

Part 2 – Anti-Social Behaviour Procedures

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

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i. Version Control for ASB Policies and Procedures

Date Revised	24/7/12	Author	Lawrence Blake, Housing Operations Manager
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Date effective from		Lead Officer	Phil Mills, Tenancy Service Manager
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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 Neighbourhood Management 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
- Neighbourhood Housing Officers (NHOs) 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

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 Capita computer system.

The report can either be logged by the NHO 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 NHO 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 NHO 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 NHO

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 NHO 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 NHO 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 NHO 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 NHO 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 NHO 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 NHO 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 NHO will take guidance from the ASBCM and the HS.
- 7. Investigation and possible actions**
- 7.1** Following these interviews the NHO 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 Neighbourhood Management 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 NHO 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 letters 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 NHO 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 NHO, 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 NHO 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 NHO. 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, and Probation for example.
- 8.4** The NHO 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 NHO 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/NHO 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 NHO 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 NHO. 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 Capita 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 NHO 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 NHO 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 NHO 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 Capita. 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 meets 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 NHO 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 NHO 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 NHO 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 NHO 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 NHO 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 NHO 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 NHO 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 NHO.

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 NHO 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. Liaison with Social Services

21.1 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 NHO 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

22. General Neighbourhood Management Problems

For full details see **Neighbourhood Management Procedures**

22.1 Where an NHO 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.

- 22.2** The NHO will record and continue to monitor the problem once the stated time limit has been exceeded.
- 22.3** 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.
- 22.4** Should the tenant still not comply with the final warning, then the NHO 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.
- 22.5** 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 NHOs 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 Regulatory requirements of the Homes and Communities Agency

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 NHO 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 etc. Such information helps to build up a picture 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.

Ending, or extending, an Introductory Tenancy. Where an introductory tenancy exists the NHO/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 and Contracts 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 Devon 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 Contracts 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	Noise Act 1996 updated by s42 of the Anti-Social Behaviour Act 2003	Acceptable Behaviour Contracts Fixed penalty notice for night noise. Confiscation of equipment	Mediation 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 1972 (as amended by the Police and Justice Act 2006)	Injunction for public 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
	Crime and Disorder Act 1998	Child Safety Order	Alcohol treatment
	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	Emergency Workers	Level 5 fine	

the emergency services Obstruction Act 2005

ANIMAL RELATED NUISANCE

Behaviour	Relevant legislation	Enforcement	Support
Irresponsible dog ownership	Environment Protection Act 1990	ABCs Noise Abatement Notice (prosecution for failure to comply)	Warnings and agreements Mediation Education
Constant barking	Noise Act 1996	Penalty Notice for night noise	
Intimidation by dogs	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	Public Order Act 1986	ABCs Penalty Notice for Disorder	Warnings and agreements
Dangerous and illegal driving	Police Reform Act 2002	Seizure of vehicle	Youth diversion (vehicle maintenance, dedicated riding tracks)
Causing harassment, alarm and distress by driving	Road Traffic Act 1998	Prosecution for driving a vehicle off-road without authority	
	Powers of Criminal Courts (Sentencing) Act 2000	Loss of driving licence	Parenting Contracts
	Anti-Social Behaviour Act 2003	Dispersal of groups	Restorative justice
	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	Parenting Order	

amended by the
Anti-Social
Behaviour Act 2003
and the Police and
Justice Act 2005)

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.)	Crime and Disorder Act 1998 (updated by the Police Reform Act 2002)	Environmental improvements (bollards, gates, CCTV) ASBO	ISO

INTIMIDATION, HARASSMENT AND HATE CRIME

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

	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	
	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	Drug treatment Counselling
	Local Government Act 1972 (as amended by the Police and Justice Act 2006)	Injunction for public nuisance	Compulsory drug testing Assessment by drug specialist
	Anti-Social Behaviour Act 2003	Closure powers for Class A drugs	
	Crime and Disorder Act 1998 (updated by the Police Reform Act 2002)	ASBO	ISO Drug Intervention Order if over 18

