



# Housing SERVICE

## **Strategy and Statement on Anti-Social Behaviour Policies and Procedures**

**April 2018**

*Epping Forest District Council*  
[www.eppingforestdc.gov.uk](http://www.eppingforestdc.gov.uk)



# **Contents**

---

1. Introduction
2. Background to Anti-social Behaviour Policies and Procedures
3. Relationship to other Documents
4. Aims and Objectives
5. Statutory Requirements
6. Client Consultation Information and Involvement
7. General Principles – Anti-social Behaviour
  - Making Complaints/Definition of Anti-social Behaviour
  - Allocations of Accommodation – Serious Unacceptable Behaviour
  - Security of Tenure – Dealing with Anti-Social behaviour
  - Demoted Tenancy Orders and Possession of a Demoted Tenancy
  - Demoted Tenancy – Right to Review
  - Introductory Tenancy Scheme
  - Mutual Exchange
  - Absolute Ground for Possession
  - Criminal Behaviour Orders
  - Civil Injunctions to Prevent Nuisance and Annoyance
  - Anti-Social Behaviour Case Review – “The Community Trigger”
  - Right to Buy
  - Homeless Applications
  - EFDC Community Safety Team’s ASB Procedures
8. Epping Forest Tasking Group Referrals
  - District-wide Incident Diary
  - Policy on Dealing with Domestic Abuse
  - Racial Harassment Policies
  - Priority Transfers
  - Mediation Services
  - Family Solutions – Families with Complex Needs
  - Protection and Training of Staff
  - Dealing with Graffiti
  - HomeSafe Scheme and Home Safety Checks
  - Compliments and Complaints Procedure
  - Appeals
9. Action Plan
10. Future Developments
11. Staffing
12. Reviewing the Strategy

## **Introduction**

- 1.1 This Housing Service Strategy relates to the Council's approach to the policies and procedures in relation to dealing with anti-social behaviour on housing estates. The Strategy sets out the measures that the Council will use as a landlord to address anti-social behaviour issues in relation to its housing stock.
- 1.2 Dealing with tenants who commit acts of anti-social behaviour is an important service to the community and is delivered through the Council's Area Housing Offices, which work in partnership with the Council's Community Safety Team. It seeks to ensure that those tenants who commit acts of antisocial behaviour are dealt with effectively.
- 1.3 This Anti-Social Behaviour Strategy has been formulated in accordance with the provisions of the Housing Act 1996 and the Anti-Social Behaviour Crime and Policing Act 2014. It meets that part of the requirement under Section 218 (A) of the Housing Act 1996, that social landlords must publish a statement of their policies and procedures, and an associated summary which has been produced in leaflet form
- 1.4 This Strategy has been formulated in consultation with the Tenant and Leaseholders Panel, the Council's Community Safety Team and the Community Safety Partnership. It also includes information contained with Housing's Policies and Procedures. This Strategy was considered by the Communities Select Member Committee on 13 March 2018 and was approved by the Housing Portfolio Holder in April 2018.

## **2. Background to Anti-Social Behaviour Policies and Procedures**

- 2.1 Tackling anti-social behaviour is a key part of the Housing Management role within Housing. Work on anti-social behaviour is delivered through two Area Housing Offices (north and south), and the Limes Centre Housing Office, Chigwell.
- 2.2 In addition, important work is carried out by staff in the Neighbourhoods and Street Scene Directorate including dealing with noise nuisance involving both tenants and owner-occupiers, dealing with fly-tipping and abandoned vehicles etc. They also provide an emergency call-out service for noise complaints reported outside of normal office hours and is available to all Council residents. The Communities Safety Team is responsible for dealing with anti-social behaviour emanating from non EFDC Council properties; however they also provide support to Housing Officers dealing with complex anti-social behaviour cases, as well as managing the Council's Graffiti removal service.
- 2.3 At each of the Area Housing Offices the Area Housing Managers have formal Section meetings at least every two months to ensure staff communication on anti-social behaviour work and other services.
- 2.4 The Assistant Director (Housing Operations) Chairs Customer Improvement meetings with Area Housing Managers to monitor performance on a number of areas, including the number of notices served for anti-social behaviour and tenancy demotion orders etc. It is also an opportunity to discuss policies and procedures in order to maximise performance.

2.5 Area Housing Managers are responsible for monitoring the performance of their staff and ensuring the correct action is taken in response to any incidents of anti-social behaviour.

### **3. Relationships with Other documents**

3.1 The Council will produce a summary of this Service Strategy in the form of an information leaflet to all tenants which is also available on-line, explaining the action which will be taken should they experience acts of Anti-Social Behaviour. The leaflet is available at both Area Housing Offices, the Limes Centre Office, Chigwell and other Council and CAB offices, with relevant information featured from time to time in the tenants' magazine "Housing News".

3.2 The Council's Tenancy Policy sets out the types of tenancies granted and the circumstances where a tenancy of a particular type will be granted and if a Secure (fixed-term) Tenancy, the length of the term. In particular, in relation to this Service Strategy, it states under the Assessment Criteria (which is applied at the end of the Secure (fixed-term) Tenancy period) that a further Tenancy will not be granted where a Tenant has been guilty of serious unacceptable behaviour.

