

# **Developing effective housing management strategies to address problems of anti-social behaviour**

authored by

**Keith Jacobs, Kathy Arthurson, Rob White and Jed Donoghue**

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## **ABBREVIATIONS**

<b>ABS</b>	Australian Bureau of Statistics
<b>ACT</b>	Australia Capital Territory
<b>AIC</b>	Australian Institute of Criminology.
<b>ASB</b>	Anti-Social Behaviour
<b>ASBO</b>	Anti-Social Behaviour Order
<b>BURP</b>	Bridgewater Urban Renewal Programme
<b>CJC</b>	Community Justice Centres
<b>CMS</b>	Community Mediation Services
<b>DoH</b>	Department of Housing
<b>FACS</b>	Family and Community Services, Commonwealth Department of
<b>HASSA</b>	Housing Advice and Support South Australia
<b>HT</b>	Housing Tasmania
<b>IT</b>	Information Technology
<b>NCH</b>	National Children's Homes
<b>NSW</b>	New South Wales
<b>QDH</b>	Queensland, Department of Housing
<b>RTA</b>	Residential Tenancy Act
<b>SAHT</b>	South Australia Housing Trust
<b>TH</b>	Territory Housing
<b>UK</b>	United Kingdom
<b>USA</b>	United States of America
<b>VoH</b>	Victorian Office of Housing

# EXECUTIVE SUMMARY

This Positioning Paper introduces research being undertaken by the AHURI Southern Research Centre to develop effective housing management strategies to address problems of anti-social behaviour (ASB). The research is premised on the assumption that public housing has, in recent years, become the tenure of the least well-off (a process known as residualisation). Residualisation has created a set of challenges for housing managers. In particular, deinstitutionalisation policies in health care have meant that many individuals, who would have been provided with institutional care, are now housed by public landlords. Housing managers are, as a consequence, increasingly expected to respond to complaints and resolve disputes between neighbours.

Anti-social behaviour is a generic term that describes activities ranging from dropping litter to serious forms of harassment. Though the number of residents engaging in ASB may be small their activities can have a disproportionate effect on the quality of other residents lives. There is considerable debate about both the causes of ASB and the most effective policies to address the problems associated with ASB. The prominent view within the academic community is that ASB is a symptom of wider structural factors such as poverty and unemployment. However there is also a strand of literature influenced by the 'underclass' theories of Murray (1994) that highlight individual fecklessness as the most prominent causal factor.

The review undertaken for this Positioning Paper shows that housing management responses in the Australian context are primarily focused on resolving tenant disputes, with each State and Territory having protocols in place to ensure that measures are taken to address neighbour disputes or breaches of tenancy. Whilst there are differences, fundamentally the protocols are very similar and emphasise conditions of tenancy and legislation as appropriate measures to address problems of ASB.

The review of international literature suggest that both in the UK and the USA policies to address anti-social behaviour have a broader focus and include neighbourhood problems such as incivilities in public spaces and crime. The UK and USA literature provides examples of new initiatives that have developed to address incidences of anti-social behaviour. Whilst some of the new initiatives are reactive: that is they respond to problems after they occur (for example, acceptable behaviour contracts and eviction procedures); others seek to prevent incidences of ASB occurring (for example, warden schemes and multi agency arrangements between housing and other government agencies, such as the police and social services).

The literature from the UK stresses the need to adopt a broad range of measures. For example, the National Strategy for Neighbourhood Renewal (2000a) suggests that the most successful policies are those that combine prevention and enforcement practices within an overall partnership involving the local community. The literature from the USA emphasises social control as the most expedient policy to address anti-social behaviour - a reflection of the influence of underclass theories on USA social policy. The review undertaken for the paper illustrates the range of policy options that could be adopted in the Australian context (for example, partnership arrangements, collaboration with the community and policy protocols).

There is no specific research that addresses ASB in the context of Australian housing policy; to address this gap the next stage of the research will explore how housing managers respond in practice to ASB and how tenants view the efficacy of these responses. The principal methods for the research will include focus group discussions, interviews and case study investigations within two locations, Bridgwater/Gagebrook (Tasmania) and Marion/Noarlunga (Adelaide). The research anticipates a set of policy recommendations arising from the primary research that will address the scope for housing managers to develop effective practices to address problems of ASB.

# 1 INTRODUCTION

This Positioning Paper reports on the research project being undertaken by the AHURI Southern Research Centre to develop effective housing management policies to address problems of anti-social behaviour (ASB). The Positioning Paper constitutes the initial output of the research and will be followed by a Work In Progress Report and Final Report.

The premise for the Positioning Paper is that since ASB can take many forms and the underlying causes are complex, there is a need for greater clarity and understanding of the most appropriate housing management responses to the problem. Section one begins by discussing what is meant by the term 'anti-social behaviour' in the contemporary context of social housing policy, while section two discuss influential theories that have been utilised to explain the causes of ASB. Section three details current Australian housing management responses to anti-social behaviour in Australia. It includes brief summaries of each State and Territories' procedures to address neighbourhood disputes. Section four discusses recent innovations from abroad, in particular the UK and the USA. The range of policies examined includes housing management innovations, changes in design and media initiatives. Finally, section five provides details on the research methods that will be deployed in the case studies. Subsequent outputs of the research (the Research and Policy Bulletin and Final Report) will set out the findings of the project and include a good practice section that can be utilised by housing authority staff.

## 1.1 Context

The residualisation of social housing and the impact of deinstitutionalisation in mental health care means that in Australia, as elsewhere, many individuals previously provided with institutional care are accommodated in social housing. Recent reforms to implement tighter assessment criteria for accessing social housing mean that issues of anti-social behaviour in tenants are likely to increase rather than decrease in the future (Martin, Mott and Landles, 2002; Westacott, 2002). As Martin et al (2002:13) argue, social housing is now accommodating tenants with more challenging behaviours and high levels of need and 'security of their housing is vital to overcoming those challenges'.

It is evident that ASB is now seen by many tenants as one of the major impediments to successful housing environments and there is increasing pressure on state housing authorities to address their concerns. (Shield, 2002). How ASB is tackled is controversial and there are competing views both about the causes of ASB and how best to proceed. On the one hand, it is argued that since the problems associated with ASB are a consequence of poverty, it is best addressed by increasing resources and material benefits. On the other hand, there are those who argue that the problems caused by ASB cannot be resolved simply at the level of structure and an individual response is required even if this entails targeting individual households. These arguments are discussed in more detail in section two.

## 1.2 Definitions of anti-social behaviour

ASB is a generic term used to describe activities that range from dropping litter to serious forms of harassment. Table 1 below details the categories of behaviour that are usually understood as signifying ASB. However, the concept of ASB also has political connotations and for this reason it is useful to situate its usage within the context of contemporary social policy.

**Table 1: Typology of anti-social behaviour<sup>1</sup>**

Examples of anti-social behaviour	
Excessive noise	Using and selling drugs
Unkempt gardens (those which attract the dumping of goods, creating eyesores)	Harassment (including racist and homophobic incidents)
Verbal abuse	Alcohol and solvent abuse
Uncontrolled pets	Intimidation
Vandalism	Dropping litter and dumping rubbish in public areas
Nuisance from vehicles (e.g. abandonment)	Intimidating gatherings of young people in public places

The typology of ASB activities set out in Table 1 illustrates that the term ‘anti-social behaviour’ covers a spectrum of activities that adversely affect the social well-being of neighbourhoods even if the activities are not technically in breach of the law. In practice, this means that agencies such as housing authorities are expected to intervene in instances where tenants complain about the behaviour of their neighbours, incivilities within public spaces and all forms of criminal activity. Bannister and Scott (2000:10) argue that the wide usage of the term means that it is useful to distinguish between three different phenomena. These are set out in table two:

**Table 2: A spectrum of ASB<sup>2</sup>**

Type of problem	Nature of problem
Neighbour	A dispute arising from nuisance e.g. noise
Neighbourhood	Incivilities within public spaces e.g. vandalism
Crime	All forms of criminal activity e.g. housebreaking

The difficulties of responding to ASB problems and how ASB should be tackled will be explored in the course of primary interviews with housing managers. However, at this stage the complexity of the issue can be gauged by using the hypothetical example of neighbour disputes arising from persistent playing of amplified music.

<sup>1</sup> Adapted from the UK Home Office (2003) website <http://www.crimereduction.gov.uk/toolkits/as020101.htm>.

<sup>2</sup> Adapted from Bannister and Scott (2000, 10).

### **Neighbour disputes**

What is termed loud music is subjective and the point to which it becomes a nuisance will be affected by the duration and the time of the day when the loud music is played. For instance, a short burst of loud music may not be considered as a nuisance or even very loud music if it is a one-off party. Neither is loud music likely to be viewed as a problem if the player of loud music has issued prior warning, as a matter of courtesy to his or her neighbours.

Whether an incident is deemed anti-social is the reception to the action or the effect it has on others. In this respect, what constitutes nuisance hinges on whether or not the action is widely perceived to be unacceptable. There are no simple ways of resolving these definitional disputes suffice it to say an act of ASB can not be reduced to whether or not the intention of the perpetrator is deliberately anti-social. In some instances, it is likely that acts of ASB are not intentionally performed but are a consequence of inconsideration for other peoples' rights in the locality. In other words, it is the effect of action or more specifically the reception of the action that is very often the determinant as to whether or not an act can be considered to fall within the rubric of what is termed ASB. The fact that ASB is contested makes neighbour disputes a difficult problem for housing managers to deal with effectively.

