Summary of anti-social behaviour policy

A guide for Havering Council tenants and leaseholders

www.havering.gov.uk
Introduction

This booklet has been created to provide Havering Council tenants and leaseholders with a summary of our anti-social behaviour (ASB) policy which includes what we do to prevent anti-social behaviour, how it can be reported and how we will deal with it.

We hope this summary is useful and helps residents to understand what Havering Council will do to tackle anti-social behaviour.

This document also contains information about relevant services and useful contact details which are listed at the end.

Havering’s full anti-social behaviour policy is available on our website at www.havering.gov.uk and from our Chippenham Road office, Harold Hill.

Resident involvement

Havering Council tenants and leaseholders are involved in shaping our ASB service and all related policies. This is through our resident-led Safer Communities Steering Group which has reviewed this ASB policy with us. If you are interested in getting involved with the steering group you can contact us on 01708 433619.

Our service standards

We will contact victims within one working day of them reporting to us any racial harassment, hate crime, domestic violence or incidents of serious harm.

We will contact victims of all other anti-social behaviour within five working days of receiving their report.

We will keep victims informed of the progress of their complaint at least once every 10 working days.

We will make safe any damage caused to a tenant’s home by anti-social behaviour within 24 hours (provided the necessary repairs fall within our normal repair responsibility).

Once an anti-social behaviour case has been closed, we will contact victims to carry out a satisfaction questionnaire to find out what they thought of the service we provided. This will be carried out within a month of closing a case.

We will monitor our performance by measuring:

- the percentage of racial harassment, hate crime and domestic violence reports we respond to within one working day
- how satisfied you were with the way you were kept up to date on the progress of your anti-social behaviour complaint
- how satisfied you were with the way we handled your anti-social behaviour complaint
- how satisfied you were with the outcome of your anti-social behaviour complaint.

Staff training

We are committed to training our staff and will make sure that all staff dealing with anti-social behaviour are aware of the policy and procedures. Where our response to any incident shows the need for further staff training, this will be provided. We will monitor complaints about how we handled cases and ensure we learn from them.

We will also make sure Tenant Management Organisations are kept up to date on policy, procedures and any legal changes.

Staff protection

If staff are threatened or abused when undertaking their duties, in those cases we will apply our Unacceptable Behaviour Policy. This may include restricting contact you have with us if you have been aggressive towards staff. This does not mean a reduction of service but will limit how or who you contact.

We will use legal powers such as injunctions and possession proceedings to deal with anyone responsible for this type of anti-social behaviour.
### What is anti-social behaviour?

Havering Council considers examples of anti-social behaviour as follows, but not limited to:

<table>
<thead>
<tr>
<th>Defined as</th>
<th>Including</th>
</tr>
</thead>
<tbody>
<tr>
<td>Noise</td>
<td>Loud music, arguments, use of tools or machinery at unreasonable hours, dog barking persistently, car repairs, regular acts of banging on walls or floors and banging doors.</td>
</tr>
<tr>
<td>Harassment and nuisance</td>
<td>Disputes between neighbours, intimidating behaviour, victimisation, aggressive and threatening language or behaviour. Hate behaviour targeting specific groups or persons (racial harassment, domestic abuse and all forms of hate because of a person’s age, sexual orientation, sexual preference, disability, ethnicity and religious belief).</td>
</tr>
<tr>
<td>Vandalism</td>
<td>Damage to property (including public areas), graffiti, arson</td>
</tr>
<tr>
<td>Vehicle crime</td>
<td>Abandoned cars, theft of vehicles, racing motor bikes or cars in the locality, car repairs at unreasonable hours, parking without thinking of others, storage of unroadworthy vehicles.</td>
</tr>
<tr>
<td>Drug and alcohol related or prostitution</td>
<td>Drug dealing in public space, use of premises for dealing drugs or substance misuse, drunken behaviour, prostitution.</td>
</tr>
<tr>
<td>Violence and domestic violence</td>
<td>Actual or threats of violence against people, controlling behaviour, emotional and financial abuse between adults who are or have been intimate partners or family members.</td>
</tr>
<tr>
<td>Rubbish dumping or litter</td>
<td>Fly-tipping, piling up of rubbish in gardens, dog fouling, putting rubbish out too early for collection.</td>
</tr>
<tr>
<td>Pet and animal nuisance</td>
<td>Dogs constantly barking, dangerous dogs, dog fouling and aggressive dogs, cats left in communal areas such as enclosed hallways and stairwells.</td>
</tr>
<tr>
<td>Criminal activity</td>
<td>Any activity that is criminal – and not defined within other categories eg: burglary</td>
</tr>
<tr>
<td>Garden nuisance</td>
<td>Overgrown gardens (remote, front and back) causing damage to fencing, rubbish in garden(s), offensive smells from rubbish in garden(s).</td>
</tr>
</tbody>
</table>
What is not considered anti-social behaviour

