Tackling anti-social behaviour

A guide for residents of council properties



number one for service and value

Wandsworth

Contents

Introduction	1
Respect Standard for housing management	2
The council's commitment and responsibilities	4
How to report anti-social behaviour	5
Your responsibilities	5
Types of anti-social behaviour and nuisance	6
What you can do Individual cases In the community	10
How the council will deal with your reported incidents	11
Types of enforcement and legal action	13
Resolution and satisfaction	15
Complaints	16
Contacts	17

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

Introduction

The aim of this booklet is to provide information and advice about anti-social behaviour and how the housing department and residents can tackle it together.

The council has a long-standing commitment to tackling anti-social behaviour and making its estates and neighbourhoods safer. It makes every effort to ensure that residents enjoy a safe and secure environment. This commitment is clearly set out in the Housing Strategy and Citizens Charter for Applicants, Tenants and Leaseholders.

The charter sets out a common service standard, "Not to tolerate antisocial behaviour. We will take action against those responsible. In the most serious cases this could result in leaseholders and/or tenants losing their home."

As part of its ongoing commitment to tackling anti-social behaviour, Wandsworth Council has signed up to the Respect Standard for Housing Management.

Anti-social behaviour and neighbourhood problems have a negative effect on people's quality of life. It takes various forms, which might include noisy music and misbehaving youths to the more serious forms such as, harassment and threats of violence.

This booklet gives advice on what you can do to tackle the less serious forms of neighbour nuisance yourself. However, if you are unable to do this, or are suffering from more serious nuisance, you should contact the council and/or the police.

It also explains how the housing department and other agencies will help and what action can be taken. It explains what your rights are and the obligations you have towards your neighbours and other people in the community.

It takes the combined action of the council, police, other agencies and the community to successfully address anti-social behaviour.

Respect Standard for Housing Management

The Respect Standard for Housing Management is a voluntary standard introduced by Government and aimed at social landlords. Respect is about people being considerate to the needs of others and caring about the community, as well as our own individual concerns.

During 2008, Wandsworth Council signed up to the Respect Standard for Housing Management. This demonstrates our ongoing commitment to delivering quality services to help stop anti-social behaviour and to create a culture of mutual respect.

The Respect Standard is built around six core commitments:

1. Accountability, leadership and commitment

The council will continue to make a commitment. Residents are clear that issues of anti-social behaviour and respect are taken seriously.

2. Empowering and reassuring residents

The council will provide regular information and advice to residents on tackling anti-social behaviour boroughwide, through resident newsletters such as Homelife and Brightside. In addition, other more specific estate based information will be published when required. More informal methods of keeping residents informed will be arranged and may include:

- estate visits to inspect problems such as graffiti or fly tipping
- helping you form residents' associations in your community

3. Prevention and early intervention

The council plays a key role in preventing anti-social behaviour and has a range of powers to tackle problems. Where appropriate, we will use tough measures such as, tenancy and leasehold enforcement combined with other legal action to combat crime in the borough.

Respect Standard for Housing Management

4. Tailored services for residents and provision of support for victims and witnesses

We aim to ensure that each case is treated individually and every person involved receives a tailored and sensitive response. Residents experiencing or neighbours witnessing anti-social behaviour may be worried or reluctant about reporting incidents. Information is treated in confidence and support is provided, if required.

5. Protecting communities through swift enforcement

We have a range of powers to deal with anti-social behaviour and we will use these powers effectively to help protect you and your community. We will also work with other agencies such as, the police who have wide powers to protect and prosecute perpetrators.

6. Support to tackle the causes of anti-social behaviour

The priority should always be to protect the community from anti-social behaviour. Sometimes, the best way of doing this, alongside our firm action and commitment, is to offer support to people to change their behaviour. Therefore, we aim to tackle the underlying causes by providing appropriate support to help people rebuild their lives. We are committed to providing a suitable balance between enforcement action and support.

The council's commitment and responsibilities

The housing department aims to ensure that residents enjoy a safe and secure environment. We work with other council departments and the police to make your homes, estates and community safer.

