



Habinteg
housing
association
(Ulster) Ltd

ANTI-SOCIAL BEHAVIOUR POLICY

1.0 INTRODUCTION

Anti-social behaviour causes fear and anxiety in the community and this is an issue that Habinteg Housing Association [Ulster] Limited (henceforth referred to as Habinteg or the Association) is fully committed to tackling at every possible level. This policy outlines the procedures and practices within the organisation which are designed to help combat anti-social behaviour and neighbourhood disorder. The statement of policies and procedures is illustrative rather than prescriptive.

Part II of the Housing (NI) Order 2003 was designed to extend powers to tackle anti-social behaviour in local communities. It provides for Introductory Tenancies and includes measures for developing the use of injunctions and extending the grounds for possession. In addition, Part IV of the 2003 Order provides for persons who are unsuitable to be tenants because of unacceptable behaviour which renders them ineligible for housing accommodation or homelessness assistance.

The Anti-Social Behaviour (NI) Order 2004 enables the Northern Ireland Housing Executive, District Councils and the Chief Constable of the PSNI to apply to the courts for Anti-Social Behaviour Orders (ASBOs). Habinteg is not empowered to apply for ASBOs but may apply to the above mentioned relevant authorities to issue ASBOs on their behalf.

1.1 DEFINITION

The statutory definition of anti-social behaviour in the Housing (Northern Ireland) Order 2003 is

“Conduct by any individual which causes or is likely to cause a nuisance or annoyance to a person residing, visiting or otherwise engaging in a lawful activity in the locality of the dwelling house.”

In addition:

an individual may be deemed to have acted in an anti-social manner if s/he has:

- been convicted of using the dwelling-house or allowing it to be used for illegal or immoral purposes;
- been convicted of an arrestable offence committed in, or in the locality of the dwelling house;



- directly or indirectly affected the Habinteg Management functions or matters relating to those functions.

A list of different types of anti-social behaviour which trigger consideration for action by Habinteg can be found in Appendix 1, along with the relevant authorities that may be responsible for dealing with specific types of behaviour. However, this list is not exhaustive and the policy statement is not an undertaking to act in every instance. Judgment will be exercised by the relevant housing officer, when considering and responding to a particular report of anti-social behaviour.

1.2 STRATEGIC CONTEXT

Tackling anti-social behaviour must be seen within the context of existing statutory obligations, which include but are not limited to:

- Anti-Social Behaviour (NI) Order 2004;
- the Housing (Northern Ireland) Order 1988 (Part II) Article 7A and the Housing (Northern Ireland) Order 1981 Article 22A;
- the Children (Northern Ireland) Order 1995 (in particular Article 46);
- the Disability Discrimination Act 1995 (in particular 22(3)(c));
- the Race Relations (Northern Ireland) Order 1997 (in particular articles 21 and 22);
- the Human Rights Act 1998, and;
- the Northern Ireland Act 1998 (section 75 Equality of Opportunity).

The Housing (Northern Ireland) Order 2003 affords Habinteg specific powers to tackle anti-social behaviour in local communities through:

- Introductory Tenancies;
- possession and injunctions proceedings.

2.0 ADDRESSING THE PROBLEM

Habinteg acknowledges that every individual is entitled to live in peace within their neighbourhood and that to provide a quality housing service we will help to effectively address the problem of anti-social behaviour.

We will:

- formally acknowledge all reports of anti-social behaviour within five working days;
- seek to investigate all reported instances of anti-social behaviour at office level in a timely manner;
- provide advice and support;
- identify and interview all parties concerned;
- establish inter agency working where appropriate;
- use legal action when all efforts at conciliation have failed. This may include possession, injunction and/or making an application to the relevant authorities for an Anti Social Behaviour Order;

- endeavour to take action on behalf of our own tenants who may be the victims of anti-social behaviour;
- seek to respond to instances of anti-social behaviour on any land owned by Habinteg, whether the complainant is a tenant, private tenant or owner occupier, and
- we will take full account of any anti-social behaviour carried out by any person(s) who has made an application for rehousing, as and when this information is made available.

2.1 TENANT OBLIGATIONS

Habinteg tenants are responsible for the behaviour of every person (including children) living in or visiting their home. This includes behaviour in the home on surrounding land, in communal areas (stairs, lifts, landing, entrance halls, paving shared gardens, parking areas) and in the locality of the dwelling house.

Whether the tenancy is introductory or secure, breaching any of the General Conditions of Tenancy or statutory obligations may result in the Association issuing possession or injunction proceedings or applying to the relevant authorities for an Anti-Social Behaviour Order.

