

Anti-Social Behaviour (ASB) FAQs



City of Westminster

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What is Anti-Social Behaviour (ASB)?

ASB is used as a broad term to describe behaviour that may affect your quality of life and the peaceful enjoyment of your home. It can include unacceptable levels of noise, verbal abuse, harassment, drug and alcohol misuse and other behaviour that causes or is likely to cause harassment, alarm or distress.

Our ASB team will investigate every report they receive, but some issues will be difficult to progress if we are unable to identify the person(s) responsible, so we need as much information as possible when an ASB report is made.

Why do I need to report ASB?

We take all reports of ASB seriously and will work with you and relevant agencies to try and resolve the issue, but we cannot do this without your help. Your reports give us the information and evidence that we need to take action to stop the ASB from happening.

Without this we are unable to understand what you are going through and how often something is happening. We can also share your information with our partners, like the police, in appropriate circumstances so that they can also investigate the problem swiftly and work with us to resolve it. Any action we take is in line with our policy and procedures – and we need evidence to take this forward.

Your reports also help us to understand if someone may need help or be at risk. It's important for our service to understand how our residents and communities are being affected.

How can I report ASB?

All reports of ASB made to Westminster Housing can be made through one of the following:

- Telephone – you can call us at **0800 358 3783**
- Email – you can also email us at **housing.enquiries@westminster.gov.uk**

- Online – you can type into any search engine 'report anti-social behaviour- Westminster Housing' where you can complete an online form.
- Your online MyWestminster housing portal – if you are registered to the portal, you can report ASB here which will provide you with your unique case reference number. You can also use your reference number to update your case at **westminster.gov.uk/yourhousing/report**

If you are experiencing ASB that is concerning and it is outside of office hours, we strongly encourage you to report this to the police. You can report ASB to the police by:

- Phoning **101** for a non-urgent matter.
- Phoning **999** if it's urgent and a crime is taking place.
- Reporting online to the police through their Metropolitan police website at **met.police.uk/ro/report/asb/asb/report-antisocial-behaviour**
- You can also report crime anonymously to Crimestoppers at **crimestoppers-uk.org**

What happens after I report ASB to Westminster Housing?

If you make a report via our Housing Enquiries team, we aim to contact you within two working days to agree an action plan with you. We will then send you 'our promise to you' letter that will confirm the details of your call and the action plan. We will then make weekly contact with you to check the situation while the case remains open, although this can be tailored to your needs.

Is anyone else informed about my report?

All reports are stored on our internal case management system and can only be viewed by internal staff. We can record anonymous reports, but this will mean that our case officer will not be able to update you on actions being taken to resolve the report.

If you provide consent for us to speak to the alleged perpetrator (person(s) causing ASB), they may assume where the report came from, but we will never disclose your details.

If we are concerned for your safety or for someone else's safety, we have a duty to make the relevant services aware of this, but we will always attempt to discuss this with you first.

What actions do you take when I have a case open?

Your ASB case officer will speak with you first and agree initial actions such as further evidence gathering, door knocks to other residents, or speaking with relevant partners. The actions after this will depend on the information we have gathered, the risk to residents at that time and how frequent the issues are happening.

If we have evidence that the ASB is taking place, your ASB case officer will try to resolve this by taking informal action. Legal action is always a last resort after all other attempts to resolve a case have been tried and failed, and the matter is so serious that legal action is agreed as necessary and proportionate.

In the vast majority of cases our early interventions are successful and the ASB is addressed without legal action. It is always important to provide the person causing nuisance the chance to change their behaviour, and just bringing it to their attention can often stop the behaviour.

Early interventions may include:

- Warnings (verbal or written).
- Visits with partners, for example the police.
- Acceptable behaviour agreements (ABA).
- Mediation referrals.
- Practical deterrents such as lighting or CCTV.

Legal powers we take may include:

- An Injunction, which may include excluding someone from entering a specific location.
- Working with partners for a closure order or a partial closure order on a property.
- Tenancy enforcement including possession proceedings.

