

Mid Devon District Council

Housing Services Anti-Social Behaviour Procedures

Procedures Number: HSG v1.3

June 2015

Version Control Sheet

Title: Housing Service Anti-Social Behaviour Procedures

Purpose: To set out how the Housing Service will implement the Housing Service Anti-Social Behaviour policy and how it will prevent, investigate, respond to and monitor incidents of ASB.

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Consultation This document was sent out for consultation to the following:

Management Team

Cabinet Member

The Police

The East & Mid Devon Community Safety Partnership

Devon Mediation Service

CHAT (Churches Housing Action Team)

CAB (Citizen's Advice Bureau)

Age UK

Document History

This document obtained the following approvals.

Title	Date	Version Approved
Cabinet Member	05/2015	
Management Team	02/06/2015	
PDG	16/06/2015	
Cabinet	N/A	

1. Introduction

The Anti-Social Behaviour Act 2003 placed a duty on all social landlords to prepare and publish policies and procedures relating to anti-social behaviour (ASB) and to ensure that they are available for inspection to any person who asks for sight of them. The Council is also obliged to publish a statement and summary of the policy and procedures. When preparing and reviewing the policy and procedures, the social landlord must take account of guidance issued by the government and by the regulator of social housing, currently the Homes and Communities Agency (HCA).

2. Scope

The ASB procedures set out how the Housing Service will implement the ASB policy and therefore will explain how we will deliver the service to ensure that the commitment of the Council to prevent, investigate, respond to and monitor incidents of ASB reported will be met.

3. Related Documents

These procedures link with the Housing Service ASB policy and the Council's corporate Anti-Social Behaviour (ASB) Policy. In addition, they refer to the Chartered Institute of Housing (CIH), Social Landlords Crime and Nuisance Group (SLCNG) and Housemark Respect ASB Charter for Housing.

4. Accountability, leadership & commitment

- 4.1** Our policy details the Housing Service's approach to the prevention and management of ASB and acknowledges that it will reinforce our work to build sustainable communities. It states: "By being responsive to complaints, and tackling issues in a fair, consistent and proportionate way, we can provide safe and secure environments around our homes and neighbourhoods, where people want to live".
- 4.2** The Housing Service has generic Neighbourhood Teams which are responsible for dealing with all ASB complaints on their designated patches. They are based at the Council's Head Office in Phoenix House. The Neighbourhood Teams operate during the office hours of 9.00am to 5.00pm on Mondays to Thursdays, and 9.00am to 4.30pm on Fridays.
- 4.3** We are committed to ensuring our staff are trained in the complexities of housing legislation and the law relating to ASB and crime and disorder. They are trained to work with complainants, witnesses, perpetrators and partnership agencies. Staff attend accredited training courses with reviews of their skills and training needs undertaken as part of their annual appraisal. New staff members undergo a thorough induction programme.

5. Making the service accessible

5.1 Information regarding ASB can be found:

- In the Housing Service ASB Policy and also in the summary leaflet

- In the Housing Service tenancy agreements
- The Housing Service's Our Service Standards
- On our website
- In our newsletters, annual report and tenant handbook.

5.2 You can report incidents of ASB to your Neighbourhood Officer using any of the following methods:

Telephone:

- 01884 255255 during normal working hours and also in emergencies through our out of hours standby service on the same telephone number.

Write to:

Housing Services
Phoenix House
Phoenix Lane
Tiverton
Devon EX16 6PP

E-mail: htenancy@middevon.gov.uk or customerservices@middevon.gov.uk

In person: 9.00am – 5.00pm Monday to Thursday and 9.00am - 4.30pm Friday at:

- Phoenix House, Tiverton
- Hayridge Centre, Cullompton (Monday and Thursday mornings only)

You can also report an incident through a third party, such as a local Councillor. In situations where there may be a threat to the health and safety of an individual, we advise dialling 999 to summon the Police.

6. What happens next?

6.1 All incidents of ASB are logged on our electronic housing management database. This helps us in the following ways as stated below:-

6.2 **We have a permanent record of all incidents of ASB.** We can monitor the nature and extent of problems and identify hotspots. This enables us to work out priorities and to monitor the effectiveness of any initiatives or interventions.

