

ANTI SOCIAL BEHAVIOUR ENFORCEMENT POLICY AND PROCEDURES

1.0 INTRODUCTION

- 1.1 Gosport Borough Council's Housing Service has certain powers to deal with anti social behaviour and enforce tenancy conditions.
- 1.2 We aim to ensure effective compliance with the Housing Services Statement on Anti-Social Behaviour and our policies and procedures to protect residents and their environment.
- 1.3 The Housing Service has a variety of options available against perpetrators of anti social behaviour in order to ensure compliance. These options include preventative and enforcement tools, which range from education and guidance for perpetrators, and mediation, to injunctions, anti social behaviour orders, demoted tenancy orders, parental control agreements, acceptable behaviour contracts and possession action. The Housing Service can also work with the police to assist in obtaining a Closure Order where its property is being used for the selling or taking of drugs.
- 1.4 In determining the nature of any enforcement action, the Housing Service will have regard to guidance issued by Government, national bodies such as the Chartered Institute of Housing and recognised good practice. This policy will therefore be reviewed and updated in the light of any future guidance or changes to legislation. Recent case law may also influence policies and procedures.
- 1.5 Gosport Borough Council's enforcement policies have adopted the Central and Local Government Concordat on Enforcement. This policy takes into account the principles of the Concordat, within the Housing Service approach to anti-social behaviour and enforcement.
- 1.6 This policy sets out how we will seek a balanced approach to enforcement.

2.0 RELEVANT LEGISLATION

- 2.1 Local housing authorities have certain powers which are set out in the Housing Act 1996, and the Anti Social Behaviour Act 2003. Other relevant legislation must also be considered when dealing with Anti Social Behaviour and this includes;
- Crime and Disorder Act 1998
 - Disability Discrimination Act 1995
 - Children Act 1989
 - Homelessness Act 2002
 - Race Relations Act 1990
 - Human Rights Act 1998
- 2.2 As a Housing Authority, we acknowledge the definition of anti-social behaviour as defined by the Housing Act 1996, sections 153a and 153b (as amended by section 13 of the Anti-Social Behaviour Act 2003) as conduct which;
- is capable of causing nuisance or annoyance to any person; and

- directly or indirectly relates to or affects the housing management functions of a relevant landlord; or
- consists of or involves using or threatening to use housing accommodation owned or managed by a relevant landlord for an unlawful purpose.

Behaviour or actions that may cause 'nuisance or annoyance' are referred to later in this document.

3.0 UNDERLYING PRINCIPLES

- 3.1 The Housing Service must seek to ensure compliance with the law and the tenancy agreement but will carry out this duty in an appropriate manner according to the following principles:
- *Proportionality.* Any action that we take will relate to the seriousness of the behaviour and its effects on individuals and the community;
 - *Consistency.* We ensure that our officers take a consistent approach when dealing with anti-social behaviour. We will also work with other authorities to ensure that this principle is applied at a local level to all social housing in the Borough of Gosport;
 - *Transparency.* The Housing Service will help people to understand what the tenancy agreement and law requires of them and make clear what needs to be done, or otherwise to comply. We will also make clear what people should do if they are not happy about any action we have taken or are proposing to take;
 - *Targeting.* Our enforcement efforts will be directed against those whose activities pose the most serious harm to residents, or those who have a history of anti social behaviour and nuisance.

4.0 PRACTICAL APPLICATION OF THE POLICY

- 4.1 The Housing Service will strive to ensure that action is always fair and consistent. In coming to any decision we will consider the seriousness of the behaviour and the harm to individuals or communities, relevant past history, the consequences of the failure to amend the anti-social behaviour and the likely effectiveness of enforcement options.
- 4.2 *Low level anti-social behaviour or nuisance* - we will try to deal informally with the matter and will therefore advise the person responsible what needs to be done to resolve the complaint or issue. When requested, written confirmation will be given and this will identify those behaviours that are unacceptable. No further action will normally be taken by the Housing Service when the person responsible is prepared to put things right.
- Each case will be considered individually and the appropriate course of action chosen for its effectiveness in each case. Although there may be similarities between cases of anti-social behaviour, the action taken to remedy the situation may differ. A course of action in one case should not set a precedent for future cases of a similar nature, and all tools available will be considered.
- 4.3 Serious anti-social behaviour - The Housing Service prefers to stop anti-social behaviour by a process of education and mediation. It will sometimes be necessary for more formal action to be taken.
- In all cases, consideration will be given to action being in the interests of the perpetrator to stop the behaviour, and in the interests of neighbours and the community in particular.
- 4.4 When considering legal action we will consider all available information and discuss matters with the perpetrator(s) and complainant(s) concerned to ensure that a fair, consistent, proportionate and impartial decision is made. We will consider the seriousness of the behaviour and harm to individuals or communities

previous history and the willingness to prevent a repetition

any explanation given

the benefit to neighbours and the local community.

