

ASB or NOT ASB?.....

What is Anti-social behaviour?

Most of us know that from time to time we may not see eye to eye with our neighbours. It is very easy for people to get on each other's nerves or argue, particularly when living in close proximity to each other.

The reasons neighbours fall out can vary and does not always constitute ASB which is defined below as:

- Anti-social behaviour is a broad term that is used to describe behaviour that may affect your quality of life and the peaceful enjoyment of your home. .
- Anti-social behaviour is defined as (a) someone acting 'in a manner that causes, or is likely to cause, harassment, alarm or distress to one or more persons (b) behaviour capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises; or (c) conduct capable of causing housing related nuisance or annoyance
- This may include noise, verbal abuse, harassment, threatening behaviour, unacceptable levels of noise, drugs and alcohol misuse and inconsiderate use of communal areas. For further information please read our ASB policy document.

Some complaints about, for example household noise are often reported to us as anti-social behaviour. Common complaints include children playing, door closing, furniture being moved and hearing footsteps. These matters would not be considered anti-social behaviour. Your neighbour may not be aware that they are causing a problem and you may be able to resolve the issue quickly and easily without reporting it.

STEP 1

We would always start by encouraging a resident to try to address the problem themselves as this can easily resolve the situation (unless this relates to threatening or violent behaviour or is a criminal activity which should be reported to the police).

STEP 2

If you have tried talking to your neighbour or you do not feel comfortable to, then contact your Housing Officer to discuss. You should always call the police if you have an urgent, serious problem.

Not all reports relating to neighbours behaviour or breach of tenancy are deemed acts of anti-social behaviour. In most cases this is clear , however

there are some reports that are easy to confuse and some that will rely on the officers questioning skills and judgement.

- **How does the incident/behaviour impact on the customer?**
Is it just an inconvenience (**NOT ASB**) OR
Is it having a detrimental impact on their quality of life (**ASB**).
- **What is the behaviour?**
Could it be a simple misunderstanding (**NOT ASB**)
Maybe the neighbour isn't aware they are causing a problem (NOT ASB)
Is it intentional or targeted and clearly unacceptable (**ASB**)

STEP 3

If you report ASB to us, Housing Management or Customer services will log the case as appropriate and will exercise their professional judgement when assessing whether a report of ASB meets our definition or not– ASB/Not ASB

NOT ASB.

Your Housing Officer will be able to help with any questions that you may have in regards to the situation. They will be able to give advice on resolving or managing your situation.

ASB

Your Housing Officer will log your case on our system. They will then follow Waverley Borough Council policy for managing ASB to investigate your complaint, explain options available and agree an action plan with you.

Behaviour that would be deemed NOT ASB

Some acts may be considered unacceptable, but would not be considered anti-social behaviour.

- ✗ Noise from children playing
- ✗ Personal differences
- ✗ Family disputes
- ✗ Babies crying
- ✗ Cooking odours
- ✗ Normal household activity or living sounds eg opening/ closing doors, walking up & down stairs etc
- ✗ One-off parties eg BBQs, where there's no evidence that the problem will reoccur.
- ✗ Clash of lifestyles including cultural differences.

Whilst many of the following examples may constitute a breach of tenancy and would need to be investigated, they would not be deemed anti-social behaviour and some are simply lifestyle choices and differences that neighbours' living in close vicinity of each other need to respect.

- ✗ My neighbour is erecting a portacabin in their garden for their son to live in.
- ✗ My neighbour has parked on double yellow lines near to where we live. This has not affected my own parking arrangements.
- ✗ My neighbour has a lot of visitors and they keep using our visitor bays. This means that we don't have anywhere for our visitors to park.
- ✗ My neighbour puts her washing machine on every morning at 8am and it wakes me up.
- ✗ My neighbour never washes their car and it looks filthy

Some Examples

The main areas of confusion are reports relating to pets, rubbish and car parking and the following examples are designed to assist you in making that decision.

