



Exeter City Council

Anti-Social Behaviour: Statement of Policy and Procedure

RESPECT
STANDARD
FOR HOUSING
MANAGEMENT



August 2009

Part 1 – Anti-Social Behaviour Policies

Contents

	Page
Introduction	3
Anti-social behaviour – a definition	4
Racial Harassment	5
Communication	6
Resident Obligations	6
Tenancy Services Team	8
Dealing with Harassment	9
Dealing with Domestic Abuse	10
Support for Witnesses	11
Preventing Anti-social behaviour	13
Risk Management	13
Neighbourhood Management	13
Introductory Tenancies	15
Partnership Working	15
Social Inclusion	17
Supported Housing/ Floating Support Services	17
Secure by Design	18
Community Patrols	18
Lettings Policies	18
Other prevention measures	19
Resources	19
Health and Safety Issues	20
Training	20
Monitoring Anti-social behaviour	21
Part Two - Anti-social Procedures	22 - 35
Appendices	36 - 105

Introduction

The Anti-Social Behaviour Act 2003 places a duty on all social landlords to prepare and publish policies and procedures in relation to anti-social behaviour and to ensure they are accessible to their tenants, leaseholders and members of the public. Further to this, Central government issued Statutory Guidance in August 2004 setting out what they expect to be included in these statements.

This publication seeks to meet these requirements and give all our customers a clear statement on how Exeter City Council will prevent, investigate, act on and monitor anti-social behaviour across its neighbourhoods.

Where it occurs, anti-social behaviour can have a detrimental effect on the lives of many residents, sometimes bringing misery and despair. A small anti-social minority can affect whole neighbourhoods. Indeed, if allowed to go unchallenged anti-social behaviour can play a major part in the decline of a neighbourhood resulting in unpopularity and low demand. Therefore, Exeter City Council believes that it must deal with incidents of anti-social behaviour swiftly and effectively in order that it does not have a detrimental effect on those residents that seek to enjoy a reasonable quality of life.

“Exeter City Council will actively seek to reduce the incidents of anti-social behaviour across our neighbourhoods by working closely with residents, the Police and other agencies. I believe we must show that such behaviour will not be tolerated and send a clear signal to all our residents that by working together we can ensure our homes are safe and pleasant places to live”

Cllr Laura Newton
Portfolio Holder for Housing & Community Involvement

Anti-social behaviour – a definition

Exeter City Council will take all reports of anti-social behaviour seriously and will demonstrate by its actions, both operationally and strategically, that we will not tolerate such behaviour within premises owned or managed by the council occupied by our tenants (whatever their status as a tenant, i.e. secure, introductory, demoted or non-secure). We will also not tolerate anti-social behaviour by non tenants who impact on the neighbourhood where our tenants live.

We define anti-social behaviour as:

- *“conduct which is capable of causing nuisance or annoyance to any person and directly or indirectly relates to or affects the housing management functions of the Council”*
- *“conduct which consists of or involves using or threatening to use housing accommodation owned and managed by the Council for an unlawful purpose”*

(Anti-social behaviour Act 2003)

Such actions could include:

- Violence or threats of violence
- Verbal abuse
- Harassment (including racial harassment)
- Domestic Violence
- Arson or attempted arson
- Drug Dealing
- Unruly children
- Noise nuisance
- Graffiti and criminal damage
- Constant vehicle repairs
- Abandoned cars
- Litter and fly tipping

The Council is committed to investigating all reports of anti-social behaviour occurring at or near any premises owned or managed by the council, occupied by our tenants (whatever their status). However, in many cases the behaviour reported relates to minor ‘one-off’ incidents that have little impact on the surrounding neighbourhood. For example, complaints about a one-off party or someone undertaking a car repair to their personal vehicle.

Therefore, in order to effectively target our resources we will prioritise those complaints of anti-social behaviour where the behaviour is ‘persistent’ (i.e. occurs on more than one occasion over a given period of time) and has an overall negative impact on the neighbourhood.

This does not apply, however, to reports of serious anti-social behaviour such as racial harassment, arson attacks or violent incidents.

Racial Harassment

When dealing with the specific problem of racial harassment Exeter City Council has adopted the definition of the Macpherson Report (The Stephen Lawrence Enquiry) which says:

- *“A racist incident is any incident which is perceived to be racist by the victim or any other person”*

The term racist incident includes crimes and non-crimes and can refer to a wide range of incidents. These include: personal abuse, threatening behaviour, graffiti, written/verbal threats or insults, damage to property and/or physical attacks, in which the perpetrators are or appear to be motivated by racial hatred.

The Council will therefore adopt a zero tolerance approach where alleged racist incidents are reported.

Anti-Social Behaviour Policies

Exeter City Council has adopted a range of policies for dealing with anti-social behaviour and harassment across its neighbourhoods. These policies set out our response to reports of such incidents and highlight the Council's willingness to use whatever actions are necessary to tackle such behaviour where it occurs.

A detailed procedure has also been produced to give guidance to Tenancy Management staff and customers on how we will deal with each reported case whatever it may be. This procedure is contained in Part 2 of this document.

Communication

The Council will seek to communicate its anti-social behaviour policies and procedures as widely as possible to all its customers and stakeholders. We believe it is important that everyone understands how the Council will deal with the problem, the rights and responsibilities of each stakeholder and the limitations that sometimes prevent action from being taken.

We will publicise this statement and its associated documents through a variety of ways. These include:

- Exeter's Tenant and Leaseholder Committee
- Sheltered Housing Forum
- Leaseholder Consultation Group
- Individual Tenants' and Residents' Groups
- Partnership meetings
- Tenants' Newsletter (Insight)
- Exeter City Council web-site
- Stakeholder Panels
- Information Leaflets
- Home Visits/Interviews with customers
- Correspondence with customers
- Distribution to partner agencies

This statement will also be subject to resident and stakeholder consultation to ensure everyone has had their say in its development and implementation.

Resident Obligations

We clearly explain tenants' individual responsibilities. Therefore, all tenants are made aware of their obligations at the time they sign for their tenancy. This is done both verbally by housing staff and is contained within the terms and conditions of their Tenancy Agreement.

The Tenancy Agreement contains details of the Council's and the Tenant's responsibilities. Section 10 deals with 'Behaviour and the tenant's responsibility' which states:

10. Behaviour – your responsibilities

10.1 Most tenants act reasonably and have consideration for their neighbours. We will not tolerate anti-social behaviour, harassment or domestic abuse and we will take firm action against anyone carrying out this behaviour.

As the tenant, you are responsible for any such behaviour by you, your family, any other people living at your home, your acquaintances, friends or lawful visitors while at your home or in the locality. You are also responsible if you incite (encourage) anyone to act for you. This will apply whatever their age.

You must not do, or allow anyone living with you or visiting you to do, the following:

- (a) Cause, or behave in such a way as to be likely to cause, a nuisance or annoyance to anyone who is lawfully in your locality.
- (b) Harass anyone in your locality on grounds of colour, race, ethnic origin, sex, sexual orientation, disability or health, age, religious beliefs or culture, immigration status or any other reason. Examples of harassment are using or threatening to use violence; using abusive or insulting words or behaviour; racist or homophobic abuse; damaging or threatening to damage another person's home or possessions; writing threatening, abusive or insulting graffiti; doing anything that interferes with the peace, comfort or convenience of others who are lawfully in the locality. (This is not meant to be a complete list.)
- (c) Make threats or be violent towards anyone else who is lawfully in your home or in the locality, including your partners or former partners, other members of your family, or the people related to your partners or former partners. You must not harass or use mental, emotional or sexual abuse to persuade anyone who lives with you to leave the home.
- (d) Make threats or be violent towards any Exeter City Council employee, contractor, consultant or city councillor. This includes when you visit or telephone any Council office, if you are visited at your home, or in any other situation.
- (e) Use your home or the locality for any activity that is unlawful, including but not limited to, drug dealing, possessing or consuming illegal drugs, drug growing or drug production, storing stolen goods or contraband, benefit fraud, obtaining goods fraudulently, sexual offences, or storing or keeping illegal guns or other weapons.
- (f) Interfere with security and safety equipment in communal entrances. Doors must not be jammed open and strangers must not be let in without identification. You must co-operate with the installation and maintenance of security systems.
- (g) Damage or deface your home or other City Council property. We will treat this as a breach of your tenancy agreement and you will have to pay the cost of repair or replacement.
- (h) Keep any animal unless you have our written permission. If we give our permission, we can withdraw it at any time if the animal causes a nuisance or annoyance to others who are lawfully in the locality. You must take proper care and control over any animals kept at or visiting your home. The only pets allowed in Rennes House, with our written permission, are caged birds and aquarium fish.
- (i) Carry out repairs, except emergency running repairs, to motor vehicles on the street or in parking areas. Also you must not park any untaxed, illegal or un-roadworthy vehicles on the land around your home, on the road or in a designated parking area (this includes where a Statutory Off Road Notification (SORN) has been obtained).
- (j) Park any heavy trade vehicle or large commercial vehicle of greater than standard Transit size on any communal hardstanding, parking bay or forecourt.
- (k) Park any caravan, boat or trailer on any communal hardstanding, parking bay or forecourt, without our written permission. We will refuse permission only if there is good reason.
- (l) Park any vehicle on the premises unless a Council-approved garage or hardstanding is provided.
- (m) Put up structures such as satellite dish aerials, sheds, garages or pigeon lofts anywhere on your property or alter any existing structures or vary services such as water, gas or electricity

supplies to the home without the Council's written agreement. Planning conditions and Building Regulations must also be satisfied.

(n) Run a business from your home or its surroundings without our written permission. We will not normally refuse permission unless the business would cause a nuisance, breach an existing covenant (a legally binding promise) that prevents business use, or possibly lead to damage to the property. Planning permission for business uses may be required, and it is your responsibility to get it. If as a result of your running a business from your home, National Non-Domestic Rates (Business Rates) apply, you will be responsible for paying them.

(o) Store petrol or any other flammable liquid in your home.

(p) Store or use liquid petroleum gas (LPG) cylinders at Rennes House or Faraday House. At any other premises they must be used and stored according to the maker's instructions.

(q) Store or use paraffin at Rennes House.

You and everyone living with or visiting you must do the following:

10.2 You must co-operate with us and your neighbours to keep any communal areas clean, tidy and clear of obstruction. If you share balconies and stairways with other tenants, you should keep these areas clean and free of any item (pram, bicycle etc.). If we have to take action against you to enforce this, we will recover the costs from you.

10.3 You must keep your garden tidy and free from rubbish (this may include cutting the lawn, maintaining walls and trimming the hedges) to a standard that we decide, taking into account the character and location of your home. If you cannot maintain the garden because of ill health or disability, we may be able to offer you help. Please ask your Estate Officer for more information.

If you break clause 10, the Council may take enforcement proceedings (see explanations of words and phrases). If we get a court order, we will ask the court to make you pay our legal costs in bringing that action.

Tenancy Services Team

Exeter City Council will adopt a neighbourhood management approach to managing our estates that recognises the diverse range of problems that exist within our neighbourhoods and the need for a more holistic approach to preventing and solving them. The Tenancy Services team is primarily responsible for:

- Letting of properties/void management
- Transfers and property inspections
- Mutual exchanges
- Dealing with tenancy issues including anti-social behaviour, domestic abuse, noise nuisance, boundary disputes etc
- Neighbourhood Inspections of communal areas, including monitoring grounds maintenance and cleaning contractors, dealing with graffiti, abandoned vehicles, fly-tipping etc.
- Working with multi-agency groups
- Working with operational and strategic partnerships
- Permissions
- Liaison with Residents' Committees

Within the team each Estate Management Officer undertakes the full range of housing management duties within their given patch or area. The prevention and investigation of anti-social behaviour is a major priority for the team. All team members are capable of dealing with reports of anti-social behaviour. However, once a case reaches the stage of requiring formal

action the teams Anti-Social Behaviour Case Manager will progress the case through the Court system with our legal representatives.

The Tenancy Services Manager will play a strategic role in dealing with anti-social behaviour as well as managing the day-to-day operational service. They will participate in strategic partnerships and multi-agency groups wherever they exist to help identify trends and underlying causes of such behaviour and work with those groups to find viable solutions.

Dealing with Harassment

Exeter City Council defines harassment as:

- acting in a way that threatens someone's physical or mental health, safety, security, or sense of well-being
- acting in a way that has a hurtful, detrimental or destructive effect on someone's peaceful enjoyment of their home or surrounding environment
- damaging or threatening damage to property, including damage to any part of someone's home
- writing threatening, abusive, offensive, racist or insulting graffiti, and
- acting or failing to act in a way that is likely to interfere with someone's peace or comfort or to inconvenience them.

The Council condemns all incidents of harassment and is committed to taking effective action to assist the victims of such attacks. This message reflects the Council's corporate harassment policy statement. This can be found at www.exeter.gov.uk/media/doc/1/s/Harassment_Policy_Statement_FINAL.doc

Further information regarding the Council's approach to racial harassment and equality and diversity can be found on our web-site at: www.exeter.gov.uk/index.aspx?articleid=4432

The Council will apply a zero tolerance approach to any resident found to be using racist or other discriminatory behaviour. All such reports will be categorised as serious within the Council's anti-social behaviour policy and the investigation begun within one working day of receiving the report.

Where evidence of harassment is provided the Council will do all it can to help protect the victim and prevent the alleged perpetrator from committing further offences. In particular, liaison with the Police is essential to assist with the investigation and to help them take action under the Protection from Harassment Act 1997 if appropriate.

Support for the victim could include additional security measures to their home and personal support from organisations such as Victim Support, the Race Equality Council or the Police Diversity Support Officer. In the most severe of cases the victim may be assisted with a management transfer to alternative accommodation.

Incidents of harassment and anti-social behaviour of a racist nature will be recorded and reported separately to help the Council monitor these cases more closely and track incidents easily within our neighbourhoods. All such reports are also recorded corporately within the Corporate Policy Unit. As a point of principle we would always wish to resolve the racial

harassment issues without moving the person who is suffering the racial harassment (if anyone is to be inconvenienced by having to move it ought to be the offender and not the victim).

Dealing with Domestic Abuse

Exeter City Council will not tolerate acts of domestic abuse in our tenancies and will do whatever is possible to help the victims of such circumstances. All reports of domestic abuse will be treated as serious within the definition of the anti-social behaviour procedure.

However, we recognise that our powers are limited in this area and that the victims themselves can take faster, more effective action by engaging their own Solicitor. Despite this, we believe that victims should be adequately supported and that, where appropriate, action taken against the perpetrator to prevent further acts of abuse from occurring.

Following a report of domestic abuse the Council can take one or more of the following actions:

Liaison with Police Domestic Abuse Officers (DAO) – The DAOs are an excellent source of information, where they are involved. They have access to information on the reported incidents and will normally have interviewed the victim. They are able to install additional security measures where necessary and offer help and advice on taking legal action against the perpetrator. They will also have knowledge of any potential police action currently underway. The Council will liaise with the police DAO's following a report of domestic abuse to establish the facts of the case and offer our assistance in their investigation.

Sanctuary Project – The Council has supported the local police to establish a Sanctuary Project within the Exeter area. This project helps victims of repeated domestic abuse to create a secure 'safe' room within their home which will prevent anyone from penetrating the security measures. These measures could include installing a secure solid internal door with mortice bolts, hinge bolts and door viewers. Additional security would be provided at windows (locks, grilles etc). Fire safety equipment could also be issued together with panic alarms and mobile phones to help the victim communicate with the outside world.

Whilst this scheme is designed to assist the most severe of cases the Council will also provide similar security measures from within its own budget if we believe they will make a difference to a victims quality of life.

Support – Victims of Domestic Abuse will be referred to the appropriate support agency (where support is not already provided), to request on-going support for the victim. This may be short-term support immediately following the incident or more long-term where other related issues arise. Referrals to Social Services may be appropriate where young children are involved or the victim has a vulnerability. Other referral agencies could include Victim Support, Women's Aid network, local Domestic Abuse groups, CAB, Devon M.A.L.E, Outreach Project etc.

Assistance with legal action – The Council will assist the victim take legal action against the perpetrator by offering help and advice and supporting them through the process. In some circumstances it may be necessary for the Council to take its own legal action to prevent the perpetrator from returning to the property. However, it should be noted that it is often quicker and easier for the victim to obtain a non-molestation order through the Courts by engaging a local Solicitor.

Eviction of perpetrator– In some circumstances the victim of domestic abuse will leave the family home and seek protection elsewhere. This may be with friends or family or through being placed into temporary accommodation by the Council. In these cases the perpetrator is often left in the family home. Where the perpetrator is a tenant, and there is substantial evidence

available, the Council will seek to take action to evict the perpetrator using Ground 2A as set out in the Housing Act 1985.

Alternative Accommodation – If the victim does not wish to remain in the family home the Council will work with them to assist them find suitable alternative accommodation. This might be in the form of a management transfer or locating and expediting a mutual exchange.

Homelessness – If the victim wishes to move away from the area and seek the support of friends and family the Council will give advice on how this may be done. This could include making a homeless application to another local authority that would normally have a duty to find alternative accommodation under guidance issued with the Homelessness Act 2002.

Links with Exeter Woman’s Aid (EWA) – The Council has close links with EWA. This organisation provides 15 places at its hostel within the city and works closely with victims of domestic abuse within the community. EWA can provide invaluable advice to victims and assist the Council seek the most appropriate solution where domestic abuse occurs.

Support for Witnesses

The Council understands that agreeing to collect evidence, making formal statements and appearing in Court can be a daunting task for many residents. It is particularly stressful where there is a potential for reprisals from the perpetrator once they become aware that action is being taken using evidence from their neighbours.

The Council will do whatever it can to help support its witnesses to ensure they can continue to enjoy their home throughout the case. In offering support, officers will ensure that it is the person reporting harassment who decides how far our investigations should go, respecting what they want to happen. Action that may be taken includes:

Communication – Throughout the whole process the Council will keep in contact with its witnesses and keep them informed of progress. This will ensure they are up-to-date with current events and play a full part in the action taken. It will also help the Council to monitor any weakening in their support for our action and allow us to increase our support accordingly.

Police liaison – The Council will, through its regular meetings with the police, discuss the case to ensure they are fully aware of our intended action and will assist them in their assessment of the risk of reprisals and where possible assist the police with measures to reduce that risk.

Legal action - where violence or threats of violence are likely the Council can seek an injunction, sometimes without Notice against the perpetrator, to give its witnesses legal protection. The injunction will detail a number of conditions that the perpetrator must adhere to. A Power of Arrest may also be attached to the injunction. This means that should the terms of the injunction be broken the perpetrator will be arrested and taken back before the Court within 24 hours.

Additional security – We will work with other agencies to provide additional security where it is considered appropriate this could include: police panic alarms, additional locks, door viewers, secured letterboxes, additional patrols by Police or their support officers or assistance from the Council’s Community Patrol team.

Management Transfers/decanting – in the most severe cases the witnesses may be offered the chance of a management transfer away from the neighbourhood or a chance to move to another property for the duration of the Court case. This measure will only be taken where the witness is subjected to a substantial risk of intimidation and there is no other realistic

alternative. The Council will normally resist requests for a transfer from witnesses, as we believe that to agree to such a move would further destabilise the neighbourhood and punish the witness not the perpetrator.

Assistance during Court proceedings – where necessary Police protection will be arranged for witnesses during the Court case. This may involve transporting them to and from the Court. In some circumstances the Council will pay for the witnesses' child minding, travelling and other 'out-of-pocket' expenses.

Support from other agencies – In some instances other external agencies are involved with the witnesses for a variety of reasons. The Council will seek to engage with these agencies to help support the witnesses and report any problems that arise. We will also seek the help of external agencies where witnesses currently receive no assistance but would clearly benefit from some involvement.

Leaflet – The Council has produced a leaflet entitled 'Information for Witnesses' which explains the Court process and de-mystifies the various legal remedies available. It is hoped this will help witnesses have a greater understanding of the processes the Council must follow and what will happen once the case reaches Court.

Preventing Anti-social Behaviour

As well as having effective policies and procedures for tackling anti-social behaviour wherever it occurs, the Council recognises that taking effective action to prevent such behaviour in the first place will have a number of major benefits for both staff time and resources and individual neighbourhoods.