- 4.5 *Staff training. The Council will ensure that all staff involved in dealing with anti-social behaviour will receive sufficient training to enable them to deal with the issue properly.*

5.0 TENANCY CONDITIONS

5.1 The Tenancy Agreement sets out the Contractual Obligations of the tenant and the Council (landlord). The Tenancy Agreement requires tenants to act in a reasonable manner and not do anything that causes nuisance or annoyance to other people.

5.2 As well as a general prohibition on causing nuisance or annoyance, the Tenancy Agreement draws particular attention to the following:

- The tenant is responsible for the conduct of themselves, and anyone who lives with them or visits them at home. The tenant must not use, or allow anyone else to use, his or her home for illegal or immoral purposes, or to commit an offence that could lead to an arrest.
- The tenant, their visitors or anyone else who lives with them must not cause nuisance or annoyance by their own behaviour. The tenant(s) must not behave, or allow anyone who lives with them or is visiting their home, behave in such a way that causes, or is likely to cause nuisance or annoyance towards other residents, visitors or anyone carrying out lawful activities in the locality.
- The tenant, members of their household and/or visitors, must not act in such a way that the behaviour could be considered harassment to others. This includes abusive behaviour, racist language or physical or verbal abuse.
- The Council will take legal action against any tenant found to have committed a specific offence under the Race Relations Act 1990 (such as racial harassment), or for knowingly allowing anyone he/she is responsible for to do so.
- The tenant must not keep, or allow to be kept, in their home any type of animal, bird, reptile or livestock which the Council consider dangerous, harmful to health or a nuisance to other residents, visitors or anyone carrying out lawful activities in the locality.
- The tenant must not physically or verbally abuse officers of the Council.
- The tenant must not allow rubbish or unwanted items to accumulate within the property in such a way that a health or safety risk may result and the tenant must not allow such materials to deteriorate in such a way that causes nuisance or annoyance to anyone residing, visiting or otherwise engaging in lawful activity within the locality.
- The tenant must keep the garden tidy and not allow it to become overgrown or used as an area where rubbish or unwanted items are allowed to deteriorate.
- The tenant must not repair or sell vehicles, or let others repair or sell vehicles, in a manner that causes nuisance or annoyance to neighbours or residents in the locality.

6.0 DEFINITIONS OF ANTI SOCIAL BEHAVIOUR

6.1 This document accepts the definition contained within the Crime and Disorder Act 1998 which states that anti-social behaviour is:

‘Acting in a manner that causes, or is likely to cause harassment, alarm or distress to one or more persons not of the same household as himself/herself’.

This definition is not mutually exclusive and provides useful parameters to enable the Housing Service to take positive action relating to all complaints of anti-social behaviour, and in our

working relationship with the Gosport Community Safety Partnership.

6.2 Those offences that are criminal by definition will continue to be dealt with directly by the Police, and where appropriate, in partnership with the Housing Service.

6.3 The Housing Service lists the following as examples of anti-social behaviour with which it may get involved on or around Housing Service property and/or to which tenant, their household or their visitors and friends are involved.

This list is not exhaustive;

- Harassment and intimidation - including hate, homophobic and race related incidents
- Illegal use of housing accommodation, for instance to sell drugs
- Noise nuisance, including shouting, dog barking, burglar alarms, playing amplified music, heavy footfalls and parties
- Aggressive or threatening language and behaviour
- Violence against people and property, including the possible effects on neighbours of domestic violence
- Youth nuisance, including playing football against property, intimidating behaviour, under age drinking and verbal abuse
- Rubbish dumping or storing and misuse of communal areas of Housing Service property
- Flyposting and graffiti
- Dog fouling

6.4 It may not always be appropriate for the Housing Service to deal with all incidents of anti-social behaviour in the same way. The following are examples where the Housing Service is unlikely to be involved (this list is not exhaustive):

- Complaints that are primarily lifestyle or cultural in origin
- Occasional parties where noise is not a significant problem
- Disputes between neighbours (such as a personality clash) where mediation has been refused and there is no alternative action that the Housing Service can take
- Incidents that are purely criminal.

7.0 PERFORMANCE MONITORING

7.1 Satisfaction of the Housing Services management of a case is monitored using satisfaction survey cards.

7.2 Data is collected on the number of incidents reported, the nature of the incident and the time spent on each case per month.

8.0 PROCEDURE FOR DEALING WITH ANTI SOCIAL BEHAVIOUR

(see also Officer Guide)

GENERAL

8.1 All complaints of anti social behaviour, nuisance and harassment must be treated seriously and considered impartially.

8.2 Details of action taken in response must be properly recorded at all stages.

8.3 The complainant or witness must be kept fully informed and where necessary, referred to

relevant support services. The complainant or witness must be reassured at all stages that the information they provide will remain confidential and that their details will not be disclosed to the perpetrator(s). Where it is necessary for the perpetrator to be informed of the complainant or witness details, such as appropriate court action, permission must be sought from the complainant or witness before this action is taken (see Policy and Procedure for Supporting Complainants, Witnesses and Perpetrators of Anti-Social Behaviour).