We take all reasonable steps to investigate complaints about alleged breaches of tenancy and lease conditions. This includes taking appropriate action against those responsible for noise, harassment, racial harassment, vandalism, graffiti and dog nuisance amongst others. Enforcement action could ultimately result in tenants and/or leaseholders losing their home.

We are committed to the following service standards that relate specifically to the management of anti-social behaviour:

- most straight forward items of correspondence will be answered within 5 working days of receipt
- more complex items of correspondence may take longer to answer. We will send out an acknowledgement within 5 working days and aim to reply within 10 working days
- in persistent cases of anti-social behaviour you will receive progress updates at key stages
- if you report noise that amounts to a statutory nuisance, a noise abatement notice will be served on the person within five working days (see page 14 for further information)
- the removal of racist and obscene graffiti within 24 hours and all other types of graffiti within three working days from notification (subject to the property owners' permission)

The information that you have provided will be confidential. If it is necessary to take court action then the information you have provided may be used in those proceedings. The council may ask if you would be willing to give evidence. Generally, evidence from members of the public about anti-social behaviour is very persuasive.

If the information concerns the safety of a child or vulnerable adult it will be passed to an appropriate officer without affecting your confidentiality. The council has a number of reporting lines and information can be given anonymously.

How to report anti-social behaviour

You can report anti-social behaviour in person, by telephone, by email or in writing. If the problem occurs during normal working hours please contact your area housing team, co-operative or Resident Management Organisation (RMO).

Dedicated reporting lines are in place to report graffiti, incidents of hate crime and harassment and dog incidents. If an incident occurs outside of these hours please contact the police or Wandsworth Emergency Control.

If you are reporting noise nuisance coming from non-council property you should contact environmental services. Contact numbers are listed at the back of this booklet.

If the problem is serious, such as threats, harassment or violence, contact the police. You should also notify your area housing team, co-operative or RMO.

Your responsibilities

We need your help and the assistance of our partners to ensure an effective response to tackling anti-social behaviour.

Your responsibilities include:

- keeping to the conditions set out in your tenancy or lease agreement
- respecting the right of others to the peaceful enjoyment of their homes and community
- the proper and reasonable conduct of members of your family, other members of your household and visitors

This section includes information on the most common forms of anti-social behaviour and nuisance.

Noise nuisance

Noise nuisance is the most common type of complaint. Noise at levels that are intrusive or disturbing to neighbours is considered to be a statutory nuisance.

For instance, this could include music, television, domestic disputes and shouting, inconsiderate use of domestic appliances, car stereos, unreasonable dog-barking and noisy parties.

The council can serve a noise abatement notice to prevent further nuisance (see page 14).

Neighbour disputes

Individual disputes, usually between two neighbours, can include one or more of the complaints listed in this section. If possible, they are best resolved by the neighbours themselves, as described in the section 'What You Can Do' (see page 10).

Mediation is one possible solution, this involves resolving a problem with a neighbour by talking through the problems with the help of a trained mediator. Mediation meetings are conducted with an agreed set of rules that allow both sides to have their say.

Graffiti, vandalism and criminal damage

Graffiti is criminal damage and is also in breach of your tenancy conditions and/or your lease. The police can prosecute the offender and the council may also take additional enforcement action. The council has a telephone reporting line and online facility to report graffiti. Its success depends on the information provided by the public. Reports leading to the arrest and prosecution of an offender may result in a cash reward of up to £1,000 (subject to terms and conditions).

Dogs and other animals

Pets, if not cared for and controlled properly, are a major source of nuisance and complaint.