Habinteg encourages tenant participation in addressing housing issues and developing the organisation's services. By being more involved, tenants will be better informed, contribute to better decision-making, improve services and standards locally, and develop their own skills and opportunities.

Where an introductory tenant has been involved with a specific problem of anti-social behaviour Habinteg may deem them to be unsuitable to hold a secure tenancy. Furthermore, anyone who has been involved in anti-social behaviour may find they are ineligible for housing and homelessness assistance in the future.

2.2 SUPPORT OF COMPLAINANTS/WITNESSES

All witnesses have a crucial role to play in tackling anti-social behaviour and will require support throughout the process.

Complaints of anti-social behaviour can be forwarded to the following address;
 Habinteg Housing Association [Ulster] Ltd
 Alex Moira House
 22 Hibernia Street
 Holywood
 BT18 9JE

Complaints may be made in person, in writing, via the telephone, or by email at info@habinteg-ulster.co.uk. Any report of anti-social behaviour will be formally acknowledged within five working days and all reported instances will be investigated. If appropriate, the complainant and the Housing Officer will agree a plan of action.

If the problem persists, it may be appropriate to consider taking legal action and in such circumstances the complainant will be asked to complete an incident diary, which will be provided.

Habinteg will:

- initiate and maintain regular contact with witnesses, keeping them advised of any new developments;
- explain the process and any progress if the case proceeds. They will also advise of the legal options available;
- keep the witness informed of any developments and provide a timetable of the various stages. Staff will explain the procedures of the court and if necessary seek their agreement to proceed with their evidence;
- advise of any other agencies who may be involved or those that may be able to offer additional advice and assistance;
- where feasible, make arrangements to ensure the witness attends the court hearing;
- provide support during the court procedures and, where practical, make a separate waiting room available for the witness in the court;
- provide ongoing witness support after the hearing and monitor the situation.

2.3 PROFESSIONAL WITNESSES

Habinteg will give careful consideration to the safety of the complainant(s). Where the complainant is not willing to provide direct evidence to the Court, Habinteg will endeavour to use professional witnesses and hearsay evidence. These professional witnesses may be officers from the statutory agencies.

2.4 HARASSMENT

Habinteg will treat any harassment on the grounds of religion, race, disability or sexual orientation as a form of nuisance or annoyance likely to cause alarm or distress. Section 75 of the Northern Ireland Act (1998) requires Habinteg, in carrying out all its functions, powers and duties, to have due regard to the need to promote equality of opportunity:

- between persons of different religious belief, political opinion, racial group, age, marital status, and sexual orientation;
- between men and women generally;
- between persons with a disability and persons without, and
- between persons with dependants and persons without.

In addition, without prejudice to its obligations set out above, the Act requires the organisation to have regard to the desirability of promoting good relations between those persons of different religious belief, political opinion or racial group.

2.5 DOMESTIC VIOLENCE

The Housing (Northern Ireland) Order 2003 extended the grounds for possession to include domestic violence. Habinteg is empowered to respond where a partner has vacated the dwelling house as a result of violence/threats of violence by the other partner.

The violence/threat of violence could be directed at the partner or at other family members living with the partner.

As in any case of anti-social behaviour, Habinteg recognises the need to ensure the safety of the individual who is the victim of anti-social behaviour.

The decision to seek possession of any property on grounds of domestic violence will only be made after consultation and with the agreement of the individual concerned. It is not anticipated that Habinteg will seek possession of a property contrary to the wishes of the affected individual.

3.0 RESOLVING THE PROBLEM

Preventative measures are as detailed below.

3.1 WARNING LETTERS

At an early stage, Habinteg will consider issuing a warning letter to the individual responsible for the behaviour, if s/he is a tenant of the organisation. If they are not a tenant of the organisation, Habinteg will consult with other relevant statutory agencies to decide on the most appropriate course of action.

3.2 MEDIATION

All cases of anti-social behaviour will be treated seriously and thoroughly investigated. However, where practical attempts will be made to resolve the problem via conciliation as opposed to confrontation and/or legal action, mediation may be considered at an early stage and the Habinteg's representative may contact the parties involved and arrange to meet with them. Mediation can proceed with all parties concerned in the same room, or with the mediators meeting people separately.

Mediation permits individuals to discuss their grievances and resolve their own disagreements. It can offer a more positive alternative to legal action.

3.3 ACCEPTABLE BEHAVIOUR CONTRACTS

A written agreement between a person who has been involved in Anti-Social Behaviour and one (or more) of the partner bodies whose role it is to prevent such behaviour may be considered by the organisation. A model for the delivery of Acceptable Behaviour Contracts (ABCs) is attached at Appendix 2.

