

# **Nuisance and anti-social behaviour**

## 5. Nuisance and anti-social behaviour



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Tackling anti-social behaviour is a priority for the Council and this statement is taken from the Council's full anti-social behaviour policies and procedures and from other partners and agencies that we work with.

We believe that you should be able to enjoy your home and the area in which you live in peace and quiet. You should feel safe and not have to suffer as a result of the anti-social behaviour of others.

Most people simply wish to get on with their lives. There are times when others behave in a way that does not allow you to do this.

If you are unfortunate enough to suffer from anti-social behaviour, this leaflet will explain what action can be taken to deal with it effectively.

## **What is anti-social behaviour?**

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The Council uses the description of anti-social behaviour given in the Housing Act 1996 (as amended by the Anti-social behaviour Act 2003).

The following list shows some forms of anti-social behaviour you should be aware of (the list is not exhaustive):

- Verbal abuse towards anyone, including toward members and employees of the Council, their agents or contractors
- Using or threatening to use violence towards anyone, including toward members and employees of the Council, their agents or contractors
- Mental, emotional abuse, or discrimination of any nature
- Inflicting domestic violence or threaten violence against any other person (living with you or living elsewhere)
- Sexual harassment in any form whatsoever, including toward members and employees of the Council, their agents or contractors
- Racial abuse in any form whatsoever, including toward members and employees of the Council, their agents or contractors
- Disturbing your neighbours with noise, including loud music
- Banging and slamming doors

## 5. Nuisance and anti-social behaviour



- Damaging property including motor vehicles
- Drug dealing
- Drug and alcohol abuse
- Playing ball games close to properties
- Skateboarding or cycling on footpaths and deck access walkways
- Engaging in threatening behaviour in large groups
- Dumping rubbish
- Dogs barking
- Not keeping pets under control
- Criminal activity in or around properties
- Graffiti
- Throwing things out of windows
- Prostitution
- Dealing in illegal pornography
- Breaking shared security (e.g. Allowing strangers to get into buildings or jamming open communal entry doors)
- Abandoned vehicles
- Parking of untaxed / unroadworthy vehicles on Council land

### **Your responsibilities**

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You, or any or person living in or visiting your property (including children) must not:

- Engage in or encourage behaviour which is considered anti-social
- Do anything that causes or is likely to cause nuisance to anyone in the local area
- Do anything that interferes with the peace, comfort or convenience of other people in the local area
- Harass or threaten anyone in the local area because of their race, nationality, sexuality, sex, religion or disability
- Harass or threaten members of the Council, their agents or contractors or interfere with them in the course of their duties

- Use your property for any criminal, immoral or illegal purpose (Including selling or using illegal drugs or storing / handling stolen goods)

## **Racism**

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The Council adopts the definition of a racist incident from the Stephen Lawrence report.

Racism is unacceptable. We will take consistent and effective action against racial harassment of any type. Any anti-social behaviour aimed against individuals because of race will be considered a very serious breach of the tenancy agreement and will be dealt with quickly and effectively.

We are working hard to identify and stamp out racism in all its forms. If you believe you are a victim of racism you should report it to the police and your Housing Officer immediately.

## **Responsibility**

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The responsibility to tackle anti-social behaviour is held jointly by the Council and the person making the complaint. Emphasis is placed upon tackling anti-social behaviour, rather than displacing it, or moving people away from it.

Our commitment to residents complaining about anti-social behaviour is:

- They will be taken seriously
- They will be seen within timescales identified
- They will be given appropriate advice and support throughout
- They will be advised what role they need to play in resolving matters
- They will be kept informed of progress
- Information will be kept confidential unless otherwise agreed with the complainant
- Only discuss court when it becomes necessary

- Refer to other support services where appropriate
- Provide interpreters or other special measures, where necessary

### **Reporting anti-social behaviour**

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You can report anti-social behaviour in one of the following ways:

- In person at your local housing office
- By telephone to your Housing Officer
- In writing to your Housing Officer
- By email to - [housingfeedback@plymouth.gov.uk](mailto:housingfeedback@plymouth.gov.uk)

