



Housing
DIRECTORATE

DRAFT

**Strategy and Statement
on
Anti-Social Behaviour
Policies and Procedures**

October 2013

Epping Forest District Council



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1. Introduction

- 1.1 This Housing Directorate Service Strategy relates to the Council's approach to the policies and procedures in relation to dealing with anti-social behaviour on housing estates. The Strategy sets out the measures that the Council will use as a landlord to address anti-social behaviour issues in relation to its housing stock.
- 1.2 Dealing with tenants who commit acts of anti-social behaviour is an important service to the community and is delivered through the Council's Area Housing Offices, which work in partnership with the Council's Safer Communities Team. It seeks to ensure that those tenants who commit acts of anti social behaviour are dealt with effectively.
- 1.3 This Anti Social Behaviour Strategy has been formulated in accordance with the provisions of the Housing Act 1996 and the Anti Social Behaviour Act 2003. It meets that part of the requirement under Section 218 (A) of the Housing Act 1996, that social landlords must publish a statement of their policies and procedures and an associated summary.
- 1.4 This Strategy has been formulated in consultation with the Epping Forest District Safer Communities Team and representatives of the Tenants and Leaseholders Federation. It also includes information contained with Housing's Policies and Procedures. The efficiency of these systems was confirmed when Housing were awarded the international quality standard of ISO 9001:2000 accreditation for all of its services and the Customer Service Excellence award for excellence in customer care. This Strategy was considered and endorsed by the Council's Housing Scrutiny Panel on 22 October 2013 and approved by the Housing Portfolio Holder on 1 November 2013.

2. Background to Anti-Social Behaviour Policies and Procedures

- 2.1 Tackling anti-social behaviour is a key part of the Housing Management role within Housing (covered by a separate Housing Management Strategy). Work on anti-social behaviour is delivered through two Area Housing Offices (north and south), the Limes Farm Housing Office, Chigwell, which is a sub office of the Area Housing Office (South).
- 2.2 In addition, important work is carried out by staff in the Environment and Street Scene Directorate including dealing with noise nuisance involving both tenants and owner-occupiers, dealing with fly-tipping and abandoned vehicles etc. (Graffiti removal is managed by the Safer Communities Team). Environment and Street Scene provide an emergency call-out service for noise complaints reported outside of normal office hours and is available to all Council tenants.
- 2.3 At each of the Area Housing Offices the Area Housing Managers have formal Section meetings at least every two months to ensure staff communication on anti-social behaviour work and other services.

- 2.4 The Assistant Director of Housing chairs quarterly Customer Improvement meetings with Area Housing Managers to monitor performance on a number of areas, including the number of notices served for anti-social behaviour, and tenancy demotion orders etc. It is also an opportunity to discuss policies and procedures in order to maximise performance.
- 2.5 Area Housing Managers are responsible for monitoring the performance of their staff and ensuring the correct action is taken in response to any incidents of anti-social behaviour.

3. The Anti-social Behaviour Crime and Policing Bill 2013-2014

3.1 The Government's White Paper "Putting Victims First – More Effective Responses to Anti-social Behaviour" was published by the Home Office in May 2012. Provisions were included in the Draft Anti-Social Behaviour Bill (December 2012). The Anti-social Behaviour Crime and Policing Bill 2013-2014 is expected to reach the Report Stage on 14 and 15 October with its Third Reading on 15 October 2013. The Bill makes, in summary, the following provisions which relate to this Housing Directorate Service Strategy:

- A new mandatory "absolute" power of possession of dwelling houses for anti-social behaviour where one of five prescribed conditions are met, with no requirement for the conduct to have taken place within the locality of the tenant's home
- A new discretionary ground for possession (in England) where the tenant or a person living with them has been convicted of an offence committed at the scene of a riot anywhere in the UK
- Introduction of the Criminal Behaviour Order (CBOs) which will replace the Anti-Social Behaviour Order (ASBO). CBOs will carry tough criminal sanctions on breach and will enable the courts to ban individuals from certain activities, requiring them to undertake positive action to address underlying anti-social behaviour issues. e.g. undertaking repairs to a property they have damaged
- Anti-social behaviour Injunctions are replaced with Injunctions to Prevent Nuisance and Annoyance (IPNA) where Anti-social Behaviour directly or indirectly relates to or affects the Council's housing management functions
- Amending the Dangerous Dogs Act 1991 to grant more powers, including Control Notices to control of the number of dogs kept at a property
- Further controls on the Licensing of Firearms

3.2 This Strategy sets out the powers available to the Council and its procedures at the time of writing. Due to the expected changes as a result of the legislation, this strategy will be reviewed again in 12 months time.

4. Relationships with Other documents

4.1 The Council has produced a summary of this Service Strategy in the form of an information leaflet to all tenants, explaining the action which will be taken should they experience acts of Anti-Social Behaviour. The leaflet is available at both Area Housing Offices, the Limes Farm Housing Office, Chigwell and other Council and CAB offices, with relevant information featured from time to time in the tenants' magazine "Housing News".

