering](#)

If you are a council tenant and are reporting anti-social behaviour on one of our estates please go to our [anti-social behaviour on council estates](#) page.

5. Tenancy obligations

All new tenants will be visited within three weeks to ensure they have settled in to their new home and monitor the conduct of their tenancy, which includes ASB.

Where a tenant has been identified as vulnerable, a support plan will be completed during this visit. Where ASB or domestic abuse concerns have been highlighted, referrals will be made to relevant services for additional support.

Further reviews, if required, will take place at quarterly intervals.

Havering Council's tenants and leaseholders are reminded that they must comply with their terms and conditions of their tenancy agreement, which includes those relating to ASB.

5.1 - Introductory Tenancies

All new Council tenants are given a one-year Introductory Tenancy, with the exception of secure tenants transferring.

When the one-year probation period has been completed satisfactorily, tenants will automatically be granted a secure or fixed term tenancy.

Should the tenant fail to complete the probation period satisfactorily, for example not paying rent or causing ASB, Housing Services have the authority to either extend the probation period for a further 6 months or take legal action, which may result in the tenant losing their home.

5.2 - Fixed-Term Tenancies

Due to changes in legislation that came into effect in April 2012, the Council has introduced Fixed-Term tenancies, as permitted by the Localism Act 2011.

All new tenants under this scheme (except those living in accommodation designated for people aged 60 or over) are offered a secure tenancy for a two, three or five year period, instead of for a 'lifetime'.

These tenancies will be reviewed and the granting of a further tenancy considered towards the end of the tenancy. We believe this type of tenancy will help deter ASB.

All tenants are provided with a copy of a Welcome Pack that contains the Tenancy Agreement terms and conditions they have accepted to adhere to, including those relating to ASB.

The Tenancy Agreement details the rights and responsibilities of the Council and its tenants. Tenants are responsible for:

- The behaviour of anyone, including children, family, relatives and friends, who resides at or visits the premises;
- Ensuring that they do not act in breach of any relevant clauses, nor are allowed or permitted to act in such a way. This applies in the premises and anywhere within the local area.

Council tenants and leaseholders will be in breach of their Tenancy Agreement/Lease Agreement if they, any member of their household or friends/visitors engage in any form of ASB.

They risk losing their home and future social housing applications if they cause ASB. They may also be ordered to pay any or all costs associated with any necessary legal proceedings.

Action against leasehold perpetrators can involve Injunctions (set out in the 2014 ASB legislation) and the most appropriate tools and powers. In extremely serious cases of ASB, leaseholders risk losing their home through the forfeiture of the lease.

6. Vulnerable groups

Our aim in dealing with vulnerable people who have caused ASB is to secure support at the earliest possible stage, which will have a positive impact and be effective.

We will ensure staff are clear about how they should deal with perpetrators of ASB that would be considered vulnerable like residents with mental health problems, a physical disability, and drug or alcohol dependency. We include procedures to ensure that:

- Vulnerable tenants or leaseholders are identified when their tenancy starts, using a risk assessment process
- Our staff are robust in dealing with these types of cases and the perpetrator's vulnerability does not deter them from resolving ASB.
- Support services are requested of the relevant agency at the outset of the case. They can provide appropriate housing related support. This will be to provide support to challenge and change unacceptable behaviour and to support tenancy sustainment.

If either the victim or perpetrator or both are addicted to drug or alcohol, a referral will be made to substance misuse services.

- Intended legal action against a vulnerable person is discussed and agreed with the Council's Vulnerable Persons Panel.

We will comply with legislation when taking any action against a perpetrator or when dealing with a victim of ASB.

We will not treat any disabled person less favourably than we would treat others and will always aim to ensure that any action is justified and necessary.

People with severe mental illness will be supported to seek optimal medical treatment and LBH will support de-stigmatisation.

Every case will be dealt with fairly and take into consideration the health and safety of both the victim and perpetrator.

7. Housing staff and contractors safety

We are committed to ensuring that our staff, contractors and representatives are able to carry out their duties in a safe environment, free from any harassment and intimidation.

8. Remedial actions

8.1 - Informal interventions

Verbal and written warnings are an initial step, used to stop ASB before escalation into a more serious activity.

All warnings should be based on clear evidence and be explained to the perpetrator; the details of the ASB; the impact on the victim/wider community and the likely consequences if their behaviour does not stop.

Accurate records of any verbal or written warning given must be kept so that, if required, it can be presented in court. The Council will notify relevant partner agencies if a written warning is issued.