Your first point of contact should be the Housing Officer for your area. The council will categorise complaints of anti-social behaviour and have targets for initially responding to them:

- General complaints will be most neighbour disputes, minor breaches of tenancy, pet nuisances and so on and initial contact will be within 10 working days
- Serious complaints include serious breaches of tenancy, heated verbal arguments, allegations of petty criminal activity, threats or threatening behaviour and initial contact will be made within 5 working days
- Very serious complaints include harassment on grounds of race, sexuality or disability and other harassment, actual violence or threats of violence and other serious criminal activity, initial contact following a complaint will be the same day or within 24 hours.

When you report anti-social behaviour you should expect the following things to happen:

- You will be given an initial interview when you will be asked to provide the details of what happened and we will explain our procedures to you
- In most cases you will be given “incident diaries” to complete. Your Housing Officer will explain what they are for and how to use them
- You will, if necessary, receive a time for a follow up appointment for no later than 21 days to review the situation (and diaries if applicable).

## **Dealing with your complaint**

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The Council will respond to all complaints sensitively and as quickly as possible. Officers will use a clear escalation process aimed at addressing anti-social behaviour. They will attempt to divert perpetrators away from offending, and use problem solving techniques, work with other support agencies and encourage mediation and other measures before resorting to legal action.

We will:

- Attempt to resolve the situation without moving anyone or taking legal action
- Contact the persons about whom you have complained. This is so that we can work with them to resolve the problem, issue appropriate warnings and take any necessary action
- Work with appropriate agencies such as the Police and Environmental Health service to try to resolve the problem
- Keep you informed of our progress
- Keep information you provide strictly confidential. We will ask your permission before we share any information with another agency.

If legal action is required to resolve your complaint we may need to disclose information to the defendant or their solicitor. We will only do this with your permission. Refusal to disclose information may mean we are unable to take any further action.

## **When you are interviewed**

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Your initial interview will usually be at the local housing office, but can be at your home or elsewhere if you prefer.

You will be asked:

- Who is affected?
- How they are affected?
- Where it happened?
- When it happened and how long it lasted?

If necessary, we may need to speak to other members of the household who may also have been affected.

Between us, we will decide on what action to take. This will become “our” planned approach. We will agree what you need to do and what we will do to attempt to resolve the problem.

The action plan means that we will have a partnership. We will be working together to resolve your problem but you must help by keeping to your part of the planned approach.

### **Mediation and support**

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Plymouth has an independent organisation called Plymouth Mediation, whose purpose is to provide free professional help in problem resolution for Council tenants.

After discussing the situation with you, we may advise that mediation is tried in the first instance. We will contact the mediation service on your behalf to arrange this if you wish.

It does not necessarily mean you have to meet the perpetrator face to face. Plymouth Mediation will act as a “go-between” to find a solution acceptable to the parties involved.

We also work in partnership with PETALS (Plymouth Together Advice Line Service), an independent organisation which provides support to victims of anti-social behaviour.

## Continuing problems

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If anti-social behaviour continues despite initial efforts to resolve the issues we can take the following action, as appropriate -

Verbal and written warnings - We will warn tenants that the behaviour is unacceptable and the possible outcome of their continued anti-social behaviour.

If verbal and written warnings fail we will usually call a multi agency meeting to discuss the issues with our partner agencies, which include the Police, Social Services, Education Welfare, Youth Offending Team and Psychiatric Services and others. We will then set up an action plan. This action may include the following -

**Acceptable Behaviour Contract (ABC)** - We will agree a contract between the perpetrator of the nuisance, the Council and the Police jointly regarding future behaviour. Further action can be taken if the contract is breached.

**Injunction** – This is a court action. An injunction can make somebody do something or stop them from doing something. We can obtain injunctions against tenants and, in certain circumstances, non-tenants. These are useful for people over the age of 18. Failure to comply with the terms of an injunction can lead to a fine or imprisonment.