8.4 Where there is a persistent and ongoing breach of the Tenancy Agreement, appropriate action must be taken to achieve compliance. Where it is necessary, appropriate action must be taken to protect both complainants and witnesses and vulnerable perpetrators.

8.5 All ongoing complaints must be referred to the Nuisance Case Management Panel (see Police and Housing Joint Protocol document).

8.6 The course of enforcement action should be decided upon with consideration to the underlying principles of the Housing Service, which are;

- *Proportionality - the action will relate to the seriousness of the anti-social behaviour or nuisance, and the harm to individuals or communities;*
- *Consistency - officers will take a consistent approach when dealing with anti-social behaviour;*
- *Transparency - officers will help people to understand what the tenancy agreement and law requires of them and make clear what needs to be done, or otherwise to comply. We will also make clear what people should do if they are not happy about any action we have taken or are proposing to take;*
- *Targeting - enforcement efforts will be directed against those whose activities pose the most serious harm to individuals or communities, or those who have a history of anti social behaviour and nuisance.*

8.7 There are several tools available to social landlords used for dealing with anti-social behaviour to enforce the tenancy agreement or restrict anti-social behaviour and conduct. There are no 'hard and fast' rules for using the tools available and the effectiveness on changing behaviour or conduct must be considered when taking action against a perpetrator, as well as considering the effects on the complainants and the wider community. Each case will be considered individually and the appropriate course of action chosen for its effectiveness in each case. It must be recognised that although there may be similarities between cases of anti-social behaviour, the action taken to remedy the situation may differ. One course of action in one case should not set a precedent for future cases of a similar nature and all tools available must be considered.

8.8 Within this document, the procedures for using each tool available to social landlords will be presented.

WARNING LETTERS AND INTERVIEWS

8.9 In the initial stages of an anti-social behaviour case, an interview with the perpetrator should be conducted, together with a follow-up warning letter. This enables the officer dealing with the case to gain further information about the case and to reinforce the tenancy conditions, explaining what is acceptable behaviour and the possible consequences of further breaches of tenancy conditions (see Appendices).

8.10 Several standard letters can be seen in the Housing Officer Guide and the Appendices to this document. For example, it may be appropriate to send a letter to all residents within a block, street or estate, to send a clear message that action will be taken against vandalism and to encourage complainants or witnesses to report incidents to the Housing Service (see Appendix 4).

INJUNCTIONS

8.11 Injunctions are a useful tool in prohibiting behaviour and protecting complainants or witnesses, and/or property; and can be used as a rehabilitative tool to allow the perpetrator to amend their behaviour. They can be particularly useful in cases of an emergency such as

intimidation or harassment (where violence or the threat of violence has been used). Taking immediate action with an injunction (where appropriate), sends a clear message to both the perpetrator and complainant/witness, as well as to the community, that anti-social behaviour will not be tolerated. If an injunction is breached, further action will be taken.

8.12 The Housing Service may apply to the County Court for an injunction where there is a breach of the tenancy agreement. For example, when;

- there is a use or threat of violence or a significant risk of harm (which can include emotional or psychological);
- the perpetrator has used or threatened to use the property for illegal or immoral purposes;
- the perpetrator is engaging or threatening to engage in conduct that is capable of causing nuisance or annoyance to any person;
- the perpetrator is allowing or encouraging any other person to engage or threaten to engage in conduct that is capable of causing nuisance or annoyance to any person.

Injunctions may be obtained quickly and without the perpetrator being present in Court and therefore serve as a useful tool in tackling anti-social behaviour and protecting witnesses. Injunctions may be used against the tenant or resident, and visitors to the property or locality.

8.13 The decision to apply for an injunction must be considered in consultation with other officers, for example to include the Principal Housing Officer, the Head of Operational Services, and Legal Services, and where appropriate, the Enforcement Officer, the Police and Housing Services Manager. The likely effectiveness of changing the behaviour and the effects of obtaining an injunction on the witnesses must be considered.

8.14 Where a decision to apply to the County Court for an injunction has been reached, an immediate referral to Legal Services must be made and passed together with the evidence needed to acquire an injunction (this must include the house file, witness log sheets, file notes, warning letters or interview notes, or other evidence of the behaviour or conduct against which an injunction is being requested).

8.15 Where an injunction has been obtained, the officer must inform relevant officers and other agencies to ensure that any breach of an injunction is recorded. This may include an internal circulated memo to parties who might witness a breach of the injunction or receive reports from residents that it has been breached and might include; Housing Officers, Estate Wardens, Area Surveyors, contractors working within the designated locality, Community Safety Officer, and the Anti-Social Behaviour Co-ordinator. Where appropriate, it may be necessary to inform other agencies such as the Police, Social Services, and support agencies such as Southern Focus Trust or Victim Support.