Drug dealing	<p>Anti-Social Behaviour Act 2003</p> <p>Misuse of Drugs Act 1971</p> <p>Housing Act 1996 (as amended by the Anti-Social Behaviour Act 2003)</p> <p>Crime and Disorder Act 1998 (updated by the Police Reform Act 2002)</p>	<p>Closure powers for Class A drugs</p> <p>Prosecution for drugs offences</p> <p>Anti-social behaviour injunction and eviction</p> <p>ASBO</p>	<p>Physical and mental health services</p> <p>Drug treatment</p> <p>ISO</p> <p>Drug Intervention Order if over 18</p>
Alcohol			
Behaviour	Relevant legislation	Enforcement	Support
Street drinking and other alcohol related ASB		<p>Arrest for being drunk and disorderly;</p> <p>Conditional Caution</p>	<p>Alcohol treatment</p> <p>Housing support</p> <p>Youth diversion</p> <p>Physical and mental health interventions</p> <p>ABCs</p> <p>Parenting Contract/Order</p> <p>Environmental powers in parks</p>

Appendix Four Stage One Letter

Please ask for:

Direct Dial:

Email:

Our ref:

Your ref:

Date:

Dear

The City Council is committed to working in partnership with other agencies to reduce levels of nuisance and anti-social behaviour. Our intention is to prevent this type of behaviour and 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 that 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. There have been a number of occasions when this has been reported to us.

- Nature of Incidents/Complaints received/witnessed

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

This letter should be viewed as a warning at this stage. You need to take steps to address this matter to avoid us from taking further action against your tenancy. This behaviour is placing your tenancy at risk.

A copy of this letter will be forwarded to the Anti-Social Behaviour Case Manager who may pass this information to other partner agencies, such as the Police and Social Services.

You are being sent this letter to raise awareness of anti-social behaviour issues. Should you wish to discuss this situation further please contact me on 01392 265XXX.

Yours sincerely

Neighbourhood Housing Officer

Office of Assistant Director Housing and Contracts

Civic Centre, Paris Street, Exeter, EX1 1JN

Tel: 01392 277888

Fax: 01392 265265

www.exeter.gov.uk

Appendix Five Stage Two Letter

Please ask for:

Direct Dial:

Email:

Our ref:

Your ref:

Date:

Dear

Anti-Social Behaviour

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

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

A meeting has been arranged as follows:

Date:

Time:

Venue:

Present at the meeting will be the Anti-Social Behaviour Case Manager, Neighbourhood Housing Officer and any other interested professional. This could include a Support Worker, Neighbourhood Beat Officer/PCSO or Social Worker.

You are expected to attend this meeting. Failure to do so 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 are unable to attend the appointment please call me on 01392 265856 between 9:00 am and 4:00 pm

Yours sincerely,

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

- **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.

Neighbourhoods 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 Neighbourhood Housing 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.

Neighbourhood Housing 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

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.