- 4.2 The Council has introduced its new Tenancy Policy which sets under Paragraph 1.2 the types of tenancies granted and the circumstances where a tenancy of a particular type will be granted and if a Flexible (fixed-term) Tenancy, the length of the term. In particular, in relation to this Service Strategy, it states under the Assessment Criteria (which is applied at the end of the Flexible Tenancy period) at Paragraph 3.8 that a further Tenancy will not be granted where a Tenant has been guilty of serious unacceptable behaviour.
- 4.3 Tenants' responsibility in respect of Anti-Social Behaviour is set out in their Tenancy Agreement, which forms a contract between the tenant and the Council. The Standard Tenancy Agreement Conditions for Secure Tenants are currently being reviewed. The Council has a new Flexible (fixed-term) Tenancy Agreement which came into force on 1 September 2013 and applies to new tenancies on properties comprising 3 bedrooms or more. It is the intention that the new (same) conditions will apply to both new and existing Secure Tenants following the completion of the formal tenancy variation. The current Conditions and the proposed new Conditions relating to Anti-Social Behaviour and Nuisance are set out in Section 8 of this Strategy.
- 4.4 The Council has adopted its Housing Charter, which sets out, in simple, clear and precise terms the Council's general approach to all its housing services. In addition, there are a number of agreed service standards which are publicised setting out our aims in all aspects of our "interfaces" with customers.
- 4.5 The Council has a good working relationship with the Epping Forest Citizens Advice Bureau, and holds quarterly liaison meetings.
- 4.6. A booklet entitled Housing Appeals and Complaints sets out for all tenants the Council's policies on such matters.
- 4.7 Housing has detailed Policies and Procedures for all of its functions, including the approach taken in regard to Anti-Social Behaviour and Nuisance.

5. Aims and Objectives

- 5.1 The aim of the Council's Housing Service Strategy on Anti-Social Behaviour Policies and Procedures is:

"To seek to improve the quality of life of the Council's tenants with a commitment to eradicate all types of anti-social behaviour, working closely with tenants, agencies and partnerships".

- 5.2 This aim will be met by:

- a) Complying with the statutory requirements, as detailed in Section 6 of this Strategy.
- b) Advising tenants of the action that can be taken should they become a victim of any anti-social behaviour incident.
- c) Liaising with the Council's Safer Communities Team who work in accordance with their Anti-social Behaviour Investigation Procedures.

- d) Taking the appropriate action through the Courts against perpetrators.
- e) Liaising with other agencies, particularly the Police.
- f) Regularly reviewing the policy and procedures on anti-social behaviour in consultation with all relevant parties.

6. Statutory Requirements

6.1 The relevant statutory requirements for Anti-Social Behaviour are as follows:

- a) Localism Act 2011
 - Flexible (fixed-term) Tenancies Assessment Criteria
 - Grounds for refusing a mutual exchange (Schedule 14)
- b) Anti-Social Behaviour Act 2003:
 - Closure Notices (Part 1 Section 1).
 - Publishing of Policies and Procedures (Part 2 Section 12).
 - ASB/Unlawful use of Premises/breach of tenancy Injunctions (Part 2 Section 12).
 - Security of Tenure (Part 2 Section 12).
 - Dispersal of Groups (Part 4 Section 30).
 - The Environment/Noise/Graffiti (Part 6 Sections 40/41/42).
- c) Homelessness Act 2002
- d) Police Reform Act 2002
 - Seizure of vehicles used in an anti-social manner
 - Statutory consultation requirements for anti-social behaviour
 - Behaviour Order applications
- e) Human Rights Act 1998 (Articles 6, 8, and 14):
 - Rights of a fair trial, respect for family life, home and correspondence.
- f) Data Protection Act 1998:
 - The protection and use of personal data held by the Council.
- g) Crime and Disorder Act 1998
- h) Disability Discrimination Act 1995
- i) Housing Act 1996:
 - Introductory Tenancy Scheme (Section 124)
 - Injunction against nuisance (Section 153 (a))
 - Homelessness Intentionality (Sections 191 (1) and 196 (1))
- j) Housing Act 1985:
 - Notice of proceedings for possession or termination (Section 83).
 - Grounds and Orders for Possession (Section 84).
 - Grounds for refusing a mutual exchange (Schedule 3)

- Variation of terms of tenancy (Section 102 & 3).
 - Provision of information and consultation (Section 104).
 - Consultation on matters of housing management (Section 105).
 - Demoted Tenancy Orders (Section 82A inserted by Section 14 (2) of the Anti-Social Behaviour Act 2003).
- k) Protection from Eviction Act 1977:
- Requirement of landlord to apply to Court before regaining possession.
 - Any Notices served must give the tenant 28 days notice.
- l) Race Relations Act 1976
- m) Local Government Act 1972:
- Valid service of Notice (Section 233)

7. Client Consultation, Information & Involvement

7.1 The way in which tenants and partner agencies will be consulted, informed and involved with regard to the Council's policies and procedures on Anti-Social Behaviour in accordance with the legislation is as follows:

- a) Consultation with the Epping Forest Tenants and Leaseholders Federation.
- b) Consultation with partner agencies through the Community Safety Partnership.
- c) Policies and Procedures through the Cabinet or Housing Portfolio Holder.
- d) One to one consultations with tenants.
- e) Information to tenants in publications e.g. Summary leaflet of this Strategy, Housing News, etc.
- f) Posters displayed throughout the District.
- g) Quarterly liaison meetings with the Epping Forest Citizens Advice Bureau.

8. General Principles – Anti Social Behaviour

8.1 Section 5 of this Housing Directorate Service Strategy sets out the aims and objectives of dealing with Anti-Social Behaviour. This Section details the general approach taken and the procedures and policies which are in place in order to combat the problem.