Risk Management

The effects of anti-social behaviour on tenants can be great. For this reason the Council believes it has a duty to act wherever such behaviour occurs. However, there are other reasons why action is required – the risk to individual neighbourhoods and the effect it has on the Council's reputation as a whole.

Failure to take action on anti-social behaviour can lead to a spiral of decline within neighbourhoods that becomes increasingly difficult to reverse. As incidents of anti-social behaviour increase, overall tenant satisfaction begins to decline. Areas start to gain a reputation. The Council is accused of dumping problem families into these areas. Law-abiding tenants seek transfers off the estate or even relinquish their tenancy and move to other sectors. Arrears levels begin to rise and those tenants who find it hard to pay see less reason to adhere to Court Orders. Vandalism increases leading to higher repairs costs to the Council. Empty properties become 'difficult to let' leaving the area looking run down and increasing its unpopularity. Over time the area's reputation falls so low that only a huge amount of time and resources will make even the smallest of improvements.

Fortunately, Exeter City Council does not have such estates at present. However, some of our neighbourhoods could begin this decline if action we are already taking is not maintained and in some cases, intensified.

There are other risks to the Council if we do not tackle anti-social behaviour effectively. These include increased repairs and management costs; long-term reduction in the asset value; increased insurance costs; higher legal bills and an increase in compensation claims. Tenant satisfaction will also decrease.

Conversely, there is also a risk of increased reports of anti-social behaviour if the Council is seen to be having more success in this area. It is accepted that many people do not report incidents of anti-social behaviour, particularly lower level problems, because they do not believe anything can be done. However, as the Council becomes more effective in dealing with these incidents, residents may feel more able to report them. This will need to be monitored closely and the level of publicity surrounding our policies carefully managed.

To help prevent such behaviour the Council has implemented or is involved in the following:

Neighbourhood Management

The Council's Housing Unit is structured into a number of 'specialist' teams designed to provide a more responsive service to all our tenants and customers. The Tenancy Services Team, for example, is designed to provide a more customer-focused approach to estate management and to bring together a whole range of external agencies to help co-ordinate services across our neighbourhoods and increase customer satisfaction.

The Council's approach to Neighbourhood Management means that neighbourhoods will be managed both strategically and operationally and residents will have detailed information on the service standards they can expect.

To help the Council target its resources more effectively the Tenancy Services Team will use a range of neighbourhood indicators and historical housing management data to assign each neighbourhood across the city a level of priority, either A, B or C. These priorities determine the level and intensity of management that each neighbourhood receives in terms of inspections and strategic planning.

The Council wishes to create a more pro-active tenancy management service. Therefore, priority neighbourhoods will be inspected on a regular basis in order to identify problems such as graffiti, fly-tipping, abandoned cars, vandalism and untidy gardens that are often the sign of a decline and increased anti-social behaviour.

Inspections will be undertaken on the following frequency:

- **Priority A neighbourhoods:** Every two months
- **Priority B neighbourhoods:** Six monthly
- **Priority C neighbourhoods:** On an ad hoc basis

An inspection checklist will be completed for each visit to prompt housing staff and to record each problem and the action taken. This will provide an audit trail for future reference and help to build up a picture of problems across our neighbourhoods that will influence our strategic response.

Wherever possible local resident representatives, the Police and ward councillors will be involved in these inspections to help identify specific problems, particularly in communal areas. We also advise all residents of these inspections via the residents quarterly magazine "Insight".

Neighbourhood Action Plans

- Although not yet commenced with the aid of the neighbourhood inspections in 2007 and a review of the tenancy services team it is anticipated that council staff working with other agencies will develop a series of 'Action Plans' for each of its 'Priority A' neighbourhoods. The Action Plans are subject to resident consultation and availability of resources. However, they are a strategic response to the problems identified in terms of the environment, the properties and the tenancies on that neighbourhood. It is anticipated that Neighbourhood Action Plans will start from April 2010.

To develop the action plans staff draw on a range of information in order to help establish trends and problems across individual neighbourhoods. This will include:

- Lettings information
- Home Choice information (demand for properties, no of transfer requests etc)
- Arrears information
- Housing Management information – taken from inspection checklists, ASB monitoring etc
- Repairs information
- Decent Homes programme
- Results from satisfaction surveys etc
- Information from Residents Groups
- Crime Audit information
- Socio-economic information (from area profiles developed by the Council's Economic development section)

Staff are expected to work with a range of multi-agency partners to increase understanding of each other's work on the area, facilitate more effective communications, clarify current problems

and trends and identify medium and long term solutions. Using the information above, a specific action plan is formulated for the neighbourhood. The Tenancy Services Team is responsible for overseeing its implementation. The action plan may include physical works to properties and communal areas and will help to influence the Council's capital programme.

Given the comprehensive nature of these Action Plans the Estate Management Officer may engage the help of the local multi-agency partnership or, if one does not exist, promote the creation of one for the duration of the plan. In particular, where neighbourhoods show higher than average incidents of anti-social behaviour the Council may seek to establish specialist multi-agency teams to take collective action to address the issue. The Council believes this approach will ensure a greater chance of success and help us to engage with the community on a number of different levels.

Introductory Tenancies

As part of our strategy for preventing anti-social behaviour, increasing customer satisfaction and improving long-term sustainability across our neighbourhoods the Council has implemented an Introductory Tenancy scheme (excluding transfers and mutual exchanges). The scheme covers all our general needs and sheltered properties within our neighbourhoods.

The scheme means that new tenants to these properties will receive an Introductory Tenancy for a period of 12 months.

An Introductory tenancy guarantees the tenant possession of their home for the period of the tenancy – i.e. 12 months. However, if the tenant breaks the terms and conditions of their Tenancy Agreement the Council can end the tenancy by serving a 28-day 'Notice to Terminate'. If the tenant refuses to leave the property, Court proceedings can be started immediately the notice period has expired and, when heard in Court, repossession of the property is mandatory. The Judge cannot consider any mitigating circumstances and therefore the Council is automatically given possession.

The use of Introductory Tenancies is an extremely powerful tool. It is important that the Council uses them ethically and that safeguards are built into our procedures to ensure there can be no victimisation of the tenant. The Council has produced a comprehensive Operating Procedure for this scheme and is attached as **Appendix 10**. This procedure includes a right to appeal for tenants subject to a Notice to Terminate and the need for senior officers within the Council to agree to the recommendation to end the tenancy.

If there are no breaches of tenancy during the initial 12-month introductory period, the non-secure tenancy automatically becomes a full secure tenancy with all the security of tenure and rights this brings. However, the Council does have the power to extend an introductory tenancy for a further 6 months, should we believe this is appropriate.

The Introductory Tenancy scheme will be closely monitored to measure the effect it has on anti-social behaviour across our neighbourhoods. Reports will be produced showing the number of notices served and evictions undertaken, together with the number of tenants who have their introductory period extended. A full audit trail of the decision making process will be kept.

Partnership Working

The Council recognises that dealing with anti-social behaviour, and more importantly the causes of anti-social behaviour, is often complex and requires the input from a variety of agencies to effectively tackle the problem. We therefore believe that working in partnership with a range of statutory and voluntary agencies is essential for reducing incidents of anti-social

behaviour in the medium to long term and in preventing incidents from happening at all. The Council engages in a variety of partnerships that either directly or indirectly seek to reduce or prevent anti-social behaviour, crime and the fear of crime. These include:

Devon and Cornwall Constabulary's Safer Communities Agreement

This agreement allows the sharing of information of criminal activity and anti-social behaviour on the Council's estates through an Information Exchange Protocol. The protocol forms part of the local strategic plan introduced following the Crime and Disorder Act 1998 and gives clarity on how information can be shared within the confines of the Data Protection Act 1998.

Exeter City Council regularly requests information through this protocol to help build up an informed picture of activity that in turn influences any decision regarding the appropriate course of action to take on any one case. The protocol encourages close working relationships with local Police and has resulted in effective action being taken in many cases.

Estate Management staff also meet with the Police regularly to discuss new cases, review on-going cases and plan joint action wherever possible. These meetings have led to much closer co-operation between the two agencies, a higher Police presence in problem areas, targeting of resources to known individuals, and joint visits on estates. We believe that such co-operation is already having a positive effect, particularly in high profile cases where Police evidence is essential for successful action to be taken.

Exeter Community Safety Partnership

The Council actively participates in the Exeter Community Safety Partnership that has been established within the city. The group plays an important role in dealing with community safety issues, including anti-social behaviour, at a strategic level and in co-ordinating multi-agency responses at an operational level.

The Community Safety Partnership's Strategy Document includes a series of action plans for each of the major themes identified. These include alcohol-related crime, domestic abuse, drugs and drugs-related crime, prolific offenders and of course, anti-social behaviour.

Anti-Social Behaviour Action Team

The Strategy contains a range of targets for the partnership to meet and, if successful, will contribute to an overall reduction in all types of crime across the city. The Anti-social Behaviour Action Team (ASBAT) is charged with tackling priority issues such as litter, graffiti and vandalism and concentrating on those areas perceived as anti-social behaviour hot-spots. Housing staff are fully involved in this Action Team, being represented by the Housing Operations Manager who co-chairs the group.

The Council will seek to establish regular liaison meetings with a range of agencies to discuss on-going cases and seek strategic and operational solutions collectively.

Exeter Social Housing Anti-Social Behaviour Group

This forum brings together housing managers and staff from across all the social landlords (RSLs) operating in Exeter to discuss common housing management issues, benchmark performance and promote best practice.

The development of anti-social behaviour policies and procedures forms part of this process and the forum intends to organise specific training on a range of management issues for its

members. It is hoped that this approach will not only help to reduce overall training costs but ensure training is tailored to our specific needs and requirements.

Local Strategic Partnerships (LSP)

Exeter City Council and its residents play a major role on the Local Strategic Partnership (Vision Partnership) that deals with a wide range of community regeneration issues. The Vision Strategy document is divided in 10 key themes that seek to improve the well being of all of Exeter's citizens through a series of published actions. A sub-group of the Vision Partnership, the Social Health and Inclusion Partnership (SHIP) is tasked with delivering specific action on tackling social exclusion across the city.

The LSP has also created a Housing Sub-Group to discuss areas of common policy, including anti-social behaviour, and look at sharing best practice to find new and innovative ways of dealing with them.

Social Inclusion

As part of the review of the tenancy services team it is anticipated that officers will identify areas and groups of residents who are currently socially excluded, and to plan, co-ordinate and implement policies and projects that seek to address the problem. In particular officers will work with the SHIP mentioned above who are a key player in this process.

Using Central Government's Deprivation Statistics the main areas identified within the city (Super Output Areas) show, unsurprisingly, that they often contain the highest level of social housing. It is hoped that work in these areas by a wide range of statutory and voluntary sector partners will contribute to greater community cohesion, a more socially inclusive community and therefore an overall reduction in the number of incidents of anti-social behaviour. It is also likely that these Super Output Areas will be included in the list of Priority A neighbourhoods under the neighbourhood management policy.

Supported Housing/Floating Support Services

Exeter City Council has a team of Neighbourhood Wardens who provide support services to the Council's 500 elderly tenants living in our sheltered properties. The Estate Management Officers work closely with the Neighbourhood Wardens when dealing with complaints of anti-social behaviour on these schemes. In some cases this will require joint working with other support services who may be involved with the residents concerned.

Estate Management Officers can also seek to refer vulnerable tenants who require it to a range of 'floating support' services that exist within the city to assist them to live independently in their own home. The majority of these tenants have a range of mental health and/or substance misuse issues. However, some could also be young single parents or people with physical disabilities.

Tenants with such problems can often become targets for abuse and harassment from their neighbours or local youths. Some can also cause problems for their neighbours by unintentionally being noisy, or attracting a large amount of visitors, for example. Because of the possibility of this arising the Council's anti-social behaviour procedure identifies these problems and sets out the responsibility of both supported housing and estate management staff in dealing with such complaints.

Secure by Design

The Council aims to have all new developments awarded Secure by Design status. This ensures, as far as practicable, new schemes meet strict criteria that seeks to design out potential areas where anti-social behaviour can occur without being noticed.

On our existing neighbourhoods where security issues are an on-going problem, we will include in our Neighbourhood Action Plans an undertaking to carry out joint inspections with the Police Architectural Liaison Officer to identify areas of weakness and explore possible solutions. Wherever possible resident representatives will be involved in this process.

Community Patrols

Exeter City Council operates, through its CCTV centre, a community patrol scheme. These patrols operate 7 days a week from 7.00am up to the times set out in the table below and undertake a range of duties including locking the city parks and responding to out-of-hours complaints.

Month	Monday	Tues	Wed	Thurs	Friday	Sat	Sunday
Jan	24:00	24:00	24:00	01:00	01:00	01:00	24:00
Feb	24:00	24:00	24:00	01:00	01:00	01:00	24:00
March	24:00	24:00	24:00	01:00	01:00	01:00	24:00
April	24:00	24:00	24:00	01:00	01:00	01:00	24:00
May	24:00	24:00	24:00	01:00	01:00	02:00	24:00
June	24:00	24:00	24:00	01:00	02:00	02:00	24:00
July	24:00	24:00	24:00	01:00	01:00	02:00	24:00
August	24:00	24:00	24:00	01:00	01:00	02:00	24:00
Sept	24:00	24:00	24:00	01:00	01:00	02:00	24:00
Oct	24:00	24:00	24:00	01:00	02:00	02:00	24:00
Nov	24:00	24:00	24:00	01:00	01:00	01:00	24:00
Dec	24:00	24:00	24:00	01:00	01:00	01:00	24:00

The Tenancy Services Team can request that certain areas are patrolled more intensively on a short-term basis in response to complaints received by residents. The patrollers can also provide witness statements where incidents of anti-social behaviour have been witnessed.

Whilst not available solely for the Housing Unit, this out-of-hours resource has contributed to a number of successes in the past and remains a useful prevention tool should the need arise.

Lettings Policies

Exeter City Council, together with RSLs and other Local Authority partners operates a choice-based lettings scheme – Devon Home Choice – fully launched in December 2009.

The scheme advertises all social rented and shared ownership properties that become available each week. Advertisements appear in the Home Choice website and in leaflets available from all the partners. Applicants are able to choose which properties they wish to bid for. The successful applicant is the one who bids for the property and demonstrates the highest level of housing need.

Exeter City Council believes that the introduction of a choice based letting scheme has resulted in higher satisfaction by tenants and applicants, a feeling of ownership of the property by those who are successful and generally contribute towards more sustainable communities. In turn more settled communities should result in less anti-social behaviour.

Where RSL's provide new housing, and the overall figure exceeds 10 properties, the Council will seek to introduce a local lettings policy with the RSL in an attempt to create a 'balanced' community at the first letting stage. These local lettings policies will be individually agreed for each scheme but typically could include an overall percentage of each applicant type (homeless, transfers and general), restrictions on child density and an agreed percentage of those who are working. RSL's will also be encouraged to use Introductory or Probationary Tenancies on these schemes.

Other prevention measures

The Council uses a range of other measures to help prevent anti-social behaviour on our neighbourhoods. Some have already been mentioned elsewhere in this document.

These measures include:

- Use of the Devon Mediation service
- Encouraging the use of Acceptable Behaviour Contracts
- Establishing 'good neighbourhood agreements', particularly on new schemes
- Engaging with support services and agencies
- Liaison with local Youth Offending Teams and the Probation Service
- Involvement in Community Action Days/Weeks
- Encouraging Resident Involvement at a neighbourhood level
- Provide examples of cases in Insight to show actions we have taken.

Resources

Dealing with anti-social behaviour can often be a time consuming job. Each report requires investigation. Some may require the co-ordination of other services and agencies such as mediation, Social Services and Police while others will require lengthy Court action. Often witness statements must be taken and evidence carefully collected. Dealing with such behaviour can also be expensive and place pressure on internal budgets.

The Council recognises that sufficient resources must be available to effectively tackle the issue of anti-social behaviour. Additional money has been placed into the Housing Revenue Account to help meet the cost of legal action. The Council also subscribes to the Devon Mediation Service to help resolve neighbour disputes at an early stage. Our commitment to working in partnership with a wide range of statutory and voluntary agencies ensures staff time is made available to make a positive contribution.

Staff resources are also important. Currently, to deal with anti-social behaviour the Council employs one Tenancy Services Manager, six Estate Management Officers and an Anti-Social Behaviour Case Manager. Together they tackle a range of housing management and tenancy issues across our general needs and sheltered properties as outlined in the Tenancy Services Section of this document. They also play a major role in tackling anti-social behaviour at both an operational and strategic level.

It is recognised that this policy may raise expectations among residents that more will be done to tackle anti-social behaviour. Certainly, the policy will result in a more pro-active role for housing staff. As a result the Council has also employed a Housing Specialist solicitor who works along side the Tenancy Services Section to provide estate management staff with an invaluable direct, easily accessible source of advice for tackling these problems and ensuring a consistent application of this policy and consistent approach to witness statements, Court forms and the overall presentation of cases.

To help estimate the true costs of anti-social behaviour across our neighbourhoods the Council is moving towards identifying the actual cost that arise from such incidents. Costs that need to be identified include:

- lost rental income through voids (from vandalism, higher than average turnover etc)
- repairs costs
- service/repairs costs of communal areas
- legal costs, including Court fees
- compensation payments
- rehousing costs
- mediation and other support services
- staff time
- increased insurance premiums and higher excess

Health and Safety Issues

Dealing with anti-social behaviour can often raise a number of important health and safety issues. This includes the personal safety of staff when dealing with the perpetrators of anti-social behaviour.

The Council has adopted a Lone Working policy for staff working across the city and dealing with customers in their homes on a regular basis. The issue of personal safety is also addressed in the Council's Health & Safety Plan and both the Corporate and service level risk registers. This should ensure the Council is aware of staff whereabouts when they are out of the office and that staff regularly contact the office to report on progress.

The Council will also has a corporate flagging system available through the intranet called the **Employee Protection Register**. This highlights those tenants who may cause a problem to staff should they have contact with them and will show details of the likely problem – history of violence, large dog etc – to help staff to assess the likely risk to themselves should they have to contact them. The system has a built in review period for residents included on the register to enable managers to reassess the on-going risk to staff. Residents will be removed from the register where no further risk is posed.

The Council is also undertaking a customer profiling exercise that seeks to identify individual needs, record them against their tenancy and help us to tailor our services accordingly.

Incidents of threatening or violent behaviour against staff will be reported immediately and the Council will not hesitate to take appropriate action. Staff are our most important resource and should be safe in the knowledge that they will be supported should they be subjected to such behaviour.

Training

It is important that if Exeter City Council is to increase the effectiveness of its response towards incidents of anti-social behaviour that housing staff have regular training on the latest in best practice and legislation.

Training will be programmed into the Annual Training Plan and will be accessed through the various professional bodies and through local training facilitators such as the Devon and Cornwall Training Forum and Chartered Institute of Housing.

Staff will be expected to maintain their knowledge of current issues through the housing press and will be copied any relevant information that details current developments.

General awareness training of the issues surrounding anti-social behaviour and the Council's policies and procedures will also be given to other relevant staff across the organisation, for example Customer Services staff.

The Council will also ensure it plays an active role in responding to consultation documents where new proposals and recommendations are made for dealing with anti-social behaviour and its causes.

Monitoring Anti-Social behaviour

Exeter City Council recognises that it is important to effectively record and monitor incidents of anti-social behaviour. Such systems help to establish trends across neighbourhoods and patterns of behaviour by certain tenants. Information collected by this means will contribute towards Neighbourhood Action Planning and influence the Council's strategic response.

To assist in this collection of data the Council uses the Academy software package that logs reported incidents of anti-social behaviour, tracks each case as it progresses, details the action taken and assists in the overall management of the case.

Reporting incidents of anti-social behaviour

The Council's Housing Unit produce a quarterly 'digest' of information that details the unit's performance across a wide range of its services. Once again, this information will help establish trends over a period of time to assist with long-term planning of resources.

In terms of anti-social behaviour the information reported will include:

- 1) Number of estate inspections undertaken
- 2) Incidents of Anti-social Behaviour across split into the range of anti-social behaviour categories. For example, drugs, violent behaviour, car repairs, noise nuisance etc
- 3) Outcomes to action taken. For example, referral to floating support, mediation used, ABC, legal notices served etc.

