



CRIME AND DISORDER SCRUTINY COMMITTEE - 11TH SEPTEMBER 2014

SUBJECT: ANTI-SOCIAL BEHAVIOUR - THE SAFER CAERPHILLY COMMUNITY SAFETY PARTNERSHIP PROCESS AND TENANCY ENFORCEMENT ACTIVITY IN RELATION TO CAERPHILLY HOMES TENANTS

REPORT BY: NATALIE KENNY, ANTI-SOCIAL BEHAVIOUR COORDINATOR

1. PURPOSE OF REPORT

- 1.1 The report is provided in response to a member request for information on the work undertaken by the Safer Caerphilly Community Safety Partnership and specifically that of Housing's Tenancy Enforcement Section, to tackle incidents, and reports of anti-social behaviour in CCBC. The report is provided as agreed at the Crime and Disorder Scrutiny Committee meeting of the 20th of March 2014.

2. SUMMARY

- 2.1 The Safer Caerphilly Community Safety Partnership (SCCSP) addresses anti-social behaviour (ASB) via the "Anti-Social Behaviour 4 Strike Process" developed by the Anti-Social Behaviour Team, based in the Caerphilly County Borough Council Community Safety section. This long-standing process was developed, in conjunction with partners, as a response to the statutory requirements placed on responsible authorities under the Crime and Disorder Act 1998. Over the years the process has built on its previous successes and emerging best practice. The ASB 4 Strike Process is a comprehensive and dynamic multi-agency approach to tackling ASB that has been very effective in dealing with perpetrators and, more recently, the victims of ASB.
- 2.2 The Anti-Social Behaviour Act 2003 and the Code of Guidance provided by Welsh Government to assist social landlords in their development of a policy and procedure, encouraged and emphasised a 3-strand strategy for dealing with nuisance and anti-social behaviour – prevention, support and enforcement. The CCBC Housing Division, Statement of Policy and Procedure for Anti-Social Behaviour produced and followed by the Tenancy Enforcement Section is consistent with the overarching corporate aims and reflects the 3 strand strategy, emphasises an incremental approach to investigating and dealing with ASB and reflects good practice in this field. A copy of the Anti-Social Behaviour Policy, Procedure and Summary is available on the intranet on Directorate, Housing, Quicklinks and is also available on the Internet on www.caerphilly.gov.uk

3. LINKS TO STRATEGY

- 3.1 The overarching aims of Caerphilly County Borough Council (CCBC) in relation to anti-social behaviour and crime reduction are detailed in Caerphilly Delivers – The Single Integrated Plan 2013 - 2017. They are as follows:

Safer Caerphilly

S1 – Reduce incidents of anti-social behaviour and reduce fear of becoming a victim of anti-social behaviour for residents.

S4 – Ensure people are supported to live in their own homes and communities in safety.

Prosperous Caerphilly

P2 – Improve standards of housing and communities, giving appropriate access to services across the county borough.

3.2 The Council's Local Housing Strategy "People, Property, and Places" has the following aims:

Aim 6 - To provide good quality, well managed houses in communities where people want to live, and offer people housing choices, which meet their needs and aspirations.

Aim 11 – To promote sustainable and mixed communities that are located in safe and attractive environments.

3.3 The Council's Strategic Equalities Plan has the following aim:

Equality Objective 1 – Tackling Identity based hate crime: – To reduce the levels of real or perceived instances of identity based abuse, bullying, harassment and violence, hate crime and hate incidents in the county borough.

4. THE REPORT

4.1 The Safer Caerphilly ASB 4 Strike Process is a multi-agency escalating process that aims to engage perpetrators and offer early interventions to moderate behaviour. Agencies coordinate referrals so that a full picture of emerging ASB and new ASB perpetrators is gathered. Interventions are then discussed and agreed among the partners from Stage 3 onwards. Each stage of the process is detailed below.

4.2 Strike 1

A referral is received regarding an individual's conduct in the community. A warning letter is issued to the individual or their parents if they are under 18, regardless of the type of accommodation that they live in.

The letter states the future consequences for the individual if the behaviour were to continue. In the case of tenants of the local authority or registered social landlords, this could include action being taken against the tenancy, with the ultimate sanction being eviction.

If the referral is received from a Police Officer, the Crime and Disorder Reduction Officer (CADRO) will send out a Strike 1 warning letter, if a referral is received from any other agencies within the council, or any other agency, the ASB Team will send the letter. The CADRO and the ASB Team work together to ensure non-duplication.