8.2 The Council has agreed the following measures to be used to combat problems of anti-social behaviour;

Making Complaints/Definition of Anti-Social Behaviour

- 8.3 Anti social behaviour is defined in the Housing Act 1996 as:

“conduct which is capable of causing nuisance annoyance to any person, directly or indirectly and 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”.

A legal definition of behaving in an anti-social manner is found in Section 1 (1) of the Crime and Disorder Act 1998. It defines anti-social behaviour as:

“acting in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household of the perpetrator.”

It includes noise, intimidation, harassment, aggressive and threatening language, actual violence against people and property, selling drugs, hate incidents, abandoned cars and fly tipping.

- 8.4 Every effort will be made to ensure that reporting anti-social behaviour is as easy as possible. Any person who feels they are threatened with such behaviour can report the matter and seek advice in person, by letter e-mail or telephone, from housing management staff at either the Civic Offices, Epping the Area Housing Office at the Broadway Loughton, or the Limes Farm Office, Chigwell. Support will be offered to complainants to ensure they are treated fairly and with dignity and respect. This includes listening to victims, keeping them informed of any developments and referring them to appropriate support services where necessary. Should any complainant need to provide statements at Court, officers will give them support. Every effort will be made to keep the identity of complainants confidential if requested.

Allocation of Accommodation – Serious Unacceptable Behaviour

- 8.5 The Council's revised Housing Allocations Scheme came into force on 1 September 2013. Under the revised Scheme, in order for an applicant to join or remain on the list, they must meet with the Local Eligibility Criteria. One element of the criteria which relates to this strategy is as follows:

“Any homeseeker (or a member of their household) who, within the previous 3 years, have been guilty of serious unacceptable behaviour enough to make them unsuitable as a tenant of the Council will be ineligible. Such behaviour is behaviour that would give sufficient grounds to issue possession proceedings if they were a Secure, Assured or Flexible (fixed-term) Tenant and includes serious rent arrears (including housing benefit and Court cost arrears), other breaches of tenancy conditions, previous proven social housing fraud, damage and neighbour nuisance, amongst others. Applicants most likely to be rejected on these grounds are those who have been evicted from a council, housing association or private rented tenancy. In addition, any person subject to an Anti-Social Behaviour Order, an Anti-Social Behaviour Contract, or any similar penalty introduced under future anti-social behaviour legislation will also not qualify”.

- 8.6 In addition, any tenant who wishes to mutual exchange will have permission withheld under the Housing Act 1985 (Schedule 3) if a relevant injunction or possession order has been granted on the grounds of nuisance behaviour.

Security of Tenure: Dealing with Anti-Social Behaviour

Flexible (fixed-term) Tenancies

- 8.7 The Council has adopted the Council's new Tenancy Policy, and agreed from 1 September 2013, that the Council introduces a Pilot Scheme for Flexible (fixed-term) Tenancies, to be granted to all new tenants who sign-up to the tenancy of a property of three bedrooms or more for a fixed term 10 years including the Introductory Tenancy period.

Assessment Criteria – Decision on re-granting a Flexible Tenancy

- 8.8 At the commencement of each Flexible (fixed-term) Tenancy, the tenant will be informed of the Assessment Criteria that will be applied to determine, at the end of the fixed-term, if a further tenancy will be granted. At least 6 months prior to the ending of the fixed-term the Council will provide Notice in writing to the tenant stating that it either proposes to grant a further tenancy (Flexible or Secure – of the same or another property) on the expiry of the existing fixed term or that it intends to end the tenancy. Prior to serving the Notice, the Tenant will be assessed against the Assessment Criteria. The general presumption will be that a further tenancy is granted. However, under the Assessment Criteria there are a number of conditions setting out when a new Tenancy will not be granted. In terms of Anti-Social Behaviour, a new Tenancy will not be granted in the following circumstances:

- Where the tenant (or a member of their household) who, during the Flexible Tenancy term has been guilty of serious unacceptable behaviour. Such behaviour is behaviour that would give sufficient grounds to issue possession proceedings if they were a Secure or Flexible Tenant and includes rent arrears (including housing benefit and Court cost arrears), and other breaches of tenancy conditions.
- Where the tenant has been subject to an Anti-Social Behaviour Order or Injunction, an Anti-Social Behaviour Contract, or any similar penalty introduced under future legislation

Variation of Tenancy Conditions – New and Existing Secure Tenants

- 8.9 The Council has introduced a new Flexible (fixed-term) Tenancy Agreement.
- 8.10 In order for generally the same Conditions of Tenancy to be applied to both Flexible (fixed-term) Tenants and Secure Tenants in the future, the Council will be formally varying its Standard Tenancy Agreement for all existing and future Secure Tenants with the intention of the draft Conditions of Tenancy for Flexible (fixed term) Tenants also applying to all existing and future Secure Tenancies. Tenants allocated properties of less than 3 bedrooms from 1 September 2013, will sign up to the current Secure ("Lifetime") Tenancy Agreement until the variation process is completed.

