

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **HOUSING OVERVIEW & SCRUTINY COMMITTEE**

DATE: **WEDNESDAY, 14 JANUARY 2015**

REPORT BY: **CHIEF OFFICER (COMMUNITY AND ENTERPRISE)**

SUBJECT: **ANTI-SOCIAL BEHAVIOUR POLICY**

1.00 PURPOSE OF REPORT

1.01 This purpose of this report is to highlight to members of the Housing Overview and Scrutiny Committee, the changes made by the Anti-Social Behaviour Crime and Policing Act 2014 as they affect housing management. In order to utilise the new tools and powers made available by the new legislation, it has been necessary to revise the council's Antisocial Behaviour Policy, and members are asked to note and support the revisions contained in the policy which is annexed to this report.

2.00 BACKGROUND

2.01 The Antisocial Behaviour, Crime and Policing Act 2014 has simplified the numerous tools and powers which have been available to agencies working to tackle crime and antisocial behaviour.

The Act received royal assent on 13 March 2014. The new tools relevant for housing in the Act came into force in October 2014 (except civil injunctions which have been delayed to later in 2015).

3.00 CONSIDERATIONS

3.01 The following are the new powers introduced by the act which are available to social landlords such as Flintshire County Council's Housing Team:

- 3.02
 - New civil injunction – to replace the existing Antisocial Behaviour injunction, The civil burden of proof is still required to attain the order, increasing to the criminal burden of proof if breached, however now orders can be obtained against anyone over the age of ten, provided the applying organisation works closely with the Youth Offending Team (YOT). The new injunctions can also compel the perpetrator to take part in positive activities such as rehabilitation for drink or drugs, or even training opportunities. As before, powers of arrest can be

appended where there is threat of or actual violence.
Unfortunately the new injunctions are delayed until 2015.

- 3.03
 - Absolute ground for possession – this can be used where the tenant, or a member of their household, or visitor, has been convicted of a serious offence (committed since October 2014), or has been found by a court to have breached a civil injunction/Criminal Behaviour Order/Noise Abatement Notice, or where the tenant's property has been closed for more than 48 hours under a Closure Order.
- 3.04
 - Community Trigger – victims of ASB can appeal to a panel of agencies (police, housing, local authority etc) if they feel they have not received a sufficiently robust response to their case. The Panel considers each case and if in agreement that service has been inadequate, provides an action plan. The council has an agreed process with Community Safety, North Wales Police and other housing providers which have been published on the council's website.
- 3.05
 - Community Protection Notice (CPN) – a new power which can be used by social landlords, whereby following a warning, a CPN can be issued to a person over 16/business/organisation committing ASB which spoils a community's quality of life. Further breach can result in a fine or the perpetrator being made to pay for remedial works. This new power provides an additional, and potentially more effective tool to deal with the kinds of neighbourhood issues that Housing Officers have to deal with, for example untidy gardens and littering.

4.00 RECOMMENDATIONS

- 4.01 Members are asked to support and note the new tools and powers available to social landlords and to support the amendments to the ASB Policy to enable the council to make effective use of the legislation.
- 4.02 Members are asked to support the council's continued approach of dealing with each complaint of ASB on a case by case basis, and only taking legal enforcement action when it is reasonable and proportionate to do so.

5.00 FINANCIAL IMPLICATIONS

The new legislation eases the financial burden on social landlords of possession cases where the new absolute ground is used as the perpetrator only needs to have been found guilty in the criminal court of the qualifying offence, and doesn't need to be proven again in the civil courts. Similarly new powers such as the community protection

notice allow social landlords to tackle neighbourhood issues at a lower level, which is expected to reduce the need to rely on court action.

6.00 ANTI POVERTY IMPACT

6.01 No identified issues

7.00 ENVIRONMENTAL IMPACT

7.01 The use of community protection notices is expected to have a positive environmental effect.

8.00 EQUALITIES IMPACT

8.01 No identified issues.

9.00 PERSONNEL IMPLICATIONS

9.01 No additional staff required.
Training has been provided to the Neighbourhoods Team.

10.00 CONSULTATION REQUIRED

10.01 None required.

11.00 CONSULTATION UNDERTAKEN

11.01 The legislation has undergone extensive consultation. Details of the new legislation are to be published in the next issue of Housing News.

12.00 APPENDICES

12.01 Revised Antisocial Behaviour Policy

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

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