

Tenants' Handbook

Respecting others

Introduction

This chapter is about being a good neighbour; respecting your neighbourhood and all of the people who live in it.

1. Introduction

As a tenant, you are responsible for:

- Your own conduct
- The conduct of any person who lives in your home
- The conduct of any person who comes to visit you
- You are also responsible for taking proper care and control of any animals in your home.

Your tenancy agreement says that you must not:

- Do anything which causes nuisance, annoyance, offence, distress or alarm to other tenants or their family, lodgers or visitors

2. Door entry and CCTV systems.

We sometimes fit door-entry systems or closed-circuit television (CCTV) for shared entrances to blocks. This is to increase the security of your home and is effective when properly used.

Each tenant should only let their own visitors in.

If there is a door entry system, CCTV and/or other means of ensuring block security, you must not break the shared security by allowing strangers access to the block.

3. Shared Areas

Shared areas are meant to be used for rest and quiet recreation. This means, for example, that you should not use stairwells, shared landings, estate paths, shared paved or tarmac areas and grassed areas for actions likely to cause disturbance or nuisance for others, including:

- Playing ball games
- Drinking alcohol
- Using drugs or taking part in any other illegal activity
- Smoking when covered by the law banning smoking in public places
- Gathering in groups and frightening other residents
- Riding motorbikes and scooters (apart from on specific estate roads)
- Carrying out motor vehicle repairs
- Playing loud music
- Letting off fireworks

- Damage any property fixtures or fittings belonging to us or to our tenants and their families

If you break any conditions of your tenancy agreement, you risk losing your home. We will usually consider antisocial behaviour as seriously breaking your tenancy agreement.

We expect neighbours to be able to talk to each other to resolve minor matters of nuisance. However, and where necessary, we will use the full force of the law to deal with people who cannot let others live peaceably in their homes.

This chapter tells you about managing and reducing anti-social behaviour, any form of harassment, all domestic violence, and includes new definitions about controlling and coercive behaviour.

- Dumping rubbish and unwanted furniture
- Having a barbecue (especially forbidden on any balcony)
- Installing any type of surveillance equipment without the express permission of the Council

Shared areas can also form part of a tenant's fire escape route.

It is very important that you do not block these areas in any way, including using these areas for storage or displaying real or artificial plants, bikes, prams, pushchairs, wheeled shopping trolleys, etc.

4. Lifts and restricted areas

Many elderly and vulnerable people rely on the lifts and the main reason for them breaking down is vandalism.

No one likes to enter a lift that has been used as a toilet; please report this behaviour.

Certain areas on the estate are out of bounds for health and safety reasons. You must not enter any restricted areas including, but not limited to, lift rooms, water tank rooms, roofs and roof spaces.

5. Criminal behaviour

You and persons residing in or visiting the property must act in a reasonable manner and must not do anything which causes nuisance, annoyance, distress, or alarm to other persons residing, visiting or otherwise engaging in a lawful activity in the locality, or cause damage to their property or possessions.

You must not use your home or permit it to be used for any criminal or unlawful purpose.

If you are convicted of a serious criminal offence in, or within, the vicinity of your tenancy, the Council has

powers under the ASB, Crime and Policing Act 2014 to apply to evict you from your home.

6. Harassment

It is a breach of your conditions of tenancy to discriminate, intimidate, harass or abuse anyone because of their age; race; sex; disability; religion and belief; marriage and civil partnership; pregnancy and maternity; sexual orientation, or gender reassignment.

Harassment is a particular type of anti-social behaviour which is directed at individuals, their families or groups of individuals. It is offensive behaviour that interferes with other people's quality of life.

The most common types of harassment may include:

- Violence or threats of violence towards any person
- Violent or threatening behaviour, including possessing a weapon or something that can be used as a weapon
- Using or threatening to use a dog as a weapon
- Abusive or insulting words or behaviour
- Damage or threats of damage to property belonging to another person
- Writing threatening, abusive or insulting graffiti
- Racist behaviour, including written or verbal abuse
- Targeted vandalism
- Malicious phone calls
- Deliberately playing music, TVs or radios at high volume to annoy neighbours

7. Domestic abuse

You must not behave in an abusive way towards any other person allowed to live with you, especially if this prevents them continuing to live peaceably in the property.

