

# The Barnes Fund and The Walsingham Lodge Trust<sup>1</sup>

## Anti-social behaviour Policy

### 1. Introduction

#### Walsingham Lodge

Walsingham Lodge is a community comprising two types of housing for older people:

(a) The Walsingham Lodge Trust

Walsingham Lodge Trust is part of The Barnes Fund charity and provides affordable housing (almshouses) at Walsingham Lodge. The Trust provides 33 almshouses, comprising 18 flats and 15 bungalows, where the accommodation is for older people, who have limited means, are able to live independently, and benefit from living in a community of older people.

(b) The Barnes Fund (long leasehold bungalows)

The Barnes Fund is landlord for five leasehold bungalows, located adjacent to the Walsingham Lodge Trust almshouses, and where the leaseholders have access to the HSO/Estate Manager, the emergency alarm system, and communal facilities including lounge, kitchen, laundry room and gardens. The leasehold bungalows are available to purchase on the open market by individuals over 60 regardless of income or need.

#### **Management of Walsingham Lodge and responsibility for responding to Anti-Social Behaviour**

The day to day management of Walsingham Lodge (both the almshouses and the landlord responsibilities at the leasehold bungalows) is delegated to a property management company (currently RLHA, a part of Elm Group). The directors<sup>2</sup> of The Barnes Fund Trustee Ltd, as directors of the Corporate Trustee for Walsingham Lodge Trust and for The Barnes Fund recognise that they have overall responsibility for responding to any anti-social behaviour at Walsingham Lodge, with their duty of care dispensed on a day to day basis via the appointed property management company.

In order to ensure residents are protected, the following steps are taken:

- The Barnes Fund / The Walsingham Lodge Trust ensure that the property management company that manages Walsingham Lodge almshouses and the leasehold bungalows at Berkeley Road on a day to day basis has adequate anti-social behaviour measures in place, including an Anti-Social Behaviour Policy and training
- The property management company are required to report any incidents or concerns regarding anti-social behaviour to the Charities; to act to resolve them in accordance with this Policy; and to keep the trustees informed as matters progress
- This Policy is read by all trustees and is reviewed annually.

### 2. The Purpose and Scope of this Policy

The purpose of this policy is to set out the Walsingham Lodge approach to managing and responding to Anti-social Behaviour. As a part of this, it explains trustees' expectations of the appointed management company, which is currently RLHA part of Elm Group (hereafter 'Elm Group') in this regard, and the manner in which they will implement their own anti-social behaviour policy (attached as an Appendix) in the particular circumstances of Walsingham Lodge.

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<sup>1</sup> The Barnes Fund Trustee Ltd (Company Number 10873803), corporate trustee of The Barnes Fund (Charity Number 200103) and The Walsingham Lodge Trust (Charity Number 200103-1). Regulator of Social Housing registration number A2072.

<sup>2</sup> Throughout the remainder of this document the directors of The Barnes Fund Trustee Limited are referred to as 'trustees'.

This policy concerns the management of and response to anti-social behaviour only. Where there is an associated safeguarding concern, reference should be made to the separate The Barnes Fund and Walsingham Lodge Trust Safeguarding Policy.

### **3. Responsibilities as a Social Landlord**

The Barnes Fund (Walsingham Lodge Trust) is a registered social landlord (Regulator of Social Housing registration number A2072). Under Section 12 of the Anti-Social Behaviour Act 2003 a registered social landlord must prepare a statement of policy and procedures for dealing with anti-social behaviour. This policy is available for viewing from the HSO/Estate Manager's office, on our website [www.thebarnesfund.org.uk/policies/](http://www.thebarnesfund.org.uk/policies/) and forms part of the Leaseholders' and Residents' Handbooks) for Walsingham Lodge (see ELM Group policy, section entitled 'Publicity'), and can be provided via email on request.

### **4. Definition of Anti-Social Behaviour (Section 153A of the Housing Act 1996)**

Anti-social behaviour<sup>3</sup> is defined as:

- Behaviour which is capable of causing nuisance or annoyance to any person and which directly or indirectly relates to or affects the housing management functions of a relevant "landlord"; and
- Behaviour which is capable of causing nuisance or annoyance to any of the following:

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<sup>3</sup> Related useful definitions are as follows:

#### **Harassment**

Any behaviour that intimidates, dominates or harms an individual or a family or group of individuals. The actions can be either physical or verbal. Harassment differs from nuisance and ASB in that it is targeted against particular individuals, households or group of people. For example:

- Abusive or insulting behaviour – written or verbal
- Violence and threats of violence
- Vandalism
- Repeated or unfounded complaints against another tenant, family or group
- Abusive telephone calls. – Uninvited visits to someone's home
- Placing rubbish, excrement or offensive materials near or in a victim's home.

#### **Hate incident/crime**

Any kind of behaviour that causes fear, alarm or distress where the victim or any other person feels that they have been targeted because of their racial heritage, religion or beliefs, disability, gender identity or sexual orientation. If a criminal offence has been committed a hate incident becomes a hate crime.

#### **Nuisance**

Is more likely (but not always) to affect more than one individual or household. Nuisance also covers behaviour that unreasonably interferes with other people's rights to the use and enjoyment of their home and community. For example:

- Noise nuisance including parties
- Intimidating behaviour from groups of people
- Car repairs and abandoned vehicles
- Drug and alcohol related incidents
- Rubbish dumping
- Using premises for commercial gain or outworking
- Graffiti, vandalism and damage to communal areas
- Nuisance caused by pets and other animals.

