



Your Homes
Newcastle

**Summary of Your Homes
Newcastle's Policy Guidance for
Anti-Social Behaviour
November 2015**

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About Your Homes Newcastle

We are an Arms-Length Management Organisation (ALMO) responsible for managing council homes on behalf of Newcastle City Council.

We currently manage approximately:

- 26,700 council homes on behalf of Newcastle City Council
- 1,800 homes on behalf of the Byker Community Trust
- 330 homes on behalf of Leazes Homes.

We also manage 1,500 leasehold properties on behalf of Newcastle City Council and the Byker Community Trust.

Our statement of purpose is to:

- Enable positive living for people in our homes and neighbourhoods

Our objectives are to:

- Make tenant's money deliver
- Create homes and neighbourhoods we can all be proud of

Our commitment to tackling anti-social behaviour

Dealing with anti-social behaviour, neighbour nuisance and annoyance effectively is an important part of managing housing in Newcastle to help meet our purpose and objectives, and is a priority for our tenants.

We believe that residents are entitled to live in well managed homes where they feel positive about themselves and their communities. To achieve this objective we are committed to working in partnership with other organisations to reduce the level of crime, anti-social behaviour, neighbour nuisance, and to support victims and to take action against those who cause problems in the community.

The behaviour of residents is regulated not just by law, but also by the generally accepted belief that everyone can enjoy life in their own way, providing they don't unreasonably affect the lives of other people.

Simply reminding someone that their behaviour is upsetting their neighbour is often enough to resolve any differences, and the action that Your Homes Newcastle takes in respect of complaints about anti-social behaviour will be governed by what we believe to be a reasonable to proportionate response to any given situation.

Your Homes Newcastle's resources to tackle anti-social behaviour

Your Homes Newcastle commits significant resources to tackle anti-social behaviour to help deliver safer neighbourhoods to our tenants.

We provide the following services:

- Tenancy and estate teams based in our 5 main housing offices in the City with a 'patch' officer dedicated to each neighbourhood
- Specialist Housing, Anti-social Behaviour & Enforcement Team (HASBET) to manage the more serious anti-social behaviour complaints
- A Victim Support worker seconded to and co-located with the HASBET team to provide specialist support to victims of anti-social behaviour
- Access to a free mediation service called UNITE
- A specialist team to co-ordinate our response to victims of domestic abuse co-located with the HASBET team
- Our Concierge service to residents of multi-story accommodation including a rapid response service operating outside of day time office hours
- A Family Intervention Project offering support to challenging families to change their behaviour through intensive support

What is Anti-Social Behaviour?

The Anti-social Behaviour Crime and Policing Act 2014 defines anti-social behaviour as:

‘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 residential premises’

‘Conduct capable of causing housing related nuisance or annoyance to any person’

(Anti-social Behaviour Crime and Policing Act 2014)

We consider that anti-social behaviour constitutes a wide variety of activities that may cause nuisance and annoyance to others, and are unreasonable.

Anti-social behaviour includes, but is not limited to the following:

- Domestic abuse;
- Physical violence;
- Harassment;
- Hate Crime;
- Verbal abuse or other threatening and/or abusive behaviour including behaviour towards YHN & City Council staff;
- Drug and alcohol abuse causing anti-social behaviour;
- Involvement with illegal drugs;
- Playing music loudly or making excessive noise;
- Not keeping pets under control, including fouling & aggressive animals;
- Fly tipping, dumping rubbish and setting fires;
- Damaging or neglect of property and garden;
- Illegal or immoral use of a property;
- Graffiti;

- Indulging in any activities which would reasonably be considered causing nuisance and annoyance to others;

There are certain types of behaviour that we would not consider anti-social behaviour, for example where we cannot reasonably take any action to resolve a situation or the incident is isolated and of a short duration. We may however offer our mediation service to resolve differences between neighbours where we do not consider the behaviour to be unreasonable or anti-social.

Examples of types of behaviour we would not consider unreasonable or anti-social behaviour include but are not limited to:

- Children playing
- Young children crying
- Disputes about car parking
- A dog barking or any other noise that is of short duration and/or an isolated incident
- DIY activities during reasonable times of the day
- Any other activity that would be considered reasonable

YHN's policy guidance

YHN's policy and procedures have been shaped by best practice and the various legislative Acts of Parliament that govern the way in which social landlords operate.

Examples of best practice are:

- ASB Crime & Policing Act 2014 statutory guidance for front line professionals 2014
- Home Office 'Effective case management principles for anti-social behaviour'
- Chartered Institute of Housing (CIH) 'Respect Charter'

Our procedures have also been developed in conjunction with tenants with the help of our Customer Involvement Team pro-actively using customer feedback, forums and journey mapping to continually improve the service.