4.3 Strike 2

If a second referral is received within six months of the first, as the individual continues to cause problems in the community, then a second warning letter is sent in a similar vein as the previous correspondence, again illustrating the possible consequences if the behaviour was to continue. The letter is sent by the CADRO if the referral is from Police Officers and the ASB Team if from any other agency. Please note that the six month period does not delay the process in any way as an individual can enter stage 3 or 4 of the process if the relevant officer feels it is appropriate. An individual can progress through the process fairly quickly if continued behaviour occurs. The legislation prevents any enforcement action if there have been no further incidents within six months.

4.4 **Strike 3**

If further reports of anti-social behaviour are received, within six months of the second referral, the individual is referred to the Strike 3 Intervention meeting. Strike 3 meetings are held every 4 weeks and deal with referrals that have escalated to this stage during the intervening period. The Strike 3 Intervention Meeting is a multi-agency meeting and includes representatives from: Gwent Police, Community Safety Team, Youth Offending Service, Education, Social Services, Tenancy Enforcement, Victim Support and the Youth Service.

An agenda of the cases to be discussed at the meeting is formulated and disseminated to the appropriate agencies. Details are also required of all agencies involved in the meeting on the following issues: domestic abuse, child protection and vulnerable adult abuse and any information disclosed is recorded in the minutes of the meeting.

Each case is discussed using the schedule of incidents prepared by the local CADRO and ASB Team, and the relevant information that agencies bring to the meeting. A decision is made based upon all the facts presented.

The meeting is Chaired by the Community Safety Officer (ASB Coordinator) or Partnership Sergeant

The options available to the group are listed below:

- A Meeting with the perpetrator to talk about their behaviour, usually at the local Police Station
- An invitation to sign an Acceptable Behaviour Contract (ABC)
- Home Visit
- Referral to the Youth Inclusion Support Panel (YISP)
- Breach of ABC Letter
- Breach of ABC Meeting
- Monitor situation
- Phone Call to discuss with perpetrator
- Referral to the ASB Problem Solving Group

4.5 **Strike 4**

In cases where further referrals have been received despite repeated intervention attempts, cases are discussed at a further multi-agency meeting, the Problem Solving Group.

4.5.1 **The Problem Solving Group**

This meeting follows the format of the Strike 3 Intervention meeting but with the addition of a representative from the legal department of Caerphilly County Borough Council. Caerphilly County Borough Council Legal Services section takes forward all court destined ASB cases on behalf of the Partnership. The Partnership Police Inspector also attends. The group meets every six weeks and looks in detail at the schedule of incidents for each case to examine the success or otherwise of previous interventions, the personal circumstances of the perpetrators and the extent and seriousness of the ASB as well as the effect on any victims and the wider community. An important role of this group is to examine the likely prospects of success in court should a full ASBO be considered.

The group also discusses publicity of ASBO's granted by the courts and uses a decision making matrix to balance the community need to be reassured against any possible effect on the perpetrator and their family of adverse publicity. The group follows current Home Office guidance and seeks to publicise all outcomes where possible.

The meeting is chaired by the Community Safety Manager or the Partnership Inspector.