You, your friends, relatives, visitors and any other person living in the property, including children, must not do any of the following:

- keep any animal, which is unsuitable, such as wild, dangerous, poisonous creatures or livestock
- cause a nuisance by breeding any animals or birds at the property, allow any animal you keep at the property to cause a nuisance to anyone in the local area, including our employees, agents or contractors
- allow animals to foul in the communal areas of the property or on footpaths or in play areas in the local area. You must remove and dispose of faeces hygienically
- feed pigeons, squirrels and other vermin either at the property or in the communal areas
- allow your property to become unhygienic

If any animal causes a nuisance we will ask you to remove it from the property. If you live on an estate where dog byelaws are in force you must keep to the rules of the scheme. The most common complaints are dogs fouling, barking and not being kept under control. Most estates have dog byelaws that enable the council to tackle these problems. If a nuisance is caused, the person in control or the owner of the dog may be prosecuted and fined (see separate leaflet **Dog Byelaws on Housing Estates**). You will also be subject to enforcement action for breach of your tenancy conditions or lease agreement.

Rubbish dumping

Dumping any form of rubbish in the communal areas of the block or the estate and throwing objects out of windows is in breach of your tenancy conditions and leasehold agreement. It is also unsightly, dangerous and unhygienic.

The council provides a collection service for large items that cannot be disposed of through the normal household collection and recycling services. Please note, there is a charge for this service, for further information see the contact section.

Vehicles and parking

On many estates there are parking regulation schemes in force to control parking and vehicle problems. People who do not comply with the scheme may find that their vehicle is clamped or towed away (please see separate leaflet **Parking Regulation Scheme - Housing Estates**).

Cars, motorbikes and other similar sized vehicles may only be parked in certain areas and must not cause an obstruction or be dangerous to others. Vehicles must be properly taxed and insured. You must not park a caravan, boat, trailer or business vehicle (over 3.5 tonnes) where restrictions apply.

Major vehicle repairs must not be carried out. Where vehicles are proven to be abandoned they are liable to be towed away and destroyed, the cost of which will be recovered from the owner. Details are in your tenancy conditions or your lease agreement.

Hate Crime and Harassment

All residents have the right to enjoy their homes in peace. Sometimes, individuals' lives are made a misery by deliberate actions motivated by hate.

Hate crime and harassment can take many forms such as physical or verbal attacks, victimisation and intimidation because of a person's race, faith, religion, culture, disability, or sexuality. However, anyone who is or is perceived to be a member of a particular group could be subject to a hate crime.

Any form of hate crime or harassment will be treated seriously, as will any incident perceived to be harassment by the victim. Perpetrators may be in breach of their tenancy conditions or lease agreement, which have a clause prohibiting harassment of anyone in the local area. The council will take action, where possible, against those perpetrating such acts and will provide appropriate support services to those experiencing hate crime or harassment.

It is also a criminal offence under the protection from Harassment Act 1999 to pursue a course of conduct which amounts to harassment of another person.

If you have experienced or witnessed any hate incident we strongly advise you to report it to the police. You can also contact the council's Hate Incidents and Harassment reporting line (see the contacts section).

Criminal activity

Engaging in criminal activity in council property is a breach of your tenancy conditions or your lease agreement. It is also a matter for the police. Examples of this include drug dealing, use and handling of stolen goods or fraud.

Domestic violence

If you or someone you know is suffering domestic violence or abuse, your area housing team, co-operative or RMO can give advice and assistance. However, you should contact the police in an emergency on 999. For further information on agencies offering specialist help and support please see the contacts section.

Abuse of children or vulnerable adults

Every person has a right to protection from neglect and from physical, emotional and sexual abuse. If you have concerns about a child's welfare, please contact the children's services department or, in an emergency the police.

In the case of a vulnerable adult, please contact adult social services or, in an emergency the police.

Nuisance businesses

You may run a legitimate business from your council property in certain circumstances, providing you have been granted permission by the council. However, the business must not cause a nuisance, or be dangerous.

Squatting and unauthorised occupation

Action will be taken to evict squatters and unauthorised occupants by obtaining a possession order through the court. In the meantime, you should still report any complaints of nuisance. In more serious cases it may be possible to obtain an injunction.

What you can do

Individual cases

We want you to help us tackle anti-social behaviour in your community. Often the best way to resolve a dispute with a neighbour is by talking to each other and trying to see each other's point of view.