3.4 REFUSAL OF STATUTORY HOUSE SALE DUE TO ANTI-SOCIAL BEHAVIOUR

A secure tenant will be ineligible to buy if Habinteg has taken legal action for possession of his/her dwelling due to anti-social behaviour. There are four possible stages to that action:

1. Habinteg is actively considering whether it would be appropriate to serve a relevant statutory notice seeking possession at some time within the next three months;
2. Habinteg has served a relevant statutory notice seeking possession at any time within the previous three months;
3. proceedings for possession of the dwelling pursuant to a relevant statutory notice are pending;
4. the tenant is obliged to give up possession of the dwelling in pursuance of an Order of the Court, which has been granted pursuant to a relevant statutory notice or will be so obliged at a date specified in the Order.

3.5 HOUSING & HOMELESSNESS POLICY

Habinteg shall not allocate housing accommodation to any applicant if s/he, or a member of his/her household, has been guilty of any behaviour that would make him/her an unsuitable tenant.

3.6 MULTI-AGENCY PARTNERSHIPS

It is widely recognised that problems within some communities may be more complex than others and no single solution can effectively tackle these, nor can any single organisation meet these challenges on its own.

Anti-social behaviour may often necessitate discussion with other relevant authorities such as Probation Board for Northern Ireland, Health and Social Services, Youth Justice and Education Welfare in order to provide a comprehensive assessment of an individual's problem behaviour.

Habinteg will strive to ensure continuous interagency working to address any problems in relation to anti-social behaviour. We will actively engage with other organisations, share best practice and as far as practicable provide the opportunity to refer the individual to an appropriate organisation for support, diversion, or another form of early intervention.

We will also look at developing where possible multi-agency protocols with the Probation Board for Northern Ireland and the Prison Service to reduce re-offending and homelessness among offenders by early identification of the underlying causes that contribute to their re-offending behaviour.

The association will also undertake to work closely with community groups and other agencies to help achieve a suitable means of tackling any incidence of anti-social behaviour.

3.7 INFORMATION SHARING

A formal agreement for the sharing of personal information between all registered housing associations and the Northern Ireland Housing Executive is currently being finalised. Through the auspices of the Northern Ireland Federation of Housing Associations, Habinteg will consider the development of an information sharing protocol with other agencies such as the PSNI and local district councils as a further measure to tackle anti-social behaviour and to help in securing Anti-Social Behaviour Orders.

3.8 LOCK OUT CRIME SCHEME

The Lock Out Crime Scheme is funded by the Northern Ireland Office. It is offered to all households aged 65 years and over and in receipt of housing benefit or rate rebate. This scheme operates irrespective of tenure and provides a range of improved home security devices including locks, bulkhead lighting, window locks, door chain/bar and door viewer. Habinteg will consider this scheme for all its dwelling as a further measure to combat anti-social behaviour.

3.9 TENANCY SUPPORT SCHEMES

The Northern Ireland Housing Executive administers the Supporting People programme and the grant in Northern Ireland.

Habinteg, in partnership with other agencies, provides support to vulnerable tenants to assist them in living independently and sustaining their tenancies thus preventing a cycle of eviction because of anti-social behaviour. Habinteg will take account of any additional needs for those vulnerable tenants who may be involved in any case of anti-social behaviour.

3.10 SECURED BY DESIGN

The application of Secured by Design, particularly in new build schemes, is still optional, although the Department is considering making this mandatory. Habinteg will consider incorporating Secured by Design features into any new build schemes as a measure to combat anti-social behaviour.

3.11 REHABILITATION OF PERPETRATORS

When dealing with alleged perpetrators Habinteg's response will depend on the nature of the offending behaviour. In many cases of Anti-Social Behaviour there may be underlying causes such as:

- drug addiction;
- alcohol addiction;
- mental health issues;
- learning difficulties;
- family or relationship breakdown.

Where the behaviour of individuals is a consequence of one or more of the issues listed above, they may sometimes require support in maintaining their tenancies and addressing their behaviour.

When dealing with vulnerable individuals, Habinteg will consider the factors that may be contributing to neighbour nuisance before deciding on an appropriate course of action. The association will liaise with the individuals and other service providers to identify the availability of appropriate support packages.

3.12 JUVENILE PERPETRATORS

When dealing with young people, Habinteg will attempt to ascertain the causes of the anti-social behaviour and involve parents/guardians.