8.16 At all times, the witnesses must be kept informed of the action taken by the Housing Service to ensure that;

- they feel that action has been taken;
- that they feel protected;
- to report any breach of the injunction to the Housing Service and/or the Police.

The decision to publicise such action must be taken in line with the Housing Services Media Policy.

8.17 Some examples of behaviour and conduct, which has enabled the Housing Service to successfully obtain an injunction, include;

- consistent anti-social behaviour such as loud arguments at unsociable hours, threats of violence towards other residents, physical fighting amongst the perpetrators and damage to property

ANTI-SOCIAL BEHAVIOUR ORDERS (ASBO's)

8.18 ASBO's have serious implications for perpetrators but the aim is to simply require individuals

to behave reasonably. Conditions can be imposed under the ASBO that require the person to stop behaving in an anti-social way. ASBO's can be applied for in the Court by the local authority, local housing authority, the police and registered social landlords against the perpetrator causing anti-social behaviour within a specified area or locality.

- 8.19 ASBO's can be used against anybody over the age of ten and the breach of an ASBO is a criminal offence. When granted, ASBO's have effect for a minimum period of two years and if the conditions of the ASBO are breached the offender could be jailed for between six months to five years and can also be fined.
- 8.20 Where the anti-social behaviour occurs within a local authority housing estate, the Council should act as lead agent in applying for an ASBO. The Housing Service will work with the Anti-Social Behaviour Co-ordinator and partner agencies in applying for an ASBO (see Joint Protocol on ASBO's).
- 8.21 The lead officer from Housing Services will consult the Anti-Social Behaviour Co-ordinator, presenting any evidence against the individual(s). If appropriate, the ASBO Panel will discuss the case and decide on an action plan with the agencies concerned. A case conference with all agencies will determine the action to be taken in order to gather relevant information before the next ASBO Panel Meeting. The case will be reviewed at a quarterly ASBO Panel Meeting until the case can be closed.
- 8.22 Wherever possible, the lead officer from Housing Services will share information about an individual if it is relevant to ASBO proceedings and will assist in gathering evidence (such as collating witness log sheets, taking photographs of vandalism or damage to property, making file notes of complaints and so on).
- 8.23 Where it is decided that it is not appropriate to apply for an ASBO, the Housing Service will need to decide on an alternative course of action if it is required, such as an Acceptable Behaviour Contract, Parental Control Agreement, Demoted Tenancy, or Possession Proceedings.
- 8.24 Where an ASBO has been granted, the lead officer must inform relevant officers or other agencies to ensure that any breach of an ASBO is recorded. This may include an internal circulated memo to parties who might witness a breach of the injunction or receive reports from residents that it has been breached and might include; Housing Officers, Estate Wardens, Area Surveyors, contractors working within the designated locality, and Residents Groups or Associations. It may be necessary to inform other agencies that were not involved in the information gathering and application processes for the ASBO, such as Social Services, Local Schools, Southern Focus Trust or Victim Support.

DEMOTED TENANCY ORDERS

- 8.25 The Housing Service can apply to the County Court for a Demotion Order in the event of anti-social behaviour being caused by the tenant, family or visitors and may be used where other action taken has not changed the behaviour, or as an alternative to Possession Proceedings. A Demoted Tenancy Order enables the Housing Service to work further with the perpetrator to modify their behaviour, but removes certain benefits of a secure tenancy such as the right to buy their home and the right to exchange their tenancy. The terms of the demoted tenancy remain the same as the tenancy held prior to demotion (with exception to those outlined previously), for example rent arrears remain payable, the tenant(s) remain the same; the amount of rent payable does not change.
- 8.26 A Demoted Tenancy lasts for a period of twelve months and reverts to a secure tenancy if the Housing Authority does not ask the Court for possession of the property (a new tenancy agreement must be completed if this is the case). The demoted tenancy period can be extended up to six months if the Housing Authority has applied for possession.
- 8.27 The decision to apply for a Demoted Tenancy Order must be considered in consultation with other officers, for example to include the Principal Housing Officer, the Head of Operational Services, and Legal Services, and where appropriate, the Enforcement Officer, the Police and Housing Services Manager. The likely effectiveness of changing the behaviour must be considered.

