

APPENDIX 3

Results of resident consultation

Draft Anti-Social Behaviour Policy

June 2018

| | Resident Comments | Response |
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| 1. | It may be helpful to list anti-social behaviour in the tenancy or lease contracts. This would make it easier to bring about eviction should the resident breach a tenancy agreement | Our tenancies do have information on the types of behaviour that we consider to be a nuisance or anti-social behaviour. Leases contain clauses prohibiting nuisance behaviour but in less detail. |
| 2. | In the definition of anti-social behaviour, I would like to see intrusive behaviour and spying on neighbours included in the document too | This type of behaviour, if sufficiently persistent, would be covered by 'harassment', which is already included in the policy. |
| 3. | Some people may feel nervous about approaching any authority about anti-social behaviour, therefore an intermediary person could be helpful in these cases | We will train staff to deal sensitively with reports of anti-social behaviour and ensure that residents receive a professional response when they report issues. We do accept reports from residents via third parties, such as friends, relatives and support agencies (for example Victim Support or a similar agency). We also accept anonymous complaints. |
| 4. | Moreover, I would like to see deliberate targeting of the Corporation and their staff, spite and provocative malicious comments, included in the definition of anti-social behaviour. It needs to be clear that residents will also be protected too | <p>This is covered in the policy. It was also expressly covered in legislation introduced in 2014. We will act against people who assault, threaten or harass our staff, agents and contractors. Less serious instances of inappropriate behaviour may not be dealt with as anti-social behaviour.</p> <p>We have made it clear in the policy that we will assist residents who are victims of anti-social behaviour.</p> |
| 5. | Section 3.1 on page 3 has the first point as "misuse of public or communal spaces"; unless it's mentioned elsewhere clearly, perhaps it could say " misuse of public, communal spaces or the demised areas of the tenant(s)"? Just for clarity in that we are talking about where the tenant either lives or works. | The policy is stated to apply to behaviour affecting our residents, which would cover communal and private areas of our estates. The list in 3.1 is simply a way of categorising behaviour. Anti-social behaviour is covered by the policy wherever it occurs, be it in a communal area or affecting someone in a private dwelling. |
| 6. | I wondered at the inclusion of tobacco smells being included along with cooking as being acceptable. I feel that smoking should not be encouraged, if it is allowed in flats, then windows | The policy has been modified and tobacco odours are not specifically mentioned. While smoking is not allowed in communal areas, residents |

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| | that do not face walkways should be used to give fresh air to the flats. Also, the throwing of cigarette butts from balconies on to communal areas below can cause distress. Also smoking in communal areas. | are free to smoke in their homes. This is not the same as saying smoking is encouraged. Tobacco odour escaping from a private dwelling would not be dealt with as anti-social behaviour but could be addressed by other means. Our tenancies and leases do not prohibit smoking tobacco in private dwellings, in common with most local authority landlords. The throwing of cigarette butts would be considered anti-social and is covered under littering. |
| 7. | Section 3.2 Acceptable Behaviour, second para: Within the text you refer to ...'at reasonable times of day'. The term 'reasonable times' has a rather open-ended meaning and I'd suggest that, maybe in brackets, a more specific time measure, be added; e.g. ('between #am to #pm') after the phrase 'reasonable times'. | The policy has been updated to address this suggestion and another similar one. We do specify guideline times in our Tenant's Agreement & Handbook and these have been included in the policy, though these relate only to "noisy works". Other noise should be kept to a reasonable level. To avoid taking an inflexible approach, we will retain this distinction. |
| 8. | Section 22. Statutory & Regulatory: Among the list of Acts/Policies you are referring to the Data Protection Act 1998. There's now a 2018 Data Protection Act (EU GDPR) come into force - should this also be added to the list or even replace the Data protection Act 1998 as presently given in the draft document? | The Policy has been amended to reflect the point made here, which is quite right. The draft was started in 2017, which explains the reference to the old law, though this should have been spotted before the draft was sent out. |
| 9. | 3.2. Acceptable Behaviour "..... Some noise disturbance and other minor annoyances are to be expected when living in such proximity to other people.... This includes 'reasonable living noise' from residential properties are also considered acceptable and will not be treated as anti-social behaviour. Perhaps add to this list the times that it is acceptable to carry out noisy DIY (e.g. Monday to Saturday 08:00 hrs to 18:00 hrs)? No noisy DIY on bank holidays and on Sundays. I think this is generally not clear to new residents and therefore, difficult to reinforce. | The policy has been updated to address this suggestion. Our Tenants' Agreement and Handbook has details of the hours we consider suitable for carrying out potentially noisy activity and these have been included in the policy itself. |
| 10. | My only concern is the refusal of housing to those with a history of anti-social behaviour. I understand why but think it a failure in dealing with the causes of this behaviour. I would hope that all local authority and housing associations would work together with experts in this problem to seek a humane solution to managing and changing behaviour in these difficult cases. | It is anticipated that we will exercise this discretion very rarely and only when we have reasonable grounds for believing that the applicant will continue to commit further acts of anti-social behaviour once granted a tenancy. As part of the decision-making process, risk assessments are usually |