Consultations with appropriate agencies will be undertaken i.e. Probation Board for Northern Ireland, Youth Justice, Health & Social Services and Education Welfare. In particular Social Services will be advised of the Association's involvement with any young person participating in anti-social behaviour, given their duty under Article 18 of the Children (Northern Ireland) Order 1995.

4.0 DATA PROTECTION AND INFORMATION EXCHANGE

4.1 DATA PROTECTION ACT 1998

The Data Protection Act 1998 regulates the processing and handling of personal data that has been lawfully obtained.

The Data Protection Principles

Personal data held about anyone must be:

1. fairly and lawfully processed;
2. processed for limited purposes and not in any way incompatible with those purposes;
3. adequate, relevant and not excessive;
4. accurate and kept up to date;
5. not kept for longer than is necessary;
6. processed in line with a person's rights;
7. secure.

In general, there is a prohibition against the disclosure of personal data from one party to another unless the above mentioned principles have been upheld. However, there are certain exemptions to the non-disclosure rules under the Data Protection Act, which allow Habinteg to process personal information without following all the principles. Personal data can be disclosed in the following circumstances:

- to prevent or detect crime;
- to apprehend or prosecute offenders;
- where disclosure is required by law;
- in connection with legal proceedings.

4.2 CONFIDENTIALITY

Subject to any legal requirements, any information received by Habinteg will be treated in utmost confidence. In any particular case of anti-social behaviour, disclosure of information by the Association to any other party (subject to any legal requirements) will not occur without the permission of the person who provided the information unless the Association is required to do so by law.

As already detailed, information may be shared with other agencies for the purpose of crime prevention, prosecution of offenders and legal proceedings.

In ASBO applications, hearsay evidence and professional witnesses may be used to protect the identity of complainants.

4.3 CROSS TENURE ISSUES

The Housing (Northern Ireland) Order 1983, Housing (Northern Ireland) Order 2003 and Anti-Social Behaviour (Northern Ireland) Order 2004 afford Habinteg the ability to seek Injunctions and Possession Orders in any instances of anti-social behaviour. Injunction and Anti-Social Behaviour Order proceedings are not restricted to the Association's tenants but can be initiated in respect of any individual involved in anti-social behaviour in the locality/vicinity of Habinteg owned and/or managed stock.

5.0 STAFF PERSONAL SAFETY

In keeping with its overall objectives and in accordance with the requirements of the Health and Safety at Work (Northern Ireland) Order 1978 and associated legislation, Habinteg recognises and accepts its responsibility as an employer for providing a safe and healthy workplace and as far as is reasonably practicable, a risk free working environment for all its employees.

Habinteg will also conduct its activities so as to minimise, and, where possible, eliminate the risk to which others may be exposed as far as is reasonably practicable.

Habinteg will take all reasonably practicable steps within its power to meet these responsibilities,

Where employees are required to work outdoors or at locations away from their normal base, the association will ensure that, so far as is reasonably practicable, all steps are taken to ensure their personal safety.

Habinteg is committed to sourcing and providing appropriate personal safety awareness training for all members of staff. Staff are also trained on how to deal with difficult situations and their training needs are kept under review on a regular basis and as circumstances require.

Furthermore, in response to the Association's requirements to deal with complaints of anti-social behaviour under the Housing (Northern Ireland) Order 2003, Habinteg has attended training organised by the Department for Social Development and will work with other agencies to ensure that staff are fully competent in dealing with any incidence of anti-social behaviour.

6.0 PROCEDURES

The Housing (Northern Ireland) Order 2003 provides Associations with legal powers to address anti-social behaviour, including the use of injunctions, introductory tenancies, reviewing eligibility for housing assistance and powers for possession. All complaints of anti-social behaviour are dealt with in accordance with Habinteg's policies and procedures.

6.1 MAKING A COMPLAINT

Any complaint in relation to anti-social behaviour can be made either in writing or verbally (in person or by telephone) to the Housing Association's office as detailed below.

Habinteg Housing Association [Ulster] Ltd
Alex Moira House
22 Hibernia Street
Holywood
BT18 9JE

Complaints may also be logged via email at info@habinteg-ulster.co.uk

A complaint does not always have to come from the individual experiencing the anti-social behaviour. A political representative, the police, a council officer, or a social worker may initially report the complaint on the complainant's behalf.

Anonymous complaints may not necessarily be ignored, although only some may be acted upon, e.g. the physical condition of properties and gardens. However, in the absence of direct evidence from a complainant the investigation of any other cases may prove difficult.

6.2 PROCESSING A COMPLAINT

In order to facilitate a consistent approach in dealing with all reported incidents of anti-social behaviour, Habinteg will, where appropriate, use the following standard documentation:

- action sheets;
- case files;
- incident diaries.