Domestic abuse concerns adverse behaviour towards any person living with you. This is unacceptable and we do all we can to protect people from this.

Domestic abuse can affect women or men and those in same-sex relationships and you do not have to accept it as a normal part of a relationship

You will be breaking your conditions of tenancy if:

- You are convicted of an offence involving violence or a threat of violence against a member of your household
- A court order has been made against you to leave your home temporarily or permanently because of your behaviour towards a member of your household

This may mean that we will take action to evict you from your home.

Recognising abuse

Domestic abuse can be a single incident or repeated incidents but it is usually an abusive behaviour pattern by:

- A current or ex-partner - even if they do not live with the person they abuse
- A family member
- Anyone who lives with the abused person

Domestic abuse involves

- Control
- Coercion
- Threats
- Violence
- Physical abuse
- Psychological abuse
- Sexual abuse
- Emotional abuse
- Financial abuse
- Threats of abuse

Controlling and coercive behaviour

From 2013 there are new categories of domestic violence, which now includes controlling and coercive behaviour.

Controlling behaviour is a way of acting which makes another person subordinate and/or dependent by isolating them from sources of support (i.e. family and friends), exploiting them for personal gain, restricting their independence or having their own opinion, stopping them escaping or leaving the situation and/or dictating their everyday life.

Coercive behaviour is:

- Acts of assault
- Threats
- Humiliation
- Intimidation or
- Other abuse that is used to harm, punish or frighten anyone else in the property

Examples may include:

- Name calling
- Stalking
- Blackmailing
- Using children against one of the parents
- Forcing partner to have intimate physical contact

- Controlling access to money or how they spend it or
- Not allowing them to get a job.

Where a relationship breaks down as a result of abusive or controlling behaviour against any other person lawfully allowed to live in the property, the Council might decide not to re-house or grant the tenancy of the existing property to the person who is carrying out the abuse.

If this person is the tenant, we may also take action to evict them for a serious breach of their tenancy agreement.

We may also ask that they complete a programme for perpetrators of domestic abuse.

What you should do if you are a victim of domestic violence

We have a policy of supporting victims of domestic abuse.

Southwark Advocacy and Support Service (SASS)

Southwark Advocacy and Support Service (SASS) supports all Southwark residents, women and men over 16 years of age who are suffering, or at risk of suffering, domestic abuse. Whether or not you choose to report to the police, SASS will still be able to offer you help.

SASS support

SASS offers practical and emotional support, advice, counselling, information and assistance in relation to managing your safety including exploring options such as housing, welfare benefits, criminal and civil legal actions. They can also carry out works to make improvements to your home safety for example changing locks.

SASS also offers a perpetrator programme for abusive people who want support to change their behaviour via **020 7593 1290**

You can access their service 24 hours a day, seven days a week by calling 020 7593 1290 or emailing southwark@solacewomensaid.org or visiting www.solacewomensaid.org

If you are in immediate danger, always call the Police on 999.

If you want to stay in your home, SASS can assist in applying to court for:

- An occupation order to keep the abuser away from your home
- A non-molestation order to stop the abuser from being violent (or threatening violence) to you or a member of your household
- An injunction against the abuser to keep them away from you and your home.

Emergency rehousing

If you need emergency re-housing, you should contact your area housing office who might be able to find you somewhere to live temporarily.

If the emergency arises at night or during a weekend, please contact the Homeless Persons Unit on 020 7525 5000.

Southwark victim support

If you have been a victim of crime, you can get help from Southwark Victim Support.

They offer a free and confidential support and listening service, including:

- Visiting you at home
- Advising you about personal safety and security
- Helping you fill in forms if you have been injured.

They may also be help you with extra security to your home.

The trained volunteers deal with all types of crime from burglary to serious sexual assaults and domestic violence. They also help the families of murder victims.

Contact Southwark Victim Support on 0845 3030 900 or visit www.vssouthwark.org.uk.

8. Anti social behaviour

What is anti social behaviour?

The term anti-social behaviour includes a range of nuisances defined by the Anti Social Behaviour Crime and Policing Act 2014 as:

- Behaviour likely to cause harassment, alarm or distress, or
- Engaging in conduct capable of causing a nuisance or annoyance

These definitions apply to people who may be visiting your home or estate, including family members.