The other two categories of ASB identified by Bannister and Scott (2000) and set out in Table 2 are, in this important respect, less problematic for housing managers. First, as neighbourhood problems usually take place in areas of public space, housing managers are not required to arbitrate between neighbours. Instead, the challenge for housing managers is to establish appropriate forms of response alongside effective partnerships with other agencies and community representatives. For example law enforcement agencies, social work departments, or environmental health inspectors (in the case of rubbish dumping). In the case of serious criminal activity, housing managers are expected to report incidences to law enforcement agencies.

## 2 THEORIES TO EXPLAIN ANTI-SOCIAL BEHAVIOUR

The different explanations advanced to explain the emergence of ASB provide useful background in understanding the rationale that informs contemporary policy making in respect of ASB. The literature can be divided into two categories. Within academic literature the dominant paradigm purports that the causes of ASB are complex and rooted in wider societal structural problems of social exclusion and deprivation including unemployment, drug and alcohol dependency and community fragmentation. However there are also pathological explanations that have been advanced by academics (notably Murray, 1994) that emphasise individual fecklessness as the casual factor to explain ASB. The following section examines these two perspectives in more detail.

### 2.1 Structuralist interpretations

The dominant view articulated within academic literature is to portray the emergence of ASB as a symptom of structural factors such as unemployment and poverty, accentuated by the adoption of neo-liberal government policies. Within the context of housing studies, structuralist critiques argue that the concern with ASB is symptomatic of government's incapacity to address inequality. An example of this approach can be found in the writings of Haworth and Manzi (1999). They argue that policy prescriptions entailing commitment to addressing inequality by increasing resources have been jettisoned in favour of policies focusing increasingly on individual behaviour.

Dean (1999) argues that two emerging features of contemporary local government practices are the increase in partnerships to manage neighbourhood services and the willingness of state agencies to impose sanctions on individuals who transgress rules. Dean's argument draws upon the work of Rose (1996), in particular his contention that rules imposing norms of behaviour are increasingly predicated upon the notion of community as a way of justifying more interventionist forms of government. The cogency of Rose's arguments is illustrated by the plethora of policy initiatives that emphasise the notion of balanced communities in the context of social housing estates. Arthurson (2002), Raco and Imrie (2000) and Flint (2002) advance similar arguments that policy making is characterised increasingly by initiatives that emphasise self-help and individual responsibility.

Structuralist explanations of ASB emphasise the increasing social exclusion of housing estates – the poorest sections of the community – that are being concentrated into increasingly smaller enclaves. The factors that are often cited to explain this include government promotion of home ownership and curbs on expenditure set aside for social housing. In effect, welfare recipients are most prevalent in certain defined geographical and residential locations. The very composition of these areas and housing estates (for example, disproportionately high numbers of those suffering from mental illness) is such that 'nuisance neighbours' are much more likely to be evident than otherwise might be the case in more socially heterogeneous neighbourhoods (Burney, 2000).

Goodchild and Cole (2001) argue that social housing has, in essence, become residualised, accommodating the least well off and those who have little choice in where they live. Furthermore, it is the most vulnerable who are forced into the least attractive accommodation. From a structuralist perspective, ASB is best addressed through a combination of changes in broad public policy (e.g. provision of social housing for general populations rather than restriction to 'welfare' populations), improved service provision (e.g. specialist support workers) and development of appropriate management strategies (e.g. community development). From this viewpoint, policy responses to this situation should avoid enforcing the imposition of new forms of screening (i.e. restricted entry and exclusions) in the pursuit of 'social balance' in housing provision but instead increase the quality and availability of housing stock generally (Goodchild and Cole, 2001; Cowan, Pantazis and Gilroy, 2001).

### 2.2 Underclass theories

Theories that identify individual pathology as the root cause of ASB are frequently referred to as 'underclass' theories. Particularly influential is the work of Murray (1994) in the USA who

maintains that the social problems that are a feature of poor neighbourhoods are synonymous with the emergence of a cultural 'underclass'. Murray uses this term to describe people with limited educational or employment experience who, in his view, choose to remain on long-term benefits rather than seek work. In other words, for some individuals poverty is an act of choice and not a consequence of limited opportunity. In Australia, Sullivan (2000) and Saunders and Tsumori (2002) adopt a similar line of argument to Murray. They challenge orthodox academic consensus, in particular the notion of social exclusion concept to explain incidences of long-term poverty amongst the least well off. Saunders and Tsumori argue that in Australia no low-income group can be meaningfully defined as being socially excluded from mainstream employment opportunities. Instead they assert that long-term poverty is an outcome of behavioural choices rather than government policy.

Underclass theories can be deployed to heighten awareness of social polarisation and as a means to focus attention on the factors that exclude some categories of people from community resources. However, in popular discourse the explanations underclass theories advance have been appropriated by those who use them as a rationale to justify more draconian law enforcement policies. For this reason, underclass theories have been influential with regards to how housing management and law-enforcement policies develop and implement policies on ASB. As has been pointed out, this approach to dealing with members of the 'underclass' focuses on individual behaviour and characteristics of people rather than on social conditions (Rodger 1992). From this perspective, the problem lies with the personal pathologies of some sections of the 'underclass', with self-perpetuating 'pathological communities' that are characterised by a 'hand-out' mentality, immorality and criminality (see Jones and Smyth, 1999 for a review of the different explanations for social exclusion). Thus, 'underclass' is comprised of those sections of the poor, some of who, through their own volition, might engage in anti-social activity.

Cowan, Pantazis and Gilroy (2001) conclude that management practices which implicitly or explicitly adopt a 'moral responsibility' concept, rather than a more structurally oriented 'social justice' perspective, tend to reinforce punitive and restrictive forms of authority. In particular, there is an increasingly strong judgemental bias in housing discourse, with a shift 'from a focus on adding to, or improving, the housing stock to concern about the behaviour of residents and the introduction of policies designed to control such behaviour' (Haworth and Manzi, 1999: 153). This shift is underscored by the assumptions of the threat to order posed by members of the 'underclass'. One consequence of this type of thinking has been the development of policies, such as the imposition of strong normative standards in tenancy agreements or the use of 'introductory tenancies', as a means to deal with perceived social problems on housing estates.

Both structuralist and underclass theories have been influential in understanding ASB. While academic commentators - by and large - have tended to emphasise structural theories, policy makers implicitly draw on notions of an underclass to justify intervention and new policies. The theoretical perspectives outlined are helpful in understanding the ideological context of many of the recent initiatives. The following section focuses on housing management procedures currently used by State and Territories to address breaches of tenancy conditions and neighbourhood disputes.

### 3 STATE AND TERRITORY HOUSING AUTHORITY POLICIES

This section of the Positioning Paper summarises each of the State and Territory landlord protocols and in particular how breaches of tenancy conditions and neighbour disputes are addressed<sup>3</sup>. Telephone contact was made with policy officers in each SHA to collect data on general policy. In addition, each SHA website was accessed to identify procedures and mechanisms for responding to complaints of ASB. The section is primarily descriptive since each SHA operates within the confines of the legislation enacted by their State or Territory government. As a consequence, all public tenants are subject to the conditions of their lease agreement and their state or territory based Residential Tenancy Act, including those provisions relating to the rights of tenants to the 'quiet enjoyment' of their homes. In general, state housing authorities will only make an application for vacant possession to housing tribunals or magistrates when they are satisfied that all other options to resolve disputes have been exhausted.

#### 3.1 ACT

The ACT housing department response to ASB entails two new housing strategies: *Intensive Tenancy Management* and *Specialist Housing Management*. The ACT government has developed an 'ACT Crime Prevention and Urban Design Resource Manual' (ACT, 2000a) which is intended as a tool to assist practitioners in achieving the objectives for safety that are contained in the Territory Plan. The ACT housing authority also provides information sheets to tenants regarding neighbourhood disputes (ACT, 2002), that contain details of housing responsibilities and the names and details of a number of agencies that have skills in resolving neighbourhood disputes.

The Housing Multi-Unit Property Plan' (ACT, 2000b) specifically addresses the issue of ASB by acknowledging the tension between balancing the rights of individuals and the degree of tolerance of ASB by individuals against the well-being, safety, security and quality of life of other people living on the site. It also identifies a number of approaches that have the potential to minimise the difficulty and costs of managing sites including; design, cyclical maintenance, allocation policies, processes that enhance the sense of ownership by tenants, and effective partnerships with support services such as the police and mental health services.

These maintenance approaches are reinforced by early intervention on a site, where problems occur. Early intervention has the potential not only to halt the decline of a site but will also reduce the need for other more expensive strategies such as security guards, redesign of the site and upgrading dwellings (ACT, 2000b). The Plan recommends a range of co-ordinated intensive management responses that can be deployed over a short period of time to stabilise a distressed site. These responses are additional to existing management strategies and include:

- Maintaining a presence on the site through more regular visits;
- Developing face-to-face relations with tenants;
- Identifying 'hot spots' and issues of concern to tenants and developing appropriate responses;
- Formal discussions with tenants about issues and possible solutions;
- Early response to vandalism, graffiti and noise complaints;
- Development of effective collaborative relationships with police and support services;
- Review of allocations to ensure that allocations are appropriate to the site.