- 8.28 Where a decision to apply to the County Court for a Demoted Tenancy Order has been reached, an immediate referral to Legal Services must be made together with the evidence needed to take legal action (this must include the house file, witness log sheets, file notes, warning letters or interview notes, Acceptable Behaviour Contract or Parental Control Agreement, or other evidence of the behaviour or conduct against which a Demoted Tenancy Order is being requested). The quality of evidence required to obtain a Demoted Tenancy Order is the same as with possession proceedings.
- 8.29 Before a claim to the court is made, a Notice of Demotion Proceedings must be served on the tenant or at the property, giving four weeks notice before proceedings are issued. The officer delivering the Notice must complete a Certificate of Service.
- 8.30 Where a Demoted Tenancy Order has been obtained, appropriate steps must be taken to ensure that the rights of a Secure Tenant are not inadvertently awarded such as allowing the tenant to apply to purchase their home, allowing the tenant to apply for a mutual exchange, sending letters to tenants that refer to a 'Secure Tenancy' (such as with rent arrears) and so on. As with any legal action, the appropriate officers must be advised that the Housing Service has obtained a Demoted Tenancy Order and processes put in place to prevent the tenant obtaining secure tenancy rights. This includes, altering the internal computer tenancy record and rent account, and ensuring that officers are aware that further reported or witnessed incidents of anti-social behaviour are reported to the officer dealing with the case for use in further proceedings where necessary.
- 8.31 The Housing Service can apply for other measures alongside a Demoted Tenancy Order if it is deemed appropriate, such as an injunction or ASBO. The decision to apply for an injunction or ASBO alongside demotion should be considered in consultation with Legal Services to discuss the merits of such action and the likely effect of changing the anti-social behaviour, and the effects to individual witnesses and the community.
- 8.32 The decision to apply for possession of the property must be considered in consultation with other relevant officers (see 8.37). Where a demoted tenancy is in place, the tenant does not need to commit further acts of anti-social behaviour in order for the Housing Service to apply for possession. The Housing Service may decide to apply for possession relating to tenancy conduct in other areas such as rent arrears. A Notice of Seeking Possession (NSP) must be served on the tenant and the lead officer should complete a Certificate of Service. The NSP must clearly state that the tenant (of a demoted tenancy) has the right to a review of the decision of the landlord to possess the property.
- 8.33 The tenant must request a review of the decision to possess the property within 14 days of receipt of the NSP. The lead officer should give 5 clear days' notice of the date of the review, informing them of the date, time and place at which the review will be held (usually the Town Hall). The tenant may request that they are present at the review (or represented); and have the right to request an oral hearing or provide written representation. Where written representation is preferred, the Housing Service must receive this within two clear days of the date of the review.
- 8.34 The review panel should consist of three members; for example to include a senior officer from Housing Services (not involved with the case), the Anti-Social Behaviour Co-ordinator, Community Safety Officer or representative, and a representative from an agency independent of Gosport Borough Council. At the review hearing, the case should be presented to the panel with representations from the landlord and the tenant. The review panel will consider if the decision to apply for possession of the property is reasonable. The review hearing must be recorded and the minutes made available to all parties concerned. A letter should be sent to the tenant to confirm the outcome of the review.
- 8.35 With demoted tenancies, as with other enforcement action, the complainant or witness must be kept informed of the action taken by the Housing Service to ensure that;
- they feel that action has been taken;
 - to report any further breaches of the tenancy agreement to the Housing Service and/or the Police.
- The decision to publicise such action must be taken in line with the Anti-Social Behaviour and

the Media: Policy and Procedures.

POSSESSION ORDERS

- 8.36 In some cases the Housing Service may take the view that the anti-social behaviour is sufficiently serious and damaging to the community or harmful to individuals (or that the behaviour has remained consistently anti-social irrespective of any action taken), that it is necessary to seek possession of the property and evict the tenant(s). The most serious anti-social behaviour and harm to individuals or communities may lead to the Housing Service seeking possession of their property, for example using the property for illegal or immoral purposes or the perpetrator(s) being a serious risk to others (in cases of consistent intimidation and harassment of others).
- 8.37 The decision to apply for a Possession Order must be in consultation with other officers, for example to include the Principal Housing Officer, the Head of Operational Services, and Legal Services, and where appropriate, the Enforcement Officer, the Police, the Head of Allocations and Advice and the Housing Services Manager.
- 8.38 Possession proceedings may be sought in the following situations, but this list is not exhaustive;
- where continual anti-social behaviour is in breach of a Demoted Tenancy;
 - where the Police have obtained a Closure Order on the property which has been used for the illegal supply or use of drugs;
 - where the most serious anti-social behaviour and harm to individuals or communities mean that any other course of action would not be appropriate.
- 8.39 Legal proceedings for anti-social behaviour may be added to existing action (e.g. for rent arrears), under certain circumstances. The lead officer dealing with the case should consult the Senior Rents Officer and Legal Services in this instance.
- 8.40 The lead officer should give prior written warning of our intention to serve an NSP. At this time tenants will be given an opportunity to make representations if they believe that the notice should not be served or that the reasons for its service are untrue or unreasonable. Should we decide to serve an NSP without prior warning, we will write and explain why this was necessary.
- 8.41 Where a decision to apply to the County Court for a Possession Order has been reached, an immediate referral to Legal Services must be made and passed together with the evidence needed to take legal action (this must include the house file, witness log sheets, file notes, warning letters or interview notes, Acceptable Behaviour Contract or Parental Control Agreement, or other evidence of the behaviour or conduct against which a Possession Order is being requested).
- 8.42 At all times, priority should be given to keeping any complainants or witnesses informed of any proceedings and the outcome of those proceedings. If a witness is required to give evidence in court, the Housing Service must support the individual in doing this, making a referral to other agencies for support or assisting in re-housing the tenant if appropriate (see Policy and Procedure for Supporting Complainants, Witnesses and Perpetrators of Anti-Social Behaviour).
- 8.43 Before a claim is made to the court, an NSP must be served on the tenant, giving four weeks notice of the intention to start proceedings or earlier in extreme circumstances (see powers under Housing Act 1996). The officer serving the notice to the tenant or at the property must complete a Certificate of Service.
- 8.44 Where a Possession Order is granted, the landlord will be issued with a warrant to take possession and this may be immediate possession or within a timescale requested by the landlord. The decision to ask for outright possession or within a set timescale is taken with Legal Services. The County Court Bailiff will carry out the eviction with two officers from the Housing Service; it may be appropriate to ask that the police attend if there is a risk that there might be a breach of the peace, or to protect residents or officers attending the eviction. The evicted tenant must be advised that they may apply to the Council for assistance with their immediate and future housing needs and to contact the Housing Advice Section. The