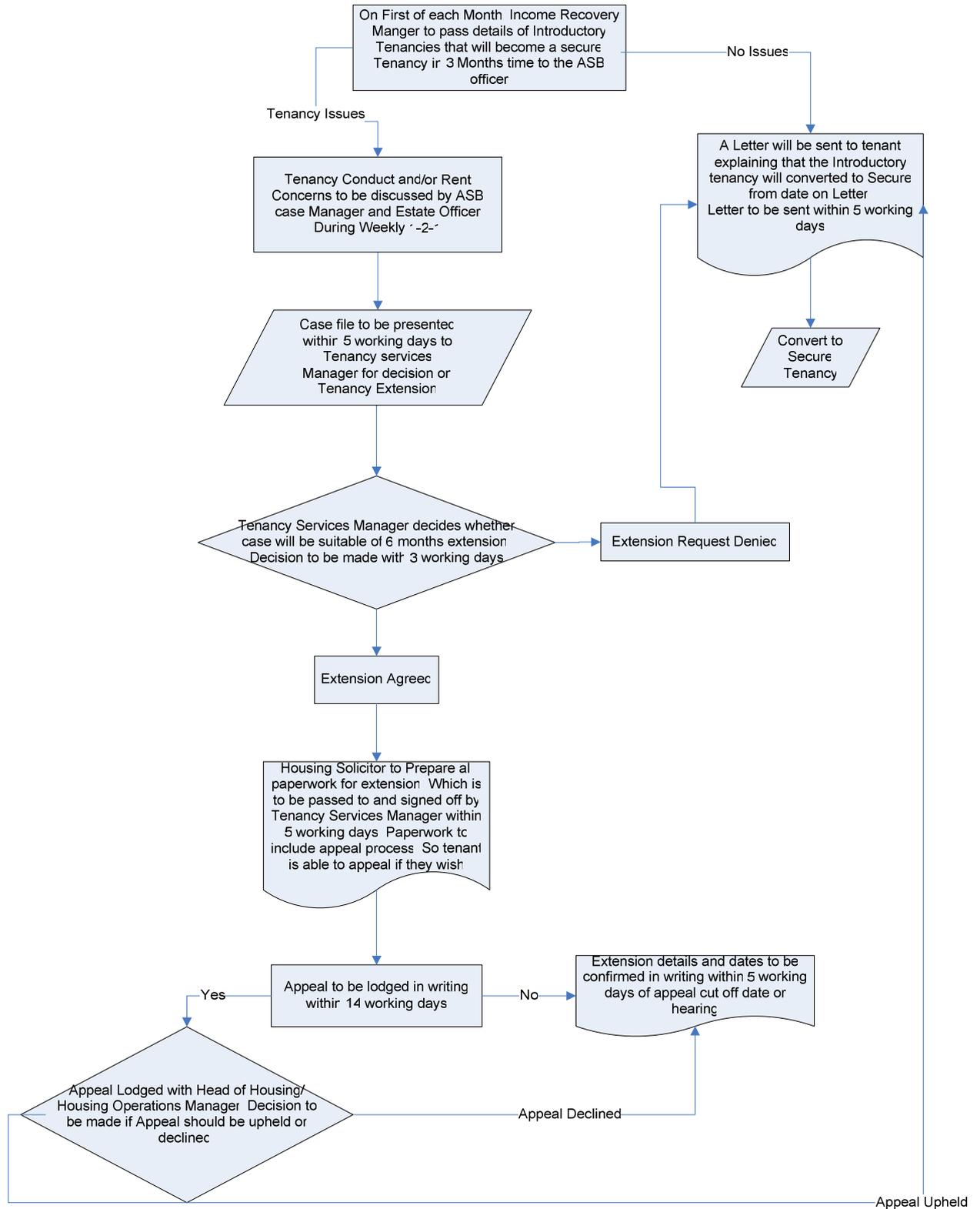
If at any point during the trial period of the tenancy, there is any cause for concern as to how the tenancy is being conducted by the tenant, housing staff will examine the situation to determine whether it is, or likely to be, appropriate to provide specific assistance either directly or by other agencies, 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 Neighbourhood Housing Officer (NHO) 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 NHO 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 and Contracts. 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 and Contracts 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?		



Exeter City Council

Appendix II

Anti-Social Behaviour: Statement of Policy and Procedure

**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 , **Assistant Director of Housing and Contracts, 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 Assistant Director, Housing and Contracts, 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 Assistant Director
Housing and Contracts
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

NOTICE OF EXTENSION OF TRIAL PERIOD BY 6 MONTHS

SECTION 125A OF THE HOUSING ACT 1996

TO:

ADDRESS:

1. THIS IS A NOTICE FROM EXETER CITY COUNCIL THAT WE HAVE DECIDED THAT THE PERIOD FOR WHICH YOUR TENANCY IS TO BE AN INTRODUCTORY TENANCY SHOULD BE EXTENDED BY 6 MONTHS
2. YOUR INTRODUCTORY TENANCY STARTED ON THE _____ AND SAVE FOR THIS NOTICE THE TRIAL PERIOD WILL EXPIRE ON THE _____.
3. THIS NOTICE (SUBJECT TO SATISFYING THE CONDITIONS AT SECTION 125A (2) AND (3) OF THE HOUSING ACT 1996) WILL EXTEND THE TRIAL PERIOD TO THE _____.
4. OUR REASONS FOR THIS DECISION ARE:

