



Flintshire County Council

Anti-Social Behaviour Policy for Council Tenants



January 2015



INTRODUCTION

“We want Flintshire to be a county where people of all ages and from all backgrounds and abilities feel safe, confident, supported and protected from harm, including abuse and neglect. We want to reduce the impact that crime and anti-social behaviour can have on the lives of people.”

(Community Strategy 2009-2019)

It is now widely recognised that no single agency or organisation, can in isolation, resolve all issues of anti-social behaviour and the role of social landlords in tackling antisocial behaviour has been increasingly acknowledged through the development of legislation in this area. This policy therefore, sets out the approach of Flintshire County Council’s Housing Department in preventing, reducing and tackling anti-social behaviour and its impact in our neighbourhoods. Throughout this policy the term “council” will be used to refer to Flintshire County Council.

The council recognises that the effects of anti-social behaviour can be far reaching, reducing the quality of life of victims and witnesses and their families and communities, impacting on the local environment, adversely affecting the local economy and putting extra pressure on public and third sector services. As such, a failure to tackle anti-social behaviour would pose a risk to the sustainability of our neighbourhoods.

The outcomes we aim to achieve are to:

- Prevent anti-social behaviour from happening in the first place.
- Increase confidence within the community to report anti-social behaviour
- Reduce the impact of anti-social behaviour on victims, witnesses and those around them.

- Take decisive action to tackle those who behave in an anti-social manner to stop it from happening again.
- Provide a service that is value for money and which provides sustainable outcomes.

How will we know if we are achieving our aims?

- We will survey all the users of our service to determine how satisfied customers were with the process and the outcome and whether they would be prepared to report ASB again.
- We will measure our performance in relation to service standards that we will agree in consultation with our customers and publish this information.
- We will benchmark the levels and type of reported ASB through Housemark, a national benchmarking organisation.
- We will measure the percentage of cases that we deal with that are resolved, and we will review the sustainability of positive outcomes.
- We will monitor property termination reasons and property offer refusals to ascertain the effects of ASB on the reputation of an area.
- We will measure the number and success rates of our legal cases.
- We will use the results of the STAR Survey (or similar) to measure how residents feel we are performing.
- We will overlap our data with other Community Safety Partners to obtain a more holistic view of ASB in our neighbourhoods.

The responsive service that we provide will be available to residents where one of the following conditions is met:

- The victim of the anti-social behaviour is a Flintshire County Council tenant, or is a member of their household, or was a visitor to their home at the time that the incident occurred and/or
- The perpetrator of the anti-social behaviour is a Flintshire County Council tenant, or is a member of their household or was a visitor to their home at the time that the incident occurred and/or
- The behaviour complained of is directly or indirectly affecting our housing management function.

The Policy also supports the aims of the Welsh Housing Management Standard for Tackling ASB.

The Housing Act 1996 (as amended by the Anti-Social Behaviour Act 2003) requires all social landlords to publish a statement of their policies and procedures for tackling ASB.

This full Statement of Flintshire County Council's Community & Enterprise Policy for tackling Anti-Social Behaviour is available for inspection at the County Offices, Chapel Street, Flint, Flintshire CH6 5BD and is available on the Flintshire County Council website. A hard copy will be supplied if requested for a reasonable charge.

A summary of this policy will be made available on request free of charge.

LEGAL AND STRATEGIC CONTEXT

The Community & Enterprise Directorate approach must be seen within the context and framework created by legislation. The Authority's policies and procedures have been written in accordance with existing legislation and will be updated in accordance with new legislation.

The policy also has regard to Guidance issued by the Welsh Ministers and good practice literature from a range of sources, including the Chartered Institute of Housing, Social Landlords Crime and Nuisance Group and the National Housing Federation.

The Policy also reflects the wider strategic aims and policy initiatives of both Flintshire County Council and its Community & Enterprise Directorate, and in particular those highlighted in the Community Strategy and associated documents.

The Crime and Disorder Act 1998, as amended by the Police Reform Act 2002, sets out statutory requirements for "responsible authorities" to work with other local agencies and organisations to develop and implement strategies to tackle crime and disorder related issues in their areas.

The statutory partnerships are known as Crime and Disorder Reduction Partnerships or Community Safety Partnerships.

The "responsible authorities" usually include (but are not restricted to):

- The Police

- Local Authorities

- Fire Authorities

- Police Authorities

- Primary Care Trusts

Section 17 of the Crime and Disorder Act 1998 requires all authorities to have due regard to the likely effect upon crime and disorder of anything they do in the exercise of any of their functions. Each Authority must also do all that it reasonably can to prevent and reduce crime and disorder in its area.