6.3 RECEIVING A COMPLAINT

Where an instance of anti-social behaviour is reported to a Habinteg office, an appointed housing officer will:

- acknowledge receipt of the complaint within five working days;
- log the complaint on the Association's ASB Register;
- make initial contact with the complainant and/or arrange interview.

The Housing Officer will:

- consider whether the complaint represents a new case of anti-social behaviour;
- consider any special requirements of the complainant e.g. vulnerability, member of a minority community etc.

6.4 INTERVIEWING THE COMPLAINANT

The Housing Officer will seek clarification from the complainant in respect of:

- details of the occupants of the complainant's property;
- details pertaining to the complainants property i.e. property type, tenure, proximity to the alleged perpetrators home;
- details in respect of the alleged perpetrator i.e. name, address, household composition and property type;
- the type of anti-social behaviour, location of the incidents, time periods involved;
- how the anti-social behaviour is affecting their quality of life and that of their family members;
- the existence of other witness i.e. neighbours, police, etc.;
- any previous action that may have been taken to try and resolve the problem i.e. contact with the alleged perpetrator;

- the complainant's willingness, in appropriate cases to partake in a mediation process;
- the complainant's consent to allow Habinteg to contact the alleged perpetrator. At this stage the complainant will be advised that their name and details will not be disclosed. However, in many situations, the perpetrator may be able to identify the source of the complaint.

Depending upon the circumstances of the case the complainant and the Housing Officer will, if appropriate, agree the way forward.

Depending on the type of anti-social behaviour, the complainant may be advised of the need to report the incident to the most relevant statutory agency i.e. Police Service of Northern Ireland or District Council. S/he may also be requested to complete an incident diary, so that future incidents of anti-social behaviour can be easily identified.

Habinteg may contact the alleged perpetrator, if they are a Habinteg tenant, or liaise with other appropriate agencies and seek to substantiate the reports of anti-social behaviour.

Habinteg will strive to ensure that there is continuous contact with the complainant and will agree on a review date to discuss the progress of the case.

6.5 PRELIMINARY INFORMATION GATHERING

Following the interview with the Complainant and an agreed plan of action, the Housing Officer will complete the following checks:

- confirm the tenure of the alleged perpetrator as this may determine the course of action to be taken;
- where possible, carry out a check on any previous history of anti-social behaviour i.e. previous history of the complainant and alleged perpetrator;
- investigate the vulnerability/ special needs of the individuals involved in the anti-social behaviour;
- seek to substantiate the reports of anti-social behaviour i.e. seek ways of independently corroborating or refuting the allegations. This may necessitate interviewing other witnesses and seeking information from other agencies;
- check for any House Sale application submitted in respect of the property occupied by the alleged perpetrator, and
- check whether the alleged perpetrator or another member of his/her household has made an application for rehousing through the Transfer or Common Selection Schemes.

6.6 INTERVIEWING/CONTACT WITH THE ALLEGED PERPETRATOR

The Housing Officer will:

- attempt to contact the alleged perpetrator, arrange an interview and advise of the nature of the complaint;

- explain the potential seriousness of the situation, the investigating process and the possible legal consequences should the allegations be substantiated and the anti-social behaviour continue, and
- take comprehensive notes of all interviews and the response to the allegations.

Should the alleged perpetrator make counter allegations in respect of behaviour directed towards them, they will be investigated and the Housing Officer will decide whether Habinteg should open a new case file.

6.7 CHOOSING THE MOST APPROPRIATE FORM OF ACTION

Following the interview with the alleged perpetrator or in the absence of any contact, the Housing Officer will refer the case to the Housing Manager who will identify the best way forward.

Each case of anti-social behaviour is unique and the most appropriate course of action will be determined by the particular circumstances of the case. In any case of anti-social behaviour Habinteg's main objective is to resolve the matter without recourse to any form of legal action namely, possession, injunction or Anti-Social Behaviour Order (ASBO) proceedings. Habinteg may therefore decide to:

- initiate interagency working with relevant service providers and evaluate the impact of any support package made available to the alleged perpetrator;
- issue Warning Letters;
- seek Acceptable Behaviour Contracts (ABC);
- refer the case for mediation;
- regularly monitor the situation;
- gather additional evidence as required;
- initiate legal action;
- close the case.

Various other options used by Habinteg to tackle anti-social behaviour, as listed above, are detailed below:

6.7.1 Warning Letter

In cases where a report of anti-social behaviour or nuisance is received, an interview by and/or a warning letter from the Housing Officer will be the first attempt, and may be sufficient to stop the behaviour. However, there may also be situations where these initial warnings are ignored.

