

Item 7

REPORT TO CABINET

6TH DECEMBER 2004

REPORT OF DIRECTOR OF HOUSING

PORTFOLIO: HOUSING

LANDLORD'S OBLIGATIONS UNDER s.12 OF THE ANTI-SOCIAL BEHAVIOUR ACT 2003 - STATEMENT OF POLICY AND PROCEDURES

1. SUMMARY

- 1.1. Dealing effectively with crime and anti social behaviour (ASB) is a key priority for the government, elected members, tenants and residents of the Borough. A variety of powers are available to local authorities in order to effectively tackle the problem.
- 1.2. The Crime and Disorder Act 1998 introduced a number of measures to reduce crime and disorder including a duty to create partnerships with a range of agencies in order to formulate a Crime and Disorder Reduction Strategy. In response to this Sedgefield Borough Crime and Disorder Reduction Partnership (CDRP) was established in 1998. The first strategy was produced in 1999. This arrangement was strengthened as a result of the Local Strategic Partnership being established and the CDRP and Community Safety Policy Group are now one and the same and are currently reviewing the strategy.
- 1.3. There have also been a number of recent changes in legislation regarding the reduction of anti social behaviour. The Anti Social Behaviour Act 2003 was designed to extend powers to tackle anti social behaviour in local communities with a focus on supporting local authorities retaining housing stock. The Act places a duty on local authorities who are landlords and Registered Social Landlords (RSL) to prepare and publish a Statement of its Policy and Procedures for dealing with anti social behaviour engaged in by their tenants.
- 1.4. This report sets out the Councils response to this duty and attached is a copy of the Statement, Summary and Leaflet of the Policy and Procedures for the Anti Social Behaviour Act 2003.

2. RECOMMENDATION

1. That Sedgefield Borough Council's Statement of Policy and Procedure for dealing with anti social behaviour by tenants, occupiers of Council dwellings and visitors to Council dwellings be adopted.
2. To publish and make available copies of the Statement of Policy, Procedures, Summary document and Leaflet.
3. That a further report be presented on the use of Demoted Tenancies in accordance with the Anti Social Behaviour Act 2003.

3. ANTI SOCIAL BEHAVIOUR ACT 2003

3.1. The Anti Social Behaviour Act 2003 (the Act) received Royal Assent on the 20th November 2003. The Act provides powers for local authorities and those working with them to tackle anti social behaviour in local communities. Social Landlord's powers have also been extended to include developing the use of injunctions and demoted tenancies in order to address anti social behaviour within social housing.

3.2. Part 2 section 12 of the Act implements a new section 218A into the Housing Act 1996 as from the 30th June 2004. This requires all local authorities who are landlords to prepare and publish a statement of its policy and procedure on tackling anti social behaviour. The Act also requires a summary of the policy and procedures to be prepared.

Anti social behaviour is defined under this section of the Act as any conduct which:

- Is capable of causing nuisance or annoyance to any person and
- directly or indirectly relates to or affects the housing management functions of a relevant landlord or
- consists of or involves using or threatening to use housing accommodation owned or managed by a relevant landlord for an unlawful purpose

The definition is wide enough to encompass most social landlords' own understanding of anti social behaviour.

3.3. Part 2 section 14 of the Act implements the use of demoted tenancies, this enables social landlords to apply to county court for a demotion order against a secure Council tenant or an RSL tenant with an

assured tenancy. The court may only make the order if the tenant, another resident or a visitor to the tenant's home has behaved in a way which is capable of causing nuisance or annoyance or used the premises for illegal purposes.

3.4. Demotion orders would serve as an additional tool in combating anti social behaviour and provide perpetrators with an opportunity to modify their behaviour before eviction is sought. They are also useful in cases where the tenant is exercising their Right to Buy as a route to escape management intervention by the Council.

3.5. A further report will be brought for consideration on the use of Demoted Tenancies.

4. STATEMENT OF POLICY AND PROCEDURE

4.1. The Act places a duty on local authorities as a social landlord and registered social landlords to prepare and publish a statement of its policy and procedure on tackling anti social behaviour and summary before the 30th December 2004.

