

# **Anti-Social Behaviour Policy – Home Ownership**

## **1. Aim**

- 1.1. This policy sets out Onwards approach to tackling Anti-Social Behaviour (ASB) at its home ownership sites.
- 1.2. ASB covers the range of behaviours from low-level nuisance to serious harassment, which can damage the quality of life and interfere with the ability of customers to use and enjoy their home and/or community.
- 1.3. Onward will act in accordance with its legal obligations and covenants of the lease to addresses Anti-Social behaviour. Lease clauses can be difficult and expensive to enforce and Onward will opt to signpost the reporter to appropriate service providers and encourage the amicable resolutions of dispute via third party mediation where possible, with both the complainant and perpetrator being equally responsible for the costs of the mediation.

## **2. Scope**

- 2.1. This policy relates to ASB which is caused by leaseholders. Anti-social behaviour caused by general let tenants is covered by a separate policy.

## **3. Exclusions**

- 3.1. Our data tells us that most ASB is around noise, pets, inconsiderate behaviour or parking disputes. Onward would not routinely intervene in any instances of ASB of this nature but will direct customers to take some initial steps to remedy the anti-social behaviour themselves in the first instance, and where it is safe to do so.
- 3.2. The complainant will be signposted to services such as the Local Authority, Police, victim support or mediation services to remedy the matter themselves, in addition to Onward taking breach of covenant enforcement action as appropriate.

## **4. What is Anti-Social Behaviour**

- 4.1. Generally anti-social behaviour is behaviour that lacks consideration for others and causes or is likely to cause, distress, harassment or alarm. To be anti-social the behaviour must be consistent.

## **5. Requirements under the lease**

- 5.1. Where a lease contains a clause requiring Onward to enforce the covenants relating to nuisance we will do so in line with the terms of the lease. Any costs associated with addressing anti-social behaviour where an enforcement clause exists will be passed to the complainant. Where a lease does not contain a clause requiring onward to enforce the covenants relating to nuisance, we will take

reasonable steps to facilitate an amicable resolution to the issue and will signpost customers as appropriate. Leaseholders can opt to pay our reasonable fees if they want Onward to take additional action.

## **6. Criminal Anti-Social Behaviour**

- 6.1. Any ASB that is a criminal act such as harassment, assault or drug dealing must be dealt with by the Police who have specific powers to address criminal activity. Onward will co-operate with any police investigation into criminally motivated ASB where it is appropriate to do so. Onward will also seek to enforce the covenants contained in the lease and where possible and appropriate, Onward will seek to recover all costs from the perpetrator due to the nature of this type of behaviour

## **7. Vulnerabilities**

- 7.1. Where a customer has known vulnerabilities, the Specialist will take appropriate action to sign post them to services that can offer support.

## **8. Parking**

- 8.1. Onward will not routinely intervene in parking disputes and leaseholders are expected to address such issues directly with their neighbours. Where parking spaces are designated and the dispute cannot be resolved by leaseholders, Onward will intervene and recover any costs from the complainant as appropriate.

## **9. Intervention**

- 9.1. Where ASB persists and initial remedies have not resolved the problem, Onward will investigate the incident and act as appropriate under the terms of the lease, only if the leaseholder has agreed to pay our reasonable fees and evidence has been provided. We will always signpost complainants to appropriate agencies such as crime stoppers, victim support and mediation services

## **10. Mixed Tenure Sites**

- 10.1. Where ASB occurs on a mixed tenure site and the alleged perpetrator is an Onward general let or market rent tenant, this will be referred to the Safer Neighbourhoods team where appropriate action will be taken in accordance with the terms of the tenancy agreement and the Onward General Let ASB Policy. Fees will apply and may be recovered from the complainant.
- 10.2. Where the alleged perpetrator is a leaseholder, and the alleged victim is an Onward general let or market rent tenant, this will be addressed by the Home Ownership Specialist and appropriate action will be taken in accordance with the terms of the lease and this policy. Fees will apply and will be recovered from the perpetrator.

## **11. Training and Support for Colleagues**

11.1. We will provide support to colleagues who feel threatened or at risk from any alleged perpetrator. This may include risk assessments, advice, counselling, and action being taken against alleged perpetrators. We will ensure that colleagues are confident in their ability to identify and investigate incidents and reports of ASB by providing appropriate induction training, annual refreshers and updates on relevant legislation as well as any relevant external training. We will also ensure that all relevant colleagues are aware of this policy and procedure.

## **12. Complaints**

12.1. Onward will aim to address any dissatisfaction with services informally. However, where a customer makes a formal complaint, this will be addressed under the Complaints Resolution Policy.

## **13. Responsibility and monitoring**

13.1. The Director of Housing and Home Ownership is accountable for ensuring this policy is legally compliant and reviewed and updated as required. The Head of Home Ownership is responsible for producing the policy, ensuring it is implemented and work practises throughout the organisation are compliant with the policy.

## **14. Legislation/Regulations**

14.1. This policy complies with the following relevant legislation:

- Landlord and Tenant Act 1985 (as amended by S151 of the Commonhold and Leasehold Reform Act 2002)
- Landlord and Tenant Act 1987
- Leasehold Reform Housing and Urban Development Act 1993 (as amended)
- Leasehold Reform Act 1993 (as amended by the Commonhold and Leasehold Reform Act 2002)

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