The digest will show the figures for the previous quarter and a cumulative total of the current year.

As a case is closed we will write to confirm this with the complainant and ask them to complete a satisfaction survey form (**Appendix 11**). This will enable us to learn valuable lessons and continually improve how we deal with reports of ASB.

Part 2 – Anti-Social Behaviour Procedures

This chapter gives details of procedures to be followed to tackle reports of anti-social behaviour.

Contents

Section		Page
i	Version Control for ASB Procedures	23
ii	Anti-social Behaviour Policy	23
iii	Aims and objectives	23
iv	Purpose of these procedures	24
v	Related procedures	24
vi	Risk management	24
vii	Staff responsibilities	24
1.	Initial report of ASB	25
2.	Recording cases and initial assessment	25
3.	Serious Complaints	26
4.	Standard complaints	26
5.	Initial Interview of complainant	26
6.	Interviewing the alleged perpetrator	27
7.	Investigation and possible actions	27
8.	Multi-agency Meeting	28
9.	Support	28
10.	Support for witnesses	28
11.	Re-housing	28
12.	Keeping the complainant informed	29
13.	Monitoring	29
14.	Recording Information	29
15.	Closure of Cases	29
16.	Complaints and Appeals	30
17.	Health and safety issues	30
18.	Harassment and racial harassment	30
19.	Domestic Abuse	32
20.	Vulnerable Tenants	33
21.	Anti-Social Behaviour in Sheltered Schemes	33
22.	Liaison with Social Services	34
23.	General Estate Management Problems	34
Appendix One	Risk table	36
Appendix Two	Options for addressing anti-social behaviour	37
Appendix Three	Table of tools and powers	39
Appendix Four	Stage One Letter	44
Appendix Five	Stage Two Letter	45
Appendix Six	Support for victims of ASB	46
Appendix Seven	Examples of support for witnesses	48
Appendix Eight	Preventing ASB	49
Appendix Nine	Extracts from KLOE ‘Tenancy and Estate Management’	52
Appendix Ten	Introductory Tenancy Policy and operating procedures	54
Appendix Eleven	ASB satisfaction survey	71
Appendix Twelve	Standard ASB letters	75
Appendix Thirteen	ASB procedures for non secure tenancies	85

i. Version Control for ASB Policies and Procedures

Date Revised	15/08/09	Author	Mark Jolly, Performance Team
Date Approved		Approved by	Lawrence Blake Housing Operations Manager
Date effective from	01/09/09 Target	Lead Officer	Phil Mills, Tenancy Service Manager
Review Due	01/09/12	Staff involved	Tenancy Services Team
EQIA		SIB	
TALC		Editorial Board	
Location			

ii. Anti-social Behaviour (ASB) Policy

Exeter City Council defines anti-social behaviour as:

“Conduct which is capable of causing nuisance or annoyance to any person and directly or indirectly relates to or affects the housing management functions of the Council.”

“Conduct which consists of or involves using or threatening to use housing accommodation owned and managed by the Council for an unlawful purpose.”

We will investigate all reports of ASB occurring at or near any premises owned or managed by the council, occupied by our tenants (whatever their status, including leaseholders). We will prioritise all serious ASB including harassment, racial harassment, arson and violence. We will also prioritise complaints where ASB is persistent and has an overall negative impact on neighbourhoods.

With racial harassment, we have adopted the definition of the Macpherson Report (The Stephen Lawrence Enquiry) which says:

“A racist incident is any incident which is perceived to be racist by the victim or any other person”

We will adopt a zero tolerance approach where racist incidents are reported.

Our full policy is available in part 1 of this document.

iii. Aims and objectives

- To continually improve our performance for managing ASB as measured by Housemark benchmarking indicators
- To adopt an approach which concentrates on prevention and changing behaviour as well as enforcement
- To create effective working partnerships with statutory and other agencies
- To provide adequate support for victims and witnesses of ASB
- To try to tackle the causes of ASB with preventative actions
- To deal quickly, professionally and effectively with incidents of ASB according to our published policy with appropriate legal remedies

iv. Purpose of these procedures

These procedures are designed to show staff involved in tackling ASB what to do and when to do it. They should be followed as accurately as possible. However, as tackling ASB is not an exact science and each incident is different, the procedures are not always prescriptive. They do, however, offer a range of options for staff to select.

v. Related procedures

Staff should refer to the following procedure documents to ensure that tenants receive consistent and coherent services from the Council. Related procedures are:

- Neighbourhood management
- Resident Involvement
- Lettings
- Temporary Accommodation Team (**see appendix 13**)

This list is not exhaustive

vi Risk management

There are a number of key business, financial and health and safety risks associated with addressing ASB, and it is important that all staff using this procedure are aware of the risks and how to minimise them.

A risk management table for this procedure can be found at **Appendix 1**

vii Staff responsibilities

The prevention and investigation of ASB is a major priority for the Tenancy Services Team.

- Overall responsibility for ASB performance rests with the Tenancy Services Manager and Housing Operations Manager (TSM/HOM). The HOM will play a strategic role in delivering the ASB service whilst the managing day-to-day operation is the TSM's responsibility. The HOM will participate in strategic partnerships and multi-agency groups to investigate underlying trends and identify viable solutions.
- The Anti-social Behaviour Case Manager (ASBCM) will also participate in strategic partnerships and multi-agency groups as well as taking any case that reaches the stage of legal action through the Court system, together with the Housing Solicitor (HS).
- The HS will offer support and technical guidance to the ASBCM
- Estate Management Officers (EMOs) will act as neighbourhood managers on their patches, preventing and addressing ASB whenever it is discovered as well as taking reports of ASB and dealing with cases up to legal remedy stage. They will also work with the ASBCM and HS on any cases that are being taken through the Court system
- Neighbourhood Assistants (NA) will take reports of ASB, update the computer system, liaise with clients and staff and provide a comprehensive administrative service

General Procedures

1. Initial report of ASB

1.1 This could be from a number of different sources, for example:

- Individual tenants, their neighbours, friends and family
- Local Councillors (County or District)
- Council and housing association staff
- Member of Parliament (MP)
- Citizen's Advice Bureau, Shelter and other such advice agencies
- Statutory Agencies for example Social Services
- Police

1.2 Reports may be made by:

- Letter
- In person at the Customer First Centre
- Telephone
- Fax
- E-mail
- Through the Council's website (although only at present through the Council's corporate "Report It" system where problems such as graffiti, noise, abandoned vehicles and so on can be reported)

1.3 Reports can be made anonymously but we will not normally investigate minor incidents of ASB unless they can be substantiated from other sources e.g. rubbish in garden, abandoned vehicles, graffiti, testimony of others etc.

1.4 We will respond to complaints from all tenures; however, if the perpetrator is a private tenant or owner-occupier our options are more limited and we will have to work jointly with other agencies e.g. the police.

2. Recording cases and initial assessment

2.1 Once the report is made it is logged on to the Academy computer system. The report can either be logged by the EMO or the NA. It is important that full details are given and that the case, once set up, is kept up to date so that it can be monitored and reported on. Each step and each important piece of information should be recorded. . Where the case is logged to the EMO we will send to the complainant a copy of the housing leaflet on ASB so they will understand the service standards we have and how to complain if not happy with the service they receive.

2.2 Once the report has been recorded, the EMO will establish the basic facts of the case in order to carry out an **initial assessment**. This would include obtaining details of the alleged Anti Social Behaviour, its nature, its duration, whether it is continuous or intermittent, who it affects, the effect it has on them and whether there has been threat(s) of or actual act(s) of violence

2.3 Gathering the facts could involve contacting other agencies (e.g. police, social services, support worker etc) that may be involved with the complainant and have information that substantiates the complaint's allegations. This process will also establish contact points should further action be necessary.

2.4 Part of the initial assessment will also include asking the complainant what action they have taken to try and resolve the issue. In some cases the person causing the

problem may be unaware that their actions are disturbing other residents. The EMO will also ask if the complainant has involved other agencies such as the police, Environmental Health Officers and so on.

3. Serious Complaints

3.1 Serious Complaints would include:

- Racial or other forms of harassment
- Domestic Abuse
- Violence or threats of violence
- Arson or attempted arson
- Use of premises for unlawful purposes (e.g. drug possession, consumption or dealing)
- Continual, serious noise nuisance

This list is not exhaustive.

3.2 Where serious reports are received, the EMO will interview the complainant within one working day of the report being received.

4. Standard complaints

4.1 Standard complaints could include:

- Intermittent noise nuisance
- Alleged use of premises for unlawful purposes (e.g. drug possession, consumption or dealing)
- Boundary disputes
- Dumping of rubbish in gardens
- Fly Tipping
- Problems with animals (including vermin)
- Breaches of tenancy including untidy gardens, poor internal condition of properties

This list is not exhaustive.

4.2 Where standard reports are received the EMO will interview the complainant within five working days of the report being received.

5. Initial Interview of complainant

5.1 After making the initial assessment the EMO will interview the complainant. The initial interview could take place in the complainant's home, an office of the Council or some other neutral venue. The interview may be held over the telephone. At this interview the officer will:

- Explain the Council's Anti-Social Behaviour policy
- Issue the Council's Anti-Social Behaviour leaflet
- Give positive and realistic advice on what can be achieved
- Give advice on what the tenant can do themselves
- Explain the issue of confidentiality and request consent to approach the perpetrator(s) or other parties, as appropriate
- Discuss and agree an Action Plan and explain the timescales involved
- Issue incident Diary Sheets and guidance (if appropriate) and explain the strength of evidence required for a legal case to be successful
- Advise the tenant to report the incidents to the police (if appropriate)

5.2 We will only take action to resolve the problem with the complainant's permission, particularly where any action would result in the identity of the complainant being revealed.

- 5.3** After the initial interview the EMO will write to the complainant giving details of:
- Confirming the nature of the complaint
 - Action to be taken by the complainant
 - Action to be taken by the Council
 - Enclose ASB leaflet and diary sheets (if not already issued)
 - Any other relevant information – details of support agencies, other interested organisations (Environmental Health, police etc.)
- 5.4** If diary sheets are issued the EMO or ASBCM will contact the complainant to confirm the return of these and their completion if they have not been returned.
- 6. Interviewing the alleged perpetrator**
- 6.1** Where the complainant gives consent, the EMO will interview the alleged perpetrator(s) in order to gather more information about the incident. They will point out the relevant terms of the tenancy agreement and, if necessary, warn the perpetrator of the consequences of their actions if further incidents occur.
- 6.2** **For serious complaints this interview will take place within 2 working days (where possible) of the interview with the complainant.**
- 6.3** **For standard complaints the target is within 7 working days.**
- 6.4** In certain circumstances, a faster response may be required – for example where violence or threats of violence have been reported. In such cases immediate legal action may be sought before approaching the alleged perpetrator. The EMO will take guidance from the ASBCM and the HS.
- 7. Investigation and possible actions**
- 7.1** Following these interviews the EMO will decide on the appropriate course of action to be taken and advise the complainant in writing of actions to be taken in the form of an action plan.
- 7.2** Guidance can be sought from other members of the Tenancy Services Team including the ASBCM, the HS and the TSM. However, it is important that the escalation guidelines agreed by the Community Safety Partnership are followed. The usual pattern is as follows:
- 7.3** **Stage 1 Letter**
- 7.3.1** Where the EMO believes an incident has occurred a Stage One letter will be issued to the alleged perpetrator. A copy of this standard letter is attached as **Appendix 4**. The letter is intended as a first warning that the Council is aware of the issue and is requesting that no further incidents occur.
- 7.4** **Stage 2 Letter**
- 7.4.1** Should further incidents be reported regarding the same perpetrator, a Stage 2 letter will be issued (attached as **Appendix 5**). This letter acts as a 'final warning' to the perpetrator that should further incidents occur it is likely that legal action will be taken.
- 7.4.2** Before issuing the stage two letter the EMO should consult and involve the ASBCM.
- 7.4.3** From this stage forward the ASBCM will 'manage' the case. This does not mean they

will take over the case and take all the necessary actions, but they will take a lead role in ensuring the case is carried through to a conclusion. This will involve being aware of what is happening in each case, meeting regularly with the appropriate EMO, and providing expert help, advice and guidance. It will also involve regular contact with the HS and TSM.

8. Multi-agency meeting

8.1 If there are further incidents reported following the issue of a Stage 2 letter the EMO and ASBCM will liaise with the Community Safety Partnership's Anti-social Behaviour Co-ordinator. The ASBCM may agree a course of action and or where appropriate refer the case to the Anti-social Behaviour Action Team (ASBAT). This is a monthly multi-agency meeting, involving agencies such as the police and Social Services which discuss how best to resolve the issues.

8.2 The multi-agency meeting or ASBAT may either be advised as to what action has been taken by the Council or agree it. Actions may involve a range of solutions from intervention, intensive management and support to legal action. The ASBCM will monitor the plan with the EMO. See **Appendix 2** for options for action.

8.3 Other agencies may be able to provide additional resources. These could include additional patrols by the police, police community support officers, the Council's Community Patrollers, extra support from Support Agencies, Social Services, Youth Offending Team, Probation for example.

8.4 The EMO and ASBCM should always seek the advice of the HS when considering legal action. Where we do decide to take legal action against a perpetrator we should make sure that there is sufficient evidence to achieve a successful result. Legal action is more likely to succeed where local residents are willing to give evidence in Court.

8.5 If the HS is of the opinion that sufficient evidence does not exist, then we should use other methods to try to resolve the problem either by considering alternative action or methods of finding further evidence.

9. Support

9.1 It is important to ensure that any support meets the victim's individual needs and that it is reviewed regularly. During periods of serious harassment, or in cases where harassment goes on for a long time, people may need increased support. See **Appendix 6** for details of support options.

9.2 Mediation is not a means of support - mediators do not take sides. But if the person reporting harassment feels mediation would be helpful, and understands what could be involved, this should be arranged.

9.3 No other organisation should be involved without the consent of the person reporting harassment. Although the case for police involvement should be stressed, the final decision on this remains with the victim.

10. Support for witnesses

As well as supporting victims of ASB we need to support other witnesses, particularly if they are required to give evidence in court. A leaflet called "information for witnesses" should be issued to any witnesses.

Examples of possible support to witnesses are listed at **Appendix 7**.

11. **Re-housing**

We aim to give people enough support to ensure they can stay in their own homes. However, sometimes the person being harassed may still feel it is unsafe for them to stay where they are. If this is the case the EMO should discuss options for moving with the victim and with the ASBCM and TSM. See also **Appendix 7**.

Options include:

- Transfer to another home (Emergency Card through Home Choice)
- Temporary housing while making the home safe to return to
- Mutual exchange
- Homelessness application

12. **Keeping the complainant informed**

12.1 The ASBCM/EMO will follow the action plan agreed and will ensure that the complainant is kept informed of progress throughout making contact with them at least once a month. If other agencies are involved they will also be kept up to date.

12.2 Where it is felt that it will help in dealing with the problem, the EMO will write to the perpetrator explaining the course of action the Council is taking, and inform them of what they must do to prevent further action being taken.

12.3 A set of standard letters have been devised by the HS to cover most eventualities to ensure a consistent approach to each case. A copy of these letters to both the complainant and the perpetrator can be found in **Appendix 12**.

13. **Monitoring**

13.1 Each case will be monitored and reviewed by the ASBCM together with the appropriate EMO. Regular meetings will also be held with the TSM and the HS to ensure the correct actions have been taken and time scales met.

13.2 Cases will normally be reviewed weekly but if they are serious it may be appropriate to review them daily. It is important that when reviewing the case the complainant is consulted, in particular to identify any changes in the perpetrator's behaviour or to record further incidents.

13.3 A review should identify further actions that need to be taken. It may also be decided in a review that a case can go no further and that the file should be closed.

14. **Recording Information**

14.1 Throughout the process it is essential that each action, date, communication, outcome and so on, is recorded on the Academy system. Comprehensive file notes should also be made and scanned into the tenancy database. This is necessary to provide a clear audit trail of actions taken and to assist with building a comprehensive case if legal action is being considered.

15. **Closure of Cases**

15.1 The EMO will decide when non-serious cases, or cases which have not required legal action, should be closed. For other cases the decision will be made by the EMO and the ASBCM together. Reasons for closing cases would include:

- There is insufficient evidence for action to be taken
- The report was made anonymously, or the complainant is not willing to make a formal statement, and no further action can be taken without further evidence

- The perpetrator cannot be accurately identified
- The incident was a one-off, or occurs very infrequently, was not serious, and no further problems are reported
- Diary sheets were issued and no further incidents were reported within 6 weeks of their issue
- It is established that the report was made frivolously or maliciously
- The complainant does not wish any further action to be taken
- Court action has been taken, a legal remedy made and there have been no further problems (although the case will be re-opened if further reports of anti-social behaviour are reported)

This list is not exhaustive.

15.2 When a case is closed the EMO will write to the complainant giving a full explanation of our reason for making this decision. The date and reason for closure will also be recorded on Academy. A satisfaction survey (**appendix 11**) will be sent to the complainant when the case is closed.

16. Complaints and Appeals

16.1 If any resident is not happy at the way their report of ASB has been dealt with, or the way they have been treated personally, they are able to make a formal complaint through the Complaints Procedure.

16.2 A leaflet is available explaining the various stages of this procedure and will be provided upon request.

17. Health and safety issues

17.1 The Council has adopted a ***Lone Working Policy*** for staff working across the city who meet customers in their homes on a regular basis. Managers and colleagues should be aware of staff whereabouts when they are out of the office and staff should regularly contact the office to report on progress. A procedure should be in place whereby staff members who have not contacted the office or returned at the appropriate time are contacted and suitable action taken to ensure their safety.

17.2 We also have a corporate flagging system available through the intranet called the ***Employee Protection Register***. This highlights those tenants who may cause a problem to staff should they have contact with them and will show details of the likely problem – history of violence, large dog etc – to help staff to assess the likely risk. The system has a built in review period for residents included on the register to enable managers to reassess the on-going risk to staff. Residents will be removed from the register where no further risk is posed.

Specific procedures

18. Harassment and racial harassment

18.1 Our definition of racial harassment is set out previously in **section ii** of these procedures.

18.2 The Protection from Harassment Act 1997 states that harassment is a course of conduct being two or more incidents including actions or words directed at another to annoy, threaten or distress in any way.

Examples of harassment include:

- acting in a way that threatens someone's physical or mental health, safety, security, or sense of well-being
- acting in a way that has a hurtful, detrimental or destructive effect on someone's peaceful enjoyment of their home or surrounding environment
- damaging or threatening damage to property, including damage to any part of someone's home
- writing threatening, abusive, offensive, racist or insulting graffiti, and
- acting or failing to act in a way that is likely to interfere with someone's peace or comfort or to inconvenience them.

- 18.3** All harassment and racial harassment incidents will be treated as serious complaints and given a high priority by estate management staff. Investigation will start within one day of receiving the initial report.
- 18.4** Often we will not get a report of harassment directly from the person affected. When cases are referred to us, contact should be made as quickly as possible with the person who is being harassed.
- 18.5** Reports of harassment and racial harassment will be investigated using the procedure outlined in sections 1-17. However, in addition, it is important that the guidelines in this section 18 are also followed.
- 18.6** If the incident reported is a racist one, the EMO will inform the victim that Exeter City Council does not tolerate any incidents of a racist nature and that the incident will be recorded and investigated as a racist incident. Details of the incident must be sent to the Corporate Policy Unit who will record this for monitoring purposes. Details of the follow up action taken must also be provided to the Policy Unit when the incident has been resolved.
- 18.7 Interview**
- 18.7.1** At the initial interview, if a criminal offence has been committed, the EMO will provide support and encouragement to the victim to inform the police. The victim may want a friend or advocate to be with them and this will be encouraged.
- 18.7.2** Normally we will only send a report to the police if the victim agrees. However it is important to point out to the victim that reports to the police are important as they can help establish where and when incidents are happening, even if they cannot be investigated further. "Third party reporting", without naming or in any way identifying the victim, may be appropriate.
- 18.7.3** At the interview the EMO will:
- Check that this is the first incident reported
 - Obtain the name, address and basic details
 - Agree on emergency action such as:-
 - ✓ Giving out emergency contact number
 - ✓ Photographing any evidence before removal or repair
 - ✓ Organising graffiti and rubbish removal (Priority 1, 24 hours)
 - ✓ Raising priority 1 repairs order for Council tenants
 - ✓ Setting up emergency security measures
 - ✓ Discussing with the Housing Advice Team if tenant is unable to return home

18.7.4 The EMO will agree on any further appropriate action such as:

- Offering to tell police of any crime
- Confirming a time and place for full interview with caseworker and interpreter (if needed)
- Explain our policy and give the victim our leaflet on ASB and Harassment.