There are circumstances where we are unable to resolve reports that are considered anti-social behaviour. We will investigate all reports made to us and provide advice and offer mediation where appropriate. Some examples are:

<table>
<thead>
<tr>
<th>Babies crying</th>
<th>We will investigate to ensure there are no child safety issues and offer advice.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Children playing in their gardens</td>
<td>Noise from children playing in gardens is not anti-social behaviour; however we would investigate if children are swearing or throwing objects over the fence or screaming continuously.</td>
</tr>
<tr>
<td>Shift workers</td>
<td>We will request shift workers returning home to be considerate towards their neighbours and vice versa. We will offer mediation and general housing advice to help alleviate issues arising from shift work.</td>
</tr>
</tbody>
</table>

Our approach

Our response to anti-social behaviour will depend on how bad it is and how often it happens. We will use appropriate and proportionate action to change behaviour and stop unacceptable behaviour. The safety and welfare of the victim are the most important and we will carry out a risk assessment to help us determine our response. This may include:

- Prevention
- Investigation
- Intervention
- Enforcement

Prevention

We aim to prevent anti-social behaviour in the following ways:

- The Choice Based Lettings Policy allows the Council to refuse to register and/or offer accommodation to anyone who is, or has been, guilty of serious unacceptable behaviour
- We adopted Introductory Tenancies in 1997. This means that all new tenants must serve a probationary year before they can become secure tenants
- Prospective tenants are expected to attend a pre-tenancy workshop where their tenancy obligations are explained
- We can use Demoted Tenancy Orders against secure tenants to change their tenancy to a non-secure one. This means that if a secure tenant is responsible for anti-social behaviour, we might ask the Court for their tenancy to be reduced to a non-secure one (for 12 months)
- We provide a mediation service to help resolve neighbour disputes
- We will consider providing a CCTV service to our estates where there is a high level of ASB
- We provide a Community Warden Service
- We will carry out improvements on our estates to prevent anti-social behaviour and criminal activity. This includes lighting improvements and security fencing
- We work closely with the Council’s Community Safety team. We also work with Victim Support, the local Safer Neighbourhoods teams Police and Environmental Health

4 Homes & Housing - Summary of Anti-Social Behaviour Policy
• We are members of a national organisation of social landlords so that we can keep up to date with best practice in dealing with anti-social behaviour

• We carry out settling in visits with all new tenants so that they understand their tenancy obligations

• We are members of Havering’s Crime and Reduction partnership group

• We are members of the Borough’s Youth Inclusion and Support Panel (YISP) which tries to prevent offending and anti-social behaviour by offering support services to ‘high risk’ eight - 13 year olds and their families

• We work closely with the Youth Service to encourage long-term resolutions to complaints about youth nuisance

• We work closely with the Drug and Alcohol Team, referring people to seek help with their addictions

• We are signed up to the Council’s Sharing of Information Protocol that allows personal information to be shared, which can be used to help deal with anti-social behaviour

• We work closely with Streetcare and Environmental Health to prevent environmental crimes such as fly-tipping and abandoned vehicles

• We advertise, as part of our publicity strategy, our successes with cases of anti-social behaviour.

Working with young people

Our Resident Involvement team provides activities during school holidays for young people to prevent them from hanging around on streets. Through bidding for funding (including lottery funding) in 2011 they secured approximately £40,000 for activities which include art, dancing, cooking, football, life skills and career advice. This helps young people have a sense of purpose, builds confidence and gives them a sense of inclusion in their community.