3.3 Tenants' responsibility in respect of Anti-Social Behaviour is set out in their Tenancy Agreement, which forms a contract between the tenant and the Council and applies to both Secure (fixed-term) Tenants and Secure (Lifetime) Tenants.

3.4 The Council has adopted its Housing Charter, which sets out, in simple, clear and precise terms the Council's general approach to all its housing services. In addition, there are a number of agreed service standards which are publicised setting out our aims in all aspects of our "interfaces" with customers.

3.5 The Council has a good working relationship with the Epping Forest Citizens Advice Bureau, and holds quarterly liaison meetings.

3.6 The Council has a complaints policy, the details of which can be found on the Council's website or in booklet form on request.

3.7 The Housing Service has detailed Policies and Procedures for all of its functions, including the approach taken in regard to Anti-Social Behaviour and Nuisance.

### **4. Aims and Objectives**

4.1 The aim of the Council's Housing Service Strategy on Anti-Social Behaviour Policies and Procedures is:

"To seek to improve the quality of life of the Council's tenants with a commitment to eradicate all types of anti-social behaviour, working closely with tenants, agencies and partnerships".

4.2 This aim will be met by:

- a) Complying with the statutory requirements, as detailed in Section 5 of this Strategy.
- b) Advising tenants of the actions that can be taken should they become a victim of any anti-social behaviour incident.
- c) Liaising with the Council's Community Safety Team who work in accordance with their Anti-social Behaviour Investigation Procedures.
- d) Taking the appropriate action through the Courts against perpetrators.
- e) Liaising with other agencies, particularly the Police.
- f) Regularly reviewing the policy and procedures on anti-social behaviour in consultation with all relevant parties.

## **5. Statutory Requirements**

5.1 The relevant statutory requirements for Anti-Social Behaviour are as follows:

- a) Anti-Social Behaviour Crime and Policing Act 2014
  - Absolute power of possession for anti-social behaviour
  - Discretionary power of possession where tenant or person living with the tenant has been convicted of an offence committed at the scene of a riot
  - Criminal Behaviour Orders
  - Civil Injunctions to Prevent Nuisance and Annoyance
  - Community Protection Orders
  - The “Community Trigger”
  - Amendments to the Dangerous Dogs Act 1991
  - Further controls on the licensing of fire arms
- b) Localism Act 2011
  - Secure (fixed-term) Tenancies Assessment Criteria
  - Grounds for refusing a mutual exchange (Schedule 14)
- c) Police Reform Act 2002
  - Seizure of vehicles used in an anti-social manner
- d) Human Rights Act 1998 (Articles 6, 8, and 14):
  - Rights of a fair trial, respect for family life, home and correspondence.
- e) Data Protection Act 1998 (To be replaced by the General Data Protection Regulations in May 2018)
  - The protection and use of personal data held by the Council.
- f) Disability Discrimination Act 1995
- g) Housing Act 1996 as amended:
  - Introductory Tenancy Scheme
  - Homelessness Intentionality

- h) Housing Act 1985:
  - Notice of proceedings for possession or termination
  - Grounds and Orders for Possession
  - Grounds for refusing a mutual exchange
  - Variation of terms of tenancy
  - Provision of information and consultation
  - Consultation on matters of housing management
  - Demoted Tenancy Orders
- i) Protection from Eviction Act 1977:
  - Requirement of landlord to apply to Court before regaining possession.
  - Any Notices served must give the tenant 28 days' notice.
- j) Local Government Act 1972:
  - Valid service of Notice (Section 233)

## **6. Client Consultation, Information & Involvement**

- 6.1 The way in which tenants and partner agencies will be consulted, informed and involved with regard to the Council's policies and procedures on Anti-Social Behaviour in accordance with the legislation is as follows:
- a) Consultation with the Epping Forest Tenants and Leaseholders Panel.
  - b) Consultation with partner agencies through the Community Safety Partnership.
  - c) Policies and Procedures through the Cabinet or Housing Portfolio Holder.
  - d) One to one consultations with tenants.
  - e) Information to tenants in publications e.g. Summary leaflet of this Strategy, Housing News, etc.
  - f) Posters displayed throughout the District.
  - g) Quarterly liaison meetings with the Epping Forest Citizens Advice Bureau.

## **7. General Principles – Anti Social Behaviour**

- 7.1 Section 4 of this Housing Service Strategy sets out the aims and objectives of dealing with Anti-Social Behaviour. This Section details the general approach taken and the procedures and policies which are in place in order to combat the problem.
- 7.2 The Council has agreed the following measures to be used to combat problems of anti-social behaviour;

### ***Making Complaints/Definition of Anti-Social Behaviour***

- 7.3 Anti-social behaviour is defined in the Anti-social Behaviour, Crime and Policing Act 2014 as:
- "conduct that has caused, or is likely to cause, harassment, alarm or distress to any person, conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or conduct capable of causing housing-related nuisance or annoyance to any person"*
- 7.4 Every effort will be made to ensure that reporting anti-social behaviour is as easy as possible. Any person who feels they are threatened with such behaviour can report the matter and seek advice in person, by letter, e-mail or telephone, to housing management staff at either the Civic Offices, Epping, the Area Housing Office at the Broadway Loughton, or the Limes Centre Housing Office, Chigwell. Support will be offered to complainants to ensure they are treated fairly and with dignity and respect. This includes listening to victims, keeping them informed of any developments (subject to the requirements of the Data Protection Act) and referring them to appropriate support services where necessary. Should any complainant need to provide statements at Court, officers will give them support. Every effort will be made to keep the identity of complainants confidential if requested.