The investigation will continue as a serious case of ASB as in **Section 5** onwards of these procedures.

19. Domestic abuse

19.1 Domestic abuse will be classed as a serious complaint and will be investigated accordingly.

19.2 We encourage victims to seek independent legal advice to explore their options. Where appropriate, we will take action taken against the perpetrator to try to prevent further acts of abuse from occurring.

19.3 Actions that can be taken straight away include:

- Giving out an emergency contact number
- Raising a priority repairs order if there is damage to property
- Setting up emergency security measures
- Discussing the situation with the Housing Advice Team if the victim is unable to return home

19.4 In the longer term we can:

- a) Liaise with Police Domestic Abuse Officers. They are able to install additional security measures where necessary, and offer help and advice on taking legal action against the perpetrator. They will also have knowledge of any potential police action currently underway.
- b) Refer to the Sanctuary Project. This project helps victims of repeated domestic abuse to create a secure 'safe' room within their home which will prevent anyone from gaining access. There may be occasions in extreme cases that we will consider providing similar security measures from within our own budgets.
- c) Refer victims of domestic abuse to an appropriate support agency. This may be short-term support immediately following the incident or more long-term where other related issues arise. Referrals to social services may be appropriate where young children are involved or the victim is a vulnerable person. Other referral agencies would include Victim Support, Exeter Women's Aid, local domestic abuse groups, Citizens' Advice Bureau, Devon M.A.L.E. Outreach Project and others.
- d) Offer help and advice to the victim to take their own legal action against the offender and support them through the process.
- e) Explore the option of taking our own legal action to prevent the perpetrator from returning to the property. This course of action should not be taken without the agreement of the TSM and the advice of the HS.
- f) Look at the possibility of a transfer. If the victim does not wish to remain in the family

home we may be able to offer the option of a transfer to an alternative property. In most circumstances this will mean issuing the tenant with an Emergency Card under the Home Choice policy and allowing them to bid for a suitable property.

- g) Provide advice to the victim (through the Housing Advice Team) if they wish to move away from the area and seek the support of friends and family elsewhere. This could include making a homeless application to another local authority that would normally have a duty to find alternative accommodation under Homelessness legislation.
- h) Take action to evict the perpetrator using Ground 2A of Schedule 2 of the Housing Act 1985. In some circumstances the victim of domestic abuse will leave the family home and seek protection elsewhere. In these cases the perpetrator is often left in the family home. Where the perpetrator is a tenant, and there is substantial evidence available, we will seek to remove them from the home.

This course of action should not be taken without the agreement of the TSM and the advice of the HS.

20. Vulnerable Tenants

- 20.1** We will take all practical steps to safeguard and protect vulnerable tenants (that is those people adversely affected by old age, physical or mental illness, drug or alcohol dependency, learning disabilities or other special reasons) whether they are complainants or alleged perpetrators.
- 20.2** Vulnerable tenants, whose behaviour may be different through no fault of their own, will be handled with sensitivity. Where possible we will work with support agencies to ensure that everyone is treated fairly and with equal access to services.
- 20.3** Where we receive a complaint from or about a tenant who is, or appears to be, vulnerable, the EMO will make a referral to an appropriate support agency. This may result in a formal assessment being made or a joint visit. Where necessary the EMO will involve other external agencies (for example social services, Mental Health Team, Probation and so on) to help support the tenant and resolve whatever issues have occurred.
- 20.4 Anti-Social Behaviour towards a vulnerable tenant**
 - 20.4.1** Where a vulnerable tenant is subjected to, or affected by, anti-social behaviour, the EMO will investigate the complaint and take appropriate action and the report will be categorised as a serious complaint. If the tenant has a support worker, they should assist with supporting the tenant throughout the process and helping them to understand what may be required (for example completing incident sheets, giving statements and attending court and so on). Regular liaison will be essential to a successful outcome.
- 20.5 Anti-Social Behaviour complaints about a vulnerable tenant**
 - 20.5.1** Where complaints of anti-social behaviour are received that indicate a vulnerable tenant is the perpetrator, the EMO will, in the first instance, discuss the complaint with the tenant's support worker, if there is one, or will involve other agencies that can offer support.
 - 20.5.2** The support worker or support agency will provide support and advice to their client. This could include a mediation role, or joint visits, in partnership with the EMO.
 - 20.5.3** The support worker or support agency should ensure that the tenant understands that

if complaints continue we may have to enforce the terms and conditions of their tenancy. If legal action is necessary, the EMO will be responsible for taking enforcement action with the ASBCM and the HS, while the support worker or support agency will continue to work with the tenant to resolve the problem.

20.5.4 Disability Discrimination Act 1995: When dealing with Anti Social Behaviour, the ASBCM and HS must consider if the person committing the Anti Social Behaviour has any disability and the effect this may have on their behaviour.

If legal action is taken, it must be shown that we have considered any disabilities we are aware of when deciding the action to take. The points considered when coming to this decision must be recorded.

Even where disability is present, landlords are still able to take action where that action is justified, i.e. when the health and safety of any person is endangered.

21. Anti-Social Behaviour in Sheltered Schemes

21.1 Where sheltered housing tenants are involved in anti-social behaviour the appropriate Warden together with the Senior Warden will be responsible initially for dealing with the problem. They will visit the tenants concerned and try to resolve the issue.

21.2 However, should the problem persist and it become necessary to take enforcement action against the perpetrator, the relevant EMO will be responsible for serving notices and following the action through the court, with the advice and support of the ASBCM and HS.

22. Liaison with Social Services

22.1 Where we are about to take formal legal action and the tenant is:

- over the age of 60 years old, or
- has recognised mental health/learning difficulties, or
- has children under the age of 16 years old

The EMO will ensure that Devon County Council's Social Services Department is informed in writing. Formal action could include:

- Serving a Notice of Seeking Possession or a Notice Seeking a Demoted Tenancy
- Commencing Possession, Demotion or Injunction proceedings
- Applying to the Court to execute a Warrant for Possession

23. General Estate Management Problems

For full details see *Estate Management Procedures*

23.1 Where an EMO identifies problems on an estate during a regular neighbourhood inspection, and there is an identifiable tenant responsible, they will send a standard warning letter (Stage One letter, **Appendix 4**) advising the tenant that they are breaking the terms of their tenancy agreement and asking them to take action to resolve the problem within a set time limit.

23.2 The EMO will record and continue to monitor the problem once the stated time limit has been exceeded.

23.3 Where the first written warning has failed, and the tenant is still in breach of their tenancy agreement, a final written warning (Stage Two letter, **Appendix 5**) will be

issued threatening legal action should the tenant not comply within seven days.

- 23.4** Should the tenant still not comply with the final warning, then the EMO with the ASBCO and HS will consider taking legal action to force the tenant to comply. This could involve, for example, possession proceedings or an injunction or both.
- 23.5** It is essential that each case is carefully logged and updated throughout the process allowing access to all members of the tenancy services team and their colleagues who have to deal with the case in the EMOs absence, taking further reports or dealing with a complaint about the action taken. This will exclude confidential information which will be held securely.

Appendix One

Risk table

Financial risks:

- Costs from the failure to deal with ASB (e.g. staff time, resources, increased void turnover times etc.)
- Possible increased rent arrears and bad debts
- Staff time wasted putting right prior mistakes or omissions

Health and safety risks:

- Tenants' health and safety put at risk by ASB
- Tenants' individual or special requirements not recognised or supported
- Health and safety implications for all residents if anti-social behaviour policy not explained

Legal and regulatory risks:

- Failure to meet Audit Commission inspection standards
- Legal and regulatory consequences of failing to follow the Audit Commission's KLOE 'Tenancy and Estate Management'

Quality and performance risks:

- Staff insufficiently trained in the procedures
- Policy and procedures do not reflect current legislation or good practice
- Performance may be adversely affected if satisfaction information not collected and performance not adequately recorded and monitored

Publicity risks:

- Risk to ECC reputation if anything goes wrong, particularly regarding the health and safety of tenants

Appendix Two

Options for addressing anti-social behaviour

Mediation Referral. We use mediation in cases where we believe it is appropriate. To be successful, mediation requires the consent of both parties involved and their commitment to a mutually agreed solution. Where we believe such action will be suitable and beneficial, the EMO will make the necessary arrangements. We have a contract with Devon Mediation to provide mediation services.

Request for information from the Police through the Joint Information Exchange Protocol. We have signed the Devon and Cornwall Constabulary's Information Exchange Protocol and actively use police information to assist with our own cases. Information available includes: evidence of convictions; neighbourhood related incidents; police warnings and so on. Such information helps to build up a picture of anti-social behaviour on an individual and neighbourhood basis. It is essential therefore, that where anti-social behaviour incidents occur, residents report them to the police so that they can maintain a complete record.

Liaison with support workers or external agencies. In some cases the complainant, the alleged perpetrator, or both parties will have external support. We will need to engage with any support workers to ensure that everyone has access to our services, and to use their help to try to reach a successful outcome to any report of ASB. For the perpetrator, any support they receive may help them to understand the effects of their behaviour on the neighbourhood and to work towards making a positive change.

Injunctions. We have the power (detailed in the Housing Act 1996 section 153A) to apply for injunctions against anti-social tenants and their visitors, usually to prevent them from committing further anti-social acts. Injunctions can often be quicker to obtain than traditional possession orders. Where necessary we will seek ex-parte injunctions (without the alleged perpetrator being present) to protect victims of harassment or violence.

Notice of Seeking Possession and taking court action to re-possess the property. Serving a Notice of Seeking Possession still remains an effective tool for dealing with breaches of the tenancy agreement. We may use these Notices as a final warning to tenants to end their behaviour and also to pursue Possession action in the court where the behaviour is of a serious or persistent nature. Where the court believes a breach of tenancy has occurred, but that it would be unreasonable for the tenant to lose their home, a postponed or suspended possession order may be awarded. This tells the tenant that should they breach their tenancy conditions again the Court may give outright Possession to the Council at the next hearing or a warrant for eviction can be requested.

Ending, or extending, an Introductory Tenancy. Where an introductory tenancy exists the EMO/ASBCM will submit a report to the TSM setting out the details of the complaint and the reasons why the tenancy should either be extended or a Notice served to end the tenancy. Introductory tenancies are designed to be easier to bring to an end than secure tenancies as we do not have to prove a ground possession in court, we just have to make sure the correct procedures have been followed. Requests for a review of the decision to serve a Notice either to extend the trial period or end tenancy will be considered by the Head of Housing or a nominated officer more senior than the officer who made the original decision.

Acceptable Behaviour Contract (ABC). We will use ABCs where we believe they are appropriate and have a chance of success. Such contracts may be drawn up as a result of a multi-agency meeting, in association with the Community Safety Partnership Anti-Social Behaviour Co-ordinator and other relevant agencies (police, Youth Offending Team, and so on)

and will be jointly signed by all parties. ABCs can be particularly effective where a child is causing a nuisance to a neighbourhood. In these cases both the child and parents will sign the contract, with the child promising not to commit the specified unacceptable acts in the future. Whilst these 'contracts' have no legal basis, they can be effective tools, and they show alternative attempts at resolving a problem have been made should formal legal action be required.

Anti-Social Behaviour Order (ASBO). An ASBO is a form of injunction that can be used with individuals over the age of 10. It sets out a number of conditions that the individual must comply with. ASBOs can address specific types of anti-social behaviour or exclude people from certain neighbourhoods. They last for a minimum of two years, although for young people they will be reviewed after 12 months. Should an individual breach an ASBO it becomes a criminal matter and can carry a custodial sentence. We will work with our partner agencies to identify those cases where an ASBO is appropriate. In some cases an ASBO may be added to a sentence handed out by a criminal court. In joint action cases with the police this may be a quicker and easier way of obtaining an ASBO to protect other members of the community.

Demotion of Tenancy. The Anti-Social Behaviour Act 2003 gave social landlords a new power to demote a person's tenancy. This is a useful tool as it gives the court an alternative to possession, but at the same time provides an effective sanction to prevent further incidents. We will use this power wherever it is appropriate, particularly where the anti-social behaviour is of a minor nature but has continued over a period of time despite a series of warnings. Should we be successful the 'secure' tenant will have their tenancy demoted to a non-secure one for a period of 12 months. If a further breach occurs during this time, then an action for possession will be easier and quicker to obtain. However, should no further breach occur, the tenancy will become a full 'secure' one once again at the end of the 12-month period.

Referral to Environmental Health Officer. Where noise nuisance is serious and/or persistent, we will refer cases to the Council's Environmental Protection Unit and where appropriate, work with them on investigating and enforcing any legal powers available to the council.

Management Transfer. As a rule we will not re-house complainants but will seek to resolve the situation by tackling the perpetrator about their anti-social behaviour and securing an ending to the behaviour. However, in the most serious and extreme of cases the victim of anti-social behaviour may need assistance to move to an alternative property. Wherever possible we will try to arrange a management transfer for the tenant either within our own stock or with another social landlord. This will normally mean issuing the tenant with an Emergency Card under the Home Choice policy and allowing them to choose where they want to re-locate. In some instances the tenant may have to make a homelessness application to another local authority and ask to be temporarily re-housed. The police may also assist in this task through their Witness Protection Schemes.

Use of Professional Witnesses. Where evidence of anti-social behaviour is of an extremely serious nature, and we believe local residents are in danger should they be seen to give evidence, then we will consider the use of Professional Witnesses to help gather sufficient evidence to take effective action. Before such action is taken consent is required from the Head of Housing and the relevant Portfolio Holder. Professional witnesses could include members of our own staff, the police, other agencies or private detectives.

Security improvements. In some instances providing enhanced security to a tenant's home may help them to feel more secure. Security measures could include additional locks and window catches, security lights, door viewers in front doors, or the provision of panic alarms by the police.

Appendix Three

Table of tools and powers (Extracted from *A Guide to Anti Social Behaviour Tools and Powers* published by the Home Office May 2008)

NOISY NEIGHBOURS			
Behaviour	Relevant legislation	Enforcement	Support
Domestic noise		Acceptable Behaviour Contracts	Mediation
	Noise Act 1996 updated by s42 of the Anti-Social Behaviour Act 2003	Fixed penalty notice for night noise. Confiscation of equipment	Warnings and agreements
	Environment Protection Act 1990	Noise Abatement Notice, prosecution for breach	
	Housing Act 1996 (as amended by the Anti-Social Behaviour Act 2003 and the Police and Justice Act 2005)	Injunction, demoted tenancy, possession and eviction	
	Local Government Act 1972 (as amended by the Police and Justice Act 2006)	Injunction for public nuisance	
	Crime and Disorder Act 1998 (updated by the Police Reform Act 2002)	Anti-social Behaviour Order (ASBO)	Individual Support Order (ISO)
Commercial noise	Environmental Protection Act 1990 (updated by Noise and Statutory Nuisance Act 1993)	Noise Abatement Notice, prosecution for breach	
	Anti-Social Behaviour Act 2003	Local authority closure of noisy pub premises	
	Noise Act 1996 (as amended by Clean Neighbourhoods and Environment Act 2005)	Fixed Penalty Notice for noise from licensed premises Seizure of equipment	
	Licensing Act 2003	Police closure of pub premises for disorder and/or noise	
ROWDY AND NUISANCE BEHAVIOUR			
Behaviour	Relevant legislation	Enforcement	Support
Rowdy and nuisance behaviour		Acceptable Behaviour Contracts	Family Group Counselling
	Public Order Act 1986	Penalty Notice for Disorder	Youth diversion
	Anti-Social Behaviour Act 2003	Dispersal of groups	Parenting contracts
	Local Government Act	Injunction for public	

	1972 (as amended by the Police and Justice Act 2006)	nuisance	Warnings and agreements
	Crime and Disorder Act 1998 (as amended by the Anti-Social Behaviour Act 2003 and the Police and Justice Act 2005)	Parenting Orders	Restorative justice Alcohol treatment
	Crime and Disorder Act 1998	Child Safety Order	
	Crime and Disorder Act 1998	Local child curfew scheme	
	Crime and Disorder Act 1998 (updated by the Police Reform Act 2002)	ASBO	ISO
HOAX CALLS AND OBSTRUCTING THE EMERGENCY SERVICES			
Hoax calls	Communications Act 2003	Penalty Notice for Disorder	Education scheme Youth schemes
	Criminal Justice and Police Act 2001	Penalty Notice for Disorder	Youth diversion ABCs
	Fire and Rescue Services Act 2004	Penalty Notice for Disorder	
	Crime and Disorder Act 1998 (updated by the Police Reform Act 2002)	ASBO for persistent hoax calls	ISO
Obstruction of the emergency services	Emergency Workers Obstruction Act 2005	Level 5 fine	
ANIMAL RELATED NUISANCE			
Behaviour	Relevant legislation	Enforcement	Support
Irresponsible dog ownership Constant barking Intimidation by dogs		ABCs	Warnings and agreements Mediation Education
	Environment Protection Act 1990	Noise Abatement Notice (prosecution for failure to comply)	
	Noise Act 1996	Penalty Notice for night noise	
	Housing Act 1996 (as amended by the Anti-Social Behaviour Act 2003 and the Police and Justice Act 2005)	Injunction or demoted tenancy	
	Crime and Disorder Act 1998 (updated by the Police Reform Act 2002)	ASBO	ISO
VEHICLE-RELATED NUISANCE			
Behaviour	Relevant legislation	Enforcement	Support
Joyriding Dangerous and		ABCs	Warnings and agreements
	Public Order Act 1986	Penalty Notice for Disorder	

illegal driving Causing harassment, alarm and distress by driving	Police Reform Act 2002	Seizure of vehicle	Youth diversion (vehicle maintenance, dedicated riding tracks) Parenting Contracts Restorative justice
	Road Traffic Act 1998	Prosecution for driving a vehicle off-road without authority	
	Powers of Criminal Courts (Sentencing) Act 2000	Loss of driving licence	
	Anti-Social Behaviour Act 2003	Dispersal of groups	
	Housing Act 1996 (as amended by the Anti-Social Behaviour Act 2003 and the Police and Justice Act 2005)	Injunction or demoted tenancy	
	Crime and Disorder Act 1998 (as amended by the Anti-Social Behaviour Act 2003 and the Police and Justice Act 2005)	Parenting Order	
	Local Government Act 1972 (as amended by the Police and Justice Act 2006)	Injunction for public nuisance	
VEHICLE-RELATED NUISANCE continued			
Behaviour	Relevant legislation	Enforcement	Support
Causing harassment, alarm and distress by driving (cont.)		Environmental improvements (bollards, gates, CCTV)	
	Crime and Disorder Act 1998 (updated by the Police Reform Act 2002)	ASBO	ISO

INTIMIDATION, HARASSMENT AND HATE CRIME			
Behaviour	Relevant legislation	Enforcement	Support
Verbal and physical abuse Criminal damage Violence and threat of violence		ABCs	Warnings and agreements Mediation Parenting Contracts Restorative justice
	Crime and Disorder Act 1998 (as amended by the Anti-Social Behaviour Act 2003 and the Police and Justice Act 2005)	Parenting Order	
	Public Order Act	Penalty Note for Disorder	
	Protection from Harassment Act 1997	Prosecution (Restraining Order or ASBO on conviction)	
		Arrest and bail conditions	
	Housing Act 1996 (as amended by the Anti-Social Behaviour Act	Injunction, demoted tenancy, possession and eviction	

	2003 and the Police and Justice Act 2005)		
	Local Government Act 1972 (as amended by the Police and Justice Act 2006)	Injunctions for public nuisance	
	Crime and Disorder Act 1998 (updated by the Police Reform Act 2002)	ASBO	ISO
Hate crime	Crime and Disorder Act 1998	Prosecution	
	Crime and Disorder Act 1998 (updated by the Police Reform Act 2002)	ASBO	ISO
INTIMIDATION, HARASSMENT AND HATE CRIME			
Behaviour	Relevant legislation	Enforcement	Support
High hedges	Anti-Social Behaviour Act 2003		Mediation
Drugs			
Behaviour	Relevant legislation	Enforcement	Support
Substance misuse		ABCs	Physical and mental health services
	Misuse of Drugs Act 1971	Prosecution for drugs offences	Drug treatment
	Housing Act 1996 (as amended by the Anti-Social Behaviour Act 2003 and the Police and Justice Act 2005)	Injunction, demoted tenancy, possession and eviction	Counselling
	Local Government Act 1972 (as amended by the Police and Justice Act 2006)	Injunction for public nuisance	Compulsory drug testing
	Anti-Social Behaviour Act 2003	Closure powers for Class A drugs	Assessment by drug specialist
	Crime and Disorder Act 1998 (updated by the Police Reform Act 2002)	ASBO	ISO
Drug dealing	Anti-Social Behaviour Act 2003	Closure powers for Class A drugs	Drug Intervention Order if over 18
	Misuse of Drugs Act 1971	Prosecution for drugs offences	Physical and mental health services
	Housing Act 1996 (as amended by the Anti-Social Behaviour Act 2003)	Anti-social behaviour injunction and eviction	Drug treatment
	Crime and Disorder Act 1998 (updated by the Police Reform Act 2002)	ASBO	ISO
			Drug Intervention Order if over 18
Alcohol			

Behaviour	Relevant legislation	Enforcement	Support
Street drinking and other alcohol related ASB		Arrest for being drunk and disorderly; Conditional Caution	Alcohol treatment Housing support Youth diversion Physical and mental health interventions ABCs Parenting Contract/Order Environmental powers in parks

Appendix Four

Stage One Letter

Dear

The City Council is committed to working in partnership with other agencies in order to reduce levels of nuisance and anti-social behaviour. Our intention is to help to prevent this type of behaviour and to improve the quality of life for residents and visitors in the area.