Here are some useful tips:

- before approaching your neighbour think about what you are going to say
- have a clear and simple message in mind
- before you talk to your neighbour, try talking to another person, this can help to make the problem clearer in your mind
- when you speak to your neighbour tell them why their behaviour is causing a problem to you
- listen to your neighbour and don't interrupt them when they are talking
- be friendly, remember to stay calm and don't get involved in an argument
- if your neighbour starts to be unreasonable walk away

However, where there are serious problems or where the problem continues you should report it to your area housing team, co-operative or RMO or the police (if appropriate).

In the community

There is a lot that you can do to tackle these issues and promote a culture of respect in your community. You can support your community and attend public meetings or other events organised within your neighbourhood to discuss common issues.

It is important to remember that dealing effectively with anti-social behaviour requires cooperation and working together. The council needs your help and assistance and will continue to work closely with you to ensure we deliver a safe and secure community.

Every person has the right to live their life in the way they see fit, providing that it is within the law.

How the council will deal with your reported incidents

If you experience or witness an incident please contact your area housing team, co-operative or RMO to discuss the matter. If it is too complex or cannot be fully explained at the time, an appointment will be made to discuss the matter further.

A housing officer will discuss the problem with you and agree an appropriate plan of action. This will include action that both you and the officer should take. It may include:

- talking to your neighbour, if you have not already done so
- the housing officer interviewing or writing to your neighbour
- the officer arranging a joint interview (the mediation approach)
- collecting further evidence through diaries and photographs or collaborating with other neighbours, the police or professional witnesses
- taking legal action (see section on the types of enforcement and legal action available)
- involving other appropriate agencies

You will be informed of actions taken at key stages. Anything you wish to be kept confidential will remain so unless it is necessary to take court action or the information concerns the safety of a child or vulnerable adult. You may also be asked to report any further incidents and record them in a diary.

Nuisance diary

You may need to keep a record of incidents in a nuisance diary. The diary should include a record of times, dates and what happened.

This may be used as evidence if further action is required. You will find a copy included at the back of this booklet.

For further copies of the nuisance diary please contact the housing department (see contacts section).

How the council will deal with your reported incidents

Legal action will only be considered after the necessary written warnings have been given to the alleged offender or, where the nuisance is so serious that urgent legal action is required.

Where there is substantial evidence of nuisance caused by a tenant, leaseholder, a member of their household, sub-tenant or even a visitor, the council may take legal action in the court against the tenant or leaseholder.

The timescale for taking legal action is determined both by the type of nuisance and the legal process to be taken. This may be a lengthy and complex process in some cases. You will be kept informed of progress at appropriate stages.

Some cases will be resolved quickly, however for others the process may be more lengthy and complex.

Types of enforcement and legal action

The council has a number of enforcement actions and legal measures available to it. The main ones are outlined below. The details of each case will determine what action is appropriate to resolve and deal with the nuisance.

Enforcement actions: Acceptable Behaviour Contracts (ABC)

Generally, these are used when dealing with anti-social behaviour involving young people. A meeting is set up between the young person, parent/guardian, the police, youth services and the housing department. A written agreement is signed by all parties. This contract aims to help the offender understand what is acceptable behaviour. Breaking this contract will make it easier to take further action.

ABCs may also be used to deal with adults involved in low-level anti-social behaviour.

Legal actions: Anti-Social Behaviour Injunction

An injunction is a civil court order that can control and remedy anti-social behaviour. It usually seeks to stop nuisance, annoyance or harassment. Breaking an injunction is punishable by a fine and/or imprisonment.

Anti-Social Behaviour Order (ASBO)

The council or the police can apply for an ASBO to the magistrates court to protect people in the community from anti-social acts. An order can be obtained against any person over the age of ten.

The ASBO will prohibit an offender from carrying on with the anti-social behaviour. If the offender breaches the ASBO, a criminal offence is committed which, on conviction of an adult is subject to a maximum penalty of five years imprisonment, a fine or both, or if under 18 years of age, a two year Detention and Training Order with the possibility of custody for up to 12 months.