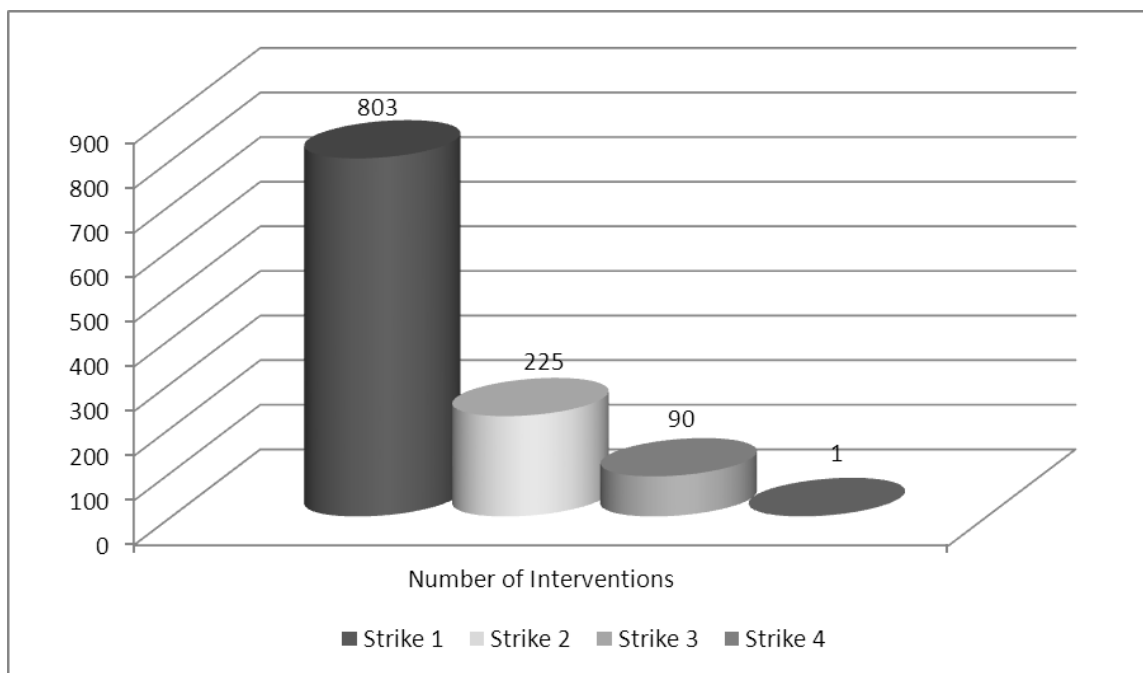
The options available to the group are listed below:

- Anti-Social Behaviour Order (ASBO)
- Anti-Social Behaviour Order upon conviction (CRASBO)
- Housing action including Notice Of Seeking Possession (NOSP) and Anti-Social Behaviour Injunction (ASBI)
- Monitor situation

Should the outcome be a proposed ASBO the perpetrator and his legal guardian are invited to write a letter detailing any mitigating factors to be considered before the final decision is made.

4.6 Process Outcomes

The ASB 4 Strike Process has been extremely successful with the main focus of the process being placed on the early interventions that can be used throughout the process to moderate behaviour. The below figure illustrates how many interventions at each Strike were utilised during 2013/14.



These figures illustrate the success of the first strike letter in deterring future anti-social behaviour. Since the ASB legislation was enacted 107 Anti-Social Behaviour Orders have been granted, 47 of these orders being granted against adults and 60 against youths. There are currently 10 live orders, 7 against adults and 3 against youths.

5. TENANCY ENFORCEMENT ASB POLICY

- 5.1 The over-riding aim of the Council's Housing anti-social behaviour policy and procedure is to provide a framework to ensure that it responds to all incidents of anti-social behaviour in a manner, which is consistent and appropriate. The policy and procedure seeks to support the wider aims and objectives of related strategies and plans in order to create safe and cohesive communities and improve the quality of life for Council tenants and leaseholders, and residents within the County Borough. The policy endeavours to complement and support the efforts of the Safer Caerphilly Community Safety Partnership and other local agencies through effective partnership working in order to provide a collaborative response to anti-social behaviour.

- 5.2 The Tenancy Enforcement Section aims to effectively tackle anti-social behaviour and enable Council tenants, leaseholders and others to have quiet enjoyment of their homes and live in communities that are safe and cohesive. All complaints of anti-social behaviour made by or about a tenant or leaseholder will be referred to the Tenancy Enforcement Section (TES). Complaints of a general nature and the less serious incidents of anti-social behaviour will be referred to the Area and Neighbourhood Housing Offices for investigation. The TES will investigate all complaints of noise nuisance and the more serious/persistent incidents of anti-social behaviour. Complaints that are incorrectly directed to the TES are redirected accordingly.
- 5.3 The most common referrals to the Tenancy Enforcement Section are for verbal abuse/intimidation/harassment and noise nuisance. The chart below provides details of the most significant reason for a complaint for each recorded period, although up to three reasons can be recorded on the referral form. The most common complaint has been for intimidation and harassment closely followed by noise nuisance.

Type of nuisance	2011 - 2012	2012 - 2013	2013 - 2014
Intimidation/harassment	200	213	170
Noise nuisance	189	205	213
Vandalism/property damage	31	38	30
Alcohol related	49	26	26
Drugs/ Substance misuse	63	80	75
Animal Nuisance	23	22	24
Physical Violence	22	9	15
Vehicle Nuisance	6	6	9
Litter/ Rubbish	0	3	1
Hate Related	3	7	5
Criminal Behaviour	12	11	15
Domestic Abuse	3	9	10
Garden Nuisance	2	1	6
Prostitution/sex acts	4	0	0
Misuse of common land	4	6	3
TOTAL	611	636	602

- 5.4 Upon receipt of a referral the referral is logged, assessed, graded and allocated to an Officer by the Tenancy Enforcement Manager. In order to determine whether actions constitute anti-social behaviour consideration is given to a number of factors, including the frequency and severity of the incidents, the length of time the incidents have been occurring, the effect of the

incidents on the victim and the intentions of the perpetrator.

