

BURY COUNCIL



**BURY METROPOLITAN BOROUGH COUNCIL
STATEMENT OF ANTI SOCIAL BEHAVIOUR
POLICY AND PROCEDURE
DELIVERED IN PARTNERSHIP WITH
SIX TOWN HOUSING**

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STATEMENT OF POLICY

Introduction

The Policy and Procedure outlined in this document detail the service that Bury Council, as landlord, will provide to the tenants and residents of the Borough.

This policy and procedure is delivered in partnership with Six Town Housing who are the Arms Length Management Organisation (ALMO) responsible for managing the housing stock on behalf of Bury Council. This includes dealing with complaints of and tackling perpetrators of anti social behaviour and / or nuisance.

Bury Council and Six Town Housing knows that anti social behaviour is one of the tenants and leaseholders major concerns. According to the Tenants and Leaseholders Satisfaction Surveys 2005 and 2006, litter, dog fouling, rubbish and vandalism on Council estates are the issues for Council tenants and this was strengthened and re-emphasised by the STATUS results 2006/07 and 2007/08.

The STATUS results for 2008/09 highlighted car parking, drug use or drug dealing and disruptive children or teenagers as the biggest concerns although rubbish, litter and vandalism were also highlighted as concerns.

Tackling anti social behaviour is one of our key priorities, as highlighted in Six Town Housing's Business Plan, Bury Council's Housing Strategy and emphasised through community consultation and liaison. This anti social behaviour policy has been developed to help Six Town Housing achieve those priorities in line with the Council's key strategies, priorities and aims.

The standards Six Town Housing work to are set out in their service standards. This is a document detailing the service any customer should expect from Six Town Housing's Anti Social Behaviour Team. This document complements the Council's Anti Social Behaviour Strategy and the Bury Sustainable Community Strategy 2008 - 2018. Six Town Housing also has a more detailed Anti Social Behaviour Procedural and Good Practice Guide, which details how they will investigate and deal with anybody who experiences anti social behaviour on Council estates.

Anti social behaviour can have a significant impact on the quality of life of people. If it is not resolved quickly it can have a lasting impact on the people involved, other people living in an area and the environment. Bury Council, Six Town Housing, and the local community and partner agencies all have a key role to play in ensuring that such issues are tackled and action is taken quickly against people causing problems.

Bury Council and Six Town Housing will not tolerate anti social behaviour and recognise the important role they can play in tackling such problems. Bury Council and Six Town Housing embrace the wide range of remedies that are now available to local authorities and the police to address the issues of anti social behaviour and neighbour nuisance.

What the statement covers

This policy and procedure statement explains:

- how Six Town Housing deliver, link to and support key Council strategies, aims and priorities;
- the general principles that Six Town Housing has adopted for dealing with anti social behaviour;
- good practice and the way Six Town Housing provide the service;
- the key people involved and their responsibilities;
- the procedures Six Town Housing staff use to take and investigate complaints;
- the legal options available to enforce anti social behaviour;
- the key agencies that can offer assistance; and
- the performance indicators Six Town Housing uses to measure its success in dealing with anti social behaviour.

General Principles

The general principles of the policy and procedure are to assist everyone involved in tackling problems of nuisance and anti social behaviour. It aims to standardise the processes of dealing with complaints of nuisance and anti social behaviour where tenants or residents are involved, whilst focusing on the three key areas:

1. prevention;
2. support; and
3. enforcement.

Definition of anti social behaviour

There are several different legal definitions of anti social behaviour, but no widely agreed common definition of what anti social behaviour is.

The Crime and Disorder Act 1998 defines anti social behaviour as:-

“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”.

The Council's tenancy agreement, explains the types of nuisance and anti social behaviour which would be unacceptable from tenants and/or visitors to their property. The tenancy agreement states:

“You must not commit any antisocial behaviour or act of nuisance, or allow anyone in your household or visitors to your home to commit any act of nuisance or antisocial behaviour, in the local area, that affects someone’s life or the environment they live in or work in, whether at your property or within the locality of your property including your estate.”

It also states:-

“You must not commit, and must not allow others living in, using your home or visiting your home to commit any intimidating or threatening behaviour towards other tenants, residents or our employees, agents or any other persons acting lawfully or in their normal course of business.”

Nuisance and anti social behaviour is a complex area. It can cover anything from minor disagreements with neighbours to serious, persistent nuisance and acts of violence. Whatever the complaint is about, Bury Council, through Six Town Housing, must make sure that it is dealt with properly from beginning to end.

Six Town Housing defines nuisance and anti social behaviour as behaviour that can include but is not limited to:

- excessive noise, especially late at night e.g. loud music, DIY;
- rowdy, aggressive or threatening behaviour or language;
- using a property for criminal purposes e.g. drug dealing;
- anti social behaviour caused by children of tenants or visitors to council properties and estates;
- problems caused by animals e.g. persistent dog barking, fouling etc.;
- slamming and banging doors;
- litter, graffiti or rubbish dumping in the local area;
- abandoned cars;
- intimidation, harassment or threats;
- acts of violence;
- hate crime i.e. behaviour which targets someone because of race and ethnicity, age, religion, gender, sexuality or physical or mental disability;
- using or carrying offensive weapons; and
- anti social behaviour as a result of misuse of drugs or alcohol.

Six Town Housing on behalf of the Council will judge each case on its merits when deciding what action to take.

SECTION 1 STRATEGY & POLICY FRAMEWORK

Strategic Priorities, Ambitions, Aims & Objectives

As an Arms Length Management Organisation dealing with Bury Council's housing stock, Six Town Housing has its own defined visions, aims and objectives which contribute to and support the vision of Bury Council.

Six Town Housing supports the Council's objectives of:

- Creating a Cleaner, Safer, Greener Borough.
- Strengthened communities.

And Six Town Housing does this through its aims and objectives, which are to:

- Create safe neighbourhoods, where people want to live.
- Provide excellent customer services to all our customers.

These aims and objectives support the Council's key priorities and ambitions, which are supported by Bury's Crime and Disorder Strategy, Bury's Sustainable Community Strategy 2008 - 2018, Bury's Strategic Threat Assessment and the Anti Social Behaviour Strategy. Bury Council and Six Town Housing also use other Government initiatives such as the Respect Agenda.