Tenancy obligations

All tenants are provided with a copy of the Tenants’ Handbook which sets out their tenancy obligations. The most important parts relating to anti-social behaviour are also explained to them at the time of signing for the tenancy.

The Tenancy Agreement states that tenants have an obligation:

• Not to cause nuisance or annoyance, either by themselves or their visitors or by other persons living at the property

• Not to commit or threaten to commit violence against a member of their household which might force that person to want to move out of the property

• Not to cause damage in the premises or common areas

• Not to park on green areas and estate roads or carry out car repairs that cause a nuisance or leave unroadworthy vehicles on the estate.

Also that the tenant, anyone living with them or their visitors must not:

• Commit acts of discrimination, intimidation or harassment

• Do, or permit to be done, anything which may be a nuisance or a likely nuisance, annoyance or inconvenience to neighbours

• Harass any person because of gender, age, disability, ethnicity, religious belief, sexual orientation, gender reassignment or any other protected characteristic.

• Advertise or carry out any business from the premises without permission

• Use or threaten violence against staff or contractors.

If any of these conditions are breached Havering Council can seek to repossess the property.

Following consultation during summer 2010, changes to the Tenancy Agreement were introduced in October 2011. Grounds for possession of a Council property are outlined from page 9 to 20 in the tenancy handbook.
Investigation
We take all reports of anti-social behaviour seriously and will investigate each one. We will ask you what happened, when, how often and whether there any witnesses. If you keep an incident diary log it helps us build a picture of what’s going on. This records incidents where anti-social behaviour causes disturbances to you and/or your family/visitors. If your case goes to court the incident diary logs will be provided as evidence. If you have difficulty with writing or if English is not your first language we can provide you with a dictaphone. We can also provide translation services. If we receive a counter allegation we will also investigate.

We will carry out an impact assessment where appropriate which will involve speaking to other neighbours in your street or block of flats to see if they are experiencing any anti-social behaviour. This will be completed in confidence and we will not tell anyone any information about the original person who contacted us.

Other ways we can investigate are by using noise monitoring equipment, CCTV, or by using our Community Wardens to monitor and collect evidence of incidents.

The Crime and Disorder Act 1998 allows key agencies to share information. We are signed up to Havering Community Safety Partnership’s information sharing protocol. Where appropriate and within legislative powers we will request information from partners such as police to help us with our investigation.

Early intervention
We are committed to preventing persistent anti-social behaviour. In cases of low level incidents a letter may be sent warning of a breach of tenancy. However, where a person has been warned in writing about their anti-social behaviour and has continued with this behaviour or where a more serious instance of anti-social behaviour has occurred, other solutions will be considered.

Use of the following actions will depend on the circumstances of the case and available evidence.

Non-legal remedies
- **Mediation** – This gives all parties the chance to talk and be listened to by an impartial mediator without any interruption. It can help residents who are experiencing disputes over such things as noise, nuisance from children and youths, general nuisance and harassment. Mediation will focus on conflict resolution and managing emotions that have been triggered by anti-social behaviour in order to prevent behaviours escalating

- **Acceptable Behaviour Contracts (ABC)** – This is a formal voluntary agreement between the offenders, their parents (if under 18), Havering Council, the police Safer Neighbourhood team and sometimes other agencies. If appropriate, the ABC requires the perpetrator to acknowledge their anti-social behaviour and agree to change it

- **Yellow and Red Cards** – Safer Neighbourhood teams will issue warning cards to youths causing low-level nuisance in the community. They will speak to parents about their child’s behaviour to prevent further nuisance

- **Parenting Contracts** – These are similar to ABCs but are aimed at the parent of a young person that is causing ASB. Parenting Contracts are usually used in conjunction with ABCs

- **Family Intervention Projects** – This project provides a key worker to help families with complex issues; anti-social behaviour is one of the reasons why support is provided

- **Floating Support** – We will make a referral to Family Mosaic to help support individuals aged between 16 and 65 and families to sustain their tenancy.
Enforcement

Legal remedies

- **Anti-Social Behaviour Order (ASBO)** – This is a civil order made by a court that prohibits the offender from committing specific anti-social acts and from entering defined areas on a map (exclusion zones). An order lasts for a minimum of two years and can carry a prison sentence or fine.

