

2.3 Customers guilty of unacceptable behaviour

It is our policy to exclude from the register for a period of time customers (including members of the household) who are guilty of unacceptable behaviour; that is behaviour which causes a nuisance or annoyance to other people. This can include noise nuisance, anti-social behaviour, drug dealing, violence or threats towards other members of the community, staff and elected Members of Partnership organisations. It may also include domestic abuse, racial abuse or harassment, this list is not exhaustive. The length of time of the exclusion is intended to give the customer time to evidence that they have changed their behaviour, and that offering them a tenancy will not create problems for the neighbours and the community in which they will live. We will not include time spent in prison when considering whether or not there is evidence of a change in behaviour.

There is no requirement for the customer or member of the household to have been convicted of such behaviour, but we will only exclude people where there is sufficient evidence for us to conclude on the balance of probability that such behaviour has taken place, and that if it were repeated in the context of a social housing tenancy/pitch agreement under the Mobile Homes Act 1983, it would be likely to create problems for neighbours and the community. Where we have reason to believe that someone has been guilty of unacceptable behaviour we may ask the police or other agencies to corroborate this.

The Council does not operate a blanket policy in relation to any category of anti-social behaviour, each case will be considered on its individual circumstances. Any decision to exclude will always be made by a senior officer from within the Council and will be closely monitored. The length of exclusion will depend on the severity, duration and number of incidents of unacceptable behaviour. Less serious offences may result in exclusion for up to twelve months, the most serious offences or multiple offences may result in exclusion for up to 3 years. Customers who are excluded on these grounds will be informed of this in writing and given a right of appeal over both the exclusion and the length of time.

More information is given in Appendix Three:

Appendix 3 – additional information for customers with a history of anti-social behaviour

The main policy sets out our overall approach to customers with a history of anti-social behaviour. The emphasis is on giving customers the opportunity to evidence that they have changed their behaviour, balanced by the need to protect existing tenants and their communities.

When considering whether to exclude someone for a period of time for anti-social behaviour we will not operate a blanket policy, but treat each case on its merits and look at the individual circumstances.

In looking at anti-social behaviour we will consider all offences and incidents in the past three years. Where a customer has spent some or all of the three year period in prison we will not include that time and will look at the appropriate length of time prior to going into prison. So for example someone who has been out of prison for 18 months; we would look at that period of time and also the 18 months before they went into prison. This is because the period of exclusion is intended to give the customer time to evidence that they have changed their behaviour, and that offering them a tenancy will not create problems for the neighbours and the community in which they will live.

In order to ensure equitable treatment of customers, we will apply the following guidelines as appropriate:

Length of exclusion	Type of offence
Twelve months	Anti-social behaviour which has resulted in action whether by the landlord, police or other body Frequent noise nuisance e.g. at least 3 occasions over a 3 year period

	Conviction for burglary or theft or similar offence on one occasion only Verbal, domestic or racial abuse
Two years	Anti-social behaviour which has resulted in conviction, or which would have enabled the landlord to gain possession of the property had the customer been living in social housing at the time. Conviction for drug dealing of a Class A substance, or dealing of any classification of drug that is deemed substantial enough for exclusion Conviction for burglary, theft or similar involving more than one occasion Single incident of domestic or racial abuse involving violence Conviction for violent behaviour
Three years	Conviction for violent behaviour on more than 2 occasions More than one incident of domestic or racial abuse involving violence. Harassment resulting in police enforcement such as a restraining order or non-molestation order Customers defined by the police as prolific offenders, or who have committed more than 3 offences within a locality of dwellings e.g. burglary, theft.

Where an offence took place between 1 and 3 years ago and there has been no further anti-social behaviour, a lesser period of exclusion may be applied.

Customers who fail to declare previous anti-social behaviour on their application will be deemed to have withheld relevant information and the application may be treated as fraudulent. This could result in the customer being excluded from the register for a three year period, in addition to the period of exclusion relating to the behaviour itself. Any decision on the length of time to exclude for failure to declare will be proportional to the anti-social behaviour that took place.