6.7.2 Mediation

Habinteg will offer a mediation service which aims to help people involved in a dispute reach an agreement that satisfies everyone. Mediation services would typically be used for complaints about noise, verbal abuse, children's behaviour, pets, boundary issues, car parking and many other source of dispute.

Where there is a case that could possibly be resolved through mediation, the Housing Officer will speak to both parties to get their agreement and confirm that they are willing to participate. Tenants can also ask to be referred to the mediation service. The advantages of mediation are:

- it provides an alternative to going to court (although if the mediation is not successful and the anti-social behaviour continues, this would not stop legal action);
- it can stop disputes escalating and taking up a lot of management time;
- it can help neighbours understand each other;
- it can provide a speedy solution to disputes;
- it is provided at no cost to the parties in the dispute.

6.7.3 Acceptable Behaviour Contracts

An Acceptable Behaviour Contract (ABC) is a written agreement between an individual who has been involved in anti-social behaviour and one or more local agencies whose role is to prevent such behaviour.

The contract is agreed and signed at a meeting with the individual and the lead agency/agencies. In circumstances where the person is 17 years of age or younger their parents/guardians will be asked to attend.

The contract was initially designed for 10-18 year olds. In the case of children under 10 the parent/guardian would sign a parental control agreement and would take full responsibility for their child's behaviour. ABCs can also apply to adults.

The agreement is not legally binding but should the individual continue to act in an anti-social manner then the agreement may be used as evidence in any subsequent legal action.

The contract should reflect the behaviour of the individual concerned and written in basic terms so that the individual understands. The contract will specify a list of acts of anti-social behaviour in which the person has been involved and they must agree not to continue behaving in this manner.

The contract would normally last for six months although it is flexible and can be reviewed and renewed as required. However, it should be a fair and proportionate response to the issues identified. This time period runs in conjunction with the evidence gathering period in respect of an ASBO.

6.7.4 Anti-Social Behaviour Orders

Anti-Social Behaviour Orders (ASBOs) are civil orders made by the magistrate's court acting in its civil capacity. The Court makes an Order which prohibits the defendant from doing anything described in the order. They are intended to protect people from further acts or conduct that would cause harassment, alarm or distress to one or more persons not of the same household as the individual. They represent an additional power afforded to the Northern Ireland Housing Executive, District Councils and the Chief Constable of the PSNI to address anti-social behaviour.

An ASBO is not a criminal conviction and does not form part of a criminal record. The Order is designed to prevent the kind of behaviour that can ultimately lead to a criminal conviction.

Although Anti-Social Behaviour Orders are civil orders and not criminal convictions, any breach of an Anti-Social Behaviour Order is a criminal offence, which carries a maximum penalty of five years imprisonment on indictment and/or an unlimited fine.

Anti-Social Behaviour Orders can be obtained in respect of any person aged 10 years old and upward. If there is an immediate need to call a halt to particular behaviour to protect the community then an Interim ASBO can be sought.

Publicity of cases will be agreed on a case-by-case basis.

6.7.5 Injunctions

The Housing (Northern Ireland) Order 2003 affords housing associations the ability to seek an injunction in respect of anti-social behaviour. An injunction can be sought in the county or high courts. These proceedings are not restricted to Housing Association tenants but can be initiated in respect of any individual who engages or threatens to engage in any conduct which is causing or likely to cause a nuisance or annoyance to a person residing in, visiting or otherwise engaging in a lawful activity in a residential premises (Article 26, Housing [NI] Order 2003) or within the locality of the premises.

This is an Order made by the Court, ordering an individual to stop a certain type of behaviour and may even exclude them from a specific geographical area. If the injunction is granted and the anti-social behaviour continues, the individual will face further legal action and possibly a prison sentence.

6.7.6 Possession Proceedings

Introductory Tenants

The reason for seeking an order for possession for an introductory tenancy must relate to the behaviour which would, if the tenant was a secure tenant, fall within either Ground 2 or Ground 3 of Schedule 3 of the Housing (Northern Ireland) Order 1983 as set out below.

Secure Tenants

Possession proceedings are usually utilised by Habinteg as a last resort, where all other measures to stop the anti-social behaviour have either failed or been exhausted.

The Housing Manager may consider possession proceedings in respect of a secure tenancy if there has been a breach of the General Conditions of Tenancy and the statute detailed below.

Ground 1 of the Housing (Northern Ireland) Order 1983

Any rent lawfully due from the tenant has not been paid or any obligation of the tenancy has been broken or not performed.