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| | | <p>completed and any measures we can put in place to support the applicant and grant a tenancy are considered. We also take account of the surrounding circumstances. We would only refuse to house someone if it was reasonable to do so.</p> <p>We also have an introductory tenancies scheme, which allows us to monitor the new tenant's behaviour in the first twelve months.</p> |
| 11. | The only worry I had was keeping your garden in a reasonable state, what if you were elderly or had physical problems and your garden could not be kept pristine. What's an acceptable standard | The policy wording has been clarified to reflect these comments. We will offer support when residents cannot maintain their properties, or meet other obligations of their tenancy or lease, due to vulnerability. This has been made clearer. |
| 12. | Paragraph 3.2 appears to imply that residents who live in upper flats and install Wooden Flooring without permission, would NOT be committing Anti-Social Behaviour by normal walking around. I believe that in the Barbican Estate such floors are banned and must be removed as they DO amount to Anti-Social Behaviour. The Policy should be the same on the Social Housing Estates. If such flooring is banned in other Policies, then this should be referred to in this document so as there is no room for doubt. | <p>It is important to distinguish between a breach of tenancy/lease and anti-social behaviour. Having wooden flooring without permission is not in itself an anti-social act, though any noise caused by this could potentially amount to anti-social behaviour if it causes nuisance or annoyance to a neighbouring resident.</p> <p>We will address breaches of tenancy/lease that involve hard flooring when they come to our attention and our tenancies and leases contain terms concerning appropriate flooring.</p> <p>If a complaint of anti-social behaviour is made, for instance around noise, and the resident in question has installed hard flooring without permission, this would be addressed under this policy or via enforcement of the tenancy/lease terms.</p> |
| 13. | You do not appear to cover what the Housing Department will do when the Anti-Social Behaviour is by some person or group who are not Estate Residents, e.g. Students from a nearby school using the underground garage area on Golden Lane Estate for smoking Cannabis. | The policy covers anti-social behaviour affecting our residents and their households, so the example given here would be dealt with under this policy, as it occurs on our property and would affect our residents or staff. Numerous tools and powers are available to us in dealing with incidents of this type. When the perpetrators are not our residents, we will normally work with other agencies to take appropriate action. |
| 14. | You do not say what action will be taken when the Anti-Social Behaviour is by a City of London employee or contractor/sub-contractor. This does happen | In situations where an employee committed an anti-social act in the course of their duties (i.e. while at work), this would be dealt with as a |

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| | | <p>potential breach of the code of conduct and would be a staff disciplinary matter.</p> <p>For contractors, the matter would be dealt with as a contract management issue and would be taken up with the company or individual concerned.</p> <p>Anti-social acts committed by our employees or contractors who happen to be our tenants/leaseholders, if they occur outside their working hours (i.e. in their private life as a resident), would be dealt with under this policy and appropriate action taken.</p> |
| 15. | Personally, I think you are far too soft and should take a tougher stance on this issue and evict persistent offenders | <p>We aim to take effective responses that reflect the seriousness of the problem complained of. We have a duty to support perpetrators and take account of their needs – dealing with anti-social behaviour is often very complex and each case is different. Eviction requires a court order and is not easy to obtain. Only the most serious cases will result in eviction. We will pursue possession when this is justified in the circumstances of the case.</p> |
| 16. | Mediation could be another option | <p>This is addressed in the policy. We use mediation extensively to resolve neighbour disputes, for instance.</p> |
| 17. | Contractors deserve no different treatment to others | <p>The policy wording in the relevant area has been clarified. It is not intended to give contractors special status, though it needs to be clear that contractors are protected under this policy. This reflects wording in our tenancies and leases, as well as legislation.</p> |
| 18. | Make the reporting routes for anti-social behaviour very clear | <p>The policy wording has been clarified to address this point. We will ensure that reporting routes and methods are publicised to residents as these will vary by estate</p> |
| 19. | Where will performance information be reported and how frequently? | <p>The policy has been clarified to explain this. We intend to report performance information to Committee every six months as part of our routine Housing Update Report, or as requested outside this process. Senior Officers will also monitor the information routinely.</p> |