4.2. The statements and summary are designed to give tenants and residents clear guidance on what action can be taken to tackle anti social behaviour in accordance with current policies, what services are offered, how complaints can be made and how they will be dealt with and investigated. The statements and summary must be compatible with other legislation, duties and strategies including:-

- Children Act 1998
- Crime and Disorder Act 1998
- Disability Discrimination Act 1995
- Homelessness Act 2002
- Housing Act 1996
- Human Rights Act 1998
- Race Relations Act 1976

5. STATEMENT OF POLICY

5.1. The Statement of Policy will outline our aims and general approach to dealing with anti social behaviour it will clearly advise what standards of behaviour are expected of tenants, those who live with them, and their visitors. The statement will include reference to specific policies that have been developed and commitments made to tenants and residents to tackle anti social behaviour, with reference to the strategic priorities which have been developed through multi agency working.

5.2. Reference will be made to specific policies which have been adopted to deal with Anti Social Behaviour examples of these include:-

- Support of complainants and witnesses
- Racial Harassment policy
- Prevention of anti social behaviour
- Crime and Disorder Strategy

5.3. A copy of the Statement of Policy is attached as Appendix 1.

6. STATEMENT OF PROCEDURES

6.1. The Statement of Procedures will include the operational procedures that have been introduced in order to implement the authorities policy to tackle Anti Social Behaviour. It will make clear to tenants and residents how a complaint can be made, how the complaint will be processed and what support will be provided for the complainant. Any procedures relating to multi agency partnership working will also be included.

6.2. Reference will be made to specific procedural options available to deal with anti social behaviour some of these include:-

- Anti Social Behaviour Orders
- Acceptable Behaviour Contracts
- Mediation
- Injunctions and exclusion orders (with or without power of arrest)
- Possession proceedings
- Demoted Tenancies

6.3. A copy of the Statement of Procedure is attached as Appendix 1.

7. SUMMARY

7.1. The purpose of the Summary is to provide broad information in an easy to read format to tenants, residents and other interested parties on the landlords anti social behaviour policy and procedures. The Summary will cover the policy and procedures which are outlined in the Statements.

7.2 A copy of the Summary is attached as Appendix 2

8. PUBLICATION AND REVIEW

8.1. The Statements must be available for inspection within the main Council Offices, Local Housing Offices and local Citizens Advice Bureaus. Hard copies should be provided for which a reasonable fee can be charged to cover costs of producing the copy.

8.2. The summary should be widely available and free of charge, it will be good practice to also discuss the principals of the policy and procedure with new tenants who are signing up for their new tenancy and a copy of a summary leaflet will be made available in the Tenants Welcome Pack.

8.3. The publication can be in a variety of formats, use of the website is discretionary however the summary must be available in printed hard copy and be available in translation and other alternative formats such as, large print, audio tape or CD as required.

8.4. The summary and statement may also be supplemented with information leaflets.

8.5. The Act requires that an annual review of the documents should be carried out.

9. RESOURCE IMPLICATIONS

9.1 Printing costs which can be met from existing budgets.

10. CONSULTATIONS

10.1 Presentations and consultation have been carried out with the Tenants Housing Services Group, Sedgefield Residents Federation, the Crime and Disorder Reduction Partnership Executive Committee and Housing Services Group. The Statement of policy and procedure has been discussed at Management Team and an interactive debate has also been carried out with the Local Strategic Partnership Housing and Communities Group.

10.2 Following all consultations the statement, summary and leaflet will be published before the 30th December 2004.

10.3 A copy of the Leaflet is attached as Appendix 3

11. OTHER MATERIAL CONSIDERATIONS

11.1 In accordance with Section 17 of the Crime and Disorder Act 1998 Sedgefield Borough Council has a statutory responsibility to consider implications on crime and disorder and any decisions taken by the Council.

12. OVERVIEW AND SCRUTINY IMPLICATIONS

12.1 There are no overview and scrutiny committee implications

13. LIST OF APPENDICIES

- 13.1 Point 5.3 Statement of Policy – Appendix 1
- 13.2 Point 6.3 Statement of Procedure – Appendix 1
- 13.3 Point 7.2 Summary of Policy and Procedure – Appendix 2
- 13.4 Point 10.3 Anti Social Behaviour Leaflet – Appendix 3

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Wards: All

Key Decision Validation: Not a key decision

Background Papers: Report of Solicitor to the Council provided to Management Team on 13.9.04

Anti Social Behaviour Act 2003
Crime and Disorder Act 1998
Crime and Disorder Strategy 2002-2005
ODPM Guidance on ASB Policy

Examination by Statutory Officers

	Yes	Not Applicable
1. The report has been examined by the Councils Head of the Paid Service or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The content has been examined by the Councils S.151 Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. The content has been examined by the Council's Monitoring Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. The report has been approved by Management Team	<input checked="" type="checkbox"/>	<input type="checkbox"/>