

**Penge Churches Housing Association**  
**‘providing good quality homes and housing services in the**  
**local community’**

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## **Anti-Social Behaviour & Nuisance**

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### **PCHA STATEMENT AND SUMMARY**

**PCHA supports the right of each local resident to the quiet and peaceful enjoyment of their home and neighbourhood.**

**PCHA defines anti-social behaviour as:**

**‘Behaviour that unreasonably interferes with residents rights to use and enjoy their home and neighbourhood’**

Anti-social behaviour may include such problems detailed below which are affecting our residents, their family, friends and visitors. This list is not exhaustive:

- Recurring unreasonable noise
- Nuisance
- Vandalism, graffiti and other criminal damage
- Vehicle obstructions and abandonment
- Sale and abuse of drugs & alcohol
- Violence (including domestic violence)
- Racism
- Homophobic and faith hate
- Verbal Abuse including abuse related to disability
- Criminal activity
- Rubbish & litter

- 1 PCHA accepts a responsibility to its residents to take all accounts of nuisance and anti-social behaviour (ASB) seriously and to investigate them promptly and impartially.
- 2 PCHA is committed to an inclusive approach to dealing with anti social behavior. We will work with residents and local community groups to deal with nuisance and ASB. We will maintain close partnerships with key agencies, such as the police and Local Authority and will enter into ‘Information sharing protocols’ and agreements for tackling nuisance and ASB. PCHA will be honest with those reporting ASB about possible action PCHA is able to take in relation to the problem, the

likelihood of that action being successful, the length of time it may take to resolve and what action, if any, need to be taken by those reporting ASB to enable PCHA and other agencies to act effectively.

- 3 In reality it may be very difficult for the Association to resolve a neighbour dispute, as there may not always be a breach of tenancy. PCHA will be objective, look at the facts and encourage residents to try and resolve the problem themselves. We will offer mediation in appropriate circumstances.
- 4 PCHA will look at security standards, sensitive lettings, supporting vulnerable residents, working in partnership with other agencies and actively support local groups seeking to reduce ASB.
- 5 PCHA will draw on a range of options available in order to resolve a problem. These options include mediation – especially in cases of neighbour disputes, Acceptable Behaviour Contracts (ABC's), Anti-Social Behaviour Orders (ASBO's), Possession proceedings and demotion orders.
- 6 PCHA will monitor all cases of nuisance and ASB and report progress made to the appropriate Committee and keep the complainants and those alleged to be causing nuisance informed of the progress being made.

## **Summary of options and actions that we may use to deal with anti social behaviour**

### **Categorising a complaint**

An initial assessment must be made of the level of seriousness of the complaint as:

**Category A: Serious Nuisance.** Behaviour including threats of or actual violence against people; drug dealing; intimidation or harassment on grounds of race; sexual orientation, religious belief or disability.

Initial response required within 24 hours.

**Category B: Moderate Nuisance.** Behaviour including loud and frequent parties; regular and loud noise particularly late at night; regular and frequent noise from vehicles.

Initial response required within 3 working days

**Category C: Low-level Nuisance.** Behaviour including ball games in the street, youths congregating; non-offensive graffiti; neighbour disputes

Initial response required within 7 working days

### **Possible further action by us**

**Requesting further action.** PCHA may request a diary of nuisance events to be compiled or other action carried out by the complainant before proceeding further.

**Interviewing Others.** PCHA may seek to interview others affected by the nuisance or harassment (in the household or neighbours) to find out their views of the complaint and, if appropriate, their willingness to act as witnesses.

**Contacting Other Agencies.** PCHA may seek to contact the police and/or other statutory agencies (such as the Probation Services and Social Services) to see whether they are aware of the incidents being complained about, or any other related incidents.

**Contacting the Alleged Perpetrator.** PCHA may write and seek an interview with the person allegedly causing the nuisance. This will not be undertaken without the complainant's support or witnesses knowledge.

### **Possible responses from us to anti-social behaviour, harassment and nuisance complaints**

**No further action.** After listening to the complainant or the alleged perpetrator, PCHA may decide that the complaint is not justified or that PCHA does not have any ability to intervene in the dispute.

**Independent Mediation.** A referral for independent mediation may be offered which seeks after listening to each side, to find an agreed way forward. If independent mediation tried and later fails it could strengthen a case in court while if either side refuses mediation, it could weaken their case in court.

**Acceptable Behaviour Contracts (ABC's).** These are normally agreed with the Police, are usually used with young people and backed up by a Parental Control Agreement covering issues like

- ◆ times when a person is required to be at home
- ◆ limits to volume or timing of music or noise
- ◆ offensive or threatening language or behaviour
- ◆ keeping away from certain people or places

**Anti-Social Behaviour Orders (ASBO's).** These may be used instead of an ABC or if that contract doesn't work. An ASBO would normally be used in Category A and B cases only. An ASBO can be attached to a conviction for a criminal offence or applied for on a stand alone basis by the Association or the Police or jointly with other parties. It will seek to place limits on a person's behaviour such as

- ◆ using or threatening violence
- ◆ drinking or other behaviour in public places
- ◆ exclusion from a particular area, district, borough or county

**Injunctions.** These may be used as well as or instead of an ASBO and normally only for category A & B behaviour. These can be taken out against tenants or others who are causing or are capable of causing nuisance directly or indirectly to PCHA's tenants or to others lawfully working in the area or relating to PCHA's housing management functions. They may also be made

to prevent the unlawful use of housing accommodation. If an injunction is broken, the guilty person may be fined or even imprisoned.

**Demoted Tenancies.** If a secure or assured PCHA tenant, member of their household or visitor is carrying out anti-social behaviour, we can apply to the County Court for Demotion Order. We would normally only pursue this for category A & B behaviour. This makes the tenancy similar to an introductory one where PCHA can apply to the County Court for possession if there is further anti-social behaviour or a breach of the tenancy conditions.

**Possession Proceedings.** We can apply to the County Court for a Possession Order under the existing terms of tenancy. The Court must be satisfied that there is a valid reason for someone to lose their home under the grounds specified in the Housing Act 1985. They must also be satisfied that it is reasonable to grant a Possession Order. They will normally expect us to have pursued other remedies to deal with the behaviour first.

If granted, the order may be outright or suspended and may be immediate or for a period of up to 90 days. A suspended order means that the tenant cannot be evicted unless they break the terms of the order so, if the anti-social behaviour stops, the tenant remains. An outright order means that the tenant can be evicted unless the tenant applies for a 'stay' or postponement of the eviction and this is granted by the court.

We will apply for a warrant of execution to evict a tenant with an outright possession order or where a suspended order has been broken