The vision of Six Town Housing's Anti Social Behaviour Service is to "Create safe, peaceful and clean communities by working together to tackle anti social behaviour effectively"

To achieve the vision, the Service aims to:

- listen to residents;
- be pro-active in solving problems;
- respond to ASB complaints within realistic timescales;
- support residents to solve problems themselves where appropriate;
- support people experiencing ASB;
- assist vulnerable tenants to sustain their own tenancies and reduce social exclusion in line with the Respect Agenda;
- tailor solutions to problems and to be open and honest about what is being done;
- use a variety of methods to try to resolve problems before legal action becomes necessary;
- maintain confidentiality at all times;

- to provide a consistent and customer focused service that responds to the needs of each individual resident;
- use the appropriate legal action where necessary, including injunctions, Anti Social Behaviour Orders and possession proceedings in serious cases or where all other routes have failed;
- make sure that everyone has access to the service regardless of age, gender, race, disability, religious beliefs, sexuality or caring responsibilities; and
- learn from the feedback we receive about the Anti Social Behaviour Service.

There are a number of Government agendas that Six Town Housing must keep in mind when dealing with anti social behaviour and / or nuisance. These themes are included in our Procedure and Good Practice Guide.

These agendas include the “Respect Agenda,” “Every Child Matters” and minimising social exclusion, through the Reaching Out Plan.

The Respect Agenda sets a standard for Housing Management. Although the standard is voluntary, it is adopted by the Council.

The standard covers a number of themes which are:

- accountability, leadership and commitment;
- empowering and re-assuring residents and tenants;
- prevention and early intervention;
- tailored services for residents, tenants and provision of support for victims and witnesses;
- protecting communities through swift enforcement action; and
- support to tackle the causes of anti social behaviour.

The Respect Agenda and the Reaching Out Plan are very closely linked. The Reaching Out Plan looks to minimise social exclusion for all individuals and families by looking at preventative work, rehabilitation and early intervention, thus allowing them to sustain their tenancy(ies).

The aim of Every Child Matters is to provide a new approach to support the well being of children and young people from birth to the age of 19.

In light of this, Six Town Housing takes into consideration the effect or impact that instigating proceedings would have on any child or young person at the address though this is a consideration, Six Town Housing shall take any action deemed appropriate and necessary to fulfil our obligations to all residents.

Other relevant policies

There are a number of other policies that influence or set out how Six Town Housing deals with nuisance and anti social behaviour. These policies include:

- The Council's Allocations Policy;
- Tenant Participation Agreement, which sets out how the Council will involve and consult with our tenants in providing our services, including dealing with anti social behaviour;
- Six Town Housing's Business Plan;
- The Council's Housing Strategy;
- Tenants' Handbook;
- Service Standards;
- Equality and Diversity Strategy.

For example, the Council's Allocations Policy identifies how Six Town Housing should deal with re-housing applications from people who have caused anti social behaviour and / or nuisance.

Copies of the above documents can be obtained by contacting us as outlined at the beginning of this statement.

Tenants' obligations

Tenants, leaseholders and residents of Council estates and communities are responsible for their own behaviour, the behaviour of all people living in or visiting their home and for any pets.

The Council can take legal action against a tenant or someone living with, or visiting them, if they cause nuisance and / or anti social behaviour to their neighbours or use the property for illegal or immoral purposes, e.g. drug dealing.

The Council's position on nuisance and anti social behaviour is clearly set out in the tenancy agreement and Six Town Housing advises all new tenants about the Council's and Six Town Housing's position on nuisance and anti social behaviour when they sign up for their tenancy.

We expect them to be a good neighbour and to tolerate and understand the different lifestyles of other people.

Supporting victims and witnesses

Six Town Housing wants to encourage and supports victims and witnesses when making complaints about nuisance and anti social behaviour. Six Town Housing will support victims and witnesses by:-

- Publishing service standards which outline what they will do;
- Dealing with complaints promptly when you make them and within published timescales;
- Keeping them you informed on progress their complaint;
- Agreeing an action plan with them you which sets out how the complaint will be dealt with and reviewing it regularly as the case progresses;
- Working with and supporting groups of people involved in complaints;
- Providing help and advice when needed including supporting witnesses before, during and after court hearings;
- Making referrals to other agencies who can help where appropriate e.g. police, mediation;
- Asking for feedback on how they handle complaints so that they can learn and improve the service they offer;

For further details please refer to the section “Support” on page 29 of this document.

Sharing Information and Data Protection

Legislation allows a number of partners including the Council and Six Town Housing to share information for the purpose of preventing further crime and disorder.

The Council and Six Town Housing have signed up to an information sharing protocol with a number of agencies in order to strengthen the sharing of information and will ensure that all information is kept safe and secure.

Information can only be shared where Court action contemplated or to prevent crime, nuisance and anti social behaviour.

As part of the information sharing protocol and the Crime and Disorder Act 1998, Six Town Housing can receive information regarding tenants or residents being arrested for offences which may be a breach of tenancy.

This information sharing protocol allows Six Town Housing to deal with complainants and victims more effectively, as they will have a clearer understanding of any issues affecting them or their families.

The information sharing protocol will also allow Six Town Housing to target the offenders of anti social behaviour and/or nuisance more robustly.

Whilst the Council and Six Town Housing take their respective responsibilities concerning security of data under the Data Protection Act 1998 seriously, legislation does contain provisions allowing for the exchange of data in specified circumstances. Each case will be judged in accordance with the relevant legislation when consideration is given to the sharing of information.

Other agencies may also hold relevant information relating to an individual(s)

or their family and this may be requested and used in connection with providing further support to that individual(s) or family.

For further information on these other agencies, see the section headed "Prevention, Early Intervention and Rehabilitation" on page 14.

Confidentiality.

As part of being a good neighbour, it is reasonable to expect that complaints of nuisance and anti social behaviour should be discussed between the relevant neighbours in an attempt to resolve the situation prior to the involvement of Six Town Housing.

There will be occasions when a complainant has not done this or there is a genuine reason for not being able to approach the alleged perpetrator. This could be due to the fear of reprisals from the alleged perpetrator and / or if a complaint is very serious.

As part of any nuisance and anti social behaviour complaint and investigation, it is essential that Six Town Housing will maintain the confidentiality of the complainants and / or witnesses involved in the case, if appropriate.

The importance of confidentiality allows Six Town Housing to keep the trust of the person making the complaint without identifying them to the person causing the nuisance, but can also prevent further reprisals and possibly serious incidents being directed towards the complainant and / or witnesses.

There will be occasions when it is extremely difficult to protect the identity of the complainant and / or witness due to specified incident(s). In these circumstances the complainant and / or witness needs to be advised of this.

It is worth remembering that most cases can be resolved without needing to take court action. However, if the Council does have to take legal action, reliable witnesses are needed.

If, after interviewing everyone involved, it is clear that legal action will be required, then Six Town Housing will discuss this with the person making the complaint.

Six Town Housing will assess the information provided and go through the issues regarding evidence and statements and the format these may take. This will be specific to each individual complainant. If direct statements are provided, then the complainant's identity will be disclosed as part of the court case.

Hearsay evidence, where the identity of the witnesses is not disclosed, can also be considered in appropriate cases but hearsay evidence should only be relied upon as a last resort.

