

TENANTS ANTI-SOCIAL BEHAVIOUR POLICY

1 SUMMARY

- 1.1 This report proposes adopting a new housing policy statement to deal with the anti-social behaviour of tenants.

2 INTRODUCTION

- 2.1 There is currently a body of legislation that can be used to deal with tenants anti-social behaviour:

- Housing Act 1996
- The tenancy agreement
- The Crime and Disorder Act 1998
- The Homelessness Act 2002

Appendix I sets out the details of these legal remedies.

- 2.2 In April 2002 the Office of the Deputy Prime Minister (ODPM) consultation paper 'Tackling Anti-Social tenants', was published. It focuses on three themes that it considers essential to tackle the problem effectively; enforcement and eviction, prevention and rehabilitation. It included a recommended format for a policy statement on anti-social behaviour for social landlords to adopt.

- 2.3 The Housing Management section does not currently have a written policy on dealing with tenants' anti-social behaviour. However following the Housing Act 1996 the tenancy agreement was amended to make tenants aware of their responsibilities not to commit anti-social behaviour (See Appendix II).

3 DETAILED CONSIDERATIONS

- 3.1 The consultation paper criticises Local Authorities for failing to use the current framework of legislation effectively to stop anti-social behaviour and :
- Provides a clear indication that the Government intends to raise the profile of the measures that Social Landlords can take against anti-social tenants and wants the media utilised to publicise these.
 - Expects Local Authorities to have clear and unequivocal policies and procedures that are swiftly put into action, in order that the expectations of the majority of residents for peace and quiet are met.

-
- Suggests that some Local Authorities need to step up their action and use their existing powers as well as any new measures that follow from the consultation paper.
 - Intends to establish a duty for social landlords to publish their anti-social behaviour policy and procedures
- 3.2 A tenants Anti-Social Behaviour Policy has been drafted in the light of progress made through the Crime and Disorder Reduction Strategy particularly in connection with Anti-Social Behaviour Orders (ASBO's) and partnership working based on the recommended format from the ODPM and the Racial Harassment Policy (See Appendix III). Appendix IV is the Procedure Notes for Officers and is for Members' information only.
- 3.3 Regarding the criticism about failure to tackle the problem of anti-social behaviour, the Council's Community Safety Officer has regular monthly meetings with the police and other partnership agencies. Although the police have considered the use of ASBO's no formal joint application has been made by the Council and the police to date. However our corporate policy and procedures are in place should the correct circumstances arise, either to serve an Acceptable Behaviour Contract or an ASBO.
- 3.4 Whilst therefore no ASBO has been obtained this cannot be seen as a failure on our part if no need has been identified. The Human Rights Act 1998 clearly introduced the concept of using 'the Test of Proportionality', such that Rochford Council would be in breach of these laws if it used ASBO's for minor offences. So far only two ASBO's have been issued in the whole of Essex, in Southend and Thurrock. We are therefore one of the majority of local authorities not to have issued one.
- 3.5 The Housing Management section has never sought a Possession Order or an injunction for anti-social behaviour, again because so far no circumstance has arisen where this step has had to be taken.
- 3.6 There are currently three cases of complaints about tenants that are actively being investigated. However it is unlikely at the present that any of these minor disputes will be dealt with through the Courts but by discussion, mediation and the intervention of other agencies such as Community Psychiatric Nurse, Social Services or Floating Support. The current cases are as a result of:
- Neighbour disputes
 - Different lifestyles
 - Unrealistic expectations of leaseholders
 - Mental health problems.

Certainly in the case involving a mental health problem attempts are being undertaken to resolve the issues through working with other agencies. The threat of eviction would only be used as a last resort.

- 3.7 The new Letting Policy from 2003, see report item 13, considers a person's anti-social behaviour before allowing them onto the Housing Register.

4. CONCLUSION

- 4.1 In order to pre-empt future criticism there is a need to adopt a Housing Management Policy on dealing with tenants anti-social behaviour. Following the adoption, a media campaign to raise awareness and send a clear message of non-tolerance to potential perpetrators, will be included in Your Home.

5. CRIME AND DISORDER IMPLICATIONS

- 5.1 This anti-social behaviour policy meets the primary objectives of Rochford District Council's Crime and Disorder Reduction Strategy.

6 RESOURCE IMPLICATIONS

- 6.1 Minimal resource implications involving the production of a policy, advertising the Council's commitment to it in 'Your Home' and staff training and awareness.

7 LEGAL IMPLICATIONS

- 7.1 This policy only strengthens the Council's position by stating its aims and objectives and does not alter its legal responsibilities and obligations.

8 RECOMMENDATIONS

It is proposed that the Committee **RESOLVES**

To adopt a Tenants Anti-Social Behaviour Policy as set out in Appendix III. (HRHM)

S. J. Clarkson

Head of Revenue and Housing Management

Background Papers:

Tackling Anti-Social Tenants- DTLR

For further information please contact Tricia Colwell on:

Tel: 01702 318030

E-Mail: tricia.colwell@rochford.gov.uk