

THREE BOROUGHES HOUSING CO-OPERATIVE

Anti-Social Behaviour Procedure

1. Introduction

This procedure outlines the steps Three Boroughs Housing Co-operative will take in response to reports of Anti-Social Behaviour (ASB).

2. Responding to a report of ASB

Reports of ASB can be accepted by telephone, in writing, by email or in person. Members should make a report to the Housing Office in the first instance. The Co-operative Housing Manager will log the report and send an acknowledgement and a copy of the Anti-Social Behaviour Policy to the Member.

Members may choose to report to a Management Committee member. It is the responsibility of the Management Committee Member to pass the complaint to the Co-operative Housing Manager and ensure it is followed up.

In relation to disturbances, such as loud parties taking place at night, Members should contact the local Council's Environmental Health team.

3. Initial Assessment

The Co-operative Housing Manager will carry out an initial assessment to establish the nature and urgency of the situation. This will consider the impact of the behaviour and how much harm it may have caused and assess any immediate risks to a person's safety or property.

If the initial assessment indicates that ASB has or is taking place and to support the complainant and assist in recording issues, the Co-operative Housing Manager will send the following documents to the reporting Member:

- Anti-Social Behaviour Procedure
- ASB support advice
- Incident log sheets

The Co-operative Housing Manager will notify the alleged perpetrator that a report of ASB has been received.

If there is evidence that criminal behaviour has taken place, the Co-operative Housing Manager is delegated to commence legal action. If criminal behaviour is suspected, but not proven, further enquiries may be made to the police in respect of any reported incidents.

If there is an immediate safeguarding concern or a support need is identified, the appropriate support agency or local authority safeguarding team may be contacted by the Co-operative Housing Manager.

4. Referral to the Management Committee

The Co-operative Housing Manager will refer the matter to be raised at the next meeting of the Management Committee. If the situation is urgent, a special meeting of the Management Committee will be convened at the first available opportunity.

In the report to the Management Committee, the personal details of the parties involved will be kept confidential. At the meeting, a request will be made for volunteers to form a panel to investigate and respond to the report of ASB. The Investigation panel will be formed of two or ideally three of the following: Co-operative Members, The Co-operative Housing Manager, co-opted suitable persons who may or may not be paid (e.g. Housing Association staff). The composition of the panel must meet the requirements outlined in section 11 (Impartiality).

Prior to any other actions the Co-operative Housing Manager will provide each member of the panel with a copy of the Anti-Social Behaviour Policy, this procedure and any other relevant documents and advice as to how to proceed, including any relevant history.

The panel should regard the Co-operative Housing Manager as a valuable resource, should keep the Manager informed of all progress and actions and should seriously consider all advice provided by the Manager.

5. Investigation by the Investigating Panel

The Investigating Panel should familiarise themselves with the terms of the relevant tenancy agreement or licence in order to have a clear understanding of what constitutes a breach of tenancy. The Investigating Panel will then arrange to meet with all parties (those reporting the ASB, the alleged perpetrators and any potential witnesses). If reports of ASB have been received from Members living in shared accommodation, separate meetings should be convened with each member of the household.

The format, timing and location of the meetings will be agreed with each individual in advance. Wherever possible, meetings should be held in person to promote communication and resolution and at a neutral location. Virtual meetings may be held if it is felt this could expedite proceedings. All those giving information to the panel will do so privately and not in the presence of any other person involved or present during the alleged incidents.

The purpose of the meetings is to establish the facts and **no judgements should be made** by any member of the Investigating panel until all parties have been spoken with in the following order:

Meeting with Complainant/s – the Member bringing the complaint will be asked to provide examples and evidence of the ASB and explain the impact of the behaviour on them. All available evidence, such as noise recordings, CCTV footage will be considered. The Member will also be asked what outcome/s they would like to see and if they require support from any other agency.

Meeting with witness/s – the witnesses will be asked to provide any first-hand accounts or evidence of the ASB (hearsay evidence may be considered but will not be accorded the same weight as a first-hand account). Witness statements should also be provided in writing.