Ground 2 of the Housing (Northern Ireland) Order 1983

The tenant or person residing in or visiting the dwelling house:

- a) has been guilty of conduct causing or is likely to cause nuisance or annoyance to a person residing, visiting or otherwise engaging in a lawful activity in the locality,

OR

- b) has been convicted of:

- (i) using the dwelling-house or allowing it to be used for immoral or illegal purposes, or
- (ii) an arrestable offence committed in, or in the locality of, the dwelling house.

Ground 2A of the Housing (Northern Ireland) Order 1983

The dwelling-house was occupied (whether alone or with others) by a married couple or a couple living together as husband and wife and

- a) one or both of the partners is a tenant of the dwelling-house;
- b) one partner has left because of violence or threats of violence by the other towards
 - (i) that partner, or
 - (ii) a member of the family of that partner who was residing with that partner immediately before the partner left, and
- c) the court is satisfied that, "the partner who has left is unlikely to return while the other continues to occupy the dwelling-house."

Ground 3 of the Housing (Northern Ireland) Order 1983

The condition of the dwelling-house or of any of the common parts has deteriorated owing to acts of waste by, or the neglect or default of, the tenant or any person residing in the dwelling-house and, in the case of any act of waste by, or the neglect or default of, a person lodging with the tenant or a sub-tenant of his/her, the tenant has not taken such steps as s/he ought reasonably to have taken for the removal of the lodger or sub-tenant.

In this paragraph the "common parts" means any part of a building comprising the dwelling house, and any other premises which the tenant is entitled under the terms of the tenancy to use in common with the occupiers of other dwelling houses let by the landlord.

Eviction

In the event of Habinteg obtaining an Order for Possession on grounds of anti-social behaviour and the tenant does not vacate the property on a voluntary basis, the case will be referred to the Enforcement of Judgements Office.

6.7.7 REFUSAL OF STATUTORY HOUSE SALE DUE TO ANTI SOCIAL BEHAVIOUR

A secure tenant will be ineligible to buy if Habinteg has taken legal action for possession of his/her dwelling because of anti-social behaviour. The four possible stages for such action are shown below.

- 1) Habinteg is actively considering whether it would be appropriate to serve, at some time within the next three months, a relevant statutory notice seeking possession.
- 2) Habinteg has served a relevant statutory notice seeking possession at any time within the previous three months.
- 3) Proceedings for possession of the dwelling pursuant to a relevant statutory notice are pending.
- 4) The tenant is obliged to give up possession of the dwelling in pursuance of an Order of the Court, which has been granted pursuant to a relevant statutory notice or will be so obliged at a date specified in the Order.

6.7.8 LEGAL ACTION

If all attempts at conciliation fail or should the alleged perpetrators fail to respond to any support package offered to address their anti-social behaviour, legal action may be necessary.

In all cases this will only commence where all other appropriate methods of tackling the anti-social behaviour have been exhausted.

Notwithstanding Habinteg's approach to seeking to resolve anti-social behaviour through support and diversion, there may be circumstances where court action will be deemed the only option to deal with serious cases of anti-social behaviour. At this stage the Housing Officer will:

- seek approval from the Housing Manager to proceed with legal action;
- ensure that the complainant/s are kept fully informed of all the stages in the legal process and that their agreement, if appropriate, is obtained prior to Habinteg using their evidence in any legal proceedings i.e. the service of a Notice Seeking Possession or a summons in respect of an injunction or an ASBO application;
- continue to liaise with complainant/s and monitor the case on a regular basis until the date of the court hearing.

6.8 COURT HEARING

Prior to the court hearing the Housing Officer will:

- maintain regular contact with witness/es and advise on case development;
- explain the court process to the witness/es;
- ensure that all witnesses are advised of the time, date and location of the hearing;

- make any necessary arrangements to ensure the witness/es attendance at the court hearing.

After the court hearing the Housing Officer will:

- advise all witnesses of the outcome of the Court hearing;
- if necessary, advise the local police of the result of the Court hearing;
- continue to liaise with all witness/es and monitor the situation subsequent to the decision of the Court.

6.9 CASE CLOSURE AND EVALUATION

Habinteg will ensure that:

- all cases will be progressed to conclusion and closed;
- an evaluation will be completed in respect of all cases in which legal action has been initiated;
- all closed files are retained in line with the Department's policy.