Informal support and counselling may also be effective in tackling the underlying causes of ASB, such as working alongside Children's and Adults Social Services to identify any issues that might have triggered the offending behaviour/s.

Housing Services will work with a range of specialist, external agencies to deter and reduce ASB whilst supporting victims and witnesses.

8.2 - Acceptable Behaviour Contract (ABC)

An ABC is a non-binding agreement between a perpetrator of ASB and either the Local Authority/the Police. The agreement usually contains a list of prohibitive and/or positive measures in relation to.

ABCs are aimed at those aged 10 years and over and last up to 12 months. The persistent breach of an ABC could lead to more robust ASB tools being implemented.

8.3 - Parenting Contract

A Parenting Contract is a voluntary agreement between parents and relevant agencies.

They set out what parent/s are expected to do to address the behaviour of their children and the role of the relevant agencies.

8.4 - Parenting Order

A Parenting Order is an ancillary Court order available to a criminal court to impose on parents and guardians of a child who is convicted of an offence.

The order is used to encourage parents or guardians of the child to take responsibility for (and help improve) their child's behaviour. It may be imposed where a child is made subject to a Criminal Behaviour Order or convicted of an offence.

8.5 - Injunctions

An injunction is a Court order prohibiting persons from behaving in a certain way or an order imposing positive steps for persons subject to the order to take in order to address the underlying causes of their anti-social behaviour

Injunctions pursuant to The Anti-social Behaviour, Crime and Policing Act (2014) is a civil power to tackle housing-related ASB and non-housing related ASB.

Injunctions are civil orders which are granted if the court is satisfied, on the balance of probabilities that;

- The respondent has engaged in or threatens to engage in;
- Conduct that has or is likely to cause harassment, alarm or distress (non-housing related anti-social behaviour); or

- Conduct capable of causing nuisance or annoyance (housing-related anti-social behaviour); and
- It is just and convenient to grant the injunction to prevent anti-social behaviour.

Injunctions are commonly obtained to;

- Protect residents and businesses
- Protect staff
- Curtail behaviour
- Stop someone entering premises
- Remove obstructions or building work that have not received landlord's permission
- Exclude perpetrators from specified areas.
- Impose positive requirement

Breach of an injunction by adult is treated as 'Contempt of Court', with unlimited fines of up to two years in prison and for children, supervision order or, as a very last resort, a civil detention order of up to three months for 14-17 year olds.

In some cases, injunctions regarding council tenants may be issued without notice to the tenant and can lead to the tenant to being excluded from their home in the most serious cases.

8.6 - Criminal Behaviour Order (CBO)

A CBO is an order of a court issued by any criminal court on conviction against anyone convicted of a criminal offence, providing the Court is satisfied beyond reasonable doubt that:

1. The offender has engaged in behaviour that has caused or is likely to cause harassment, alarm or distress to any person; and
2. The court considers that making the order will help prevent the offender from engaging in such behaviour.

The order will include prohibitions to stop the anti-social behaviour but can also include positive requirements to get the offender to address the underlying causes of their behaviour.

Breach of a CBO is a criminal offence and carries the following penalties;

- For over 18s on summary conviction: up to six months imprisonment or a fine or both.
- For over 18s on conviction on indictment: up to five years imprisonment or a fine or both.

For under 18s: the sentencing powers in the youth court apply.

In respect of children, as with Injunctions, the Council must consult with the Youth Offending Team before making an application for a CBO.

8.7 - Demotion of Tenancy

The Council, as a social landlord, can apply for a demotion order where a tenant has engaged in anti-social behaviour or used the premises for unlawful purposes

A Demotion Order is used to reduce the rights of a tenant who causes ASB. Measures may include disqualification for the 'Right to Buy' or a 'Mutual Exchange' arrangement.

It also places the tenant's security of the property tenure on a probation period of 12 months, extendable to 18 months if their ASB persists.

If within the allocated time, possession is sought, it will be on mandatory grounds.

8.8 - Eviction

Eviction is the last resort that applies to cases where there has been severe or persistent ASB by the perpetrator/s, and support has been refused or ignored.