That you have breached the following terms of your tenancy:

[take in relevant terms]

PARTICULARS OF BREACH

- b. In the light of the information received, which the Council consider to be credible, and bearing in mind the relevant terms of your tenancy, the Council considers that you are in breach of the terms of your tenancy as set out above.
- c. In the light of the above matters set out above, the Council believes it is reasonable in all the

circumstances of this case for this Notice to be served and to extend the period of your Introductory Tenancy.

- d. It is reasonable because the Council considers that it is in the public interest that necessary and reasonable conditions in the Tenancy Agreement be enforced fairly and effectively, and the Council has regard to the fact that Social Housing is a limited commodity where demand outstrips supply. The Council considers that the above terms are necessary and reasonable seeking to achieve a balance between your occupation of your own home and the rights of others who live in the locality of your home.
- e. The Council takes account of the effect of the behaviour, as set out above, on the local 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, **Assistant Director, Housing and Contracts, 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 Assistant Director, Housing and Contracts, 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.

**Assistant Director,
Housing and Contracts
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:

(continue on separate sheet if necessary)

SIGNED

DATED

Appendix 10

Thank you for completing this questionnaire



Exeter City Council

<p><u>PRIVATE & CONFIDENTIAL</u></p> <p>ASB Satisfaction Survey FREEPOST EX 132 Civic Centre Exeter EX1 1RQ</p>
--

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

Dealing with your report of Anti-Social Behaviour

How Did We Do?

Dear Resident



Housing Services Anti-Social Behaviour Satisfaction Survey

Thank you for reporting anti-social behaviour. We hope you are satisfied with the outcome of your case, but whether you are happy with it or not, we very much value your views on how we handled the case and what we could have done differently.

Please fill in this short survey about your experiences with the anti-social behaviour service provided by Exeter City Council. Your answers help us to improve future services and will remain in the strictest confidence.

If you would like to be entered into a quarterly draw to win **£50** of high street shopping vouchers, please fill in your name and contact details at the end of this form.

Section 1: Handling your case

1. How did you report your anti-social behaviour complaint?

By phone	<input type="checkbox"/>	In person	<input type="checkbox"/>
By email	<input type="checkbox"/>	Other (please explain below)	<input type="checkbox"/>
In writing	<input type="checkbox"/>	<input type="text"/>	

2. What type of anti-social behaviour did you experience? (Tick all that apply)

Racial abuse	<input type="checkbox"/>	Neighbourhood nuisance	<input type="checkbox"/>
Hate crime	<input type="checkbox"/>	Noise nuisance	<input type="checkbox"/>
Homophobia	<input type="checkbox"/>	Animal nuisance	<input type="checkbox"/>
Domestic abuse	<input type="checkbox"/>	Other (please explain below)	<input type="checkbox"/>

Drug / alcohol related crime

3. How easy was it to contact a member of staff to report your complaint?

Very easy Difficult
 Easy Very difficult
 Average

4. After you reported the issue, a member of the Neighbourhood Team should have interviewed you (either in person or by phone) to discuss the details further.

How satisfied were you with the length of time it took for this to happen?

Very satisfied Dissatisfied
 Satisfied Very dissatisfied
 Average

5. Were the members of staff you dealt with during your case...

	Always	Usually	Sometimes	Never
Helpful?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Polite?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sensitive?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Responsive?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Knowledgeable?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

6. How well did we keep you informed of progress during the case?

Very well Poorly
 Well Very poorly

Average

7. How satisfied were you with the level of support we gave you?

Very satisfied Dissatisfied
Satisfied Very dissatisfied
Average

8. Overall, how satisfied were you with the way we dealt with you?

Very satisfied Dissatisfied
Satisfied Very dissatisfied
Average

Section 2: The outcome of your case

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

Yes No

10. Taking everything into account, how satisfied were you with the overall outcome of your case?

Very satisfied Dissatisfied
Satisfied Very dissatisfied
Average

If you are dissatisfied, please explain briefly below.