Within the Plan there is recognition of the complexity of the process. The strategies can be undermined by high staff turn over and inadequate staff support or debriefing after critical incidents. Housing managers can play a role in supporting tenants but they will still experience

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<sup>3</sup> As discussed in section 5 of the paper, we will be interviewing housing managers and undertaking focus group discussions with tenants to shed light on how these baseline policies are working and how they can be improved.

conflict with tenants over specific issues, particularly in relation to ASB and any eviction proceedings (ACT, 2000b: 48).

### **3.2 Tasmania**

An officer from Housing Tasmania's (HT) operational policy sub-branch indicated that what has been written on the subject of ASB no longer reflects current practice. In general, service centre managers and tenancy officers apply significant levels of discretion and flexibility when responding to anti-social behaviour and this includes an incremental or tiered response, such as referring people to a community mediation service, the local council or the police.

Housing Tasmania's Leases Policy (HT, 2000a) sets out the terms and conditions of the tenant's lease, including the consequences of any breach. The Eviction Policy (HT, 2000b) specifies that evictions will only be considered in cases of serious breaches of the lease, which include:

- Actual or threatened violence to others;
- Severe damage to the home by the tenant family or visitors;
- Repeated and persistent failure to pay rent on a regular basis;
- Causing extreme or repeated nuisance or annoyance to neighbours; and
- Persistent failure to keep the property clean and tidy.

There is no specific mention of ASB in the eviction policy. However a section in the Tenant's Handbook (HT, 2003) emphasises the need for tenants to respect the rights of their neighbours. It also identifies noise as one of the most common causes of disputes between neighbours. Tenants are requested 'not to disturb neighbours by making too much noise and to ask visitors to take care as well.' Tenants are asked to take particular care in relation to parties, music, machinery, dogs barking and car noise late at night. The section on 'being a good neighbour' concludes by stating that 'where a neighbouring public rental tenant causes a serious and persistent disturbance of your peace, privacy and comfort we will consider formal action under the terms of the lease to end the tenancy'. However this will only occur after all reasonable efforts have been made to resolve the dispute.

### **3.3 New South Wales**

The NSW Department of Housing (NSW DoH) has well developed housing policies and fact sheets, all of which are available on their web site. The fact sheets identify a range of anti-social behaviours including: problems with noise, problems with nuisance and annoyance, problems with harassment, and problems with pets. If clients wish to make a complaint about another tenant they are referred to the 'Good Neighbour Policy' (NSW DoH, 2003) that has been developed to assist tenants to live in peace and harmony with their neighbours. The policy states that tenants have the right to the peaceful enjoyment of their home and an obligation to abide by the conditions of their tenancy agreement.

The Residential Tenancy Agreement makes clear the responsibilities of tenants not to:

- Cause or permit a nuisance;
- Interfere, or cause or permit interference with, the reasonable peace, comfort or privacy of neighbours;
- Use the residential premises or cause or permit the residential premises to be used for any illegal purpose such as distributing or selling illegal drugs.

The Good Neighbour Policy encourages tenants to resolve neighbourhood disagreements themselves but also indicates that the Department will refer tenants to Community Justice Centres (CJC) for mediation. The CJC is an independent body and provides its service free of charge. When a tenant complains to the department a response is made within fifteen days, though if a complaint involves violence it will 'act more quickly' and investigate within two days. The Good Neighbour Policy outlines how client service staff deal with complaints:

- Acknowledge and document the complaint if it relates to an alleged breach of the Tenancy Agreement;
- Interview the person being complained about to substantiate the complaint;
- Tell the person making the complaint about the proposed action taking into account legislative requirements relating to privacy.

### 3.3.1 Breaches of the Tenancy Agreement

The Good Neighbour Policy provides three examples of how the tenant or their visitors can breach the tenancy agreement:

- Persistently or intentionally cause a nuisance that interferes with the peace, comfort and privacy of neighbours;
- Intentionally or recklessly cause serious damage to the residential premises;
- Intentionally or recklessly cause an injury to the Department's staff or agent or any person occupying or permitted on adjoining or adjacent premises.

When a tenant breaches the tenancy agreement, the Department will apply to the Consumer Trader and Tenancy Tribunal for:

- An Order for Performance, to make sure the tenant abides by the Tenancy Agreement; or
- An Order of Possession, to evict the tenant.

The Department will not renew a tenancy where it has been proven in the Consumer Trader and Tenancy Tribunal or Court, that a tenant has engaged in major or persistent serious breaches of their Tenancy Agreement.

### 3.3.2 Partnership arrangements

The Department has established protocol arrangements with other statutory agencies; for example, the 'joint guarantee of service' with Mental Health and the 'memorandum of understanding' with the Police. There are also community renewal programs and partnerships such as the one between the South Sydney City Council and the Department's Homeless Action Team to provide outreach services for new tenants.

## 3.4 Northern Territory

The key legislative tool for Territory Housing (TH) is the Residential Tenancies Act (RTA). The RTA has a number of sections that address what can broadly be described as 'anti-social behaviour'. There are sections relating to 'cleanliness and damage', 'illegal drugs', 'illegal conduct or nuisance on the premises'.

There is a legally binding tenancy agreement which echoes those elements and a specific policy for noise and nuisance. The section within the policy manual (TH, 2003a) for noise and nuisance is outlined below. TH is also in the process of developing a policy to reflect the NT Government's stance on drug houses.

### 3.4.1 Noise and nuisance

Under the conditions of a tenant's lease and the relevant tenancy legislation, a tenant must not cause or permit their visitors to cause nuisance or disturbance to neighbours. Noise and nuisance can disrupt the enjoyment and security of a neighbour's home life. Territory Housing views complaints of noise and nuisance seriously and will investigate and take appropriate action in relation to all complaints against public housing tenants irrespective of whether they are from other tenants or private householders.

It should be noted that Territory Housing could only act in accordance with the appropriate legislation. Also, in some cases, other agencies have the jurisdiction to deal with such complaints and therefore some complaints will be referred to police, community mediation providers or other support services.

### **3.4.2 Complaints**

Complaints alleging that public housing tenants are causing noise and nuisance need not be in writing nor is it necessary for the complainant to be identified to the tenant in the initial stages of the matter. However if Territory Housing is to pursue the matter through legal process or even to appropriately investigate and take action, it is essential that the complainant provide detailed information.

Territory Housing will maintain the complainant's confidentiality. However if an eviction is sought the matter will proceed to court. Territory Housing is only able to prove the matter in the court and gain an eviction if complainants are willing to tender statements and be cross-examined. Tenants who complain will be provided with a copy of Territory Housing's fact sheet on noise and nuisance complaints involving public housing tenants. Complainants are encouraged to contact the police when disturbances occur as this can result in a one off situation being addressed or may provide additional supporting evidence in the case of repeated disturbances.

### **3.4.3 Investigation of complaints**

Territory Housing staff are expected to investigate complaints of noise and nuisance. This may involve checking with other neighbours, interviewing witnesses or checking with police in relation to the seriousness or repeated nature of the complaint. They will advise the complainant of the results of the investigation including what action, if any, was taken. It is also made clear to the complainant that Territory Housing wishes to be informed if the noise and nuisance continues.

### **3.4.4 Legal process**

If the tenant continues to cause noise and nuisance or permit noise and nuisance to be caused to neighbours after they have been notified and it appears from repeated and/or serious occurrences that the tenant disregards their obligations under the lease, Territory Housing will pursue the eviction of the tenant. This action will not be taken without having regard to Territory Housing's objective of housing those most in need and that there are very few housing options available to low income tenants outside public housing. However, this will be weighed against the wider communities right to peaceful enjoyment of their homes.

## **3.5 Queensland**

The Queensland Department of Housing (QDH) provides clients with access to information regarding 'Complaints and Appeals'; 'Rights and Obligations'; 'Breaches'; and 'Neighbours' via its website (QDH, 2003). The Public Housing Policy and Procedure Manual details procedures to help staff deal with the various aspects of neighbourhood disputes. In July 2002 the Department of Housing drafted practice guidelines to support area office staff in the resolution of neighbourhood complaints and disputes. The 'Managing Neighbourhood Complaints and Disputes' (QDH, 2002) guidelines were developed to lead staff through the complete neighbourhood complaint management process (from receipt to finalisation of the complaint), as well as providing some direction and suggested minimum required responses for the differing types of neighbourhood complaints and disputes received.

The complaints and disputes practice guidelines also promote:

- A uniform approach to managing neighbourhood complaints and disputes;
- Consistency in written responses across the area office network;
- A reference tool to give staff confidence in dealing with neighbourhood complaints and disputes;
- A better awareness of personal safety techniques for staff;
- Improved outcomes for public rental tenants and private neighbours;
- Possible increased opportunities to sustain tenancies.

The guidelines do not specifically mention ASB but raise several issues relating to the receiving and investigation of complaints and disputes that so far have not been highlighted.