6.10 SUPPORT TO COMPLAINANTS OF ANTI-SOCIAL BEHAVIOUR

If legal action is taken to address anti-social behaviour, Habinteg will:

- consider the use of civil remedies to protect witness/es i.e. injunctions, Anti-Social-Behaviour Orders;
- review the use of hearsay evidence if the complainant is fearful of the repercussions of providing direct evidence to the court;
- in appropriate circumstances advise the Police of Habinteg's intention to initiate legal proceedings;
- refer any rehousing request the witness should make to the Northern Ireland Housing Executive under the Housing (Northern Ireland) Order 1988 or the Housing (Northern Ireland) Order 1981;
- where feasible, assist with the provision of transport to court;
- where practical, ascertain the availability of a separate waiting room for the witness/es in the court.

After the court hearing Habinteg will:

- inform witnesses of the outcome of the court hearing and thank them for their support and participation;
- provide ongoing witness support if necessary and monitor the situation;
- consider publicity on a case by case basis in liaison with the Department for Social Development;
- ensure that the interests of the witness/es will always be taken into account.

6.11 COMPLAINTS PROCEDURE

Habinteg is happy to provide help and advice to its tenants and members of the public on housing matters and we always aim to provide good quality services.

However, if someone is not satisfied with the service received in dealing with any case of anti-social behaviour, s/he should use the Association's standard complaints procedure. All complaints received are investigated and where a problem can be identified we try to remedy the situation and take action to improve our service.

If the complainant is not happy with the final response received from Habinteg, they can ask the Northern Ireland Ombudsman to carry out further investigations.

A complaint to the Northern Ireland Ombudsman should be addressed as follows:

**Northern Ireland Ombudsman
Freepost BEL 1478
Belfast
BT1 6BR**

**Freephone 0800 343424
E-Mail ombudsman@ni-ombudsman.org.uk**

6.12 CONCLUSION

It is the intention that these policies and procedures will demonstrate Habinteg's commitment to deal effectively with all reported incidents and explain some of the most common remedies that may be used to tackle anti-social behaviour. The policy section provides an overview of the principles underlining Habinteg's approach to anti-social behaviour and the procedures detail how reports of anti-social behaviour are processed by the Association.

N.B. References to "the Department" mean the Department for Social Development

Adopted 31.01.06

APPENDIX 1

If another organisation is responsible for dealing with a specific problem, the Association's Housing Officer should provide contact details and advise the complainant to contact the relevant organisation.

The Housing Officer should advise the complainant that no action will be taken by Habinteg and the case will automatically be closed. The Housing Officer will record this information on file.

Type of Nuisance/ASB	Agency/Organisation
Unacceptable behaviour by children and youths	PSNI Community Associations Schools
Noise	Belfast City Council Noise Unit Local District Council Environmental Health Department
Neighbour disputes	Mediation NI
Late night visitors	PSNI
Verbal abuse	PSNI
Harassment	PSNI
Intimidation	PSNI
Threats of violence	PSNI
Hate crime	PSNI
Assault	PSNI
Abandoned cars	Local District Council
Rubbish dumping, litter and/or dog fouling	Local District Council
Parking disputes	Roads Service
Uncontrolled pets and animals	Dog Warden
Alcohol and Drug abuse and related nuisance	PSNI Social Services PBNI
Damage to property (including vandalism, graffiti and arson)	Community Association CRJ
Boundary disputes	Mediation NI
Trespass	PSNI
Criminal behaviour (including burglary, prostitution etc.)	PSNI
Domestic violence and abuse	PSNI

APPENDIX 2

ACCEPTABLE BEHAVIOUR CONTRACT

This contract/agreement is made on (insert date)

Between Habinteg Housing Association [Ulster] Limited and (Name of individual person involved in ASB).

Agreement

(Name of individual) agrees the following in respect of future conduct:

1. I will not threaten, swear or abuse any residents or passers by, in and around (name specific area);
2. I will not throw missiles, including stones, at residents or passers by, in around (specific area);
3. I will not intimidate any person;
4. any other terms that are relevant.

Furthermore (name of individual) enters into a contract/commitment with Habinteg not to act in an antisocial manner that causes or is likely to cause harassment, alarm or distress to one or more persons not of the same household.

Breach

If (individual) does anything which s/he has agreed not to do under this contract, which Habinteg considers amount to anti-social behaviour, an application may be made for an Anti Social Behaviour Order/an Order for Possession.

Declaration

I confirm that I understand the meaning of this contract/agreement and that the consequences of a breach of this contract have been explained to me.

Signed: _____ (Individual) Date: _____

Signed: _____ (Parent)* Date: _____

Witnessed by:

Signed: _____ (Police) Date: _____

Signed: _____ (Manager) Date: _____

* Parent/Guardian signature is only required where the individual is under seventeen years old.