CHILDREN PLAYING –

One of the most common reports we receive are about “children playing”. Play is an essential part of every child's life and vital for health and well being and development. The act of children playing is NOT ASB. The question that should be considered is what is it that they are doing that is having a damaging impact on the resident's quality of life.



- ✗ A report that children are just playing, this is **NOT ASB**.
- ✓ If the children are causing damage for example kicking a football against their car or property, then that may amount to **ASB**.
- ✓ If the children are shouting or swearing late at night, then that is **ASB**. (*“late” has no defined time, - however we would expect noise levels to drop as the evening wears on. To help us assess what is considered reasonable, we may speak to other neighbours to see who else is being affected*).

PETS –

We receive lots of reports relating to pets. The question that should be considered being – *is the pet causing a nuisance?*



- ✗ A customer reports that their neighbour (our tenant) has a dog or a cat in a flat – the fact that their neighbour may not have permission to keep the pet in the flat is an issue we can take up with our tenant. If the

pet's presence is not damaging the customer's quality of life then it is **NOT ASB**.

- ✘ A customer may be concerned about their neighbour's (our tenant) pet is not being cared for. The way the neighbour treats their pet may be upsetting for the customer but if it is not damaging the customer's quality of life then it is **NOT ASB** and may instead be a matter to report to the RSPCA..
- ✓ If the report however states that their neighbour's dog is howling and/or barking incessantly and it is greatly disturbing them, then this is having a detrimental impact on the customer and therefore would be recorded as **ASB** and as such it would be appropriate for us to provide the customer with updates, and may involve contact with Environmental Health / completion of diary sheets.

RUBBISH -

Another common report relates to rubbish. The question that should be considered being *are the neighbours actions intentional and clearly unacceptable* or could it *simply be a misunderstanding or just an inconvenience?*



- ✘ If the report is about another service eg the local authority not collecting the bins, recycling etc, then this is **NOT ASB**
- ✘ If the report is about their neighbour putting their rubbish out a day early or not using their recycling bins correctly, this is **NOT ASB**.
- ✓ If however, the neighbour's acts are intentional or clearly unacceptable eg fly-tipping, leaving nappies in the bin area etc – then this should be recorded as **ASB**. All fly tipping is to be reported to Waverley Borough Council Environmental Health.

CAR PARKING -

Vehicle problems should follow the same guidance as above, the question that should be considered being *are the neighbours actions intentional and clearly unacceptable* or could it *simply be a misunderstanding or just an inconvenience?*



- ✘ If a neighbour is using the wrong parking bay or double parking - it may be that they are not fully aware of the parking arrangements in their area and this can be easily addressed and is **NOT ASB**.

- ✘ Reports of neighbours parking on double yellow lines or failing to comply with other public highway markings should be directed to contact the relevant authority as appropriate (in many instances the local council unless it is causing a traffic obstruction in which case it would be the Police) and is **NOT ASB**.
- ✔ If however, the neighbour's actions appear intentional or clearly unacceptable (eg regularly blocking access), then we would log as **ASB**

MISUSE OF COMMUNAL AREAS -

Shared communal areas are places where neighbours regularly come into contact with each other. The same guidance as above should be followed, the question that should be considered being *are the neighbours actions intentional and clearly unacceptable* or could it *simply be a misunderstanding or just an inconvenience?*

- ✘ If a neighbour leaves the communal door open, this is **NOT ASB**.
(we may address concerns around the security of the block but not ASB)
- ✘ If a neighbour is slamming the communal door, this is **NOT ASB**
(unless it is causing damage, is continuous or intentional)
- ✘ When a resident is smoking in their own flat this is **NOT ASB**
- ✔ This however becomes a criminal offence if they are smoking cannabis or any other illegal substance and therefore is **ASB** and which should be reported to the police (and you should indicate if you are concerned about your safety) before letting us know together with any incident report number



We would recommend when cases can't be resolved by talking direct to your neighbour that you contact your Housing Officer who can make a referral for Mediation.

If you wish for Mediation, or to discuss your situation then please contact the Housing Management Team on 0330 119 3000