**Anti-Social Behaviour Order (ASBO)** – An anti-social behaviour order is an order of the Court. It prohibits certain behaviour and, unlike an Injunction can be taken out against anybody from the age of 10 years upwards. Breaching this order is a criminal offence and can lead to a fine or up to five years in prison or both, depending upon the severity of the breach.

**Demotion of Tenancy** - If you are a secure tenant we can apply to the court to demote your tenancy. This means that a tenant would be able to remain in their home providing they cease their anti-social behaviour, BUT lose a number of secure tenant rights including Right to Buy and Right to Exchange.

**Notice of Seeking Possession** – This is a legal notice to a tenant to inform them that we intend to start legal proceedings to repossess their home. This notice is valid for a year from the date of issue, and

legal action can be started any time within that period.

**Possession Proceedings** – This is usually the last resort.

If necessary, we will ask the Court for an Order to evict someone from their home for breach of their tenancy agreement as a result of anti-social behaviour. We have to prove that they have broken their agreement and that it is reasonable to take their home away. It is unlikely that the Council will offer somebody evicted for anti-social behaviour another home.

A judge may decide to make an Immediate Order. This means that the tenant must give up their home, usually within 28 days.

A judge could also decide to make a Postponed Possession Order. This means that the Judge allows the tenant to stay in the property for as long as they continue to behave. If the tenant then breaches that order, the Council can go back to the Court to ask for an Immediate Order.

## Introductory Tenancies

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New tenants have Introductory Tenancies. In some cases, the introductory period may be extended by six months; in more serious cases we can take possession action against tenants who cause difficulties during the introductory period of their tenancy, using a similar process as described above, but in a much quicker time.

The above process attempts to solve matters. Where this process fails or is clearly unlikely to succeed then we will take strong legal action against the perpetrators.

When legal action is required, we will discuss, with all who have provided information previously, the benefits of going to Court and the need to use diary sheets, statements and other information.

No information will be used without the permission of those who provided it. If you have any further queries about anti-social behaviour and how it affects you, your Housing Officer will be happy to advise you.

## Useful contacts

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- **Plymouth Mediation** – 18 Harwell Street, PL1 1RY  
Tel: 312121 Website: [www.plymouthmediation.co.uk](http://www.plymouthmediation.co.uk)
- **PETALS** (Support for victims of anti-social behaviour)  
Tel: 308713 Website: [www.petals.org.uk](http://www.petals.org.uk)
- **Plymouth City Council Dog wardens** – Tel: 304147  
email [animals@plymouth.gov.uk](mailto:animals@plymouth.gov.uk)
- **Plymouth City Council** – Environmental Health Team –  
Tel: 304147 email [environmental.protection@plymouth.gov.uk](mailto:environmental.protection@plymouth.gov.uk)
- **Together Action line** (Reporting anti-social behaviour)  
Tel: 0845 605 2222 Website: [www.together.gov.uk](http://www.together.gov.uk)
- **Crimestoppers** (Anonymous Crime Reporting)  
Tel: 0800 555 111 Website: [www.crimestoppers-uk.org](http://www.crimestoppers-uk.org)
- To set up a Neighbourhood Watch – Tel: 720414

**FOR ALL EMERGENCIES – DIAL 999 OR 911**

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### **Plymouth City Council**

Civic Centre

Plymouth

PL1 2AA

Tel: 01752 668000

[www.plymouth.gov.uk](http://www.plymouth.gov.uk)

**Repairs Freephone 08082 306500**

### **Area Offices**

#### **Devonport Office**

Granby Way

Devonport

Plymouth

PL1 4AB

Tel: 01752 304323

#### **North Prospect Office**

91/93 North Prospect Rd

North Prospect

Plymouth

PL2 2NA

Tel: 01752 306436

#### **Estover Office**

Leypark Walk

Estover

Plymouth

PL6 8UE

Tel: 01752 306548

#### **Whitleigh Office**

101 Whitleigh Green

Whitleigh

Plymouth

PL5 4DE

Tel: 01752 304810