**NUISANCE POLICY AND PROCEDURE**

**Aim of Policy and Procedure**

Winchester City Council is committed to preventing, challenging and eradicating where possible every kind of anti-social behaviour, ranging from noise nuisance and neighbour disputes to discrimination and harassment.

The purpose of this document is to explain Housing Services policy and procedure for dealing with complaints of anti-social behaviour and neighbour nuisance.

In order to effectively tackle nuisance and anti-social behaviour, Housing Services work closely with both internal and external partners within the Community Safety Partnership, including Legal Services, Environmental Health, Hampshire Police and Children’s and Adult’s Services. Through partnership working the Council can look at both prevention and enforcement whilst utilising the widest range of tools available.

The key aim is to ensure that the council, acting in its Landlord capacity, applies correct and appropriate working practices to the task of tackling nuisance and anti-social behaviour in the Winchester district. Residents, their friends, families and visitors should be able to enjoy their homes and the locality in which they live.

Dealing with anti-social behaviour is one of Housing Services’ main priorities and we believe that our role in dealing with anti-social behaviour is to:

* Ensure all staff members take a consistent approach when dealing with all complaints and types of nuisance. All reports of nuisance within Housing Services housing estates are to be dealt with regardless of whether the complainant (or alleged perpetrator) is an owner occupier, private renter, or council tenant
* Ensure all staff members take all complaints of anti social behaviour, nuisance and harassment seriously and deal with all incidents in a sensitive, professional and impartial manner. The name of the complainant will be kept confidential unless agreed otherwise
* Respond to all complaints of anti social behaviour, nuisance and harassment effectively and within the agreed timescales
* React immediately to provide emergency assistance for incidents where violence, harassment or intimidation is involved
* Encourage, support and effectively communicate with complainants so that the appropriate course of action can be agreed. The parties involved should be kept fully informed throughout the procedure of the alternative solutions available to them and the justification for action taken
* Take appropriate action against perpetrators at the earliest opportunity in order to minimise the stress and inconvenience experienced by the complainant
* If appropriate, support people who act anti-socially to change and modify their behaviour in order to prevent enforcement action
* Make every effort to support those affected by anti-social behaviour in their own homes before and during legal proceedings (this may include referrals to specialist agencies or extra security measures)
* Consider moving victims or witnesses of anti-social behaviour where the situation is very serious or life threatening, i.e. where perpetrator action is being taken and there is clear evidence of danger to the tenant and their family, or where a statutory duty arises as a result of the harassment/nuisance
* Adopt a multi agency working approach with the Police and other agencies with the consent of the complainant to resolve all nuisance and harassment

The Anti-Social Behaviour Act (2003) states that Local Authorities must prepare a policy in relation to anti-social behaviour and procedures for dealing with such issues. Winchester City Council embraces this requirement in order to provide a high quality housing service effective in both preventing and tackling the problems caused by anti-social behaviour.

**Investigation Process**

Housing Services will deal with complaints in a prompt and efficient manner and will aim to keep complainants informed of how investigations into reports of anti-social behaviour are being conducted.

Complaints are received from a variety of sources including members of the public, Councillors, other departments, internal and external partner agencies. These can be in the form of a text, email, letter, telephone call or a face-to-face interview.

People making nuisance complaints are likely to have already suffered stress and may be in a disturbed state. The full range of communication skills including listening, empathising, reflecting and summarising are likely to be needed in order to obtain details of the problem clearly and coherently. A sympathetic and understanding approach at all times will help them to feel that their problem is being taken seriously.

Housing Services will aim to keep complainants informed of how investigations into reports of anti-social behaviour are being conducted. Where appropriate the Tenancy Housing Officer dealing with the complaint will always liaise with other statutory and voluntary services in an attempt to resolve the problem in question

The timescale and method of response to a complaint will depend on the nature of the anti-social behaviour reported. Tenancy Housing Officers will usually base their response on the information provided by the complainant in their initial complaint but it may also include information provided by the Police.

The Tenancy Housing Officer will assess whether the complaint requires a high priority response within one working day, a medium response within five working days or a standard response within 10 working days.

To substantiate a high priority response, investigations by the Tenancy Housing Officer will identify that the nuisance includes one or more of the following elements and therefore constitutes a serious breach that would warrant legal action, resulting in court action.

**Winchester Assessment and Mediation Service**

The Winchester Assessment and Mediation Service provide an independent and impartial service to tackle neighbour nuisance and anti-social behaviour. The service uses a specialised housing mediation model named Mediation Assessment where both parties are visited by a trained assessor who will provide a full narrative report to Housing Services giving a balanced picture with recommendations for future action and practical outcomes.

**Anti-Social Behaviour Victim Support Service**

The Victim Support Service provide a confidential support service to victims of Anti-Social Behaviour, whether they are the tenants of Winchester City Council or people adversely affected by the behaviour of tenants of Winchester City Council.