procedure to store items left at the property must be followed as with Possession Orders obtained in rent arrears cases. Where it is deemed necessary, appropriate action should be taken to protect the property following an eviction.

- 8.45 The evicted tenant has the right to apply to the local authority for housing. In such cases the Housing Allocations and Advice Section will decide whether that person(s) and his/her family or household members have made themselves intentionally homeless and, in such circumstances, may decide to refuse the application or deduct points (see Joint Housing Register Policy and Procedures).

CLOSURE ORDERS

- 8.46 The Police can apply to the Court for a Closure Order under the Anti-Social Behaviour Act 2003 where any public building is being used for the consumption or sale of specified illegal drugs. The Housing Service will assist the police in doing this, ensuring that any relevant information we have that might help the case (such as complaints from residents of witness log sheets) is disclosed to the police using the procedures set out within the document entitled Joint Housing and Police Protocols.

- 8.47 Where a Closure Order is obtained against a tenant, the Housing Service will issue a Notice to Seek Possession and apply to the Court to take possession proceedings as soon as possible. It will also be necessary to take measures to protect our property and the Area Surveyor, in liaison with the police, should do this.

WORKING WITH THE ENVIRONMENTAL HEALTH SECTION (REGULATORY SERVICES UNIT)

(see Environmental Health and Housing Joint Protocol)

- 8.48 It may be appropriate in some cases of anti-social behaviour, when the Housing Service receives the initial complaint or evidence, to refer a case for further investigation by the Council's Environmental Health Section. The Environmental Health Section can take action where there may be a breach of legislation (for example under the Environmental Protection Act 1990, Public Health Act 1936 or Prevention of Damage By Pests Act 1949). Such issues might include;

- noise nuisance (the playing of loud music, parties)
- hoarding or storage of 'filthy and verminous' articles such as food waste or refuse within a property
- serious dog or other animal nuisance
- pest control.

The Environmental Health Section may be able to take legal action against a tenant where they are able to define a 'statutory nuisance', and such proceedings may be useful in stopping or changing the behaviour, or used in further legal proceedings carried out by the Housing Service.

- 8.49 Where a complaint may require action by the Environmental Health Section or Housing Services, The Housing Officer or Environmental Health Officer who receives the initial complaint should contact their colleague to discuss the options available to both departments. This should be actioned as early as possible within the management of the case and should address the following;

- agreement as to which officer will lead the case (this will depend on the severity of the breach of legislation or tenancy conditions)
- a discussion about the proportionality or seriousness of a breach of tenancy conditions or legislation
- the previous history of case and the persons involved
- issues of vulnerability of the complainant, witness or perpetrator
- the likely outcome of any action taken for example, will the behaviour persist or worsen?

What action can be taken if the situation deteriorates?

- the benefits of action against the perpetrator for the individuals and the community
- budgetary issues if appropriate e.g. cleaning/clearance of a property where hoarding is an issue
- formulate an agreed action plan

8.50 In some cases, it may be necessary for the lead officer to work with other agencies in such cases, for instance with social services, the police, Southern Focus Trust and so on (see Policy and Procedure for Supporting Complainants, Witnesses and Perpetrators of Anti-Social Behaviour).