Six Town Housing will support all witnesses and where appropriate, an application will be made to the Court for their evidence to be given by video link or behind a screen using the 'special measures provisions'.

In all cases, Six Town Housing will seek the consent of the person making the complaint before disclosing their identity to any third party, unless the complaint is received anonymously and Six Town Housing is unable to find out who has made the complaint and the contents of that complaint are required to support any existing proceedings.

Hate Crime

Hate Crime can be defined as behaviour that deliberately seeks to intimidate, harass or threaten individuals on the basis of them belonging to a vulnerable or a minority group.

Victims of hate crime can include members of ethnic minorities, disabled people, elderly people, gay men and women and people with learning difficulties. However, this is not a complete list. Anyone can be a victim of a hate crime at anytime.

Six Town Housing is committed to tackling hate crime and will take action to support victims and deal with people carrying out hate crime. Six Town Housing has a policy on tackling hate crime which they will adhere to when dealing with specific incidents.

As part of Six Town Housing's policies and commitment to tackling hate crime, they are also part of a multi-agency group tasked to specifically look at hate crime.

The purpose of this group is to deal with incidents and ensure a co-ordinated response to individual complaints or incidents, whilst also addressing emerging issues and hot spots within the Borough.

This multi-agency group is committed to tackling hate crime, creating community cohesion and publicising the good work in dealing with perpetrators of such behaviour within the borough.

Domestic Violence

Six Town Housing is currently involved with Bury Council's Domestic Abuse Housing Option Strategy.

As a result of this strategy, Six Town Housing is committed to supporting victims of domestic abuse, which includes physical or sexual violence, or mental, emotional or sexual abuse. They will offer appropriate help when asked to do so.

This can include referrals to other agencies which may be able to help, such as refuges and the Community Safety Unit within Greater Manchester Police, who may assist with target hardening as well as enforcement action against the perpetrator.

There is a specific clause within the Council's tenancy agreement which states:

"You must not commit any violence or abuse against any other person who lives in or shares your house. Nor should you have domestic conflicts which cause nuisance, annoyance and / or distress to your neighbours."

This includes, but is not limited to:-

- *Inflicting or threatening physical or sexual violence, using mental, emotional or sexual abuse against your partner, ex-partner or another member of your family or household, regardless of gender, culture or age; and / or*
- *Having arguments or disputes with your partner, ex-partner or another member of your family or household which cause nuisance or annoyance to your neighbours."*

SECTION 2 PREVENTION, EARLY INTERVENTION AND REHABILITATION

Six Town Housing are committed to preventing anti social behaviour and / or nuisance from occurring and in order to do this they will use a variety of different methods.

They recognise that early intervention, prevention and rehabilitation allow tenants to sustain their tenancies whilst addressing their issues.

They understand that whilst doing this they are able to reduce and stop the offending behaviour before it escalates. They will consider providing support to the offenders, complainants, witnesses and communities whilst reducing the chances of the individual(s) or families from re-offending.

These elements are all part of the Government's agenda to tackle, reduce and stop anti social behaviour and / or nuisance and include Respect, Every Child Matters and Reaching Out Plan.

The key elements to the Respect Agenda place an emphasis on local agencies to tackle anti social behaviour and improve the quality of life for tenants and/or residents.

The key priorities of the action plan are:

- Supporting families;
- Bringing a new approach to dealing with the most challenging families;
- Improving behaviour and attendance in schools;
- Increasing activities for children and young people;
- Strengthening communities;
- Ensuring effective enforcement and community justice.

Vulnerable tenants

A key element of the Respect Agenda is to reduce social exclusion through supporting families and bringing a new approach to dealing with the most challenging families.

Bury Council has a number of tenants who are identified as vulnerable and in these circumstances it is important that as part of any investigations, Six Town Housing assess the vulnerability of the alleged perpetrators and also assess the vulnerability of the complainants.

Vulnerable tenants have the same rights and responsibilities as any other tenant. They may suffer from neighbour nuisance or be the cause of it. It is important to understand who is vulnerable.

Someone may be vulnerable for a variety of reasons, however if someone is identified as vulnerable and their tenancy may be at risk, Six Town Housing will intervene as soon as possible to try to prevent further problems occurring.

This early intervention or preventative action can provide Six Town Housing with an opportunity to address the behaviour and allow the individual and/or family to sustain their tenancy.

The Council and Six Town Housing will also need to take into account the tenant's ability to cope with the consequences of the legal action and any changes to their tenancy.

Six Town Housing takes a broad view of vulnerability and recognise that vulnerability is not necessarily permanent. This includes those people requiring additional support services regardless of age.

Groups that Six Town Housing consider to fall under the heading of vulnerability include, but are not limited to:

- People with mental health problems;
- People with physical disabilities;
- People with sensory disabilities or who have difficulty communicating,
 - deaf
 - partially deaf / hard of hearing
 - blind
 - partially sighted
 - English second language
 - difficulties reading / writing
- People with learning disabilities;
- Children and young people at risk ;
- Young people leaving care;
- People with long term debilitating illnesses;
- Refugees, asylum seekers and migrant workers;
- People who suffer domestic violence
- People who suffer Hate Crime
- Frail older people or older people with support needs
- People with alcohol problems
- People with drug problems / or drug users with support needs
- Persistent, Prolific Offenders and people at risk of offending
- Homeless people, including rough sleepers with support needs
- Gypsies / travellers

Six Town Housing recognises that some people have multiple needs and may fall into a number of categories.

Whilst Six Town Housing identifies that early intervention and prevention work needs to be considered in cases where alleged perpetrators are identified as

vulnerable, the Council is not prevented from taking legal action against vulnerable tenants.

There are a number of successful cases which have been instigated against vulnerable perpetrators. A balance has to be struck between the vulnerable perpetrator and the members of the community who may be suffering the effects of their actions.

If the Council does instigate legal action against a tenant, it is essential that Six Town Housing liaise with the tenants relevant support agencies or use case conferences / multi agency meetings. Here information can be shared with partners about an individual and / or family and assess whether further / additional support can be given to address the issues causing concern.

Six Town Housing needs to consider any vulnerabilities when contacting or liaising with its customers to ensure that the customer fully understands what is happening.

This may include liaison with support workers for both complainants and perpetrators or ensuring that any written correspondence is easy to understand.

For more details see the Statement of Procedures from page 20.

Rehabilitation of offenders

By supporting people who cause or may cause anti social behaviour, Six Town Housing can help to prevent further problems.