In addition, the Anti-social Behaviour, Crime and Policing Act (2014) introduced a new and mandatory ground for 'Possession', where the Court is satisfied that one of the following triggers applies, namely where the perpetrator of ASB has:

- The tenant, a member of the tenant's household, or a person visiting the property has been convicted of a serious offence;
- The tenant, a member of the tenant's household, or a person visiting the property has been found by a court to have breached a Civil Injunction;
- the tenant, a member of the tenant's household, or a person visiting the property has been convicted for breaching a Criminal Behaviour Order;
- the tenant's property has been closed for more than 48 hours under a closure order for anti-social behaviour; or
- the tenant, a member of the tenant's household, or a person visiting the property has been convicted for breaching a noise abatement notice or order.

The intention of the Act is to expedite the eviction of the most anti-social residents and bring faster relief to victims and communities. However, Council tenants have a statutory right under the 2014 Act to request a review of the decision to seek possession.

They may also invoke the Human Rights Act during a possession hearing, to test whether our action is proportionate. It is therefore important that,

according to the Guidance to the 2014 Act, this ground is used “selectively, for the most serious cases of ASB. The discretionary grounds for possession in the Housing Acts of 1985 and 1988 can still be used where the above triggers are not met.

Provided the triggers are met and the evidence meets the criminal standards, the Court has to grant possession, provided we can demonstrate the correct Notice has been served on the tenant. This new ground has implications not only for dealing with ASB in Council housing.

8.9 - Community Protection Notice (CPN)

This notice can be used by the police and the local authority to deal with ongoing problems or nuisances which are having a detrimental effect on the community’s quality of life by targeting those responsible. The notice can only be issued to a person aged 16 and over.

It can be served when a formal Community Protection Warning letter is ignored by the individual engaged in ASB and requires the recipient to stop, do or take steps to achieve a defined result.

Community Protection Notice can be issued by one of the bodies mentioned above if they are satisfied, on reasonable grounds, that the conduct of an individual, business or organisation:

- is having a detrimental effect on the quality of life of those in the locality;
- is persistent or continuing in nature; and
- is unreasonable

It is a very versatile tool in that it can also be used against residential issues, such as loitering and environmental issues such as fly tipping and noise nuisances.

8.10 - Closure Power

Closure Notices and Closure Orders allow the Police or the Council to close premises quickly which are being used, or likely to be used, to commit nuisance or disorder. These orders are often used by the council where council tenants are causing ASB to neighbours or are victim of cuckooing¹.

A Closure Notice can be issued for 24 hours if the council or police officer is satisfied on reasonable grounds:

- that the use of particular premises has resulted, or (if the notice is not issued) is likely soon to result, in nuisance to members of the public; or

¹ Cuckooing is a practice where people take over a vulnerable person's home and use the property to facilitate exploitation (e.g. financial, drugs, sex work).

- that there has been, or (if the notice is not issued) is likely soon to be, disorder near those premises associated with the use of those premises, and that the notice is necessary to prevent the nuisance or disorder from continuing, recurring or occurring.

A Closure Order can subsequently be issued if the court is satisfied:

- that a person has engaged, or (if the order is not made) is likely to engage, in disorderly, offensive or criminal behaviour on the premises; or
- that the use of the premises has resulted, or (if the order is not made) is likely to result, in serious nuisance to members of the public; or
- that there has been, or (if the order is not made) is likely to be, disorder near those premises associated with the use of those premises, and that the order is necessary to prevent the behaviour, nuisance or disorder from continuing, recurring or occurring.

Before issuing a Closure Notice, the Act requires that the individual/s responsible, has/have been consulted. Such orders can also restrict those habitually resident in the subject property such as council tenants in residential blocks who engage in ASB as well ban all access.

A breach of such order is a criminal offence.

For breaches of closure notices, the court can impose a sentence of up to three months and for breaches of a closure order, the court can impose a prison sentence for up to 51 weeks in prison. For both orders, the court can also impose an unlimited fine.

8.11 - Court Undertaking

This is a promise to the Court, after proceedings have commenced, signed by an individual, promising the court he/she will cease the ASB act.

This is not an admission of guilt, but a promise about future conduct and the consequences of breaching the undertaking is Contempt of Court.

8.12 - Extension of Introductory Tenancies

Where a tenant has an introductory tenancy and there is concern about the tenant's (or household member/visitor's) conduct during the 12-month probationary tenancy period, serving a notice of extension can extend the probationary period of the tenancy for a further six months without the need for a court order.

Should the ASB persist at the end of the six-month period, possession action can then be taken.

8.13 - Withdrawing an Offer of Accommodation

The Council's Housing Allocation scheme makes clear that an offer of accommodation may be withdrawn if the applicant/household

members/visitors has/have been responsible for committing serious and persistent ASB.