6.3 **We can check if the perpetrator:**

- is currently under investigation
- is the subject of an Injunction or a Court Order
- has known associates who are engaged in anti-social activity
- has caused ASB in the past.

6.4 **We can check if the ASB is:**

- a one-off incident
- part of an on-going campaign against a specific individual
- concentrated in a specific area.

7. Confidentiality and Data Protection

- 7.1** Any information you give us will be treated in the strictest confidence. Your identity will not be divulged to the perpetrator of the ASB without your express permission. However, we may share information with:
- the Police - for the prevention and detection of crime and disorder and anti-social behaviour
 - other local councils and registered social landlords (Housing Associations) about perpetrators of ASB
 - Social Services, if this is relevant
 - Fire Service
 - Probation
 - Health.
- 7.2** Any exchange of information is strictly controlled and monitored through the use of established Information Exchange Protocols agreed between this Council, the Police, other local authorities and Housing Associations active in Mid Devon and the surrounding area.
- 7.3** There are a number of areas of legislation that the Council complies with in relation to the sharing of personalised information including the:
- Data Protection Act 1998 (Section 29)
 - Freedom of Information Act 2000
 - Human Rights Act 1998
 - Crime and Disorder Act 1998 (Section 115).

8. Our Response Times

- 8.1** We will acknowledge all complaints of ASB in writing or e-mail within five working days. We will respond to cases involving racial harassment, threats or actual violence within one working day – or on the same day if resources permit.

9. Complaints about ASB

- 9.1** When we receive a complaint, we will assess the type of ASB being complained about to determine how quickly we need to respond. We will complete a complainant risk assessment when speaking to you first about the incident and this will inform the decision relating to the category we decide to apply to it.
- Level one: High risk/urgent - response within one working day. This will apply where there is a serious risk to the complainant so will include race/ hate crime, threats or use of violence.
 - Level two: Medium risk/persistent nuisance – response within five working days. This will apply where there is no immediate risk to the complainant and will include noise complaints, nuisance vehicles and ongoing issues relating to pets and animals.

- Level three: Low to no risk/non-urgent – response within five working days. This will include ball games which result in damage to property, issues arising from a clash of lifestyle and other ASB, such as neighbour disputes where there is no independent evidence, unlikely to cause harm in the short term. It will also include one-off complaints and incidents where there is not enough evidence to show that a nuisance exists at all. Most incidents judged to be low to no risk will be recorded only. Mediation will be offered but it is unlikely that there will be any further action.
- Anonymous complaints: Generally, these will be recorded for information only as we may not be able to gather all the evidence needed. In the event of serious allegations, where there are safeguarding or other such issues of concern, we will involve other partners in order to take appropriate action.

9.2 We will develop an action plan immediately prior to investigating the incident. This will set out how we intend to proceed. We will also agree a level of support and contact as the case progresses. We will always offer mediation as a first step to resolve the issue being reported unless the case is high risk and falls into level one.

9.3 We will issue diary sheets straight away but we understand that some people will be unable to complete these for whatever reason and we will work with them to enable them to record any ongoing issues. This may include the provision of a Dictaphone.

10. Investigation

10.1 Members of the Neighbourhood Teams have responsibility for investigating incidents on their patches. They are the first point of contact throughout the investigation. We will need all relevant information about the complaint and this will involve taking detailed statements, as necessary.

10.2 The initial investigation should take no more than twenty working days depending on the complexity or severity of the complaint. Staff will maintain regular contact with you in the way and at the frequency agreed. They will review the action plan periodically as the case progresses so you are able to agree new methods of contact and amend the frequency of contact. You will be told if the investigation is delayed for any reason. You will also be told if, for whatever reason, we have to involve another Officer in the investigation, and we will make you aware of the name and contact details of the new Officer dealing with the case.

10.3 We use a straightforward approach to tackling ASB:

- investigate the complaint;
- evaluate the evidence; and
- take appropriate action to resolve the issue.

10.4 We use our electronic housing management system as an incident management tool and this enables us to be consistent.

10.5 When gathering evidence, we will use all the tools available to us, which may include working with Environmental Health professionals in connection with the use of noise monitoring equipment, information exchange with other agencies such as the Police

and evidence from other potential witnesses, including neighbours. In serious cases, we would consider the use of professional witnesses especially where potential witnesses were fearful of reprisals and intimidation and not willing to give evidence in court proceedings.

