

COMMUNITY & HOUSING OVERVIEW AND SCRUTINY COMMITTEE

Date of Meeting	Wednesday 12 th July 2023
Report Subject	Anti -Social Behaviour Policy
Cabinet Member	Cabinet Member for Housing and Regeneration
Report Author	Chief Officer (Housing & Communities)
Type of Report	Strategic

EXECUTIVE SUMMARY

The Renting Homes (Wales) Act 2016, which came into effect from the 1st December 2022 is the biggest change to housing law in Wales for decades. The new legislation has and will change the way all landlords in Wales rent their properties.

The Renting Homes (Wales) Act 2016 aim is to simplify the process of renting a home in Wales and to provide parties with more information about their rights and obligations. The Act is now partially in force, for the purpose of making regulations and issuing guidance.

The implementation of the significant changes brought about by the Act, has made it necessary to review and draft revised policies and procedures.

The Council is committed to tackling anti-social behaviour as we know that it has a devastating impact on the lives of our customers. The Policy needs to reflect best practice and protect the rights of contract holders as well as minimising risk to the Council for not complying with appropriate legislation.

The report provides an overview of the changes that have been made to the Anti-Social Behaviour Policy.

RECOMMENDATIONS

1	That the Committee comments on the Anti-Social Behaviour Policy as part of the wider consultation process.
---	--

REPORT DETAILS

1.00	EXPLAINING THE ANTI-SOCIAL BEHAVIOUR POLICY
1.01	The Renting Homes (Wales) Act 2016, which came into effect from the 1 st December 2022 is the biggest change to housing law in Wales for decades. The new legislation has and will change the way all landlords in Wales rent their properties.
	The Renting Homes (Wales) Act 2016, which came into effect from the 1 st December 2022 is the biggest change to housing law in Wales for decades. The new legislation has and will change the way all landlords in Wales rent their properties.
	The Council is committed to tackling anti-social behaviour as we know that it has a devastating impact on the lives of our customers. The Policy needs to reflect best practice and protect the rights of contract holders as well as minimising risk to the Council for not complying with appropriate legislation.
	The aim of the policy is to ensure that effective systems are adopted to prevent and minimise instances of anti-social behaviour (ASB) and to resolve them as early as possible through timely and appropriate intervention.
1.02	Anti-social behaviour covers the range of behaviours from low-level nuisance to serious harassment, which can damage the quality of life and interfere with the ability of people to use and enjoy their home and/or community.
1.03	All low-level anti-social behaviour, general neighbour disputes, noise etc are dealt with by Neighbourhood Housing Officers however, should a breach of tenancy be determined the case is escalated to Tenancy Enforcement Officers for enforcement action. A dedicated Tenancy Enforcement team deal with all high level cases, such as drugs, assault and anything deemed to be personal harm following a risk assessment and a number of other tenancy breaches which cannot be resolved by the relevant neighbourhood officer.
1.04	Flintshire County Council is committed to preventing incidents of anti-social behaviour occurring in the first instance and will use a range of preventative actions to achieve this. Where incidents have occurred we recognise that early intervention is the key to avoid escalation. However, we will take legal action to resolve the situation, if it is deemed necessary and appropriate.
1.05	The Occupation Contract clearly sets out the obligations of Contract Holders and contains a number of clauses which can be relied upon when dealing with complaints of anti-social behaviour. The contracts make it clear that tenants are responsible for the behaviour of everyone (including children) living in or visiting their home.

1.06	The Council will take a victim centred approach, taking action quickly, decisively and using a harm/risk-based approach. Dealing with all matters professionally and sensitively placing a strong emphasis on early intervention and positive communication. As a landlord we may work with other agencies, such as the police to take any appropriate action.
1.07	<p>The Anti-Social Behaviour Policy contains a number of sections which explain the following:</p> <ul style="list-style-type: none"> • Definition of anti-social behaviour • General Policy Statement on Anti-Social Behaviour • Strategic and Legislative Context • Preventing Anti-Social Behaviour and Nuisance • Tenant and Landlord Responsibilities • Tackling Anti-Social Behaviour • Victim Centred Approach
1.08	<p>Definition of Anti-Social Behaviour</p> <p>Chapters 7, Section 55 of the Renting Homes Wales [2016] covers anti-social behaviour and other prohibited conduct and states clearly outlines what is prohibited conduct</p> <p><i>Additionally Section 2 of the Anti-Social Behaviour, Crime and Policing Act 2014 defines anti-social behaviour as:</i></p> <p style="padding-left: 40px;"><i>(a) Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person,</i></p> <p style="padding-left: 40px;"><i>(b) Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or</i></p> <p style="padding-left: 40px;"><i>(c) Conduct capable of causing housing-related nuisance or annoyance to any person.</i></p> <p>In simple terms, it can be defined as behavior causing harassment, alarm or distress to members or any member of the public.</p>
1.09	<p>Anti-Social behaviour can include the following examples:</p> <ul style="list-style-type: none"> • Drug related offences • Violence or threats of violence and actual assault • Intimidation and harassment • Aggressive and threatening language and behaviour • Hate crime or behaviour • Noise and other neighbour nuisance • Local environmental quality issues such as fly-tipping, vandalism and graffiti • Illegal or immoral use of residential premises.
1.10	The Council recognises that the term Anti-social Behaviour can and does mean different things to different people, and what might appear to be acceptable behaviour for one resident, may not be acceptable to another.