If you supply evidence, you may be required to attend court proceedings when an application for an ASBO is being made but you will be offered help and support throughout the process.

Types of enforcement and legal action

Demoted Tenancy Orders

The council may ask the court to grant a 'demoted order' against a secure council tenancy if, they have been responsible for or allow antisocial behaviour to take place. If a demoted order is granted the offender's secure tenancy will become a demoted tenancy for a twelve month period or longer. Any breach of tenancy conditions due to continued anti-social behaviour during this period will make it easier for the council to seek possession leading to eviction.

Tenants – Possession Order

We can apply to the court for an 'order for possession', after first having served a notice on the tenant. This will be used in serious or more persistent cases of anti-social behaviour. The tenant may be evicted from their home if the case is proven and an order granted.

Leaseholders – Forfeiture of Lease and Possession Order

This action is similar to that for a possession order for a tenant but applies to leaseholders. However, as well as being evicted from the property, the leaseholder will also lose any equity/interest in the property they have bought and will still have to pay any outstanding mortgage to their lender.

Noise Abatement Notice

A statutory nuisance is defined as "noise emitted from premises so as to be prejudicial to health or a nuisance."

If a noise is deemed to be a statutory nuisance, we will serve an 'abatement notice' on the person making the noise. Often this action is sufficient to stop the noise occurring in the future. Abatement notices can only be served if the noise has been witnessed by a council officer.

If the noise continues, we may prosecute and the person responsible may face a fine from the magistrate's court. The council can apply for powers to seize equipment, where appropriate, and it may also pursue enforcement action for breach of your tenancy conditions or lease agreement.

Resolution and satisfaction

The council is committed to tackling anti-social behaviour and will work to resolve the matter, where possible. We will do this by putting in place a range of appropriate measures as set out in this booklet.

Once the reported incident has been resolved, you will be asked to complete a resident survey about the service that we have provided. This follow up is important as it helps the council make improvements to the service.

Generally, for the council to take action there needs to be a reasonable number of ongoing incidents of significant nuisance. We cannot take action because neighbours do not get on.

Some incidents of anti-social behaviour are a matter for the police, whilst we will endeavour to work with them and other agencies; it is not possible for the housing department to deal directly with matters of a criminal nature or where the incident is uncorroborated.

For non-council incidents we will aim to refer you to an appropriate agency for support and assistance.

Malicious reports

The housing department will recommend or take action against residents that make untrue or malicious reports about an individual or a group of people. False reports are taken seriously, these are a form anti-social behaviour and may result in residents being in breach of their tenancy or lease conditions.

Complaints

If you are not satisfied with the service we have provided regarding your particular case, you can make a complaint either :

- in writing (by letter, fax or email)
- in person
- by telephone

You can ask to be provided with a copy of the council's leaflet **Suggestions and Complaints**.

In the first instance, your complaint will be directed to the office responsible for your area whether that is a council office, co-operative or RMO .

You should receive a full response within 10 working days of receipt of the complaint. If a full response cannot be provided within 10 working days you will receive a holding response detailing the progress achieved in resolving your complaint and the date when you can expect a full response.

If you are still dissatisfied you should follow the steps outlined in the Suggestions and Complaints booklet.

Contacts

Housing Department

As a tenant or leaseholder your first point of contact is your area team or the office managing your property:

Central area team	Phone:	(020) 8871 7481
Eastern area team	Phone:	(020) 8871 7439
Southern area team	Phone:	(020) 8871 7482
Western area team	Address:	38 Holybourne Avenue London SW15 5JE
	Phone:	(020) 8871 5530
If you do not know your area	Phone:	(020) 8871 6864
team contact:	Fax:	(020) 8871 7851
	Email:	hms@wandsworth.gov.uk
Housing Department	Address:	17-27 Garratt Lane Wandsworth, London SW18 4AE
	Website: www.wandsworth.gov.uk/housing	
Opening hours: Monday - Friday	9am - 4.30pm	
(please check with the service as	9am - 5pm (telephone enquiries)	
an appointment may be required)	Bank Holidays (closed)	

Co-operative and RMO residents should check local arrangements with their co-op or RMO office.