The Council offers a number of schemes and initiatives to support people with problems related to drug and alcohol abuse, mental health or disability. Some examples of support the Council offers are as follows:

- Community Drug & Alcohol Team provides advice, support and counselling to drug or alcohol users over 18 years old;
- Early Break provides advice, support, advocacy and counselling to drug users under 19 years old;
- Waterside Project provides supported accommodation to single men aged 18-54 with alcohol problems;
- Supporting People offers support to people with mental health issues via outreach work and can even assist in obtaining tenancies in conjunction with other agencies such as Richmond Fellowship;
- Joint Targeting Group as part of the Prolific and Other Priority Offenders (PPO) Protocol for assisting in re-housing ex-offenders.

The Council also offers support to potential offenders in other ways. Please refer to multi agency working in the next section on page 17.

SECTION 3 MULTI AGENCY WORKING

The range and complexity of issues which fall within the definition of nuisance and anti social behaviour mean that it is difficult for Six Town Housing to tackle these alone. To allow Six Town Housing to deal more effectively with tackling and preventing nuisance and anti social behaviour, they will work with other Bury Council departments, other agencies such as Greater Manchester Police and other support groups and residents.

Tenants & Residents

Individual residents experience nuisance and anti social behaviour first hand and provide much of the evidence on which action can be taken. Tenants and residents have an important role to play in defining and participating in Six Town Housing's response to nuisance and anti social behaviour. In order to develop this role Six Town Housing will offer the chance to:

- involve tenants in working groups and meetings which agree the strategies the Council and Six Town Housing will adopt for dealing with particular problems;
- provide information and training to tenants on legislation, procedures and responsibilities; and
- involve tenants in monitoring the success or failure of the policies in dealing with anti social behaviour.

Greater Manchester Police

The Council and Six Town Housing have built close links with the Police which allow us to jointly tackle a range of neighbour nuisance and anti social behaviour issues. These can range from the Police being called to deal with loud parties to serious criminal activity.

We can use evidence we get from the Police to help the Council to take enforcement action against perpetrators. For example, where drug dealing has been proven or the property has been used for storing stolen goods. Six Town Housing can also share information with the Police which can help them to deal with problems.

Bury Council

Six Town Housing has close links with the Council and relies on it to help with particular problems or stages of the process. The involvement of the Council is dependant upon the request made and can vary from instigating enforcement action to involvement in preventative work.

One of the strongest links is with the Community Safety Team, who co-ordinate and deliver all aspects of community safety to ensure that the Council meets its legal duties and responds effectively to the needs and concerns of the public.

As part of the multi agency approach, there are a number of ways that nuisance and/or anti social behaviour issues can be raised and dealt with. This includes reporting and highlighting issues at the Local Area Partnerships (LAPs) and Area Tasking Teams (ATTs).

The Local Area Partnerships (LAPs) and Area Tasking Teams (ATTs) link into the development of the Council's ASB Unit based within the Community Safety Team. This unit is made up of key representatives from different agencies who will look to tackle and address the behaviour of families and/or individuals who are having the biggest impact on the agencies and their respective communities.

The Council's Community Safety Team co-ordinates and also deals with anti social behaviour and Six Town Housing works in partnership with them to jointly resource and target specific problems across our estates and communities.

This work allows for better information sharing and more robust decisions to be made regarding offenders of anti social behaviour and/or nuisance.

This joint approach allows Six Town Housing to also identify individuals and families at an early stage and intervene without allowing the problems to escalate and have severe effects on individual households or communities.

Six Town Housing is actively involved and contribute to the Tactical Partnership Business Group (TPBG). This is a multi-agency forum which meets regularly to deal with issues cutting across agency boundaries. It meets fortnightly to review cases which have been submitted and to agree how they will be solved.

Six Town Housing also engages the help of Adult Care Services and Children's Services who can assist and get involved with people with special needs, who may be causing anti social behaviour or may be a victim of it. This includes those who have drug and alcohol related problems.

Six Town Housing must work closely with Youth Services to prevent and tackle anti social behaviour linked to children and youths.

For more information on these departments and the preventative work done by Six Town Housing's ASB Team, please refer to the section Prevention on page 30.

Members of Parliament, Bury Council Councillors and Six Town Housing Board Members

Members of Parliament, Bury Council Councillors and Six Town Housing Board Members have an important role to play, as they are often the first point of contact for complaints.

Their local knowledge and networks can help gather evidence and identify an effective solution to the problem.

Other agencies

Six Town Housing also needs to work with other support agencies. For example, the Probation Service, Victim Support and Witness Service and the Hate Crime Action Group, to try to make sure that support and intervention is provided to people at risk of offending, or causing anti social behaviour. These agencies also support people who are victims of nuisance and / or anti social behaviour including hate crime.

Publicity

The Council's and Six Town Housing's reputation as organisations that tackle anti social behaviour can be affected by positive or negative media reporting on the way in which we use legal action to tackle anti social behaviour.

The local media is the best way of getting this message to the public. It is also the branch of the media most likely to be interested in local stories.

Publicity is a vital part of Six Town Housing's prevention strategy in that tenants and residents are able to see what enforcement action has been instigated and the consequences of this behaviour continuing. Clearly, when publishing such actions, Six Town Housing will assess the publicity on a case by case basis and look at the facts of each case and consider if publicity is necessary.

STATEMENT OF PROCEDURES

SECTION 1 MAKING AND RECEIVING A COMPLAINT

The initial complaint can be received by anybody. However, regardless of who first takes details of a complaint, it is important that the same recording procedure is followed in order to ensure that the same level of detail is obtained. This will ensure that Six Town Housing adopts a customer focused approach to ensure that complainants are receiving the best possible service from us. It is vital that all complaints are treated seriously and actioned without the appropriate timescales.

The details which need to be established when the first complaint is made are:

- complainant's name & address;
- telephone number or other contact details e.g. e-mail;
- as much detail as possible regarding the nature of the complaint;
- who and what they are complaining about; and
- have they complained before if so, when?

Who can complain?

The ASB Team must investigate any complaints of nuisance and / or anti social behaviour that it receives and which involves a Council tenancy. It must also investigate any complaints which it receives about nuisance and / or anti social behaviour on the housing estates regardless of who is involved.

This means that anyone can complain including:

- Tenants, family member or someone on their behalf;
- A resident of a private property, either owner occupier, privately rented, tenants of Registered Social Landlords (RSLs);
- If the complaint does not relate to a Council estate or property. The complainant will be referred to the appropriate department or agency and the complainant will be advised that this has done.

How complaints can be made

A tenant or any other resident may complain in any number of ways:

- In person by visiting Six Town Housing's offices or any Council information point;
- By telephone;
- By writing to Six Town Housing or the Council;
- Any of the above through a third party (MP, Councillor, Citizens Advice Bureau, Legal Representative etc);
- By e-mail or via the Council or Six Town Housing's website.