The purpose of this letter is to bring your attention to the fact members of the public, residents and the Community Patrol Officers have contacted us regarding **(details inserted)**. These disturbances to other people are regarded as anti-social behaviour and there have been a number of occasions when this has happened.

- Nature of Incidents/Complaints received/witnessed

This type of behaviour shows a lack of respect for others and can greatly affect the quality of life of people living within the local community.

This letter should be viewed as a warning at this stage. Therefore would you please take steps to address this matter to avoid us from taking further action against your tenancy, this continue behaviour is placing your tenancy at risk.

I must point out that a copy of this letter will be forwarded to the Anti-Social Behaviour Coordinator who may pass this information to other partner agencies.

I hope that this letter is received in the spirit in which it is intended, namely to raise awareness of the issues. Should you wish to discuss this situation further please contact me on 265856.

Yours sincerely

Estate Management Officer

Appendix Five

Stage Two Letter

Dear

Anti-Social Behaviour

We have received numerous complaints from various sources in relation to acts of anti-social behaviour at your property and surrounding area. Due to continued complaints regarding this behaviour we would like you to come into the Civic Centre to discuss this matter further.

A meeting has been arranged as follows:

Date:

Time:

Venue:

Present at Interview: Anti-Social Behaviour Case Manager and Estate Officer and any other interested professional i.e. Support Worker, Neighbourhood Beat Officer/PCSO or Social Worker.

Failure to attend this meeting could place your tenancy at risk.

Your attendance at this meeting is expected. Should you fail to attend this appointment it could leave Exeter City Council with no alternative but to consider taking legal action against your tenancy. Should you wish to discuss this situation further or unable to attend the appointment please do not hesitate in contacting me on telephone number 01392 265856 between 9:00 am and 4:00 pm

Yours sincerely

Anti-Social Behaviour Case Manager

Appendix Six

Support for victims of ASB

Examples of support

- Emergency contact telephone numbers for support and immediate action
- Repairs and graffiti removal
- Extra security in and near the home (e.g. fire-proof letter boxes)
- Surveillance
- Visits
- Involvement of support agency

Support agencies

- **Family Intervention Project**
Project Manager
Exeter Family Intervention Project
Hill Lane
Whipton
Exeter EX1 3JP

Telephone: 01392 461701
Fax: 01392 469229
- **Devon Mediation**
Devon Mediation Service
The Red House
St Lawrence Green
Crediton EX173LN

Tel/fax: 01363 777734
Freephone: 0800 0274374
- **Youth Offending Team**
Ivybank
45, St David's Hill
Exeter
EX4 4DN

Tel. 01392 384978
Fax. 01392 384985
- **Probation Service**
Exeter Integrated Probation Team
3-5 Barnfield Road
Exeter
EX1 1RD
Tel: 01392 421122

There are other floating support providers we may use to assist us sustaining a tenancy.

Good practice tips in providing support

Ensure qualified interpreters are used in line with the Council's Interpretation and Translation Policy. Use the same interpreter in future where possible.

Contact the customer at least every two weeks (more often where necessary)

Provide information on support groups and discuss appropriate groups with the person experiencing harassment. Offer to make referrals on behalf of the person otherwise they may not make contact themselves.

Ensure all options are fully explained to the person experiencing harassment and update the action plan regularly. Confirm each action plan in writing.

Always ensure that the person reporting harassment agrees to any action being taken.

If the person does not want to involve an outside agency, discuss whether they have family/friends that can help.

Appendix Seven

Examples of possible support for witnesses

Communication – Throughout the process of managing an ASB case we will keep in contact with witnesses and keep them informed of progress. We will ensure they are up-to-date with current developments and can play a full part in any action being taken. We will also monitor any weakening in their support for our action and which will allow us to increase our support accordingly, or change our approach.

Police liaison – We will, through our regular meetings with the police, discuss the case to ensure the police are fully aware of our intended action and to assess the risk of reprisals.

Legal action - Where violence or threats of violence are likely we can seek an injunction, (sometimes without notice to the perpetrator), to give witnesses legal protection. The injunction will detail a number of conditions that the perpetrator must adhere to. A Power of Arrest may also be attached to the injunction. This means that should the terms of the injunction be broken, the perpetrator will be arrested and taken back before the Court within 24 hours.

Additional security – This could include Police panic alarms, additional locks, door viewers, secured letterboxes, additional patrols by Police or their support officers.

Transfers/decanting – In the most severe cases witnesses may be offered the chance of a transfer away from the neighbourhood or a chance to move to another property for the duration of the Court case. This measure will only be taken where the witness is subjected to a substantial risk of intimidation and there is no other realistic alternative. These transfers are only to be used when the complainant is under severe threat and will be facilitated through the use of the Home Choice emergency card procedure. We will not normally agree to requests for permanent transfers from witnesses, as we believe that this would further destabilise the neighbourhood and punish the witness not the perpetrator.

Assistance during Court proceedings – This may involve transporting them to and from the Court. In some circumstances we will pay for the witnesses' child minding, travelling and other 'out-of-pocket' expenses. A leaflet called "Information for Witnesses" is available and should be given to any residents giving evidence at court on our behalf.

Support from other agencies – In some instances other external agencies are involved with witnesses. We will seek to engage with these agencies to help support witnesses. We will also seek the help of external agencies where witnesses currently receive no assistance but would clearly benefit from some support.

Appendix Eight

Preventing ASB

Neighbourhood Management

ECC has a policy of neighbourhood management (*See Neighbourhood Management Policy*) whereby we attempt to bring together a range of external agencies and partners to co-ordinate services across neighbourhoods.

Estates are inspected regularly at intervals best suited to their requirements and receive appropriate levels of management and intervention. Inspections are undertaken by council housing staff as well as local police, councillors and residents.

Problems such as graffiti, fly-tipping, abandoned cars, vandalism, overgrown gardens, noise nuisance and so on will be picked up on the regular inspections and will be addressed as soon as possible.

Records are kept and action plans drawn up and monitored. Action plans may include physical works to properties and communal areas.

Introductory tenancies

We use Introductory Tenancies for all new tenancies (except transfers and mutual exchanges). Introductory tenancies have a trial period of 12 months and the trial period can be extended for a further 6 months. They are less secure than Secure Tenancies and a Court must make a possession order if the council has followed the correct procedure. The Policy and Operating Procedures for Introductory Tenancies are at appendix 10.

Partnership working

We are involved in a number of partnerships to prevent and reduce ASB. These include:

Devon and Cornwall Constabulary's Safer Communities Agreement

This agreement allows the sharing of information of criminal activity and anti-social behaviour on Council estates through an Information Exchange Protocol. The protocol forms part of the Local Strategic Plan introduced following the Crime and Disorder Act 1998 and gives clarity on how information can be shared within the constraints of the Data Protection Act 1998.

The protocol encourages close working relationships with local Police and has resulted in effective action being taken in many cases.

Exeter Community Safety Partnership

We actively participate in the Exeter Community Safety Partnership which has been established within the city. The Partnership plays an important role in dealing with community safety issues, including anti-social behaviour, at a strategic level and in co-ordinating multi-agency responses at an operational level.

Exeter Social Housing Anti-Social Behaviour Group

This forum brings together housing managers and staff from all the social landlords operating in Exeter to discuss common housing management issues, benchmark performance and promote best practice.

Local Strategic Partnerships

The Council plays a major role in the Local Strategic Partnership (also known as the Vision Partnership) that deals with a wide range of community regeneration issues. The Vision Strategy document is divided in ten key themes that seek to improve the well being of all of Exeter's citizens through a series of published actions. A sub-group of the Vision Partnership, the Social Health and Inclusion Partnership (SHIP) is tasked with delivering specific action on tackling social exclusion across the city.

The LSP has also created a Housing Sub-Group to discuss areas of common policy, including anti-social behaviour, and look at sharing best practice to find new and innovative ways of dealing with them.

Anti-Social Behaviour Action Team

The Strategy contains a range of targets for the partnership to meet and, if successful, will contribute to an overall reduction in all types of crime across the city. The Anti-social Behaviour Action Team (ASBAT) is charged with tackling priority issues such as litter, graffiti and vandalism and concentrating on those areas perceived as anti-social behaviour hot-spots. Housing staff are fully involved in this Action Team, being represented by the Housing Operations Manager who co-chairs the group.

The Council will seek to establish regular liaison meetings with a range of agencies to discuss on-going cases and seek strategic and operational solutions collectively.

Supported Housing/Floating Support Services

The Council has a team of Neighbourhood Wardens who provide support services to over 500 elderly tenants living in our sheltered properties. The Civic Centre-based Estate Management Officers work closely with the Neighbourhood Wardens when dealing with complaints of anti-social behaviour on these schemes. In some cases this will require joint working with other support services who may be involved with the residents concerned.

Estate Management Officers can also seek to refer vulnerable tenants who require it to a range of 'floating support' services that exist within the city to assist them to live independently in their own home.

Secure by Design

We aim to have all new housing developments awarded 'Secure by Design' status. This ensures, as far as practicable, that new schemes meet strict criteria that seek to design out potential areas where anti-social behaviour can occur without being noticed.

Community Patrols

We operate a community patrol scheme through our CCTV centre. These patrols operate seven days a week up to midnight and undertake a range of duties including locking the city parks and responding to out-of-hours complaints.

The Tenancy Services Team can request that certain areas are patrolled on a short-term basis in response to complaints received by residents. The patrollers can also provide witness statements where incidents of anti-social behaviour have been seen.

Lettings Policies

We are part of the Home Choice Partnership which operates the choice-based lettings system for letting social housing in Devon.

We believe that the introduction of this system has resulted in higher satisfaction by tenants and applicants, a feeling of ownership of the property by those who are successful and has generally contributed towards more sustainable communities.

Other prevention measures

We use a range of other measures to help prevent anti-social behaviour on our neighbourhoods.

These measures include:

- Use of the Devon Mediation service
- Encouraging the use of Acceptable Behaviour Contracts
- Establishing 'good neighbourhood agreements', particularly on new schemes
- Engaging with support services and agencies
- Liaison with local Youth Offending Teams and the Probation Service
- Involvement in Community Action Days/Weeks
- Encouraging Resident Involvement at a neighbourhood level

Appendix Nine

Extracts from the Audit Commission's Key Line of Enquiry 'Tenancy and Estate Management'

- Has a comprehensive, clear and accessible statement of policies and procedures on ASB which is reviewed regularly.
- Has a tenancy agreement which contains clear and comprehensive conditions relating to nuisance and ASB. Tenants understand the sanctions available where these are breached.
- Where appropriate, has evaluated the need for introductory or starter tenancy schemes for new residents in their local context. Can clearly demonstrate the effectiveness of its approach.
- Uses the appropriate tools such as mediation, Acceptable Behaviour Contracts (ABCs) and Injunctions and can clearly demonstrate their effectiveness.
- Takes a proactive and innovative approach to prevent ASB through, for example, leading diversionary and community development activities, such as engaging young people in constructive and purposeful activity, security measures, Good Neighbour Agreements and local lettings policies.
- Ensures, by means of well coordinated and effective publicity, that the wider community knows the successful outcomes of work to prevent ASB.
- Records and monitors, in conjunction with partners, reports of ASB and other criminal activities at a local level; reviews strategies and policies in light of these to target resources at 'hotspots'.
- Demonstrates strong partnership working with other agencies (for example, youth offending and drug action teams, community wardens, the police and other landlords in preventing ASB), and has strong protocols for sharing information which they use effectively. If appropriate to its profile, is an active member of the strategic partnership (for example, the Crime and Disorder Reduction or the Community Safety Partnership).
- Works with planning departments and/ or other social landlords to ensure that crime prevention is a key issue in designing estate improvements and new homes.
- Ensures that residents can easily report ASB and breaches of tenancy conditions, and has efficient and effective arrangements for dealing with them.
- Ensures that telephone access arrangements link effectively with the single non-emergency number (where provided) and has consistently adopted the principles of the National Standard for Incident Recording in handling calls.
- Always agrees appropriate action plans, with achievable but challenging deadlines, signed by officers and complainants.
- Routinely informs complainants and witnesses about the progress of their case from the point of complaint to resolution.
- Uses a range of cost effective methods to gather evidence – for example professional witnesses, CCTV, video cameras, and noise monitoring equipment.
- Supports victims either directly or in conjunction with specialist care and support agencies, including proactive work with courts on witness protection arrangements.
- Has strong evidence that its actions have resulted in increased satisfaction levels and less ASB.
- Has service users who report a high level of satisfaction with the way the organisation manages ASB, whether or not they are victims of ASB.
- Works proactively with all relevant stakeholders at the appropriate times to promote, support and sustain tenancies through complementary mechanisms like floating support, in order to minimise eviction.
- Fully supports perpetrators to amend their behaviour where this is a reasonable remedy to addressing the ASB concerned, linked to future enforcement action. Can demonstrate

effective referral systems to multi-agency support in order to sustain positive behaviour changes – for example, intensive residential programmes.

- Demonstrates strong partnership working with other agencies (for example, youth offending and drug action teams, environmental health, the police and other landlords) in tackling ASB. Ensures the requirements of the DDA are met before taking enforcement action, for example in terms of vulnerability.
- Promptly deals with offensive graffiti and vandalism committed with intent to harass, and publicises action it will take to remove graffiti as well as actions that will be taken against perpetrators.
- Deals systematically with all cases of nuisance, ASB or harassment and unauthorised occupation.
- Uses the full range of remedies as appropriate to address ASB, or other tenancy enforcement issues, including demoted tenancies, injunctions, ASB orders (ASBOs) and possession proceedings as a last resort to minimise eviction.
- Has established robust case management and good working arrangements with local courts to deliver prompt and efficient processes for legal proceedings.
- Manages the outcomes of ASB action so that breaches of orders are enforced quickly and appropriately, in discussion with complainants, by itself, its partners or the courts.
- Ensures, by means of well coordinated and effective publicity, that the wider community knows the successful outcomes of work against ASB.

Appendix Ten

INTRODUCTORY TENANCIES POLICY AND OPERATING PROCEDURES

Introduction

Exeter City Council, following a period of tenant consultation, decided to adopt an Introductory Tenancy regime to allow the council to monitor the behaviour of its new tenants. The decision was made on the 8th July, 2002 and since that date any new tenancy granted by the council (save for existing tenants transferring or assigning their tenancy by way of a mutual exchange) will be an Introductory Tenancy.

An Introductory Tenancy will last for 12 months from the start date unless the 'trial period' of 12 months is extended. The trial period may be extended by a further 6 months giving a total trial period of 18 months.

Pre-tenancy assessment and counselling

We will take steps to ensure that prospective tenants have the capacity to sustain their tenancy. This will include:

- Checking applicants details on the Choice Based Lettings system as to whether the potential new tenant may be vulnerable and likely to need a care package; floating support; or specific tenancy counselling.
- Where required undertake a formal assessment and where necessary arrange for the provision of a care package; floating support; or whatever specific tenancy counselling is necessary prior to the sign up. Tenancy counselling may be given by council staff or another interested agency.
- Provision of a tenants Welcome Pack containing information relating to repairs and tenancy issues.
- Discussion with tenants at sign-up regarding the legal status of the introductory tenancy.

Assistance to sustain tenancies

We will visit all new tenants within 2 – 6 weeks of the start of their tenancy.

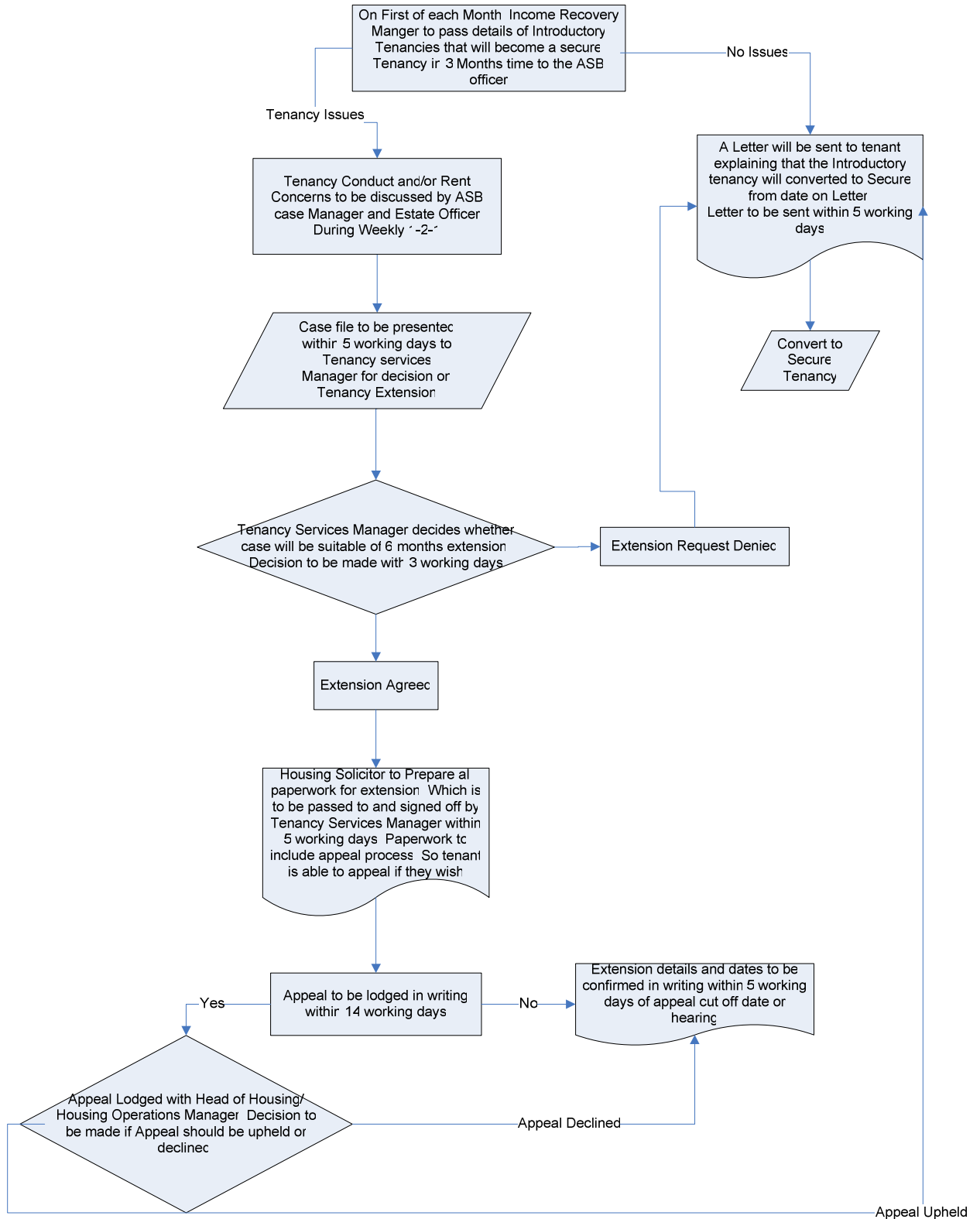
If at any point during the trial period of the tenancy, there is any cause for concern as to how the tenancy is being conducted by the tenant, housing staff will examine the situation to determine whether it is, or likely to be, appropriate to provide specific assistance either directly or by other agencies, to enable the resident to sustain their tenancy.