This would have to be of a type or severity that would have entitled the Council to obtain a possession order, had we been the landlord.

8.14 - Fixed Penalty Notices (FPN)

FPNs are one-off fines and an invitation for the recipient to discharge his/her liability to prosecution.

FPN are issued for various offences including environmental offences like litter, graffiti or dog fouling.

Failing to pay the FPN often results in criminal proceedings being commenced.

They can be issued by the Council or the police to any person over 10 years old.

8.15 - Statutory Nuisance Abatement Notices

These require whoever is responsible for the statutory nuisance to stop the activity or limit it to certain times to avoid causing a nuisance and can include specific actions to reduce the problem

The Council's Enforcement Team can detect statutory noise nuisance by installing a noise monitor into a neighbouring property.

If the nuisance persists, the Council can:

- give a fixed penalty notice (FPN) giving them the chance to pay a fine (up to £110 for dwellings and £500 for licensed premises) within 14 days, instead of being prosecuted;
- prosecute them if they don't issue an FPN or if the person responsible doesn't pay the fine on time (if convicted they can get a fine of up to £1,000 for dwellings and an unlimited amount for licensed premises);
- remove noise-making equipment like loudspeakers.

8.16 - Mediation

To resolve neighbour disputes, mediation services by a specialist external agency is offered on a case-by-case basis.

The aim of mediation is for one or more neighbours to come to a mutually acceptable agreement by working out differences identified as being at the root of ASB/nuisance behaviour.

8.17 - Community Remedy

The Community Remedy is a list of actions and punishments administered by the police.

The Community Remedy gives victims a say in out-of-court punishments for perpetrators of low-level crime and ASB and can be used on condition that the perpetrator has admitted their actions; seeks to make amends and such a course of action is agreeable to the victim.

The victim/s will be presented with the Borough's list of remedial punishments, whereupon they may choose their preferred remedy that the perpetrator will be required to undertake.

8.18 - Community Trigger/ASB Case Review

Where victims of ASB are dissatisfied with our response in handling their report, they may be able to invoke the "Community Trigger", depending on the frequency of the incidents.

This means an inter-agency ASB Case Review is held, giving victims/affected community the right to prompt a re-examination of their case.

9. Support for victims and witnesses

Our trained staff will respond in a timely and sensitive way to all victims and witnesses of ASB.

We will, in conjunction with internal and external partners consider the provision of Victim Support. This may include target hardening such as the provision of additional locks and chains.

We work closely with the Police to assist with their investigations of ASB, domestic violence and hate crime. We provide them with information under the Sharing of Information Protocol to pursue arrest and prosecute people who commit such crimes.

We also take a multi-agency approach of sharing information to protect and support the victim and their family.

9.1 - Use of professional witnesses

Where appropriate, we will consider the use of professional witnesses to help residents who are afraid or unable to provide us with evidence, such as when there have been several incidents affecting members of the community where we are unable to obtain enough eye-witness evidence or to obtain an independent assessment of conflicting reports.

9.2 - Translation and Interpreting Service

Translation services and interpreting are available in line with the corporate Translation and Interpreting Policy.

Translating witness statements, complainants' incident diary sheets and letters to complainants, as well as interpreting during interviews and at court, will be considered on a case-by-case basis. Translation into Braille, large print and sign interpreters can also be arranged where necessary.

9.3 - Repairs & security of premises

Where a tenant has had their home damaged through harassment we will carry out repairs as a matter of emergency.

We will also consider carrying out any additional security works where there is serious risk of harm to the victim or others living in the property.

9.4 - Witness Support

We recognise that giving evidence in court can be an emotional and stressful time; it is also a very important role in the success of court cases. Building witness confidence and trust is an essential part of our role.

Our Team will support witnesses in a variety of ways, depending on the circumstances and their needs. This could include providing a direct point of contact for the witness, supporting them in completing witness statements or explaining how the court process works.

9.5 - Rehousing (Special Management Transfer)

The main objective of this ASB Policy is to provide adequate support to the victim so they may continue to live in their home in safety and without the fear of further harassment and intimidation.

In some cases, the harassment may be life threatening or so severe or persistent that the complainant and their household are no longer safe in their home and need to be re-housed either temporarily or permanently away from the area in which they are living. This will be offered if the tenant has no other options, such as temporarily staying with relatives or friends.

Re-housing through the process of a special management transfer will be offered after considering comments made by the Police, other relevant agencies like Social Services, the Domestic Violence Forum, Community Mental Health Team and/or other informed sources. Recommendations will be considered, but the decision will be made by the appropriate Housing Services panel.