Contacts

Housing Department (continued)				
Housing emergency numbers (24 hours)				
Wandsworth Emergency Control (WEC)	Phone:	(020) 8871 7490		
Emergency Wardens	Phone:	(020) 8871 7741		
Other housing services (A-Z)				
Door Entry System Defects	Phone:	(020) 8871 6872		
Estate Cleaning	Phone:	(020) 8871 7446		
Graffiti Removal	Phone:	(020) 8871 7049		
Hate Incident & Harassment Hotline	Phone:	(020) 8871 6829		
Noise (council properties)	Phone:	(020) 8871 7490		
Warden and WATCH Services	Phone:	(020) 8871 8198		

General Information

Other council services (A-Z)			
Wandsworth Council	Switchboard: (020) 8871 6000 Website: www.wandsworth.gov.uk		
Adult services (access team) (out of hours)	Phone: (020) 8871 7707 Phone: (020) 8871 6000		
Anti-Social Behaviour Unit (ASBU) (non-council tenants reporting anti-social behaviour)	Phone: (020) 8871 8894		
Children's Services (Duty Team) Children's Services (Duty Team)	Phone: (020) 8871 6622		
Out of Hours	Phone: (020) 8871 6000		
Dog Control Service	Phone: (020) 8871 7606		
Environmental Services: General enquiries Noise line (private and commercial property)	Phone: (020) 8871 6127 Phone: (020) 8871 7869		
Neighbourhood Watch Support: Enquiries	Phone: (020) 8871 8919		
Rubbish, Recycling & Litter (Waste Services)	Phone: (020) 9981 8558		
Wandsafe - Burglary Aftercare Service	Phone: (020) 8871 6950		
Other agencies			
Metropolitan Police: Emergencies Police stations (South West area and community support, racial incidents and domestic violence)	Phone: 999 Phone: (020) 8672 9922		

General information

Other agoncies		
Other agencies		
Alcohol & Drug Services: Alcohol Services For South London (Information and advice)	Phone:	(020) 8640 5587
Citizens Advice Bureaux (CAB):	Website:	www.wandsworth. cabx.org.uk
Balham CAB	Address:	4th Floor, Bedford House 215 Balham High Road London SW17 7BQ
Battersea CAB	Address:	14 York Road London SW11 3QA
Roehampton CAB Please check for opening times	Address:	166 Roehampton Lane London SW15 4HR
Crimestoppers	Phone:	0800 555 111
Domestic Violence Services:		
Action on Elder Abuse (free advice for older people who have been abused)	Phone:	0808 808 8141
Mensaid (free advice for men who have been abused)	Phone:	0871 223 9986
Wandsworth Community Support Unit (Police)	Phone:	(020) 8870 9011
Wandsworth Women's Aid	Phone:	(020) 8871 2664
Women's Aid 24-hour Domestic Violence Helpline	Phone:	08457 023468
Refuge Domestic Violence Helpline	Phone:	0808 2000 247
Drugline (24 hour information and advice)	Phone:	(020) 8875 4400
Victim Support Wandsworth	Phone:	(020) 8673 1234
Wandsworth Advice Service	Phone:	(020) 8333 6960

This booklet provides information about anti-social behaviour. If you have difficulty understanding it in English, please contact: Wandsworth Interpreting Service: (020) 8672 1043/3649 English



This booklet provides information about anti-social behaviour. If you require this publication in an alternative format (eg. large print or audio), please contact:

Housing Strategy and Development 17-27 Garratt Lane, London, SW18 4AE Telephone: (020) 8871 6800 Minicom: (020) 8871 7555

www.wandsworth.gov.uk/housing

When you have finished with this publication please recycle it.