

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **CABINET**

DATE: **TUESDAY, 21 MAY 2013**

REPORT BY: **DIRECTOR OF COMMUNITY SERVICES**

SUBJECT: **ANTI-SOCIAL BEHAVIOUR POLICY**

1.00 PURPOSE OF REPORT

1.01 This purpose of this report is to seek agreement for the Housing Service's proposed Antisocial Behaviour (ASB) Policy which is annexed to this report for ease of reference. It aims to describe the strategic context in which it sits both within the council, but also within the wider national context. The paper highlights the key policy issues and changes, and any potential challenges faced by the Council. This policy is predominately aimed at Council tenants and the Local Authority's role as a landlord. Cabinet are asked to consider these points, in particular those areas which introduce significant changes such as at 3.07 and 3.09 of this report.

2.00 BACKGROUND

2.01 The Antisocial Behaviour Act 2003, made it a legal requirement for social landlords in England and Wales to have an ASB Policy. This includes local authority landlords.

2.02 Flintshire County Council's ASB policy has been due to be updated to reflect best practice in this area of work, and to strengthen the council's commitment to preventing and tackling antisocial behaviour. The current policy was published in 2007.

2.03 The approach to antisocial behaviour by the Neighbourhood Management Team within Housing Services is closely linked to the work of the Council's Community Safety Team. This policy has been developed alongside the draft 'Community Safety Strategy' for the authority in order that they should complement each other.

2.1 Definition of 'Antisocial Behaviour'.

2.1.1 'Antisocial behaviour' means different things to different people. The type of behaviour the term is used to describe can range from serious criminal activity such as violence and drug dealing to less serious types of nuisance such as litter, untidy gardens and pet related nuisance. It can be perpetrated by groups or by individuals, and can

be directed at a single person, or can affect a whole community.

The proposed ASB Policy refers to the current statutory definitions contained within the Housing Act 1996 and the Crime and Disorder Act 1998 as amended. The Housing Act definition adopts a lower threshold of “nuisance and annoyance” which is mirrored by the Council’s proposed revised Tenancy Agreement.

In order to benchmark the performance of the council with that of other local authority landlords and social housing providers, the council will utilise Housemark’s benchmarking service. Therefore a standard set of categories for recording anti-social behaviour will be required.

2.2 The role of housing services in tackling antisocial behaviour.

2.2.1 Tackling ASB has increasingly become a function for local authority housing departments and their counterparts in the housing association sector. This has been reflected in the legislation over the last decade which has given providers of social housing more tools and powers to address the many types of anti-social behaviour that landlords, communities and residents are faced with.

There are a number of reasons why local authority housing providers and social landlords invest in tackling anti-social behaviour. In Flintshire, tenants tell us that feeling safe in their homes and neighbourhoods is important to them. These priorities were reflected in the choices document, and the pledges made to tenants have been incorporated into this draft policy.

There are sound financial reasons for preventing and tackling anti-social behaviour too. Antisocial behaviour which is left unchecked can affect the number of property terminations in an area, in addition to demand for properties, and undermine the sustainability of an area.

3.00 CONSIDERATIONS

3.01 The proposed policy is much more explicit about its aims and objectives and how the council’s progress and achievements in meeting these aims will be measured, monitored and communicated. These are detailed in sections 1.4 – 1.5 of the policy. They focus on prevention of ASB, building confidence within our communities to report issues, taking decisive action when ASB occurs, improving value for money and reducing the impact of ASB.

3.02 The policy sets out the council’s approach to measuring the performance of the service. This approach has been widened to include benchmarking through Housemark, routinely surveying customers who have reported ASB, analysing the outcome of cases,

and making use of wider indicators such as tenancy termination reasons, and property demand by location.