Anonymous complaints

The ASB Team do not ignore anonymous complaints. Anonymous complaints are treated with the same importance as any other complaints that are received. If the complaint contains serious allegations for example, child abuse or drug dealing, those allegations will be passed immediately to the relevant agency who will determine what action can be taken.

The ASB Team however will treat anonymous complaints with caution given that they may be difficult to substantiate and could prove harmful if found to be untrue.

Every effort will be made to identify the complainants in anonymous complaints. The ASB Team will ascertain whether the alleged perpetrators are already known and/or may link in with other cases already being dealt with.

False complaints

Sometimes, the ASB Team may find out that a complaint has been made falsely to try to harm someone. If this is the case, the person making the complaint will be advised that the ASB Team will not investigate the complaint any further and that this behaviour will not be tolerated in future.

Six Town Housing may take further action against the individuals making false complaints and they will be advised that any future complaints will need to be corroborated by independent witnesses.

ASB Database

All the information and cases dealt with are held on Six Town Housing's ASB database. This data will be used to manage the individual cases, as well as to assess the performance of the ASB Team. This is subsequently reported to other agencies and is important in identifying hot spot areas, types of complaints and particular trends.

This information can then be used in conjunction with other agencies to target appropriate resources to tackle the issues within these areas.

SECTION 2 DEALING WITH A COMPLAINT

How Six Town Housing will deal with complaints

A member of the ASB Team will be responsible for carrying out the initial investigation of a complaint. They will interview both parties to a complaint and try to resolve it in the most appropriate way.

Disputes between neighbours or a clash of lifestyles are more likely to be resolved successfully if all the people involved adopt a conciliatory rather than confrontational approach to the problem.

The ASB Team will try as soon as possible to resolve a complaint by helping each person see the other's point of view. With this in mind, where possible complainants are encouraged to discuss the issue with their neighbours.

A good neighbour should have a reasonable degree of tolerance and an understanding of the different needs and lifestyles of others.

Complaints of anti social behaviour such as rubbish dumping, abandoned cars or graffiti will be dealt with by arranging for the offending items to be removed. If a perpetrator is identified, action will be taken for breach of tenancy conditions or in conjunction with Environmental Health.

In cases involving other more serious forms of anti social behaviour, harassment or threats of violence, we will advise the complainant to avoid any form of contact with the alleged perpetrator.

Whilst the ASB Team will take overall ownership of the case, the complainant must take responsibility and work in partnership to help build a case against the alleged perpetrator. This may include the complainant collecting evidence on behalf of Six Town Housing by keeping diary records of any nuisance that occurs, providing details of potential witnesses and reporting any problems to the police.

Interviewing complainants

When arranging to interview a complainant, the ASB Team will ensure that this is where the complainant feels most comfortable, either at their home, at Six Town Housing offices or somewhere else if they choose.

The purpose of the interview is to gain an accurate picture of what has been going on, which will in turn help determine the course of action to be taken and so it needs to be comprehensive.

The following is deemed as good practice and is the procedure to be used during an interview. The ASB Team will:

- listen carefully to what is said and take detailed notes on the standard interview form;
- explain the policy on anti social behaviour and nuisance to the complainant ;
- explain both the responsibilities of the ASB Team and the tenant's obligations to the complainant;
- ensure the complainant understands the importance of keeping factual evidence and the importance of detailing any incidents that occur;
- consider the options available for collating evidence dependant upon the complainants needs or vulnerabilities;
- encourage the complainant to approach the alleged perpetrator in a reasonable manner where appropriate;
- emphasise the importance of confidentiality;
- tell the complainant about the support that is available from the ASB Team;
- try to identify any other complainants or witnesses and arrange to interview them;
- be careful not to falsely raise expectations. The aim of the investigation is to stop anti social behaviour and not necessarily to take legal action; and
- where appropriate, advise the complainant if no action can be taken.

Following the interview of a complainant and any other identified witnesses, the alleged perpetrator will also need to be interviewed. Please refer to interviewing perpetrators on page 27.

During the investigation, the ASB Team will remain objective and pass no opinion on where the blame lies until all of the relevant information is gathered. This is particularly important as the alleged perpetrator may deny the claims or make a counter complaint.

Action plans

During the interview of the complainant, a plan of action will be agreed and this will set out the steps to try and resolve the matter.

It is important that all parties are clear on the tasks that need to be undertaken, who is going to be responsible for them and by when. The action plan may address the following issues:

- Who will contact the alleged perpetrator?
- How will the alleged perpetrator be contacted?
- Who will approach potential witnesses?
- What evidence collecting methods will be used?
- Who will collect the evidence?
- Is it appropriate to arrange a joint meeting between the complainant and perpetrator?
- Will a referral be made to the mediation service?
- Who will contact the police?

- What other agencies need to be informed or involved?

The complainant should be given a copy of the action plan at the end of the interview or followed up in writing after the interview. The action plan will need to be regularly reviewed and updated as the case is progressed.

When liaising with the complainant, the needs or vulnerabilities of the complainant need to be considered and agreed. For example, liaison with any support workers regarding agreed actions or ways of communicating should, if the person have learning disabilities or other disabilities.

Evidence

Taking action to end a tenancy or take legal action against someone is a serious step. The gathering of evidence must be undertaken in a thorough and objective manner which eliminates any chance of bias or error.

The ASB Team will always attempt to substantiate any allegations. Anonymous allegations should not be the only evidence used to decide to commence legal action.

The ASB Team will look to obtain information from a number of different sources and this may include estate caretakers, security patrols, its own employees and employees of the Council including contractors employed by both the Council and Six Town Housing. This may be in the form of statements and logs or diary records.

Gathering and recording evidence

It is important that sufficient evidence is obtained and full written records kept to back up any action we taken against the person responsible for the anti social behaviour.

If the Council needs to use legal action later it is helpful to show that:

- steps have been taken in the past to remedy the situation. Although in serious incidents like harassment and assault immediate action may need to be taken;
- the action is reasonable; and
- complaints have been thoroughly addressed with the perpetrator and they have been given opportunities to amend their behaviour.

Any action being taken must be reasonable and it's success relies on the evidence and documentation produced.

The ASB Team will keep records of all contacts and attempted contacts with the person responsible for the anti social behaviour including telephone calls, home visits, interview notes and letters.

The ASB Team also records the outcome of any interview or conversation such as agreements or warnings about future conduct.

It is extremely important that alleged perpetrators of anti social behaviour are interviewed and that follow-up warning letters are sent to confirm the interview attendance or failure to attend. These warning letters will emphasise the possible consequences of the alleged behaviour continuing and how this could lead to legal action and / or eviction.

When liaising with the alleged perpetrator, the needs or vulnerabilities of this person need to be considered. For example, liaison with any support workers regarding warnings or other information that needs to be communicated.