DEFINITION OF ANTISOCIAL BEHAVIOUR

The Crime and Policing Act 2014 defines anti-social behaviour 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.

The Authority will clearly establish and publicise through its [proposed] tenancy agreement the acceptable level of behaviour expected of its tenants, members of their household and visitors to their properties.

Anti-social behaviour can include the following examples and can be categorised under these headings to enable like for like benchmarking with other areas and housing providers:

- Noise
- Verbal abuse/harassment/intimidation/threatening behaviour
- Hate-related incidents
- Vandalism and damage to property
- Pets and animal nuisance
- Nuisance from vehicles
- Drugs/substance misuse/drug dealing
- Alcohol-related
- Domestic abuse
- Physical violence
- Litter/rubbish/fly-tipping
- Garden nuisance
- Misuse of communal areas/public space or loitering
- Prostitution/sexual acts/kerb crawling
- Criminal behaviour/crime

The above is not a full list of what anti-social behaviour is but serves as a guide.

Additionally, the service intends to comply with the National Standards of Incident Reporting (NSIR) through the development of the case management system “ReACT”.

APPROACH TO TACKLING ANTI-SOCIAL BEHAVIOUR (ASB)

Prevention

The Council recognises that wherever possible preventing nuisance and anti-social behaviour from happening in the first place, is preferable to dealing with it after it has happened.

The Council’s approach begins at the application process where potential new tenants are asked to disclose any relevant criminal convictions, or previous enforcement action as a result of anti-social behaviour. The Authority takes a firm but fair approach to assessing applications by individuals and families who have a history of anti-social behaviour. In some cases the Council may decide that an applicant is to be treated as ineligible for allocation to a tenancy with the Council as a result of his or her past unacceptable behaviour, or the behaviour of a member of his or her household.

Each application and the surrounding circumstances will be considered individually before reaching a decision to treat an applicant as ineligible because of past unacceptable behaviour.

Chapter 1 of Part 5 of the Housing Act 1996 allows local housing authorities and Housing Action Trusts to adopt an introductory tenancy scheme for all new tenants. Flintshire County Council offers all new tenants an introductory tenancy. These last for 12 months and are like a ‘trial’ period.

The tenant(s) automatically become a secure tenant after 12 months, unless the council has either:

- started action to evict the tenant
- extended the introductory tenancy for a further 6 months

There are restrictions of the rights of an introductory tenant, for example, they are not permitted to:

- make major improvements to the property
- swap your property with another council tenant
- apply for the Right to Buy scheme

Where the council has evidence that an introductory tenant is responsible for serious or persistent anti-social behaviour, the council will use its discretion to determine the most appropriate response. Where the behaviour complained of is so severe and/or is criminal in nature, the decision to serve notice to commence proceedings to end the tenancy may be deemed to be the most appropriate response.

The obligations of the tenancy and the responsibilities of being a tenant with the Authority are explained to prospective tenants before they sign the tenancy agreement so that they are fully aware of the standards of behaviour that are expected.

The Authority is also able to take steps to prevent ASB through environmental improvements and through target hardening areas and properties which may be at risk. The Authority also reserves the right to develop local lettings policies and to make 'sensitive lets' in dwellings that have been, or may be connected to anti-social behaviour.

Support for Complainants, Victims and Witnesses of ASB

The Authority recognises that being a victim of, or witnessing anti-social behaviour can be a stressful and upsetting experience. It is also acknowledged that the decision to report ASB is sometimes a difficult and complex process. Complainants can be fearful of reprisals, be unsure who to report incidents to, and be worried about whether they will be believed. The council will aim to ensure that training is provided to all ASB and Housing Officers in how to interview victims and witnesses of ASB.

When an initial complaint of anti-social behaviour is made, the officer in receipt of the complaint will use the national risk assessment matrix to help them determine whether the complainant is at high risk. This is so that immediate steps can be taken to reduce the risk to the victim if deemed necessary.

Where officers determine that the complainant is high risk, they will attempt to work with the victim or witness and any other necessary partner agencies to try to manage and reduce the risk. This may mean taking immediate action if someone has been threatened with violence and there is a significant risk of harm, or it may mean providing extra security to someone's home. In extreme cases, it may even mean finding someone temporary accommodation whilst the problem is resolved.

The council will seek to assign a named officer to each case, so that the victim or witness will have a 'named contact' within the council who they know they can contact. This person will be the investigating, and may be a Housing Officer or Antisocial Behaviour Officer depending upon the severity or complexity of the issue.