Current Conditions of Tenancy for all existing Secure Tenants

8.11 Section 6.2 of the standard Tenancy Agreement is as follows:

- Neither to cause by himself or his agents nor to allow members of his/her household or visitors to cause a nuisance or annoyance to other persons in the locality including neighbours or to any tenant, agent, employee or contractor of the Council.
- Not to cause or commit or allow anyone living with the Tenant or the Tenant's visitors to cause or commit any form of harassment or other anti-social behaviour. Harassment and anti-social behaviour is any act or omission which interferes with the peace and comfort of or which may cause nuisance annoyance or injury or offence to any other tenants, member of their household, visitor, neighbour, the Council including the Council's employees and contractors or any other member of the general public and includes (but is not limited to);
 - a) Harassment on the grounds of age, gender, race, culture, ability or lifestyle.
 - b) Violence or threats of violence to any person.
 - c) Abusive or insulting words or behaviour.
 - d) Offensive drunkenness.
 - e) Damage or threat of damage to property belonging to another person including damage to any part of a person's home.
 - f) Writing graffiti and in particular graffiti, which is abusive, threatening or insulting.
 - g) Making unnecessary or excessive noise by any means whatsoever including arguing and door slamming.
 - h) Using or allowed use of the Premises for prostitution and/or for dealing in or the illegal use of any controlled drugs.
 - i) Using the Premises for handling or storage of stolen property
 - j) Any nuisance or annoyance caused by pets including barking and fouling.
 - k) Playing ball games close to someone else's home.
- Should any such incidents occur, the Tenant accepts that the Council may serve a Notice of Seeking Possession on the Tenant to take possession of the Premises, seek to demote their tenancy or make an application to the Court to obtain an Injunction (with a possible power of arrest) against any person whether or not they are the Tenant in accordance with the Housing Act 1996, or Crime and Disorder Act 1998, or any legislation in force at the time.

Revised Tenancy Conditions

8.12 The following revised Tenancy Conditions apply to all new Flexible (fixed-term) Tenants. It is the intention that these Tenancy Conditions apply to all new and existing Secure ("Lifetime") Tenants following the completion of the variation process in accordance with the Housing Act 1985.

- The Tenant will not cause by either Himself or His agents nor allow members of His household or visitors to cause, or be likely to cause, a nuisance or annoyance to any other persons in the locality including neighbours or to any tenant, agent, employee, Councillor or contractor of the Council. The Tenant will not cause or commit or allow anyone living with the Tenant or the Tenant's visitors to cause or commit, or to cause any act likely to cause, any form of harassment or other anti-social behaviour.
- Harassment and anti-social behaviour is any act or omission which interferes with the peace and comfort of or which may cause nuisance annoyance or injury or offence to any other persons in the locality including neighbours or to any tenant, agent, employee, Councillor or contractor of the Council and includes (but is not limited to):-
 - a) harassment on the grounds of Age, Disability, Gender reassignment, Marriage and Civil Partnership, Pregnancy and maternity, Race, Religion or belief, Sex, Sexual orientation
 - b) violence (including domestic violence) or threats of violence to any person;
 - c) use of abusive or insulting words or behaviour either in person or by way of any social media;
 - d) offensive drunkenness;
 - e) damage or threat of damage to property belonging to another person including damage to any part of a person's home;
 - f) writing graffiti and in particular graffiti which is abusive, threatening or insulting;
 - g) making unnecessary or excessive noise by any means whatsoever including arguing, door slamming, or the playing of loud music
 - h) using or allowed use of the Premises for prostitution;
 - i) the taking of, cultivation or storing of, or dealing in or the illegal use of, any controlled drugs;
 - j) keeping un-licensed firearms at the Premises;
 - k) using the Premises for handling or storage of stolen property;
 - l) any nuisance or annoyance caused by pets including barking and fouling; and
 - m) playing ball games close to someone else's home.

8.13 Should any such incidents occur, the Tenant accepts that the Council may take appropriate possession action, or make an application to the Court to obtain a Tenancy Demotion Order; or an Injunction (with a possible power of arrest) against any person whether or not they are the Tenant in accordance

with the Housing Act 1996, Crime and Disorder Act 1998, or any legislation in force at the time.

- 8.14 The Council recognises that tackling anti social behaviour is a key part of improving the quality of life for its tenants. When a complaint relating to a breach of the Tenancy Agreement is made, the complainant will be asked to put the complaint in writing and be given the name of the Housing Management Officer who will investigate the case. The officer will interview the person to establish the nature of the problem, agree an action plan, and explain the powers available to deal with the situation.
- 8.15 The Housing Management Officer will, if appropriate, visit the perpetrator following a detailed study of the case, after referring to the Council's "No Lone Visit" guidance. During any visit the officer will advise the alleged perpetrator of the allegation and discuss with them the complaints without revealing the identity of the complainant if requested. When satisfied that the tenant is the cause of the problem and sufficient evidence is available, the perpetrator will be advised of the remedial action to be taken and the time limit within which the problem must be rectified.
- 8.16 The perpetrator will be advised in writing of the agreed action, with a full report placed on the tenancy file. If the problem remains unresolved a further visit will be made by the officer and a final warning and time limit will be given. Failure to comply will result in a Notice of Seeking Possession being served, an Anti-social Behaviour Order being sought, or an application being made to the Court for a Tenancy Demotion Order. In some circumstances more than one of these actions may be taken. If the perpetrator is committing serious undisputed acts of anti-social behaviour or nuisance then appropriate action will be taken immediately with all relevant agencies being notified. Complaints of anti-social behaviour may also be referred to the multi-agency Anti-social Behaviour Co-ordinating Group for joint intervention. Area Housing Managers will ensure that cases are dealt with consistently across the District.