Photographs and video evidence are very important in certain cases, such as car repairs, overgrown gardens, and internal condition of properties. Video recordings can be used, especially where more than one event is recorded. These would be accompanied by a logbook noting the date, time and details of the incident being filmed.

If Six Town Housing looks to gather evidence covertly, they must get authorisation under the Regulation of Investigatory Powers Act 2000 (also see Surveillance Equipment on page 26).

Diary sheets

Diary sheets are extremely useful and important in providing good evidence of neighbour nuisance and anti social behaviour. The ASB Team is aware that tenants and residents can find them difficult to complete, may complete them incorrectly or feel that it is a waste of time completing them. The ASB Team will advise complainants how to complete the diary sheets and the importance of the diary sheets during the initial interview.

It is important to note that not all residents can complete the diary sheets and this may be due to issues such as problems with literacy or disability. In these cases, the ASB Team will agree how the complainants can record the nuisance.

For complainants who do not speak English or English is not their preferred language, please see page 26 - Translations.

As an alternative to written diary sheets dictaphones can also be issued to complainants, which will allow them to verbally record the details of the anti social behaviour and / or nuisance.

It is important to note that the Dictaphones are not for recording the noise from a neighbouring property.

Translations

Six Town Housing and the Council recognises that it is important that victims and / or witnesses who do not speak English as a first language are offered and provided with an interpreter and / or the use of the language line facilities for interviews and telephone calls.

This will allow the ASB Team to clarify the situation and an account of the incident to be recorded, whilst providing the complainant with an opportunity to express themselves fully, gain clarification on procedures and policies and have a better understanding of the situation and proposed action.

If a victim is recording the nuisance in diary sheets as part of an ongoing case, it is important to check how they would like to complete the diary sheets. For example, either in English or their first language.

The ASB Team will arrange for all diaries completed in an individual's first language to be translated into English to allow the alleged perpetrator to be fully challenged regarding their behaviour.

The ASB Team also has access to British Sign Language (BSL) signers for people who are deaf or have only partial hearing, for them to report anti social behaviour and in some instances noise nuisance.

In these circumstances, methods for reporting anti social behaviour and / or nuisance will be agreed with the complainant and an interpreter provided for all interviews to ensure that the correct information is provided and clarity is obtained on any reported incidents.

Noise recording equipment

Where a complaint involves noise e.g. loud music, power tools, persistent banging, the ASB Team will consider the use of noise recording equipment. This can be an effective way of gathering evidence where there are no independent witnesses other than the complainant.

Using noise recording equipment can both prove or disprove the allegations and as such is a useful option to consider. It is important to note that the installation of noise monitoring equipment is not appropriate in certain cases. This assessment will be made by the officer dealing with the case.

Surveillance equipment

The use of surveillance equipment or video cameras is an option available to the ASB Team in order to capture evidence of persistent anti social behaviour or criminal activity.

The use of this type of equipment will be considered for individual cases, where it is appropriate in investigating the type of behaviour being alleged and

also where limited information regarding the perpetrators is known or where residents will not provide information due to the fear of reprisals.

When obtaining authorisation for the installation of surveillance equipment, Six Town Housing must ensure that all elements of the very strict criteria under the Regulation of Investigatory Powers Act 2000 (RIPA) are met.

Professional witnesses

The ASB Team may use the services of professional witnesses in particular cases, which will allow independent evidence to be gathered either directly or in conjunction with the installation of surveillance equipment.

As with surveillance equipment, the use of professional witnesses needs to be authorised in line with the very strict criteria under the Regulation of Investigatory Powers Act 2000 (RIPA).

Background checks and risk assessments

Before arranging to interview someone, the ASB Team will make a number of background checks. The purposes of these checks is to assess whether individuals pose a risk and to obtain any relevant information relating to the support services engaged with the individuals, e.g. mental health workers, social workers or Streetwise.

The ASB Team will also check to see whether complaints have been received previously regarding the alleged perpetrator and what was the outcome of those complaints, for example; Notice of Intention of Seeking Possession served, legal order granted, complainant withdrew complaints or the complaint was unjustified.

Interviewing alleged perpetrators

If the perpetrator(s) are identified then an interview will be arranged with them once all the information from the complainants and any other witnesses have been collated and it appears there has been a breach of the conditions of the tenancy agreement.

The purpose of the interview is to clearly advise the alleged perpetrator what the complaint is about and give them the opportunity to respond. The alleged perpetrator will be advised of the possible consequences of their alleged behaviour, should it persist.

Where a perpetrator accepts that they have caused a nuisance, they will be advised that they have breached the conditions of their tenancy and that such behaviour will not be tolerated.

Next steps

Following an interview, the alleged perpetrator(s) will be given the opportunity to amend their behaviour and stop acting in an anti social manner. The perpetrator(s) will be advised what they need to do to resolve the problem and if appropriate given a deadline.

If and when further acts of nuisance and anti social behaviour occur, the ASB Team will arrange to re-interview both the complainant and the perpetrator(s) and any other witnesses. Depending upon the severity and persistency of the incidents, a further warning may be issued or legal proceedings instigated and without notice.

The outcome of the interviews to both the complainants and the perpetrators will be confirmed to them in writing.

Cases requiring no action

If complaints are received where further action cannot be taken, for example where there has been no breach of the tenancy agreement or where the complaint is so trivial that there is no cause for action, the complainant will be informed of the reasons for this in writing.

The ASB Team will advise the complainant of any alternative courses of action available to them and refer them to any other agency which may be able to offer further advice.

SECTION 3 KEY ELEMENTS

There are 3 key elements when tackling nuisance and anti social behaviour. These are:-

1. support;
2. prevention; and
3. enforcement.

These key elements are important in when addressing nuisance and anti social behaviour. In the majority of cases we may use either 2 or all 3 key elements may be used.

The following section is broken down into the key elements to detail what is available under each one.

Support

There are two types of support available :-

1. complainant support; and
2. perpetrator support.

The ASB Team will provide support to the victims, witnesses and complainants in cases where they are suffering anti social behaviour and / or nuisance.

Support of perpetrators, may allow them to remain in or sustain their tenancies. The needs of the complainants, victims and witnesses and the community must be balanced against the support needs of the alleged perpetrators.

Complainant support

When investigating complaints of anti social behaviour and/or nuisance, the ASB Team will look to provide as much support as possible to the complainants, victims and witnesses, as the impact of anti social behaviour on these people and communities can be and often is severe.

Anti social behaviour can become harder to deal with if not dealt with quickly and robustly. The stress of such behaviour can damage the physical and emotional health of victims and their families.

The ASB Team are aware of the impact on victims and that the first report may only be made after weeks or months of persistent harassment or suffering.

The ASB Team will support victims and / or witnesses of anti social behaviour / nuisance by advising them and keeping them informed thereby offering reassurance.