In most cases, the Investigating Officer will usually agree an 'Action Plan' with customers who report anti-social behaviour so that they can discuss and agree when, how often and in what manner the customer will be contacted to provide them with progress updates on their case and what steps each party will take to resolve the problem. The most successful outcomes occur when residents and officers work co-operatively together. This 'Action Plan' will ensure that case planning is consensual and meets the needs of the victim. In the event of a victim or witness requesting actions that cannot be accommodated, reasons will be provided.

The Authority recognises that ASB often occurs outside of normal office hours and that victims and witnesses often feel that this is the time when they most need to speak to someone to report what is happening. In order to make provision for an 'out of hours' service, the Authority will employ a specialist service who are able to provide witness support at night, and during weekends and bank holidays.

Customer confidentiality will be respected at all times. Details of the complainant's identity or that of any other witnesses will never be disclosed to the alleged perpetrator (or anyone acting on behalf of the perpetrator) by the council without consent. The only exceptions to this are where disclosures become necessary for safeguarding reasons and/or a disclosure of the information is ordered by the Court.

Sometimes, the most effective resolution is to apply to the Court for an order to make the anti-social behaviour stop. The council recognises that this can be quite a daunting prospect

for victims and witnesses who may never have been into a court before. The best witness evidence is that which is given personally, in the court by the witness. In some circumstances, the council can apply to the court for 'special measures' where for example, witnesses can give evidence from behind a screen or via a video link. Special measures are subject to the agreement of the court.

There are also measures that can be taken to enable anonymous statements, or use of hearsay evidence and these will be fully explained to victims and witnesses so that they can make informed choices.

Sometimes complaints are made anonymously either over the telephone or in writing. The Authority will, where appropriate, look into the complaint made but we will be unable to feedback to the complainant and may not be able to take as effective action as we would be able to if we had contact details. Where complaints are made anonymously over the telephone, we may explain our approach to confidentiality in case management in order to encourage the complainant to provide us with their details.

Investigating the Complaint

In most circumstances it will be necessary to thoroughly investigate the complaint that has been made before any legal action is taken. In some circumstances however, for example, where there is an immediate risk of harm, the council may have to review the evidence that it has available to make a decision on whether an emergency application for injunctive relief is required.

Investigations may include (but are not limited to) interviews with the victim(s), witness(es) and perpetrator(s), site visits, CCTV installation, noise monitoring, use of professional witnesses and liaison with other agencies.

The investigation will be carried out thoroughly and without bias by an appropriately trained officer of the council. Records of the investigation and any subsequent findings will be recorded on the Authority's case management system.

The primary aim at all times will be to end the anti-social behaviour, and reduce the likelihood of it recurring.

Where the Investigating Officer has found evidence of anti-social behaviour they will consider the most appropriate intervention(s), remedy and sanction(s)

Exchange of Information

Section 115 of the Crime and Disorder Act 1998 provides a power to exchange information where disclosure is necessary to support the local Crime and Disorder (Community Safety) Strategy or objectives outlined within it. This must be primarily aimed at reducing crime and disorder in accordance with the Act's provisions.

Section 115 puts beyond doubt the power of any organisation to disclose information to Chief Officers of Police, Police Authorities, Local Authorities, Probation, Health Authorities, or to persons acting on their behalf. These bodies also have the power to use this information. Section 115 provides a power to share information but does not override other legal obligations such as the common law duty of confidence, the requirements of the Human Rights Act, compliance with the 1998 Data Protection Act or other relevant legislation governing disclosures.

Information as to any relevant criminal charges, cautions and convictions against an individual may be disclosed, as may details of any relevant calls made to the Police in relation to a particular address or visits made by the Police to an address. Relevant information may be shared about an individual's involvement with a particular agency (e.g. Probation Services). Other information relevant to the investigation of a case and in an effort to address the behaviour of the individual concerned may also be disclosed.

Flintshire County Council is a signatory to Flintshire Community Safety Partnership Information Exchange Protocol, which allows information to be exchanged under the Crime and Disorder Act 1998. The Police, who are also a signatory to this protocol, have an important and general power at common law to disclose information for policing purposes, which includes the prevention of ASB.

Multi-Agency Approach

The council recognises that frequently a multi-agency or multi-departmental approach will be required to resolve anti-social behaviour.

Housing Services will on all occasions seek to be represented on the ASB Joint Action Group to enable joined up problem solving around victims, perpetrators and locations.

The service also commits to being actively involved in any other multi-agency group (for example, MARAC) where appropriate, where by doing so, outcomes can be improved for customers.

Non-Legal Remedies

It is usually more effective to intervene quickly and assertively to resolve issues.