11. Would you be willing to report anti-social behaviour to us in the future?

Yes

No

If you answered no, please explain briefly below.

12. Would you be willing to attend an informal meeting to tell us what you thought of the service and how it could be improved?

Yes

No

If you answered 'yes', please fill your contact details at the end of this form.

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

Thank you for taking the time to complete this survey.

This form will be treated in the strictest confidence and will not be processed by anyone from the Neighbourhood Management Team.

However, if you would like to offer further feedback in an informal setting, enter the prize draw or would like an officer to contact you to discuss any queries about your case please fill in your name, address and telephone number below.

Name	<input type="text" value="forename"/>	<input type="text" value="surname"/>	
Address	<input style="height: 80px;" type="text"/>		
Postcode	<input type="text"/>		
Home Telephone	<input type="text"/>		
Mobile Number	<input type="text"/>		
I would like to attend an informal session	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
I would like to be entered in the prize draw	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
I would like an officer to contact me	Yes <input type="checkbox"/>	No <input type="checkbox"/>	

{Tenants name and address}

Please ask for: Mrs G Pengelly
Direct Dial: 01392 265856
Email: gaye.pengelly@exeter.gov.uk
Our ref: GJP/NEIGHBOURHOOD/ASB/Ltr3
Your ref:
Date:

If you would like this survey in a different language, Braille, audio or larger print, or if you need help to complete it please contact Estate Management on **01392 265033**.

Please return this form to the FREEPOST address below:

FREEPOST EX132
Civic Centre
Paris Street
Exeter
EX1 1RQ

Office Use only:

Form ref:

Date sent:

Date returned:

Appendix 11

Dear [Tenant],

Re: Meeting [date, time & place]

Thank you for attending the meeting and discussing the issues set out in my letter of [date of Ltr 2]. At this 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.

Set out below are the issues we discussed that you admitted had been a problem for your neighbours and other local residents. These are:

[insert admissions]

Set out below are the issues we discussed that you denied had happened or that if they did happen had not caused a problem for your neighbours and other local residents. These are:

[insert denials (if any)]

[You have accepted the Council's offer to help you sustain your tenancy and to try and ensure that there are no further problems for your neighbours or other local residents. I have referred you to .[organisation(s)] .

It is important that you remember, that if problems continue for your neighbours the Council may be left with no option but to consider enforcement action against you [members of the tenants family].

At the meeting we agreed to draw up an Acceptable Behaviour Contract between the Council and yourself. This is because you accept that there have been problems caused by your behaviour in the past and are now committed to not repeating that behaviour in the future. I have enclosed a draft copy of the contract and have made an appointment for you to meet with me on the **[date]** at **[place and time]** to sign the document.

You can obtain independent legal advice on the implications for you of signing this contract from [please insert appropriate].

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

[It is noted that you do not want any assistance from the Council or any other agency to sustain your tenancy.]

[It is also noted 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. As you are willing 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 carefully considered the points you made during our meeting and the information I have received from the community [and other agencies such as the Police]. On this occasion, I am satisfied that the information I have received from the community [and other agencies such as the Police] is correct and therefore feel it is necessary and proportionate for the Council to take enforcement action against you. I can therefore 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.



Exeter City Council

Appendix II

Anti-Social Behaviour: Statement of Policy and Procedure

Yours sincerely

Anti-Social Behaviour Case Manager

{Tenants name and address}

Please ask for: Mrs G. Pengelly
Direct Dial: 01392 265856
Email: [gaye.pengelly@exeter.gov](mailto:gaye.pengelly@exeter.gov.uk) .uk
Our ref: GJP/NEIGHBOURHOOD/ASB/Ltr4
Your ref:
Date:

Dear [Tenant],

Re: Meeting [date, time & place]

Thank you for attending the above meeting and signing the Acceptable Behaviour Contract. I have enclosed a copy for you to keep.

