



**Birnbeck Housing Association**  
**Anti-Social Behaviour (“ASB”)Policy**

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<b>Aims of this policy</b>	<p>The aim of this policy is to ensure that BHA homes (and the areas which surround them) are safe and pleasant places to live and work. More specifically, this policy is intended to do the following:</p> <ol style="list-style-type: none"><li>1. ensure that, where BHA residents are harmed by ASB, they are properly supported by BHA; and</li><li>2. to deal appropriately with reports of ASB by BHA residents.</li></ol>
<b>Scope</b>	<p>This policy covers all residents of BHA.</p>
<b>How will this policy be applied?</b>	<p>BHA will use this policy as a guide in responding to reports of Anti-Social Behaviour by and/or towards residents. However, BHA will consider each case on its merits and may have to deviate from this policy in some circumstances.</p> <p>In applying this policy, BHA will have regard to its other policies – for example in relation to seeking possession.</p>
<b>Legislation and Guidance</b>	<p>This policy is intended to support BHA to fulfil our obligations as a social housing landlord in relation to relevant legislation and statutory guidance, including but not limited to:</p> <ul style="list-style-type: none"><li>- Anti Social Behaviour, Crime and Policing Act 2014</li><li>- Anti Social Behaviour Act 2003</li><li>- Housing Act 1985, 1996 and 2006</li><li>- Environmental Protection Act 1990</li><li>- Mental Capacity Act 2005</li><li>- Care Act 2014</li><li>- Equality Act 2010</li><li>- Data Protection Act 2018</li><li>- Social Housing White Paper 2020</li></ul>
<b>What is ASB?:</b>	<p>BHA will adopt the definition of ASB which is described in the Anti-Social, Crime and Policing Act 2014, which is</p>



	<p>conduct that:</p> <ul style="list-style-type: none"><li>– has caused, or is likely to cause, harassment, alarm or distress to any person;</li><li>– is capable of causing nuisance or annoyance to a person in relation to that person’s occupation of residential premises, or</li><li>– is capable of causing housing-related nuisance or annoyance to any person.</li></ul> <p>This is a wide definition. Examples of ASB include (but are not limited to):</p> <ul style="list-style-type: none"><li>– Damage to property (e.g., vandalism, graffiti or causing damage to communal areas)</li><li>– Criminal damage</li><li>– Using a Birnbeck property for illegal or unlawful purposes</li><li>– Verbal abuse, shouting, swearing</li><li>– Violence and physical abuse, including domestic violence</li><li>– Threatening or intimidating behaviour</li><li>– Prostitution</li><li>– Discrimination (for example racism or hate related speech)</li><li>– Harassment</li><li>– Excessive noise nuisance</li><li>– Animal nuisance (allowing pets to be out of control/ excessively noisy or fouling)</li><li>– Littering, fly-tipping or failing to properly dispose of refuse</li><li>– Vehicle nuisance and abandonment (driving, parking or keeping vehicles in a manner which threatens or inconveniences others).</li><li>– Misuse of communal areas</li><li>– Drunkenness</li><li>– Substance abuse/dealing/ cultivation and its effects</li><li>– Cuckooing</li><li>– Risking the health and safety of tenants and neighbours (for example by keeping dangerous substances in BHA-owned homes)</li><li>– Failure to maintain and/or inappropriate use of a garden.</li></ul> <p>ASB by residents will almost always constitute a breach of their tenancy or lease agreement.</p>
<p><b>Matters not covered by this policy:</b></p>	<p>Not all matters which offend residents can be dealt with by BHA.</p> <p>Less serious issues which would not usually be considered ASB include the following:</p> <ul style="list-style-type: none"><li>– personal disputes between particular individuals</li></ul>