Housemark estimate that there are approximately 300,000 cases of anti-social behaviour reported to Local Authority Housing Departments and other social landlords each year (Housemark 2011/12 Benchmarking Report) and of these only 1.6% was resolved through the use of legal action with earlier interventions, warning letters and formal interviews with perpetrators being the most common methods of resolving complaints.

Prior to legal action being commenced, it is usually the expectation of the Court that the Council will have made efforts to resolve the ASB using non-legal remedies unless the behaviour is of a particularly serious nature. It is also the aim of the Authority to try to resolve complaints of ASB without taking legal action where possible. The use of Acceptable Behaviour Agreements and Parenting Agreements will therefore be considered in appropriate cases.

The Council will also promote the use of Restorative Practice in appropriate cases in order to make perpetrators accountable for their behaviour, and take steps to put right any harm that has been done.

Sometimes, when a complaint has been investigated, the Council may decide the behaviour complained is not nuisance which the council can take enforcement action to resolve. Sometimes this will be due to a clash of lifestyles, for example someone using their washing machine in the day when their neighbour works nights and sleeps in the day, other times it may be due to differences of opinion or behaviours which may be described as “inconsiderate” rather than “anti-social”. In such cases, the Council will still try to offer suggestions and solutions to resolve the dispute, but ultimately where disagreement continues, and the Council has no powers to act, the case will need to be closed.

Recognition for tenants who do not commit anti-social behaviour

The Council recognises that it is extremely dis-heartening to local residents who see tenants of the authority behaving anti-socially only to seemingly be rewarded with a range of improvement works, such as new kitchens and bathrooms whilst other tenants with impeccable tenancy conduct, may have to wait for their improvements, as priority for works is currently based upon geographical location. The council recognises that whilst it does need to invest in the stock that it owns, it is possible to give preference to those tenants who do not behave in an anti-social manner ahead of those who are responsible for causing serious or persistent nuisance and anti-social behaviour.

It is the policy of the authority therefore, that when a tenant or member of their household is served with any kind of Notice for ASB, is subject to a Court Order for ASB or the authority is pursuing an order against the tenant (or member of their household) due to ASB that their priority for improvement works should be decreased so that preference is given to those tenants who do not commit ASB.

This will not affect the repairing obligations which the council is required to meet.

Legal Remedies

The Authority aims to tackle anti-social behaviour as quickly and efficiently as possible. In most cases this will result in early intervention by Investigating Officers to nip problems in the bud, but in more serious, complex or persistent cases, it may be necessary for the Authority to take legal action against the perpetrator.

The Authority employs a team of specialist Anti-Social Behaviour Officers. These Officers are trained to secure effective legal remedies when these are the most appropriate response.

Local authority landlords are able to apply for a range of court orders to address nuisance and anti-social behaviour. The Authority is committed to making best use of these legal powers to resolve cases without the need to evict alleged perpetrators. The Home Office have expressly stated that evicting someone from their home should be “a last resort to be

used exceptionally and where other interventions to tackle anti-social behaviour have been tried and failed”

Eviction of Secure tenants will only be considered as a last resort when other remedies have been tried and failed, or when the authority deems a particular case of ASB to be so serious that possession is the most appropriate response in the circumstances.

The Authority has a responsibility to all of its tenants and therefore before considering any possession proceedings will need to consider the behaviour of the alleged perpetrator and its impact upon the local community.

Where the tenant is still an introductory tenant in their probationary period, and there are any breaches of tenancy, the Council will take steps to let the tenant know, so that they can put them right. Breaches of tenancy conditions will be investigated and if not resolved, the Council may take action to extend or end the tenancy.

An Introductory tenant legally has the right to ask for a review of the decision to end or extend their introductory tenancy.

If the tenant asks for a Review, they will also have the right to attend, take someone with them, and send someone to represent them to the Review and speak or ask questions. They could also make a written representation. The tenant is only entitled to a review if they request a review of the decision. The tenant must do this before the end of the period of 14 days beginning with the day on which the Notice has been served. It is helpful if the tenant does this by returning the Review Request Form provided with the Notice. The Council will then arrange a Review and inform the tenant of the time and place, within 5 working days.

However, if the tenant does not request a Review within 14 days they will lose their right to a Review.

Absolute Ground for Possession

The Crime and Policing Act 2014 introduces new ‘mandatory’ grounds for possession.

Part 5 of the Act (sections 94-97) introduces new absolute grounds for possession for both secure and assured tenancies, as well as particular notice and (for certain secure tenancies) review requirements.