9.0 OTHER REFERENCES

9.1 The following references should be used in support of this policy and procedure;

- Housing Services Statement on Anti-Social Behaviour
- Racial Harassment Policy and Procedures
- Domestic Violence Policy
- Policy and Procedure for Supporting Complainants, Witnesses and Perpetrators of Anti-Social Behaviour
- Anti-Social Behaviour and the Media: Policy and Procedure
- Housing Officer Guide
- Police and Housing Joint Protocol
- Joint Protocol on Anti-Social Behaviour Orders
- Environmental Health Section and Housing Services Joint Protocol
- Management Re-housing Policy
- Gosport Borough Council Equal Opportunity Policy
- Joint Housing Register Policy
- Crime and Disorder Strategy 2002-2005
- Housing Strategy
- Tenancy Agreement
- Tenants Handbook
- Customer Information leaflets relating to Anti-Social Behaviour

10.0 APPENDICES

- 10.1 Appendix 1 – Standard Letter: Complaints regarding behaviour
- 10.2 Appendix 2 – Standard Letter: Anti-social behaviour post-interview letter
- 10.3 Appendix 3 – Standard Letter: Police visit letter
- 10.4 Appendix 4 – Standard Letter: Vandalism to community letter
- 10.5 Appendix 5 – Standard Letter: Racial incidents letter
- 10.6 Appendix 6 – Standard Letter: Report from Environmental Health letter
- 10.7 Appendix 7 – Standard Letter: Abatement Notice letter
- 10.8 Appendix 8 – Standard Letter: Closure Letter

Town Hall, High Street,
GOSPORT, PO12 1EB
Telephone: (023) 9258 4242
Fax: (023) 9254 5285
My Ref: CR/CF/HEO/HOS
Please ask for:
Extension:
Direct Line: 9254 5
E-Mail address: @gosport.gov.uk
www.gosport.gov.uk

Dear

The Housing Services Unit has received several complaints regarding the behaviour of

This behaviour may constitute a breach of the tenancy conditions. Your tenancy agreement states that:

- If anyone lives with you or visits you at home, you are responsible for their conduct while they are there. You must not use, or let anyone else use, your home for immoral or illegal purposes, or to commit an offence that could lead to arrest.
- You must not cause nuisance or annoyance to others by your own behaviour. You must not let anyone who lives with you, or who visits you at home, behave in such a way that causes or is likely to cause, nuisance or annoyance towards other residents, visitors or anyone carrying out lawful activities in the locality.
- You, members of your household and/or your visitors, must not act in such a way that your, or their, behaviour would be considered harassment to others. Behaviour that could be considered harassment includes abusive behaviour, racist language or physical or verbal abuse.

Harassment is a breach of your tenancy agreement and may result in you losing your home.

I am aware there may be issues that you wish to bring to my attention, so I have made an appointment for you to call in the Town Hall on The situation can then be discussed fully. If this is inconvenient, please telephone me on (023) 9254 to arrange another appointment.

Yours sincerely

Housing Officer

Town Hall, High Street,
GOSPORT, PO12 1EB
Telephone: (023) 9258 4242
Fax: (023) 9254 5285
My Ref: CR/CF/HEO/HOS
Please ask for: Mrs C Read
Extension: 5361
Direct Line: 9254 5361
E-Mail address: readca01@gosport.gov.uk
www.gosport.gov.uk

Dear

I refer to your visit to the Town Hall on when you were interviewed by

I can confirm that concerns were expressed about the anti-social behaviour of you and your visitors and that your behaviour constitutes a breach of the conditions of tenancy.

Your tenancy agreement states that:-

1. You must not cause nuisance or annoyance to others by your own behaviour. You must not let anyone who lives with you, or who visits you at home, behave in such a way that causes, or is likely to cause, nuisance or annoyance towards other residents, visitors or anyone carrying out lawful activities in the locality.
2. If anyone lives with you or visits you at home, you are responsible for their conduct while they are there. You must not use, or let anyone else use, your home for immoral or illegal purposes, or to commit an offence that could lead to arrest.
3. You, members of your household and/or your visitors, must not act in such a way that your, or their, behaviour could be considered harassment to others. Behaviour that could be considered harassment includes abusive behaviour, racist language or physical or verbal abuse.

Please note that Harassment is a breach of your tenancy agreement and may result in you losing your home. Under the Housing Act 1996, the grounds for possession have been extended and it is now possible for the Council to bring possession proceedings immediately after a Notice Seeking Possession has been served on you. Therefore, should we receive details of any other incidents from any source, the matter will be placed in the hands of the Council's Legal Department, with a view to seeking possession of your home.

Please be aware, the situation is being continuously monitored.

Yours sincerely

Carol Read

Housing Enforcement Officer

Town Hall, High Street,
GOSPORT, PO12 1EB
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Fax: (023) 9254 5285
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Your Ref:
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Direct Line: 9254 5361
E-Mail address: readca01@gosport.gov.uk
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Dear

RE:

Thank you for your letter dated regarding the problems you are experiencing with your neighbour (Name)

I can confirm that I have visited the property with (Police), your local beat officer, and have addressed the matter with

I would now hope that you will have no further reasons to complain, but please telephone me on (023) 9254 5361 if you have any further concerns.

