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Date	5 th February 2013

Ward (s) affected	Ashtead Village, Dorking North, Leatherhead North and Leatherhead South	Key Decision	No
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Subject	Anti-Social Behaviour Policy and Procedure Statement for Temporary Accommodation January 2013
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RECOMMENDATIONS

The Executive is asked to approve the Anti-Social Behaviour Policy and Procedure Statement for Temporary Accommodation January 2013, attached at Appendix One.

EXECUTIVE SUMMARY

The Council manages 19 units of temporary accommodation that are dispersed throughout Dorking, Leatherhead and Ashtead. They are used to temporarily house people who the Council has a responsibility to under the homelessness legislation.

Given that the accommodation is provided on a temporary basis tenants are given a non-secure tenancy, which provides them with limited property rights. Tenants reside in these properties for a limited period and the length of stay can vary from approximately two to eighteen months.

From time to time the Council needs to take eviction proceedings for various reasons such as non-payment of rent, the Council has discharged its duty under the homelessness legislation or for anti-social behaviour. To take eviction proceedings the Council must show the County Court that it has followed appropriate procedures and been rational and proportionate in its actions. For this reason it must have, for the temporary accommodation that it manages, an approved Anti-Social Behaviour Policy and Statement in accordance with the Anti-Social Behaviour Act 2003. The policy is attached at appendix one.

CORPORATE PRIORITIES

The policy is not only aimed at tenants of temporary accommodation who suffer anti-social behaviour from another tenant in the accommodation, but also at neighbours who live nearby the Council's temporary accommodation. In keeping with the priority on access to services every tenant and new tenant occupying temporary accommodation will be given a copy of this policy and it will also be made available to neighbours as appropriate. The document will also be available on the Council's website. There has also been consultation on the strategy and in response amendments have been made.

The Executive has the authority to determine the recommendations

1.0 BACKGROUND

The Council manages 19 units of temporary accommodation that are dispersed throughout Dorking, Leatherhead and Ashted. They are used to temporarily house people who the Council has a responsibility to under the homelessness legislation.

Given that the accommodation is provided on a temporary basis tenants are given a non-secure tenancy, which provides them with limited property rights with no defence to possession proceedings. Tenants reside in these properties for a limited period and the length of stay can vary from approximately two to eighteen months.

From time to time the Council needs to take eviction proceedings for various reasons such as non-payment of rent, the Council has discharged its duty under the homelessness legislation or for anti-social behaviour. Action for anti-social behaviour occurs on average once per year.

Where anti-social behaviour occurs the Council needs to be able to take prompt action and in some cases it is necessary to take possession proceedings. To take such proceedings and be successful the Council must show the County Court that it has strong evidence and has followed appropriate procedures, been rational and proportionate in its actions. For this reason it must have an approved Anti-Social Behaviour Policy and Statement in accordance with the Anti-Social Behaviour Act 2003. The policy is attached at appendix one.

2.0 OPTIONS

There are two options that the Executive is asked to consider:

- option 1 approve the Anti-Social Behaviour Policy and Procedure Statement for Temporary Accommodation January 2013; or
- option 2 ask for amendments to be made and further consultation to be undertaken.

3.0 CORPORATE IMPLICATIONS

Legal Implications

The policy is in accordance with the Anti-Social Behaviour Act 2003 and takes into account legislation on housing, homelessness and equalities.

Financial Implications

There are no direct financial implications to this policy. Action is currently taken for anti-social behaviour including court action and these costs are covered by the existing budget.

Risk Implications

The policy provides a procedural framework, which will strengthen the Council's position in court when taking possession proceedings.

Equalities Implications

An Equality Impact Assessment has been undertaken. The policy sets out a procedure for tackling anti-social behaviour and where the Council takes action against perpetrators there is a system of formal warnings and court proceedings where the tenant may be represented by, for example, the Surrey Law Centre. Where a perpetrator is known to be vulnerable the Council will work and consult with other appropriate agencies before taking proceedings. Where a tenant modifies their behaviour such action may be suspended or ceased. Any one who is evicted from temporary accommodation will be offered housing advice and assistance on their housing options in accordance with the homelessness legislation.

Employment

There are no employment implications to this report.

Sustainability Issues

There are no sustainability implications to this report.

Consultation

There has been internal consultation with other Council services and the Police.