Other support and assistance can be provided through other agencies such as Victim Support and Witness Service, who can provide assistance and additional support or through other agencies such as Women's Aid and Racial Harassment Helpline.

The ASB Team may liaise with Greater Manchester Police on behalf of the complainant or victim. This may include organising a Community Beat Officer and associated Police Community Support Officers (PCSOs) who can provide additional support to individual witnesses/victims or communities with a more visible Police presence.

In cases where legal action is being instigated, additional support to victims and witnesses can be provided by Greater Manchester Police through Home link alarms.

The ASB Team is aware that not all nuisance and anti social behaviour cases are the same and that there may be exceptional circumstances leading up to any legal action. In these circumstances, the ASB Team will meet with the victims and witnesses and discuss the most appropriate way of providing further support.

The ASB Team are also aware that attending court is not viewed as a pleasant experience and can cause complainants, victims and witnesses to become anxious and nervous.

Victim Support and Witness Service representatives are able to show witnesses around the court room prior to the hearing and explain the purpose of the different roles within the court. Victim Support and Witness Service can also provide a separate room for the witnesses to sit in prior to the hearing.

Every attempt to reduce the risk to witnesses will be made and action taken to ensure their protection.

Six Town Housing is unable to guarantee 100% protection for witnesses, but measures can be used to reduce the possibility of intimidation of witnesses. Intimidation is not a common occurrence.

Prevention

Six Town Housing is always looking to reduce anti social behaviour and/or nuisance without having to instigate legal action.

Where there appears to be multiple issues around perpetrators of anti social behaviour and/or nuisance. The ASB Team will look to support this individual(s) and put early intervention or preventions in place.

The ASB Team will engage with a number of agencies and use them to help assist perpetrators to deal with their problems and prevent them from reoccurring or escalating.

The ASB Team are able to make referrals to a number of different agencies through the Council such as Adult Care Services, Children Services, Youth Offending Team (YOT) and Youth Inclusion Support Panel (YISP).

All of these agencies can contribute towards an individual(s) or families' behaviour by addressing the issues and reducing the problems.

Adult Care Services and Children Services

Adult Care Services and Children Services are able to exchange information with the ASB Team about individuals who are known to them. The ASB Team may make referrals directly to and / or request their assistance in complaints of nuisance or anti social behaviour.

These services have teams which can provide support to tenants and residents including Community Mental Health Teams, Community Drug and Alcohol Team, Supporting People and Streetwise.

Adult Care Services and Children Services may be involved with individuals and families identified as vulnerable tenants and/or residents who may be causing anti social behaviour or may be a victim of it.

Youth Services

The ASB Team also work closely with Youth Services to prevent and tackle anti social behaviour linked to children and youths.

The Detached Youth Team can be asked to attend specific areas or "hot spots" to engage with the youths who have been identified as causing a nuisance within this area.

Referrals can be made to the Youth Inclusion Support Panel (YISP) regarding specific individuals, who have come to its attention or the attention of Greater Manchester Police, but have not yet been through the Criminal Justice System.

The workers to address the alleged behaviour on a voluntary basis, by engagement with the parents to prevent further nuisance or anti social behaviour.

The ASB Team also engage with the Youth Offending Team (YOT), by providing information and evidence of anti social behaviour on individuals known and working with the Youth Offending Team. Such evidence can allow

preventative and reparation work to be incorporated into the court order made against that individual.

Acceptable Behaviour Contract (ABC)

An ABC is a voluntary agreement usually with a young person causing anti social behaviour, provided they are over 10 years old. The person signs a voluntary agreement which sets out how they agree to behave and what things they will or will not do.

The YOT jointly manages any Acceptable Behaviour Contracts agreed between an individual and ourselves.

If the agreement is not adhered to, then this could be used as evidence to apply for an Anti Social Behaviour Order (ASBO). ABCs can be used for the same types of behaviour as those covered by an ASBO.

Parenting Contracts and Parenting Orders

A parenting contract is an agreement between a parent(s) and the Council aimed at assisting the parent of a child or young person with a view to preventing the child from engaging in anti social behaviour.

This agreement is a voluntary agreement where the parent agrees to comply with terms made and support is provided for the parent and child. This support could be via referrals to other agencies who may provide parenting programmes.

The Council may seek a parenting order where appropriate in the Magistrates Court on the grounds that a child or individuals under 18 has been convicted of an offence and/or is believed to have engaged in anti social behaviour and resides in the Council's area. It is possible to use any parenting contract as evidence to support the application.

A parenting order can also be applied for in the County Court and can be done in conjunction with other proceedings.

When considering such an application any issues ongoing within the family, child's or individual's life, must be taken into consideration.

A parenting order can last for 12 months and any specified programmes within this order can last for up to 3 months.

Referrals to Mediation Six Town

When considering whether a case is appropriate for mediation, the ASB Team will assess whether all the parties involved in the case are willing to engage. This service is independent and the mediators are impartial. The service is completely confidential.

The purpose of mediation is to allow the complainants, witnesses and alleged perpetrators to take ownership of the problem and resolve the matter amicably and within a controlled environment.

Enforcement

Enforcement is another key element to tackling anti social behaviour and our policy is to try to resolve cases without the need to take formal enforcement action.

However, there are cases where despite issuing warnings and using negotiation the anti social behaviour persists. There are also cases which are so serious that immediate action is required against the perpetrator e.g. racial harassment or hate crime, serious assault or criminal activity.

Legal action which may be considered may include the use of ASBO's, injunctions or possession proceedings.

Action can be taken against the tenant, other people living in or visiting the property and against anyone over the age of 10 involved in anti social behaviour that affects the Councils housing stock.

Witness statements

As part of the Councils role in instigating legal action, the ASB Team is responsible for compiling witness statements. Statements are then signed by the witnesses once the Legal Department have checked them. All statements must be verified by a statement of truth. The meaning of this is fully explained to all witnesses.

The witness statements will detail the reason or purpose for any action and any background history including what has been done to rectify the behaviour.

The statement will also detail the incidents of anti social behaviour and/or nuisance and the impact of the anti social behaviour and/or nuisance on the witness.

The Council is also able to rely upon statements from other agencies, professional witnesses and Greater Manchester Police.

Anti Social Behaviour Orders (ASBOs)

Anti Social Behaviour Orders were introduced in 1999 as part of the Crime and Disorder Act 1998 and strengthened by the Anti Social Behaviour Act 2003 (ASB Act 2003). The aim is to protect one or more members of the community from individuals who act in an anti social manner.