Effective case management underpins all our activity to deal with anti-social behaviour effectively, starting from when a complaint is first received until the matter is resolved. The welfare, safety and well-being of victims whose complaints form the basis of any action that we take are our main consideration at every stage of our process, and we endeavour to provide a fair and consistent service to tenants, taking reasonable and proportionate action to tackle anti-social behaviour.

This is why we are committed to completing mutually agreed case action plans and welfare risk assessments with victims that form the heart of our anti-social behaviour processes.

Our response to complaints about anti-social behaviour will always be reasonable and proportionate, and while we will always take into account the complainant's views we cannot guarantee that the action we take will always be what the complainant wants. We will strive to deliver the appropriate proportionate response to stop any unreasonable activity through the tools

and powers available to us as a social landlord, and by working in partnership with other agencies.

The range of tools and powers that we use to deal with anti-social behaviour include, but are not limited to:

- Effective early intervention using a combination of warnings and Acceptable Behaviour Agreements through the City's escalation process the Newcastle graded response
- Offering a free mediation service where appropriate so that residents can resolve their differences amicably
- Co-ordinated partnership working with Northumbria Police and the City Council to target repeat offenders quickly
- Using injunctions to protect vulnerable victims and our staff to stop offending in cases of serious anti-social behaviour
- Issuing possession proceedings and evicting tenants where the anti-social behaviour is very serious, or criminal activity has been proven in another Court, or where a Court Order or Environmental Protection Act notice has been breached
- Supporting our partners such as the Police and City Council to secure Criminal Behaviour Orders and Closure Notices/Orders
- Pro-actively using publicity to boost public confidence that we will not hesitate to take firm action against anti-social behaviour and to make sure that communities are clear about enforcement penalties
- Provide appropriate support to individual victims through our Victim Support specialist worker
- Have clear standards in relation to anti-social behaviour so that service users are clear about the service they can expect from us

While the overall aim of our policy guidance is to put a stop to the anti-social behaviour and reduce the risk of tenancies failing, it is recognised that unfortunately not every tenancy will be sustainable. There will be circumstances where serious anti-social behaviour is associated with a particular tenancy and/or individual.

Where, after considering the rights and safety concerns for the local community with the offenders position, it is judged by officers from Your Homes Newcastle that the behaviour is so serious and/or having an adverse impact on other residents and/or the wider community, immediate enforcement action may be taken to protect victims and the community.

Our partner organisations

We work in partnership with others to maintain a safe environment for our tenants to live in. Examples of partners we work with are:

- Northumbria Police
- Newcastle City Council's Public Health teams
- Newcastle City Council's Adult Services
- Newcastle City Council's Children's Services
- Youth Offending Team
- National Probation Service and the Community Rehabilitation Company
- Victim Support
- Primary Care Trust and other health professionals
- Mediation providers
- Other social landlords

We share information with our partners in accordance with relevant legislation such as the Data Protection Act 2000 and the Crime and Disorder Act 1998 to help protect vulnerable victims and detect, prevent and take coordinated action against, crime and anti-social behaviour.

What you can expect from our service if you complain about anti-social behaviour

The service you receive will be:

- polite
- fair and unbiased
- confidential
- efficient; and
- appropriate to any special needs you may have

When offering our services we will treat everyone equally, no matter what their personal characteristics (for example race, disability, sex, age, sexuality or religious beliefs).

- When you contact Your Homes Newcastle to report antisocial behaviour, we start an investigation within a set time (see 'response times' below)
- At the start of our investigation, we will agree an action plan with you so that you understand what we can do, and what you are expected to do
- We will tell you the name of the housing officer who will investigate with your case
- After we have completed an initial investigation into your complaint, we will:
 - tell you about any action we will take to deal with the problem; or
 - tell you why we are not able to take action
- If we need you to fill in diaries to record incidents of anti-social behaviour, we will explain how you must do this. We will also agree with you the timescale that you should complete the diaries, and after this time we will review them with you. If they are useful, we may ask you to continue
- We will not reveal your identity unless you agree that we can
- We will contact you regularly to keep you up to date with the steps we are taking to deal with your complaint. We will do this by letter, e-mail or phone, or by visiting you. We will agree with you how regular the contact will be

