

<b>Committee:</b> Housing Management & Almshouses Sub Committee	<b>Date:</b> 12 January 2015
<b>Subject:</b> New Housing Service Anti-social Behaviour (ASB) Policy	<b>Public</b>
<b>Report of:</b> Director of Community & Children's Services	<b>For Decision</b>

### **Summary**

This report introduces a new Anti-social behaviour (ASB) Policy, which is specific to the Housing Service. The development of the policy, which is attached as Appendix 1, has been prompted by legislative changes set out in the Anti-social Behaviour, Crime and Policing Act 2014. A report summarising the new legislation and how it will impact the Housing Service was brought to this Committee in September 2014.

A requirement of the Act is that all Social Landlords prepare and publish their policy and procedures in respect of ASB. This, along with the new measures introduced by the 2014 Act, has prompted the Housing Service to develop an ASB Policy which brings our service provision in line with the new legislation.

The key new measures are:

- The introduction of a Community Trigger gives which victims the ability to demand action, starting with a review of their case, where a locally defined threshold is met;
- The introduction of a Community Remedy which gives victims a say in the out-of-court punishment of perpetrators for low-level crime and ASB;
- Civil injunctions – powers have been delegated to local authorities to enforce these;
- A new 'absolute' ground for possession where ASB or criminality has already been proven by another court. This aims to expedite the eviction of the most anti-social tenants to bring faster relief to victims.
- New 'discretionary' grounds for possession, strengthening the ability of local authority landlords to recover possession of properties from tenants who have been involved in crime or ASB.

Detailed procedural guides for Housing staff regarding ASB are currently being developed in line with this policy. This is being done in consultation with Estate Management and the Comptroller & City Solicitor's Department. These procedures will be brought to this Sub-Committee for approval. A leaflet for residents will also be produced and made available in all new tenant handbooks and in all estate offices.

If approved in principle by Members, the draft policy will be taken to the new Housing User Board (HUB), a resident consultation panel, for feedback. If any major changes are suggested as a result of the consultation, amended versions will be brought back to a future meeting along with the detailed procedural guidance.

### **Recommendation(s)**

Members are asked to:

- Note the report;
- Agree, in principle, the draft ASB Policy which forms Appendix 1 to the report.

## **Background**

1. In September 2014 a report was brought to this Sub-Committee highlighting the new Anti-social Behaviour, Crime and Policing Act 2014 and the measures that would directly impact the work of the Housing Service. This led us to develop a draft ASB Policy and undertake consultation with staff to develop comprehensive procedural guides.

2. The Act is intended to introduce simpler, more effective powers to tackle ASB that provide better protection for victims and communities. The Act streamlines existing procedures to allow a quicker response to ASB. The government envisages that these powers will make it easier for victims and communities to take action against ASB and reduce repeat violations.

3. The Act adopts most of the recommendations contained in the 2010 Home Office review of the tools and powers used to formally intervene to tackle and reduce ASB, which found that:

- there were too many tools and powers, with practitioners tending to focus on using the measures with which they were most familiar
- the bureaucracy and cost associated with some of the court orders (especially the Anti-social Behaviour Order) may encourage practitioners to use informal or voluntary tools to deal with serious incidents instead of formal and more controlling orders
- the growing number of people who breach their ASBO conditions suggests the potentially serious consequences are still not deterring a persistent minority from continuing ASB
- the tools that were designed to help perpetrators of ASB deal with the underlying causes are rarely used

## **Key elements of the proposed policy**

4. The policy sets out our aims regarding how our Housing Service staff will respond to reports of ASB and makes a clear distinction between 'estate management nuisance' and ASB. This is to clearly differentiate between activity which is often of a criminal nature, requiring a multi-agency approach, and behaviour which whilst causing nuisance or annoyance to others that can be dealt with quickly and efficiently by a responsive housing management service.