In order to rely on the new absolute grounds, a number of alternative conditions must be met. The five alternative conditions are set out in section 84A of the Housing Act 1985 (secure tenancies) requiring there to have been:

- **Condition 1.** A serious offence conviction (such as murder, manslaughter, malicious wounding, threats to kill, burglary or an offence relating to section 4 of the Misuse of Drugs Act 1971) with the offence having been committed after 20 October 2014.
- **Condition 2.** A proven breach of an injunction to prevent nuisance and annoyance under Part 1 of the Act at committal proceedings.
- **Condition 3.** A conviction for breach of a criminal behaviour order under Part 2 of the Act.
- **Condition 4.** The property is or has been subject to a closure order and access has been prohibited for a continuous period of more than 48 hours.
- **Condition 5.** A conviction for breach of a statutory nuisance abatement notice or an order to abate a statutory nuisance.

Four of the conditions (that is, all except Condition 4) can be expressly invoked not only by the behaviour of the tenant but also by that of someone living in the premises or a visitor).

Locality

There are also locality requirements in Conditions 1-3, with Conditions 4 and 5 specifically relating to the premises. This has the effect that the behaviour complained of, and already proven in court, must have at least in part been committed:

- In the locality of the demised premises.
- Against a resident who lives in the locality.
- Against the landlord, its staff and/or contractors in connection with its housing management functions.

Notices

New notices prior to the issue of proceedings are also required under the Act (section 83ZA of the Housing Act 1985 and section 8(3A)-(4F) of the Housing Act 1988).

The new notices must:

- State that the court will be asked to make an order under section 84A for the possession of the dwelling-house.
- Set out the reasons for the landlord's decision to apply for the order (including the condition or conditions in section 84A on which the landlord proposes to rely). Where possession is also sought on one or more of the grounds set out in Schedule 2 to the HA 1985, the notice must also specify the ground on which the court will be asked to make the order and give particulars of that ground.
- Inform the tenant of any right that the tenant may have under section 85ZA to request a review of the landlord's decision and when such a request must be made.

There are time limits as to when these notices can be served, for example, within 12 months of relevant conviction or appeal or within three months of the closure order or appeal.

Right to a Review

There are statutory review requirements for secure tenants to seek review of the council's decision to seek possession. The tenant must make such a request in writing within seven days of the notice for possession under section 83ZA being served. The council must then review its decision and notify the tenant in writing of the final review decision. If the decision confirms the original decision, the council must also notify the tenant of the reasons for the decision.

Riot-related anti-social behaviour

In response to the 2011 riots, a new discretionary ground has also been added by section 99 of the Act (in force since 13 May 2014), which can now be seen at Ground 2ZA of Schedule 2 to the Housing Act 1985 (secure tenancies)

“The tenant or an adult residing in the dwelling-house has been convicted of an indictable offence which took place during, and at the scene of, a riot in the United Kingdom.”

“Riot” has the same definition as in section 1 of the Public Order Act 1986, that is:

“(1) Where 12 or more persons who are present together use or threaten unlawful violence for a common purpose and the conduct of them (taken together) is such as would cause a person of reasonable firmness present at the scene to fear for his personal safety, each of the persons using unlawful violence for the common purpose is guilty of riot.

(2) It is immaterial whether or not the 12 or more use or threaten unlawful violence simultaneously.

(3) The common purpose may be inferred from conduct.

(4) No person of reasonable firmness need actually be, or be likely to be, present at the scene.

(5) Riot may be committed in private as well as in public places.

(6) A person guilty of riot is liable on conviction on indictment to imprisonment for a term

Civil Injunctions

Part 1 of the Crime & Policing Act 2014 introduces a new civil injunction, although the introduction of these provisions has been delayed until 2015.

The new civil injunctions, designed to tackle nuisance and anti-social behaviour, will replace Antisocial Behaviour Injunctions and stand-alone Antisocial Behaviour Orders. They will be available to minors as well as adults and will be obtainable from the County Court or, alternatively, the Youth Court for 10-17 year olds. The test for the injunction differs slightly according to whether the injunction application relates to housing-related behaviour or is anti-social behaviour ("ASB") occurring more widely in a community. In addition you must show that the making of the order is just and convenient to prevent further ASB. The standard of proof for this 2 stage test is assessed on the balance of probabilities and therefore is a civil test rather than the higher criminal test applicable to ASBOs.

The Act introduces a formal statutory duty to 'consult' in all but without notice cases - if an application is against a minor, you must consult with the Youth Offending Team; for all other applications you must inform any other body or individual 'the applicant thinks appropriate.'