We have an agreed policy and procedure where you can find more information on our tools and powers at [westminster.gov.uk/housing/tenants/report-anti-social-behaviour-or-tenancy-fraud-westminster-housing-residents/report-anti-social-behaviour-westminster-housing-residents](https://www.westminster.gov.uk/housing/tenants/report-anti-social-behaviour-or-tenancy-fraud-westminster-housing-residents/report-anti-social-behaviour-westminster-housing-residents)

Will I be updated about the actions during the case?

Your 'our promise to you' letter will state the agreed method of contact (email/ phone/in person) and how often you will have contact during the case, it will also list the first steps that will be taken.

Our aim is to contact you weekly. We cannot agree to contact that is more frequent than weekly. This is to ensure all ASB reports are provided with a fair and consistent service.

How long is my case kept open?

We will keep your case open while we are actively trying to resolve your ongoing reports. We will review your case after 30 days and then again after 60 days in line with our ASB procedure. We will send you an updated action plan detailing actions already taken and the next steps. We will only keep cases open beyond 60 days where we are actively taking further action.

When is my case closed?

Your case will be closed when we have resolved the ASB or when we are no longer receiving reports or any evidence. You will be contacted before your case is closed.

I'm worried the problem will start again if you close my case, can my case stay open forever?

We appreciate that you may be concerned about a problem starting again, but each case that is open on our system relates to that current incident or issue at that time. We cannot keep a case open continuously if all actions have been completed or the problem has stopped. Your case will remain on the system to view by internal staff even when it is closed.

We can assure you that even if a case is closed, you can always contact us again and have the case reopened if the problem reoccurs. Your ASB case officer will always contact you before your case is closed.

I am having problems with my neighbour, what can I do?

Complaints may arise around household noise such as children playing, doors closing, and furniture being moved. In most cases, these issues are not considered ASB. At the start of these type of cases, you will be encouraged to try and resolve the problem yourself if you feel comfortable to. Some of these options may include:

- Using 'dear neighbour' cards. These are cards that can be collected from your nearest area service centre, or downloaded from our website at westminster.gov.uk/housing/leaseholders/report-anti-social-behaviour
- The cards can be dropped off anonymously to let your neighbour know they may have caused a problem to someone else.

- A referral to our external mediation service so you can have a one-on-one mediation session with a trained mediator, or you can have a mediation session with your neighbour that is facilitated by the trained mediator (see **'What is mediation'** for more details).
- Your housing officer or case officer may be able to help you to speak to your neighbour about the problems if this is something you would like us to do. In these situations we will look at this option on a case by case basis.

What is mediation?

Mediation is a process in which a neutral and independent trained person helps people in dispute work out an agreement. We use an independent mediation service.

Mediation can help resolve disputes involving noise, children, rubbish, parking, animals and in some harassment cases. If residents do not speak English, the mediators will try to match them with someone who speaks their own language.

The advantages of mediation are:

- It can help stop disputes escalating, and can also help avoid more serious action being taken, including legal action.
- It can help stop disputes escalating and taking up a lot of management time.
- It can help neighbours understand each other.
- It can provide a speedy solution to disputes.
- It is provided at no cost to those involved in dispute.

Where there is a case that could possibly be resolved through mediation, the officer speaks to both neighbours to get their agreement. Mediation is totally confidential and once it has started, no specific details of the mediation will be shared with housing staff unless you want it to be.

Is all noise considered ASB?

Complete silence in a city is unrealistic and it is common for residents to hear their neighbours and children. Problems often arise when people act without thinking about their neighbours and other residents living nearby. Reports about household noise such as children playing, doors closing, and furniture being moved would not be considered as ASB.

We encourage you to speak to your neighbour if you are experiencing noise, see '**I am having problems with my neighbour, what can I do?**' for more details. There are also some tips available on our website to keep noise down at westminster.gov.uk/planning-building-and-environmental-regulations/noise-pollution/keep-your-noise-down/parties

What types of things are evidence in an ASB case?

If you report ASB to us, you will hear us use the term 'evidence' quite a lot. For us to act against someone, we need to have evidence to show that the allegations made to us are true.

