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Respecting others

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

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

1. Introduction

As a tenant, you are responsible for:

- Your behaviour
- The behaviour of any person who lives in your home
- The behaviour of any person who comes to visit you
- The behaviour of any pets belonging to you, occupants or visitors.

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
- 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 do not let others live peaceably in their homes.

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 your family or visitors should not use stairwells, shared landings, estate paths, shared paved, tarmac or 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
- Dumping rubbish and unwanted furniture
- Having a barbecue (especially forbidden on any balcony).

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 displaying real or artificial plants or storage of 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.

We may evict you if you are arrested and convicted of an offence that takes place in your home or in an area around 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 antisocial 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
- 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 rehouse 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) support 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 it to the police, SASS will still be able to offer you help.

SASS support

SASS offer 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**, 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 the 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 rehousing, you should contact your Housing Services Office which might be able to find you somewhere to live temporarily.

If the emergency arises at night or during a weekend, please contact the Homelessness 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 able to 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 Antisocial behaviour

What is antisocial behaviour?

The Crime and Disorder Act 1998 defines antisocial behaviour as acting in an antisocial manner that causes, or is likely to cause, harassment, alarm or distress to one or more persons in a separate household. This includes people who live on your estate and any visitors.

Examples 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 flyposting
- 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.

We investigate all complaints made by or against tenants.

We do not guarantee to take management or legal action in every case.

Your responsibilities

You are responsible for:

- Your 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 unacceptable behaviour, including: Environmental Protection Act 1990, Dog (Fouling of Land) Act 1996 and Clean Neighbourhoods and Environment Act 2005.

The council has the power to act on all nuisance.

You can be fined for dropping litter or not cleaning up after your pet in public areas.

The council can serve a fixed penalty notice and take you to court for further action.

If you break any conditions of your tenancy agreement you risk action by us which could ultimately lead to you losing your home.

What you should do if you are experiencing antisocial behaviour

If it is safe to do so, first of all try to speak to the person you think is behaving in an antisocial 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 people's 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 continues 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** or write to:

SASBU
PO Box 51294
London SE17 9AD

What we can do if you are experiencing antisocial 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.

We may also, but only with your express permission:

- Contact the person carrying out the antisocial behaviour
- Contact the police or other agencies
- Contact neighbours or other witnesses to find out the facts and who else is involved.

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 Southwark mediation service – a free confidential service for neighbours in conflict to help you and your neighbour sort out the problem
- Agreeing an Acceptable Behaviour Contract (ABC) – a voluntary agreement by the 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 designated office can refer your case to the Southwark Antisocial Behaviour Unit (SASBU).

Southwark Antisocial Behaviour Unit (SASBU)

SASBU can be contacted on **020 7525 5777** or via **sasbu@southwark.gov.uk**, or in writing to:

SASBU
PO Box 51294
London SE17 9AD

SASBU is a team which includes officers from housing, the police and the Youth Offending Team and is responsible for:

- Taking action against people behaving in an antisocial way
- Taking legal action to stop antisocial behaviour
- Arranging support for those affected
- Improving the security of your home.

Once the Resident Services Officer has referred your case to SASBU the team will hold a case meeting with all the agencies involved to consider the best course of action. This could be management or legal action.

In addition, legal action may be started which could include:

- Serving a Notice of Seeking Possession (NoSP) on the person allegedly committing the offence – a first stage of legal proceedings which may result in evicting the person responsible

- Obtaining a court injunction against the person responsible, possibly resulting in their arrest if they fail to comply – we can apply for such an injunction without giving notice to the person allegedly responsible
- Obtaining an antisocial behaviour order (ASBO) to restrict the movements of anyone over ten years of age who may be responsible for antisocial behaviour
- Conducting additional community warden patrols of the area, or to act as professional witnesses on behalf of residents
- Acceptable Behaviour Contracts (ABCs).

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 antisocial 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, for example through Southwark Council's community wardens.

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.

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 your visitors 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 practise 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. If you are being disturbed by noise or nuisance you can telephone the call centre 24 hours a day, seven days a week on **020 7525 5777** to report the problem.

The Noise and Nuisance Team operates throughout the day and late into the early hours 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	7am to 5pm then 6.30pm to 4am
Saturday	7am to 5pm then 6.30pm to 4am
Sunday	8am to 2.30am the following morning

On receiving the call officers will aim to visit you at your premises within one hour of your request being made.

When the officers arrive they will make an assessment within your premises. If a noise nuisance is witnessed they will take the steps necessary to deal with the problem.

However, if your call is received by the call centre out of operational hours, an officer will call to discuss the issue the next working day.

Some types of noise and nuisance we can help you with:

- Neighbours' loud music and parties
- Neighbours' DIY work
- 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 (i.e. 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 if they do (first time only)
- Serve a notice
- Issue a fixed penalty if the notice is breached
- Prosecute if the notice is breached
- Seize equipment if the notice is breached (usually for ongoing complaints).

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 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 microchipped 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 your own or your visitors' 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 microchipped 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 can also introduce dog control orders in a specific area, to control:

- Dog fouling and faeces
- 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.

12 Service standards

Reporting antisocial behaviour

- You can report antisocial behaviour (ASB) by emailing us at **csc@southwark.gov.uk**
- Via online report form on our website at **www.southwark.gov.uk/doitonline**
- Calling our antisocial behaviour number on **020 7525 5777**
- Writing to us
- 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 on the following page. Please see next page 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
- Domestic violence
- Other physical violence
- Serious abuse and threats to staff.

Category 2 – you will be contacted within three working days:

- Noise
- Vandalism and damage to property
- Prostitution.

Category 3 – you will be contacted within five working days:

- Pets and animal nuisance
- Nuisance from vehicles
- Litter, rubbish, flytipping
- Disturbing use of shared areas and public space, for example, street drinking
- A dispute between neighbours.