

**COMMUNITY, HOUSING AND ASSETS OVERVIEW AND SCRUTINY  
COMMITTEE**

<b>Date of Meeting</b>	Wednesday 16 December 2020
<b>Report Subject</b>	Anti-Social Behaviour Policy
<b>Cabinet Member</b>	Cabinet Member for Housing
<b>Report Author</b>	Chief Officer (Housing and Assets)
<b>Type of Report</b>	Strategic

**EXECUTIVE SUMMARY**

The Anti-Social Behaviour Policy fulfils the legal requirement of the Housing Act 1996 and is designed to give a clear statement of the approach of Flintshire County Council (the Council) as a landlord will take to address anti-social behaviour within the remit of the Housing Management Team.

The aim of the policy seeks to ensure that effective systems are adopted to prevent and minimise instances of anti-social behaviour and to resolve them as early as possible through timely and appropriate intervention.

We work with other internal departments and external agencies, such as North Wales Police to take any appropriate action. We will also link in with other council strategies – such as People are Safe and also external, such as Multi-Agency Risk Assessment Conference (MARAC) and Crime and Disorder Reduction Partnerships (CDRP's).

**RECOMMENDATIONS**

1	That Community, Housing and Assets Overview and Scrutiny Committee note the Anti-Social Behaviour Policy and provide its observations and comments for further consideration by Officers.
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## **REPORT DETAILS**

<b>1.00</b>	<b>EXPLAINING THE ANTI-SOCIAL BEHAVIOUR POLICY</b>
1.01	This report and attached policy document covers tenancy enforcement and our approach in tackling anti-social behaviour as part of an ongoing review and development of a suite of Housing Service policies and operational procedures, to ensure that there is a consistent, robust and equitable approach to managing our properties and estates.
1.02	Flintshire County Council manages 7,372 homes and is committed to providing an effective and efficient tenancy management service that reflects best practice, complies with legislation and protects the rights of tenants as well as minimising risk to the Council.
1.03	As a provider of social housing, we are required by section 218A of the Housing Act 1996 to publish policies and procedures for dealing with anti-social behaviour. We are committed to tackling anti-social behaviour as we know that it can impact on the lives of our customers in the communities in which we work. Anti-social behaviour covers the range of behaviours from low-level nuisance to serious harassment, which can damage the quality of life and interfere with the ability of people to use and enjoy their home and/or community.
1.04	The housing tenancy management teams are located in Flint. All low-level anti-social behaviour such as general neighbour disputes, noise etc are dealt with by Neighbourhood Housing Officers in the first instance, however, should a breach of tenancy be determined the case is escalated to Tenancy Enforcement Officers for enforcement action to be taken.
1.05	The Tenancy Enforcement Officers deal with all high level cases of anti-social behaviour, such as drugs, assault and a number of other tenancy breaches which cannot be resolved by the relevant neighbourhood officer following a review of the case to ensure all early intervention actions have been exhausted. The team also act as a link between the housing management team and other Council departments and external agencies.
1.06	Flintshire County Council is committed to preventing incidents of anti-social behaviour occurring in the first instance and will use a range of preventative actions to achieve this for example, challenging the behaviour causing a nuisance, mediation etc. Where incidents have occurred we recognise that early intervention is the key to avoid escalation. However, we will take legal action to resolve the situation, if it is deemed necessary and appropriate.
1.07	The Tenancy Agreement clearly sets out the obligations of our tenants and has a number of clauses which can be relied upon when dealing with complaints of anti-social behaviour. These agreements make it clear that tenants are responsible for the behaviour of everyone (including children) living in or visiting their home. The conditions of tenancy are explained by the Housing Officer at sign up and when challenging any reports of anti-social behaviour.