If nuisance is proven to be happening, we will explore all tools and powers available to take appropriate action. Your ASB case officer will complete appropriate actions to gather evidence including speaking to our partners in the council and police.

When people think of 'evidence', they may think of, photos, videos, or recordings. Whilst these types of physical evidence are very strong in a case, it may not always be possible to get these, and we would not encourage you to gather this yourself if it is not safe or appropriate.

Other things that may give evidence include:

- Your case officer speaking to other neighbours in the area to see if they also report similar issues or have any evidence.
- Neighbours reporting the same incidents and the same thing.

- Reports to other agencies and reference numbers that show that incidents have been attended and witnessed.
- Witness statements from professionals and neighbours who have witnessed the ASB.
- Noise recordings through our noise app.
- Information of the incidents from our estate services and cleaning teams.

Can someone be arrested for causing ASB?

Yes, the police have the power to arrest someone and act where the behaviour is criminal. You must call the police if you witness a crime taking place, please see '**How can I report ASB?**'. If the police arrest someone and that person is convicted, this gives your ASB case officer stronger grounds to act against them. We take all ASB, especially behaviour that involves criminal activity on our estates or in our properties very seriously.

If we are taking legal action to seek an injunction we may be able to explore adding a 'power of arrest' to the order, but this is only something that can be granted by a judge at the hearing. A power of arrest means that if the person does not stick to an order and they are caught causing nuisance by the police, they can be arrested for it.

How do you work with the police?

Our ASB case officers work closely with the Safer Neighbourhoods Met policing teams (SNT). The SNT is made up of local police officers based in your ward area, who work together with partners to find useful, long-term solutions to local problems.

Once a month, ASB case officers and your local SNT attend a meeting with partners to discuss high risk ASB cases across our estates. The police also work with case officers to resolve ASB cases by attending visits to residents, walkabouts, and door knocks. To find out who your local officers are please visit met.police.uk

Why am I asked for reference numbers?

Reference numbers help your ASB case officer with their investigation. When you make a report to other services such as the noise service or the police, they will provide you with a reference number and this can be used as evidence in your case.

These reference numbers need to be provided to your case officer as soon as possible, this helps us and the police to quickly manage the issues.

What is a CAD reference number?

When you make a report to the police, they will provide you with a CAD (Computer Aided Dispatch) number. As an example, it will look or sound like CAD 1234/ the date you reported it. This reference is created from the police incident management system and the number on the reference is the exact number of that call on that day.

All information about the incident will be linked to the reference number and it can be easily searched on their system. CAD references can be used as evidence in your ASB case.

What other services do you work with?

We work closely with lots of other agencies and departments. These include the police, mental health teams, adult social care, children's services, Integrated Gangs and Exploitation Unit and also partners outside of the council such as floating support, victim support and drug and alcohol services.

Part of our investigation is to find out if there are other agencies or partners that we can work with to try and resolve ASB. We organise case meetings with our partners so that we can all get around the table and talk about the details of the case to explore different options to try and tackle the ASB.

I don't feel safe in my home, can I move?

We will always work with you to ensure that you are safe at home. In very exceptional circumstances, for example where you are at a high risk of violence, the council has discretion to consider a managed move from your home. If you do not feel safe in your home, please contact Westminster housing as detailed in '**How can I report ASB?**'. Your housing officer will be notified.

Alternative routes for rehousing in Westminster are below, please speak to your housing officer for more information:

- Housing solutions.
- Downsizing.
- Mutual exchange/Homeswapper.
- Flexible ownership.
- Moving to housing for older people.
- Homeownership Westminster.
- Apply for a transfer.
- Home connections.

Details of these options can also be found at [westminster.gov.uk/housing/tenants/moving-out-your-home](https://www.westminster.gov.uk/housing/tenants/moving-out-your-home)

What are my responsibilities?

You are responsible for the behaviour of every member of your household. This includes your children, any visitors, lodgers, or sub tenants, while they are in your home, in any shared area around your home or the surrounding area.