Examples of anti social behaviour may include:

- Environmental damage including littering, dumping of rubbish and cars
- Causing nuisance, being rowdy or inconsiderate to neighbours
- Inconsiderate or inappropriate use of vehicles
- The buying or selling of drugs in public
- Vandalism, graffiti and fly-posting
- Street alcohol consumption
- Prostitution related activity
- Begging and vagrancy
- Fireworks misuse

Your rights

You have the right to live peacefully in your home and a right to live in a well managed environment free from antisocial behaviour.

We expect neighbours to be able to talk to each other to resolve minor matters of nuisance peacefully and we encourage community resolution in most instances.

However if a report of anti social behaviour is received, we will investigate all complaints made by or against our tenants. We will consider the most appropriate and proportionate action to try and resolve issues.

Your responsibilities

You are responsible for:

- Your own behaviour
- The behaviour of any person who lives with you
- The behaviour of any person who comes to visit you
- The behaviour of pets belonging to you, someone living with you, or your visitors

You and persons residing in or visiting the property should act reasonably and not:

- Cause nuisance, annoyance, distress, or alarm to other persons residing, visiting or otherwise engaging in a lawful activity in the locality, or cause damage to their property or possessions
- Threaten, abuse, assault or otherwise interfere with or obstruct our officers, agents or contractors
- Discriminate, intimidate, harass or abuse anyone because of their age; race; sex; disability; religion and belief; marriage and civil partnership; pregnancy and maternity; sexual orientation, or gender reassignment.

Nuisance and annoyance

As well as the clauses in your tenancy agreement we can also use other powers to deal with anti social behaviour, including: Environmental Protection Act 1990 which covers dropping litter, dog fouling and/or fly tipping.

The Council will prosecute in cases of environmental and anti social behaviour.

What you should do if you are experiencing anti-social behaviour

If it is safe to do so, first of all try to speak to the person you think is behaving in an anti-social way to try to manage the situation from the outset.

Many problems arise because people have not thought about how their actions might affect others, or considered other peoples' point of view.

Sometimes people just need telling that their behaviour is upsetting you.

If the other person is unreasonable, simply walk away. Do not get involved in an argument or dispute. Sometimes just pointing out the problem will have been enough for the behaviour to stop.

If the problem does continue you should contact your Resident Services Officer. Alternatively you can contact a designated customer service point or Southwark Antisocial Behaviour Unit (SASBU) on **020 7525 5777**, email **sasbu@southwark.gov.uk**.

What we can do if you are experiencing anti-social behaviour

Once you have reported the problem the Council officers will:

- Send you an acknowledgement of your complaint
- Tell you the name of the Resident Services Officer dealing with your complaint
- Contact the Southwark Antisocial Behaviour Unit
- Make an appointment to see you
- Send you an incident diary which you should use to keep a record of incidents as and when they happen (important evidence)
- Interview you to find out how you are affected
- Agree an action plan with you to outline what you and the officer will do

The Council may need to involve other people in resolving your issue and will discuss with you:

- Contacting the person carrying out the antisocial behaviour
- Contacting the police or other agencies
- Contacting neighbours or other witnesses to find out the facts; such as who else is involved and to get supporting evidence

Once we have started our investigations we will offer you another appointment to review the evidence and any action we have taken or may take.

Other steps we may take include:

- Issuing a warning to the person responsible for the antisocial behaviour
- Working with other agencies (the Noise Team, Police Community Safety Unit)
- Reviewing your home's security
- Referring you to mediation services - free confidential services for neighbours in conflict to help you and your neighbour sort out the problem
- Agreeing an Acceptable Behaviour Contract (ABC) - a voluntary agreement signed with the alleged perpetrator promising to end their nuisance behaviour

If the antisocial behaviour continues

Most cases are sorted out before any legal action is needed. However, if the antisocial behaviour is continuing, and is serious, your Resident Services Officer

can refer your case to the Southwark Antisocial Behaviour Unit (SASBU).

SASBU is a multi agency team which includes officers from housing and the police. SASBU lead on taking legal action against tenants or residents who are involved in serious anti social behaviour, and where attempts to mediate or stop the anti social behaviour have not been successful.