11. Protecting communities through prompt and proactive actions

11.1 We will play a key role in preventing ASB from occurring and work in partnership with other agencies to jointly tackle problems as they arise. We work with the East & Mid Devon Community Safety Partnership (CSP) and other key support organisations such as mental health teams, drugs and alcohol services and domestic abuse support services.

11.2 We will work in partnership with the Police and other agencies, where necessary, and make use of all the tools and powers available to tackle ASB, especially those arising from the ASB, Crime and Policing Act 2014. For example, we are able to accelerate enforcement action or to seek an absolute order for possession of a property through the Courts in response to incidents judged to be serious or life-threatening.

11.3 We are also able to attach requirements to injunctions to assist with the rehabilitation of perpetrators. Therefore, we could require them to seek support for substance issues as part of a wider package of obligations.

11.4 We continue to support tenant involvement initiatives within our neighbourhoods. We carry out two Neighbourhood Walkabouts each year on each estate and we encourage Councillors, tenants, Police Officers and other interested parties to accompany us.

12. Adopting a supportive approach to working with victims and witnesses

12.1 We can help and support you in a number of ways. We can:

- provide regular contact by telephone or home visit and will agree an action plan with you at the time that you report the incident. This will be amended to take account of your preferences as the investigation progresses
- refer you to counselling, victim support, and witness support services
- tailor our service to meet the needs of our tenants and liaise with appropriate support workers if you are physically or mentally vulnerable
- seek to provide appropriate support if you are hearing or visually impaired
- provide free transport to and from investigation meetings, court, and other venues
- assist with childcare/caring costs so that you can attend meetings
- provide victims and witnesses with an out of hours contact to respond to any issues which require an immediate response
- consider re-housing you on a temporary or permanent basis by way of a management move in serious ASB circumstances if supported by the Police or Health Officials although this will be a last resort
- continue to provide advice and support following court proceedings

- monitor the behaviour of the perpetrator following court proceedings to ensure that any order of the court is adhered to
- carry out a “risk assessment” of your home and install appropriate support measures such as CCTV cameras, alarms, extra locks or spy holes in your front door
- supply dictaphones or personal alarms
- in cases of domestic abuse, attend any Multi Agency Risk Assessment Conference (MARAC) meetings and arrange to have any recommended security measures put in place under the Sanctuary Scheme
- identify and minimise risks by continually reviewing risks during an investigation
- take a proactive approach to minimise all types of harassment
- make referrals to the Race Equality Council where there has been incidents of racial harassment, in order to obtain support for you
- ensure that all Officers are fully trained and able to signpost victims to support agencies.

13. Bringing communities together

13.1 We want to build sustainable and safe neighbourhoods. We do this by:

- encouraging and developing tenant involvement by continuing to support tenants and residents groups and helping any new groups being formed
- continuing to support existing estate tenant representatives and encouraging more to become involved and to attend Neighbourhood Walkabouts
- by participating in joint community initiatives e.g. Community Action Days, Local Action Group meetings and resident involvement activities.

14. Prevention and early intervention

14.1 We aim to take a straightforward approach to the management of ASB problems. We will always encourage complainants to consider mediation unless they are reporting a serious high risk incident. If, when we have investigated, we find that a particular complaint arises from a clash of lifestyle, we will only offer mediation. We recognise that in some cases, individuals must compromise and that it is not appropriate for the Council to take action. In such cases, we will make it clear that we expect all the parties involved to work together to find a way forward.

14.2 However, we have made a commitment to prevent, investigate, respond to and monitor incidents of ASB involving our tenants and to support the development of sustainable communities where people want to live. We will therefore use a wide range of all the tools and powers available in order to prevent the escalation of ASB. We aim to ensure that, where possible, perpetrators are given the opportunity to make the required changes to their behaviour and successfully re-integrate into the community.

14.3 We will consider any vulnerability or support needs and work with the individual to provide advice on accessing appropriate support by completing a risk assessment and continuing to review that.

