

**REPORT TO:** Scrutiny Committee People and Executive  
**Date of Meeting:** 5<sup>th</sup> January and 10<sup>th</sup> January 2017  
**Report of:** Assistant Director Housing  
**Title:** Anti-Social Behaviour Policy for Housing Services

**Is this a Key Decision?**

Yes

**Is this an Executive or Council Function?**

Executive

**1. What is the report about?**

1.1 To seek adoption of the new Anti-Social Behaviour (ASB) Policy for Housing Services.

**2. Recommendations:**

2.1 That Scrutiny Committee supports and Executive approves the adoption of the new ASB Policy for Housing, appendix A of this report with immediate effect.

**3. Reasons for the recommendation:**

3.1 The ASB Policy was last reviewed in September 2012. During the interim period the government has introduced the Anti-Social Behaviour Crime and Policing Act and Housing has completed a major re-structure and introduced a new way of working. The new policy and the revised procedures that underpin this reflect these changes.

3.2 Housing's benchmarking data shows that some aspects of our performance in tackling ASB need to improve. The areas of particular concern are around levels of satisfaction on the outcome of reported incidents being made and also the number of closed cases that remain unresolved. Some of this can be explained by the differing ways the data is collected by some social landlords and also the expectations of what can and cannot be done to resolve incidents where ASB is reported. This said, officers are committed to improving performance and levels of satisfaction in the way we tackle ASB in housing.

**4. What are the resource implications including non-financial resources?**

4.1 The policy itself does not commit the council to any additional expenditure. Its central objective is to improve the way in which we respond to reports of ASB and improve our effectiveness within the context of the resources we already have.

**5. Section 151 Officer comments:**

5.1 There are no financial implications contained within this report.

**6. What are the legal aspects?**

6.1 See monitoring officer's comments below.

## **7. Monitoring Officer's comments:**

7.1 Section 218A of the Housing Act 1996 (as amended) requires that local housing authorities to have in place:

- (1) A policy in relation to anti-social behaviour and
- (2) Procedures for dealing with occurrences of such behaviour.

This statutory duty has been in place since 2004.

Section 218A (4) requires that the landlord must from time to time keep the policy and procedures under review and when appropriate publish a revised statement. The current proposal complies with that duty.

7.2 Once the policy and procedures have been approved they must be published and made available at all reasonable hours at the Civic Centre and or provided to anyone who requests upon payment of a reasonable fee.

## **8. Report details**

8.1 ASB is a broad term used to describe incidents such as graffiti, domestic violence to noisy or abusive neighbours. Such a wide range of behaviours means that responsibility for dealing with ASB is shared between a number of agencies, but particularly the Council and the Police.

8.2 Tackling the root causes of ASB has to be the best solution for long-term change. However, there are some difficulties that we face when doing this: In some cases, key stakeholders do not engage at the earliest opportunity to provide the support that is needed, and perpetrators do not always engage with these services. There is also the scenario where some perpetrators are also vulnerable. However, the needs of residents suffering from ASB are a priority for our service and we use enforcement action where necessary to protect these victims from further ASB.

8.3 The Housing Solicitor (HS) works with the Housing Customer Relations Officers (HCRO's) providing legal advice and receiving instructions. If an ASB case is serious enough to warrant enforcement action, a Case Plan Conference ('CPC') takes place with the Housing Customer Team Lead and the HS. This CPC will confirm what action is to be taken and then formal instructions are given. In the period June 2015 to July 2016 there have been 67 CPC's. For the same period 18 of these CPC's have resulted legal instructions requiring court action. We have had 9 possession orders (either suspended or outright), 2 pending applications for a possession order, a variation to an existing suspended possession order to include ASB where there was a rent order in place and 5 injunction orders. There have been 15 orders and 3 are pending an outcome.

8.4 Where legal action is taken, there is a 100% success rate in obtaining a court order (save in cases seeking an injunction order where an undertaking in lieu of such an order may be acceptable as it has the same method of enforceability).

8.5 Appendix B gives a pen portrait of some of the recent cases that Housing has dealt with where court action has been taken.

8.6 It is important for Members to note that some legal action such as possession proceedings can take some time to conclude due to the need to always act reasonably

and proportionately. Recent decisions of the Supreme Court and the Court of Appeal have imposed additional checks and balances on social landlords. This means that a careful and rigorous decision making process has to be followed and demonstrated before applying to the court. This does mean that in some cases it can take over 6 months to reach a conclusion on a case where possession is being applied for and the Council is at the mercy of the court on available court dates and availability of court bailiffs to execute evictions (which have recently been as long as 6 weeks after the court has agreed the action).

## **9. How does the decision contribute to the Council's Corporate Plan?**

9.1 The content of this report is consistent with the following corporate objective **"We will enhance Exeter as a regional capital working with our partners to improve the quality of life for all people living, working in and visiting the city."**

## **10. What risks are there and how can they be reduced?**

10.1 There is a risk that reports to the housing team of serious ASB will not be effectively handled which could lead to serious harm being incurred by a victim of ASB. With the revised policy and procedures this should assist in mitigating this risk. It is the HCRO's responsibility to receive and investigate reports of ASB for housing and take the appropriate and proportionate action. The staff have all received extensive training which will be refreshed annually. They also have access to the specialist housing solicitor employed by the council to ensure reports of serious ASB is effectively tackled and provided with immediate advice and guidance.

10.2 It is also a risk that when dealing with reports of ASB we do not take into account the vulnerabilities or protected characteristics of the victims and/or alleged perpetrators. We will be carrying out impact assessments at the start of all new cases to identify these situations in order to ensure they are taken into account when dealing with the case.

## **11. What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?**

11.1 The impact on equality and diversity in particular relating to protected characteristics will be a beneficial one. The new policy makes clear reference to the need to tackle hate crime and racist incidents effectively and to start investigations within one working day. The policy states that we will be able to help protect the victim and to prevent the alleged perpetrator from committing further offences.

11.2 There will also be a positive impact in relation to safeguarding with the policy reaffirming officer's requirements to follow the Safeguarding procedures where there are a child or vulnerable adult may be at risk of harm through abuse and/or neglects.

11.3 An equality impact assessment has been completed and is shown in appendix C.

## **12. Are there any other options?**

12.1 The policy has not been reviewed since September 2012 and given the changes stated in 3.1 it was necessary to review and revise the policy.

12.2 Consideration was given to including the Housing policy as part of the corporate policy in relation to ASB. However, the consensus among officers working on ASB is that it is appropriate for housing to have a distinct policy.

### **Assistant Director Housing**

**Local Government (Access to Information) Act 1972 (as amended)**

**Background papers used in compiling this report:-**

None

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