	<ul style="list-style-type: none"><li>- gossip</li><li>- normal household behaviour and everyday living noise such as hoovering, washing machines.</li><li>- political or lifestyle differences</li><li>- children playing (including communal areas or in the street) as long as they are no behaving anti-socially</li><li>- babies crying</li><li>- dogs barking</li><li>- cooking smells</li><li>- DIY or minor car maintenance during daytime hours</li><li>- Noise transference from one property to another</li><li>- Occasional parties, barbecues or social gatherings</li><li>- Fencing or boundary disputes or other civil disputes</li><li>- Lawful parking outside a dwelling</li><li>- One off celebrations</li><li>- One-off complaints (for example a single instance of late-night noise)</li></ul> <p>If unwanted behaviour occurs, BHA would expect residents to speak to each other as this type of behaviour will not be investigated by BHA.</p>
<b>How can ASB be reported to BHA? :</b>	<p>Reports can be made in person, by telephone, letter or email using the contact details below:</p> <p style="text-align: center;">BIRNBECK COURT 850 FINCHLEY ROAD LONDON NW11 6BB</p> <p style="text-align: center;">Tel: 020 8201 8484</p> <p style="text-align: center;"><a href="mailto:info@birnbeckhousingassociation.co.uk">info@birnbeckhousingassociation.co.uk</a></p> <p>Anonymous reports can be made, but this may affect BHA's ability to investigate the matter as they can be difficult to substantiate due to a lack of evidence. BHA will do their best to investigate any anonymous reports, but wherever possible complainants will be encouraged to be part of the investigation process.</p>
<b>How will BHA respond to reports of ASB?</b>	<p>In all cases, BHA will:</p> <ul style="list-style-type: none"><li>- Take reports seriously, fully investigate and take appropriate action within a reasonable time. This will include an urgent assessment of risks.</li><li>- Seek the views of independent third parties (for example the police or social workers) where appropriate</li><li>- Refrain from taking a judgmental approach</li><li>- Maintain confidentiality where this is requested and can be achieved without placing anyone at risk.</li></ul>



	<p>– Where BHA cannot assist, explain this to the complainant and give reasons</p>
<b>What action can BHA take?</b>	<p>Wherever possible BHA will attempt to prevent ASB. This includes taking action such as pre tenancy checks to ensure that people are housed appropriately and a robust sign up process setting clear expectations of tenants from the start of their tenancy.</p> <p>When incidents of ASB occur, BHA will act quickly to minimise the impact of ASB and to prevent the ASB from escalating. Early intervention may include actions such as monitoring via the use of diary sheets, issuing warning letters to alleged perpetrators outlining the details of the ASB and why it is unacceptable, working in partnership with other agencies such as the Police and mediation.</p> <p>If attempts to resolve ASB have not been successful and the ASB continues, BHA will consider more formal action. This may include possession proceedings to take back possession of the property. In some instances BHA may also use Civil Injunctions to prohibit the perpetrator from doing certain things with the aim to stop the ASB. Breach of an injunction can result in an unlimited fine or imprisonment.</p>
<b>Victim Support</b>	<p>BHA understand that witnesses can be vital to helping us to gather evidence to tackle ASB, therefore we want to ensure that any victims feel supported and safe when reporting ASB to us.</p> <p>Staff will make it clear what can be expected from BHA in managing an ASB case, providing advice and information to any victims or witnesses.</p> <p>For any cases the progress to Court, BHA will provide support with any witness statements, familiarisation with the court process and referrals to external agencies, such as Victim Support if required.</p>
<b>Safeguarding</b>	<p>It is the responsibility of all BHA staff to ensure that children and adults are protected from harm and to take action if they believe they are at risk.</p> <p>If a situation such as this arises, staff will make a safeguarding referral to Social Services or the appropriate safeguarding agency following BHA's Safeguarding Policy.</p> <p>BHA recognise that some perpetrators may also have</p>



	<p>personal characteristics or support needs that make them vulnerable, and as with a victim, if BHA believe the perpetrator to be at risk or in need of support, a safeguarding referral will be made.</p>
<b>Confidentiality</b>	<p>Any information provided to BHA by a witness or victim will be treated in the strictest confidence and will only be shared with relevant parties if necessary and for lawful purposes such as the preventing, investigating and tackling of ASB. Any information stored or shared will be in accordance with BHA's data protection policy.</p>
<b>The Equality Act 2010</b>	<p>BHA is mindful of the need to consider equality and diversity in the formation, adoption and application of this policy. In each of these functions, BHA will have due regard to the need to:</p> <ul style="list-style-type: none"><li>a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;</li><li>b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;</li><li>c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.</li></ul> <p>BHA has or will strive to fulfil this objective in the following ways:</p> <ul style="list-style-type: none"><li>1. Consulting with all tenants as to the content of this policy before it is finalised.</li><li>2. Ensuring that tenants can communicate with them in whichever way works for them.</li><li>3. Recognising that it may be necessary to treat a person with a Protected Characteristic more favourably in order to meet the above objectives.</li><li>4. Ensuring that BHA officers have appropriate training</li></ul>