- **Individual Support Order** – This is an order that can be attached to an ASBO that lists other activities a young person (under 16) can do to prevent any future ASB.

- **Injunction** – This is an order from a court that prohibits an individual (aged 18 or over) from committing certain acts of anti-social behaviour or excludes them from particular areas or places. An injunction may also force an individual to carry out a specified act and can carry a prison sentence or fine.

- **Parenting Order** – This is a court order available if there has been a problem with a young person’s behaviour. This order is designed to encourage parents to take responsibility for, and help improve, their child’s behaviour. It may be imposed where a child is given an ASBO, convicted of an offence or where the parent is convicted of failing to make sure that their child attends school.

- **Demotion of Tenancy** – A Demotion Order can be used to reduce the rights and security of tenancy where the tenant commits anti-social behaviour. If the ASB persists, quick action can be taken to end their tenancy.

- **Dispersal of Group** – This is a power under the Anti-Social Behaviour Act 2003 giving senior police officers, working with local authorities, the ability to define an area where groups can be dispersed.

- **Closure of Premises** – This is a power allowing the police, working with the Council, to issue a Closure Notice on premises where they have reason to believe the occupants are causing serious anti-social behaviour. If a court grants a Closure Order, entry to the premises is forbidden for up to three months.

- **Eviction** – Where a tenant refuses to take responsibility for changing their behaviour or where the anti-social behaviour is extremely serious, it may be decided that evicting the tenant from the property is the best option. If possession is sought on the grounds of the anti-social behaviour of the tenant, the court must be satisfied, on the basis of the evidence, that it is reasonable to do so.

- **Criminal Prosecution** – If the anti-social behaviour is of a criminal nature, we will share information (with the complainant’s consent) with the police to help secure a criminal prosecution.

- **Forfeiture of Leasehold Agreement** – If a tenant has purchased their home under the Right to Buy scheme they become a leaseholder. A leaseholder has a leasehold agreement. If a leaseholder or their tenant causes anti-social behaviour forfeiture of the lease is sought. The County Court can make various orders against the leaseholder, which may include an order to sell the property and fines.
Support for victims and witnesses

We understand that residents, for a variety of reasons, may be unwilling to come forward and report anti-social behaviour. We are committed to supporting residents if they decide to make a report. We will do this by:

- Having a range of reporting channels available including:
  1. Calling our freephone number: **0800 151 3444**
  2. Calling our customer contact centre: **01708 434000**
  3. Visiting our Chippenham Road, Harold Hill office
  4. On our web site at [www.havering.gov.uk](http://www.havering.gov.uk)
  5. Speaking to our visiting officers
  6. Writing to Homes & Housing, Havering Council Chippenham Road, Harold Hill  RM3 8YQ
  7. Telling our Community Neighbourhood Wardens
  8. Calling our out of hours reporting line on: **01708 726685**
- Providing appropriate and clear advice on the report
- Acting quickly and keeping tenants and residents informed of developments throughout the process
- Maintaining confidentiality. Providing interpreting services if necessary
- Providing dictaphones for residents who have writing difficulties to record incident diaries
- Referring tenants to appropriate support services if necessary, including referral to a specialist agency providing victim support
- Undertaking a risk assessment with witnesses, in partnership with other agencies, to provide protection measures in the home
- Offering visits from our Community Wardens
- Providing a personal panic alarm and working with the Police to provide panic alarms to the home
- Providing additional security such as letterbox fire guard, spy hole to the front door and additional window and door locks.

Where legal action is needed to deal with problems of a serious nature or persistent anti-social behaviour, the County Court needs evidence so that it can be satisfied it should make an Order to stop the behaviour. Hearing from people directly affected by the problem carries the most weight with a court.

We know residents may be worried about personally giving evidence. If you feel you are not able to give evidence, Havering Council staff can provide it on your behalf as a written “hearsay” statement, but this is usually less effective. If you are willing to give evidence, we will support you throughout the process. A meeting with our legal staff will be arranged to explain to you what is involved, and they will also be present in County Court.

The Anti-Social Behaviour Officer will also stay with you throughout the court hearing. (Full details are set out in our separate witness support booklet).