If agreed by the Special Management Panel, the applicant will receive one direct offer of alternative accommodation on a like-for-like basis under the Council's choice-based lettings scheme.

We aim to re-house tenants in a different part of the Borough. In extreme cases, we will seek to secure an out of the Borough move with other landlords.

Re-housing under the special transfer process is not for the purpose of moving to a larger property or different area.

9.6 - Malicious Reporting

We investigate all reports of ASB sensitively and fairly. It is not unusual to receive counter allegations; both reports are investigated equally and impartially. We will use appropriate action against residents if reports have been made falsely to cause someone distress and waste officers time.

10. Staff Training

Well-trained staff are key to delivering the aims set out in this policy.

We are committed to training our staff and will ensure that all staff dealing with ASB are aware of this policy and procedures.

We will provide refresher training and updates, particularly where legislation changes.

Where our response to any incident shows the need for further staff training, this will be provided.

We will ensure Resident Groups and Tenant Management Organisations are offered an appropriate level of training on policy, procedures and on any legislative changes.

11. Equal opportunities statement

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have 'due regard' to:

- (i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) Foster good relations between those who have protected characteristics and those who do not.

'Protected characteristics' are age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

An EqHIA (Equality and Health Impact Assessment) has been carried out and accompanies this policy.

The Council seeks to ensure equality, inclusion, and dignity for all in all situations.

The Council will seek to ensure that this policy is, at all times, implemented in a manner that is fair to all sections of the local community.

All applicants for housing or re-housing will be invited to indicate if they wish to make use of the Council's translation and interpretation services, or if they require additional services to enable them to access and understand the policy to ensure that they are not disadvantaged in any way.

They also will be invited to provide details of ethnic origin, sexuality, disability and other equalities information. Provision of this information is not obligatory or a requirement for acceptance of an application.

However, such information will help monitor the number and types of protected characteristics requiring hostel support, and will help ensure that service improvement evolves in line with any changing local needs.

Equalities records will be kept and monitored to ensure hostel accommodations are offered and allocated fairly. This policy will be regularly reviewed ensure it is not operated in any way that could discriminate or disadvantage against any particular group of people.

All information provided will be kept confidential and treated with respect at all times.

12. Data Protection statement

Havering Council takes personal privacy matters very seriously and will never share the individual's personal data without their prior knowledge, unless required to do so by law.

For full details about how the Council protects personal data, please visit [Havering Council Data Protection policy](#).

13. Dissemination and communication of this policy

Housing Services will consult with all affected stakeholders, directly or indirectly, to ensure this policy fulfils its purpose to be clear and transparent.

This policy will be made available internally and externally in hard copy and electronic versions, as well as various formats – such as easy read, multi-lingual, braille and audio - upon request.

We recognise that publicity is fundamental to build confidence in the ASB management service we provide.

We aim to enhance our reputation by publishing good news stories, successful legal cases, ASB advice and partnership working in our tenant and leaseholder news magazine "At The Heart", in local newspapers (and national where appropriate) and on our website.

14. Implementation of this policy

This policy will take effect from September 2024 and made accessible to residents on the council's website.

Responsibility for the successful implementation of this policy will be with Havering Council's Assistant Director of Housing Operations.

15. Monitoring and review of this policy

In the interests of continuous improvement, this policy will be reviewed annually to ensure it remains relevant, up-to-date and fit-for-purpose for the Council and the residents of Havering.

We will monitor our performance in tackling ASB through a range of performance indicators (see Appendix 3)

We carry out regular quality checks on ASB cases managed by our staff. We will also analyse management information such as highlighting hotspots of ASB.

It is important that reporters of ASB incidents are allowed the opportunity to comment on the ASB process and the service they experienced. Victims will be either telephoned or visited and asked to complete a customer satisfaction survey.

We review the results on a monthly basis. All replies expressing dissatisfaction can be actioned via the Council's complaints process.

16. Delegated authority to make minor changes to this policy

The Assistant Director of Housing Operations, in consultation with the Director of Property and Housing, will be able to approve minor amendments; i.e. amendments that do not significantly change this policy or associated procedures.

