

Customer guide to North Devon Homes Anti Social Behaviour Policy



This guide sets out the key points in our Anti Social Behaviour Policy. The full policy can be found on our website www.ndh-ltd.co.uk



North Devon Homes are committed to working together to create communities where people want to live.

Working together includes working with residents and other agencies to help keep our neighbourhoods safe and thriving places.

Occasionally challenges arise and we have to work to address anti-social behaviour and neighbour disputes in our neighbourhoods.

This leaflet sets out what you can do if you are an NDH customer having problems with your neighbours.

We explain:

- our policy;
- what you can do;
- what we can do, and
- our policy of being fair to people accused of behaving badly.

What is anti-social behaviour?

Annoying behaviour

We don't normally get involved where neighbours are being annoying, however you might find mediation helpful (see what we can do section).

Annoying behaviour can include:

- Disputes about children playing outside
- Occasional loud parties inside the home or in the garden
- Disputes around shared communal areas or parking
- Untidy gardens
- Everyday sounds in the daytime such as DIY, music or lawn mowers
- Dogs that bark occasionally

Nuisance and anti-social behaviour

In these types of cases we will take formal action if the problems continue and we have proof to support the case.

Nuisance and anti-social behaviour can include:

- Regular loud music
- Abandoning cars and dumping rubbish

- Damaging property
- Failing to control dogs
- Rowdy or drunken behaviour, swearing and shouting
- Starting fires
- Criminal behaviour
- Abusive or threatening behaviour
- Graffiti
- Selling drugs
- Throwing stones, fireworks or other objects
- Harassment - violence, damage or threats deliberately made against someone

Hate Crime

A hate crime is any criminal offence that (in the view of the victim or others) has been committed because of a persons:

- Disability
- Race
- Religion or belief
- Sexual orientation
- Transgender identity

Hate crime can take many forms including:

- Physical attacks on people, property or those including graffiti and arson
- Threat of attack through offensive letters, abusive or offence phone calls, social media attacks, groups hanging around to intimidate others and unfounded, malicious complaints.
- Verbal abuse, insults, including taunting, offensive letters and posters, abusive gestures, dumping of rubbish outside homes or through letterboxes, and bullying at school or in the workplace.

Hate crimes are very serious and NDH encourage victims to report them to the police. We will offer support and work with other agencies to make sure people do not get away with sort of behaviour. They may face criminal prosecution or we may evict them.

What can you do?

You can try talking to your neighbours

Can you speak to the person causing the nuisance? Explain this to your neighbour in a polite and calm way. People often don't realise they are causing a problem.

You can keep records

If the problem becomes serious and unreasonable we will ask that you keep records around:

- The date
- What is happening?
- The exact nature of the problem; for example if it noise how loud is it?
- What effect it is having on you and your household
- When it is happening?
- How often does the problem occur?
- Were there any witnesses?



We will also ask you keep records of any other agencies involved; for example the police or environmental health.

You can also report incidents directly to the police or environmental health yourself.

What can we do?

Neighbour Disputes

Sometimes neighbours fall out or just don't get along. In cases, which we consider to be neighbour disputes, we will recommend the use of community mediation which is a highly successful tool for resolving issues.

Noise Complaints

Noise complaints are easily the most common complaint we receive. NDH will consider the use of noise monitoring equipment in these cases.

Tenancy Enforcement

The tenancy agreement states that our customers agree not to cause 'nuisance, annoyance or harassment' in their neighbourhood. Anti-social behaviour is covered by this part

of the tenancy agreement, so tackling ASB is a matter of tenancy enforcement. Please note, NDH have no powers to act against perpetrators who are not our tenants.

Evidence

Please note, before we can take enforcement action, we will normally need evidence to indicate that it is reasonable to believe that the perpetrator has breached their tenancy agreement. Please ensure that you do nothing to breach your own tenancy agreement in the course of your complaint.

Escalation

Resorting to tenancy enforcement to solve issues is known as escalation, and we will do this where we cannot get agreement or co-operation from perpetrators.

We can:

Offer Mediation

Where problems are not serious enough for legal action we can support you with a mediation service to resolve the problems you are having with your neighbours.

Use our legal powers

We will use our legal powers if we have good evidence of serious continuing nuisance or anti-social behaviour. Our legal advisors will have to be satisfied it will stand up in court.