Demoted Tenancy Orders & Possession of a Demoted Tenancy

- 8.17 As a local housing authority, the Council are able to apply to the County Court for a Demotion Order in respect of a secure tenancy. A Demotion Order ends a secure tenancy and, if the tenant remains in occupation of the property after the date that the secure tenancy is ended, creates, in the place of the secure tenancy, a less secure "demoted tenancy" for a minimum period of twelve months. Demoted tenants lose many of their rights, including the Right to Buy and any discount accrued for any demoted tenancy period, and succession rights are revised with any successor tenant not becoming secure until the end of the demoted tenancy period.
- 8.18 Demoted tenants are automatically promoted back to the higher form of security (i.e. secure tenant) after twelve months unless a Notice of Proceedings for Possession has been served during that period.
- 8.19 The Court may only make the Order if the tenant, another resident or visitor has behaved in a way which is capable of causing nuisance or annoyance, or if such a person used the premises for illegal purposes and the Court is satisfied it is reasonable to make the Order.

- 8.20 The Area Housing Manager would authorise an application to the County Court for a Demoted Tenancy Order provided procedures have been correctly followed and he/she is satisfied that there was sufficient evidence to prove that the tenant is committing acts of anti-social behaviour. At this point an appropriate, prescribed Notice will be served.
- 8.21 If the Court grants a Demoted Tenancy Order, the tenant will be advised in writing that their tenancy has been demoted for a period of 12 months and this is part of a warning system which informs them that, should they continue to carry out acts of anti-social behaviour; the Council will proceed to Court immediately for possession. Furthermore, tenants will be notified that, now their tenancy is demoted, it removes a number of their tenancy rights. However, they will be informed that if they stop committing anti-social behaviour, they can at a later date, regain the higher level of security and rights.
- 8.22 If the demoted tenant continues to carry out acts of anti-social behaviour the Council will proceed to Court for possession.

Demoted Tenancy - Right to Review

- 8.23 Under the regulations, following the service of the appropriate Notice, a demoted tenant may apply for a review of the decision to apply to Court for possession to an Officer who is senior to the person who took the decision, and who has not been involved in the case. The process for this review has been agreed by the Housing Portfolio Holder, the officer reviewing the case will be the Assistant Director of Housing (Operations) or in his absence, the Director of Housing. The demoted tenant has the right to request that the Review be by way of an oral "Hearing" which would be undertaken by the officer reviewing the case, in the presence of the Area Housing Manager who made the original decision. They would be given no less than five clear days notice of the Review.

Introductory Tenancy Scheme

- 8.24 On 1 April 2006, the Council introduced an Introductory Tenancy Scheme for all new potentially secure tenants. Under the scheme, all new tenants are not secure until after a twelve-month "trial" period. During the twelve-month period, Introductory Tenants do not have the same statutory rights as secure tenants. Therefore, if the Council wished to seek possession of the property for any breach of a tenancy condition, (e.g. anti social behaviour) provided certain procedures are followed, the Introductory Tenancy could be terminated, simply by the issuing of a Notice of Proceedings without grounds having to be stated, with the courts having no alternative but to grant possession provided the Council has followed the correct procedures.
- 8.25 Before the Council applies to the Court for possession, it will give the Introductory Tenant at least two warnings (except in extreme cases of anti-social behaviour or social housing fraud), then serve a Notice of Proceedings setting out the Council's decision to apply for such an order and the date before which the Council cannot apply for a court order, which must be at least four weeks from the date of service. If a notice has been served and the twelve-month trial period subsequently elapses, the tenancy continues to be an introductory tenancy until the proceedings have been determined.

- 8.26 Introductory Tenants who are served with notice are advised that they may request a review of the decision to seek possession within 14 days of the notice being served. The Council will not proceed with an application for possession until it knows whether the Introductory Tenant intends to exercise their right to review. If a review is requested, the Council will review its decision by way of an Officer Review Panel comprising the Assistant Director of Housing (Operations) and the Area Housing Manager neither of whom would have had any involvement in the original decision to seek possession. The Reviews would be a “paper” review unless the tenant informs the Council that they wish to have an oral hearing.

Mutual Exchange

- 8.27 All Secure and Flexible (fixed-term) Tenants may, with the written consent of the Council, enter into a mutual exchange with another secure/assured Tenant, provided that the other secure or assured Tenant has the written consent of their landlord.
- 8.28 Under Schedule 3 of the Housing Act 1985, consent can be withheld to a Secure Tenant on a number of Grounds. For the purposes of this Strategy, the Council will withhold consent under Ground 2 where any of the Tenants is subject to a relevant Order or where a suspended Order for possession is in force, or an application is pending before any Court.
- 8.29 In addition, under Schedule 14 of the Localism Act 2011, consent can be withheld to a Flexible (fixed-term) Tenant on a number of Grounds. For the purposes of this Strategy, the Council will withhold consent under Grounds 3, 4 or 5 where any of the Tenants is subject to an Order of the Court for possession, or proceedings have begun for possession.

Right to Buy

- 8.30 Tenants against whom an application is pending for a demotion or possession order sought on the basis of Ground 2 Schedule 2 to the Housing Act 1985, are prevented from completing any Right to Buy sale until those proceedings have ended. Where a possession or demotion order is granted the tenant loses their security of tenure and also, therefore, their Right to Buy.

Homeless Applications

- 8.31 If a person or household becomes homeless as a result of their anti-social behaviour and they apply for assistance under the homeless provisions of the Housing Act 1996, the Council will have no duty to secure permanent accommodation as they would have become intentionally homeless. However, the Council in accordance with the Code of Guidance is unable to adopt general policies which seek to pre-define circumstances that do or do not amount to intentional homelessness or threatened homelessness as each case will be considered separately.