Racial harassment and hate crime

What we will do with reports of racial harassment and hate crime is covered in detail in a separate policy. The Hate Crime Policy is available on our website [www.havering.gov.uk](http://www.havering.gov.uk) or from our office at Chippenham Road, Harold Hill.

Domestic violence

What we will do with reports of domestic violence is covered in detail in a separate booklet.

The Domestic Violence Policy booklet is available on our website [www.havering.gov.uk](http://www.havering.gov.uk) or from our office at Chippenham Road, Harold Hill.

Confidentiality

We will work to make certain any information related to the circumstances of individuals, which is not a matter of public record, is treated as confidential. Officers may only release personal information within Havering Council on a ‘need to know’ basis, so that we can provide a proper level of service. With your permission we will share information which will help support you.

If you make a report and wish to remain anonymous we will carry out an impact assessment and seek to gather evidence by using methods as set out on page 6. When interviewing the perpetrator your identity will not be given unless you have said we can do so.
<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>I have a neighbour who is very noisy, especially at night. What can I do?</td>
<td>If the problem is about loud noise, such as television, music, or a party, and happens outside of normal working hours, (8am to 6pm for telephone calls, 9am to 5pm for personal visits to the office) please call 01708 726685. The CCTV officers will record anti-social behaviour reports and assign them to the appropriate Tenancy and Neighbourhood Services Officer to investigate. We also operate a Community Warden Service during the periods Monday to Saturday noon to 9pm (winter) and 1 to 10pm (summer). They will call at the property to try and witness the noise. If there is violence or vandalism from a party please call 999. We have noise monitoring equipment to help us record evidence of noise nuisance.</td>
</tr>
<tr>
<td>Why should I bother to fill in an incident diary? It’s up to you to do something about it!</td>
<td>It will help us if you record incidents particularly if a matter ends up in court, when Havering Council needs to provide documented evidence in the form of dates and times of incidents, what has occurred and who did it. If good records are kept, a stronger case can be built and there is a greater chance of being able to tackle the anti-social behaviour. If a complaint is proved to be malicious we may use incident diary logs as evidence.</td>
</tr>
<tr>
<td>Will the person I’m complaining about be told who I am?</td>
<td>We will not reveal your identity to the accused perpetrator without your permission. In some circumstances, the nature of the case means it can’t be taken forward without revealing your identity.</td>
</tr>
<tr>
<td>When should I call the police?</td>
<td>You should call 999 if you are in fear or a crime is being committed, you are in danger of being harmed, or you believe you have witnessed a criminal act. You can telephone 101 for all non emergency reports such as after a burglary or reporting vandalism.</td>
</tr>
<tr>
<td>What happens if the person causing the anti-social behaviour is not a tenant?</td>
<td>We will take action against anyone causing ASB for Havering Council tenants or leaseholders. If the perpetrator is connected to another housing association, for example, we will contact the landlord and work with them so they can take appropriate action. If the perpetrator is a private tenant, leaseholder or owner-occupier, we can still take action such as seeking an injunction, ASBO, forfeiture of lease or Closure Order.</td>
</tr>
<tr>
<td>My neighbour has a dog that barks a lot. What can be done?</td>
<td>We consider failure to control a pet as anti-social behaviour. If it is felt that the dog is causing a nuisance, we will take action. We would send a warning letter to the owner. If the nuisance doesn’t stop, the tenant will be told to re-home the dog. If appropriate we will use noise monitoring equipment to evidence the nuisance and take legal measures.</td>
</tr>
<tr>
<td>Question</td>
<td>Answer</td>
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</tr>
<tr>
<td>Why does it take so long to evict people?</td>
<td>The nature of the legal system means evicting people from their home can take a long time. First we must give people the opportunity to change or improve their behaviour. If the anti-social behaviour persists and other restrictions don’t work, a ‘Notice of Seeking Possession’ must be issued to the tenant. We can apply for a Possession Order a month later, although this can be suspended. It also may take time to gather evidence that the court requires and the wait for a Court hearing is often three months or longer. Under the powers of the Anti-Social Behaviour Act, 2003 we may apply to court for a Demotion Order that lessens the security of tenure for a perpetrator. If there is further anti-social behaviour during the period of the order (usually a year), it will be much easier to get an order for possession of the property.</td>
</tr>
<tr>
<td>My property was damaged as a result of anti-social behaviour. Will repairs be carried out?</td>
<td>Such behaviour breaches the Tenancy Agreement, meaning if a tenant (or others connected to the tenant) is responsible for the damage, they will bear the cost of making good or paying for any damage. We will carry out repairs that we would normally have landlord responsibility for. Damage to the property by an act of vandalism should be reported to the police.</td>
</tr>
<tr>
<td>I have been a victim of harassment; can I get additional security for my house?</td>
<td>The homes of harassment victims will, where it is thought necessary, have more and/or improved window and door locks, spy holes, fireproof letterboxes, hinge bolts, and door chains fitted. It may also be possible for an alarm to be installed.</td>
</tr>
<tr>
<td>I am having a party what should I do?</td>
<td>You should approach your neighbours and give them notice that you are having a party. You are responsible for your visitors to the party and they should be considerate when arriving and leaving your home. You should reduce the volume of music at 11pm and ensure you clean up any mess immediately after the party. If parties are regular and causing disturbance to your neighbours we will consider this as anti-social behaviour.</td>
</tr>
<tr>
<td>What if I live in a Tenant Management Organisation (TMO) area, who do I report ASB to?</td>
<td>Contact your local TMO Officer, who is responsible for investigating anti-social behaviour on the estate.</td>
</tr>
<tr>
<td>Should I speak to my neighbour about an incident?</td>
<td>If you know your neighbour and consider it is safe to speak to them this should be your first step. You should not approach them in an aggressive manner. If the incident involves violence, intimidation or is targeted, such as hate crime, you should report this directly to the police and then Havering Council.</td>
</tr>
</tbody>
</table>
Vulnerable groups