Meeting with Alleged Perpetrator – the panel will advise the Member of the allegations made against them. The Member will be given an opportunity to respond and present their view on the situation and explain any mitigating circumstances. If appropriate, an attempt will be made to establish if the Member has any vulnerabilities which may be contributing to the alleged behaviour and to establish if they have any support needs. No threats of action or consequences should be made at this stage. The alleged perpetrator will be given 14 days to attend such a meeting. If they do not, they will be given the opportunity to respond in writing, but proceedings may continue without a meeting.

Each meeting should be minuted at the earliest opportunity and the minutes should be signed by all members of the panel as a true record of the meeting. With the agreement of all parties, an audio recording may be made. Each person interviewed will be asked to put their statements in writing to the panel.

Once all possible meetings have taken place and any written statements have been received, the Investigating Panel will consider all the evidence provided. If it is established the reports do not meet the definition of ASB as outlined in the Co-operative's ASB Policy, the matter may be dealt with using the Resident Dispute Policy. If there is evidence that ASB has taken place, the Investigating Panel will decide on the appropriate course of action.

6. Action to be Considered

Careful consideration will be given as to the course of action most likely to be effective in resolving the issue. Before coming to a decision, the Panel may wish to seek advice from the Co-operative Housing Manager or the relevant Housing Association's ASB team.

If the panel consider the ASB is serious enough to warrant a legal remedy, action will be taken under clause 9.

If the ASB does not warrant urgent legal action, the following tools will be considered to address and resolve the ASB issue.

- Meeting with the perpetrator to explain the potential consequences of their actions and to determine whether they are willing to change their behaviour.
- An Acceptable Behaviour Contract or a Good Neighbour Agreement.
- Panel Members convening a Mediation meeting between the parties to seek an agreed way forward or mediation involving an independent third party.
- Noise monitoring and use of CCTV.
- An agreed period of monitoring and the collection of evidence using diary sheets.
- A referral for support or signposting for the perpetrator committing ASB.
- Referral of the reporting Member/s to another agency for support, such as Victim Support.
- The issuing of a verbal or formal written warning to the perpetrator.
- Issuing a Notice Seeking Possession (NOSP) or equivalent to the perpetrator, if appropriate (must be referred back to the Management Committee for decision).

7. Action plan

The Investigating Panel will arrange a further meeting with the complainant to:

- explain the viable courses of action
- seek the views of the complainant on the proposed course of action
- agree the method and timing of future communication

The Action Plan should be flexible and realistic and take into account that future steps are likely to depend on the outcome of immediate actions i.e. it may only cover those immediate actions and be reviewed and revised on an ongoing basis. The agreed action plan will be recorded in writing by a nominated member of the Investigating Panel and shared with the complainant and reported to the Management Committee. If appropriate, any proposed actions will also be put in writing to the perpetrator.

8. Monitoring and Review

If no further reports of ASB are received, the Investigating Panel will contact the complainant after one month to establish the current situation.

8.1 If the ASB issue has been resolved

The Member will be informed the case will be closed, but will be advised to contact the Co-operative at any time if there are any further issues.

8.2 If further evidence of ASB has been obtained

The panel will reconvene to consider any evidence and decide an appropriate course of further action.

9. Legal Action

Once the Investigating Panel has met with all parties, and in the view of the Co-operative Housing Manager and Officers, further legal action is required, the matter will be brought to the Management Committee for decision. The Investigating Panel will prepare a report ahead of the meeting to present to Committee Members outlining the full details of the case. Consent will be sought from both parties whether they wish to retain their anonymity or are happy for their personal detail to be contained in the report. If either party states they wish to remain anonymous, the report will not contain the personal details of either party.

Legal action should only be instigated after consideration has been given to all other measures and providing there is sufficient evidence. When considering any action, the vulnerability and needs of the perpetrator needs to be assessed against the impact of their behaviour on others. If legal action is proposed, independent advice will be sought to assist in carrying out an assessment in accordance with the Equality Act 2010 (Public Sector Equality Duty).