Anti- Social Behaviour Orders, Acceptable Behaviour Contracts & Good Neighbour Contracts

- 8.32 In normal circumstances, where it is believed that any perpetrators have a willingness to alter their behaviour, an Acceptable Behaviour Contract (ABC)

or a Good Neighbour Contract (GNC) would be the first step in attempting to remedy the situation. Such contracts are voluntary and not legally binding. Following consultation with all agencies involved, representatives from both the Police and the Council would invite the perpetrators to attend a meeting to discuss the contract, seeking their agreement to abide by its terms for a specified period of time.

- 8.33 If the conditions of the ABC or GNC are broken during its duration an application may be made to the Court for an Anti-Social Behaviour Order (ASBO) (for a 2 year duration prohibiting an individual from behaving in a way that “causes innocent people distress or fear”) or an Anti-Social Behaviour Injunction (ASBI). If the acts of anti-social behaviour are particularly severe, then the decision may be taken to apply for an ASBO or an ASBI in the first instance. In some circumstances, prior to obtaining either an ABC ASBO or an ASBI, the Police and the Council would need to be satisfied that appropriate consultation had taken place and sufficient evidence was available including recorded diary incidents, etc.

Epping Forest District Safer Communities Team – Anti-social Behaviour Investigation Procedures

- 8.34 The Epping Forest District Safer Communities Team published their Anti-social Behaviour Investigation Procedures in July 2013. The procedures set out in detail the role of the Team and their approach to dealing with complaints. The Housing Directorate works closely with Safer Communities to ensure that difficult cases are dealt with in line with the new procedures.

9. Anti-Social Behaviour Co-ordinating Group (ASBCG) referrals

- 9.1 The Anti-social Behaviour Coordinating Group is a multi-agency problem solving meeting attended by practitioners from police, local authority, Registered Social Landlords, Social Care and other interested parties.
- 9.2 Referrals can be made by any practitioner within the Epping Forest District who has a role in tackling anti-social behaviour. The ASBCG meets bi-monthly.
- 9.3 Referrals made to the ASBCG from other organisations / departments will be evaluated through the ASB Risk Assessment Matrix to determine the suitability of a co-ordinated multi-agency response.
- 9.4 Once quality assured and scored by ASBCG the referral will be allocated to an ASB Investigator to lead on the investigation. If it is identified that another department or organisation should lead an ASB Investigator will be appointed to act as a point of contact and liaison with that person. The case will be formally reviewed where actions will be determined until a successful resolution has been achieved. This will be recorded on the M3 database.
- 9.5 All parties attending the ASBCG will sign a confidentiality statement.

Hate Incident Panel

- 9.6 The Epping Forest Community Safety Partnership, which comprises representatives from numerous local agencies, set up a Hate Incident Panel in 2002. The multi-agency Panel considers and attempts to resolve cases of

Hate Crime. An information pack is available giving advice on how the Police, Epping Forest Citizens Advice Bureau, Essex Racial Equality Council, West Essex Victim Support etc. can help those in need of assistance. Any Anti-Social Behaviour involving a hate incident will be referred to the Hate Incident Panel and Essex Police.

Group Dispersal and Closure Orders

- 9.7 Part Four of the Anti-Social Behaviour Act provides powers to the Police to establish “dispersal areas” in which it has been recognised that there are, or have been, anti-social behaviour problems. In these areas the Police can use “dispersal powers” to break up groups of two or more people. Through the Community Safety Partnership, where Housing staff are concerned about such behaviour on its estates, the Area Housing Manager for the area will attend the meetings to discuss the possibility of using these powers with all other agencies. Similarly, the same approach would be taken should there be any concerns that one of the Council’s tenanted properties is being used for the production of Class A drugs, and Property Closure Powers are believed to be appropriate.

District – Wide Incident Diary

- 9.8 The District-wide crime and anti-social behaviour incident diary has been introduced by the Community Safety Partnership. This provides a simple means for the public to report incidents on a standard form used by all appropriate agencies. The incident diary will assist in monitoring trends in crime reporting and will assist with liaison and exchange of information between these agencies.

Policy on Dealing with Domestic Violence

- 9.9 The Council supports the ‘Stay Safe’ scheme operated by Harlow Women’s Aid, launched in January 2003. The aim of Stay Safe is to assist women experiencing, or at threat of, domestic violence to remain safely in their own homes, rather than to seek to move. It can also be used to support women moving on from a refuge. Support is intensive and of the same extent and standard as that given to women in a refuge. Regular risk assessments are made. Meetings take place away from homes and, on average, the support worker will spend around 3 hours per week on each case. Tailor made plans are made, setting out the action required to provide the practical support, and the information, advice and guidance needed in each case. The plans are kept under review. The scheme is funded from the Supporting People budget.
- 9.10 Although referrals to Stay Safe may be made by other agencies, most are through the Council’s Homelessness Prevention Service, which monitors use of the scheme. It has capacity for 12 cases at any time.
- 9.11 The Council, working in partnership with East Thames Housing Group has provided a women’s refuge “Brook Haven” on a site provided by the Council in the north of the District. It provides three two bedroom and two one bedroom flats. The scheme employs three staff through East Thames Living to manage the scheme.