### ***Allocation of Accommodation – Serious Unacceptable Behaviour***

- 7.5 The Council's current Housing Allocations Scheme came into force on 27 July 2015. Under the Scheme, in order for an applicant to join or remain on the list, they must meet with the Local Eligibility Criteria. One element of the criteria which relates to this strategy is as follows:
- Any person (or a member of their household) who, within the previous 3 years, have been guilty of serious unacceptable behaviour sufficient in the opinion of the relevant Area Housing Manager to make them unsuitable as a tenant of the Council will be non-qualifying. Such behaviour is behaviour that would give sufficient grounds to issue possession proceedings if they were a Secure Lifetime, Assured or Secure (fixed-term) Tenant and includes:
- Serious rent arrears (including housing benefit and Court cost arrears);
  - Other breaches of tenancy conditions including damage and neighbour nuisance amongst others;
  - Previous proven social housing fraud; or
  - Proven offences under the Anti-Social Behaviour; Crime and Policing Act 2014 or any other relevant legislation in force at any time
- 7.6 The Council has recently reviewed its Housing Allocations Scheme; the target date for the revised Scheme coming into force is 1 July 2018. From this date, any person who, within the previous **7 years**, has been guilty of unacceptable behaviour as defined under the Scheme will be non-qualifying.

- 7.7 In addition, any tenant who wishes to mutual exchange will have permission withheld under the Housing Act 1985 (Schedule 3) if a relevant injunction or possession order has been granted on the grounds of nuisance behaviour.

### ***Security of Tenure: Dealing with Anti-Social Behaviour***

#### ***Secure (fixed-term) Tenancies***

- 7.8 The Council's current Tenancy Policy came into force on 27 July 2015. From this date, with the exception of the Council's properties designated as sheltered or group schemes for older people, all new tenants will be granted a Secure (fixed-term) Tenancy. In the longer term this may assist the Council when combatting anti-social behaviour. It should be noted that further Statutory Guidance is expected to be issued by the Government in the near future which may change the rules around local authority tenure.

#### ***Assessment Criteria – Decision on re-granting a Secure (fixed-term) Tenancy***

- 7.9 At the commencement of each Secure (fixed-term) Tenancy, the tenant will be informed of the Assessment Criteria that will be applied to determine, at the end of the fixed-term, if a further tenancy will be granted. At least 6 months prior to the ending of the fixed-term the Council will provide Notice in writing to the tenant stating that it either proposes to grant a further Secure (fixed-term) Tenancy (of the same or another property) on the expiry of the existing fixed term or that it intends to end the tenancy. Prior to serving the Notice, the Tenant will be assessed against the Assessment Criteria. The general presumption will be that a further tenancy is granted. However, under the Assessment Criteria there are a number of conditions setting out when a new Tenancy will not be granted. In terms of Anti-Social Behaviour, a new Tenancy will not be granted in the following circumstances:

- “*Where the tenant (or a member of their household) who, during the Secure (fixed-term) Tenancy term has been guilty of serious unacceptable behaviour. Such behaviour is behaviour that would give sufficient grounds to issue possession proceedings if they were a Secure (fixed-term) or Secure Lifetime Tenant and includes rent arrears (including housing benefit and Court cost arrears), and other breaches of tenancy conditions*”.

#### ***Conditions of Tenancy – New and Existing Secure Tenants***

- 7.10 The Council introduced a new Standard Tenancy Agreement in February 2014 which applies to all existing and future Secure Lifetime and Secure (fixed-term) Tenants and includes the following Tenancy Conditions:
- The Tenant will not cause by either Himself or His agents nor allow members of His household or visitors to cause, or be likely to cause, a nuisance or annoyance to any other persons in the locality including neighbours or to any tenant, agent, employee, Councillor or contractor of the Council. The Tenant will not cause or commit or allow anyone living with the Tenant or the Tenant's visitors to cause or commit, or to cause any act likely to cause, any form of harassment or other anti-social behaviour.