- 3.03 Through consultation with customers, it has been identified that communication of performance and outcomes can be further improved. The policy sets out a commitment to publicising performance information in section 1, but expands on this commitment in section 16 which details an approach to give routine consideration to the publication of case outcomes where legal action has been taken. This section of the policy has been developed in conjunction with the Council's Communications Manager, and the legal department to ensure that there is a robust approach to decision making when considering publicity, to prevent opportunity for legal challenges.
- 3.04 The policy also introduces a joined up approach with North Wales Police, the Community Safety Team and Neighbourhood Wardens in respect of identifying risk to victims and witnesses of antisocial behaviour. The approach uses a standardised risk assessment tool based on risk and protective factors, to highlight cases where more urgent or immediate intervention may be required. This is a change to the traditional approach of determining response by "category" of antisocial behaviour, and focuses on the harm experienced by the victim and witness. A copy of the risk assessment matrix being adopted by North Wales Police, and which the policy proposes is annexed to this report.
- 3.05 The proposed policy also introduces the use of Council/Customer Action Plans. This is an agreement drawn up between the customer and the Officer at the start of the case which sets out how the complaint will be investigated, how the customer will be contacted, and how often, and whether their details can be shared with third parties. This is to ensure that the way that the council goes about dealing with the problem that has been reported, meets the needs of the customer.
- 3.06 It is widely recognised that ASB does not just occur during office hours, and residents can be affected at any hour on any day. There are often 'peak periods' which can occur during evenings, at weekends, in the summer months and during sporting events. As such, the council recognises that victims and witnesses can be frustrated when they are unable to speak to their Housing Officer and need reassurance or specialist advice. To address this, the policy introduces an 'Out of Hours Witness Support Service' which can be made available to victims and witnesses at those times when the council is closed.
- 3.07 The policy proposes a much firmer stance on those who benefit from the proceeds of illegal drugs whether this by cultivation, storage or selling of drugs. The council recognises that social housing is a

precious resource and it is opposed to its premises being used by those who seek to benefit from illegal drugs. As such where a tenant or a member of their household is convicted of using a Flintshire County Council property for the cultivation, storage or selling of illegal drugs, the authority, having regard to the individual circumstances of the case, will usually consider possession of the property as the most appropriate response.

3.08 There has been an increase in the number of cases which are brought to the attention of the council where the alleged perpetrator is vulnerable in some way. This can be as a result of their age (the council has been receiving complaints against people of pensionable age, or who live in sheltered housing), or people who are vulnerable due to disability, either physical or mental health. The policy recognises a need to develop further competencies and expertise in this area and the Council will make attempts to develop capacity and expertise through training, formal qualifications, sharing of good practice and through liaison with health and social care providers whilst working closely with our vulnerable tenants and impacted upon to find the most appropriate solutions.

3.09 The proposed policy also attempts to go a step further in recognising the frustrations felt by many residents who witness some tenants repeatedly breaching the terms of their tenancy agreement, and causing nuisance and annoyance to others. When these tenants are witnessed having new bathrooms, or kitchens, sometimes ahead of those tenants who have an impeccable tenancy record, it is understandable to most people why frustrations occur. The council has a duty however to meet its repairing obligations and to invest in its stock which are assets of the council. However, the draft policy puts forward a proposal to increase priority for planned improvement works for those tenants with clear tenancy records, whilst reducing priority for those tenants with a history of serious or persistent anti-social behaviour.

4.00 RECOMMENDATIONS

4.01 It is recommended that Cabinet consider the proposed changes to the policy and support the draft policy.

5.00 FINANCIAL IMPLICATIONS

5.01 The proposed policy refers to additional resources which have been approved for 2013/14. These are the appointment of an additional two Anti-Social Behaviour Officers which were agreed in the Choices Document and have been approved in the HRA Budget for 2013/14. The implementation of an out of hours witness support telephone service will cost £5.0k and this will be found from within the existing resources in the HRA.

6.00 ANTI-POVERTY IMPACT

6.01 No issues arising from this report.

7.00 ENVIRONMENTAL IMPACT

7.01 The proposed policy will have a positive environmental impact due to the commitment to tackle environmental anti-social behaviour affecting neighbourhoods where the council owns and manages homes.

8.00 EQUALITIES IMPACT

8.01 An Equalities Impact Assessment has been completed and the policy has been discussed at the Equalities Group with no requirement for any major changes. Positive feedback has been received in addition to comments on successfully implementing the policy with reference to customers from diverse backgrounds.

9.00 PERSONNEL IMPLICATIONS

9.01 2 additional staff to be recruited.

10.00 CONSULTATION REQUIRED

10.01 Further consultation work to be carried out targeting harder to reach customers.

11.00 CONSULTATION UNDERTAKEN

11.01 The draft policy has been developed in consultation with customers. Workshops have been held at two Customer Conferences and Customers have been invited to make comments on the development of the policy, including an advertisement to this effect placed in the Housing News Magazine in January 2013.

11.02 Housing Overview and Scrutiny Committee discussed and fully supported the policy at the meeting on 24th April 2013.

12.00 APPENDICES

12.01 Draft Anti-Social Behaviour Policy

12.02 Risk Assessment Matrix

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS AND APPENDICES**

None

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