5. The policy also explains that ASB reports will be assigned as 'Category 1 - Urgent' or 'Category 2 - Non-urgent'. 'Urgent' reports relate to any violent behaviour or threat of violence against a person or property and action will be taken within 24 hours of the incident being reported to estate staff. These reports will most likely be regarding hate crimes, hate related incidents and/or domestic abuse and the police may already be involved before estate staff are notified. Any threat of, or actual violent behaviour towards a member of staff or any employee acting on behalf of the City of London Corporation will also be considered as urgent. 'Non-urgent' incidents (e.g. dumping rubbish/littering, failure by tenants to observe any ASB-related tenancy conditions or use of premises for illegal or illicit purposes) will be acknowledged within two working days and responded to within five working days.

6. A summary is given of the measures available to us as a landlord to tackle ASB, including the new 'absolute' and 'discretionary' grounds for possession which were introduced by the 2014 Act. These are expanded upon in the Overview document which is attached as Appendix 2 and which will form the final Appendix to the policy - but a key point is that the new 'absolute' ground removes the need for landlords to prove to the court that it is reasonable to grant possession, where ASB or criminality has already been proven by another court. This means the court will be more likely to determine cases in a single, short hearing. This will offer better protection and faster relief for victims and witnesses of ASB, reduce landlord costs, and free up court resources and time.

6. Details of the new Community Trigger are also set out, explaining that it offers the ability to trigger a review of management of ASB complaints in certain circumstances, including the actions of registered providers. A Community Remedy has also been introduced to tackle the effects of low-level ASB by enabling those affected to influence what actions can be required of the perpetrator.

7. The policy explains that the City's Scheme of Delegation has been amended in accordance with the new Act to reflect that the Director of Community & Children's Services (or his authorised deputy) now has the delegated authority to (amongst others):

- seek an Injunction to Prevent Nuisance and Annoyance
- issue Closure Notices and apply for Closure Orders
- authorise officers to serve Community Protection Notices and Fixed Penalty Notices in the event of a breach.

8. Our approach to supporting witnesses and victims of ASB, particularly if legal action is being pursued, is explained. Where circumstances warrant, we will consider the use of injunctions, emergency/temporary re-housing or any other action that might help witnesses/victims through this stressful process. If there are no witnesses willing to give evidence and there is a clear issue of ASB, we will consider whether the use of professional witnesses is appropriate.

### **ASB Procedure & Leaflet**

9. It is vital that staff understand what action must be taken and the different measures available to them, particularly in light of the recent legislative changes. We are currently working with staff to create a suite of procedure guides relating to ASB in its various forms so we can offer our staff clear, comprehensive guidance on how to tackle these issues. The procedures will be led by the draft ASB policy.

10. It is also important that our intentions and commitments regarding ASB are open and transparent, and that residents have access to these so that they understand the channels open to them. To this end we are developing a leaflet for residents explaining the process for reporting ASB and how we will support victims through the process.

11. If Members agree the draft policy in principle, we will apply it immediately, but will publish it as a draft and seek feedback from residents via the Housing User Board (HUB). The final version will be brought back to the Housing Management & Almshouses Sub-Committee for signing off once feedback has been considered and incorporated.

12. The Policy will be made available on the City's website and in all estate offices. The leaflet explaining how to report ASB and how we tackle it will also be published online and included in all new tenancy welcome packs.

### **Next steps**

13. Work with the HUB to incorporate residents' feedback on the draft ASB Policy.

14. Work with Housing Service staff and the Comptroller & City Solicitor's Department to develop the procedural guides to accompany the new ASB policy.

15. Publish and distribute a new leaflet for residents.

16. Review the policy and accompanying documents every two years.

### **Consultation**

17. The Town Clerk, Comptroller and Chamberlain have been consulted in the development of this report and policy.

### **Appendices**

Appendix 1 - Draft Housing Service ASB Policy

Appendix 2 - Overview of ASB remedies and actions

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