15. How you can help us

15.1 In many instances, especially those that may involve legal action, we will need your help to build our case against a perpetrator of ASB. You will be asked to keep a regular diary of events. You may be asked to:

- allow noise monitoring or video equipment to be installed in your home
- allow professional witnesses, the Police and/or Council staff to use your home for surveillance purposes
- encourage other witnesses to come forward
- report incidents to the Police, always requesting a log number
- attend meetings with witnesses and with our legal representatives
- attend court and give evidence to support the Council's case or if you do not feel able to do this then provide us with an Impact Statement
- monitor the behaviour of the perpetrator following court proceedings to ensure that any order of the court is kept to.

15.2 Your help and assistance is vital and is greatly appreciated.

16. Our approach to tackling ASB

Our intentions are to:

- deal firmly but fairly with perpetrators
- deter ASB and prevent future occurrences
- encourage complainants and witnesses to come forward.

When evaluating the evidence collected, we will consider the most appropriate course of action. We will also try to ensure that the response to the issues reported is both reasonable and proportionate. We will use a variety of different remedies in order to encourage perpetrators to modify their behaviour.

16.1 Partnership Approach

We work in partnership with various agencies including:

- Citizens Advice Bureau (CAB) – for general tenancy advice
- Police – for criminal activities
- Environmental Health - for noise nuisance
- District Officers - for abandoned vehicles and dogs.

16.2 Troubled Families Support Programme

This initiative is aimed at families who have complex needs with the intention of:

- getting children back into school – attendance issues
- reducing youth crime and ASB
- enabling adults to get back to work
- reducing the costs to the public sector that are associated with these families – such as health.

We will adopt a partnership approach whereby all the different agencies will work

together to provide support for such families. We will continue to support families with any new initiatives introduced by the programme.

16.3 Tenant obligations

All Council tenants are subject to the Council's Terms and Conditions of Tenancy. All tenants are provided with a copy of these at the start of their tenancy and the most important clauses relating to ASB are explained in detail. Tenants are responsible for the behaviour of other household members and visitors and this is made clear to them at the start of their tenancy.

16.4 Cross-tenure Issues

The Council recognises that the powers and responsibilities it has as a social landlord extend beyond its own sector and housing stock. The Council will act to protect owner-occupiers or those of other housing tenures from the actions of Council tenants, and equally, may take action against perpetrators of ASB in other tenures to protect its tenants.

16.5 Mediation

The Council works with the Devon Mediation Service, an independent local voluntary organisation. We will always offer mediation unless the case is deemed to be high risk as it can be used successfully to resolve neighbour disputes at an early stage. It is useful because the mediator is an impartial independent person who helps both parties to develop a solution to their difficulties. We work with the CSP and will usually work in partnership with other agencies to decide the way forward in more serious cases. There is an escalation process and this will be used if mediation is not appropriate.

16.6 Acceptable Behaviour Contracts (ABCs)

ABCs attempt to modify the perpetrator's behaviour before formal legal action is started. Perpetrators are encouraged to agree to the conditions set. ABCs are voluntary contracts which are effective as warnings for perpetrators whose continued unrestrained activities would lead to the obtaining of Criminal Behaviour Orders, injunctions or possession orders.

16.7 Parenting Contracts and Orders

This is a Court Order which is designed to give you support and guidance. It aims to help you prevent your child from committing ASB, to ensure they attend school every day and to address issues of behaviour at school if they have been excluded.

16.8 Demotion Orders

The Council can ask a County Court to "demote" a secure or flexible tenant to a lesser form of tenancy for 1 year (similar to an introductory tenancy). Repossession becomes easier during that year for on-going acts of ASB or for rent arrears.

16.9 Legal action under the Environmental Protection Act 1990 or the Noise Act 1996 *Statutory nuisance*

The Housing Service can work in partnership with Environmental Health Officers who can serve Noise Abatement Notices, take legal action in the Magistrates Court and seize equipment in cases of extreme noise where the noise coming from a property is “prejudicial to health or a nuisance”.

Formal action would only be commenced where informal action had failed to resolve the matter. If an abatement notice is served, the person responsible for the problem is expected to live within the terms of the Order. Failure to comply with an abatement notice is a criminal offence, and could result in a fine being payable following a successful prosecution for contravention or non-compliance with any requirement of the notice. The Court can also order the seizure and potential forfeiture of equipment.

