

REPORT TO THE COMMUNITY COUNCIL LIAISON SUB COMMITTEE – 24TH SEPTEMBER 2009

SUBJECT: ANTI-SOCIAL BEHAVIOUR AND THE TENANCY ENFORCEMENT SECTION

REPORT BY: DIRECTOR OF THE ENVIRONMENT

1. PURPOSE OF REPORT

- 1.1 The purpose of the report is to provide information on anti-social behaviour of council tenants and the work the Tenancy Enforcement Section have undertaken since their creation in October 2005.

2. SUMMARY

- 2.1 The Tenancy Enforcement Section was created in October 2005 in response to the requirements of Section 12 of the Anti Social Behaviour Act 2003 as ratified by the Welsh Assembly Government (WAG).
- 2.2 Section 12 of the Anti Social Behaviour Act, required all social landlords to produce and publish a Policy, Procedure and Summary of how it would deal with anti-social and nuisance behaviour in their properties. In response to this statutory requirement Caerphilly CBC also established a team to specifically deal with these issues. This team became the Tenancy Enforcement Section. A copy of the Anti-Social Behaviour Policy and Procedure is attached and is also available on the internet on www.caerphilly.gov.uk

3. LINKS TO STRATEGY

- 3.1 The relevant links to the Corporate Strategic Objectives are:
- Improve community safety and quality of life by reducing crime, nuisance behaviour and the fear of crime.
 - Enable independent living in local communities, through appropriate support mechanisms for individuals, families and carers.
 - Develop and strengthen preventative work and service provision for vulnerable children and adults.
- 3.2 The Local Housing Strategy 2008–2013 sets out the following strategic objective:
- To promote sustainable communities that are located in safe and attractive environments.
- 3.3 The Anti Social Behaviour Act 2003 and the Guidance provided by WAG to assist social landlords in their development of a policy and procedure encouraged and emphasised a three strand strategy for dealing with nuisance and anti-social behaviour, this is: - prevention, support/ rehabilitation and enforcement. The Statement of Policies and Procedures for Anti-Social Behaviour produced and followed by the Housing Division reflect this strategy and emphasises an incremental approach to dealing with nuisance and anti-social behaviour.

4. THE REPORT

4.1 The Tenancy Enforcement Section became operational on 3rd October 2005. The staff structure of the Section is as follows:
 Tenancy Enforcement Manager x 1
 Tenancy Enforcement Officers x 3
 Clerical Officer x 1
 Clerical Assistant x 1

4.2 The most common referrals are for verbal abuse/harassment and noise nuisance. The chart below provides details of the most common type of referral for each recorded period. The most common complaint has been for intimidation and harassment closely followed by noise nuisance.

Type of nuisance	¼ ending 01.03.09	¼ ending 01.06.09	¼ ending 01.09.09
Intimidation/ harassment	80	109	132
Noise nuisance	71	69	133
Vandalism/property damage	21	28	26
Alcohol related	18	28	68
Drugs/ Substance misuse	11	11	20
Animal Nuisance	5	7	10
Physical Violence	5	7	7
Vehicle Nuisance	4	6	5
Litter/ Rubbish	2	2	1
Hate Related	0	3	0
Criminal Behaviour	0	0	2
Domestic Abuse	0	0	1
TOTAL	217	270	405

4.3 The number of complaints received means that each Tenancy Enforcement Officer deals with on average about 330 - 350 referral cases over any 12-month period.

4.4 Since its creation the Tenancy Enforcement Section has assumed responsibility for the taking of all witness statements for presentation to the County Court. The Tenancy Enforcement Officers also provide their own witness statements acting as Professional Witnesses. The Officers will include in their statements details of all the action taken to reduce the nuisance behaviour and any hearsay evidence from those persons who do not wish to be identified for fear of retaliation and/or those who do not want to attend court. The taking and drafting of witness statements is a very detailed and time-consuming task.

4.5 The Tenancy Enforcement Section has undertaken various legal actions in order to remedy problems of nuisance and anti-social behaviour. The table below provides details of all legal

action taken by the Section since 3rd October 2005 until 31 March 2009.

Legal Action	31.10.2005 – 31.03.2006	01.04.2006 – 31.03.2007	01.04.2007 – 31.03.2008	01.04.2008 – 31.03.2009
Undertaking	0	0	0	1
Injunction - with/ without power of arrest	5	5	2	7
Notice to apply for a Demotion Order	0	0	9	8
Demotion Order	0	0	0	1
Notice of Seeking Possession	3	12	11	20
Suspended Possession Order	0	0	1	5
Outright Possession Order	0	2	8	3

4.6 Legal action in the form of injunctions is usually very quick and once an injunction is obtained it seems to have an immediate effect. Legal action to retake the possession of a person's home is much more protracted and can be a very lengthy process and is affected by how busy the County Court is. A timetable for actions taken in a Possession application is set out in the County Court Civil Procedure Rules and could be as follows:

Commencement	- Service of Notice Of Seeking Possession on tenant (28 day notice)
5 weeks later	- Application made to the court for a Possession Order
6 - 10 weeks later	- First directions hearing with District Judge (only legal representatives attend)
14 days later	- Defendant to file a defence
14 days later	- Disclosure of documents
21 days later	- Claimant to serve witness statements
14 days later	- Defendant to serve witness statements
7 days later	- Pre-trial checklist to be filed at the court
7 days later	- Claim to be listed at court for hearing on 1 st open day after said date
8 – 12 weeks later	- Court hearing

This timetable (which amounts to about a 7-8 month period before the court hearing) does not factor in any adjournments requested by either party which can delay the process longer. The TES and the Legal Section do everything they can to insure that the process is carried out as quickly as possible within the Rules to minimise the timeframe and the distress delays can cause.

4.7 The Section has developed excellent working relationships with the Police Crime and Disorder Reduction Officers (CADRO's) at each of the local Police Stations and has undertaken joint operations with the Police to tackle nuisance and anti-social behaviour. This has included attending with the Police in the execution of drug warrants.

4.8 The Section plays an active role as a partner in the Safer Caerphilly Community Safety Partnership. The Tenancy Enforcement Manager attends and contributes in all Pre ABC and Problem Solving Group meetings which form part of the 4 strike procedure operated by the Authority for dealing with nuisance and anti-social behaviour, which can ultimately lead to an application for an Anti Social Behaviour Order.

- 4.9 Close relationships are maintained with the Neighbourhood and Area Housing Offices and joint visits are often undertaken with the Estate Management Officers to tackle issues of nuisance and issues concerning the condition of the property, garden etc.
- 4.10 The Tenancy Enforcement Section does not just enforce the conditions of tenancy through legal action. In accordance with requirements of the WAG guidance and the Authorities own policy of prevention, support and enforcement strategy, the Section 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.
- 4.11 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.

5. FINANCIAL IMPLICATIONS

- 5.1 There are no financial implications.

6. PERSONNEL IMPLICATIONS

- 6.1 There are no personnel implications for the Council.

7. CONSULTATIONS

- 7.1 No formal consultation has been carried out.

8. RECOMMENDATIONS

- 8.1 The report is noted.

9. REASONS FOR THE RECOMMENDATIONS

- 9.1 For information only.

10. STATUTORY POWER

Anti-Social Behaviour Act 2003
Housing Act 1996

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Consultees: None

Background papers:

- Anti- Social Behaviour Act 2003
- Local Housing Strategy 2008 - 2013
- Statement of Policies and Procedures for Anti Social Behaviour