4.0 BACKGROUND PAPERS

Anti-Social Behaviour Act 2003

Mole Valley District Council Anti-Social Behaviour Policy 2004

Mole Valley Crime and Disorder Partnership Anti-Social Behaviour Agreed Minimum Standards 26 February 2010

Surrey Multi-Agency Anti Social Behaviour Strategy draft version 1
2013-2016

Circle Housing Group Anti-Social Behaviour Policy 2010

Consultation responses

List of Temporary Accommodation

Church Gardens, Dorking x 6

Curtis Road, Dorking x 1

Mill Lane, Dorking x 1

Clare Crescent, Leatherhead x 1

Kingston Road, Leatherhead x1

Poplar Road, Leatherhead x 8

Barnett Wood Lane, Ashted x1

Total = 19

Anti-social Behaviour Policy and Procedure Statement
for Temporary Accommodation
January 2013

Contents

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Introduction

Mole Valley District Council aims to secure a better quality of life for all residents of the district. This includes encouraging good behaviour and taking action against anti-social behaviour. The Council works in partnership with a number of agencies including the Police, the Community Safety Partnership and other organisations when addressing the issue of anti-social behaviour.

This booklet outlines the Council's approach to anti-social behaviour specifically for the units of temporary accommodation it manages. The Council aims to ensure that all its tenants in temporary accommodation and their neighbours enjoy the right to a quiet and peaceful living environment, where they can enjoy their home without disturbance from neighbours or other people.

What is anti-social behaviour?

Anti-social behaviour is anything that causes nuisance or annoyance to any person, makes their lives uncomfortable and prevents them having the peaceful enjoyment of their home and community. It also includes using your home for an unlawful purpose. In taking action against anti-social behaviour, the Council will apply the definition of anti-social behaviour set down by the 2003 Anti-Social Behaviour Act. Examples of nuisance and anti-social behaviour include:

- Excessive noise, from homes or gardens, especially between 11.00pm and 7.00am
- Threatening, drunken or yobbish behaviour
- Threatening to use violence
- Harassment including racial harassment
- Using abusive language
- Use or disposal of illegal drugs in the premises
- Vandalism, graffiti and fly-posting
- Drinking in the street
- Aggressive begging
- Setting off fireworks late at night
- Abandoning cars on the street
- Litter and fly-tipping rubbish

This is only a guide and not a complete list of behaviour that could be considered to be anti-social behaviour. Please remember that even minor nuisance behaviour can become a serious problem if it occurs often.

Some antisocial behaviour like theft, threats of violence, and actual assault or damage to property are clearly criminal acts and should always be reported directly to the police.

What is not Anti-Social Behaviour?

As antisocial behaviour can be difficult to define, and although annoying, there are some types of behaviour that are not classed as anti social:

- Children playing in the street or communal areas - unless they are causing damage to property
- Young people gathering socially - unless they are swearing and being intimidating to individuals
- Being unable to park outside your own home

- DIY and car repairs; unless these are taking place late at night or early in the morning

Tenant responsibilities

At the start of your tenancy you signed a legally binding document called a non secure tenancy agreement. By doing so you agree to abide by the rules and conditions laid down by the Council in the agreement. These rules include the following:

- As a tenant (or joint tenant) you are responsible for the behaviour of every person, including children and visitors, living in or visiting your home.
- You are responsible for their behaviour not only in your home but in communal areas and in the locality.
- You must ensure that you and they do not cause nuisance, annoyance or harassment to other tenants, their visitors, and people legally going about their business. This includes staff, members of the Council and contractors.
- You must ensure that you, anyone living with or visiting you, do not use your home for any illegal or immoral activity.
- You must not commit a criminal offence in your home, in any communal areas, or in the locality.

What you should do if subjected to nuisance or anti-social behaviour?

If you feel your safety will not be threatened, try to solve the problem yourself by speaking directly to your neighbour.

People often don't realise they are causing a nuisance and a friendly word can sort things out. Be prepared to discuss the problem calmly and to compromise if possible. This may prevent a small disagreement turning into a major row.

If you feel it is not something you can deal with or it would threaten your safety, you should do either or both of the following, depending on the nature of the nuisance:

- Contact the Temporary Accommodation Officer as soon as possible by phone. The officer will be able to discuss the problem with you and give you advice. Keep a record of the incident and put your complaint in writing so that the Council can record it. The Council can provide you with a nuisance diary sheet that is at the end of this booklet.
- Contact the Police immediately if you feel threatened or suspect that the nuisance is criminal in nature. You should keep a note of the crime reference number.

Who should I contact?

As mentioned above if you are subject to anti-social behaviour you should contact the Temporary Accommodation Officer or the Police if you feel threatened.

Temporary Accommodation Officer
 Telephone: 01306 870626
 Email: housing@molevalley.gov.uk

Surrey Police

Telephone: 101 or 01483 571212 (text phone, hard of hearing: 0800 1101)

Emergencies: 999

Support for victims

We understand that being a witness or a victim of anti-social behaviour isn't easy, but we want to support you and work with you to tackle the problem. We will provide victims and witnesses of anti-social behaviour with a range of support.