The guidelines suggest that:

- Staff ensure that the tenants' rights of privacy and confidentiality are respected;
- Housing officers use their 'best judgement' as to whether an anonymous complaint requires investigation; and
- All housing officers familiarise themselves with the handbook for dealing with client aggression in order to promote staff safety.

### **3.6 South Australia**

The SA Housing Trust developed 'Difficult and Disruptive Policy and Procedures' in July 1991. This policy document provides a framework to deal with the small percentage of tenants who (through ASB) did not adhere to their conditions of tenancy. The policy provides a process for dealing with conflict and ASB between Trust tenants and their neighbours and reinforces the right to reside in a safe and peaceful environment. This is further emphasised by the Trust's Conditions of Tenancy, which state that tenants and their visitors are required not to disrupt the peace, comfort or privacy of other tenants or the public. The Trust is committed to conflict resolution through a range of options. However, where the matter is particularly serious and all options have been exhausted, the Trust may take legal action under the Residential Tenancies Act to terminate the tenancy.

#### *3.6.1 The management of difficult and disruptive tenancies*

The Housing Trust Review of Difficult and Disruptive Tenants (SAHT, 2002) acknowledges the need for early and effective action by housing managers in tackling ASB. The Review suggests that early support strategies have a greater chance of success and the tenant is more likely to play an active role in the resolution of any problem.

The Review outlines criteria for effectively managing ASB including:

- Data Collection;
- Recording and reporting mechanisms;
- Enforcement Measures.

Enforcement strategies include: the re-housing of tenants previously evicted for ASB to be conditional and with a limited tenure lease; limiting the number of times the Trust intends to house a disruptive tenant; limiting the number of times the Trust is willing to transfer tenants; providing probationary tenancies, which is six months for all new tenants; and demoting tenants to non-secure tenancies.

South Australia also has in place measures to prevent incidences of ASB occurring (SAHT, 2000). These include:

- Intensive tenancy support. This includes early intervention and prevention projects to assist customers to build successful tenancies and intensive support programs to address tenants who are at risk of eviction such as the supported trust tenancies demonstration project;
- Customer incentives. This entails a system that rewards public housing tenants for a range of activities such as long-term tenancies, positive contributions to community, or excellent rent and maintenance records. An incentive scheme could also be positively used to inform the wider public of successful public housing tenancies rather than the 'bad tenant' portrayals often made in the media;
- Community Mediation Services. The Housing Trust encourages tenants to use Community Mediation Services (CMS) to resolve disputes; and
- Housing Advice and Support. This agency (Housing Advice and Support South Australia) provides advocacy for customers in dispute with the Housing Trust. This includes both tenants affected by difficult and disruptive behaviour and tenants who need support to address ASB. Responses from staff indicate that HASSA generally takes on the cause of the first party who approaches them. HASSA are aware of this perception and acknowledge that their current process can favour the organised and articulate.

### **3.7 Victoria**

The Victorian Office of Housing (VoH) 'Dispute and Resolution Policy and Procedures' (VoH, 2000) document does not specifically mention ASB. However it does deal with behaviour that breaches the Residential Tenancies Act and identifies breaches relating to nuisance behaviour, dangerous behaviour, malicious damage to premises and illegal activity.

Nuisance behaviour is defined as 'behaviour that unreasonably interferes with the peace, comfort or privacy of an occupier in neighbouring premises' (VoH, 2000). Examples of nuisance behaviour include where a tenant or their visitor:

- Uses abusive language to a neighbour; or
- Continually plays loud music late at night; or
- Dumps rubbish in a neighbour's yard.

In cases of nuisance behaviour the policy states that the VoH will issue a breach of duty notice specifying a breach of section 60 of the Residential Tenancies Act. The tenant has 14 days from the date the notice is received to remedy the breach. Failure to remedy the breach can eventually result in the VoH serving a notice to vacate and making an application to seek possession.

#### **Dispute resolution**

The dispute resolution policy defines dangerous behaviour as 'behaviour of a tenant or a tenant's visitor that by act or omission endangers the safety of occupiers of neighbouring premises.' Examples of dangerous behaviour by a tenant or their visitor include where they have thrown an object at a neighbour or seriously threatened a neighbour in a manner that causes the neighbour to have fears for their safety.

The VoH will conduct an immediate investigation to confirm that the reported incident occurred and whether there is a need for the police to be involved. The VoH will then issue an immediate 'Notice to Vacate' in cases of dangerous behaviour. Tenants are usually allowed five days to vacate the premises.

#### **Good neighbours**

Like NSW Housing and Housing Tasmania, VoH promotes the idea of good neighbours. The good neighbours leaflet (VoH, 1999) suggests that a peaceful neighbourhood means a happier, healthier environment for everyone. It also emphasises the need for tenants not to disturb their neighbours. If tenants have a problem with their neighbour they are advised to talk it over, compromise to reach an agreement and avoid being rude or aggressive. If the problem cannot be solved tenants can call their housing services officer, the local council, the dispute settlement centre or the police. Tenants are encouraged to take an active role to establish good relations with their neighbours in particular the need to be considerate with regards to noise.

### **3.8 Western Australia**

The Homeswest rental policy manual (Homeswest, 2002) lists ASB and nuisance behaviour as separate subject categories. While both subjects are referenced to tenancy management, nuisance behaviour is cited in the allocations section and ASB is regarded as an eligibility issue. According to the Allocations policy (Homeswest, 2002) applicants with a record of 'substantiated breaches' of tenancy may be required to wait longer than usual for assistance while the debt is repaid or a suitable property is located.

Homeswest's eligibility policy states that an applicant with a poor tenancy history including debts, property standards and ASB are to have their application referred to the regional manager for a decision under the discretionary decision making-policy. In addition, Homeswest reserves the right to refuse assistance, or place conditions on further assistance, to any applicant with substantiated breaches of the tenancy agreement or the Residential Tenancies Act.

For Homeswest's purposes ASB is defined in the tenancy management policy section as one of the major responsibilities of a tenant. The policy states that 'a tenant may not do anything on the premises, or permit someone else entering the premises with the tenant's permission to do

anything which causes a nuisance'. ASB is considered to be more than just nuisance, it is clearly stated that a tenant must not use the premises or permit the premises to be used for illegal purposes. The Homeswest policy officer contacted, in the course of the research, indicated that any claims of ASB must be proven and if necessary reported to the police so that a range of options, including referral to a support agency, can be developed.

### 3.9 State and Territory overview

This section on State and Territory policies has been concerned with extracting information from the procedures used by housing managers to both interpret and tackle incidences of ASB. A matrix table showing the procedures of each State and Territory is set out below.

**Table 3: Overview of State and Territory housing authority procedures to address problems of anti-social behaviour**

	<b>ACT</b>	<b>TAS</b>	<b>NSW</b>	<b>NT</b>	<b>QLD</b>	<b>SA</b>	<b>VIC</b>	<b>WA</b>
Relevant Legislation	√	√	√	√	√	√	√	√
Working Definition of ASB	√				√ <sup>4</sup>	√		√
Good Neighbours Policy		√	√				√	
Tenant Complaint Procedures	√	√	√	√	√	√	√	√
Mediation Practices	√	√	√	√	√	√	√	√
Court Orders	√	√	√	√	√	√	√	√
Eviction Policies	√	√	√	√	√	√	√	√

As has been illustrated, ASB from the housing management perspective is conceptualised in terms of neighbour disputes and breaches of tenancy conditions. What is not apparent from the data gathered is the extent to which housing departments are engaged in more innovative approaches and partnerships with other agencies to address ASB at the neighbourhood level or in respect of crime. The scope for partnership and the capacity for proactive measures will be explored in the Tasmania and South Australia case study investigations that constitute the next stage of the research project. The research team will also seek additional information on key community partnerships (in other States and Territories) that have relevance for anti-social behaviour strategies and explore relevant partnerships funded by the Commonwealth Department of Family and Community Services (FACS) under the auspices of 'The Stronger Families and Communities Strategy' (FACS, 2000).

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<sup>4</sup> Queensland's Department of Housing use the term 'general behavioural complaints'.

## 4 HOUSING MANAGEMENT PRACTICES: INNOVATIONS FROM THE UK AND USA

This section of the paper provides details of the different ways in which UK and USA housing management policies address ASB (for example: 'good neighbour charters and tenancy agreements'; 'individualised contractual behavioural agreements'; design changes to the built form; and media strategies to support ASB initiatives). The section shows the extent to which underclass theories (discussed in section two of the Positioning Paper) have been especially influential in the USA context where, by and large, the approach taken by agencies in the USA is primarily aimed at containment and social control. Whilst aspects of social containment are evident in the UK, there is also a willingness to engage in more holistic approaches to ASB. In particular, UK housing management departments have stressed the importance of developing partnerships with other government agencies and adopting measures to facilitate community participation.

### 4.1 Good neighbour charters and tenancy agreements

In the UK, neighbourhood charters and tenancy agreements are commonly utilised as part of a range of strategies to address ASB. Neighbourhood charters attempt to set out, in consultation with residents, the particular standards of behaviour expected within the local neighbourhood. Likewise, tenancy agreements inform tenants of their rights and responsibilities and expected standards of behaviour. The UK Chartered Institute of Housing Management Standards Manual (1995) argues that to successfully deal with ASB, policies and procedures need to be drawn up in consultation with tenants to facilitate ownership and awareness of the strategies.