- We will contact the person you say has carried out the antisocial behaviour within five working days of our initial interview with you. This will help us investigate your complaint. We will seek your agreement before doing this. In certain circumstances it may not be appropriate to contact them and we will explain the reasons for this to you
- We will take the lead, and work with other agencies, to deal with any problems. Examples of other agencies are the City Council, Victim Support and Northumbria Police
- We will tell you what support we and other agencies can give you. Examples of other agencies are Victim Support and Mediation
- We understand that you may not feel able to give evidence in court. If this happens, we will try to use the evidence that other people, such as Housing Officers and Police Officers have gathered. We will discuss what this means with you
- If you are willing to be a witness and give evidence at court, we will give you support before, during and after any legal proceedings

Response times

We respond to all incidents of antisocial behaviour that are reported to us according to their seriousness, and the most serious are referred directly to our specialist anti-social behaviour team HASBET.

If an incident is made up of several different types of antisocial behaviour, Your Homes Newcastle will respond to the complaint according to the most serious type of behaviour.

To help determine the most serious types of anti-social behaviour complaints, we use 3 categories as follows:

Personal harm – response the next working day

This is for the most serious types of antisocial behaviour which will be referred directly to our HASBET team. For example:

- Verbal abuse, harassment, intimidation, threatening behaviour
- Hate-related incidents (based on a person's personal characteristic such as sex, race, sexuality, disability, religion or age)
- Domestic violence, abuse
- Other physical violence
- Abuse and threats to staff
- Any other type of anti-social behaviour involving personal harm

Community harm – response within 3 working days.

These complaints will be managed initially by our Tenancy and Estate Management. For example:

- Noise
- Vandalism and damage to property
- Alcohol-related incidents
- Drugs, substance misuse, drug dealing
- Prostitution, sexual acts, kerb-crawling
- Other criminal behaviour

Environmental harm – response within 5 working days.

These complaints will be managed initially by our Tenancy and Estate Management. For example:

- Pets and animal nuisance
- Nuisance from vehicles
- Litter, rubbish, fly-tipping
- Garden nuisance
- Misuse of shared areas and public space, loitering

YHN's anti-social behavior policy and the responsibilities of tenants and residents

All tenants of Your Homes Newcastle, Byker Community Trust & Leazes Homes have signed a tenancy agreement which sets out their responsibilities as tenants.

Where we consider you, or occupants or visitors to your home to be...

- Behaving in a way that causes nuisance and annoyance to other residents
- Behaving in a way that causes harassment, alarm and distress to other residents
- Behaving in a adversely affecting the Council's housing management function including threats and abuse to staff anywhere in the City

...we will take action against you.

We are committed to working in partnership with other agencies such as Northumbria Police and Newcastle City Council when responding to anti-social behaviour.

Through the City's graded response escalation process we will use a series of proportionate warnings and Acceptable Behaviour Agreements if we believe that your behaviour is anti-social.

However in serious and/or repeat cases our action may involve an immediate application to the Courts for an injunction and/or possession of your home. In very serious cases of anti-social behaviour we may take this action without any further warning to you.

The following are conditions of the Newcastle City Council, Byker Community Trust and Leazes Homes Tenancy Agreement

Nuisance and annoyance to other residents

You must make sure that you, and people living in or visiting your home, do not cause nuisance or annoyance, or do anything likely to annoy or cause nuisance or annoyance, to:

- any person living or working in the local area;
- any person who lives in a council house; or
- any other resident
- any of our employees or any person acting for us.

You must make sure that you and any people living in or visiting your home keep any pets or other animals under control so that they do not annoy your neighbours and/or cause a nuisance.

You risk losing your tenancy if you cause nuisance and annoyance to others.

Criminal behaviour

You must make sure that you and the people living in or visiting your home are not:

- using the premises, or allowing them to be used, for illegal or immoral purposes
- committing any arrestable offence in the local area around the property
- convicted of a criminal offence
- convicted of an indictable offence which took place during, and at the scene of, a riot anywhere in the United Kingdom

Should you be convicted of a criminal offence that took place in the locality of your home you will have breached your tenancy agreement and we will consider applying for possession of your home.

We will consider applying for mandatory possession of your home if you:

- Are convicted of a serious criminal offence (as defined by the Anti-social Behaviour, Crime and Policing Act 2014)
- Breach a Criminal Behaviour Order
- Breach a Civil Injunction
- Breach a notice served under the Environmental Protection Act such as a Noise Abatement Notice
- A Closure Order is secured against your home

Domestic abuse

You must make sure that you do not make your partner leave the property permanently because you are abusive, violent or threaten violence to her or him or to members of her or his family who live in the property.

