

CABINET
6 SEPTEMBER 2022

HOUSING SERVICES ANTI-SOCIAL BEHAVIOUR POLICY

**Responsible Cabinet Member -
Councillor Kevin Nicholson, Health and Housing Portfolio**

**Responsible Director -
Elizabeth Davison, Group Director of Operations**

SUMMARY REPORT

Purpose of the Report

1. To approve the Housing Services Anti-Social Behaviour Policy 2022-2026.

Summary

2. Darlington Borough Council provides over 5,300 high quality homes for local residents. We are committed to ensuring that all of our tenants enjoy their right to a safe home and community.
3. The Housing Services Anti-Social Behaviour Policy 2022-2026 at **Appendix 1** sets out how we will deal with reports of Anti-Social Behaviour (ASB) and hate crime effectively and promptly, taking appropriate, swift, proportionate action, including legal action, when necessary.
4. The Tenants Panel has been consulted on the draft policy and the outcome of this consultation is given at paragraph 16. However, the proposals have received overwhelming support.
5. This report was considered by Health and Housing Scrutiny on 29 June 2022, who agreed its onward submission for approval by Cabinet.

Recommendation

6. It is recommended that Cabinet :-
 - (a) Consider the contents of this report.
 - (b) Approve the Housing Services Anti-Social Behaviour Policy 2022-2026.

Reasons

7. The recommendations are supported as the Social Housing Regulator's Consumer Standards places a duty on social housing landlords to publish a policy on how they work with relevant partners to prevent and tackle ASB in areas where they own properties.

Elizabeth Davison
Group Director of Operations

Background Papers

No background papers were used in the preparation of this report.

Anthony Sandys: Extension 6926

S17 Crime and Disorder	This report has no implications for crime and disorder
Health and Wellbeing	There are no issues which this report needs to address
Carbon Impact and Climate Change	There are no issues which this report needs to address
Diversity	There are no issues which this report needs to address
Wards Affected	All wards with Council housing
Groups Affected	Council tenants and leaseholders
Budget and Policy Framework	This report does not represent a change to the budget and policy framework
Key Decision	This is not a key decision
Urgent Decision	This is not an urgent decision
Council Plan	This report supports the Council plan to provide Council tenants with a comprehensive range of good quality housing management and support services
Efficiency	There are no implications
Impact on Looked After Children and Care Leavers	This report has no impact on Looked After Children or Care Leavers

MAIN REPORT

Information and Analysis

8. Darlington Borough Council provides over 5,300 high quality homes for local residents. We are committed to ensuring that all of our tenants enjoy their right to a safe home and community.
9. The Housing Services Anti-Social Behaviour Policy 2022-2026 at Appendix 1 sets out how we will deal with reports of ASB and hate crime effectively and promptly, taking appropriate, swift, proportionate action, including legal action, when necessary.
10. The policy covers the following areas:
 - (a) **Vision and aims** – this section sets our policy objectives in striking the right balance between prevention, early intervention, support, and enforcement to tackle ASB.
 - (b) **Definitions and examples of ASB** – this section sets out how we define ASB and hate crime in the context of the management of our Council homes. The wording reflects those used in our new Tenancy Agreement, implemented in February 2022 and consulted on with our tenants, setting out clearly that we do not tolerate ASB and will take action whenever necessary and/or appropriate.
 - (c) **Support for victims and witnesses** – this section sets out the support we will put in place for victims and witnesses to ensure they feel confident and safe in coming forward to report ASB.
 - (d) **What we expect of our tenants** – this section confirms our expectations that all of our tenants will comply with the terms of their Tenancy Agreement. Specifically, that tenants, members of their household or visitors must not carry out or encourage any ASB which is likely to cause nuisance, annoyance, harassment, alarm or distress to other residents.
 - (e) **How to report ASB** – contains details of how tenants and residents can report ASB.
 - (f) **Our response** – this section sets out how we will respond to reports of ASB and the timescales for response.
 - (g) **What legal action(s) can we take as a landlord?** – this sets out our legal options for dealing with serious or repeat ASB, including Notices of Seeking Possession through to eviction.
 - (h) **Partnership working, confidentiality, data protection and information sharing** – confirms our partnership approach to tackling ASB.

Regulator of Social Housing

11. Social Housing is controlled by the Regulator of Social Housing and they have set out specific expectations and outcomes that providers of social housing must comply with. One of the four statutory Consumer Standards set by the Regulator is the Neighbourhood

and Community Standard.

12. The Neighbourhood and Community Standard sets expectations for registered providers of social housing to keep the neighbourhood and communal areas associated with the homes they own clean and safe, co-operate with relevant partners to promote the wellbeing of the local area and help prevent and tackle ASB.
13. Specifically, registered providers must publish a policy on how they work with relevant partners to prevent and tackle ASB in areas where they own properties. This policy must demonstrate:
 - (a) That tenants are made aware of their responsibilities and rights in relation to ASB.
 - (b) Strong leadership, commitment and accountability on preventing and tackling ASB that reflects a shared understanding of responsibilities with other local agencies.
 - (c) A strong focus exists on preventative measures tailored towards the needs of tenants and their families.
 - (d) Prompt, appropriate and decisive action is taken to deal with ASB before it escalates, which focuses on resolving the problem having regard to the full range of tools and legal powers available.
 - (e) That all tenants and residents can easily report ASB and are kept informed about the status of their case.
 - (f) The provision of support to victims and witnesses.