The Tenancy Enforcement Section seeks to provide a complainant or victim centred approach and will endeavour to provide a consistent, reactive and responsive service. All complaints will be treated seriously and will be dealt with fairly and without prejudice or preference. All responses to incidents of anti-social behaviour will be proportionate, measured and reasonable and the TES are fully committed to tackling both the causes and the effects in an effective and structured manner.

The TES plays an active role as a partner in the Safer Caerphilly Community Safety Partnership. The Tenancy Enforcement Manager attends and contributes in Strike 3 and Problem Solving Group meetings which form part of the 4 strike procedure and is also a member of the Caerphilly Domestic Abuse Forum.

The TES does not just enforce the conditions of tenancy through legal action. In accordance with requirements of the Welsh Government guidance and the Housing policy of prevention, support and enforcement strategy, TES provides support and assistance to perpetrators in complaint cases. The team works with some of the most vulnerable and at risk members of society and recognises that we don't have to just stop the nuisance behaviour but also reduce and/or stop the actual cause of the nuisance behaviour in order to break the cycle. Perpetrators can be victims themselves and need support and assistance. The TES spend a lot of time discussing issues with the perpetrator to try and determine why they are behaving in an anti-social manner. This usually produces details of a raft of issues/ problems that the perpetrator has. The Officer dealing with the case will assess the information and make appropriate referrals to different organisations/ agencies (with the permission of the perpetrator) to try to assist them to resolve the issues and thus improve their behaviour.

On occasion support and assistance will not prevent anti-social behaviour and legal action is required to be taken to enforce the conditions of tenancy. Over the past 5 years the following legal actions have been taken by TES:

Legal Action	2009 / 2010	2010 / 2011	2011 / 2012	2012 / 2013	2013 2014
Undertaking	1	0	0	1	1
Injunction - with/ without power of arrest	7	5	8	2	0
Notice to apply for a Demotion Order	12	7	1	5	1
Demotion Order	1	0	0	0	0
Notice of Seeking Possession	20	20	10	29	17
Suspended/Postponed Possession Order	1	0	1	4	3
Outright Possession Order/ Eviction	4	6	2	1	9

6. EQUALITIES IMPLICATIONS

This report is for information purposes only, so the Council's full Equalities Impact Assessment process does not need to be applied. The Anti-social behaviour processes are used to tackle hate crime issue including those related to identity based hate crime to contribute to Equality Objective 1

7. FINANCIAL IMPLICATIONS

7.1 There are no financial implications, this report provides service information only.

8. PERSONNEL IMPLICATIONS

8.1 There are no personnel implications for the Council.

9. CONSULTATIONS

9.1 This report has been sent to the consultees listed below. There are no comments that have not been reflected in the report.

10. RECOMMENDATIONS

10.1 The report is noted.

11. REASONS FOR THE RECOMMENDATIONS

11.1 The report is in response to a Scrutiny request and is for information only.

12. STATUTORY POWER

Crime & Disorder Act 1998
Anti-Social Behaviour Act 2003
Housing Act 1996

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Councillor Sean Morgan, Vice Chair, Crime and Disorder Scrutiny Committee
Superintendent Marc Budden, Safer Caerphilly Strategic Lead and Delivery Group Chair
Rob Hartshorn, Head of Public Protection, Vice Chair Delivery Group
Kathryn Peters, Community Safety Manager
Chief Inspector Paul Staniforth, Caerphilly Local Policing Unit
Inspector Kevin Childs, LPU Partnership Inspector
David A Thomas, Senior Policy Officer (Equalities and Welsh Language)
Sian Phillips, Human Resources Manager
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Background papers:

- Caerphilly Delivers – Single Integrated Plan 2013 - 2017
- Local Housing Strategy - People, Property and Places
- Statement of Policies and Procedures for Anti Social Behaviour
- Code of Guidance for local Authorities – Anti-social Behaviour Policies and Procedures
- Strategic Equalities Plan