Damage to property

You must make sure that you and any person living in or visiting your home do not damage or remove any property we own, or try to do so.

Hate crime and harassment

You must make sure that you, or people living in or visiting your home, do not harass, annoy, threaten or cause a nuisance to anybody because of their personal characteristics including a person's personal characteristic (such as sex, race, sexuality, disability, religion, age or any other personal characteristic).

Encouraging others

You must make sure that you and/or people living in or visiting your home do not encourage any other person, including children, to cause nuisance and annoyance to other people.

Anti-Social Behaviour Policy Statement and Your Tenancy Agreement

You and/or any other person residing at and/or visiting the property (Newcastle City Council, Byker Community Trust or Leazes Homes tenancy) must not behave or threaten to behave in a way that causes, or is capable of causing nuisance, annoyance, harassment, alarm or distress to your neighbours, and/or anyone working lawfully in or visiting the area, for example, Your Homes Newcastle staff, Contractors, City Council workers, guests of neighbours or anyone else.

You and/or any other person residing at and/or visiting the property must not use your home for immoral or unlawful purposes.

You are responsible for your own behaviour and for that of anyone including children living or visiting your home, whether permanently or temporarily. For the avoidance of doubt, clauses below apply to adult children, lodgers, licensees, sub-tenants, other adult members of your household, children under 18 and visitors to the property.

Newcastle City Council will consider issuing possession proceedings against you should you, other people living with you, and any visitors to your home:

- a. behave in a way which causes, or is capable of causing a nuisance or annoyance or disturbance to people living, visiting or working in the locality of your home**
- b. act in a way which is likely to cause, or be capable of causing a nuisance or annoyance or disturbance to people, living, visiting or working in the locality of your home**

- c. harass, abuse or threaten people living, visiting or working in the locality of your home
- d. damage, misuse or dump rubbish in gardens, communal areas, corridors, stairwells, shared entrances, play areas or anywhere else including any other property owned by the Newcastle City Council.

Harassment, alarm and distress includes but is not limited to:

Violence or threats of violence towards any person including other residents, Your Homes Newcastle employees, agents and contractors of the City Council.

Abusive or insulting words or behaviour towards anyone else.

Damage or threats to damage to another person's property or home.

Writing threatening, abusive or insulting graffiti.

Any interference with the peace or comfort of any other person.

Hate crime and/or harassment (including harassment because of any personal characteristic including sex, gender, race nationality, ethnic grouping, religion, sexuality, physical disability, learning disability, sub-culture or because they have HIV/AIDS.

Nuisance and annoyance includes but is not limited to:

loud music

arguing and/or shouting

door slamming

dog barking and fouling

being drunk and disorderly

being under the influence of drugs

untidy gardens and/or properties

running a business without permission from Your Homes Newcastle

You and/or anyone living at and/or visiting your home:

Must not use your home for any illegal or immoral purposes such as selling drugs, possessing drugs, storing drugs or stolen goods or prostitution.

Must not undertake any illegal or immoral act such as selling drugs, possessing drugs, storing drugs or stolen drugs or prostitution in the locality of your home.

Must not commit an arrestable offence in, or within the locality of your home.

Must not take part in a riot, and/or be convicted of any offence in connection with rioting anywhere in the United Kingdom.

Must not inflict violence or threaten violence against any other person either living with you or in another Council home. You must not harass or use physical, mental, emotional or sexual abuse against anyone residing in, visiting or otherwise engaged in a lawful activity within the locality.

Who to contact at Your Homes Newcastle about anti-social behaviour?

Byker Housing Office Tel: 0191 278 1555

Email: byker@yhn.org.uk

East End Customer Service Centre Tel: 0191 278 1566

Email: eastend@yhn.org.uk

Walker Customer Service Centre Tel: 0191 278 8455

Email: walker@yhn.org.uk

West End Customer Service Centre Phone: 0191 277 1484

Email: westend@yhn.org.uk

Outer West Customer Service Centre Tel: 0191 277 7940

Email: outerwest@yhn.org.uk

North Kenton Customer Service Centre Tel: 0191 277 4360

Email: northkenton@yhn.org.uk

Housing, Anti-social Behaviour and Enforcement Team (HASBET) can be contacted as follows.

In writing:

FAO The Anti-social Behaviour Manager

Housing Anti Social Behaviour and Enforcement Team

YHN House, Benton Park Road

Newcastle upon Tyne, NE7 7LX

By telephone 0191 278 8740 (or 0191 278 8600 outside office hours)

By fax 0191 278 8758

By e-mail newcastleasbunit@yhn.org.uk