- Harassment and anti-social behaviour is any act or omission which interferes with the peace and comfort of or which may cause nuisance annoyance or injury or offence to any other persons in the locality including neighbours or to any tenant, agent, employee, Councillor or contractor of the Council and includes (but is not limited to):-
    - a) harassment on the grounds of Age, Disability, Gender reassignment, Marriage and Civil Partnership, Pregnancy and maternity, Race, Religion or belief, Sex, Sexual orientation
    - b) violence (including domestic abuse) or threats of violence to any person;
    - c) use of abusive or insulting words or behaviour either in person or by way of any social media;
    - d) offensive drunkenness;
    - e) damage or threat of damage to property belonging to another person including damage to any part of a person's home;
    - f) writing graffiti and in particular graffiti which is abusive, threatening or insulting;
    - g) making unnecessary or excessive noise by any means whatsoever including arguing, door slamming, or the playing of loud music
    - h) using or allowed use of the Premises for prostitution;
    - i) the taking of, cultivation or storing of, or dealing in or the illegal use of, any controlled drugs;
    - j) keeping un-licensed firearms at the Premises;
    - k) using the Premises for handling or storage of stolen property;
    - l) any nuisance or annoyance caused by pets including barking and fouling; and
    - m) playing ball games close to someone else's home.
- 7.11 Should any such incidents occur, the Tenant accepts that the Council may take appropriate possession action, or make an application to the Court to obtain a Tenancy Demotion Order; or an Injunction (with a possible power of arrest) against any person whether or not they are the Tenant in accordance with the Housing Act 1996, Anti-social behaviour Crime and Policing Act 2014, or any legislation in force at the time.
- 7.12 The Council recognises that tackling anti-social behaviour is a key part of improving the quality of life for its tenants. When a complaint relating to a breach of the Tenancy Agreement is made, the complainant will be asked to put the complaint in writing and be given the name of the Housing Management Officer who will investigate the case. The officer will interview the person to establish the nature of the problem, agree an action plan, and explain the powers available to deal with the situation.

- 7.13 The Housing Management Officer will, if appropriate, visit the perpetrator following a detailed study of the case, after referring to the Council's "Accompanied Attendance" guidance. During any visit the officer will advise the alleged perpetrator of the allegation and discuss with them the complaints without revealing the identity of the complainant if requested. When satisfied that the tenant is the cause of the problem and sufficient evidence is available, the perpetrator will be advised of the remedial action to be taken and the time limit within which the problem must be rectified.
- 7.14 The perpetrator will be advised in writing of the agreed action, with a full report placed on the tenancy file. If the problem remains unresolved a further visit will be made by the officer and a final warning and time limit will be given. Failure to comply will result in one of the following courses of action being taken often in partnership with the relevant agency:

***Demoted Tenancy Orders & Possession of a Demoted Tenancy***

- 7.15 As a local housing authority, the Council are able to apply to the County Court for a Demotion Order in respect of a secure tenancy. A Demotion Order ends a secure tenancy and, if the tenant remains in occupation of the property after the date that the secure tenancy is ended, creates, in the place of the secure tenancy, a less secure "demoted tenancy" for a minimum period of twelve months. Demoted tenants lose many of their rights, including the Right to Buy and any discount accrued for any demoted tenancy period, and succession rights are revised with any successor tenant not becoming secure until the end of the demoted tenancy period.
- 7.16 Demoted tenants are automatically promoted back to the higher form of security (i.e. secure tenant) after twelve months unless a Notice of Proceedings for Possession has been served during that period.
- 7.17 The Court may only make the Order if the tenant, another resident or visitor has behaved in a way which is capable of causing nuisance or annoyance, or if such a person used the premises for illegal purposes and the Court is satisfied it is reasonable to make the Order.
- 7.18 The Area Housing Manager would authorise an application to the County Court for a Demoted Tenancy Order provided procedures have been correctly followed and he/she is satisfied that there was sufficient evidence to prove that the tenant is committing acts of anti-social behaviour. At this point an appropriate, prescribed Notice will be served.
- 7.19 If the Court grants a Demoted Tenancy Order, the tenant will be advised in writing that their tenancy has been demoted for a period of 12 months and this is part of a warning system which informs them that, should they continue to carry out acts of anti-social behaviour; the Council will proceed to Court immediately for possession. Furthermore, tenants will be notified that, now their tenancy is demoted, it removes a number of their tenancy rights. However, they will be informed that if they stop committing anti-social behaviour, they can at a later date, regain the higher level of security and rights.
- 7.20 If the demoted tenant continues to carry out acts of anti-social behaviour the Council will proceed to Court for possession.

### ***Demoted Tenancy - Right to Review***

- 7.21 Under the regulations, following the service of the appropriate Notice, a demoted tenant may apply for a review of the decision to apply to Court for possession to an Officer who is senior to the person who took the decision, and who has not been involved in the case. The process for this review has been agreed by the Housing Portfolio Holder, the officer reviewing the case will be the Assistant Director (Housing Operations) or in his absence, another Assistant Director from the Communities Directorate. The demoted tenant has the right to request that the Review be by way of an oral "Hearing" which would be undertaken by the officer reviewing the case, in the presence of the Area Housing Manager who made the original decision. They would be given no less than five clear days' notice of the Review.