16.10 Possession Orders (Housing Act 1985)

The Council can apply to the County Court for an order for possession that will lead to eviction of a Council tenant where nuisance or ASB is seriously and/or constantly affecting the locality. A tenant who is evicted on nuisance grounds could be found intentionally homeless even if they are in housing need.

The Council takes breaches of the terms and conditions of Tenancy relating to nuisance and ASB very seriously, and will take action to ensure that tenants comply with their tenancy agreements. However, any enforcement action must be reasonable and proportionate and if legal action is to be considered as a way forward, it will be recognised that eviction is a last resort, especially if there are children involved.

16.11 Termination of Introductory Tenancy

Introductory tenancies enable the Council to repossess homes more easily during the first twelve months of a tenancy where there are grounds for eviction (for example, ASB or rent arrears).

16.12 Termination of a Flexible Tenancy

The Council uses flexible tenancies, and has discretion as to whether to renew or revoke a tenancy at the end of a fixed term should there be sufficient grounds for eviction (for example, ASB or rent arrears).

16.13 Extension of an Introductory Tenancy

The Housing Service can, under certain circumstances, extend an Introductory Tenancy for a period of six months by serving a Notice of Extension on the tenant at least eight weeks before the tenancy either would normally have been made secure or became flexible. This has to be agreed by independent officers not involved in the appeal review.

17. New tools and powers

The ASB, Crime and Policing Act 2014 introduced simpler, more effective powers to tackle ASB that provides better protection for victims and communities.

17.1 Community Trigger

This gives victims and communities the right to request a review of their case and bring agencies together to take a joined up approach to find a solution. The trigger will apply in Mid Devon when there have been three complaints about ASB in the last 6 months (if there are 3 complaints about 1 incident this will also count) with the most recent complaint having occurred within the last month. Complaints can be made to any partner agency.

As a result of any review, the agencies involved will share information, review what action has taken place and decide whether any additional actions have been missed. Any review will take into account the persistence of the ASB, any harm or potential harm caused by the ASB and the adequacy of response to the ASB. The victim of the ASB can use the community trigger and also other people acting on their behalf such as a local Councillor, the local MP, a family member or other advocate. The trigger will be activated even if a business or community group makes the complaint.

17.2 Community Remedy

This gives victims a chance to influence the type of punishment given out to perpetrators of low-level crime and ASB.

17.3 Civil Injunction

The purpose of the civil injunction is to stop or prevent anyone behaving in an anti-social way quickly. It is there to prevent an escalation of any problems. The Council, other registered providers of social housing, the Police and other agencies including the Environment Agency, can apply one of these injunctions. If the Housing Service is to apply for an injunction, there must be a good chance that the behaviour is likely to be capable of causing nuisance and annoyance and that it would be just and convenient to grant the injunction to prevent ASB.

The injunction will include prohibitions and may include positive requirements to help the perpetrator to address the underlying causes of their ASB. If the perpetrator is under 18, the agencies involved must consult the local Youth Offending Team (YOT). A breach of the injunction is not a criminal offence. If there is a breach, it must be proved to the criminal standard which means that there needs to be evidence which demonstrates that there is no reasonable doubt about what happened.

If the perpetrator is over 18, they may be given an unlimited fine or sentenced to up to two years in prison.

If they are under 18, they may be given a supervision order or, as a very last resort, a civil detention order of up to three months for those aged 14 to 17.

17.4 Criminal Behaviour Order

This can be issued by any criminal court against a person if they have been convicted of an offence. An Order will be made if the court is satisfied beyond reasonable doubt that the offender has engaged in behaviour that has caused or is likely to cause harassment, alarm or distress to any person and the court considers that making the order will help prevent the offender from engaging in such behaviour.

The aim of this new Order is to make it easier to deal with those who continue with anti-social activity and also engage in criminal activity. The ASB does not need to be part of the criminal offence. The Order will include prohibitions to stop the ASB but it can also include positive requirements. The aim of this is to give the offender an opportunity to deal with the causes underlying their criminal behaviour. If the offender is under 18, then the YOT must be consulted about any applications for Orders.