In contrast to previous civil injunctions, the new legislation introduces the express ability to seek positive obligations that can be placed on a Defendant - to attend drug or alcohol projects, for example.

An order excluding a person from their home will still be available under the new Act, but only for those over 18

Community Protection Notices

The community protection notice is intended to deal with particular, ongoing problems or nuisances which negatively affect the community's quality of life by targeting the person responsible. The notice will direct the individual, business or organisation responsible to stop causing the problem and it could also require the person responsible to take reasonable steps to ensure that it does not occur again.

This notice is intended to replace current measures such as litter clearing notices, defacement removal notices and street litter control notices. It is not meant to replace the statutory nuisance regime – and where the behaviour is such as to amount to a statutory nuisance under section 79 of the Environmental Protection Act 1990 (EPA), it should be dealt with as such. The statutory nuisance regime is long established and covers a number of different issues including noise, artificial light, insects and smoke.

The power to issue a notice will be available to police officers (and police community support officers (PCSOs) if designated by the chief constable), authorised persons within the local authority and staff of registered providers of social housing (if designated by the relevant local authority).

Rehabilitation and support for perpetrators

The Authority recognises that some people need help to change their behaviour. As such, where Officers identify support needs they will make appropriate referrals or signpost perpetrators to agencies or organisations that can provide support.

There are a wide range of agencies in Flintshire providing help and support services and Officers will be able to signpost people to the appropriate one, depending upon the support needs of the individual.

Vulnerable Persons

The Authority acknowledges that some vulnerable residents, including those with learning or physical disabilities; mental health illness or other support needs, may have their behaviour perceived as anti-social. Where the council becomes aware of such instances we will endeavour to work with individuals, support providers and the community where possible to find an effective solution.

Anti-social behaviour Officers must try to balance the need to protect individuals and communities from anti-social behaviour with the needs of a vulnerable perpetrator. If a perpetrator is thought not to have 'mental capacity' they may not be able to understand what is wrong with their behaviour. If an application for an order is made in court, they may not be able to understand the proceedings, the requirements of the order or what constitutes a breach.

ASB Officers will make efforts to consult with health and social care practitioners where they suspect that the perpetrator of the ASB does not have mental capacity.

CULTIVATION, DISTRIBUTION, SELLING OR SUPPLY OF ILLEGAL DRUGS

The Authority recognises the misery that can be caused by the use illegal drugs in our communities. We can identify the links to crime and disorder and the subsequent impact on our local economy and the increased pressure that illegal drugs can place on public services. The Authority acknowledges the crucial role that it can play in taking a firm stance against those who unlawfully benefit through the illegal cultivation, distribution, sale and supply of illegal drugs.

It is the policy of the Authority that while all cases will be considered on an individual basis having regard to the particular circumstances of the case, in most cases where a tenant has been convicted of cultivating, selling, distributing or supplying illegal drugs legal action for possession of the property will be commenced.

The Authority is aware however, that in some circumstances, the homes of vulnerable tenants are 'taken over' by criminals who intimidate the individual into activities around illegal drug production or distribution. In such circumstances, it is the policy of the council to work with the police to bring the offenders to justice. However, there will be a clear expectation that the tenant will co-operate with the council and the police to enable this to happen. Failure to co-operate, and/or where the Investigating Officer finds no evidence that the tenant has been coerced into illegal activity may result in legal action against the tenant.

Where tenants are drug users with no associated nuisance activity rather than criminals who seek to benefit from the proceeds of illegal drug supply, a more supportive approach will be taken. Officers of the council are able to make referrals for specialist support or signpost tenants to appropriate agencies.

HATE CRIME & INCIDENTS MOTIVATED BY HATE

Hate crimes and incidents are any crimes or incidents that are targeted at a person because of hostility or prejudice towards that person's:

- disability
- race or ethnicity
- religion or belief
- sexual orientation
- transgender identity

They can be perpetrated against the person or the property, and the victim does not have to be a member of the group at which the hostility is targeted.

The view of the Authority is that none of its residents should be harassed or targeted due to any of the above characteristics. It is the aim of the Council to continuously develop its

approach to tackling hate crime and incidents and will do so in partnership with North Wales Police.

The Authority is aware that recent research suggests that hate related crimes and incidents are under-reported, particularly those where disabled people are targeted. The Council will work closely with partners to increase awareness of what constitutes a hate crime or incident, and to provide ways in which hate crimes and incidents can be identified and reported. This includes establishing the Neighbourhood Housing Team as a Community Reporting Facility in conjunction with North Wales Police, and training Housing Officers and ASB Officers to be able to recognise and report incidents, and to take steps to facilitate effective support for victims and witnesses.