### ***Introductory Tenancy Scheme***

- 7.22 On 1 April 2006, the Council introduced an Introductory Tenancy Scheme for all new potentially secure tenants. Under the scheme, all new tenants are not secure until after a twelve-month "trial" period. During the twelve-month period, Introductory Tenants do not have the same statutory rights as secure tenants. Therefore, if the Council wished to seek possession of the property for any breach of a tenancy condition, (e.g. anti-social behaviour) provided certain procedures are followed, the Introductory Tenancy could be terminated, simply by the issuing of a Notice of Proceedings without grounds having to be stated, with the courts having no alternative but to grant possession provided the Council has followed the correct procedures.
- 7.23 Before the Council applies to the Court for possession, it will give the Introductory Tenant at least two warnings (except in extreme cases of anti-social behaviour or social housing fraud), then serve a Notice of Proceedings setting out the Council's decision to apply for such an order and the date before which the Council cannot apply for a court order, which must be at least four weeks from the date of service. If a notice has been served and the twelve-month trial period subsequently elapses, the tenancy continues to be an introductory tenancy until the proceedings have been determined.
- 7.24 Introductory Tenants who are served with notice are advised that they may request a review of the decision to seek possession within 14 days of the notice being served. The Council will not proceed with an application for possession until it knows whether the Introductory Tenant intends to exercise their right to review. If a review is requested, the Council will review its decision by way of an Officer Review Panel comprising the Assistant Director (Housing Operations), who is advised by an Area Housing Manager, neither of whom would have had any involvement in the original decision to seek possession. The Reviews would be a "paper" review unless the tenant informs the Council that they wish to have an oral hearing.

### ***Mutual Exchange***

- 7.25 All Secure Lifetime and Secure (fixed-term) Tenants may, with the written consent of the Council, enter into a mutual exchange with another secure/assured Tenant, provided that the other secure or assured Tenant has the written consent of their landlord.

- 7.26 Under Schedule 3 of the Housing Act 1985, consent can be withheld to a Secure Tenant on a number of Grounds. For the purposes of this Strategy, the Council will withhold consent under Ground 2 where any of the Tenants are subject to a relevant Order or where a suspended Order for possession is in force, or an application is pending before any Court.
- 7.27 In addition, under Schedule 14 of the Localism Act 2011, consent can be withheld to a Secure (fixed-term) Tenant on a number of Grounds. For the purposes of this Strategy, the Council will withhold consent under Grounds 3, 4 or 5 where any of the Tenants are subject to an Order of the Court for possession, or proceedings have begun for possession.

#### ***Absolute Ground for Possession***

Possession action may be taken through the County Court under the absolute ground for possession for anti-social behaviour where:

- The tenant has been convicted of a serious offence in the locality of the property
  - The offence is elsewhere against a person who has a right to reside in or occupy the property
  - The offence is against the landlord or a person employed by the landlord when exercising the landlord's housing management functions either in the locality or elsewhere
  - That the tenant or a person residing in or visiting the property has breached an Injunction under the Act subject to certain provisions
  - That the person has breached a provision of a Criminal Behaviour Order subject to certain provisions
  - That the property has been subject to a Closure Order
  - That the tenant has been convicted of an offence under Environmental Protection legislation (statutory nuisance)
- 7.28 When a Notice of Seeking Possession is served on this Ground, the tenant will be advised of their right to seek an officer Review of the decision. The tenant will be invited to attend a Review hearing which will be Chaired by the Assistant Director (Housing Operations) who will decide whether possession proceedings should continue.
- 7.29 A further discretionary power of possession is available where a tenant or a person living with the tenant has been convicted of an offence committed at the scene of a riot.

#### ***Criminal Behaviour Orders***

- 7.30 The Court may make a Criminal Behaviour Order (CBO) on the application of a prosecution if it is satisfied that the tenant has engaged in behaviour that caused or was likely to cause harassment, alarm or distress to any person and that the Court considers that making such an Order will prevent the tenant from engaging in such behaviour. The Order prevents the tenant from doing anything described in the Order and requires the tenant to do anything described in the order. The CBO will be made only in addition to a sentence imposed or an order discharging the tenant conditionally and include a requirement specifying the person who is responsible for supervising compliance.

### ***Civil Injunctions to Prevent Nuisance and Annoyance***

- 7.31 Civil Injunctions were introduced on 23 March 2015 and give new powers to landlords to seek an Injunction against anyone over the age of 10 years for anti-social behaviour. The new system allows powers to require a person to take “positive action” to reform, such as joining a rehabilitation programme. Failure to do so is contempt of court which can result in a prison sentence whilst breaching parts of the Injunction would trigger a possession order leading to eviction.
- 7.32 In some circumstances more than one of these actions may be taken. If the perpetrator is committing serious undisputed acts of anti-social behaviour or nuisance then appropriate action will be taken immediately with all relevant agencies being notified. Complaints of anti-social behaviour may also be referred to the multi-agency Anti-social Behaviour Co-ordinating Group for joint intervention. Area Housing Managers will ensure that cases are dealt with consistently across the District.

### ***Anti-Social Behaviour Case Review – “The Community Trigger”***

- 7.33 Under the Community Trigger, any tenant who is a victim of anti-social behaviour can activate the trigger where there have been a series of reports with limited action and the threshold of the number of complaints has been reached. The purpose is to re-assure victims that agencies take their reports seriously. When activated, if it meets the threshold for review, there will be a case review by a multi-agency Panel which will produce, if appropriate, recommendations which will be discussed with the victim in order to find a resolution or a Community Remedy. The process for the Community Trigger is managed by the Council's Community Safety Team.

### ***Right to Buy***

- 7.34 Tenants against whom an application is pending for a demotion or possession order sought on the basis of Ground 2 Schedule 2 to the Housing Act 1985 are prevented from completing any Right to Buy sale until those proceedings have ended.

