

REPORT TO EXECUTIVE

Date of Meeting: 5 November 2024

REPORT TO COUNCIL

Date of Meeting: 17 December 2024

Report of: Strategic Director People and Communities

Title: Exeter City Council Housing Services Anti-Social Behaviour (ASB) Strategy and Policy

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

1.1 The report summarises the revised Housing Services Anti-Social Behaviour (ASB) Strategy and Policy following a review and consultation. It is proposed that the revised Strategy and Policy 2024-2027 be adopted and implemented. A copy of the Strategy and Policy documents are appended.

2. Recommendations:

2.1 That Executive recommends that Council approve the adoption of the new Housing Services Anti-Social Behaviour Strategy and Tenancy Policy.

3. Reasons for the recommendation:

3.1 The council is required by the Regulator of Social Housing to provide an Anti-Social Behaviour Strategy and Policy which contains details of how reports of anti-social behaviour will be handled in relation to tenants of Exeter City Council.

4. What are the resource implications including non financial resources

4.1 There are on average 80 to 90 "live" ASB cases being investigated or having appropriate action taken within Tenancy Services at any one time. With the requirement to review fixed term tenancies being removed from Housing Officers' functions this will reduce a small proportion of their workload. This has been more than compensated for by the regulatory expectations concerning compliance, understanding our tenants better and tailoring our offer to ensure the Council delivers fair and equitable services.

5. Section 151 Officer comments:

5.1 There are no additional financial implications for Council to consider.

6. What are the legal aspects?

6.1 This strategy is required to comply with the Anti-Social Behaviour, Crime and Policing Act of 2014 which provided local authorities, social housing providers and partners with a new range of powers to tackle anti-social behaviour.

6.2 Section 2 of the Anti-Social Behaviour, Crime and Policing Act of 2014 defines anti-social behaviour (ASB) generally as:

- a) conduct that has caused, or is likely to cause, harassment, alarm, or distress to any person;
- b) conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or
- c) conduct capable of causing housing-related nuisance or annoyance to any person.

6.3 Section 218A(8) of the Housing Act 1996 specifically defines anti-social behaviour as:

- a) conduct that is capable of causing nuisance or annoyance to some person (who need not be a particular identified person) and that directly or indirectly relates to or affects the landlord's housing management functions, or
- b) conduct that consists of or involves using or threatening to use housing accommodation owned or managed by the landlord for an unlawful purpose.

6.3 Section 218A of the Housing Act 1996 requires local housing authorities to prepare a policy in relation to anti-social behaviour and procedures to deal with incidents of anti-social behaviour. It is intended that the policy fulfils the requirements of section 218A of the Act. The policy and procedures must be kept under review by the authority. Local housing authorities are also required to prepare a summary of its current policy and procedures. In preparing the policy the local housing authority must 'have regard' to guidance issued by the Secretary of State.

In addition, section 17 of the Crime and Disorder Act 1998 places a statutory duty on local authorities to tackle the City's crime and disorder priorities. For example, section 17 of the Act places a duty upon local authorities to exercise their functions '...with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent...crime and disorder...the misuse of drugs, alcohol and other substances...re-offending...and...serious violence in its area...'.

7. Monitoring Officer's comments:

7.1 Members will note the obligations imposed upon local authorities to have in place a policy and procedures setting out how, as a local housing authority, it will address anti-social behaviour.

8. Report details:

8.1 The policy defines what we consider to be anti-social behaviour, what we will respond to and the timescales for doing so.

8.2 It defines the categories of ASB (Category 1 & Category 2) and provides examples of each. The response time for Category 1-the most serious, is three working days, but if

there is behaviour that presents a risk of serious harm, such as hate crime, a same day response will be made.

8.3 For Category 2 in these cases the target time for first contact with victim or referrer is within five working days.

8.4 All reports of ASB will be treated seriously and dealt with professionally by assessing each situation and acting in accordance with our service standards. Any criminal activities reported to ECC Housing will be referred on to the police. All reports will be governed by the General Data Protection Regulations 2018.

8.5 We will fully investigate the complaint, and where required, refer cases between the different departments of ECC Housing and to other agencies.

8.6 We will address ASB firmly, fairly, proportionately, and holistically, prioritising responses to the most serious cases and taking any necessary early action to protect people and property, using the legal tools and powers available to us.

8.7 We will adjust our approach as necessary when a victim or a perpetrator is a vulnerable person, providing support where necessary. (A new Vulnerabilities Policy will follow on from this)

8.8 We will work with partner agencies to deliver an effective ASB service for our communities.

8.9 It is our intention to deliver a high-quality service by ensuring that our staff dealing with ASB are trained in all relevant legislation (including equality, diversity and inclusion, mental health, and safeguarding). We will also ensure that our staff comply with agreed policies and procedures and take feedback from service users on their satisfaction with the ASB service.