The Authority will take prompt and decisive action to deal with any tenant where there is evidence of them perpetrating hate crime. This may include applying for an injunction to protect the victim.

DOMESTIC ABUSE

The Council's [proposed] Tenancy Agreement makes it clear that domestic abuse is unacceptable behaviour. By 'Domestic Abuse' we refer to the widened definition which will be implemented across government from March 2013. The widened definition is as follows:

Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass but is not limited to the following types of abuse:

- psychological
- physical
- sexual
- financial
- emotional

Controlling behaviour is: a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour. Coercive behaviour is: an

act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.”

It is the policy of the Authority to treat all disclosures of domestic abuse confidentially. The exceptions to this are where a child or vulnerable adult would be put at risk. In such cases, it will be made clear to the reporting person that the information would need to be shared with other agencies to facilitate effective safeguarding.

This policy therefore should be read alongside our policy for safeguarding vulnerable adults and children.

Reports of domestic abuse will be referred to the ASB Team who will attempt to make contact with the victim within one working day in order to carry out an initial risk assessment with them. This is subject to the victim having made available their contact details, being agreeable to such contact and being available for such contact. In some circumstances it will not necessarily be safe for an Officer to make contact and each case will need to be assessed individually.

The Council will offer victims of domestic abuse a named officer who will deal with their case, and will aim to offer a choice of a male or female officer.

A DASH risk assessment will be used to assess risk. This is a national Domestic Abuse, Stalking and Honour Based Violence (DASH 2009) Risk Identification, Assessment and Management Model. Its introduction means that all police services and a large number of partner agencies across the UK will be using a common checklist for identifying and assessing risk, which will save lives. ACPO [Association of Chief Police Officers] Council accredited the DASH (2009) Model to be implemented across all police services in the UK from March 2009. Where it is identified that there is a high risk, a referral will be made to the Multi-Agency Risk Assessment Conference (MARAC).

Where urgent action is required as a result of the risk assessment, it will be the responsibility of the named officer to facilitate this. This may include urgent target hardening (usually referred to as Sanctuary), emergency/temporary re-housing, and request for a critical marker and/or legal action.

The Authority will make referrals for appropriate support where possible, which may include the IDVA [Independent Domestic Violence Advocate] service.

IDVAs are trained specialists who provide a service to victims who are at high risk of harm from intimate partners, ex-partners or family members, with the aim of securing their safety and the safety of their children. Serving as a victim's primary point of contact, IDVAs normally work with their clients from the point of crisis, to assess the level of risk, discuss the range of suitable options and develop safety plans. They are pro-active in implementing the plans, which address immediate safety, including practical steps to enable victims to protect themselves and their children, as well as longer-term solutions. IDVAs will represent their clients at the Multi Agency Risk Assessment Conference (MARAC) and help implement safety plans which will include actions from the MARAC as well as sanctions and remedies available through the criminal and civil courts, housing options and services available through other organisations. IDVAs support and work over the short- to medium-term to put victims on the path to long-term safety. (Source – The Home Office, 2012)

Where a victim has fled their home which is a Council Property due to violence or abuse and the perpetrator remains in situ, the Council may initiate legal proceedings to re-possess the property. Where the tenancy is a joint tenancy and the vacating tenant serves a notice to end the tenancy this would have the effect of terminating the tenancy for both tenants. In such circumstances the tenant will be advised of this, and a recommendation will be made that the tenant should obtain their own independent legal advice before giving notice to end the tenancy.

Sometimes victims of domestic abuse find themselves the subject of complaints by neighbours due to the behaviour of the perpetrator. In cases where domestic abuse comes to light during the course of an anti-social behaviour investigation, the Neighbourhood Housing Manager should be advised who will advise of the best course of action. This may involve liaising with the Domestic Abuse Co-ordinator, Community Safety Team and/or other agencies. It is not the intention of the council to penalise victims of domestic abuse for the behaviour of their abusive partner (or ex-partner or other family member) over whose behaviour they have no control. There is however, an expectation that a victim of domestic

abuse should work with the Council to address the problems as the council has a responsibility to the wider community as well who may also be affected by the behaviour. Each case will therefore be addressed on an individual basis, considering the various factors of the situation.

EFFECTIVE COMMUNICATION & PUBLICISING INFORMATION

The Community & Enterprise Directorate, through its Tenancy Conditions, Customer Involvement Officer, Housing Newsletter, information and advice booklets and the local media, will ensure that tenants and residents of Flintshire are aware and reminded of their responsibilities to their neighbours and communities in relation to their conduct and behaviour. The consequences and sanctions of engaging in ASB will be similarly publicised.