A breach of an Order will be a criminal offence and therefore there needs to be evidence showing that what is alleged can be proved beyond reasonable doubt. Offenders over the age of 18 can be sentenced to prison. However, they could also be liable to pay a fine or they may be sent to prison and ordered to pay a fine, as well.

For those offenders under the age of 18, the sentencing powers in the Youth Court apply.

17.5 Dispersal Power

The Police can require a person committing or likely to commit ASB, crime or disorder to leave an area for up to 48 hours. This power can be used when members of the public in an area are being harassed, alarmed or distressed, or are likely to be by ASB, or by crime and disorder. The Police must specify the area to which the power will relate and can also specify the time and the route that must be used to leave the area.

The Police can also confiscate any item that could be used to commit ASB, crime or disorder. A direction can be given to anyone who is, or who appears to be, over the age of 10. Anyone under the age of 16 can be taken home or to a place of safety.

A breach of this power is a criminal offence. Failure to comply with a direction to leave can result in a fine and/or up to three months in prison although those under 18 cannot be imprisoned. Fines can also be applied if someone fails to hand over items.

17.6 Community Protection Notice (CPN)

This has been introduced to stop anyone aged 16 or over, or a business, or other organisation, committing ASB which spoils the quality of life of a community. The new notices can be issued by Council Officers, the Police or social landlords, under certain circumstances. They can be issued in response to a wide range of

behaviours including noise nuisance, and litter on private land such as a garden belonging to an owner occupier.

The behaviour has to have a detrimental impact upon the quality of life in an area, and also be unreasonable. In addition, it must be persistent or continuing. The perpetrators will be issued with a written warning making them aware of the issue and requesting that they stop. It will also set out the consequences of continuing the ASB. The notice will require the perpetrator to stop the behaviour, or set out what they can do to put things right. If someone fails to do what they are required to do, then the Council can carry out the works on their behalf and recharge the perpetrator for the cost of doing so.

A breach of a CPN is a criminal offence. A fixed penalty notice may be issued and this will require a payment of £100 by the perpetrator. Alternatively a fine can be levied which can be up to £2,500 for individuals and up to £20,000 for businesses.

17.7 Public Spaces Protection Order (PSPO)

Such an Order can be issued by Councils after consultation with the Police, the Police and Crime Commissioner and other relevant bodies if there is ASB being committed in a public space. The ASB must be having, or be likely to have, a detrimental impact on the quality of life of those in the local area. It must also be persistent and unreasonable.

The Council can put in place restrictions and requirements as part of a PSPO and these can be blanket restrictions, or they can be targeted to tackle certain behaviours by certain groups at certain times. A PSPO can restrict access to public spaces where that route is being used to commit ASB. A breach of a PSPO is a criminal offence and Council and Police Officers can issue a fixed penalty notice of up to £100, if appropriate. If there is a prosecution, the perpetrator may be fined. More than one restriction can be added to the same PSPO.

17.8 Closure Power

The Council or the Police can apply to close premises if they are being used, or are likely to be used, to commit nuisance or disorder. A Closure Notice may be issued for up to 48 hours. It may be issued out of Court. After this, a Closure Order can be sought through the courts. If there has been a Closure Notice, the owner or those who live at the premises must be able to access them. A Closure Order can be used to close premises for up to 6 months and can restrict all access to the property.

A Closure Notice can be issued if there is nuisance to the public or disorder near the premises. A Closure Order can be sought if there is disorderly, offensive or criminal behaviour; or serious nuisance to the public; or if there is disorder near the premises.

Both the Closure Notice and the Closure Order can be used to manage issues relating to any land or other place, whether enclosed or not including residential, business, non-business and licenced premises.

A breach of a Closure Power is a criminal offence. Breach of a Closure Notice could result in up to three months in prison. Breach of a closure order could result in up to six months in prison. Breaches of both could result in an unlimited fine for both residential and non-residential premises.