Any assistance that is considered to be appropriate by either council staff or other interested agencies will be offered to the tenant.

Monitoring Introductory Tenancies

There is a flow chart which sets out the process of monitoring the success or otherwise of the introductory tenancy set out below.

Monitoring Introductory Tenancies



Operating procedures

We will use the same policies and procedures for tenants who have an introductory tenancy as for those with a secure tenancy. The council has a unified tenancy agreement for both types of tenancy and the purpose of the policy and the agreement is to treat both equally save for the differences inherent in being an Introductory Tenant.

These policies and procedures include but are not restricted to:

- Rent collection policy and procedure
- Policy and procedure for dealing with cases of anti-social behaviour
- Policy and procedure for dealing with racist incidents

An introductory tenancy regime has inbuilt procedures to allow a tenant to challenge the service of a notice either extending the trial period or seeking to end the tenancy. This is the right to 'Request a Review' of the decision and which is governed by the relevant regulations and also by the council's own practice and procedure.

Decision to extend the trial period

Any recommendation by the Estate Management Officer ('EMO') or the Anti Social Behaviour Case Manager ('ASBCM') or an Income Officer ('IO') to extend the trial period must include a detailed report to the Tenant Services Manager or Income Recovery Manager ('the Manager') depending on the reason(s) for the extension being requested. The report should detail the issues that lead to the recommendation and why it is considered appropriate to extend the trial period.

The Manager will only approve the extension of the trial period if he is satisfied either

- There is clear evidence of a breach of the tenancy agreement, but the issue is not serious enough to warrant possession proceedings (or other forms of enforcement) and more time is needed for the tenant to demonstrate their ability to sustain the tenancy, or
- There are indications that the tenancy agreement may have been breached and more time is needed to fully investigate the matter before the expiry of the initial trial period.

A request for Manager's approval must be made, ideally, at least 12 weeks prior to the expiry date of the trial period as a notice to extend must be served at least 8 weeks prior to the expiry date.

Where approval has been given to the recommended action, the case will be referred to the Housing Solicitor ('HS') for the preparation of the notice.

Decision to end the tenancy

Any recommendation by the EMO or the ASBCM or an IO to end the tenancy must be submitted to the relevant Manager and include a detailed report. The report should detail the issues that lead to the recommendation and why it is considered appropriate to end the tenancy. A copy of the checklist used by the Manager is attached and which provides guidance on the issues that should be addressed and included in a report. A failure to address these points may delay the decision making process.

Where approval has been given to the recommended action, the case will be referred to the HS for the preparation of the notice. A copy of the notice is further below in this procedure.

Review of the decision

The tenant must be advised of the right to request a review of the decision made by the Manager (or other nominated officer) to serve a notice. The notices used by the council are at the end of this operating procedure and these have included within the body of the notice the information on the right to request a review and how that may be exercised.

It is not a requirement that the request be in writing and so any contact from the tenant 'requesting' a review e.g. during a visit or in a telephone conversation must be recorded as a request and reported to the Manager and the Head of Housing. This is important because of the 14 day time limit (from the date of service of the notice) within which the request for a review must be received by the council.

Tenants should be encouraged to request a review and vulnerable tenants should be offered advice on making such a request or referred to independent persons for advice and assistance.

The tenant should be asked whether they wish to have the review conducted only on oral or written representations or by way of a hearing where the tenant can be legally represented.

The review will be conducted either by the Head of Housing or an officer nominated to do so who is senior to the officer who decided that the notice be served. The reviewing officer will advise the tenant on the procedure to be adopted during the review process and particularly where there is going to be a hearing.

Actions required following service of a notice

If a notice has been served to extend the trial period and no review request is received and or is successful, the tenancy records must be updated showing the new expiry date of the trial period.

If a notice has been served to end the tenancy and no review request is received and or is successful, the case will be referred to the HS for court action to be commenced on the expiry of the notice.

Version 2, 08.07.09, IT Policy and Procedure.

	Introductory tenancies checklist for service of a Notice of Proceedings for Possession of an Introductory Tenancy	Action taken	Response to action and or intervention
1.	Is there a record of a pre tenancy check being made as to potential or actual vulnerability of the tenant or members of the tenant's family?		
2.	If there was or is an indication of vulnerability, is there a record of an assessment being made prior to the tenancy being granted and action taken on the assessment?		
3.	Is there a record made of a 'Welcome Pack' being given to the tenant?		
4.	Is there a record of a discussion with the tenant at the sign-up point regarding the legal status of the introductory tenancy?		



5.	Is there a record of the visit made to the tenant within the first 2 – 6 weeks of the tenancy?		
6.	Has the tenant been notified of the allegations of breach of tenancy? Where is the evidence for that e.g. Letter 1 and Letter 2?		
7.	Has there been a meeting or meetings with the tenant and is there a record of this?		
8.	Has there been a meeting(s) with any agencies who have or should have an interest in this tenant or tenant's family?		
9.	Has there been any action by other agencies and if so what?		
10.	Is there an up to date schedule of alleged breaches of the tenancy?		



11.	Is there a current issue i.e. a continuing problem or recent incident which has occurred within the last 4 weeks?		
12.	Even if not current is there a real risk of the problem(s) reoccurring?		
13.	What assistance has been offered or given by the council?		
14.	What action, if any, has the tenant taken to address the problems?		
15.	Has the tenant been given sufficient time to resolve the problems and or work with other agencies to resolve the problems?		
16.	Are there other remedies available to the council less than seeking to evict the tenant, e.g. mediation, injunction, noise abatement notices etc? If so, why not appropriate in this case?		



17.	Is this a case involving serious anti social behaviour such that this tenant is no longer appropriate to be a tenant of the council regardless of other possible remedies?		
18.	Is this a case where the interests of the wider community should outweigh the interests of the tenant and tenant's family? If so why?		

**NOTICE OF PROCEEDINGS FOR POSSESSION
OF AN INTRODUCTORY TENANCY**

HOUSING ACT 1996 - SECTION 128

This notice is the first step towards requiring you to give up possession of your dwelling. You should read it carefully. If you need help or advice about this notice, and what to do about it, you should take it immediately to a Citizen's Advice Bureau, a Housing Aid Centre, a Law Centre or Solicitor.

This notice is served without prejudice to any other form of legal action that Exeter City Council may take or is taking against you.

1. To:

2. Exeter City Council intends to apply to the County Court for an Order requiring you to give up possession of

which will end your tenancy which began on

3. Possession will be sought for the following reason(s):

You have broken the following condition(s) and term(s) of your Tenancy Agreement:

The ways in which you have breached these clauses are

- a. The council received
4. Court proceedings will not commence until after

Signed

Date

Tenancy Services Manager
Exeter City Council
Civic Centre
Paris Street, Exeter EX1 1RQ

YOU HAVE THE RIGHT TO REQUEST EXETER CITY COUNCIL TO HOLD A REVIEW OF THE DECISION TO SEEK AN ORDER FOR POSSESSION. IF YOU WISH TO ASK FOR A REVIEW YOU MUST DO SO BY NOTICE IN WRITING BEFORE THE END OF 14 DAYS BEGINNING WITH THE DATE ON WHICH THIS NOTICE IS SERVED. SEE EXPLANATORY NOTES AND REVIEW REQUEST FORM BELOW.

EXPLANATORY NOTES:

Why you should consider requesting a review:

1. You have an Introductory Tenancy. The Council have been given the option by Parliament to choose to give you this type of tenancy so that if the Council wish to evict you it is easier for the Council to do this.
2. The Council will need a court order to evict you and **the Council will apply for a court order to evict you without further notice if you do not ask for a review of the decision to evict.**

What you need to do to request a review:

3. **You must request a review within 14 days of the date of the notice being served on you.** 'Being served on you' means the day when the notice was either given to you personally or when it was left at your home.
4. If you wish to request a review you are asked to complete the form attached and return it to **Mr Steve Warran, Head of Housing, Civic Centre, Paris Street, Exeter EX1 1RQ.** You do not have to use this form but it will assist the Council in processing your request if you do.
5. **Your request must be received by us at the Civic Centre within the 14 day period.**

What does a review mean?

6. The Council must carry out a review in accordance with the regulations laid down by Parliament.
7. The Council will look again at the reasons for the decision and any other information that you or others bring to their attention during the review process.
8. If any new information comes to light from others and is taken into account by the Council, you will be notified of that information and given an opportunity to comment on it before a decision is made.
9. The Council will consider your review on the basis of what you have written. You can choose to have it dealt with by this method only or you can also choose to have it dealt with at a hearing before the Review Officer. You can be legally represented at that hearing if you wish.
10. The Review Officer will be the Head of Housing, Mr Steve Warran, or the Housing Operations Manager, Mr Lawrence Blake, or any other officer nominated by the Council senior to the officer who decided to serve the Notice.
11. You will be notified in writing of the outcome of the review.

What if my review fails?

12. The Council will issue proceedings in the local county court for possession of your home.
13. The Council will ask the court to make an order for possession. If the Court is satisfied that the Council has followed the right procedures, the Court must make an order.

What if my review succeeds?

14. The Notice will be void. However, the Council may decide to take other action including the service of a Notice to Extend the trial period of your introductory tenancy (if not already done). If the Council do that you will have a further right to request a review of that decision.

**To the Head of Housing
Exeter City Council
Civic Centre
Paris Street
Exeter
EX1 1RQ**

**REVIEW OF A DECISION TO SERVE A NOTICE OF POSSESSION
OF AN INTRODUCTORY TENANCY**

NAME

ADDRESS

DATE OF NOTICE:

DATE NOTICE SERVED:

I want a review hearing

I want a review on the papers only

(Please tick which one you want to apply)

I would like the decision to be set aside for the following reasons:

(Continued)

(Continue on separate sheet if necessary)

SIGNED

DATED

residents in the past and the likely effects of that behaviour in the future, if you were to remain in occupation of the premises. The Council believes it has to strike a balance between your interests in retaining your tenancy and the interests of others in the locality to live in their homes in peace and quiet. The Council notes that you have the care of a child under the age of 12 months and on this occasion the council is prepared to take other measures short of ending your tenancy, i.e. the service of this Notice of Extension of your Introductory tenancy in order to bring about a change in your behaviour and ensure your compliance with the terms of your tenancy. However, if your behaviour does not change as a result of the service of this Notice or by way of any other action that the Council may take, then the interests of local residents will outweigh yours and steps will be taken to end your tenancy.

Signed:

Dated

On behalf of Exeter City Council

**Tenancy Services Manager
Exeter City Council
Civic Centre, Paris Street,
Exeter EX1 1RQ**

Section 125A IT Extension Notice (ver.01/to./6150/18.08.08).

YOU HAVE THE RIGHT TO REQUEST EXETER CITY COUNCIL TO HOLD A REVIEW OF THE DECISION TO EXTEND THE TRIAL PERIOD OF YOUR INTRODUCTORY TENANCY.

IF YOU WISH TO ASK FOR A REVIEW YOU MUST DO SO BY NOTICE IN WRITING BEFORE THE END OF 14 DAYS BEGINNING WITH THE DATE ON WHICH THIS NOTICE IS SERVED. SEE EXPLANATORY NOTES AND REVIEW REQUEST FORM BELOW.

EXPLANATORY NOTES:

Why you should consider requesting a review:

15. You have an Introductory Tenancy. The Council have been given the option by Parliament to choose to give you this type of tenancy so that if the Council wish to evict you it is easier for the Council to do this.
16. If the trial period is extended then you will remain with fewer rights than a secure tenant. You may wish to check your tenancy agreement which sets out precisely the differences between being a secure tenant and an introductory tenant.

What you need to do to request a review:

17. **You must request a review within 14 days of the date of the notice being served on you.** 'Being served on you' means the day when the notice was either given to you personally or when it was left at your home.
18. If you wish to request a review you are asked to complete the form attached and return it to **Mr Steve Warran, Head of Housing, Civic Centre, Paris Street, Exeter EX1 1RQ.** You do not have to use this form but it will assist the Council in processing your request if you do.
19. **Your request must be received by us at the Civic Centre within the 14 day period.**

What does a review mean?

20. The Council must carry out a review in accordance with the regulations laid down by Parliament.
21. The Council will look again at the reasons for the decision and any other information that you or others bring to their attention during the review process.
22. If any new information comes to light from others and is taken into account by the Council, you will be notified of that information and given an opportunity to comment on it before a decision is made.
23. The Council will consider your review on the basis of what you have written. You can choose to have it dealt with by this method only or you can also choose to have it dealt with at a hearing before the Review Officer. You can be legally represented at that hearing if you wish.
24. The Review Officer will be the Head of Housing, Mr Steve Warran, or the Housing Operations Manager, Mr Lawrence Blake, or any other officer nominated by the Council senior to the officer who decided to serve the Notice.
25. You will be notified in writing of the outcome of the review.

What if my review fails?

26. The trial period of your tenancy will be extended.

What if my review succeeds?

27. The trial period of your tenancy will not be extended on this occasion.

**To the Head of Housing
Exeter City Council
Civic Centre
Paris Street
Exeter
EX1 1RQ**

**REVIEW OF A DECISION TO SERVE A NOTICE OF EXTENSION OF A TRIAL PERIOD OF
AN INTRODUCTORY TENANCY**

NAME

ADDRESS

DATE OF NOTICE:

DATE NOTICE SERVED:

I want a review hearing

I want a review on the papers only

(Please tick which one you want to apply)

I would like the decision to be set aside for the following reasons:

(Continued)

(Continue on separate sheet if necessary)

SIGNED

DATED

Appendix 11

Thank you for completing this questionnaire



Exeter City Council

PRIVATE & CONFIDENTIAL

ASB Satisfaction Survey (Room 3.37)
FREEPOST EX 132
Civic Centre
Exeter
EX1 1RQ

We've enclosed an envelope for you to return the form in

Please fold the form so that this address appears in the window of the envelope.

It's FREEPOST, so you don't need to use a stamp

Do you need anything else?

This questionnaire is confidential and will be processed by staff who haven't been involved in your case, so the form will be anonymous to the Estate Management and ASB Teams – they will not be able to identify you from your answers

However, if you would like someone to contact you to discuss any queries about your case or this form, please tick the box below and supply your name and address, and someone will be in touch shortly.

Would you like someone from the Estate Management Team to contact you?

Yes

No

If yes, please write your name and address here:

FOR OFFICE
USE:

Form ref:

Date sent

Date returned

Date input

How Did We Do?

Dear Resident

Thank you for your recent report about Anti-Social Behaviour (ASB).

I hope you are satisfied with the outcome of your case, but whether you're happy with it or not, we'd very much value your views on how we handled the case, and what we could have done differently.

Inside this form are some brief questions about your case, and your answers will help us to review how we deal with ASB, and to improve our service for the future. Please do take the time to tell us what you think – please be as full and frank as possible.

Your form will not be passed to the staff who have been involved in your case, and your comments will remain anonymous unless you choose to fill in the name and address box at the end of the form.

Please complete the form in the next few days, and return it to us in the enclosed FREEPOST envelope (no stamp required).

Thank you very much for your help.

Head of Housing Services

If you would like this form in Large Print or translated into another language, please contact the Estates Team:

Telephone : 01392 265032 (Fax: 265181)

E-mail : estate.management@exeter.gov.uk

Page 1

Questions 1 to 6 ask how well we dealt with you

**Q1. At the beginning, how easy was it for you to contact a member of staff to report your complaint?
(Please tick ONE box)**

Very Easy

Easy

Neutral

Difficult

Very Difficult

Q2. After you first contacted us, someone from the Estate Management team should have interviewed you (either in person or by phone) to discuss the details of your case

How satisfied were you with the length of time it took for this to happen? *(Please tick ONE box)*

Very satisfied

Satisfied

Neutral

Dissatisfied

Very Dissatisfied

Q3. How would you describe the staff member(s) you've dealt with during the case?

Always

Usually

Sometimes

Never

Please tick FIVE boxes, ONE box on each row

Helpful

Polite

Sensitive

Responsive

Knowledgeable

Q4. How well did we keep you informed of progress during the case? *(Please tick ONE box)*

Very Well

Well

Neutral

Poorly

Very Poorly

Q5. How satisfied were you with the level of support we gave you? *(Please tick ONE box)*

Very satisfied

Satisfied

Neutral

Dissatisfied

Very Dissatisfied

Q6. Overall, how satisfied were you with the way we dealt with you? *(Please tick ONE box)*

Very satisfied

Satisfied

Neutral

Dissatisfied

Very Dissatisfied

Questions 7 to 10 ask how satisfied you are with the outcome of the case

Q7. Have you been informed in writing of the outcome of your case?

(Please tick ONE box)

Yes

No

Q8. Taking everything into account, how satisfied are you overall with the outcome of the case?
(Please tick ONE box)

Very satisfied

Satisfied

Neutral

Dissatisfied

Very Dissatisfied

If you are dissatisfied, please state your reasons briefly

Q9. Would you be willing to report Anti-Social Behaviour to us in the future?

(Please tick ONE box)

Yes

No

If you answered No, please tell us why

Q10. Do you have any further comments or suggestions that will help us improve our service in future?

Appendix 12

Hazel Ball, Director, Community and Environment

Steve Warran, Head of Housing Services

Civic Centre, Paris Street, Exeter, EX1 1RQ

Tel: 01392 277888 www.exeter.gov.uk

[Tenants name and address]

Direct dial: 01392 265856

Fax: 01392 265181

email:

Our ref: GJP/ESTATES/ASB/Ltr 3

Your ref:

[date]

Dear [Tenant],

I write further to our meeting on [date and time and place].

I thank you for your decision to attend the meeting and discuss the issues set out in my letter of [date of Ltr 2]. You will recall that at that meeting we discussed the possibility of the council taking enforcement action against you (enforcement action is where the council asks a court to make an order against you. This could be an injunction order, an Anti Social Behaviour Order, a possession order or a Demoted Tenancy order. In some cases the council may combine two or more of these orders.)

The first thing I would like to do is set out below those things we discussed and which you admitted had been a problem for your neighbours and other local residents. These are:

[insert admissions]

The second thing I would like to do is set out below those things we discussed and which you denied had happened or that if they did happen they had not caused a problem for your neighbours and other local residents. These are:

[insert denials (if any)]

[You will recall that we discussed the possibility of the council helping you to sustain your tenancy and to try and ensure that there are no further problems for your neighbours or other local residents. I note that you have asked the council to help you and that you will work with us and any other agency to address your own problems. I confirm that I agreed with you that the council will refer you to [organisation(s)] and I confirm that this has been done.

However, I must remind you that if problems continue for your neighbours this may leave the council with no option but to consider enforcement action against you [members of the tenants family]].

[You will also recall that we discussed the making of a contract between the council and you. This is because although you accept that there have been problems caused by your behaviour in the past, you now commit to not repeating that behaviour in the future. This is a document called an

Acceptable Behaviour Contract. I have prepared a draft contract and that is enclosed with this letter. I have made an appointment for you to meet with me on the [date] at [place and time].

If you wish to seek independent legal advice on the implications for you of signing this contract then you are free to do so.

Once you have signed the contract I will be monitoring your behaviour to see that you comply with the obligations you have freely taken on. If there is a serious breach by you of the contract, then the council will refer your case to its solicitor for enforcement action to be taken without further notice to you. In other circumstances I will contact you first to seek your comments on any allegations the council receives.]

[I note that you do not want any assistance from the council or any other agency to sustain your tenancy.]

[I also note that [although you accept that there have been problems in the past for your neighbours or other local residents due to your behaviour] you do not wish to enter into an acceptable behaviour contract with the council.]