Both these forms of agreement ensure that the housing agency and tenants are aware of their rights and obligations in relation to preventing ASB. This reassures tenants that the housing department will take effective action to prevent or address ASB. Many housing authorities in the UK have tightened tenancy agreements to include serious ASB by a tenant or visitor as a breach of tenancy and grounds for eviction (Papps, 1998). Making tenants aware of the ability of housing agencies to reduce the problematic behaviours seems to give more legitimacy to the housing authorities and demonstrates their ability to exert discretionary power. For instance, the ability to quickly evict drug-related cases and stop intimidation and vandalism is viewed favourably by other tenants (Flint, 2002).

#### **A model tenancy agreement**

The Oldham Council's Housing Department developed a model tenancy agreement that has been adapted for use by other housing agencies throughout the UK. It includes clauses, developed in consultation with residents, related to *not causing nuisance, racial harassment, criminal activities and violence*. The agreement is written in easily understood language. This and numerous other examples of model agreements are outlined in the National Strategy for Neighbourhood Renewal Document on Anti-social Behaviour (2000a).

#### *4.1.1 Acceptable behaviour agreements*

Acceptable behaviour contracts were first piloted in the UK, in the London Borough of Islington in 1999, to deal with young people aged between 10 and 17 causing problems on social housing estates. The contracts are now widely used by housing agencies as an alternative to legal remedies for addressing anti-social behaviour. The agreements are voluntary and made between the individuals involved in the ASB and their families, the housing department, registered social landlord, police and, often, the education authorities. Whilst behavioural agreements are generally applied to youth, they can be adapted for use with adults. The sorts of ASB covered by the agreements include graffiti, harassment, vandalism, verbal abuse and criminal damage (Home Office, 2002; Armitage, 2002). The advantage of the agreements is that:

- They focus on making individuals take responsibility for their ASB;
- The individual needs to reach a decision on strategies to change their behaviour; and
- The process identifies the factors contributing to ASB.

The whole family is involved in designing the individualised written contract and if the individual involved is a child under than 10 years old, then the parents rather than the child sign it. As well as the threat of legal enforcement for a breach of the contract, the individual is encouraged to take part in other more appropriate activities, including youth activities, counselling or support for the family (Home Office, 2002). In many instances, it is the first time that the family becomes aware of the behaviour and is involved in jointly working with the housing department and police (Local Government Association, 2002). Flint (2002), for instance, reports on a study of three Scottish council housing estates, where tandem meetings were held between parents and their children (who had committed acts of vandalism), police, housing, and education agencies. The meetings identified strategies for parents to regulate the children's' behaviour without the need for further intervention by the housing agency.

### **Applying acceptable behaviour agreements**

On an Islington social housing estate, when increasing levels of ASB by youth were identified, a letter was sent to all residents by the local authority. The letter outlined the problems caused by the ASB and the actions that could be taken and asked residents to record the problem behaviours in incident record books that could be used as evidence. Police, the local housing authority and other agencies monitored activities on the estate and gathered evidence to identify the perpetrators. Once the perpetrators were identified, a second letter was forwarded to their parents or guardians informing them of the behaviour. The letter invited the young person and parent/guardian to attend an interview with police and housing officers at the local housing office to discuss how to address the behaviour. The young person would also be expected to sign an acceptable behaviour contract and adhere to its terms and conditions for six months (Home Office, 2002).

## **4.2 Innovative practices**

### *4.2.1 Design of the built form*

The literature indicates that design and layout of the built form can help to reduce the opportunities for ASB to occur. However, at the same time, it is recognised that physical design measures and security initiatives on their own are insufficient to address ASB (Feins and Epstein, 1997; Murie, 1997; Naperstek, 2000; Flint, 2002). On the Mozart Estate in the London Borough of Westminster, for instance, removal of overhead walkways and other design changes such as additional locks on doors did not reduce burglaries (Osborne and Shaftoe, 1995). The sorts of design changes commonly implemented by housing authorities in the UK and USA include:

- Securing front and rear gardens, installing high quality door and window locks and double-glazing (Bannister and Scott, 2000; Department of Transport Local Government and the Regions (DTLR), 2002);
- Making sure that approaches to dwellings and other public spaces are well lit, opening up public space to create better natural surveillance and designing windows to overlook streets and public areas while providing privacy for occupants (Feins and Epstein 1997; Bothwell, Gindro and Lang, 1998; DTLR, 2002);
- Enforcing noise insulation standards between dwellings (Bannister and Scott, 2000; DTLR, 2002); and
- Installing traffic calming features and rerouting traffic (Feins and Epstein, 1997; Kemp and Fordham, 1997).

### *4.2.2 Using the media to improve image*

There is some recognition within the literature that negative media coverage is destructive to efforts to improve ASB on social housing estates. Several studies suggest it is a good idea to involve the media in addressing ASB because of its central role in influencing public perceptions. One strategy in dealing with the media is to make it clear that ASB will be dealt with by social landlords; at the same time this raises tenant's confidence in the landlord (DTLR, 2002: 28). Likewise, in Charlotte, North Carolina a series of articles documented crime problems in various

areas of the city. Rather than being negative, these articles were written as a call for action for concerned citizens (Feins and Epstein, 1997).

### **4.3 The most effective forms of collaboration between housing managers and law enforcement agencies**

The UK government has sought to use new laws to buttress recent ASB strategies. This is reflected in recent changes to legislation in the UK (England and Wales), where housing authorities and other registered social landlords have received greater powers to address ASB through legal reforms under the Housing Act 1996 and Crime and Disorder Act 1998. Similar changes are proposed to Scottish legislation. The changes to the UK legislation resulted in:

- The implementation of introductory tenancies;
- A broadening of the grounds for eviction and excluding of households from waiting lists;
- The requirement for local authorities to work in partnership with police on local crime and disorder partnerships; and
- Provisions to implement anti-social behavioural orders (Cowan, Pantazis and Rose, 2001).

The rest of this section describes, in turn, the use of introductory/probationary tenancies and eviction, ASB orders, local crime and disorder partnerships; warden schemes; and the targeting of crime 'hotspots'.

#### *4.3.1 Introductory/probationary tenancies and eviction*

Social housing landlords in the UK and USA can provide introductory tenancies, which means there is no security for the tenant in the first year of occupancy. Previously, tenants had security of tenure and could only be evicted on certain grounds, which included:

- Nuisance;
- Annoyance to neighbours;
- Non-payment of rent; and
- Landlords had to show that it was reasonable to evict and decrees of eviction were issued at the courts discretion.

The basic premise underlying the changes is to identify problem tenants and to exclude people from social housing who are potential threats to the community or have previously been evicted for ASB. Under the new arrangements, the tenancy agreement can be terminated at any time within the initial 12-month period and the grounds for eviction cover visitors to the property and convictions for arrestable offences (Haworth and Manzi 1999; Burney, 2000). After the first year, if all goes well, the introductory tenancy converts to a secure tenancy.

In the USA, there is a 'zero tolerance' approach under law passed in 1988 to create incentives for public housing tenants to assist in reducing drug-related crime by policing their own families and guests. In essence, if any member of the tenant's family or guests is involved in drug related criminal activity, on or off the premises, this provides grounds for eviction. It provides a way of demonstrating to the community that the rules must be followed and ASB will not be tolerated (Feins and Epstein 1997).

However, research with social landlords in the UK found that most believed that eviction was ineffective as a way of dealing with ASB. While eviction sorted out the problem locally, it did not deal with the underlying causes of problems (Hunter, Nixon and Shayer, 2000). In two notable cases, individuals evicted from social housing moved to other addresses within the same community (Hunter, Nixon and Shayer, 2000). Indeed, it is not uncommon for evicted tenants to end up in the same locality, sometimes in adjacent streets, with a different housing provider or in the private sector where social landlords have no control over the ASB (Local Government Association, 2002).

### 4.3.2 Anti-social behaviour orders

In the UK, the local authorities and police have the option of applying for an Anti-Social Behaviour Order (ASBO) to address problem behaviour. An ASBO represents a form of injunction sought from magistrates against those likely to harass or distress people (not in the same household) but where criminal proceedings are not appropriate. The order applies for a minimum of two years with individual, tailor made prohibitions to prevent the offender from committing specific anti-social acts and entering defined areas (Burney, 2000: 270). Whilst ASBOs are not criminal penalties, breach of the order is a criminal offence with criminal procedures and penalties applying. The maximum allowable penalty is five years imprisonment for an adult offender (Home Office, 2002). Implementation of an ASBO requires cooperation between the local authority and the police and sharing of evidence (Flint, 2000: 634). The guidelines for ASBOs advise consulting social services if an order is sought against someone with drug, alcohol or mental health problems (Burney, 2000: 271).

According to The Home Office's, Guide to Anti-Social Behaviour Orders (Home Office, 2002) the most appropriate situations to use ASBOs are:

- When individuals intimidate neighbours and others, using threats of violence or other unpleasant activities;
- Where groups of individuals persist in unruly behaviour, dominate others or damage property as a means of intimidating people;
- Where families challenged about their use of ASB resort to verbal abuse, vandalism, graffiti and threats of violence;
- Where abusive behaviour is targeted towards the elderly, mentally ill or disabled persons;
- In instances of ASB resulting from drugs or alcohol abuse.