17.9 The New Absolute Ground for Possession

Landlords can now evict tenants if they, a member of their household or a visitor has been found guilty of ASB. The aim of this is to improve the situation for victims. The ASB or criminality must have been already proved in another court and the tenant, a member of their household or a visitor must have met one of the following conditions:

- They have been convicted of a serious offence (as specified in schedule 2A to the Housing Act 1985);
- They have been found by a court to have breached a civil injunction ;
- They have been convicted for breaching a Criminal Behaviour Order (CBO);
- They have been convicted for breaching a Noise Abatement Notice; or
- The tenant's property has been closed for more than 48 hours under a Closure Order for ASB.

The offence or the breach needs to have occurred in the locality of the property or affected a person with a right to live in the locality. Alternatively it needs to have affected the landlord or a member of staff or one of their contractors.

Council tenants with secure tenancies will have the right to request a review of the landlord's decision to seek possession.

If one or more of the conditions detailed is met, the court must grant a Possession Order if the correct procedure has been followed but tenants can raise a human rights defence and may argue that the action taken is not proportionate.

The landlord will not be required to demonstrate that the action being taken is reasonable. Once an order is made, the Court cannot postpone possession to a date later than 14 days after the making of the order except in exceptional circumstances, and will not be able to postpone for later than six weeks in any event.

18. Other legislation

Other legislation we use to help us respond to issues related to ASB include:-

18.1 Protection from Harassment Act 1997

This legislation provides a power of arrest and the possibility of a restraining order obtained in the Magistrates Court that could carry a penalty of up to 5 years' imprisonment. The intention is to prevent a perpetrator from entering certain areas and harassing others.

18.2 Civil Evidence Act 1995

Hearsay evidence is admissible in civil proceedings in County or Magistrates Courts. This allows Council officers and other professional witnesses to give evidence when a complainant or witness is too frightened to give evidence personally.

18.3 CCTV and Surveillance Measures

The Council will use these where appropriate and proportionate to the ASB complaint. Where these measures are used they will be in conjunction with other agencies and will comply with the Regulation of Investigation Powers Act 2000 (RIPA)

19. Offering a value for money service

19.1 We regularly monitor performance in tackling ASB. We have a range of methods in which we do this by:

- conducting resident satisfaction surveys
- using dedicated ASB computer software system which estimates the cost of each ASB case
- benchmarking against other Housing Providers
- pooling resources and using a multi-agency approach where ASB hotspots are identified
- continually evaluating our performance

20. Confidentiality & Data Protection

20.1 We are committed to maintaining tenancy confidentiality and bound by legislation relating to data protection. We will respect the confidentiality of those who approach us to report ASB and also those we speak to, for whatever reason, regarding any incident or as part of our investigations.

20.2 Officers are expected to undergo regular training to ensure that they understand their responsibilities with regard to data protection and the importance of maintaining confidentiality.

20.3 We will not usually exchange any information without the consent of the people involved or unless there are suspected safeguarding issues. In cases of this nature, we would refer to the relevant information sharing protocols. This is in accordance with the provisions of the Crime and Disorder Act 1998, which allows personal data to be exchanged in order to prevent or to detect crime.

20.4 We may publicise positive action taken to resolve ASB, if possible. This will be done in conjunction with partners in order to demonstrate what can be achieved with the help of the local community.

21. Monitoring our performance

21.1 We record all incidents reported using our electronic housing management system.

We record all relevant information regarding complainants, witnesses and perpetrators including their names, addresses, contact details and information regarding their diversity.

- 21.2** Our system provides a management tool which prompts Officers in the Neighbourhood Teams to take action in accordance with policy and procedure. All action taken in connection with an investigation and in response to complaints of ASB will be recorded and this enables Managers to monitor performance and to ensure that targets are met.
- 21.3** Our system enables us to identify trends and hotspots. We can also monitor whether or not specific initiatives or actions have had an impact.
- 21.4** We monitor levels of satisfaction too. We publish key performance information on a monthly basis and this includes information on the numbers of new, open and closed cases and the percentage of those resolved. We are planning to increase the amount of information published to include information on types of cases and the range of action taken.
- 21.5** Senior Managers meet with the Cabinet Member for Housing on a monthly basis to discuss performance and a tenant representative also attends these Housing Performance & Improvement Board meetings. In addition, Tenants Together, our Scrutiny Group, reviews performance on a monthly basis.
- 21.6** We also subscribe to the Housemark benchmarking service which enables us to compare costs and other indicators to ensure that our service is delivering value for money.