Tenancy Enforcement

14. Housing Services employs two full-time Tenancy Enforcement Officers whose specific role is to:
 - (a) Investigate and respond to reports of ASB in relation to Council tenants, members of their household or visitors to their property.
 - (b) Work with key local agencies to tackle ASB, including the Police and the Civic Enforcement Team.
 - (c) Support Housing Management Officers to deal with reports of neighbour nuisance and other potential tenancy breaches in relation to the management of Council properties.
 - (d) Support victims and witnesses in relation to reports of ASB.
 - (e) Issue tenancy breach notices and advice to tenants where a breach of the Tenancy Agreement in relation to ASB has occurred.

- (f) Take legal action up to and including eviction, in relation to serious ASB, criminal activity or repeated tenancy breaches.

Performance 2021-22

15. The following information relates to reports of ASB to Housing Services and investigations undertaken by our Tenancy Enforcement Officers in 2021-22:

- (a) Number of telephone calls to our Housing Contact Team in relation to ASB = **1,803**. This represents 2.7% of all the telephone calls received by Housing Services.
- (b) Number of reports of ASB resulting in a case being opened = **370**. The following lists the top 5 main reasons for reports of ASB being made, noise nuisance making up nearly half of all reports:

Category	Number
Noise nuisance	175
Pets and animal nuisance	43
Drugs misuse / dealing	37
Verbal abuse / harassment / threats	25
Nuisance from vehicles	15

- (c) Number of ASB cases closed = **365**. The following lists the reasons for case closure and confirms that in most cases, reports of ASB can be dealt with through advice and mediation between tenants:

Reason for closure	Number
Advice given and no further reports	175
No further reports from complainant	138
Complaint withdrawn	43
Successful mediation	3
Keys voluntarily given back following legal notice served	3
Eviction	3

- (d) Notices of Seeking Possession (NOSP) / Notices of Possession Proceedings (NPP) issued = **21**.

Outcome	Number
Eviction	3
Keys voluntarily given back following legal notice served	3
Possession not granted	1
Court action not taken as behaviour improved (NOSP remains in place for 12 months)	5
Referred to Mental Health services and behaviour improved	1
Deceased	2
Awaiting court date	6

Outcome of Consultation

16. The Tenants Panel were consulted in May 2022 and overall, the Panel supported the proposed Housing Services Anti-Social Behaviour Policy. Examples of the Panel's comments were as follows:
- (a) "I think the ASB Policy seems to cover everything pretty well, it was more comprehensive than expected and all in all I am happy with policy. One thing I would say is that I haven't been a victim of ASB myself, maybe an option would be to show this to someone who has. This will show a different perspective and maybe a point of view from someone with more experience. The language is easily understandable and I believe most people would read it with no problem whatsoever. The only people who would find this difficult to read are people who struggle in general. Like the way that examples were used right throughout the Policy. An example of this is Birds and Pigeons. It is something that I wouldn't have thought of myself, so interesting to see that other people would find it a problem."
 - (b) "I believe that the ASB Policy is pretty sound. I feel that everything was succinct and explained properly and it is clear why the actions that are taken are done so. I also feel that it goes hand in hand with the new Tenancy Agreement."
 - (c) "After looking at the policy, I believe that it is extremely well worded. It not only explains ASB appropriately but covers everything that could come up and any questions I may have had were all in the document. The processes are explained from start to finish and didn't leave anything unanswered. From reading the document, I believe that the support that the Council offers goes above and beyond and I am comforted knowing that ASB is important to Darlington Borough Council."
 - (d) "All in all, I agreed with everything that the ASB Policy had to say. It is a rather long document and I would assume that not everyone would read the full version. It may be an idea for a shorter version to be sent to tenants with the key points or even a Facebook Post to go alongside such a large document. The document was well written and reinforces the Tenancy Agreement. Over the years I have received comments from tenants that they feel they were causing a nuisance by reporting ASB. It is nice to know that this is changing and that more support will be available moving forward. I would like the Tenancy Enforcement Officers to come to the Tenants Panel meetings so that they can explain the process."
 - (e) "After looking over the document, I agree that the ASB policy is comprehensive and will give tenants a higher level of safety in their homes and in communal areas."
 - (f) "In general, I think it is a really good document. As far as I can see, all the important information has been covered and as a document of intent, there is no faulting it. Some people may see it is a little longwinded, but it is important that nothing is left out or people will complain. People don't generally read all the information but pick out the bits that are important to them. I think tenants do feel that they are being supported by the council and this reinforces that notion."

17. The last tenant's survey was carried out in September 2019 and in terms of importance rating (1 being of no importance and 10 being extremely important), tenants rated "safety and security in your home" as a rating of 9.4, which was the highest rated issue for tenants at that time.