During the meeting we discussed the implications and reasons for you to sign this contract You have accepted that there have been problems caused by your behaviour in the past and now commit to not repeating that behaviour in the future. You have had the opportunity to seek independent legal advice [but have chosen not to pursue that option][that you have received independent legal advice in relation to the contract you have signed].

Your behaviour will be monitored to see that you comply with the obligations you have freely taken on. If there is a serious breach of the contract, the Council will refer your case to its solicitor for enforcement action to be taken without further notifying 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

{Tenants name and address}

Please ask for: Mrs G Pengelly
Direct Dial: 01392 265856
Email: gaye.pengelly@exeter.gov.uk
Our ref: GJP/NEIGHBOURHOOD/ASB/Ltr5
Your ref:
Date:

Dear [Tenant],

Re: Anti-Social Behaviour

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. I confirm that I will be closing the file.

I will contact you again if we receive any more complaints. If those problems are serious, I may refer your case immediately to our solicitor for enforcement action, without further notifying 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

{Complainant/witness name and address}

Please ask for: Mrs G. Pengelly
Direct Dial: 01392 265856
Email: gaye.pengelly@exeter.gov.uk
Our ref: GJP/NEIGHBOURHOOD/LtrA1A
Your ref:
Date:

Dear [Complainant/witness],

Re: Anti-Social Behaviour

I am the Anti Social Behaviour Case Manager for Exeter City Council. 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 confirm that I have, along with my colleague [name of NHO], met with [name] and discussed the alleged behaviour with him/her.

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. This has been agreed because [name] has promised to stop behaving in a way that causes upset and nuisance to others and to work with the Council to deal 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 are any further problems with their behaviour, then enforcement action is likely to follow. Please contact me if any further incidents occur so that I can keep the matter under review.

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

Yours sincerely

Anti-Social Behaviour Case Manager

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.

{Complainant/witness name and address}

Please ask for: Mrs G Pengelly
Direct Dial: 01392 265856
Email: gaye.pengelly@exeter.gov.uk
Our ref: GJP/NEIGHBOUHOOD/ASB/LtrA1B
Your ref:
Date:

Dear [Complainant/witness],

Re: Anti-Social Behaviour Case

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

Following this meeting and taking account of the information I have seen, it has been agreed that enforcement action will be taken against [name]. 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. One of us will contact you if we need any further information.

You may have some misgivings about being a witness and attending court. I would be very happy to meet with you along and our solicitor to explain how your evidence may be used and introduced to the court.

We understand that you may find it difficult to be a witness in this case. If this is case, it is still helpful for you to keep me informed of any information you have about the behaviour of [name] as this may still be useful in respect of the enforcement action we are taking.

You can contact me on 01392 265856, by email, or in writing if you have any questions about this letter, or the case generally.

Yours sincerely

Anti-Social Behaviour Case Manager

{Complainant/witness name and address}

Please ask for: Mrs G Pengelly
Direct Dial: 01392 265856
Email: gaye.pengelly@exeter.gov.uk
Our ref: GJP/NEIGHBOURHOOD/ASB/LtrA2
Your ref:
Date:

Dear (Complainant/witness),

Re: Anti-Social Behaviour Case

Proceedings for [type of legal action] have now been started against [name]. I will keep you updated on the progress of this action and of the outcome of any court hearings.

You can contact me on 01392 265856, by email, or in writing if you have any questions about this letter, or the case generally.

Yours sincerely

Anti-Social Behaviour Case Manager

Dear (Complainant/witness),

Re: Anti-Social Behaviour Case

I am now able to confirm the outcome of the proceedings for [type of legal action]. The court ordered that [result].

I hope that this ensures there are no further problems with the behaviour of [name]. Please contact me, [or the police] if the issues that you have experienced continue so that the appropriate action can be taken.

[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.]

You can contact me on 01392 265856, by email, or in writing if you have any questions about this letter, or the case generally..

Yours sincerely

Anti-Social Behaviour Case Manager

{Complainant/witness name and address}

Please ask for: Mrs G Pengelly
Direct Dial: 01392 265856
Email: gaye.pengelly@exeter.gov.uk
Our ref: GJP/NEIGHBOURHOOD/ASB/A3B
Your ref:
Date:

Dear [Complainant/witness],

Re: Anti-Social Behaviour Case

I am now able to 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 now working with the Council's legal advisors to decide if we have grounds to appeal against the court's decision. I will let you know the outcome of this.