**Table 4: Summary of major advantages and disadvantages of anti-social behaviour orders<sup>5</sup>**

Advantages	Disadvantages
Can sometimes successfully reduce ASB and act as a deterrent without housing authorities actually having to apply their use. Increases confidence of community and wider public in partner agencies.	May unrealistically increase expectations for local authorities to deal with crime and ASB.
Breaking an ASBO is a criminal offence.	In the UK, thirty six per cent of orders were breached within nine months of implementation (some up to five times).
Implementation requires cooperation between the housing authority, local police and other agencies.	The process of seeking an ASBO may be complex and financially costly.

### 4.3.3 Local crime and disorder partnerships

Local level area partnerships to address ASB are common in the US and UK, between local police, social landlords, local authorities, health, business and the voluntary sector. Under the UK Crime and Disorder Act 1998, local authorities and police have a statutory duty to work in partnership to develop and implement a three-year plan for tackling crime and disorder. As part of this process, audits of local ASB problems and community consultations are undertaken (International Centre for the Prevention of Crime 2000; Local Government Association, 2002; Renewal Net, 2003).

Welsh and Farrington (2000) report on a burglary reduction program in a local housing authority estate that was a partnership between the local authority, police and community representatives. It used a variety of measures, including property marking, improved security and resident

<sup>5</sup> Sources: Armitage, 2002; Chartered Institute of Housing, 2002; DTLR, 2002; Home Office, 2002; Local Government Association, 2002; Scottish Executive, 2003.

surveillance to tackle the problems. There was a 75 per cent reduction in burglaries over a three-year period. US schemes report similar results (International Centre for Crime Prevention, 2000).

#### **Genesis Park crime and disorder partnership**

Genesis Park in Charlotte, North Carolina had a long history of high crime rates and drug trafficking activities. A partnership between a local housing organization and the Police Department bought up the drug houses and converted them into single-family homes. Homeownership classes and credit support schemes were initiated in conjunction with the local residents' association to encourage self-sufficiency in public tenants. In addition, a complex range of traffic barriers and changes to the traffic pattern in the area were utilised to deter drug traffic, simultaneously implementing name changes to the most notorious streets. Crime was reduced by 74 per cent from 1993 to 1994 (Feins and Epstein, 1997).

#### **4.3.4 Warden schemes**

Warden schemes are also popular in the UK and USA and while the schemes vary in their functions, many of them are aimed at preventing crime and ASB. Often wardens provide a 24-hour on site presence (Crime Concern, 2000). The functions of wardens include:

- Undertaking mobile security patrols and foot patrols to report crime and ASB; and responding to minor incidences of ASB, including litter and graffiti removal;
- Acting as concierges in buildings where, in addition to carrying out minor maintenance, they have a security role in controlling access to buildings;
- Installing alarms and closed circuit TV on properties;
- Providing information to local police and authorities
- Communicating with tenants and instilling confidence through their presence;
- Visiting vulnerable tenants, anxious witnesses and victims of crime and racial harassment; and
- Setting up Neighbourhood Watch Schemes (Jacobson and Saville, 1999; Crime Concern, 2000).

The warden schemes provide a complimentary role for police and other local authority services but are not a substitute for them or considered suitable in neighbourhoods where crime rates are very severe. One of the benefits is that wardens free up the police to pursue serious crime and their presence might act as a deterrent to ASB. A recent review of fifty projects in the UK, whilst acknowledging that further evaluation is required, concluded that the schemes contributed to reductions in crime and fear of crime and were beneficial in increasing the sense of confidence and well-being of residents of disadvantaged neighbourhoods (National Strategy for Neighbourhood Renewal, 2000b). USA schemes also claim to contribute to falling crime rates (Grogan and Proscio, 2001). Many of the schemes are funded through local authorities using resources from their mainstream programs (Jacobson and Saville, 1999; Crime Concern, 2000).

#### **Various activities of warden schemes**

The *Chicago Housing Authority* has trained residents to undertake warden roles as an effective means of formal surveillance, as well as mobilising local residents. The residents report any problems to security guards or police (Feins and Epstein, 1997).

The *Headrow Housing Group* in Yorkshire provides tenant liaison officers, who live on site and receive reduced rent. The officer's role is to allay fear of crime and, in particular, support vulnerable tenants, 5 per cent of whom are elderly. The tenants play an active role in defining the duties of the liaison officers and selecting staff to undertake the role. The project represents a partnership across local housing agencies, police, churches and social services. The costs of the scheme are met from a service charge defined in agreement with tenants (National Strategy for Neighbourhood Renewal, 2000a).

The literature identifies the following problems with warden schemes:

- There is often more punitive treatment of council tenants than non-council tenants, who may indulge in the same behaviour, but are not threatened with loss of their homes;
- Some animosity and duplication exists between housing officers and wardens. This situation is improved by the lead role of housing officers being recognised;
- Warden services can be costly in financial terms;
- Often wardens resort to legal remedies at a very early stage;
- There is a lack of focus on mediation as a solution to ASB (Papps, 1998); and
- Using wardens, in isolation from social interventions, is likely to cause displacement of the problems to neighbouring areas (Ward, 1997; Schumacher and Leitner, 1999; Armitage, 2002; Flint, 2000).

#### *4.3.5 Targeting crime and disorder hot spots*

Some Housing authorities are now utilising data provided by local police authorities to map incidences of crime. The Oakland Housing Authority in California began identifying crime hot spot areas using pin maps to identify police call outs and high crime rate areas and then mapped the data using computer analysis (Feins and Epstein, 1997). An AHURI project funded through UNSW-UWS is currently exploring the linkages between housing policy and crime prevention by similarly mapping police operational data to identify patterns of crime.

What emerges from the literature is the importance of rapidly responding to incidences of ASB to deter a reoccurrence. For instance, prompt cleaning of walls and trains in New York subways prevent perpetrators from showing off their graffiti to their peers (Sloan-Howitt and Kelling, 1997). Likewise, it is important for police to work with local housing authorities to repair homes quickly after break-ins as once a place is burgled it is more likely to be burgled soon after the first incident. On a housing estate in Northern England, a watch involved victims and neighbours looking out for repeat offences. There was a 75 per cent reduction in domestic burglary over a 3-year period (Forrester, Chatterton and Pease, 1998). A follow-up replication study yielded similar results (Forrester, Frenz, O'Connell and Pease, 1990).

### **4.4 The role of mediation and intervention models to resolve disputes between neighbours**

The findings of the literature are that the police are often the first point of contact for disputes between neighbours when early action using mediation could more appropriately resolve the problems before they escalate (National Strategy for Neighbourhood Renewal, 2000b; Renewal Net, 2003; The Scottish Office, 2003). Mediation works best for low-level disputes and most neighbourhood complaints are amenable to it, although it is not an appropriate solution for violence, threats of violence or where police and courts need to be involved in legal action (Scottish Executive 2003). In mediation schemes established by Greenwich and Derby councils, it was reported that 30 per cent of all cases were successfully resolved thus representing better value for money than taking legal action (Crime Concern, 2000).

Mediation practices have a number of advantages over other forms of intervention. For example:

- It deals with disputes between neighbours without turning to formal legal remedies that are time consuming and costly to administer;
- The process is non-adversarial, confidential, low priced and provides a rapid solution;
- The voluntary nature of the process means people learn skills for dealing with conflict in the future and responsibility for a solution remains with the parties concerned, rather than being imposed by a court, which makes the solution more likely to be permanent; and
- It is an independent and neutral service and as mediators are independent of the dispute there is no 'conflict of interest'.

#### 4.4.1 *The extent to which multi-agency approaches can be used to address ASB*

Mediation is a valuable example of how agencies can work together to resolve disputes. In fact, many of the strategies, discussed to date, involve housing authorities and police working collaboratively to tackle ASB in consultation with local communities. However, police have limited detection and arrest capabilities and enforcement is a fairly inefficient means of crime prevention, so tactics to prevent crime need action beyond police (Armitage, 2002: 47). In both the USA and UK, housing authorities recognise that they do not have all the equipment and resources to act on their own in order to address ASB and that it is critical to develop multi-agency partnerships, especially to implement preventative approaches (Home Office, 2002). The two common factors identified in the literature as leading to successful multi-agency approaches to addressing ASB are first; establishing a form of multi-agency panel or committee and second; developing clear protocols that outline how information will be shared effectively between agencies.

#### 4.4.2 *Multi-agency ASB management panels*

Management Panels encourage regular meetings and information sharing across agencies that can be used to organise a range of responses to tackle ASB. For instance, to discuss the risks posed and develop tactics when an individual with a record of child sexual abuse or other ASB moves into, or already resides in, the local community (Cowan *et al* 2001). Dealing with a disruptive child might require cooperation between education, police, housing, and social services (Chartered Institute of Housing, 2002). In order to develop successful strategies, the services involved need to recognise and discuss their different agendas and budget limitations (Hunter *et al*, 1998).

