



Policy Name	Anti-Social and Nuisance Behaviour Policy
Lead Directorate	Housing
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Reason for change	Policy review
Date	March 2022

APPROVAL PROCESS FOR CURRENT VERSION

Presented to	Services Committee
Date	March 2022
Decision	Approved

1. Introduction

This policy sets out how Poplar HARCA will respond to reports of anti-social and nuisance behaviour. It supersedes all previous ASB policies.

Given finite resource, Poplar HARCA will prioritise investigations based on an assessment of the risk of physical and/or emotional harm. This means all cases logged as anti-social will be investigated, with nuisance cases logged but investigated only if resource is available.

Poplar HARCA will:

- Act impartially and take proportionate decisions
- Provide information about services available from statutory and other agencies
- Respect decisions made by individuals with capacity
- Work with statutory and other agencies to prevent and tackle anti-social and nuisance behaviour

2. Definitions

Anti-social means behaviour which causes, or is likely to cause, harassment, alarm, or distress

Nuisance means behaviour which unreasonably and substantially interferes with peaceful enjoyment

3. Case management

	Anti-social behaviour	Nuisance behaviour
What will be investigated	When Poplar HARCA has standing and/or legal power to act	
Initial contact	1 working day	5 working days
Investigation action plan	within one week	within a month
Progress reports	At least once a week	At least once a month
Installation of CCTV	Considered if there is a significant and substantiated risk of harm	Will not normally be considered
Non-exhaustive list of examples of what will be investigated	<ul style="list-style-type: none"> • Abuse • Bullying • Dealing drugs • Harassment • Intimidation • Prostitution • Rough sleeping • Threats • Throwing things from windows or balconies • Violence 	<ul style="list-style-type: none"> • Dumping rubbish • Fly tipping • Frequent loud noise • Graffiti • Littering • Neighbour dispute • Pets • Rowdy behaviour • Shouting • Unkempt gardens • Vandalism
Non-exhaustive list of examples of what will not be investigated	<ul style="list-style-type: none"> • Babies crying (<i>safeguarding concerns will be referred to the statutory agency to investigate</i>) • Children under 16 playing • Cooking odours • Groups not causing nuisance nor acting anti-socially • Infrequent noise • Lifestyle or personal differences • Noise caused by typical day-to-day activities • Occasional pet noise (e.g. dog barking) • One-off celebrations, family or faith-based events 	
Criminal behaviour	<p>Poplar HARCA does not have legal powers to investigate crime. Criminal behaviour should therefore be reported to the Police.</p> <p>Once a Police report has been made, Poplar HARCA will support the Police to prevent, detect, investigate, and prosecute crime. It will share personal data as allowed for by law.</p> <p>Substantiated criminal behaviour that is a breach of a Poplar HARCA tenancy agreement or lease will normally result in legal proceedings to end the contractual relationship.</p>	
Required information	<p>Complainants will be asked:</p> <ul style="list-style-type: none"> • Details about the person who is causing the problem • Has it been reported to any other agency • How long the problem has been going on 	

	<ul style="list-style-type: none"> • How often it occurs • If it tends to occur at a particular time. • The location of the problem • Whether any action has already been taken • Who is affected by it
Case closure	<p>After one month when:</p> <ul style="list-style-type: none"> • An offender has not been identified, and/or • Complainant has not responded to two consecutive contacts, and/or • Evidence does not support action being taken, and/or • Issue has not recurred, and/or • When Poplar HARCA is not able to take action
Legal enforcement	<p>When:</p> <ul style="list-style-type: none"> • An offender has been identified, and • Behaviour has continued despite a warning, or is serious enough that a warning is not practical, and • There is a risk of harm, and • The evidence will support proceedings
Appeal against decision	A request to review any decision under this policy will be considered in-line with Poplar HARCA's Customer Care policy
Mediation	<p>Except where there is a substantiated risk of harm, a referral will be made in all cases that do not result in legal enforcement action.</p> <p>Refusal by a complainant to participate will close the case.</p>
Community trigger	<p>Complainants experiencing persistent anti-social behaviour can request a case review by a panel which may include: Poplar HARCA, the local authority, the Police, health providers and/or other involved housing associations.</p> <p>Community Trigger details are online at towerhamlets.gov.uk</p>
Re-housing	<p>Anyone asking to be re-housed because of anti-social or nuisance behaviour will be referred to the local authority for an assessment of its statutory homeless duty.</p> <p>Anyone who in the preceding 5 years has breached their tenancy as a result of anti-social or nuisance behaviour will not be considered for rehousing.</p>

4. Confidentiality

Personal data will be collected, stored, shared, and retained in-line with Data Protection legislation and the Information Commissioner's guidance.

Disclosure of personal or sensitive data to a third party will normally only happen with the consent of the individual. If an individual with capacity refuses consent their choice will be respected.

Disclosure without permission may happen when Poplar HARCA believes that there is a risk of serious harm. Disclosure without permission can be approved only by the Head of Community Safety, Assistant Director of Housing Operations, or Director of Housing and Corporate Services.

All safeguarding concerns will be referred to the lead statutory agency.

5. Policy review

Policies are reviewed every 5 years or sooner if they no longer reflect best practice.

6. Impact assessment

How does the policy contribute to Poplar HARCA's aims?	Our community can only take advantage of opportunity if it feels safe.
Which group(s) of people will benefit from the policy? If any group could be disadvantaged, what is the mitigation or justification?	<p>Everyone who lives in, works in or visits Poplar HARCA homes.</p> <p>When Poplar HARCA is aware that an offender has a statutory protected characteristic, Poplar HARCA will have due regard to the need to:</p> <ul style="list-style-type: none">• Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.• Advance equality of opportunity between people who share a protected characteristic and those who do not.• Foster good relations between people who share a protected characteristic and those who do not. <p>Through</p> <ul style="list-style-type: none">• Removing or minimising disadvantages suffered by people due to their protected characteristics.• Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.• Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.
How have residents been involved in developing the policy? If they have not been involved, why not?	Estate Board members have provided guidance and suggestions.
How will the policy be monitored and measured? (e.g., performance indicators?)	Quarterly report to Services Committee and Poplar Board
If any, what are the Value for Money implications?	Anti-social behaviour and nuisance costs in terms of time and money; but also in peace of mind. Preventing or reducing it will, therefore, offer savings and reduce the fear of crime.