1.11	It is also recognised that such behaviour may happen over a sustained and/or long period of time, making life very difficult for residents, or there might be one very serious incident of anti-social behaviour which requires immediate intervention.
1.12	Not every complaint received will constitute anti-social behaviour and where this is the case no further action will be taken but appropriate advice and guidance will be given to the person reporting. This can be subject to review if there is a change or escalation in the circumstances. Anti-Social Behaviour is not: <ul style="list-style-type: none"> • Children playing in the street or local parks. • Young people gathering socially. • Being unable to park outside your home. • One off parties/Celebrations • DIY works at reasonable hours etc.
1.13	The Policy focuses on tackling anti-social behaviour that either affects or is carried out by people living within our properties and our neighbourhoods. This includes Contract Holders and complainants, their family members (including children) or friends, owner-occupiers, lodgers or private Contract holders.
1.14	The intentions of the person/s carrying out the behaviour will also be taken into account, as well as any disability and/or support needs they may have. It is important to state that anti-social behaviour will not be tolerated.

2.00	RESOURCE IMPLICATIONS
2.01	None.

3.00	IMPACT ASSESSMENT AND RISK MANAGEMENT				
	<p>Anti-social behaviour can be a destructive force within communities and the lives of a significant number of people within those communities can be negatively affected by the behaviour of an unreasonable minority.</p> <p>Anti-social behaviour can also damage the sustainability of communities and adversely affect the Council's ability to let our properties.</p> <p>Ways of Working (Sustainable Development) Principles Impact</p> <table border="1"> <tr> <td>Long-term</td> <td>Positive – Providing sustainable tenancies in safer, cleaner neighbourhoods.</td> </tr> <tr> <td>Prevention</td> <td>Positive - Preventing homelessness through ensuring there is adequate</td> </tr> </table>	Long-term	Positive – Providing sustainable tenancies in safer, cleaner neighbourhoods.	Prevention	Positive - Preventing homelessness through ensuring there is adequate
Long-term	Positive – Providing sustainable tenancies in safer, cleaner neighbourhoods.				
Prevention	Positive - Preventing homelessness through ensuring there is adequate				

		support and accommodation to cater for a range of needs.
	Integration	Positive – Increased integration between services and partner organisations.
	Collaboration	Positive – Increased collaboration between services and partner organisations.
	Involvement	Positive – Customer involvement to help shape effective services so that support is timely and person centred
Well-being Goals Impact		
	Prosperous Wales	Positive – providing good quality and affordable homes
	Resilient Wales	Positive – Creating services that are prevention focused and build resilience to avoid households becoming homeless specifically vulnerable persons
	Healthier Wales	Positive – Reduction in homelessness and increase in targeted support for mental health
	More equal Wales	Housing service is delivered in a way that is inclusive for all
	Cohesive Wales	Positive – Safer and well-connected neighbourhoods
	Vibrant Wales	Positive – encourages tenants to be more involved in their community
	Globally responsible Wales	Neutral

4.00	CONSULTATIONS REQUIRED/CARRIED OUT
4.01	This report forms part of a wider consultation programme
	<p>Consultation has already commenced and this process will run throughout the summer. It includes:</p> <ul style="list-style-type: none"> • Draft policy being shared with residents groups and the Tenants Federation • Workshop session for resident groups who request this • Attendance at resident group meetings • Other groups as identified following the first stage Integrated Impact Assessment

	Following the completion of the consultation, the Policy will be brought back to this committee to be adopted later in the year. The final completed Integrated Impact Assessment will be included as this will be updated during the consultation period.
--	--

5.00	APPENDICES
5.01	Appendix 1 - Anti-social Behaviour Policy.

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	https://www.gov.wales/housing-law-changed-renting-homes
6.02	https://www.legislation.gov.uk/ukpga/2014/12/contents/enacted

7.00	CONTACT OFFICER DETAILS
7.01	Contact Officer: Jen Griffiths – Service Manager, Housing; Welfare and Communities Telephone: 01352 702929 E-mail: jen.griffiths@flintshire.gov.uk

8.00	GLOSSARY OF TERMS
8.01	None.