[I have considered carefully the points that you made during our meeting. In the light of your willingness to work with the council to ensure no further problems for your neighbours and other local residents, I can confirm that the council will not take any enforcement action at this time.]

[I have considered carefully the points that you made during our meeting. I have taken account of your comments and I have also taken account of the information that I have received from the community [and other agencies such as the police]. I have to say, on the balance of probabilities, that the information that I have received is to be preferred to your version of events and therefore I feel it is necessary and proportionate, at this time, for the council to take enforcement action against you. Therefore, I confirm that I have referred your case to our solicitor for enforcement action to be taken.]

You may wish to seek independent legal advice on the contents of this letter.

Yours sincerely

Anti-Social Behaviour Case Manager

Hazel Ball, Director, Community and Environment

Steve Warran, Head of Housing Services

Civic Centre, Paris Street, Exeter, EX1 1RQ

Tel: 01392 277888 www.exeter.gov.uk

[Tenants name and address]

Direct dial: 01392 265856

Fax: 01392 265181

email: Gaye.pengelly@exeter.gov.uk

Our ref: GJP/ESTATES/ASB/Ltr 4

Your ref:

[date]

Dear [Tenant],

I write further to our meeting on [date and time and place].

I thank you for your decision to attend the meeting and sign the Acceptable Behaviour Contract a copy of which is enclosed for you to keep.

I confirm that we discussed the implications for you of signing this contract. You will recall that we discussed the making of a contract between the council and you. This is because although you accept that there have been problems caused by your behaviour in the past, you now commit to not repeating that behaviour in the future. I note that you had the opportunity to seek independent legal advice [but that you chose not to pursue that option][that you received independent legal advice and in the light of that agreed to sign the contract].

I will now be monitoring your behaviour to see that you comply with the obligations you have freely taken on. If there is a serious breach by you of the contract, then the council will refer your case to its solicitor for enforcement action to be taken without further notice to you. In other circumstances I will contact you first to seek your comments on any allegations the council receives.

You may wish to seek independent legal advice on the contents of this letter.

Yours sincerely

Anti-Social Behaviour Case Manager

Hazel Ball, Director, Community and Environment

Steve Warran, Head of Housing Services

Civic Centre, Paris Street, Exeter, EX1 1RQ

Tel: 01392 277888 www.exeter.gov.uk

[Tenants name and address]

Direct dial: 01392 265856

Fax: 01392 265181

email: Gaye.pengelly@exeter.gov.uk

Our ref: GJP/ESTATES/ASB/Ltr 5

Your ref:

[date]

Dear [Tenant],

I write further to my letter of [date of Lt3 and or Lt4] and I am pleased to say that I have not received any further complaints relating to your behaviour. I confirm, therefore, that I will be closing my file.

However, if problems do happen again I will be writing to you once again asking for you to contact me. If those problems are serious then I may refer your case immediately to our solicitor for enforcement action without further notice to you but I do hope that this, or any other action, will not be necessary.

You may wish to seek independent legal advice on the contents of this letter.

Yours sincerely

Anti-Social Behaviour Case Manager

Hazel Ball, Director, Community and Environment

Steve Warran, Head of Housing Services

Civic Centre, Paris Street, Exeter, EX1 1RQ

Tel: 01392 277888 www.exeter.gov.uk

[Complainant/witness name and address]

Direct dial: 01392 265856

Fax: 01392 265181

email: Gaye.pengelly@exeter.gov.uk

Our ref: GJP/ESTATES/ASB/LtrA1A

Your ref:

[date]

Dear [Complainant/witness],

I am the Anti Social Behaviour Officer for Exeter City Council and I have been asked to investigate a case of alleged anti social behaviour involving [name]. I have seen the information that you have provided to the council and I can confirm that I have, along with my colleague [name of EMO], met with [name] and discussed the alleged behaviour with him/her.

I can confirm that following this meeting and taking account of the information I have seen, it has been agreed that no enforcement action will be taken against [name] at this time. Enforcement action is where the council asks a court to make an order against a person responsible for anti social behaviour. This could be an injunction order, an Anti Social Behaviour Order, a possession order or a Demoted Tenancy order. In some cases the council may combine two or more of these orders. It has been agreed that no action be taken because [name] has promised not to be a problem again and to work with the council in dealing with any underlying issues. [He/she has also agreed to enter into a written agreement with the council to confirm this.]

However, [name] has been advised that if there any further problems with their behaviour, then enforcement action is likely to follow, and so I urge you to keep me advised of any incidents so that I may keep the matter under review and or refer the matter to our solicitor for enforcement action.

If you are unhappy with this decision or have any questions about this letter or the case generally then please do not hesitate to contact me on 01392 265856, or by mail or email on the addresses above.

Yours sincerely

Anti-Social Behaviour Case Manager

Hazel Ball, Director, Community and Environment

Steve Warran, Head of Housing Services

Civic Centre, Paris Street, Exeter, EX1 1RQ

Tel: 01392 277888 www.exeter.gov.uk

[Complainant/witness name and address]

Direct dial: 01392 265856

Fax: 01392 265181

email: Gaye.pengelly@exeter.gov.uk

Our ref: GJP/ESTATES/ASB/LtrA1B

Your ref:

[date]

Dear [Complainant/witness],

I am the Anti Social Behaviour Officer for Exeter City Council and I have been asked to investigate a case of alleged anti social behaviour involving [name]. I have seen the information that you have provided to the council and I can confirm that I have, along with my colleague [name of EMO], met with [name] and discussed the alleged behaviour with him/her.

I can confirm that following this meeting and taking account of the information I have seen, it has been agreed that enforcement action will be taken against [name] at this time. Enforcement action is where the council asks a court to make an order against a person responsible for anti social behaviour. This could be an injunction order, an Anti Social Behaviour Order, a possession order or a Demoted Tenancy order. In some cases the council may combine two or more of these orders.

I have now arranged for the case to be referred to the Housing Solicitor employed by the council to deal with such issues, and if further information is needed from you either he or I will contact you again. If you wish to be a witness in the case but have some misgivings about attending court, I am quite happy to meet with you and our solicitor to explain how your evidence may be used and introduced to the court. If you do not wish to be a witness in the case, I will still urge you to keep me informed of any information about the behaviour of [name] as this may still be useful either to the council or to other agencies.

If you have any questions about this letter or the case generally then please do not hesitate to contact me on 01392 265856, or by mail or email on the addresses above.

Yours sincerely

Anti-Social Behaviour Case Manager

Hazel Ball, Director, Community and Environment
Steve Warran, Head of Housing Services
Civic Centre, Paris Street, Exeter, EX1 1RQ
Tel: 01392 277888 www.exeter.gov.uk

[Complainant/witness name and address]

Direct dial: 01392 265856
Fax: 01392 265181

email: Gaye.pengelly@exeter.gov.uk

Our ref: GJP/ESTATES/ASB/LtrA2
Your ref:

[date]

Dear [Complainant/witness],

I write further to my letter of the [date of A1B] and I can confirm that proceedings for [type of legal action] have been started against [name]. I will endeavour to keep you advised of progress of the litigation and of the outcome of any court hearings.

If you have any questions about this letter or the case generally then please do not hesitate to contact me on 01392 265856, or by mail or email on the addresses set out above.

Yours sincerely

Anti-Social Behaviour Case Manager

Hazel Ball, Director, Community and Environment

Steve Warran, Head of Housing Services

Civic Centre, Paris Street, Exeter, EX1 1RQ

Tel: 01392 277888 www.exeter.gov.uk

[Complainant/witness name and address]

Direct dial: 01392 265856

Fax: 01392 265181

email: Gaye.pengelly@exeter.gov.uk

Our ref: GJP/ESTATES/ASB/LtrA3A

Your ref:

[date]

Dear [Complainant/witness],

I write further to my letter of the [date of A2] and I can confirm the outcome of the proceedings for [type of legal action]. The court ordered that [result]. I hope that this will ensure that there are no further problems with the behaviour of [name]. If you are caused further problems please do not hesitate to contact me [or the police] so that the appropriate action can be taken.

[You will be aware that this order has a power of arrest attached to it (a copy of the order is enclosed) and in the event that you believe [name] has breached the order at paragraph [00] then you can call the police for assistance and they will have the power to arrest and take him/her into custody.]

If you have any questions about this letter or the case generally then please do not hesitate to contact me on 01392 265856, or by mail or email on the addresses set out above.

Yours sincerely

Anti-Social Behaviour Case Manager

Hazel Ball, Director, Community and Environment
Steve Warran, Head of Housing Services
Civic Centre, Paris Street, Exeter, EX1 1RQ
Tel: 01392 277888 www.exeter.gov.uk

[Complainant/witness name and address]

Direct dial: 01392 265856
Fax: 01392 265181

email: Gaye.pengelly@exeter.gov.uk

Our ref: GJP/ESTATES/ASB/LtrA3B
Your ref:

[date]

Dear [Complainant/witness],

I write further to my letter of the [date of A3] and I can confirm the outcome of the proceedings for [type of legal action]. The court ordered that [result].

I am disappointed in the decision of the court and I assume that you will be as well. I am considering whether an appeal against this decision is merited and I am doing this along with the council's legal advisers. If an appeal is lodged I will contact you again.

If an appeal is not possible, then there is little more I can do for you at this time. However, if you are caused further problems please do not hesitate to contact me [or the police] so that I can investigate the matter again.

If you have any questions about this letter or the case generally then please do not hesitate to contact me on 01392 265856, or by mail or email on the addresses set out above.

Yours sincerely

Anti-Social Behaviour Case Manager

Hazel Ball, Director, Community and Environment

Steve Warran, Head of Housing Services

Civic Centre, Paris Street, Exeter, EX1 1RQ

Tel: 01392 277888 www.exeter.gov.uk

[Complainant/witness name and address]

Direct dial: 01392 265856

Fax: 01392 265181

email: Gaye.pengelly@exeter.gov.uk

Our ref: GJP/ESTATES/ASB/LtrA4

Your ref:

[date]

Dear [Complainant/witness],

It would appear that there is little more for me to do at this time in connection with [name] and your concerns about his/her behaviour. Therefore I believe it is time for me to close my file on this case.

I do hope that you found the council's advice and assistance of help to you [and your family] and as part of our service we do wish to have feed back from those who have had cause to ask for help. Therefore, I enclose a questionnaire which I do urge you to complete as it is important to me personally and to the council to see where we have done well but also where we have done not so well, so that we can seek to improve our service. I have enclosed a business reply envelope for you to use.

If you have any questions about this letter or the case generally then please do not hesitate to contact me on 01392 265856, or by mail or email on the addresses set out above.

Yours sincerely

Anti-Social Behaviour Case Manager

Appendix 13

Anti Social Behaviour Procedure for Non Secure Tenancies

Extract from Exeter City Council Policies & procedures: Part 1 – Anti-Social Behaviour Policies:

The Anti-Social Behaviour Act 2003 places a duty on all social landlords to prepare and publish policies and procedures in relation to anti-social behaviour and to ensure they are accessible to their tenants, leaseholders and members of the public. Further to this, the Office for the Deputy Prime Minister issued Statutory Guidance in August 2004 setting out what they expect to be included in these statements.

This publication seeks to meet these requirements and give all our customers a clear statement on how Exeter City Council will prevent, investigate, act on and monitor anti-social behaviour across its neighbourhoods.

Where it occurs, anti-social behaviour can have a detrimental effect on the lives of many residents, sometimes bringing misery and despair. A small anti-social minority can affect whole neighbourhoods. Indeed, if allowed to go unchallenged anti-social behaviour can play a major part in the decline of a neighbourhood resulting in unpopularity and low demand. Therefore, Exeter City Council believes that it must deal with incidents of anti-social behaviour swiftly and effectively in order that it does not have a detrimental effect on those residents that seek to enjoy a reasonable quality of life.

“Exeter City Council will actively seek to reduce the incidents of anti-social behaviour across our neighbourhoods by working closely with residents, the Police and other agencies. I believe we must show that such behaviour will not be tolerated and send a clear signal to all our residents that by working together we can ensure our homes are safe and pleasant places to live”

What is Anti Social behaviour?

Anti Social behaviour is any activity, inc. the behaviour of any visitors, taking place in or around a tenancy, that may cause ‘a nuisance discomfort or annoyance to the occupiers or the neighbouring premises’.

Examples of ASB

- Violence or threats of violence
- Verbal abuse & intimidating behaviour
- Harassment
- Domestic Abuse
- Arson or attempted arson
- Drug dealing/using drugs in a way that presents risk to others
- Children’s behaviour that causes damage to property, serious annoyance.
- Noise nuisance
- Anti-social drinking
- Anti social smoking
- Graffiti/Criminal damage
- Running a business from your premises that creates a nuisance
- Abandoned cars
- Excessive rubbish (hygiene concerns)

The behaviour of visitors to non-secure tenancies is the responsibility of the tenant. Action will be taken whether the tenant was involved directly or not.

Reports of Anti Social behaviour relating to a non-secure tenancy may be received in many forms

Examples

- By telephone from member of the public
- Through a visit to Customer First
- Other ECC staff and contractors
- By email

- By contact with other Departments within ECC, Empty Homes, Estate Management,
- Community patrol/CCTV control centre.
- By contact from other statutory services, Police, Social Services, Probation
- By community groups such as Neighbourhood watch
- By contact from vol agencies, Carr Gomm, EHAG
- By contact from Cllrs or MP enquiry

Note – In some cases it is not appropriate for ECC to record & pursue a complaint.

For instance

- *Where the complainant is making a complaint regarding the use of a property for Temporary Accommodation. This can occur more frequently with PSL properties as they are dispersed in both social housing & owner-occupier areas. Any enquiries of this nature may be passed to the TAM for a response*

Anti-Social Behaviour Categories

Low Level

- Children playing football, chase etc
- Reasonable levels of noise, doors closing, TV, reasonable people visit during the day
- Littering
- Graffiti
- Bonfires

Action

- Record on file
- Contact complainant within 10 working days
- Where appropriate advise the complainant to speak directly to tenant (i.e. low level noise nuisance)
- Send any available literature to complainant
- Send standard ASB1 to tenant

Medium Level

- Nuisance dogs, fouling, persistent barking
- Intimidating groups, loitering in communal areas
- Fly tipping, inc poor rubbish management
- Loud music, party, one off

Action

- Record on file
- Contact complainant within 5 working days
- Record details of complainant and issue Diary Sheets
- Telephone/Visit the client within 7 working days
- Issue Client with ASB 2
- If client does not receive support, discuss and refer as necessary
- Consider an ABC

High Level


- Drug dealing
- Intimidating or verbally aggressive behaviour (inc towards staff and contractors)
- Threats & physically aggressive behaviour
- Harassment
- Criminal damage
- Domestic abuse
- Arson
- Persistent ongoing loud music and parties
- Dangerous dogs

Action

- Record on file
- Contact complainant within 3 working days, taking detailed statements as may be required for court, include details, times, dates, duration
- Check whether the complainant is prepared to be identified
- Contact the tenant, advise them of the complaint and request they attend an appointment within 3 working days
- Prepare NTQ and pass to TAM or HNM for signature
- Advise relevant Homeless Officer by email


Diary Sheet

Diary Sheets [Compatibility Mode] - Microsoft Word


Exeter City Council

Community & Environment Directorate
 Housing Department

DIARY SHEETS


RESPECT Give respect Get respect

Page 1 of 4

Your Name: _____ Tel. No: _____	This form is very important - It must be completed as fully as possible, with all the required details/information, as it will provide the basis of evidence should the Council feel it necessary to take the appropriate legal action. Please contact the Housing Officer should you require any assistance with the completion of this form.
Address: _____	Sheet No. _____

Please note: If more than one member of your household is completing diary forms, please ensure that each person uses a separate sheet.

Date of incident, and time it started/ finished?	Where it occurred?	Brief details of what happened	Who did it? Name(s) or Description Others involved?	Any Witnesses? Names and address(es)	Did you report it, and to whom?	Any other comments, e.g. how has it affected you?

Signature:

Page: 1 of 2 Words: 262 English (U.K.) 100%

Perkins

RE: - URGENT- Nuisance Complaint Regarding,

The City Council is committed to working in partnership with other agencies in order to reduce the levels of nuisance and anti-social behaviour. Our intention is to prevent and reduce this type of behaviour and to improve the quality of life for residents and visitors in the area.

We are disappointed to note we have received a report of nuisance from your property:

- Noise at 12 o'clock (midnight) on. Large group of visitors to your property, shouting on mobile phones in garden.

This type of behaviour shows a lack of respect for others and can affect the quality of life for other residents. It is also a serious breach of your Tenancy Agreement and we will have no choice but to take further action on any repeat incidents. I note that a Notice to Quit has already expired on your Non-Secure Tenancy; therefore a Court Application could be made to grant Possession of your property with no further warning.

As previously stated at our appointment last week, you are responsible for your visitor's behaviour.

Please ensure you drastically reduce the visitors to your property and ensure that they do not cause any further disturbances.

Please contact me to discuss this matter further on 265811.

Yours sincerely

Temporary Accommodation Officer

Example ASB 2

Please ask for:

Direct Dial: 01392 265811

Email:

Our ref: ASB 2

Your ref:

Dear Ms Perkins

RE: - URGENT- Nuisance Complaint Regarding,

The City Council is committed to working in partnership with other agencies in order to reduce the levels of nuisance and anti-social behaviour. Our intention is to prevent and reduce this type of behaviour and to improve the quality of life for residents and visitors in the area.

We are disappointed to note we have received further reports of nuisance from your property:

- 17-02-09 at 11.45pm, screaming and shouting, people on the trampoline in the garden.
- 24-02-09 at 4.45am shouting and arguing in the garden.

This type of behaviour shows a lack of respect for others and can affect the quality of life for other residents. It is also a serious breach of your Tenancy Agreement and we will have no choice but to take further action on any repeat incidents.

This is your second written warning on this matter and I note that a Notice to Quit has already expired on your Non-Secure Tenancy; therefore a Court Application could be made to grant Possession of your property with no further warning.

Please ensure you put a stop to your visitors coming to your property to avoid any further disturbances.

I am disappointed to note that you have not yet been in contact to re-arrange a time to complete a floating support referral. If you still require this service, please contact me on 265811.

Yours sincerely

Temporary Accommodation Officer

Example ASB 3

Please ask for:

Direct Dial: 01392 265811

Email:

Our ref: ASB 3

Your ref:

26 March 2009

Dear

RE: - URGENT- Nuisance Complaint Regarding

The City Council is committed to working in partnership with other agencies in order to reduce the levels of nuisance and anti-social behaviour. Our intention is to prevent and reduce this type of behaviour and to improve the quality of life for residents and visitors in the area.

We are disappointed to note further reports of nuisance from your property;

- 19/03/09 – 02.40am disturbance caused by you and a visitor in the garden on a trampoline.

This type of behaviour shows a lack of respect for others and can affect the quality of life for other residents.

As you are aware, many previous warnings have been issued, both in person and in writing. I now have no alternative option available, other than to make an application to the Court for possession of your property.

As you have a Non-Secure Tenancy, the Court has no option but to give possession of the property to Exeter City Council. This can lead to eviction and further costs of £95 for Bailiff's fees. You may be found to be intentionally homeless if you lose your accommodation due to your own actions and Exeter City Council may not have a duty to provide you with permanent accommodation, I would therefore advise you to seek legal advice.

Yours sincerely

Temporary Accommodation Officer

Stage 1

- The person receiving the complaint/information must record each report of Anti Social behaviour accurately
- Example - Complaint being made about a PSL to Customer First, advised to report to TAT but complainant wants action taken now and doesn't want their name mentioned. A copy should be emailed to the relevant TAO also attach any emails to the file.
- This record should be recorded on nuisance complaint form & a copy attached to the Tenancy file
- Contact complainant where possible, engage positively and keep dialogue open. Take any additional details of the complaint – times, dates, nature and advise the complainant that you will initially proceed by talking to the tenant. Ask the complainant whether they are agreeable to keep diary sheets. If so issue diary sheets and agree a review period with the complainant. (see email diary sheet example)
- Example timescales: incidents occurring every 10 days. So monitoring would take place over a 4 week period. If incidents are occurring 2 to 3 times a week – monitor
2 weeks. If incidents daily monitor for 7 days
- Refer to categories for action, advise complainant & record any action on file.