1.08	<p>The highest number of complaints reported relate to low-level cases involving noise complaints or neighbour disputes. In such cases, it is important to distinguish between what can be classed as anti-social behaviour or a case of two neighbours who do not get on as landlord involvement may actually escalate an issue between neighbours.</p>																									
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1.09	<p>The ASB Policy provides a definition of what is anti-social behaviour and gives examples of what is not. Not every complaint received will constitute anti-social behaviour and where this is the case, no further action will be taken but advice will be given. This can be subject to review if there is a change or escalation in the circumstances.</p>																									
1.10	<p>Where a report of anti-social behaviour has been made, we will take a victim centred approach and ensure that appropriate support is provided to victims, witnesses and their households at every stage of the case.</p>																									
1.11	<p>The number of reported cases has risen year on year with the highest recorded number during the recent lockdown restrictions. However, the number of cases which are closed as unresolved has significantly reduced which demonstrates more effective management of anti-social behaviour cases.</p> <table border="1"> <thead> <tr> <th></th> <th>2017 - 2018</th> <th>2018 - 2019</th> <th>2019 - 2020</th> <th>2020 to date</th> </tr> </thead> <tbody> <tr> <td>ASB Cases received</td> <td>152</td> <td>106</td> <td>202</td> <td>115</td> </tr> <tr> <td>No of closed cases</td> <td>156</td> <td>112</td> <td>156</td> <td>101</td> </tr> <tr> <td>No of cases (resolved)</td> <td>109</td> <td>92</td> <td>147</td> <td>99</td> </tr> <tr> <td>No of cases (unresolved)</td> <td>47</td> <td>20</td> <td>9</td> <td>2</td> </tr> </tbody> </table>		2017 - 2018	2018 - 2019	2019 - 2020	2020 to date	ASB Cases received	152	106	202	115	No of closed cases	156	112	156	101	No of cases (resolved)	109	92	147	99	No of cases (unresolved)	47	20	9	2
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1.12	<p>We will adopt a multi-agency approach when dealing with cases and will work with partner agencies such as the Police, Social Services, Education and our Community Safety teams and will share information with appropriate partners and work within existing information sharing frameworks.</p>																									

1.13	<p>There are a range of tools available including carrying out warning interviews, issuing formal/final warnings and Acceptable Behaviour Contracts (ABC's) which can be issued as appropriate. As well as linking in with external partners such as North Wales Police in relation to Community Protection Notices and Closure Orders and providing supporting evidence for their own actions involving our tenants.</p>
1.14	<p>This approach has proved effective and can deliver positive outcomes, as demonstrated at Richard and Bolingbroke Heights which are high-rise blocks located in Flint.</p> <p>In December 2019, the Housing Service and police were receiving extensive reports of high-level anti-social behaviour ranging from drug use to vulnerable tenants being 'cuckooed' within the block. Through intensive work and linking in with Crime and Disorder Reduction Partnerships (CDPR's) the problem was tackled and perpetrators were dealt with through both criminal and housing-related interventions. Continued support has been provided to the tenants who have been adversely affected to ensure that they feel safe and secure within their home and community. (Appendix 2 – Case Study)</p>
1.15	<p>As the number of reported cases show (para 1.08) the majority of incidents are low-level and dealt with either through mediation or warning letters. We will however, seek to evict perpetrators when all other actions to tackle the anti-social behaviour have been exhausted or where the incident is so serious there has been a danger to life or property. Where applicable and appropriate, we will apply to court for a possession order.</p>
1.16	<p>Number of tenancies terminated due to Eviction for ASB:</p> <p>Apr 2017 – Mar 2018 – 2  Apr 2018 – Mar 2019 – 1  Apr 2019 – Mar 2020 – 4</p> <p>It should be noted that the above terminations are where an eviction has taken place, however, there will be cases whereby the tenant has left prior to the eviction and the termination reason will be recorded as another reason.</p>
1.17	<p>The Anti-Social Behaviour Policy contains a number of sections which usefully explain the following:</p> <ul style="list-style-type: none"> <li>• Definition of anti-social behaviour (what is and what isn't)</li> <li>• General Policy Statement on Anti-Social Behaviour</li> <li>• Strategic and Legislative Context</li> <li>• Preventing Anti-Social Behaviour and Nuisance</li> <li>• Tenant and Landlord Responsibilities</li> <li>• Tackling Anti-Social Behaviour</li> <li>• Victim Centred Approach</li> </ul>

1.18	There will be occasions when the Council can find no evidence to support an anti-social behaviour complaint and/or all reasonable efforts to resolve an issue in these circumstances, the case will be closed and will not be re-opened unless there is new information/evidence to support this.
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<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	<p>There is a dedicated team of Housing Officers responsible for delivering Housing Services. Currently the team is divided into three areas:</p> <ul style="list-style-type: none"> <li>• New Customer team – responsible for pre-tenancy assessments, allocations and managing introductory tenancies</li> <li>• Neighbourhood team – responsible for managing neighbourhoods and secure tenancies</li> <li>• Tenancy Enforcement team – responsible for managing a number of different breaches of tenancies including anti-social behaviour</li> </ul>