8.10 We will look to resolve the ASB using legal and other remedies and consider eviction would be a last resort after all other actions have been exhausted.

8.11 The draft Anti-Social Behaviour Policy and Strategy are appended to this report.

Corporate Plan Priorities include

“Housing and building great neighbourhoods and communities”

Exeter Live Better

“Exeter thrives on community spirit

Wellbeing Exeter

“Community life and social connections are vital to all our health and wellbeing”

8.12 In the spring of 2024, we undertook an online consultation compliant with the Council’s Consultations Charter on the draft strategy and policy which was widely publicised on the Council’s website and other social media outlets. We received a small number of responses (30) of which only 8 said that they were Exeter City Council tenants. There appeared to be some misunderstanding about the scope of both the strategy and

policy, despite it being clear in both, with some respondents referring to incidences of ASB in the City Centre and in 'public places.

8.13 We have considered the results of the survey and the feedback given and have adjusted the policy to reflect some of the suggestions put forward, for example we said that we would not investigate anonymous complaints, we have altered this so that we will do so, if sufficient evidence is brought to our attention.

8.14 An overwhelming majority of respondents (83%) said that we had set the right objectives. 80% agreed that our definitions of ASB were correct.

8.15 As only 60% of respondents agreed with our statement that '...eviction is the last resort...', we have adjusted the wording surrounding evictions to include this as an action that can and will be used after all other options have been exhausted.

8.16 We consider that the responses given in the consultation have been incorporated into the policy and strategy documents.

8.17 The policy and strategy documents were also reported to our Tenants' Voice Group in January 2024. The group made some changes which have been incorporated into the policy, for example we have added 'all people representing the Council' and changed the wording so that it also includes tenants who might be undertaking voluntary work on behalf of the Council and we also added 'use of aggressive animals as weapons' following the suggestion of this group.

8.18 The documents were reported to the Council Housing and Development Advisory Board (CHADAB) in February 2024. Suggestions made by the Board included the addition of environmental damage as ASB and adding in references to the Council's Homelessness and Rough Sleeping Prevention Strategy.

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

9.1 The delivery of this strategy will contribute to the Council's Corporate Plan, in particular the strategic priority of "housing and building great neighbourhoods."

9.2 The delivery of the objectives within this strategy accord with the principles of being a well-run council as set out in the Corporate Plan. For example, value for money services and well managed assets.

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

10.1 There are reputational risks in not having an up-to-date Anti-Social Behaviour Policy; with the introduction of more stringent regulation any inspection of the housing service by the Regulator of Social Housing would include a review of our policies and strategies to ensure they are fit for purpose.

10.2 The Social Housing Regulator's Neighbourhood and Community Standard requires registered providers to work in partnership with other agencies to prevent and tackle ASB in the neighbourhoods where they own homes, and specifically to publish a policy on how they work with relevant partners to prevent and tackle ASB in areas where they own properties.

11. Equality Act 2010 (The Act)

11.1 Under the Act's Public Sector Equalities Duty, decision makers are required to consider the need to:

- eliminate discrimination, harassment, victimisation, and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

11.2 In order to comply with the general duty authorities must assess the impact on equality of decisions, policies, and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

11.3 In making decisions the authority must take into account the potential impact of that decision in relation to age, disability, race/ethnicity (includes Gypsies and Travellers), sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and new and breastfeeding mothers, marriage, and civil partnership status in coming to a decision.

11.4 In recommending this proposal potential impact has been identified on people with protected characteristics as determined by the Act and an Equalities Impact Assessment has been included in the background papers for Member's attention.

12. Carbon Footprint (Environmental) Implications:

12.1 No direct carbon/environmental impacts arising from the recommendations.

13. Are there any other options?

There are no alternatives to the adoption of this strategy and policy as they are one of the 'required outcomes' within the Neighbourhood and Community Standard (part of the Regulator of Social Housing's Consumer Standards which came into force on 1st April 2024):

1.3 Anti-social behaviour and hate incidents.

1.3.1 Registered providers must work in partnership with appropriate local authority departments, the police, and other relevant organisations to deter and tackle anti-social behaviour (ASB) and hate incidents in the neighbourhoods where they provide social housing.

2.2 Anti-social behaviour and hate incidents.

2.2.1 Registered providers must have a policy on how they work with relevant organisations to deter and tackle ASB in the neighbourhoods where they provide social housing.

2.2.2 Registered providers must clearly set out their approach for how they deter and tackle hate incidents in neighbourhoods where they provide social housing.

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

Background papers used in compiling this report: -

[Annex 3: Consumer standards 1 April 2024 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/annex-3-consumer-standards-1-april-2024)

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