ASBOs are civil orders granted by the Courts and are not in themselves a criminal penalty, but a community based order. Applications can be made on anyone aged 10 years or over and who has displayed anti social behaviour which is “likely to cause harassment, alarm or distress to one or more persons not of the same household as himself/herself”. A Court must be satisfied that an ASBO is necessary to prevent further acts of anti social behaviour

ASBOs are generally heard in the Magistrates Courts but can also be heard in Civil Courts in conjunction with other proceedings such as possession proceedings.

An ASBO is prohibitive in that it is used to stop someone from doing something or acting in a particular way.

An ASBO on criminal conviction (CrASBO) is granted against individuals persistently committing criminal offences and following a criminal conviction.

The Council is also able to obtain interim ASBOs to reduce or prevent the offending behaviour from escalating and in some cases interim ASBOs can be applied for pending a final hearing. An interim ASBO will be considered in all cases.

Breaching an order can lead to a criminal offence. The maximum sentence for breaching an ASBO can be five years imprisonment or 2 years detention for a youth and / or a fine.

As part of any ASBO application an Individual Support Order (ISO) will be considered. The ISO looks to address the behaviour by providing positive support to the individual and targets the behaviour that led to the ASBO being made. The Court must consider making an ISO in all cases where an ASBO is made against an individual under the age of 16 years old. The Court must also consider making a Parenting Order in all cases where an ASBO is made against an individual under the age of 16 years old.

Injunctions

An injunction is a civil order obtained at the County Court and places prohibitions and / or obligations on an individual to remedy their anti social behaviour and prevent nuisance and anti social behaviour. Injunctions can only be granted against those over the age of 18.

Injunctions are made pursuant the Housing Act 1996 or the Anti Social Behaviour Act 2003 and these can be applied for against tenants, owner occupiers and non tenants.

An injunction can be used to remedy breaches of the tenancy agreement, to protect complainants and witnesses or other individuals from intimidation and harassment.

They can exclude individuals from entering a specific area or building including their own homes.

The Court can attach a power of arrest to the injunction usually where violence has occurred or is threatened, or there is a significant risk of harm to others. This can include emotional or psychological harm

If an injunction is breached it is dealt with by civil proceedings and breach of injunction can result in a fine and / or imprisonment.

Injunctions without notice

Applications for Without Notice injunctions are only used in the most urgent and severe cases of anti social behaviour where immediate action is required to prevent anti social behaviour and to protect an individual from serious harm. Examples include serious physical assault or threats of harm to an individual or family.

These cannot be used in cases where incidents have occurred weeks or months prior to us being notified.

In these circumstances the perpetrator does not have to be notified of the initial hearing.

If granted by the Court, a without notice injunction will usually only be awarded for a short period of time, for example, a 1 or 2 week period. The purpose of this is to allow the alleged perpetrator an opportunity to defend the proceedings whilst affording the witnesses some protection and restraining the alleged perpetrators behaviour.

When any injunction is granted, it only takes effect, once the perpetrator has been served with the injunction order.

Breaches of an injunction

A number of powers are available to the Court for dealing with breaches of the terms of an injunction.

These include extending the injunction for a further period of time, imposing a fine, giving a suspended prison sentence (also known as suspended committal order) or in severe cases, sentencing the person to a term in jail (also known as committal order) for contempt of Court.

Possession Proceedings

Possession proceedings are initiated to terminate a tenancy where it is found that the tenant has persistently breached one or more of the terms of the tenancy agreement. This legal route will be considered in the most serious

nuisance cases or where an injunction or ASBO would not be effective or has already been tried and subsequently failed.

There are three different types of tenancy:

1. Introductory;
2. Secure; and
3. Demoted.

When seeking possession of a property it is important that the correct procedures are followed in respect of each type of tenancy.

A secure tenant has additional rights in comparison to any other type of tenancy. These rights include the right to succeed, right to assign and the right to buy. A secure tenancy can only be terminated or ended by the tenant themselves voluntarily or by a court granting an 'order for possession' of the property.

Introductory tenants have a probationary period of 12 months or longer if extended. However, if there are breaches of the tenancy conditions, Six Town Housing can serve a Notice of Intention to end the tenancy before they become a secure tenant. In these circumstances the tenant can ask for a review of the decision and the review of the case is heard by a board of independent panel of managers.

If the review confirms the decision to seek possession, an application is made to the Courts. For Introductory Tenants possession is mandatory, if Six Town Housing has followed its policies and procedures, although the Courts can delay the eviction date for up to 6 weeks. The Court does not have to consider if it reasonable to make an order.

A Demoted Tenancy is when the Council applies to the court to reduce the security of tenure from an existing secure tenancy to a demoted tenancy. A Demoted Tenancy is similar to an Introductory Tenancy.

A Court will only consider granting a Demoted Tenancy when the tenant has behaved in an anti social manner or allowed a member of their family or a visitor to do so and the Court must be satisfied that it is reasonable to grant an order.

If after 12 months the Demoted Tenancy has been conducted satisfactorily, the tenancy will become secure again. However, if breaches of the tenancy occur during the 12 month Demoted term, the Council could apply for possession.

Once a Notice Seeking Possession has been served on a secure tenant their right to move by way of mutual exchange or transfer will be affected.

Six Town Housing is aware that each case is individual and that it can exercise its right to be flexible on behalf of the Council and will assess each case on its own merits for the welfare of the individual, family or community.

Premise Closure Orders

The Premise Closure Order can be applied for by either the Local Authority or Greater Manchester Police and this allows a property either commercial or residential to be closed down for a maximum period of 3 months.

These powers can only be exercised if the premises are associated with 'significant and persistent disorder' or 'persistent serious nuisance'.

The purpose of the premise closure order is to provide immediate respite whilst attempting to engage the perpetrator in support to address their behaviour.

Before applying for a Premise Closure Order a multi agency approach must be taken to ensure that mechanisms are in place to address the underlying anti social behaviour.

Suspension of Right to Buy Orders

A secure tenant may exercise a right to buy their property from the Council.

Once the right to buy has been exercised the tenant becomes an owner occupier and the Council will be unable to obtain possession in cases of nuisance or anti social behaviour.

Where nuisance or anti social behaviour is occurring at the property, the Council may apply to suspend a Right to Buy application. This allows the Council to monitor the situation and provides a further incentive to the tenant to remedy their behaviour.

Leaseholders

Six Town Housing is aware that not all people who cause problems and that affect the Councils properties are tenants. In certain cases the alleged perpetrators of anti social behaviour are leaseholders (former tenants, who have exercised their right to buy their property) or tenants of a leaseholder's property.

Where leaseholders or their tenants cause anti social behaviour and / or nuisance, Six Town Housing will look to address this behaviour using Injunction Orders and/ or Anti Social Behaviour Orders.

If tenants of the leaseholders are causing a nuisance, the ASB Team will look to work alongside the leaseholder to resolve the issue in partnership and to

prevent any legal action being instigated against them for breach of their lease.