Victims can have improved security for their property such as extra locks fitted to doors and windows; a security light; a letter box grill. We work closely with the Police and can place a 'flag' on their computers so police officers respond quickly to the address of any victim of anti-social behaviour and harassment.

What we will do about your complaint

We will investigate your complaint as soon as possible by contacting the tenant(s) in question. In some cases it is necessary to identify the complainant, however, we will not reveal the identity of any complainant without the prior consent of that person. Often just warning the tenant of a complaint will solve the problem.

The perpetrator(s) will be made aware of any alleged anti-social behaviour and asked to comply with the tenancy agreement and this policy. All complaints of anti-social behaviour will be recorded and progress on resolving the problem will be monitored. Residents will be kept informed of any developments in relation to their complaint.

In cases where the Council takes action against the perpetrator of anti-social behaviour, the Temporary Accommodation Officer will provide support to witnesses and those affected by the behaviour. The Temporary Accommodation Officer will also be able to provide details of independent agencies that may be able to provide additional support.

Racial abuse or harassment is never acceptable. Any anti-social behaviour involving incidents of this nature will be dealt with in accordance with the Equality Act 2010 and Mole Valley District Council's Single Equality Scheme.

What action the Council may take

The Council will do all that it can to help resolve the situation. It will seek to settle disputes by offering support and advice to all parties. If the nuisance continues and communication and mediation can't resolve the situation, the Council is able to pursue the following options:

- **Formal warnings**

If anti-social behaviour is proven, the Council will issue the tenant with a formal warning. The Council may issue a Notice to Quit if the tenant ignores the warning.

- **Injunction**

This is a Court Order made by a Judge in a County Court or in the High Court which orders someone to stop doing something, for example causing nuisance. It may also be granted to prevent someone from entering a property, even if it is

their home. If they do not comply with the injunction order then they can be fined an unlimited amount or sent to prison for two years.

- **Eviction**

The Council can seek to evict a resident of temporary accommodation by serving a Notice to Quit. Once the notice period has ended the Council can apply to the Court for a possession order. This can be done in cases of anti-social behaviour as well as non payment of rent. The Council would then not normally offer the perpetrator any other accommodation.

What evidence should I collect?

Please remember that legal action can only be successful if there is proof of nuisance or anti-social behaviour. It is important that you keep a record or diary of everything that happens. The Temporary Accommodation Officer can supply you with advice and forms for this. A copy of the diary sheet can be found at the back of this booklet.

You should be prepared to give evidence in court if necessary. In the event of a serious incident, the Police should be informed and you should keep a note of the crime reference number.

Preventing anti-social behaviour

The Council places an emphasis on preventing anti-social behaviour from occurring. All new tenants are advised of the Council's policy and of the consequences of anti-social behaviour.

The Council will also aim to signpost the perpetrators of anti-social behaviour to other agencies, particularly if they are suffering from drug or alcohol abuse, have a disability or mental health issues or are juveniles. Attempts at resolving the issue will be made prior to taking legal action against a tenant. This will include working with a wide range of organisations and agencies including Children's Services, Adult Social Care, schools, probation services, the Police and Drug Action Team.

Any incidence of ASB that is serious and persistent and requiring multi-agency involvement to resolve will be referred to JAG (Joint Action Group, identifying a multi-agency problem-solving approach to antisocial behaviour hotspots)/CIAG (Community Incident Action Group, identifying a multi-agency intervention to deter / prevent individuals from behaving antisocially).

Data protection and information sharing

Any information collected in relation to anti-social behaviour will be treated in accordance with the Council's data protection policies and the Data Protection Act 1998 and its relevant subordinate legislation.

In the course of dealing with anti-social behaviour, it may be necessary to provide details of any complaints to other agencies and partners. This will only ever be done with the permission of the complainant.

The Council is a signatory to the Surrey Multi-Agency Information Sharing Protocol (MAISP), which is an agreed set of principles about sharing personal or confidential information. The Council will follow these principles when sharing information with other agencies. The MAISP enables each organisation signed up to the protocol to

understand the circumstances in which it should share information and what its responsibilities are. It has been developed in partnership by representatives from Surrey's county and district councils, the health service and Surrey Police. More information can be found at:

<http://www.surreycc.gov.uk/your-council/organisations-we-work-with/partnership-services-for-families/information-sharing-for-professionals/information-sharing-protocol-for-multi-agency-staff>

Training

We will ensure our staff are aware of this policy, who will also receive training from time to time.

Review

This policy will be kept under review and updated from time to time.