This means that you will be held responsible for others who cause nuisance in your home and the surrounding areas if they are linked to you. Please refer to your tenancy or leasehold handbook for more information at [westminster.gov.uk/housing/tenants/about-your-tenancy/rights-and-responsibilities](https://www.westminster.gov.uk/housing/tenants/about-your-tenancy/rights-and-responsibilities)

How can I report noise nuisance if it's outside your opening hours?

Westminster City Council have a 24 hour, 365 days a year noise service.

If you are experiencing continued and persistent loud noise such as DIY, an alarm, music, or a dog barking you can contact the noise service by:

- Telephone – **020 7641 2000**
- Online – **webforms.westminster.gov.uk/report-noise-problem**

If you have provided a mobile number in your report and you have asked to be contacted, you will receive a text message within 45 minutes and will be asked to confirm if the noise is still happening. An environmental health officer will aim to attend the location if you confirm 'yes'. If they witness unreasonable noise, they can take enforcement action which can include serving a noise abatement notice which demands that the noise stops and if it does not stop, they could be prosecuted, or they can apply for a warrant to remove equipment.

Please note if you do not want to be contacted by the noise service, they will not attend the location. The officer will need to be given access by you to be able to witness the noise from inside your home.

The ASB team work closely with the noise service and other partners to ensure that a joined-up approach is considered. It is important that you note down any incidents, including dates, times and any noise service reference numbers and provide this to your case officer.

If the noise service takes enforcement action, your ASB case officer will then explore enforcement action.

How can I record noise?

We encourage you to contact the noise service as detailed in '**How can I report noise nuisance**' so that noise nuisance can be professionally witnessed.

You could record noise from a phone, but it is difficult for your case officer to understand where this noise was coming from and who is being heard, and it can also be tricky to send recordings from your device to your case officer in a secure way.

If you have a case open with the ASB team about noise nuisance and you have a smartphone or mobile device, you will be offered 'The Noise App'. This is an application that can be downloaded on your smartphone or mobile device, and it supports you to record short recordings of noise, it registers where the noise is being recorded from your property and sends it straight to your case officer to review.

For more information about The Noise App, please speak to your ASB case officer.

My neighbour's dog is causing nuisance, what do I do?

If a dog or any other animal is causing noise nuisance, please refer to '**How can I report noise nuisance?**' and '**I am having problems with my neighbour, what can I do?**'

Westminster Housing ask all residents to request permission from us if they want to keep a pet, but in some cases, residents will have animals without us knowing. If a resident has a pet that is causing nuisance, we will investigate this further if it is reported to us and other relevant services. Westminster Housing work closely with animal warden who can also help with nuisance relating to people's pets.

If you are concerned about a dangerous dog, you must report this to the police, please dial **999** in an emergency or **101** for a non-emergency.

What is cuckooing?

Cuckooing is a new type of crime where criminal gangs exploit vulnerable people. The most common form of cuckooing is where drug dealers take over someone's home and use it to store, use or sell drugs. Signs that this is taking place can include; lots of people coming and going from the property at different times, intercoms and doorbells being rung and an increase in ASB.

If you think this could be happening please call the police. For more detailed information please visit the **Westminster website about Cuckooing**.

I can smell cannabis from another flat when I'm in my home. What can you do about it?

Cannabis is an illegal drug, and the use or supply of cannabis is a crime. All crimes must be reported to the police, details for the police can be found under '**How can I report ASB?**'

If a resident is identified to be smoking or supplying cannabis in their home and this is witnessed by the police, your ASB case officer will explore enforcement action in line with that person's tenancy agreement.

Can you evict my neighbour?

Evicting a resident is always a last resort and will only be considered as an option for cases where there is evidence of serious ASB, and where all other means of resolving the issue have been tried and failed.

I have been served with a notice of seeking possession. What does this mean?

A notice of seeking possession is the first step taken to take back possession of a property. Notices are served when there has been serious or continued ASB and they remain in place for 12 months from the date it is served.