- A person residing in housing accommodation owned or managed by the relevant “landlord”
- A person visiting the housing accommodation or otherwise engaged in lawful activity in or in the locality of the housing accommodation.
- A person employed by the relevant “landlord” wholly or partly in connection with its housing management functions.

It is important that everyone can recognise Anti-social Behaviour, both in order to maintain the standards expected in the licence agreement (for almshouse residents) and lease (for leaseholders); and because it can give risk to safeguarding concerns for any vulnerable adults subjected to it.

## **5. Requirements in the residents’ licence and lease**

The **residents of The Walsingham Lodge Trust Almshouses** are required, as per their Licence Agreement or Letter of Appointment (para 4), ‘to occupy the property quietly and with thought for other residents and/or neighbours. No radio, TV or music system should be operated in such a manner as to cause a disturbance, nor shall anything be done in, upon or about the premises which shall be a nuisance, annoyance or disturbance to the occupants of other almshouses, members of staff, or to the general Public.’ Visitors should be made aware by the relevant resident of this condition of occupancy.

The **leaseholders at 31-39 Berkeley Road** where The Barnes Fund is the landlord are required, as per their leases (Sixth Schedule, Clauses 4 and 5), ‘not to do or suffer to be done on the Premises or the Estate anything which may be or become a nuisance or annoyance or cause damage or danger to the Landlord or the occupiers of any other Bungalow or any nearby or adjacent property or which may injure or tend to injure the character or reputation of the estate’ and ‘not to use or permit to be used in the Premises any radio, television set, record player, tape recorder or any musical instrument or machine of any kind or to practice singing in the Premises between the hours of 11pm and 7am such that the same is audible outside the Premises.’ Again, visitors should be made aware by the relevant leaseholder of this condition of the lease.

## **6. Policy**

The trustees take anti-social behaviour extremely seriously. The Barnes Fund/Walsingham Lodge Trust will not condone or accept any form of abuse, and the trustees will not tolerate anti-social behaviour that affects the quality of life of a resident or the management of the charity for the benefit of all its residents.

The trustees will respond to anti-social behaviour quickly and effectively, in the first instance through asking ELM Group to act in accordance with their policy (as adapted here for the particular circumstances of Walsingham Lodge). Trustees will try where possible to ensure that such situations are resolved at the earliest opportunity, and will aim to ensure that anti-social behaviour is dealt with in a consistent, sensitive and objective manner.

Residents are encouraged to report to the Housing Services Officer or the ELM Group Area Manager any behaviour considered by them to be anti-social by any person. ELM Group will investigate such reports (in confidence when this is appropriate).

## **7. Procedure**

If a resident wishes to report anti-social behaviour they should contact the Housing Services Officer, Tracy Hamilton T: 020 8741 8148, [walsinghamlodge@rlha.org.uk](mailto:walsinghamlodge@rlha.org.uk) or if unavailable, the Elm Group Area Manager, Peter Brockhurst, Email: [pbrockhurst@elmgroup.org.uk](mailto:pbrockhurst@elmgroup.org.uk) Tel: 01252 419744 should be informed. Elm Group should inform the trustees of reports of anti-social behaviour. If there are

safeguarding implications for any vulnerable resident subjected to anti-social behaviour, then The Barnes Fund and Walsingham Lodge Trust Safeguarding Policy and Procedures should be followed.

Upon receiving a report of anti-social behaviour, Elm Group will follow the procedures set out in their own ASB Policy and Procedure (attached), as amended by this Policy. The Elm Group policy sets out a series of graduated responses depending on the particular circumstances of each case. In coordination with trustees, ELM Group will decide whether it is appropriate to:

- Resolve the matter within the charity – Elm Group ‘Level 1’ response
- Refer the matter for external mediation or involve other external agencies – Elm Group ‘Level 2’ response; or
- Seek a more formal remedy, such as a civil injunction or a Community Protection Notice (CPN) – Elm Group ‘level 3’ response.

There are differences both between the terms set out in the licence agreement signed by Walsingham Lodge Trust Almshouse residents and the lease signed by leaseholders at 31-39 Berkeley Road (see Section 5 above), and in the legislation relating to these two different relationships. ELM Group will ensure that any case is processed within this context.

Wherever possible ELM Group will try to resolve disputes informally and help the people involved to resolve their differences.

Should mediation be appropriate, ELM Group may wish to refer the matter to an independent, external mediation service. This will enable an impartial person to view the matter from an unbiased perspective in order to help find a resolution to the problem. If the matter cannot be resolved by mediation ELM Group will not hesitate to act on behalf of a resident affected by anti-social behaviour. If this is caused by another resident in contravention of either the Licence Agreement / Letter of Appointment or the Lease, Elm Group will follow the procedures set out in their ASB policy, in combination with this policy. After a due process of verbal and written warnings the resident’s appointment to the almshouse may be set aside. Leaseholders are bound by the terms of their lease not to cause nuisance or annoyance or cause damage or danger to their neighbours. Legal action can be taken to enforce the terms of the lease, and forfeiture may be the ultimate sanction.

In the case of anti-social behaviour by visitors or neighbours, the trustees may seek a civil injunction or a Community Protection Notice (CPN).

In the case of a resident, the trustees may, if considered necessary, refer the matter to other agencies to resolve the problem, e.g. criminal proceedings by the police, or Adult Social Services.

**This policy has been approved for issue by the directors of The Barnes Fund Trustee Ltd as part of the Appointments Policy as recorded above.**

Reviewed November 2025

## **APPENDIX: ELM (RLHA) POLICY**