

WAVERLEY BOROUGH COUNCIL

HOUSING OVERVIEW AND SCRUTINY COMMITTEE

23 NOVEMBER 2020

Title:

Anti-Social Behaviour Policy Review Report

Portfolio Holder: Cllr Anne-Marie Rosoman, Portfolio Holder for Housing, Community Safety & Emergency Planning

Head of Service: Hugh Wagstaff, Head of Housing Operations

Key decision: **No**

Access: **Public**

1. Purpose and summary

To consult with the Committee on the reviewed and updated housing service Anti-social behaviour (ASB) policy which provides preventative and resolution support for Waverley's council tenants. The report also provides some context with performance data for the first six months of 2020/21.

2. Recommendation

It is recommended that the committee pass any suggestions and comments to improve the policy to officers for consideration in the final policy document.

3. Reason for the recommendation

To include the committee in the consultation process to update and refine the ASB policy.

4. Background

4.1 As a social landlord we are required to have a range of policy documents to meet regulatory standards including a policy to prevent and tackle ASB (in and around council homes).

4.2 The current ASB policy was agreed in 2016. Policies are routinely reviewed to ensure they remain relevant and fit for purpose. During the review consideration is

taken of legislative and regulatory changes, current best practice, successes and complaints about the service.

4.3 The 2020 draft ASB policy at **Annexe One** has been updated to include some new legislation and promotes joint working with the Community Trigger and Waverley Safer Partnership.

4.4 Anti-social behaviour (ASB) is not a big problem in Waverley but it does have a big impact on those who experience it. The basics of the policy to prevent ASB, respond quickly and support victim(s) has not changed.

4.5 We have also created clearer guidance on the difference between ASB and the more common complaints of neighbour disputes and domestic noise.

- ASB is behaviour that has caused nuisance or annoyance generally amounting to harassment, alarm or distress to any person to a person in relation their home. This type of behaviour is often a breach of the conditions of tenancy.
- Neighbour disputes generally arise due to difference of lifestyle between neighbours but note there is no breach of tenancy conditions

A draft guidance note is at **Annexe Two** explaining the difference between ASB and neighbour disputes.

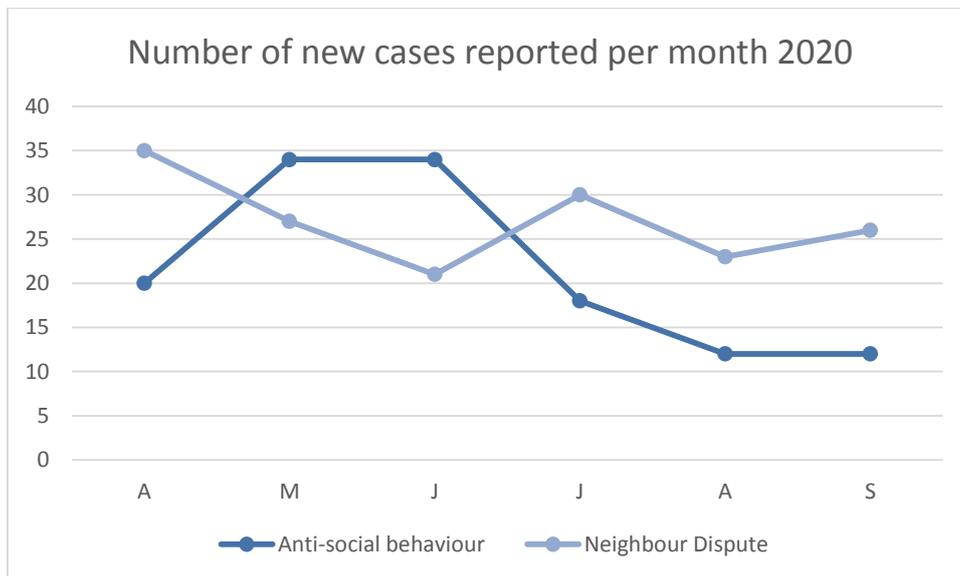
4.6 The overarching message in the policy states that

“Everyone should treat each other with dignity, respect and consideration; with tolerance for each other and different lifestyles and that, everyone has the right to their chosen lifestyle providing this does not spoil the quality of life of others. Waverley also acknowledges that tenants have the right to live in their home without interference, unless they are in breach of their tenancy agreement.”

4.7 It is expected that the new policy will make it clearer what can be expect from Waverley as a landlord when reporting ASB or neighbour disputes.

4.8 **Current ASB data**

From April to September 2020 there has been 130 ASB and 162 neighbour dispute cases reported.



The pattern of ASB case reports to the housing team contradicts the national picture which shows an increase in ASB cases from June as lockdown restrictions were lifted. However we have seen an increase in the number of neighbour disputes reported.

ASB is not just a housing issue, the team's joint working resulted in successfully gaining full or partial closure orders to stop ASB and protect vulnerable tenants in four homes. A closure order prevents anyone other than named residents, support and emergency services from entering the home. They have proved particularly useful in cases where there are safeguarding concerns for vulnerable tenants and ASB is as a result of cuckooing¹.

5. Relationship to the Corporate Strategy and Service Plan

5.1 The Policy relates to the housing service plan objectives to *ensure the service meets needs of tenants and their families, recognised as effective partner within the community and improving customer experience* and the Council commitment to promote *"housing to buy and to rent, for those at all income levels"*.

6. Implications of decision

6.1 Resource (Finance, procurement, staffing, IT)

¹ Cuckooing is 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.

ASB services met within current resources.

6.2 Risk management

Social landlords have duty to prevent and address ASB. Failure to address issues may result in escalation, threat of / or actual harm and discontented communities. The tenancy conditions are clear on expected behaviour and this is reiterated at tenancy sign up, tenancy review meetings and routinely in publications.

6.3 Legal

All social housing landlords have a duty to have in place a published policy on Anti-Social Behaviour and which sets out how the Council will react to and target reported instances of ASB. As a rule, landlords are not responsible for the anti-social behaviour of their tenants. Social landlords have a number of powers available at their disposal to tackle anti-social tenants – the ultimate sanction is eviction but most landlords will seek to remedy the situation before it reaches that stage. In certain circumstances it is appropriate for matters to be reported to the Police who also have powers in relation to criminal offences and under the Anti-Social Behaviour Crime and Policing Act 2014. Failure to implement a policy may constitute grounds of complaint.

6.4 Equality, diversity and inclusion

Equality Impact Assessment to be updated completed following consultation.

6.5 Climate emergency declaration

n/a

7. Consultation and engagement

7.1 In addition to consultation with Housing Overview and Scrutiny members The proposed changes to the policy will be shared with all tenants, for consultation, in the winter edition of the tenants' newsletter. There will be no face to face focus groups but tenants are invited to get in contact to share their views and experiences. One to one and/or group virtual meetings will be made.

7.2 Consideration will be made to all comments and suggestions to inform the final policy document to be implemented by the end of the calendar year.

8. Other options considered

8.1 n/a

9. Governance journey

9.1 Policy to be agreed by Portfolio Holder and Head of Service, following consultation

Annexes:

Annexe 1 – Draft ASB Policy 2020

Annexe 2 – Draft ASB and not ASB guidance note

Background Papers

There are no background papers, as defined by Section 100D(5) of the Local Government Act 1972).

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Agreed and signed off by:

Legal Services: 9 November 2020

Head of Finance: date

Strategic Director: date

Portfolio Holder: 9 November 2020