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

You can contact me on 01392 265856, by email, or in writing if you have any questions about this letter, or the case generally..

Yours sincerely

Anti-Social Behaviour Case Manager

Dear [Complainant/witness],

Re: Anti-Social Behaviour Case

I have reviewed the information you recently provided about [name] and unfortunately, there is little more I can do at this time in connection with [name] and your concerns about his/her behaviour. Consequently, I have now closed this case.

I hope that you found the Council's advice and assistance of help to you [and your family]. I would be grateful if you could complete the enclosed survey to enable us to review and make improvements to the service that we deliver.. I have enclosed a freepost envelope for you to return the form..

You can contact me on 01392 265856, by email, or in writing if you have any questions about this letter, or the case generally..

Yours sincerely

Anti-Social Behaviour Case Manager

Appendix 12

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, Neighbourhood Housing Team,
- 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 SLM 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:**

Address:

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.

Please note: If more than one member of your household is completing diary forms, please ensure that each person uses a separate sheet. Sheet No.

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%

start GILL - TAT Pro... Temporary Ac... To do list [Co... Diary Sheets [... 18:20

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

Sustainable Lettings Officer

Office of Assistant Director Housing and Contracts

Civic Centre, Paris Street, Exeter, EX1 1JN

Tel: 01392 277888

Fax: 01392 265593

www.exeter.gov.uk

Please ask for:

Direct Dial: 01392 265811

Email:

Our ref: ASB 2

Your ref:

Example ASB 2

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 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

Please ask for:

Direct Dial: 01392 265811

Email:

Our ref: ASB 3

Your ref:

26 March 2009

Sustainable Lettings Officer

Office of Assistant Director Housing and Contracts

Civic Centre, Paris Street, Exeter, EX1 1JN

Tel: 01392 277888

Fax: 01392 265593

www.exeter.gov.uk

Example ASB 3

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

Sustainable Lettings Officer

Office of Assistant Director Housing and Contracts

Civic Centre, Paris Street, Exeter, EX1 1JN

Tel: 01392 277888

Fax: 01392 265593

www.exeter.gov.uk

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 SLT but complainant wants action taken now and doesn't want their name mentioned. A copy should be emailed to the relevant SLO 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 SLO 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 SLO 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 SLM

Stage 2 – The investigation

The Sustainable Lettings 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.

Sustainable Lettings Officer should arrange a discussion with Sustainable Lettings 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

Sustainable Lettings 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 the Sustainable Lettings Officer should advise Sustainable Lettings 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

[Tenants name and address]

Direct dial:
Fax: 01392 265181

email:
Our ref:
Your ref:
[date]

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 Sustainable Lettings Manager
Assistant Director
Housing and Contracts

Office of Assistant Director Housing and Contracts

Civic Centre, Paris Street, Exeter, EX1 1JN Tel: 01392 277888 Fax: 01392 265593 www.exeter.gov.uk

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 SLO 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 SLO 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 SLO 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

SLO 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.

SLO will receive this information formally from both the court and legal services which must be attached to the relevant tenancy file. SLO 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 SLO 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 SLO should refer to Legal Services for advice. SLO 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 SLO should arrange for another member of the team to accompany.

SLO 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 Sustainable Lettings 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 - 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)

(Sustainable Lettings Officer)

Date:

Action Plan Review

Dear

Direct dial: 01392 265811

Fax: 01392 265182

email:

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

Sustainable Lettings Officer

Office of Assistant Director Housing and Contracts

Civic Centre, Paris Street, Exeter, EX1 1JN

Tel: 01392 277888

Fax: 01392 265593

www.exeter.gov.uk

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

Sustainable Lettings 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:

On behalf of Exeter City Council

Sustainable Lettings Manager Civic Centre, Exeter, EX1 1RQ
Please note:-

- (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.