A related role of panels is to coordinate broader multi-agency approaches in the local area. For instance, Coles *et al* (1998) argue that while housing officers do not have significant budgets to invest in areas such as youth work they provide an invaluable coordination function and often provide land or buildings to accommodate projects. The UK Chartered Institute of Housing (2002, 6) argues that encouraging all parties to participate in multi-agency working often requires seed-core funding.

#### **Successful multi-agency approaches**

Homel (1998) outlines a multi-agency partnership in Boston across a range of community services, housing and police that successfully deterred youth crime. The project included a deference strategy to provide alternative pathways for youth instead of gang membership, including assistance with housing and returning to education and employment options. Based on the findings of the success of the project, Homel argues that partnership only works where: agencies share resources; have a common goal; and accept responsibility for the success or possible failure of initiatives.

#### 4.4.3 *Information sharing protocols*

One of the major difficulties in multi-agency approaches is sharing information effectively between agencies. In the UK, some local authorities have appointed policy officers to coordinate multi-agency responses and establish interagency protocols to facilitate early intervention and community involvement (Local Government Association, 2002). The information sharing protocols set out information pertaining to:

- Ownership of data;
- Access procedures for obtaining data;
- Review and complaints procedures;
- Contact persons in each agency; and
- Procedures to cover any breaches of confidentiality.

## **Greater Manchester Probation Service Liaison protocol with local authority housing services**

The Greater Manchester Probation Service Liaison developed an information sharing protocol outlining the procedures for sharing information about offenders and ex-offenders with housing providers. This is important for two reasons: first, to enable offenders and ex-offenders to gain access to appropriate housing as part of the rehabilitation process; and second, to share information about any risks that might be posed to the recipient community. The protocol describes the relevant statutory obligations and includes information about local initiatives such as multi-risk assessment panels. Where there is evidence of an individual posing a serious threat to the community, the probation service provides 'risk information' to the nominated contact persons in other agencies. Then the housing service, for instance, can address concerns about the location or type of housing. The protocol also details the processes for dealing with introductory tenants who are probation services' clients and face eviction (National Strategy for Neighbourhood Renewal, 2000a).

### **4.5 Social interventions**

The literature endorses the merits of adopting social interventions in order to address the source of ASB on social housing estates. The range of social intervention activities includes recreation and sport, discos, craft building activities, confidence building and self-esteem projects and specialist services to address family violence, drug and alcohol issues. A report by Armitage (2002) concludes that social intervention, such as providing after school clubs, can trigger multiple benefits that include:

- Keeping youth off the street at the time they are most at risk of committing crime or being victimised and ensuring they are too busy to commit crime;
- Providing remedial education to improve skills and provide alternative options to engaging in ASB; and
- The activities may also provide 'children/youth at risk' with positive non-criminal role models and alternatives to adopting ASB.

Many of the social intervention activities that housing agencies are involved in are specifically targeted at youth. This is not surprising, given that all estates have groups of children and young people. A common activity is to meet on the street and police and housing officers receive large numbers of complaints about this issue especially from elderly residents who find the behaviour intimidating (Coles *et al*, 1998). Housing officers can assist in implementing a range of strategies that address loitering and complaints, reduce damage and vandalism and result in higher community satisfaction. Strategies include:

- An oral history project to encourage dialogue between youth and aged residents. As part of this project, youth interviewed elderly people at a local day care centre for the elderly (Coles *et al*, 1998);
- Setting aside some space for young children/youth on estate where they can spend time without worrying about being moved on (Coles *et al* 1998);
- A 'youth' housing officer at Derby trains young tenants to manage their tenancies and avoid upsetting neighbours (Burnley, 2000);
- The local authorities in Brighton and Hove employ a specialist team to pre-empt the needs of vulnerable tenants. The team supports tenants at risk of eviction through ASB or non-payment of rent (Burnley, 2000);
- Reductions in delinquency occurred through local programs that provided incentives for youth to complete school and undertake structured developmental training (International Centre for the Prevention of Crime, 2000);
- Sensitive allocation policies that avoid concentrating elderly and youth together (Scott and Parky, 1998);

- Offering incentives for participants to remove graffiti, such as rock climbing and abseiling, video workshops, drama classes and training in IT (Armitage, 2002).

### **Community initiatives**

'The Bridges to Inclusion Programme' run by the Knowsley Metropolitan Borough Council, links community mentors, from local community and business with youth referred through the Youth Offending Team, local schools and education. The program sets goals for youth offenders in the areas of their habits (e.g. violence, drugs) including education, training and employment and relationships with families, peers and teachers (Armitage, 2002).

Scott and Parkey (1998) argue that there is little independent research to assess the effectiveness of these innovative practices although numerous social measures are in place. The Dundee family project provides an exception to this trend as the University of Glasgow evaluated the project in 2001.

### **The Dundee family project**

The Dundee Family Project offers support to families at risk of homelessness through eviction because of their ASB. The project is a partnership between the NCH (National Children's Homes)', Dundee Council Housing and Social Work Departments. Intensive support is offered for four families in block accommodation with on site staff and to a small number of dispersed flats for families moving from the core block. An outreach service also supports families in their existing accommodation 'at risk of eviction'. The specialist services provided address drug and alcohol issues, family violence, parenting skills and mental health issues with interventions targeted for adults, children and individuals, couples and families. The core staff of the project consists of a manager, social workers, administrative assistant and domestic worker (Burnley, 2000; DTLR, 2002).

The recent evaluation of the project (Dillane, Hill, Bannister and Scott, 2001) found it no more expensive than conventional means of dealing with these families. In the longer term, the project is likely to generate real cost savings. The project was successful in terms of image, inter-agency cooperation, staffing and management and producing change in the majority of families.

## **4.6 Lessons that are relevant to the Australian context**

There appears broad consensus within the UK and USA literature that it is necessary to adopt a range of measures to reduce and control ASB in social housing areas. It is 'clear that a focus upon one element of intervention at the expense of others can only result in a quick fix at the expense of any long term situation' (Armitage, 2002: 10). For instance, adopting place specific mechanisms such as wardens, to undertake mobile foot patrols, in isolation from social interventions is likely to lead to displacement of the ASB to other areas without reducing the overall ASB levels (Osborne and Shaftoe, 1995; Feins and Epstein, 1997; Ward, 1997; Hunter, Mullen and Scott 1998; Schummacher and Leitner, 1999). A recent study conducted on good practice in addressing ASB by the UK Chartered Institute of Housing (2002) concludes that there is little evidence to support adopting greater legal reform to support progressively more punitive measures.

The major components of successful approaches to ASB combine prevention and enforcement and working in partnership across agencies, both to provide support for victims and to work with potential and actual perpetrators (Osborne and Shaftoe 1995; National Strategy for Neighbourhood Renewal, 2000a; Armitage, 2002). Successful schemes incorporate design changes, local management initiatives, physical security measures, interagency working and involvement of residents and local resident organisations with social intervention measures (Feins and Epstein, 1997; Murie, 1997; Naperstek, 2000; Flint, 2002: 634). However, some argue that there is little independent evaluation of what works and methodological problems exist that makes it difficult to make informed judgements (Scott and Parkey, 1998; Armitage, 2002).

In the UK, addressing ASB has become an explicit part of the role of housing managers and they are placed at the centre of crime reduction partnerships. Changes to legislative powers assist in this process. This poses the question of whether Australian Housing Authorities should

follow this path. The research finds that there are five major issues at stake for housing authorities in accepting this broader role:

- The difficulty for local authorities in balancing responsibility for housing provision with protecting the local community and housing need (Bannister and Scott, 2000; Cowan *et al*, 2001). For instance, in attempting to house a sexual offender, a conflict is raised for the housing agency between protecting the community and, at the same time, introducing someone who presents a risk to that community. Research on three case study social housing sites found that housing need often comes off second best in these situations (Cowan *et al*, 2001);
- There is no overall policy for dealing with perpetrators of ASB after eviction (National Strategy for Neighbourhood Renewal, 2000b). This means disruptive tenants are likely to be forced into the private rental sector and the inappropriate behaviour forced underground. In the private rental sector there is little recourse to remedial action, compared to when the perpetrator is accommodated in the social housing sector (Papps, 1998);
- Osborne and Shaftoe (1995) argue that local action by housing authorities and other agencies is unable to alter the broader social and economic context of society, which causes ASB. This is largely determined by national policy and outside of the control of local action;
- Scott and Parkey (1998) argue that most landlords in Britain are still reacting to complaints rather than initiating preventative measures to ASB. In the longer term, preventative measures are more likely to lead to success in addressing ASB;
- Bannister and Scott (2000) argue that the widespread deployment of measures by housing organisations to deal with ASB indicates a significant financial burden for housing authorities. However, there is no research that explicitly investigates the financial costs associated with the management of ASB.

At a strategic level, the conundrum for Australian state housing authorities is whether to pursue coercive measures and sanctions to address incidences of ASB or whether to emphasise more holistic based policies that are sensitised to the needs of the community. In short, whether to embrace policies that adopt the path taken in the UK where legislation places housing agencies at the centre of approaches to address ASB and crime, or the USA approach where the role of housing agencies is increasingly one of social control. There are obvious financial costs and ethical dilemmas around housing need versus duty of care to the recipient and community in this approach. This poses the question of how far ASB is a housing responsibility and financial burden or other agencies' responsibility. Coordination across agencies is the obvious response to ASB but to work effectively it requires clearly set out protocols to detail how the data will be organised and processed across agencies. To date, approaches are patchy (National Strategy for Neighbourhood Renewal, 2000a).