Once the Resident Services Officer has referred your case to SASBU the team will hold a case conference meeting with all the agencies involved to consider the best course of action.

In the most serious cases legal action may be started which could include:

- Serving a notice of seeking possession (NoSP) on the person allegedly committing the offence. This is the first stage of legal proceedings which may result in evicting the person responsible. Notices of Seeking Possession will be served where tenants or their visitors breach the terms of the tenancy agreement, commit criminal offences in the vicinity of the tenancy, cause serious noise nuisance and/or breach a Noise Abatement Notice, or an injunction or Criminal Behaviour Order.
- Obtaining a court injunction against the person responsible for causing ASB. This can result in a committal to prison if not complied with.
- Obtaining a Closure Order on a dwelling to immediately remove all occupants where very serious and rowdy behaviour is evidenced.

Joint working

Sometimes there may be genuine reasons for a person's behaviour, such as mental health or social problems and we have to be fair to people in genuine difficulty.

We refer these people for support but if their behaviour does not improve we can still take legal action against them.

Collecting evidence

If we take legal action the courts must have real evidence of the anti-social behaviour upon which to base any lawful decision.

The best evidence is your direct experience (which you should record in the incident diary provided to you).

Sometimes this evidence can be backed up by professional witnesses.

We will decide whether or not to take legal action after considering each individual case and the available evidence.

We will only take cases to court where there is evidence and we have a reasonable chance of success.

Victim and witness support

We will treat anything you tell us in strict confidence but it may not be possible for you to remain anonymous. This is because, unless there are a number of complainants, the person responsible may assume you made the complaint.

Going to court

If we do have to go to court we will often ask you to be a witness. However, if you are worried about this you can discuss it with us at the initial interview. If you are not willing to be a witness this does not mean there will be no further action. It may be possible for someone else to give evidence on your behalf.

9. Noise and nuisance

Noise must be kept to a reasonable volume at all times. This is one of the most common causes of neighbour disputes. So, please be a good neighbour and keep the volume down on TVs, radios, stereos and musical instruments.

You are not allowed to have a party where people pay to come in or to have a party that is too noisy. You must also not advertise, or let other people advertise, a party where you live. Parties should not be held in the common parts of an estate without the express permission of the Council.

If you do want to have a party, it is best to tell your neighbours beforehand and tell them when it will finish. Keep the music down and ask people to be quiet when they leave.

What you can do to help stop noise nuisance:

- If you are playing music outside try to keep it at a level that cannot be heard outside your boundary
- If children are playing outside, ensure they do not cause excessive disturbance, especially by throwing/kicking balls against the walls or fences of your neighbours' properties
- Use domestic appliances during the day and do not operate them at night when the noise could affect neighbours
- If you play a musical instrument try not to practice early in the morning or late in the evening or at night as this may disturb other people
- Only carry out noisy DIY work during the daytime and do not start before 8am on a weekday or 10am on a weekend, especially on a Sunday, and let your neighbours know what you plan to do
- Do not leave dogs unattended indoors or outdoors for long periods of time as this may cause them to bark or whine, or cause other nuisance.

Noise and Nuisance Team

Southwark Council provides a Noise and Nuisance Team that deals with complaints of noise and nuisance. If you are being disturbed by noise or nuisance you can let us know by calling 020 7525 5777 to report the problem.

The Noise and Nuisance Team operates throughout the day and late into the early hours of the morning of the following morning during these times.

Monday 7am to 2.30am the following morning

Tuesday 7am -to 2.30am the following morning

Wednesday 7am to 2.30am the following morning

Thursday 7am to 2.30am the following morning

Friday 24 hour cover

Saturday 24 hour cover

Sunday 24 hour cover

At weekends the Noise Team are available 24 hours a day as this tends to be the busiest time.

On receiving the call that there is an issue of loud noise, the noise team will call you to make sure the noise is still happening. If it is they aim to visit you within one hour.

When the officers arrive they will make an assessment within your premises. In order to serve a Noise Abatement Notice the noise officer needs to hear the noise from within your home.

However, if your call is received by the call centre out of operational hours, an officer will call you within three days to discuss the problem with you.