I can also confirm that (Police) will be monitoring the situation.

Yours sincerely

Carol Read

Housing Enforcement Officer

cc (Police)

Town Hall, High Street,
GOSPORT, PO12 1EB
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Dear

I am sure you are all aware of the increasing levels of vandalism in your area.

The Housing Services Unit, in conjunction with Gosport Police, are looking at ways of dealing with this problem and are treating the matter very seriously. I am therefore writing to all residents to seek your co-operation in dealing with this criminal activity.

The Council is committed to tackling all forms of anti-social behaviour. Where the perpetrators are identified it will use all legal powers available under the Housing Act 1996 and the Tenancy Agreement to evict those who persistently abuse Council property and continually intimidate the neighbours. The Council will also work with the Police to take action against the perpetrators.

I am sure you are aware that it is vital to identify this small minority of offenders, so if you see anyone damaging property, please could you telephone Gosport Police immediately. If you have any further information or details that you think might be useful, please telephone me on 023 9254 XXXX.

Thank you for your co-operation.

Yours sincerely

Housing Officer

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Dear

There have been a number of, what we believe to be, racial incidents in These have included I am, therefore, I writing to all residents to seek your co-operation in dealing with this anti-social behaviour.

The Council is committed to tackling all forms of racial harassment and intimidation. Where perpetrators are identified it will use all the legal powers available under the Housing Act 1996, and the Tenancy Agreement, to evict those who persistently harass their neighbours. The Council will also work with the Police to take action against the perpetrators.

I am aware that the vast majority of people understand the importance of good community relations. If you can help us in tackling this small minority of offenders, please telephone me on (023) 9254 5361. All information will be treated in the strictest confidence.

Thank you for your co-operation.

Yours sincerely

Carol Read

Housing Enforcement Officer

Town Hall, High Street,
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Fax: (023) 9254 5285
My Ref: CR/CF/HEO/HOS
Please ask for:
Extension:
Direct Line: 9254 5
E-Mail address: @gosport.gov.uk
www.gosport.gov.uk

Dear

I have been advised by the Environmental Health Department that is emanating from your property and that several incidents have been recorded since.....

I am sure that you are aware that this activity constitutes a breach of the conditions of tenancy.

The Tenancy Agreement states that:

- You must not cause nuisance or annoyance to others by your own behaviour. You must not let anyone who lives with you, or who visits you at home, behave in such a way that causes, or is likely to cause, nuisance or annoyance towards other residents, visitors or anyone carrying out lawful activities in the locality.
- If anyone lives with you or visits you at home, you are responsible for their conduct while they are there. You must not use, or let anyone else use, your home for immoral or illegal purposes, or to commit an offence that could lead to arrest.
- You, members of your household and/or your visitors, must not act in such a way that your, or their, behaviour could be considered harassment to others. Behaviour that could be considered harassment includes abusive behaviour, racist language or physical or verbal abuse.

Under the Housing Act 1996, the grounds for possession have been extended and it is now possible for the Council to bring possession proceedings immediately after a Notice Seeking Possession has been served on you.

Should we receive details of any other incidents from any source, the matter will be placed in the hands of the Council's Legal Department, with a view to seeking possession of your home.

Please be aware, the situation is being monitored.

Yours sincerely

Housing Officer

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GOSPORT, PO12 1EB
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My Ref: CR/CF/HEO/HOS
Please ask for:
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E-Mail address: @gosport.gov.uk
www.gosport.gov.uk

Dear

I am in receipt of a copy of the Abatement Notice, in respect of noise nuisance, served on you by the Environmental Health Services. I am sure that you are aware that this activity constitutes a breach of the conditions of tenancy.

The tenancy agreement states that:

- You must not cause nuisance or annoyance to others by your own behaviour. You must not let anyone who lives with you, or who visits you at home, behave in such a way that causes, or is likely to cause, nuisance or annoyance towards other residents, visitors or anyone carrying out lawful activities in the locality.
- If anyone lives with you or visits you at home, you are responsible for their conduct while they are there. You must not use, or let anyone else use, your home for immoral or illegal purposes, or to commit an offence that could lead to arrest.

If further complaints are received, or you fail to comply with the Abatement Notice, the matter will be passed to Carol Read, the Housing Enforcement Officer, with a view to commencing legal proceedings.

Yours sincerely

Housing Officer - Housing Operational Services

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Direct Line: (023) 9254 5361
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www.gosport.gov.uk
2003

Dear

RE

I am writing further to our telephone conversation on..... when your concerns about your neighbour were discussed.

You are aware that the issues have been discussed with your neighbour and that I have been monitoring the situation for some time now. It is my understanding that the nuisance has not occurred of late and I have not received any completed log sheets recently.

It is therefore my intention, as discussed with you, to close this enquiry but should you have further concerns please do not hesitate to contact me on 02392 545361.

Yours sincerely

Carol Read

Housing Enforcement Officer