Agree acceptable behaviour contracts

These are contracts between us, the police and the customer which set out the behaviour causing the problem and the customers promise to stop.

Offer you support

We will do what we can to support you and always listed; we will review our cases of nuisance and anti-social behaviour and contact to you to let you know what is happening

Sort out vandalism

We can deal with some types of nuisance without knowing who is responsible e.g. graffiti and petty vandalism. However it is always useful to know who is responsible so we can take action to prevent it occurring again.



When to report anti-social behaviour

Not everything which someone finds annoying can be dealt with as ASB. We can only deal with behaviour which is deemed to be 'unreasonable'.

When making a judgement about whether an issue is ASB and a breach of the tenancy agreement, NDH uses a 'reasonableness test'. For instance, with a noise complaint we will ask:

- What is happening?
- How loud is it?
- When is it happening?
- How long does it last?
- How often does it happen?

Sometimes noise complaints arise simply because neighbours have different lifestyles and expectations.

When you report anti-social behaviour to us

If you contact us with a complaint about anti-social behaviour in your neighbourhood we will:

- Take details and conduct a Risk Assessment
- In most cases contact the perpetrator to make them aware of the complaint.
- Where problems are ongoing we will continue to liaise with both the perpetrator and the complainant, escalating our responses as necessary, until the issue is resolved.
- NDH work with other local agencies, such as the police and local authority, and we will work closely with them where appropriate to resolve problems in our neighbourhoods.

Risk Assessment

These just take a few minutes to complete. We will take details of the issue, including the nature, frequency and seriousness of the issue. We will also ask questions about the person reporting the problem to check for any possible vulnerability. Risk assessments allow us to prioritise and to judge our response, based on the level of risk. There are different levels of response:

1 – One-off event

This might be something like a birthday party which goes on too long or gets out of hand. If there is no history of issues and it is a first occurrence, we will normally log the issue and work with the complainant to monitor for further problems.

2. Low Risk

Maybe there has been more than one incident. Whilst there is little or no risk to people or property, there is still a problem which could be viewed a 'nuisance'. We will try to resolve this through standard letters in the first instance and work with complainants to monitor for further incidents.

3. Medium Risk

Where it is felt that there is a level of risk in a situation, the matter will be escalated to a Neighbourhood Officer who will usually deal with the issue through home visits, contact with witnesses and escalation where necessary. This will be casework with ongoing contact with complainants and perpetrators.

4. High Risk

Where there is a genuine threat of harm we will escalate our response and will attempt to involve a neighbourhood Officer within 24 hours of the report. Incidents of Hate Crime are included in this category.

Your confidentiality

We will discuss with you the confidentiality of your case.

You may not want your neighbour to know you have complained and we will respect your wishes wherever possible. However, sometimes it may be obvious that you have made the complaint, for example if you are complaining about the person upstairs or next door.

We are also fair to those accused

If someone makes a complaint about you, you will have the right to reply. We will:

- Contact you for your side of the story
- Tell you exactly what the complaint is
- Offer to set up and pay for mediation where appropriate
- Suggest where you can go for advice to help you cope with any problems you are having
- Give you the chance to stop causing problems before taking formal action against you (unless your behaviour was very serious such as racial harassment, when one incident may be enough)
- We will warn you before we take any legal action where this is an appropriate response to the complaint.

If we get proof you are breaking your tenancy agreement or causing anti-social behaviour you need to be aware we will do all we can to stop you. If you continue behaving in this way you are putting your home at risk.

Anti-Social Behaviour Local Offer

How we will monitor this Local Offer (service standard)

Managers get reports to monitor how quickly we respond to ASB cases. We also ask customers how satisfied they are with the service. This information is reviewed by customers and used to improve the ASB Service.

ASB Local Offer

When dealing with cases of ASB, our housing Neighbourhood Services will do the following:

- Respond to reports of ASB
- Gather information
- Take action to sort out cases, monitor and close cases.
- Keep complainants updated at least every 10 days regarding active ongoing cases.



Need
help?

Phone us: 01271 312500

Email us: enquiries@ndh-ltd.co.uk

Complete our on-line forms via our website:
www.ndh-ltd.co.uk

Follow us on Facebook or tweet us:
@NorthDevonHomes

Emergency out of hours service:
Freephone: 0800 917 0619



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approved

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