- 9.12 The Council has a Priority Move policy whereby; if any tenant is confirmed as being either a victim or a potential victim of domestic violence they will be given additional priority for a move to like-for-like accommodation in another area.
- 9.13 The Housing Directorate's twenty-four hour emergency Careline alarm Service offers alarms to those victims or potential victims of domestic violence, which enables them to summon help should they need urgent assistance.
- 9.14 The Council's "Sanctuary" scheme assists victims of domestic violence or Hate crime on a tenure neutral basis. The scheme provides a safe room within the victim's home. A typical sanctuary room would include a fire door with mortice locks, smoke detectors, fire blanket and two fire extinguishers. The victim would be supplied with a mobile phone to dial 999. The Council works in partnership on Sanctuary schemes with the Safer Communities Team, the Essex Police Hate Crime Unit, Essex Fire and Rescue and Harlow Women's Aid. All referrals to the scheme are through the Homeless Prevention Team. Since its introduction, five Sanctuary rooms have been installed and have prevented homelessness.

Racial and Harassment Policies

- 9.15 The Council has a written statement of equal opportunity in the provision of housing services. In addition, the Race Relations Code of Practice in Rented Housing has been adopted. In accordance with the code, the ethnicity of housing applicants and applicants housed are recorded and monitored annually. The ethnicity of sheltered housing residents is monitored separately. Statistical information is reported on an annual basis to the Council's Housing Scrutiny Panel.
- 9.16 Equal opportunities policies are set out in the Housing Charter and the Council has a recruitment and selection policy which aims to eliminate discrimination.
- 9.17 The eligibility criteria for the allocation of housing ensures applicants are given fair access. Details are set out in the Council's Housing Allocations Scheme.
- 9.18 Customer Impact Assessments have been undertaken for all of the Council's relevant services with action plans drawn up for service improvements.
- 9.19 The Council's Housing Directorate has a separate Harassment Strategy.

Priority Moves

- 9.20 In exceptional circumstances, it is necessary for some tenants to be given additional priority for an urgent move to alternative accommodation for housing management reasons. Such circumstances include victims of serious anti-social behaviour, domestic violence etc. Housing follow strict procedures to ensure fairness to others on the Housing Register. Priority moves are agreed at Assistant Director level on the basis that the tenant is personally at risk at their current address. Clear written evidence is sought from the Police, Social Services, GPs, Hate Incident Panel, etc. that the tenant's safety is at risk. before any decision is made. Priority moves are only

made on a like-for-like basis, to ensure that applicants do not seek transfers to “improve” their housing situation.

Mediation Services

- 9.21 Mediation is a way of solving disputes between tenants by using a professional mediator who is completely impartial, experienced at mediation techniques, and who has not been previously involved with the problem. The mediator works with the parties concerned in order to construct a solution. This is a voluntary, non-judgemental process with all proceedings being confidential, taking place at a neutral venue avoiding, if necessary, face-to-face contact between the parties. Any agreement reached can be put in writing and signed by all parties.
- 9.22 The process can be used when attempting to resolve matters of anti-social behaviour on housing estates, or serious disputes between neighbours, which may lead to breaches of tenancy conditions and Court action.
- 9.23 The Council has a budget for meeting the cost of mediation and works in partnership with an accredited mediation service to provide the mediation.

Family Solutions - Families with Complex Needs

- 9.24 Essex Family Solutions, managed by Essex County Council, is the Essex-wide response to the Government’s “Troubled Families Programme” which aims to improve the life and outcomes for troubled families in England and Wales. Family Solutions have 4 Teams which have targets to provide a key worker to support families in order to reduce crime and anti-social behaviour. In October 2013, the service will be expanded to 8 Teams who will work with district councils, Job Centre Plus, the Police, housing providers and charities in order to link up the support provided.

Protection and Training of Staff

- 9.25 The Council has a Health and Safety Policy, which is circulated to all staff who sign to confirm receipt. The Housing Directorate has a Service Safety Team, chaired by the Area Housing Manager (South). Any safety issues are reported to the relevant Area Housing Manager. Reporting of health and safety incidents is a standard agenda item at the monthly meeting of all housing Managers. There is also a comprehensive accident reporting procedure in place.
- 9.26 The Council has a Lone Worker Policy which includes guidance to staff. A procedure is in place where any staff working outside of normal hours link into the mobile telephone monitoring system managed by the Council’s Careline service.
- 9.27 All front-line staff attend courses on handling aggression and restraining techniques courses, and are provided with personal attack alarms.
- 9.28 Appropriate staff are trained on the procedure for third party reporting of hate incidents.

- 9.29 All training needs are identified as part of the annual Performance Development Review process.
- 9.30 All appropriate staff have been briefed on the requirements of the Anti-Social Behaviour Act 2003 and the contents of this Strategy

Dealing with Graffiti

- 9.31 The graffiti removal service is provided by the Council's Safer Communities Team free of charge subject to certain criteria. Any person who wishes to report graffiti on housing-owned land can do so by using the graffiti hotline. All reports are referred to a specialist contractor with any offensive graffiti being removed within 7 days of it being reported. Other types of graffiti would be removed within 14 days, or possibly sooner, depending on the demands on the service at the time.

Compliments & Complaints Procedure

- 9.32 Should any customer, including a tenant, of the Council wish to praise a service or member of staff, they can complete the form contained in the Council's Corporate Compliments and Complaints booklet and send it to the Chief Executive who will make sure the compliment is passed on to the service or person concerned.
- 9.33 If any customer, including a tenant or housing applicant of the Council, is unhappy because the Council has either failed to do something we should have done, done something we should not have done, or agreed to do something but has then been slow to act, they can follow the step-by-step complaints process.