### ***Homeless Applications***

- 7.35 If a person or household becomes homeless as a result of their anti-social behaviour and they apply for assistance under the homeless provisions of the Housing Act 1996 Pt V11as amended, it is likely the Council will have no duty to secure permanent accommodation as they would have become intentionally homeless if they have a priority need for accommodation. However, the Council in accordance with the Code of Guidance is unable to adopt general policies which seek to pre-define circumstances that do or do not amount to intentional homelessness or threatened homelessness as each case must be considered separately. Where a duty is not accepted the Council will meet with its further duty to provide housing advice and assistance.

## **Epping Forest District Community Safety Team's – Anti-social Behaviour (ASB) Procedures**

- 7.36 The Communities Directorate works closely with the Epping Forest Community Safety Team to ensure that difficult cases are dealt with in line with procedures.
- 8. Epping Forest Tasking Group referrals**
- 8.1 The Epping Forest Tasking Group (EFTG) is a multi-agency problem solving meeting attended by practitioners from police, local authority, Registered Social Landlords, Probation, Social Care and other interested parties. The meeting reviews serious ASB complaints that cannot be resolved by an individual lead officer. Hate crime and gang related activity are also dealt with at this meeting.
- 8.2 Referrals can be made by any practitioner within the Epping Forest District who has a role in tackling anti-social behaviour, hate or gang crime. The EFTG meets on a six-weekly basis.
- 8.3 Referrals made to the EFTG from other organisations / departments will be evaluated through the ASB Risk Assessment Matrix to determine the suitability of a co-ordinated multi-agency response.
- 8.4 Once quality assured the referral will be allocated to an ASB Investigator to lead on the investigation. If it is identified that another department or organisation should lead an ASB Investigator will be appointed to act as a point of contact and liaison with that person. The case will be formally reviewed at the EFTG meeting where actions will be determined until a successful resolution has been achieved. This will be recorded on the M3 database.
- 8.5 The EFTG undertakes the role of the statutory ASB Panel Meeting to determine what, (if any), action can be taken when applications for an ASB Case Review (Community Trigger) are received that meet the threshold for a review. All parties attending the EFTG will sign a confidentiality statement. In 2017, the Council became one of a number of Hate Incident Reporting Centres, to make it easier for members of the public to report hate incidents in the District, by providing safe and accessible place for them to go with information. As part of this initiative, one of the Council's Housing Officers was trained to be a Hate Crime Ambassador, whose aim is to promote hate crime awareness, to engage with the community and report hate incidents to the Essex Police Hate Crime Officer Team.

### ***District – Wide Incident Diary***

- 8.6 The District-wide crime and anti-social behaviour incident diary has been introduced by the Community Safety Partnership. This provides a simple means for the public to report incidents on a standard form used by all appropriate agencies. The incident diary will assist in monitoring trends in crime reporting and will assist with liaison and exchange of information between these agencies.

### ***Policy on Dealing with Domestic Abuse***

- 8.7 The Council works with “Safer Places” to assist and support women experiencing, or at threat of, domestic abuse to remain safely in their own homes, rather than seeking to move. It can also be used to support women moving on from a refuge. Support is intensive and of the same extent and standard as that given to women in a refuge. Regular risk assessments are made. Meetings take place away from homes and, on average, the support worker will spend around 3 hours per week on each case. Tailor made plans are made, setting out the action required to provide the practical support, and the information, advice and guidance needed in each case. The plans are kept under review. Although referrals to Safer Places may be made by other agencies, most are through the Council’s Homelessness Prevention Service, which monitors use of the scheme.
- 8.8 The Council, working in partnership with London and Quadrant (L&Q) Living has provided a women’s refuge “Brook Haven” on a site provided by the Council in the District. It provides three two bedroom and two one bedroom flats. The scheme employs three staff through L&Q Living who manage the scheme.
- 8.9 The Council has a Priority Transfer policy whereby; if any tenant is confirmed as being either a victim or a potential victim of domestic abuse they will be given additional priority for a move to like-for-like accommodation in another area.
- 8.10 The Communities Directorate’s twenty-four hour emergency Careline Alarm Service offers alarms to those victims or potential victims of domestic abuse, which enables them to summon help should they need urgent assistance.
- 8.11 The Council’s “Sanctuary” scheme assists victims of domestic abuse or Hate crime on a tenure neutral basis. The scheme provides a safe room within the victim’s home. A typical sanctuary room would include a fire door with mortice locks, smoke detectors, fire blanket and two fire extinguishers. All work carried out is in accordance with Home Office recommendations. The victim would be supplied with a mobile phone to dial 999. The Council works in partnership on Sanctuary schemes with the Community Safety Team, Essex Police, Essex Fire and Rescue and Safer Places. All referrals to the scheme are through the Homeless Prevention Team. Since its introduction, 17 Sanctuary rooms have been installed and have prevented homelessness.
- 8.12 Under the Council’s Housing Allocations Scheme, an offer of a tenancy will be made to a victim of domestic abuse who lives outside of the District in accordance with the Council’s Tenancy Policy (on either a flat or maisonette) on a reciprocal basis where:
- The person is confirmed by Essex County Council as a high risk domestic abuse victim who needs to be moved specifically to the Epping Forest District;
  - It is strongly recommended by Essex Police that the person referred be housed only within the Epping Forest District; and
  - Their priority has been assessed as being greater than all other existing cases, where a duty has been accepted by the Council under homelessness legislation.