We work closely with specialist agencies to gain support for vulnerable victims and perpetrators of hate crime. We also make sure staff are clear about how they should deal with perpetrators who are classed as vulnerable, for example someone with mental health problems, a physical disability or a drug or alcohol dependency.

This will include procedures to ensure that:

- Our staff deal effectively with these types of cases and the offender’s vulnerability does not stop them from resolving the anti-social behaviour
- Support is requested from various agencies such as Social Services, Community Mental Health teams and Community Alcohol team at the beginning of the complaint
- Staff will identify key workers supporting vulnerable perpetrators to resolve complaints
- Staff have particular regard to the requirements of the Disability Discrimination Act 1995 (as amended), the Equality Act 2010 and the Mental Capacity Act 2005 in respect of considering action against vulnerable perpetrators

This procedure will also be used where a tenant from a vulnerable group is a victim of anti-social behaviour.

Our staff work with the voluntary organisations such as Havering Association for Disabilities (HAD) and Havering MIND who support people with mental health difficulties.

Useful office telephone numbers

Homes & Housing
Customer Contact Centre
01708 434000
Freephone
0800 151 3444
Textphone number:
01708 433399
Email address:
asb@havering.gov.uk

Out-of-Hours ASB reporting telephone number between 5pm and 8am weekdays and at weekends:
01708 726685

Victim Support
0208 550 2410

Drug & Alcohol Team
01708 433093

Youth Services
01708 340161

Police (non emergency)
101

Council ASB Reporting line
01708 726060

Environmental Health
01708 432749

Family Mosaic
01708 776770

Havering Association for People with Disabilities
01708 476554

London Borough of Havering
01708 434343

Havering Womens Aid
01708 728759

You can contact your Safer Neighbourhoods police team by finding your local team on line at www.met.police.uk

Alternatively you can tell us about ASB incidents by

- Speaking with Homes and Housing staff you see around your neighbourhood or visiting you
- Writing to Freepost RRJC-CEXK-EAKL Homes & Housing, Chippenham Road, Harold Hill, Romford, RM3 8YQ
- Visiting Homes & Housing at our Chippenham Road office, Harold Hill, or the Public Advice and Service Centre in Romford or any other public Council building in Havering
- Online anti-social behaviour reporting via our website, www.havering.gov.uk
Getting information in your language or another format

This is Havering Council's Summary of Anti-Social Behaviour Policy booklet.

If you would like to get this document in your language or in another format (large print, Braille, audiotape or easy read), please contact Homes and Housing via email at homes@havering.gov.uk or call 01708 434000 or freephone 0800 151 3444.