Legal measures could include:

- Obtaining an ASB injunction
- Applying to the County Court for a possession order

The terms of the Pre-action Protocol for Social Housing will be followed when pursuing possession proceedings.

Possession action through to eviction will only be used in the most serious cases and if all other measures have failed. It must be noted that a court will only grant a possession order if sufficient evidence of harm exists and no other course of action is available.

9.1 ASB Injunctions

9.1.2 Background considerations

An ASB injunction will only be granted if the following conditions are met:

- The court is satisfied the respondent has engaged, or threatens to engage, in ASB.
- The court considers it is just and convenient to grant the injunction for the purpose of preventing the respondent from engaging in ASB.
- If there is sufficient proof that the named individual has caused housing related nuisance, annoyance or persistent harassment, alarm or distress.

If the Management Committee feel the situation is serious enough to warrant legal intervention, the Co-operative Housing Manager will be asked to seek specialist legal advice before any application for an ASB Injunction is made.

9.1.3 Practical considerations

The Management Committee will consider the legal advice given when determining the terms to be sought in the injunction. The terms should include the prohibitions to be imposed on the named individual, as well as any positive requirements which are deemed appropriate.

The terms of the injunction should also be:

- clearly expressed
- tailored to specific behaviour
- proportionate to the aims of the tenancy clause under which action is taken
- supported by evidence

A decision will be taken on who is to be responsible for supervising compliance with the requirements outlined in the injunction. Evidence on the suitability and enforceability of the requirement must be presented during the court hearing.

9.1.4 Documentation required

If a decision is taken to proceed, the Co-operative Housing Manager will be instructed to prepare the necessary documentation required for the court hearing.

- Form N16A
- Witness Statements
- Notice of Intention to rely on hearsay evidence (if relevant)
- Schedule of incidents (optional)

It should be noted that the best evidence is a witness statement from a named witness. Hearsay evidence is admissible in civil proceedings but notice that any such evidence is to be used must be included as part of the court application.

10. Communication and Record Keeping

All the parties involved in cases of ASB, must be kept informed of the decisions made, actions taken and any outcomes. Members of the Investigating Panel should discuss and agree who is responsible for recording accurate notes of meetings, sending all relevant information to the Co-operative Housing Manager and who will keep both the complainant and perpetrator updated.

Notes of meetings and conversations with the relevant parties should be written up as soon as possible after they have taken place.

At every point of this procedure the Co-operative Housing Manager must be kept informed of all decisions and actions and provided with copies of all correspondence, minutes of meetings etc. The Co-operative Housing Manager will use this information to record a chronological summary of events, meetings and actions.

It is imperative that accurate records of all file notes, correspondence and evidence are kept on the tenancy files of the relevant individuals, as ASB issues may not be fully resolved and may re-emerge at a future date. Any Member reporting ASB issues will also be advised to keep their own records of events.

The relevant Housing Association should be notified of any legal measures in line with the terms of the relevant Management Agreement.

11. Confidentiality and Impartiality

All those involved in an ASB case, in any capacity, are expected to treat the matter in the strictest confidence, confining all discussion within the Investigating Panel until such time as a report is tabled to the Management Committee.

In a small organisation, it is recognised that conflicts of interest may arise and close personal relationships may contribute to bias in decision making. Care will therefore be taken when addressing matters of anti-social behaviour that panels are formed of impartial persons, not party to the complaint. The Member under investigation for alleged ASB will have the right to object to the inclusion of one member of the Investigating Panel and the right to nominate an impartial replacement.

Members of the Investigating Panel must maintain objectivity until all facts are gathered from each party.

12. Review of the Procedure

This procedure will be regularly reviewed to ensure it reflects best practice and to address legislative, regulatory or operational changes.

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| Approved by the Management Committee on | 9th March 2022 |
| Signed | |
| Position of Signatory | |
| For review on | 9th March 2025 |