Appendix 1: Our Partners

Listed below are some examples of our partners:

- Community Housing Groups
- Council's Community Safety Team
- Council's letting and homelessness teams
- Community Mental Health Team
- Women's Aid
- East Area Borough Command Unit (Metropolitan Police)
- Victim Support
- Drug and Alcohol Agencies
- Children and Young People Team
- Learning Disability Team
- Adult Social Care
- Area Coordinators
- Youth Justice Team
- Education (including welfare officers and (head) teachers)
- TMOs

We also recognise the specialist skills of the voluntary sector and will continue to work with organisations such as Havering Association for Disabilities, Havering MIND, Havering Compact, and Peabody.

- **Havering Community Safety Partnership**

Housing Services is a key member of the of the Havering Community Safety Partnership (HCSP) - a collective of local crime prevention agencies, including Havering police, Havering Magistrates, Probation Services and the Drug & Alcohol team.

The HCSP provides strategic direction to Council departments and other agencies in working together to address ASB issues throughout Havering.

- **Tenant Management Organisations**

Our Tenant Management Organisations (TMOs) will also follow this ASB policy.

- **Private Sector Housing**

This policy applies to all properties managed by our Private Housing Solutions team, including leased properties, those managed through Assured Shorthold Tenancies and Houses of Multiple Occupation.

- **Leaseholders**

The lease agreements prohibit leaseholders or their tenants causing nuisance.

Where a tenant or Leaseholder is involved in a dispute with a leaseholder, Housing Services will work with the Home Ownership Team and the Leaseholders.

- **Home Owners**

Where both parties are freeholders, the case will be referred to the Community Safety Team and parties will be advised to contact other external agencies i.e. Police, Environmental Health.

Where the victim(s) are council tenants and the alleged perpetrator(s) are freeholders, the case will be referred to the Community Safety Team or parties will be advised to contact other external agencies i.e. Police, Environmental Health. Support for the victim will be offered by Housing Services.

Appendix 2: Teams working together on ASB

Housing Services has adopted an organisational structure with departments and processes dedicated to preventing and tackling ASB.

Enforcement Officers

The Enforcement Service was introduced to:

- Be a highly visible mobile team across the borough (Housing Services properties)
- Report ASB including fly tipping, graffiti, criminal damage and abandoned vehicles
- Identify those responsible for ASB and work closely with Housing Officers, Estates Officers, and Caretakers, CCTV staff, Street care, Environmental Health and other appropriate agencies such as Youth Services, Resident Groups and Police Safer Neighbourhood Teams
- Build relationships and respect within neighbourhoods
- Use mobile CCTV to collect information and evidence and share with the ASB Team and Police
- Give evidence in court, as professional witnesses for ASB
- Patrol known “hotspot” areas of ASB
- Assist with dealing with abandoned vehicles
- Visit victims of serious ASB to re-ensure safety
- Attend community events

CCTV Team

The CCTV service is a specialist team, which maintains and monitors over 500 cameras on our estates and sheltered units.

The team collects information and evidence about perpetrators of ASB and share this with the relevant agency so that enforcement action or criminal proceedings can be taken against the perpetrators

The CCTV team acts as the eyes and ears of the Housing Officers.

Resident Services Team

All reports of ASB are managed by the Residents Services Team.

Housing Officers manage a patch of properties, which includes dealing with ASB reports. The purpose of this team is to:

- Take all possible enforcement action against identified perpetrators within the quickest possible time
- Work with the Council’s Community Safety Team, CCTV officers, Caretakers, Enforcement Officers, Housing Services Resident Engagement Officers, Police, Youth Justice Service and voluntary groups to tackle ASB
- Provide staff and TMOs with training on all aspects of ASB
- Provide support to victims and witnesses of ASB.

- Ensure that victims are treated sympathetically and in total confidence.
- Keep victims informed of the progress of their complaint and monitor satisfaction levels
- Take all possible enforcement action to protect staff and contractors against perpetrators who cause intimidation and harassment
- Attend community meetings, and community events to encourage reporting of ASB and publicise access to the service and successes and encourage resident involvement

Community Engagement Team

Our officers provide help to community housing groups to access grants to implement a wide range of activities for young people, families and older people in our neighbourhoods.

The main purpose of this team is to:

- Establish diversionary activities on estates which includes taking advantage of community development grants to fund appropriate activities
- Build community cohesion

Appendix 3: Our Performance Measures

- Number of P1 cases contacted within 24 hours
- Percentage of racial harassment, hate crime we respond to within one working day
- Total number of P1's
- Number of ASB cases open per 1000 homes
- Number of ASB case with hate per 1000 homes
- Number of ASB reports received and closed per month
- How satisfied residents were with the way we handled their ASB complaint.