There are two different grounds that a notice can be served on:

- Discretionary grounds – this means that the notice being served to you can be defended in court by you or a legal representative on your behalf, and a judge will decide whether to grant possession of your home back to Westminster City Council. To enforce the notice of seeking possession, your ASB case officer will need to instruct a solicitor to apply to a court for a hearing. A hearing will only be applied for if you continue to cause ASB following the notice being served to you.
- Mandatory grounds – under the ASB, Crime and Policing Act 2014 landlords were given powers to ask the courts for mandatory possession if you or a member of your household has already been convicted of ASB in other court proceedings. These are:
 - » A premises closure being granted on the property.
 - » A noise abatement notice breached by the tenant.
 - » A civil injunction being breached by the tenant.
 - » A criminal behaviour order being breached by the tenant.
 - » The tenant has committed a serious offence as listed at **legislation.gov.uk/ukpga/2014/12/schedule/3/enacted?view=plain**

You have the right to request a review within seven days of this type of notice being served to you. The review will determine whether the notice continues to be served on mandatory grounds, or whether it should be re-served to you on discretionary grounds.

We encourage residents to seek their own independent legal advice if they are served with a notice of seeking possession.

I think my neighbour is unwell, and I am concerned for their wellbeing. What can I do?

If someone is at immediate risk either to themselves or to someone else, you must call the police on **999**. If you have general concerns about someone's mental health you can contact the Single Point of Access Team.

The Single Point of Access team consists of qualified clinicians who are knowledgeable about different services and options. This helps callers or the person concerned to be directed to the most appropriate service to meet their needs. Please note the team will not be able to provide updates to you regarding a person's health, but they will take on the information you provide and work through this in their team.

The Single Point of Access team is open 24 hours a day, seven days a week, 365 days a year. You can call the team on **0800 0234 650** or email **cnw-tr.spa@nhs.net**

If you report something to us directly about your own health or someone else's, we will follow this up with the relevant services and agencies.

How can I activate a community trigger?

If you have reported three incidents of ASB in the last six months, to the police, your landlord or the council and you feel that no action has been taken, you can activate a community trigger. This can be done on our website at **westminster.gov.uk/community-trigger-form**

I do not feel like my reports are being taken seriously by agencies. Is there something I can do?

If you feel this is the case you can raise what is called a 'community trigger'. The community trigger enables victims of ASB to demand action and have a case review where persistently reported problems have not been addressed. Once a community trigger is activated, we will meet with all the relevant agencies to try and resolve the issue.

The council will:

- Acknowledge your request within two working days.
- Ensure your case is reviewed by a panel of professionals from multiple agencies within 12 working days.
- Inform you of the outcome and a proposed action plan within 12 working days from the case review.

A community trigger is separate to the complaints process, please see '**How can I make a complaint**'.

How can I make a complaint?

If you are unhappy with the way your ASB report has been handled, you have the right to make a complaint. Westminster Housing have two stages to their complaints procedure; Stage 1 and Stage 2. You can make a complaint online by completing a form at **westminster.gov.uk/about-council/complaints**

I want to give feedback about the way my case was handled. How can I do this?

You can send general feedback about your case or about a member of staff by contacting Westminster on **0800 358 3783** or by email at **housing.enquiries@westminster.gov.uk**

We will also contact you before we close your case, and at that time will ask you if you are happy to be contacted to give feedback on the way we have handled your concerns. If so we will pass your contact details to our external surveying company called KWEST. KWEST will aim to contact you within one week of your case being closed by telephone or email and they will ask you five short questions about the handling and outcome of your case. This feedback really helps to shape our service and is shared with case officers for their development.

Further questions

We hope the above FAQs have helped answer any questions you had regarding how we respond to ASB within Westminster Housing. If there is anything you are unsure about or if you have any further questions, our full ASB Policy and Procedures can be found at **westminster.gov.uk/housing/tenants/report-anti-social-behaviour-or-tenancy-fraud-westminster-housing-residents/report-anti-social-behaviour-westminster-housing-residents**

There are also further FAQ sheets available to residents on request which cover topics more in-depth such as 'CCTV' and 'Witness statements'. Please do speak to our housing enquiries team or your ASB case officer if this is something you would like to be provided.



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