The Authority recognises the importance of communicating successful action, not just to the victims and witnesses who are directly involved in cases, but also to the wider community.

This communication is vital to reassure residents, and to encourage reporting of incidents so that anti-social behaviour can be tackled.

Often court orders will contain prohibitions imposed by the court and it is necessary for the local community to be aware of the detail so that they can report any breaches of the order.

The Authority recognises that those subjected to a court order who have their details published, may view this as a punitive measure, however, it is not intended to be so.

Following guidance from the Home Office set out in 2005, the Authority has devised a pro forma to record its decisions to publicise ASB cases and outcomes and a copy of these will be retained by the Council.

The decision to publicise information will involve a 'necessity test' to satisfy that one or more of the following aims for publicising information is relevant.

- To notify the public that a court order has been obtained in order to reassure the public that action has been taken.
- To notify the public of specific court orders so that they can assist in their enforcement.
- To act as a deterrent to anti-social behaviour.

The pro forma which will be completed by the Anti-Social Behaviour Team and initially approved by the Neighbourhood Housing Manager will be sent to the Head of Housing and Executive Member for Housing for their approval and comment. This will include consideration of the following; the main objectives of the publicity, the decision to publish, the decision making process, what publicity should look like, human rights, data protection, type of publicity, and extent of information to provide.

Each case will be considered on its own individual merits, and careful consideration will be given to publicising actions where any of the parties are considered to be vulnerable.

This will then be referred to the Corporate Communications Team who will prepare any press releases, or other forms of information to be communicated.

THE COMMUNITY TRIGGER

The Crime and Policing Act 2014 introduces the “Community Trigger”.

The Community Trigger is a process which allows members of the community to ask Flintshire’s County Council to review their responses to complaints of anti-social behaviour.

The Community Trigger was introduced by law in October 2014 and can be used if any individual has complained to Flintshire County Council, North Wales Police or a Registered Social Landlord about 3 incidents of anti-social behaviour in a six-month period. Each report needs to have been made within 1 month of the incident occurring. The trigger is available if an individual believes their complaints have not been appropriately addressed or no action has been taken. The trigger cannot be used to report general acts of crime, including hate crime or anti-social behaviour.

Flintshire County Council has a co-ordinated approach to addressing community trigger requests, and initial requests will be processed by the Community Safety Team who will liaise with a nominated officer in housing.

The same criteria and process has been agreed across North Wales with relevant agencies and stakeholders.

COMMITMENT TO SERVICE IMPROVEMENT

Flintshire County Council's Community & Enterprise Directorate will strive to provide excellent services which meet the needs of customers.

We aim to continually evolve the service to make best use of the tools and powers available and to ensure that the services we buy in and the service we provide are good value for money.

By consulting with customers we aim to shape what we do in partnership with our customers. This also means being proactive about involving hard to reach customers and considering the diverse needs of our residents.

We will aim to provide transparent performance information so that our customers can see how we are performing in relation to the targets we will set ourselves.

We will aim to benchmark our performance against that of other social landlords and councils so that we can make meaningful comparisons and identify areas for improvement.

We will monitor customer satisfaction with our service, and we will use the feedback that we get from customers to raise the bar on our performance.

We will offer regular, up to date training for our staff to enable them to effectively carry out this difficult and challenging work.

EQUALITY & DIVERSITY

The Authority aims to ensure that its ASB Policy respects and upholds the organisation's commitment to equality and diversity and in a manner that is fair to all regardless of their; age, religion & belief, disability, gender, race, sexual orientation, transgender status, marriage & civil partnership, pregnancy & maternity or any other issue that may cause potential discrimination in service delivery.

The Authority will ensure that where necessary it assists anyone needing to access this service. This may include providing assistance to access translation services, type-talk and providing literature in a range of formats such as larger text, picture and Braille formats or in different colours.

In compliance with the Council's Welsh Language Scheme, all services and documents can be made available in Welsh where this is required by customers.

HEALTH & SAFETY

All activities carried out by the Authority will be in accordance with the Health & Safety Management system including risk assessments and accompanying safe systems of work.

CONSULTATION, MONITORING & REVIEW

The Authority will consult with customers, partner agencies and organisations and the voluntary sector to continually develop good practice in this area.

The Authority will monitor the effectiveness and implementation of this policy to ensure that it achieves its aims of protecting its tenants and residents of its communities.

The Authority will benchmark its ASB service using Housemark to review the effectiveness of its activities and performance.

The Council will periodically review the policy and procedures for tackling ASB and will always have due regard to legislative requirements and best practice.