Some types of noise and nuisance we can help you with

- Loud music and parties
- Noise and dust from demolition and construction sites
- Noise from entertainment venues, pubs and community halls
- Odours and fumes from commercial premises
- Smoke
- Noise and emissions from road works and equipment in the street
- Barking dogs
- Car alarms
- Premises alarms
- Noise in the street from machinery or equipment

Types of noise we cannot help you with

- Traffic and train noise
- Aircraft and helicopter noise
- Everyday living sounds (e.g. noisy vacuuming, etc), especially in the day
- Footsteps on wooden or laminate flooring
- Noise caused by inadequate sound insulation

What actions we can take

If the Noise and Nuisance Team witnesses the problem and considers it to be a nuisance under the law, the following can be done:

- Try to stop the nuisance and issue a warning
- Serve a Noise Abatement Notice if a nuisance is witnessed
- Prosecute if the Noise Abatement Notice is breached. This can lead on to eviction from your home

How to take your own action

It is not always possible to witness the problem even where numerous visits by the Noise and Nuisance Team take place.

Under Section 82 of the Environmental Protection Act 1990 you can take action yourself. The Noise and Nuisance Team officers will be pleased to offer help and advice to anyone who wishes to pursue this course of action.

10. Repairing motor vehicles

You must not carry out motor vehicle repairs in or near the property or garage which cause nuisance, annoyance or offence to anyone.

This also applies to motor vehicle repairs you carry out near a garage if you rent one.

Typical examples of nuisance include:

- Noise from car radios and sound systems
- Noxious fumes from paint spraying or exhausts
- Changing oil
- Revving the engine or using noisy machinery or tools
- Leaving oil or car parts on estates

11. Pets

You are allowed to keep a pet as long as it is not dangerous, not a health risk, not likely to cause a nuisance and you have a suitable home for the type of animal you wish to have as a pet.

The following conditions apply:

- You do not need our written permission to keep a pet but we do ask that any pet is appropriately micro-chipped in line with current legislation
- You are responsible for the behaviour of your animal and any animal you have allowed in the property or within its boundary at all times
- You must not cause or allow the animal to cause nuisance or annoyance by excessive barking, or other noise, or aggressive or other behaviour
- You must make sure your animal's faeces are properly disposed of and that any animal kept by you is micro-chipped where the law indicates this is required

- Any nuisance caused by animals will be taken seriously and we reserve the right to control nuisance animals

The council has introduced a Borough-wide Public Space Protection Order which defines:

- Areas where dogs are not allowed
- Areas where dogs have to be kept on a lead
- The number of dogs people can walk at a time
- Allows an officer of the Council to ask you to put your dog on a lead
- Allows the Council to issue a Fixed Penalty Notice for dog fouling

12. Service standards

Reporting antisocial behaviour

- You can report antisocial behaviour (ASB) by emailing us at sasbu.gov.uk
- Via online report form on our website at www.southwark.gov.uk/doitonline
- Calling our antisocial behaviour number **020 7525 5777**
- Contacting your Resident Services Officer

Dealing with your report

When you report an incident of ASB, we will:

- Give you the name of an officer who will deal with your case.
- Set up an ASB file on your case

Investigating

After you have contacted us, we will ask for your permission to investigate your complaint.

Keeping you informed

After we have investigated your complaint, we will:

- Tell you about action we have taken to deal with the problem
- Tell you why we were not able to take action
- Update you on the progress of the case at least once a month

Types of antisocial behaviour and response times

We put all reports of ASB into one of three categories. Some examples in each category are shown below. Please see the following for how quickly we will contact you.

Category 1 - You will be contacted within one working day

- Drugs, substance misuse or drug dealing
- A hate-related incident (based on a person's sex, gender, race, sexual orientation, disability, age or any other protected characteristic)
- A report of offensive or hate-related graffiti

- Threats of violence

Category 2 - You will be contacted within three working days

- Noise nuisance
- Vandalism and damage to property

Category 3 - You will be contacted within five working days

- Pets and animal nuisance
- Nuisance from vehicles
- Litter, rubbish, fly-tipping
- Disturbing use of shared areas and public space, for example, street drinking
- Neighbour disputes