### ***Racial and Harassment Policies***

- 8.13 The Council has a written statement of equal opportunity in the provision of housing services. In addition, the Race Relations Code of Practice in Rented Housing has been adopted. In accordance with the code, the ethnicity of housing applicants and applicants housed are recorded and monitored annually. The ethnicity of sheltered housing residents is monitored separately. Statistical information is reported on an annual basis to the Council's Communities Select Committee.
- 8.14 Equal opportunities policies are set out in the Housing Charter and the Council has a recruitment and selection policy which aims to eliminate discrimination.
- 8.15 The eligibility criteria for the allocation of housing ensures applicants are given fair access. Details are set out in the Council's Housing Allocations Scheme.
- 8.16 Customer Impact Assessments have been undertaken for all of the Council's relevant services with action plans drawn up for service improvements.
- 8.17 The Council's Communities Directorate has a separate Harassment Strategy.

### ***Priority Transfers***

- 8.18 In exceptional circumstances, it is necessary for some tenants to be given additional priority for an urgent move to alternative accommodation for housing management reasons. Such circumstances include victims of serious anti-social behaviour, domestic abuse etc. Housing follows strict procedures to ensure fairness to others on the Housing Register. Priority transfers are agreed at Assistant Director level on the basis that the tenant is personally at risk at their current address. Clear written evidence is sought from the Police, Social Services, GPs, Hate Incident Panel, etc. that the tenant's safety is at risk. before any decision is made. Priority moves are only made on a like-for-like basis, to ensure that applicants do not seek transfers to "improve" their housing situation.

### ***Mediation Services***

- 8.19 Mediation is a way of solving disputes between tenants by using a professional mediator who is completely impartial, experienced at mediation techniques, and who has not been previously involved with the problem. The mediator works with the parties concerned in order to construct a solution. This is a voluntary, non-judgemental process with all proceedings being confidential, taking place at a neutral venue avoiding, if necessary, face-to-face contact between the parties. Any agreement reached can be put in writing and signed by all parties.
- 8.20 The process can be used when attempting to resolve matters of anti-social behaviour on housing estates, or serious disputes between neighbours, which may lead to breaches of tenancy conditions and Court action.

- 8.21 The Council has a budget for meeting the cost of mediation and works in partnership with an accredited mediation service to provide the mediation. Alternatively, the Police Fire and Crime Commissioner for Essex created a mediation service through their Restorative Justice initiative. The Essex Restorative and Mediation Service hold offenders to account and help them take responsibility for the harm they have caused. Both parties discuss next steps and the perpetrators can then make amends. Restorative justice is used for criminal offences or conflicts, such as graffiti or anti-social behaviour.

#### ***Family Solutions - Families with Complex Needs***

- 8.22 Essex Family Solutions, managed by Essex County Council, is the Essex-wide response to the Government's "Troubled Families Programme" which aims to improve the life and outcomes for troubled families in England and Wales. Family Solutions have 4 Teams which have targets to provide a key worker to support families in order to reduce crime and anti-social behaviour.

#### ***Protection and Training of Staff***

- 8.23 The Council has a Health and Safety Policy, which is circulated to all staff who sign to confirm receipt. Housing has a Service Safety Team, any safety issues are reported to the relevant Area Housing Manager. Reporting of health and safety incidents is a standard agenda item at the monthly meeting of all Housing Managers. There is also a comprehensive accident reporting procedure in place.
- 8.24 The Council has a Lone Worker Policy which includes guidance and an Accompanied Attendance List which is circulated to all staff. Those included on the Accompanied Attendance List must not be visited alone, with some not visited under any circumstances. All staff receive mandatory Lone Worker training. All staff who undertake visits as part of their duties are provided with "Skyguard" which when activated alerts a control centre who will summon help should they feel threatened.
- 8.25 All front-line staff attend courses on handling aggression and restraining techniques courses, and are provided with personal attack alarms.
- 8.26 Appropriate staff are trained on the procedure for third party reporting of hate incidents.
- 8.27 All training needs are identified as part of the annual Performance Development Review process.
- 8.28 All appropriate staff have been briefed on the requirements of the Anti-Social Behaviour Crime and Policing Act 2014 and the contents of this Strategy.

#### ***Dealing with Graffiti***

- 8.29 The graffiti removal service is provided by the Council's Community Safety Team free of charge subject to certain criteria. Any person who wishes to report graffiti on housing-owned land can do so by using the graffiti hotline. All reports are referred to a specialist contractor with any offensive graffiti being removed within 7 days of it being reported. Other types of graffiti would be removed within 14 days, or possibly sooner, depending on the demands on the service at the time.

