Housing Aspects of ASB

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Introduction

- The legal context
- Complaints to social landlords
- Social landlords' responses
- Behaviours identified by tenants as being anti-social
- The impact of ASB on victims and witnesses
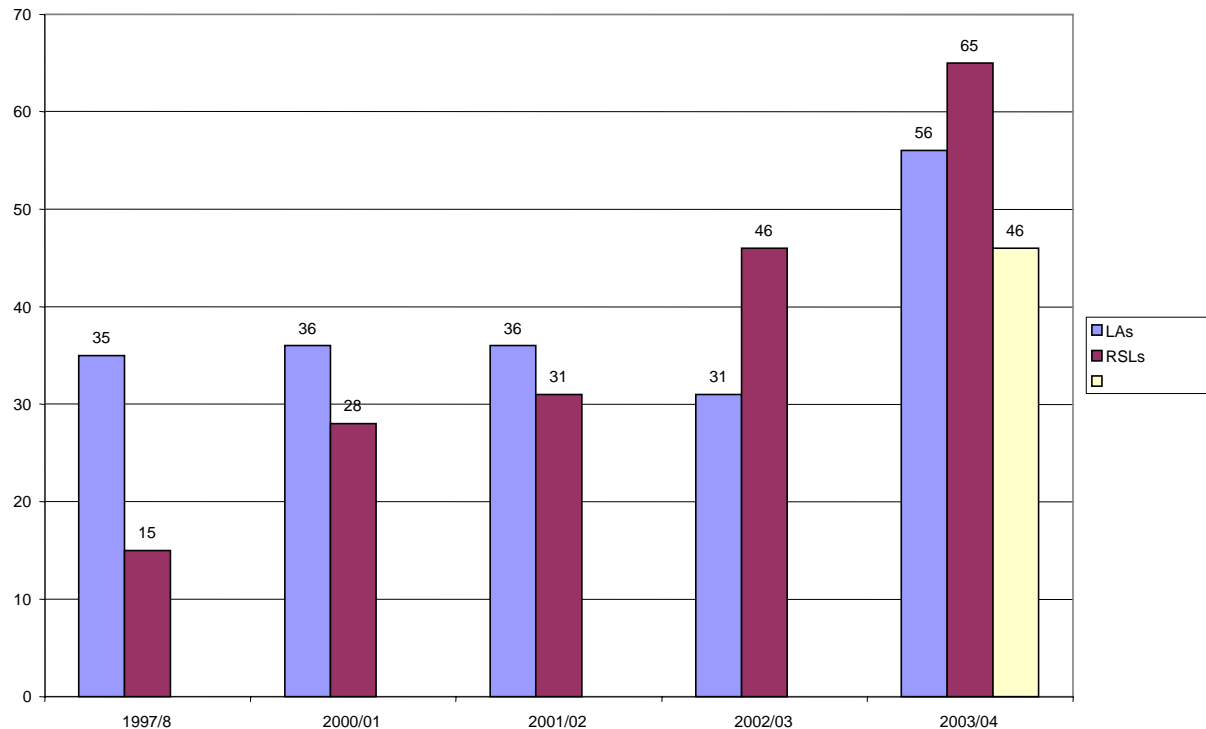- Measures to keep witnesses engaged

Legal Context

- **Housing Act 1996**
  - LA Injunctions (against non-tenants)
  - Strengthening possession powers
  - Introductory tenancies
- **Crime and Disorder Act 1998**
  - ASBOs (local authorities)
- **Police Reform Act 2002**
  - ASBOs for registered social landlords

Legal Context

- Anti-social Behaviour Act 2003
  - Broader injunction powers
  - Demoted tenancies
  - Structured discretion
  - 3rd party civil court ASBOs

What do we know about complaints to social landlords?

Average recorded complaints per 1,000 tenancies by type of landlord (Source SLCNG Survey, 2004)

Explanations for increasing complaints

- Better recording systems
- Growing confidence among tenants
- Public profile of ASB
- Increasing number of incidents

Responses to complaints

- Possession
  - Service of NSP is most common response
  - More than 50% of applications based on ASB result in an outright possession order (Hunter et al, 2000)

Responses to complaints

- Injunctions
  - Patchy use: 2002-3 LA 53%: RSL 41% sought at least 1 (Hunter and Nixon, 2003)
  - Manchester 2709 (1995 – Aug. 2004)
- Introductory tenancies
  - No permanent effect, not monitored (WAG)
  - Mostly used for rent arrears (Hunter et al, 2000)
- ASBOs
  - Use against social tenants or family members (Hunter et al, 2003)

Behaviours identified as anti-social - mess, smells and odour

"They'd got a garden with mattresses in it, beds in it, dog muck all over it, it was horrendous and it stunk, it absolutely stunk, we couldn't have a barbecue or anything anymore cause the whole of our garden wreaked of it" (Mrs Brown)

"sometimes it is the more petty things that encroach on your lifestyle than the more bigger things….sometimes it is just kids playing football that can cause as much of a problem as someone down the other end of the street dealing with drugs" (Shirebrook resident)

Acts of violence, harassment and intimidation

- *"my husband was attacked, my children were threaten to be burnt in their beds. My kids were intimidated if they were out. She would threaten them, that's a woman, threaten both my children. When they went to play out on the corner, she had them. So it's very much, and constant provocation" (Mrs Brown).*

The impact of behaviour on witnesses and victims

- Fear of intimidation and reprisals
- Poor communication and lack of information
- Loss of confidence in investigating agencies that appropriate action will be taken

"Tell who? The police or housing would not do anything so really all you can do is tell your friends and neighbours. We have lost all confidence in the housing and the Police" (Liverpool resident)

Measures to keep witnesses engaged

- Accurate information and regular contact
- Practical and emotional support
- Protection from intimidation and reprisals
- Encourage groups of witnesses to act together

Features of witness care

Specialist housing anti-social behaviour units

- Witness support is integrated into case management
- Professional witnesses can be used to protect witnesses
- Legal action can easily be taken to deal with intimidation and harassment
- Quick response to witnesses needs
- Witness care is integrated into a wider strategy to tackle anti-social behaviour

Independent victim/witness support services

- Independent provision fosters relationships of trust
- Tailored support is available for as long as people need it
- A range of emotional, practical and advocacy support is available
- The service is tenure neutral and is available to all regardless of where the anti-social behaviour occurs

Conclusions

- ASB is often associated with low level and non-criminal behaviour

- Social landlords have a key role to play in tackling ASB

- Where legal action is taken witness and victim care must be placed at the centre of case management