<b>3.00</b>	<b>IMPACT ASSESSMENT AND RISK MANAGEMENT</b>
3.01	<p>Anti-social behaviour can be a destructive force within communities and the lives of a significant number of people within those communities can be negatively affected by the behaviour of an unreasonable minority.</p> <p>Anti-social behaviour can also damage the sustainability of communities and adversely affect the Council's ability to let our properties due to poor reputation and lead to poor customer satisfaction.</p>
3.02	All Housing Officers have received case management training to enable them to effectively manage all reports of anti-social behaviour, domestic abuse and hate crime.
3.03	During the initial investigation, a risk assessment will be completed assessing any vulnerabilities and safeguarding issues. Safeguarding issues will be dealt with in accordance with the Council's Safeguarding Policy and Procedures.
3.04	<p>On closure of a case, satisfaction surveys are carried out and cases are reviewed where low satisfaction is reported. Performance is monitored against annual targets for:</p> <ul style="list-style-type: none"> <li>• Satisfaction with the way the case has been dealt with</li> <li>• Days taken to close a case</li> <li>• ASB terminations as a percentage of all termination reason</li> <li>• Actions completed within target time</li> <li>• Percentage of cases closed as resolved</li> </ul>

3.05

**Ways of Working (Sustainable Development) Principles Impact**

Long-term	Positive – Providing sustainable tenancies in safer, cleaner neighbourhoods.
Prevention	Positive - Preventing homelessness through ensuring there is adequate support and accommodation to cater for a range of needs.
Integration	Positive – Increased integration between services and partner organisations.
Collaboration	Positive – Increased collaboration between services and partner organisations.
Involvement	Positive – Service user involvement to help shape effective services so that support is timely and person centred

**Well-being Goals Impact**

Prosperous Wales	Positive – providing good quality and affordable homes & sustainable communities
Resilient Wales	Positive – Creating services that are prevention focused and build resilience to avoid households becoming homeless specifically vulnerable persons
Healthier Wales	Positive – Reduction in homelessness and increase in targeted support for mental health
More equal Wales	Housing service is delivered in a way that is inclusive for all
Cohesive Wales	Positive – Safer and well-connected neighbourhoods
Vibrant Wales	Positive – encourages tenants to be more involved in their community
Globally responsible Wales	Neutral

<b>4.00</b>	<b>CONSULTATIONS REQUIRED/CARRIED OUT</b>
4.01	None

<b>5.00</b>	<b>APPENDICES</b>
5.01	Appendix 1 – Draft ASB Policy Appendix 2 – Case Study – Richard and Bolingbroke Heights, Flint

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	None

<b>7.00</b>	<b>CONTACT OFFICER DETAILS</b>
7.01	<b>Contact Officer:</b> Dawn Kent – Housing Manager <b>Telephone:</b> 01352 703526 <b>E-mail:</b> <a href="mailto:dawn.kent@flintshire.gov.uk">dawn.kent@flintshire.gov.uk</a>

<b>8.00</b>	<b>GLOSSARY OF TERMS</b>
8.01	<p><b>Crime and Disorder Reduction Partnership (CDRP):</b> statutory local partnership established by the Crime and Disorder Act 1998 to co-ordinate action on crime and disorder. CDPR partners include the police, local authorities, probation service, health authorities</p> <p><b>Multi-Agency Risk Assessment Conference (MARAC):</b> information sharing and risk management meeting attended by all key agencies</p> <p><b>Cuckooing:</b> a form of crime, termed by the police, in which drug dealers take over the home of a vulnerable person in order to use it as a base for county lines drug trafficking</p> <p><b>Tenancy Agreement:</b> legal document between tenant and landlord</p> <p><b>Community Protection Notices (CPN's):</b> issued by the police against a perpetrator of persistent anti-social behaviour. Failure to comply can lead to a fixed penalty notice, remedial action or a court order.</p> <p><b>Closure Notice:</b> Prohibits access to the premises for the period specified in the notice and a breach of the order is a criminal offence punishable with imprisonment and/or a fine.</p>