## 5 NEXT STEPS

### 5.1 Gaps in knowledge

The Positioning Paper has provided: a theoretical discussion of the explanation of the emergence of ASB; a summary of each State and Territory's policy framework to assist housing managers to address neighbour conflicts; and examples of innovation from the USA and UK to show the scope for partnership and proactive practices that can be undertaken. However four gaps in knowledge remain:

- A greater understanding is needed of front-line housing manager perspectives about ASB. This is especially important to gauge the efficacy of existing procedures and the capacity of housing staff to engage in proactive partnerships with other agencies;
- A greater appreciation of tenant perspectives is required. Forthcoming interviews with tenants will focus on the extent of the problem and record their perceptions about the effectiveness of existing measures to address ASB;
- An appreciation of the role of Australian law enforcement agencies in tackling ASB and their capacity for effective cooperation with housing management staff and residents;
- More information is required from State and Territory housing authorities and Commonwealth Government to identify some of the proactive partnerships and tenancy support initiatives that have been developed to address ASB in respect of the wider neighbourhood and crime.

### 5.2 Methodology

The next stage of the project will build upon the theoretical discussion and literature review presented in this Positioning Paper. It will entail two estate case study investigations to fill these gaps in knowledge and further contact with State and Territory housing authorities to identify examples of innovative practices.

#### 5.2.1 Case study investigations

Bridgewater-Gagebrook and Christie Downs have been selected as the estate case studies because they contain examples of innovative but distinct housing management practices (that have been in operation for similar periods of time). This is important as it will enable us to isolate, as far as possible, the effects of housing management practices on ASB from the effects of other modes of service delivery such as community renewal and physical redevelopment.

- The Bridgewater-Gagebrook Estate outside Hobart in Tasmania is an area of high social deprivation (ABS,2001a). However in recent years it has been the locale for a community renewal programme known as BURP (Bridgewater Urban Renewal Program.) The distinctiveness of the renewal programme is that local tenants and community groups orchestrate the management of services. It provides an excellent example of tenant led policies and in this respect illustrates a proactive and holistic approach to ASB concerns at the level of the neighbourhood.
- Christie Downs in the Marion/Noarlunga region of Adelaide consists of large concentrations of public rental housing ranging from 25 to 35 percent of the total housing in the area. In Marion, much of the housing was built during the economic boom of 1950s and 1960s, largely in the form of semi detached (double unit) housing. Noarlunga was developed to service local industry, including the oil refinery, which began operating in 1963. Large numbers of aged people presently reside in the region and particularly along the coastal areas of Noarlunga. Like all suburbs with large concentrations of public housing, Christie Downs accommodates many vulnerable and disadvantaged individuals including: those formerly homeless and in housing stress; individuals with complex needs; victims of domestic violence; people with mental health concerns; and ex-offenders.

#### 5.2.2 Methods

The research will be based on interpretative methods (Fay, 1996; and Finch, 1986) in order to provide a richness and depth of understanding about how anti-social behaviour issues are

currently perceived by tenants and the policy responses utilised by housing managers. Interviews and focus group meetings will be used to gather information. The set of questions for both the interviews and focus groups will be framed around the following issues:

- The most effective practices housing managers can utilise to address problems of ASB
- The scope for collaboration between housing managers and law enforcement agencies
- The role of mediation and interventionist models to resolve disputes between neighbours
- The extent to which multi-agency approaches can be used to address ASB (for example cooperation with law enforcement agencies, social services and schools)
- Innovative practices housing managers can take to engage residents in tackling ASB (for example community forums, neighbourhood watch schemes)
- Exploring policy responses appropriate for tenants who are found to be persistently responsible for ASB
- The appropriate forms of legal redress agencies can utilise.

The rationale for interviews, focus groups discussions and data analysis is set out below:

### *5.2.3 Interviews*

A total of twenty semi-structured interviews (ten per case study) will be undertaken, each interview will be recorded by tape and transcribed. The interviewees will include senior policy officers, front-line housing managers and other professionals with 'insider' expertise on Bridgwater and Christie Downs (i.e law enforcement, social services and community workers). We will be seeking to ascertain views on the challenges entailed in developing appropriate solutions to the problems of ASB and discussing the scope for communal responses to the issues that do not necessarily involve recourse to law enforcement agencies.

Each interviewee will be encouraged to provide a personalised account of what they perceive to be the major issues in managing and responding to ASB. To encourage interviewees to have the confidence to proffer their own 'insider' perspective as well as reflect critically on the practices they are engaged in, questions will be open-ended rather than closed. In order to facilitate broad ranging discussion, at the start of each interview the point will be made that the aim is to collect data that departs from the bureaucratic or rational explanations of policy making frequently found in official policy documents. The work of Rosenberg (1989), in particular is useful to draw upon in describing precisely what it is we are seeking in adopting this method of interviewing. He draws a distinction between 'external' and 'internal' discourses and suggests that professionals often deploy different modes of discourses depending on the context in which they operate. 'Internal discourses' are those individuals use to reflect upon their personal role within the organisation and they tend very often to be more critical and self-reflexive. In everyday language, internal discourse can be equated as being synonymous with 'off the record' accounts, while 'external discourses' are those individuals utilise to rationalise decisions in a political context. Very often external discourses reflect the official or organisational perspective. For example, external discourses are to be found in public documents and brochures or when officers speak at public meetings. Our methodological assumption is that these internal discourses deployed by actors provide important insights about how ASB is currently addressed in a practical context.

### *5.2.4 Focus groups*

Focus groups comprise our other primary data collection technique. One focus group will take place in each of the case study areas. The participants (6 per group) will comprise of tenant representatives and individuals from groups commonly identified as being involved in ASB (for example teenagers). Consultation with Housing Tasmania and South Australia Housing Trust will be undertaken in the selection of the participants. The focus group meetings will be tape-recorded and we will be seeking to collect a range of views about the effectiveness of housing management practices and tenant expectations about how ASB should be addressed. We will also be asking questions relating to:

- Tenants concerns about ASB and the appropriate solutions to address these concerns
- Reasons why people are reluctant to report incidents of ASB to authorities.

The experience of the UK suggests that everyday perceptions of ASB are commonly intertwined within the rubric of racial stereotypes and social class (Cameron and Field 2000). Not surprisingly, there is a reluctance on the part of some agencies to acknowledge or publicise the problem for fear that any publicity will fuel tensions or reinforce the stereotyping of specific groups such as young men or Indigenous peoples. Our approach is not to deny the existence of these portrayals but to set out the context as to why such categorisations persist.

Finally, we will be making contact again with State and Territory housing authorities and the Commonwealth Department of Family and Community Services by phone and letter in order to collect relevant examples of innovative partnership arrangements.

#### *5.2.5 Data Analysis*

The information collected from the two case study investigations provides a rich source of data that can be used to generate insights and findings that would not be possible from more quantitative methods. The validity of the research will be buttressed by the deployment of different methods of data collection (interviews with key actors, focus groups with tenants and secondary data from existing sources). It is anticipated that the analysis of data will entail gauging the reliability, representativeness and validity of the views that feature in the transcripts generated from the interviews and focus group discussions. A thematic analysis (Rice and Ezzy, 1999) will be undertaken to draw out the key issues; in practice this will involve working up concepts and categorising themes to interpret the transcripts.

The initial findings of the next stage of the research will be disseminated in an AHURI work in progress seminar in Darwin in late July 2003 and the final report will be completed in September 2003.

## 6 CONCLUSION

This Positioning Paper has set the context for developing effective housing management strategies to address ASB in five important respects.

1. It has provided definitional clarification about what ASB entails. It has suggested that ASB is perceived as a range of activities that can undermine the social well being of individual tenants and the wider neighbourhood.
2. It has made a connection between two of the key ideological debates (structuralist and underclass theories) and demonstrated how these debates inform current strategies to address ASB.
3. The paper has summarised the protocols that each State and Territory housing authority has in place to respond to neighbourhood disputes and complaints thereby illustrating the procedures available for housing managers to respond to the concerns of tenants.
4. The review of literature set out some of the innovative practices that have been deployed by housing authorities in the USA and UK. The review illustrated the scope of policies that can be utilised to address incidences of ASB as well as policies that seek to address the underlying causal factors associated with ASB.
5. Finally, the Positioning Paper identified the gaps in knowledge and the methods that will be used to address these gaps in the next stage of the research. These methods include collecting tenant and housing manager perspectives on the efficacy of current practices, examining the role of law enforcement agencies in responding to ASB and identifying the most innovative partnerships and ASB initiatives within Australia.

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Australian Housing and Urban Research Institute  
Level 7 20 Queen Street, Melbourne Victoria 3000  
Phone +61 3 9613 5400 Fax +61 3 9629 8536  
Email [information@ahuri.edu.au](mailto:information@ahuri.edu.au) Web [www.ahuri.edu.au](http://www.ahuri.edu.au)