The TAO will make contact with any Support Workers or Agencies known to be working with the tenant. This contact should continue throughout the Investigation process & be recorded on the tenancy file.

Where the TAO considers that the client requires Support to sustain their tenancy a referral should be made to one of the following

- Carr Gomm – for complex needs & those requiring urgent assistance
- FSIH – for young families
- Devon & Cornwall – for young families or vulnerable women
- West Country Drug & Alcohol Floating Support

For more options use Directory

Where there are any concerns re Child Protection a referral should be made to Social Services Services Children & Families Team.

Complete CPR 1 & attach copy to tenancy file.

For more details, refer to 'Every Child Matters' or discuss with TAM

Stage 2 – The investigation

The Temporary Accommodation Officer should aim to gather information relating to the complaint from other sources, such as

- Diary sheets from neighbours (residential or commercial)
- By liaising with local Beat Officer or Community groups
- Protocol Enquiry with D&C Police
- Other Depts. within the council
- Other Statutory agencies

A time scale of 28 days should be generally be given to gather information on a cat 1 or 2 case.

Temporary Accommodation Officer should arrange a discussion with Temporary Accommodation Manager at the end of the review period. A decision will be made at this point as to which of the following routes should be taken

- A further period of monitoring & Acceptable Behaviour contact
- Identifying breaches & giving a clear plan of what is expected
- An extended period of low level monitoring
- Issue a Minded To letter - Below
- Legal advice relating to letter to accompany service of a Notice to Quit:
- Issue of a Notice to Quit

Temporary Accommodation Officer will advise Homeless Officer by email where NTQ has been served & why & record on file. The client should be advised to discuss any concerns re loss of Temp. Acc /discharge of duty with homeless Officer

Stage 3 – The conclusion

Where an NTQ has been issued Temporary Accommodation Officer should advise Temporary Accommodation Manager on expiry of the Notice. Consideration will be given as to whether the case is passed to legal for Procession proceeding. When all avenues have been exhausted and after discussion with H/A T/O will email legal services and arrange a brief meeting to discuss the case and proceed to court.

Minded To Letter

Hazel Ball, Director, Community and Environment

Steve Warran, Head of Housing Services

Civic Centre, Paris Street, Exeter, EX1 1RQ

Tel: 01392 277888 www.exeter.gov.uk

Direct dial:

Fax: 01392 265181

email:

Our ref:

Your ref:

[date]

[Tenants name and address]

Dear [Tenant],

I write to confirm what the council have decided to do with your tenancy.

A decision has been made to serve a Notice to Quit on you and a copy of that is with this letter. This is the first step towards your eviction. **I suggest you read this letter and the Notice carefully and either contact me on receipt or seek independent legal advice or do both.** Doing nothing is not an option as this will mean that you will certainly be evicted.

Your legal rights:

The first thing I want to do is remind you about your tenancy. You will know that you are living in your home because you were placed there by us because we have a legal duty to find accommodation for you. This legal duty comes from your status as a 'homeless person'. Parliament decided that when we have this duty and place you in a property owned or let by us you do not have the usual rights that a council tenant has. So, for example, you do not have the right to buy. Most importantly for you is that the law makes it easier for you to be evicted.

I set out below a copy of our current tenancy agreement for people in your position and this reads as follows:

*'When a Council, such as Exeter City Council, provides a home, a number of things will decide the rights and responsibilities of the Council and those who occupy the home. One will be the law made by Parliament and one will be the agreement between the Council and the occupier(s). This is called the **tenancy agreement**.*

Normally when the Council provides a home to a person and that person agrees to pay the rent to live in the home and keep that home as their main one, the tenancy is called a 'Secure Tenancy'. That tenancy has many rights including the right to buy.

Exceptionally, the Council has to provide a home for people because they are either threatened with homelessness or are already homeless. When the Council have responsibilities to provide a home to those people (called duties or 'functions' under Part VII of the Housing Act 1996), Parliament has decided that these tenancies are not 'secure', that is they have fewer rights and so are called 'Non-secure Tenancies' (Schedule 1, paragraph 4 of the Housing Act 1985 (as amended)).

This tenancy agreement is a 'non-secure tenancy'.

As a Non-Secure Tenant you have fewer rights than Secure Tenants and you should be aware that it is much easier for the Council to evict you.

The Council is entitled to evict you if:

- 1. You break this agreement;***
- 2. The Head Landlord wants your home back;***

3. **The Council is no longer under a duty to you (under Part VII of the Housing Act 1996);**
4. **The Council needs your home for other purposes.**

(1) The Tenancy Agreement tells the Council and you what rights each of us has and also what must or must not be done. If you break the agreement by not keeping to the obligations you have, then the Council may evict you. Sometimes the Council will ask the Court to issue an injunction order against you, or another occupier or a visitor to your home, if it considers that necessary, either to stop something that has already happened happening again or to prevent something from happening or to allow the Council to enter your home. We might do that rather than evict you, or we might do both.

Either way, if this happens you will usually have the chance to:

- a) *Discuss matters with an Officer from the Council;*
- b) *Put things right.*

Please note that where the safety of others is at risk, the Council will take legal action.

*(2) The Council does not have enough homes owned by the Council to house all those who it has a duty to under Part VII of the Housing Act 1996, the homelessness legislation. So, the Council will rent homes from others and then, in turn, use those to provide homes to those in need. The person or body who the Council rent from is called the **Head Landlord**. The agreement between the Council and the Head Landlord will say how long the home will be available and what can be done with the home. If the Head Landlord wants the home back, and you live in one of these homes you will have to leave. If the Council still has a duty to you, then another home will be found for you.*

(3) The Council is obliged to give you a home when it is under a duty to you under Part VII of the Housing Act 1996. If the duty comes to an end, then the Council will want your home to give to another person who is in housing need and has a duty owed.

(4) The Council has many responsibilities to those who are in housing need. We have to keep our homes under constant review and the duties we owe to the people who are in housing need. We have to make sure we are meeting those needs and getting the best value for the money we spend. This means that from time to time we will make changes to the homes we keep and or those we rent from Head Landlords. So, the Council may need to move you to another home.'

The council have reached the conclusion that you have broken the agreement. The other three reasons do not apply to you.

What you have done or those that live with you or visit you have done:

[Set out the facts/allegations/admitted events]

Your tenancy agreement says:

[Set out the terms of the tenancy which have been broken]

What we have discussed and what you agreed to do:

[Set out the contact with the tenant and any actions agreed or promises made or if an ABC simply refer to that and attach a copy to the letter]

What has happened so that we now wish to evict you:

[Set out what that is]

Why we have decided to evict you:

We try very hard with all of our non-secure tenants, including you, to work together to sustain the tenancy so that there is a successful 'move on' to permanent accommodation. We do that because

we have to and because we want to. The fundamental element in achieving this is your willingness to work with us. That is why we have regular meetings with you and why, where appropriate, we will expect you to work with other agencies to either advise you or support you. Your co-operation with us is vital

When we had concerns about you breaking the terms of your tenancy we told you about them and expected you to act on those concerns. We asked you to enter into a commitment with us by signing an Acceptable Behaviour Contract. [You did this.][You refused this.] *delete which ever does not apply* The information above confirms that you have not taken our concerns seriously nor the real prospect of you losing your home as a result.

If you, having already experienced homelessness, are not prepared to change your behaviour in these circumstances then we fail to see how the threat of going to prison may bring that about. We say that as in some cases we have to force a tenant to comply with the tenancy because we have fears for the safety of others and this is when we may ask the court to grant an injunction. When the court makes an injunction the penalty for breaking that can be a prison sentence. In your case, having taken account of all of your particular circumstances and the nature of the behaviour complained of we believe that evicting you is the appropriate action.

What you can do now:

You can write to us at the above address and set out any personal circumstances or other matters which you wish the council to take account of. You wish to seek independent legal advice before you do this.

You must let us know these things within 14 days of receiving this letter. If you have difficulties with reading and writing then ask a relative, friend or adviser to contact us for you. You do not have to tell us in writing but it will help us to deal with your case.

We will consider your comments and will then write to you to confirm whether we will continue with eviction or whether we will do something else instead. We will let you have our reasons for the decision.

What happens next?

If we do not hear from you or you do not persuade the council to change the decision, the council will apply to the court for a possession order. We will tell the court about what we have done and also let the court have a copy of this letter and any letter or documents from you. We expect to get a court order evicting you from your home.

You may wish to seek independent legal advice on the contents of this letter.

Yours sincerely

Officer
On behalf of the Temporary Accommodation Manager
For the Head of Housing

Preparing for Legal

Prior to meeting with legal you should ensure that the following items are available in the file:

- Tenancy Agreement
- Notice to Quit
- Chronology of events
- Copy of Minded To Letter

After the meeting the TAO having taking heed of any advice will prepare where necessary a witness statement attaching any evidence with covering Master Exhibits sheet for each item. Where an application has been made to court, the TAO will be advised by the court and legal services of the date and time of the court hearing.

The tenant will be advised separately of this information. Where the TAO is on leave or is unable to attend court due to other important commitments they should arrange for another member of the team to attend on their behalf and inform legal services.

Court Hearing

TAO will attend court with legal services representative. After hearing the evidence the court will agree will agree possession (and an amount of days up to 28) or an adjournment although this would be unusual.

TAO will receive this information formally from both the court and legal services which must be attached to the relevant tenancy file. TAO should diarise to visit the property on the date of expiry of possession order (where necessary with another member of staff) to ascertain whether the tenant is still occupying. Where the tenant is believed to be in occupation the TAO will advise Legal Services by email and they will apply to the bailiffs for a warrant. Where it is clear that the property is no longer occupied because either the keys have been returned or the property has been emptied of possessions, the TAO should refer to Legal Services for advice. TAO will be advised of the date of the bailiff's warrant and should arrange to be at the property 15 minutes prior to the time of the appointment, having previously made arrangements for a carpenter to meet at the property.

Where it is considered that there are additional risks present, the TAO should arrange for another member of the team to accompany (T/O)

TAO must email the relevant Homeless Officer at each stage of the legal proceedings and again after achieving the eviction.

The paper work in the tenancy file should be removed and attached to the homeless file.

Example of a Witness Statement

Claimant: ECC
Statement No. 1
Dated 16th January 2009

IN THE EXETER COUNTY COURT

CLAIM No.

BETWEEN

EXETER CITY COUNCIL
Claimant

-v-

Defendant

WITNESS STATEMENT OF

I, of Exeter City Council, will say as follows:-

1. I am employed by Exeter City Council as a Temporary Accommodation Officer. My post is to manage temporary accommodation for homeless applicants under the Housing Act 1996 Part VII as amended by the Homeless Act 2002.
2. Exeter City Council accepted a duty to accommodate under part VII Housing Act 1996.
3. I confirm the property occupies at is leased by Exeter City Council. The lease permits Exeter City Council to sublet to.
4. I attach to this Witness Statement as exhibit "**AD1**" a copy of non-secure Tenancy Agreement dated made between Exeter City Council and. Clause 2 of the Non-Secure Tenancy Agreement states the date of the lease and the details of the owner of. Clause 4 of the Non-Secure Tenancy Agreement states the Lessor is not capable of granting a secure tenancy. The Non Secure Tenancy Agreement is a on a weekly basis subject to compliance with all the tenancy conditions as stated therein.
5. The Council has received complaints of anti-social behaviour concerning and visitors to. The complaints were considered and the decision was made to seek possession of the property on the basis of the complaints of anti-social behaviour. I set out below a chronology of events. These are:

15/01/09 - Knife found outside flat 4 by cleaners

11/01/09 - Two large cardboard boxes dumped by bins.

05/01/09 - Further letter sent re: rubbish outside flat

03/01/09 - Incident involving coming and going to flat with resident of 7 and various females and males until 02.34am causing disturbances.

02/01/09 - Letter sent re: rubbish outside flat

01/01/09 - Rubbish outside flat.

28/12/08 - 21.44pm Male runs from 4. 22.18pm female enters. 23.17pm female leaves.

23.26pm female enters 4. 23.27pm female leaves 4. 23.34 female enters.

- 27/12/08 - Two cars outside causing disturbance. 18.50pm Cars and males leave. 21.58pm male leaves.
- 18/12/08 - visit with Carrgomm. Agreed for visitors after 7.00pm on Christmas day and Boxing Day, close friends and family only. Boyfriend only to stay 3 nights a week.
- 06/12/08 - talking out the window to male in black car at 21.24pm.
- 14/11/08 - Joint visit with Carrgomm, Action Plan agreed.
- 11/11/08 - Males shouted out of window at police, early hours.
- 10/11/08 - 21.27pm male walks in to flat (unlocked), leaves 23.10pm
- 06/11/08 - Visit. 7-Day visitor ban
- 31/10/08 - 02.52 male guest from flat 4 urinated by bins 03.06am another male guest for flat 4.
- 23/10/08 - Missed appt with Carrgomm
- 19/10/08 - Blade found outside 4 at 20.59pm.
- 06/10/08 - Missed appt with Carrgomm
- 02/10/08 - Recharge raised for dumped TV
- 01/10/08 - NTQ issued
- 27/09/08 - 03.52am two males with bad attitude toward guard enter flat 4.
- 25/09/08 - Three male guests enter flat 4 at 23.55pm. Guest in car outside flat 4 revving engine and making noise.
- 24/09/08 - male going to and from flat 4 at night. Fire alarm set off by male visitor smoking bong/pipe. Male guest jumps over fence
- 22/09/08 - Disturbance at night, loud music and visitors
- 22/09/08 - Anna Day spoke to about similar incident on 21/09/08
- 20/09/08 - complaint from residents about noise the night before
- 18/09/08 - Management visit
- 03/09/08 - Missed appointment
- 02/09/08 - 3rd Missed appt for contractor to treat mould
- 16/07/08 - Missed appt with Carrgomm
- 11/07/08 - Joint visit with DV. Advised if was on-site again NTQ would be issued.
- 17/06/08 - Missed appt with Carrgomm
- 24/06/08 - Missed appt with Carrgomm
- 10/06/08 - Missed appt with Carrgomm
- 30/06/08 - stayed at, despite injunction.
- 22/05/08 - Visit, advised to stop the parties and drunken visitors
1. As a result of the complaints of anti-social behaviour a Notice to Quit was issued on 1st October 2008 through the letterbox. The Notice to Quit took effect from 6th October 2008 and expired on 3rd November 2008. I attach a copy of the Notice to Quit as exhibit "AD2". Accordingly Exeter City Council has determined the non-secure tenancy by issuing and serving the Notice to Quit.
 2. occupies the property under a non-secure tenancy. She has no statutory protection against eviction. She has no right to remain in the property at. She has no defence to the Council's claim for possession of the property.
 3. The Court is asked to grant possession of.

STATEMENT OF TRUTH

I believe that the facts contained in this witness statement are true to the best of my knowledge and belief

Signed:

Dated:

IN THE EXETER COUNTY COURT

CLAIM No.

BETWEEN

And

Claimant

Defendant

WITNESS STATEMENT OF

Head of Legal Services
Exeter City Council
Civic Centre
Paris Street
EXETER
EX1 1JN

Ref: SC/PL0020/7230

Example of an Action Plan

Action Plan

Name And Address

NTQ Expired 03/11/08

- No overnight guests with the exception of ONE trusted female friend up to three times a week if needed.
- No visitors after 7.00pm.
- Take responsibility of all visitors' behaviour.
- Do not communicate with anyone out of your windows; send them to your front door.
- Ignore unwanted visitors
- Keep all appointments with Floating Support Worker
- Inform FSW of any changes in mobile number etc
- Keep all appointments with ECC Officers and Contractors.
- Bid regularly on Home Choice.
- Make payments of £5.00 per week as originally agreed on Recharge, current balance: £30.00

**This agreement is made between (Tenant)
(Temporary Accommodation Officer)**

Date:

Action Plan Review

Dear Ms Perkins

Direct dial: 01392 265811

Fax: 01392 265182

email: Anna.day@exeter.gov.uk

Our ref: ad

Your ref:

Following my appointment with you last week, I am writing to confirm the amended Action Plan for you to work to.

- No overnight guests with the exception of your partner up to three times a week if needed.
- No visitors after 7.00pm, with the exception of Christmas Day and Boxing Day when close family and friends will be welcome.
- Take responsibility of all visitors' behaviour.
- Do not communicate with anyone out of your windows; send them to your front door.
- Ignore unwanted visitors and the Guard will continue to move them on.
- Keep all appointments with Carrgomm.
- Inform Carrgomm of any changes in mobile number etc.
- Keep all appointments with ECC Officers and Contractors.
- Bid regularly on Home Choice.
- Make payments of £5.00 per week as originally agreed on Recharge, current balance: £30.00 – Pay £2.00 immediately and begin regular payments after Christmas.

Please do not hesitate to contact me if you require further assistance regarding the plan on 265811.

Yours Sincerely

Temporary Accommodation Officer

Exhibit Master

Claimant: ECC

Statement No. 1

Dated 23 January 2009

IN THE EXETER COUNTY COURT

CLAIM NO:

BETWEEN

Claimant

and

Defendant

EXHIBIT AD1

This is Exhibit marked AD1 annexed to the Non-Secure Tenancy Agreement

Dated

Checklist for Issue of NTQ

1	Address of Property	
2	Tenant(s)	
3	Authorised Occupants	
4	Tenancy start date	
5	Homeless application status	
6	Nature of complaints	Please give details & attach copies of any complaints or relevant file notes
7	Action Taken	
8	Support Agencies involved or referrals made	Please give details of any statutory agencies involved & copies of any correspondence
9	Current balance of Rent Account Date of Issue of Notice to Quit	
	Other:	

NTQ

For and on behalf of the Exeter City Council and by their direction I hereby
GIVE YOU NOTICE-TO-QUIT and deliver up possession on the 3rd November 2008
of ALL THAT DWELLING AND PREMISES KNOWN AS

which you now hold as tenant under the said council.

DATED: 1 October 2008

On behalf of Exeter City Council

Temporary Accommodation Manager Civic Centre, Exeter, EX1 1RQ

Please note:-

- (1) Any payments made after the expiry of notice will be received as for "Use & Occupation" and will not constitute a new tenancy;
- (2) That your attention is drawn to the information contained in the schedule (below) being information which the Council is, by law, obliged to provide.

THE SCHEDULE

1. If you do not leave the dwelling mentioned above, the Council must get an Order for possession from the Court before you can be lawfully evicted. The Council cannot apply for such an order before this Notice-to Quit has run out.
2. If you do not know if you have any right to remain in possession after the Notice-to-Quit runs out or are otherwise unsure of your rights, then you can obtain advice from a Solicitor. Help with all, or part, of the cost of legal advice and assistance may be available under the Legal Aid Scheme, You should also be able to obtain information from a Citizens' Advice Bureau, a Housing Aid Centre, a Housing Officer or a Rent Tribunal Office.

NTQ - Copy

I hereby certify that this is a true copy of the Notice to Quit served by hand through the letterbox on _____ @ SIGNED
--

Direct dial: 01392 265855

Fax: 01392 665181

Our ref: NTQ

Your ref:

For and on behalf of the Exeter City Council and by their direction I hereby
GIVE YOU NOTICE-TO-QUIT and deliver up possession on the **Date**
of ALL THAT DWELLING AND PREMISES KNOWN AS
which you now hold as tenant under the said council.
DATED:

C Driscoll
Temporary Accommodation Manager
Please note:-

On behalf of Exeter City Council
Civic Centre, Exeter, EX1 1RQ

- (3) Any payments made after the expiry of notice will be received as for "Use & Occupation" and will not constitute a new tenancy;
- (4) That your attention is drawn to the information contained in the schedule (below) being information which the Council is, by law, obliged to provide.

THE SCHEDULE

3. If you do not leave the dwelling mentioned above, the Council must get an Order for possession from the Court before you can be lawfully evicted. The Council cannot apply for such an order before this Notice-to Quit has run out.
4. If you do not know if you have any right to remain in possession after the Notice-to-Quit runs out or are otherwise unsure of your rights, then you can obtain advice from a Solicitor. Help with all, or part, of the cost of legal advice and assistance may be available under the Legal Aid Scheme, You should also be able to obtain information from a Citizens' Advice Bureau, a Housing Aid Centre, a Housing Officer or a Rent Tribunal Office.