Appeals

- 9.34 If a tenant is unhappy with a decision taken by a Housing Manager, in the first instance, they can appeal to the appropriate Assistant Director of Housing who will review the decision. If they are still unhappy and wish to appeal further, they can proceed to either the Housing Appeals and Review Panel, Step 3 of the Customer Complaints and Compliments scheme or the Ombudsman Service depending on the nature of the matter.
- 9.35 The Housing Appeals and Review Panel enables Council tenants and other housing clients to appeal against decisions made by Council officers on certain matters relating to housing. The Panel is made up of five District Councillors who would independently review any decision.
- 9.36 People making appeals are able to attend a hearing and, if they wish, bring someone with them to present their case on their behalf. At the hearing the appellant can explain to the Panel why they disagree with the decision taken.
- 9.37 A comprehensive Housing Appeals and Review Application Pack, including guidance notes and application form is sent out to tenants on request.

10. Action Plan

10.1 The following actions will be undertaken in the future by Housing to combat the problem of anti-social behaviour and nuisance;

Action	Lead Officer/s	Timescale	Resources Implications
Vary the Council's Standard Tenancy Agreement for all new and existing Secure ("lifetime") Tenancies with strengthened Conditions of tenancy for Anti-social behaviour	Assistant Director of Housing (Operations) Area Housing Managers	April 2014	Within existing Resources
Amend procedures to comply with the new Crime and Policing Act when introduced	Assistant Director of Housing (Operations) Area Housing Managers	April 2014	Within existing resources
Update Anti-social Behaviour Strategy following the introduction of the new Crime and Policing Act	Assistant Director of Housing (Operations) Area Housing Managers	October 2014	Within existing resources
Continue the Demoted Tenancy process when appropriate cases arise	Assistant Director of Housing (Operations) Area Housing Managers	When cases arise	Within existing Resources
Produce and circulate an updated summary leaflet of the Anti-Social Behaviour Strategy for the general public	Assistant Director of Housing (Operations) Principal Housing Officer (Information)	December 2013	Within existing Resources
Consider increasing the number of CCTV installations	Area Housing Managers	On-going	Within existing resources
Refer appropriate cases to Essex County Council's Family Solutions Team	Area Housing Managers	From October 2013	Within existing resources

11. Future Developments

11.1 The following “SWOT” analysis identifies the strengths, weaknesses, and opportunities and threats for the areas covered by this Strategy.

<p>Strengths</p> <ul style="list-style-type: none"> • Anti-Social Behaviour Act 2003 powers • Experience of housing management staff • The Community Safety Partnership • The multi agency Anti-Social Behaviour Group • The Council's Safer Communities Team • Introductory Tenancy Scheme • Greater knowledge of the public due to the production of this Strategy and summary leaflet • Women's refuge provision within the District • Mediation service 	<p>Weaknesses</p> <ul style="list-style-type: none"> • Staffing levels below the national and county average • Lenient approach of the Courts • Reluctance of victims to provide evidence
<p>Opportunities</p> <ul style="list-style-type: none"> • Additional powers expected under the Crime and Policing Bill • Referring families to Essex County Council's Family Solutions Team from October 2013 • Increased CCTV installations • Enhanced Tenancy Conditions on Anti-social Behaviour to be introduced for Flexible (fixed-term) Tenancies from September 2013 • Enhanced Tenancy conditions on Anti-social Behaviour to be introduced for all new and existing Secure Tenants from April 2014 	<p>Threats</p>

12. Resourcing the Strategy

12.1 For housing management purposes the Epping Forest District is split into two areas, with one Area Housing Office based at The Broadway, Loughton in the south of the district and the other based at the Civic Offices, Epping.

12.2 The number of staff involved in covering all housing management duties in 2013/2014 is 16 full-time equivalents. Area Housing Managers are based at each of the Area Housing Offices.

One of the Housing Management Officers at each of the Area Housing Offices is designated as an Assistant Area Housing Manager, as well as at the Limes Farm Housing Office, Chigwell.

12.3 All staff are included in the Council's Performance Development Review process, whereby they have an annual interview to assess their own performance and to discuss their targets for the forthcoming year and their training needs. There is a six-monthly update on progress. All new staff receive induction training and have access to a mentor. Training received by staff, which relates to this Strategy, is as follows:

- Court skills training
- Dealing with aggression
- Various IT courses
- Staff briefings on various matters
- Data Protection training
- Recruitment and selection training for Managers
- Protection of vulnerable adults from abuse
- Adult and Child Safeguarding
- Performance Development Review training for Managers and Seniors
- Managing sickness absence training

12.4 Housing Management staff delivering the Strategy in 2013/14 is approximately 4.5 FTE. This is based on the estimate that all staff in the Section spends around 25% of their time on aspects of the Strategy. The projection for the number of staff, required to deliver the Strategy over the following three years is detailed in the following table;

Staff Resources Projections				
Year	2013/2014	2014/2015	2015/2016	2016/2017
Housing Management Staff	4.5	4.5	4.5	4.5

13. Reviewing the Strategy

13.1 The Strategy for Anti-Social Behaviour will be reviewed, (following the introduction of the Crime and Policing Act), by the Housing Scrutiny Panel in consultation with the Tenants and Leaseholders Federation, and the Anti-Social Behaviour Group, in around October 2014.