### ***HomeSafe Scheme and Home Security Checks***

- 8.30 The Council part funds in conjunction with the Epping Forest Community Safety Partnership a HomeSafe Scheme which is available to any resident where they have been a victim of crime, or have vulnerabilities which may make them a victim of crime, regardless of their tenure. The scheme aims to improve home security. Operatives are able to install door and window locks, fit door security chains, as well as door viewers and will offer advice regarding home security. Home security checks can also be arranged with and conducted by the Community Safety Team in cases where an individual is at significant risk of harm. Individuals who are at a high risk of harm are visited by a Police Crime Prevention Tactical advisor, who is supported by the Council's Community Safety Officer.

### ***Compliments & Complaints Procedure***

- 8.31 Should any customer, including a tenant, of the Council wish to praise a service or member of staff, they can complete the form contained in the Council's Corporate Compliments and Complaints booklet and send it to the Chief Executive who will make sure the compliment is passed on to the service or person concerned.
- 8.32 If any customer, including a tenant or housing applicant of the Council, is unhappy because the Council has either failed to do something we should have done, done something we should not have done, or agreed to do something but has then been slow to act, they can follow the step-by-step complaints process.

### ***Appeals***

- 8.33 If a tenant is unhappy with a decision taken by a Housing Manager, in the first instance, they can appeal to the appropriate Assistant Director who will review the decision. If they are still unhappy and wish to appeal further, they can proceed to the Ombudsman Service depending on the nature of the matter.

## **9. Action Plan**

- 9.1 The following actions will be undertaken in the future by Housing to combat the problem of anti-social behaviour and nuisance;

Action	Lead Officer/s	Timescale	Resources Implications
Consider increasing the number of CCTV installations	Area Housing Managers	On-going	Within existing resources
Refer appropriate cases to Essex County Council's Family Solutions Team	Area Housing Managers	On-going	Within existing resources
Anti-Social Behaviour Audit	Area Housing Managers	TBC	Within existing resources
Review and amend procedures for dealing with anti-social behaviour	Area Housing Managers	TBC	Within existing resources
Move anti-social behaviour recording and monitoring to a paperless system by adapting M3 (with assistance from IT)	Area Housing Managers	TBC	Within existing resources

## **10. Future Developments**

- 10.1 The following “SWOT” analysis on the next page identifies the strengths, weaknesses, and opportunities and threats for the areas covered by this Strategy.

<b>Strengths</b>	<b>Weaknesses</b>
<ul style="list-style-type: none"><li>• Anti-Social Behaviour Crime and Policing Act 2014 powers</li><li>• Many successful Court cases resulting in improved confidence amongst tenants</li><li>• Experienced housing management staff</li><li>• The Community Safety Partnership</li><li>• The multi-agency Epping Forest Tasking Group</li><li>• The Council’s Community Safety Team</li><li>• Introductory Tenancy Scheme</li><li>• Greater knowledge of the public due to the production of this Strategy and summary leaflet</li><li>• Women’s refuge provision within the District</li><li>• Mediation service</li></ul>	<ul style="list-style-type: none"><li>• Reluctance of victims to provide evidence</li><li>• Upward trend of perpetrators with drug or alcohol addiction.</li><li>• Upward trend of perpetrators who are known to carry or possess weapons, which places Officers at greater risk.</li><li>• Upward trend in the numbers of Tenants with mental illness who are either engaging in or are victims of anti-social behaviour</li><li>• There is a lack of Police resources to tackle anti-social behaviour, including the closure of both Waltham Abbey and Epping Police Station with no public counter service being provided which has increased the burden on Officers from Housing Management and the Community Safety Team.</li><li>• The new restricted service from Family Mosaic, due to a cut in their funding which has resulted in some Tenants being unable to access their service, or if they are eligible then support is for a lesser duration</li><li>• Reduction in funding for Social Care which has resulted in less support being given to Housing Officers.</li></ul>

Opportunities	Threats
<ul style="list-style-type: none"> <li>• Additional powers under the Anti-Social Behaviour Crime and Policing Act 2014</li> <li>• Referring families to Essex County Council's Family Solutions Team</li> <li>• Increased CCTV installations</li> <li>• Enhanced Tenancy conditions on Anti-social Behaviour introduced for all new and existing Secure Tenants from April 2014</li> <li>• Improved anti-social behaviour monitoring and recording system via M3.</li> </ul>	<ul style="list-style-type: none"> <li>• Removal of the animal Welfare Service</li> <li>• De-designation of older peoples' accommodation on housing estates resulting in younger people being housed</li> <li>• Welfare Reform</li> <li>• Expectations of complainants are not always practical or proportionate.</li> </ul>

## 11. Staffing Arrangements

- 11.1 For housing management purposes the Epping Forest District is split into two areas, with one Area Housing Office based at The Broadway, Loughton in the south of the District and the other based at the Civic Offices, Epping.
- 11.2 The number of staff involved in covering all housing management duties in 2017/2018 was 16 full-time equivalents. Area Housing Managers are based at each of the Area Housing Offices. One of the Housing Management Officers at each of the Area Housing Offices is designated as an Assistant Area Housing Manager, as well as at the Limes Centre Housing Office, Chigwell.
- 11.3 All staff are included in the Council's Performance Development Review process, whereby they have an annual interview to assess their own performance and to discuss their targets for the forthcoming year and their training needs. There is a six-monthly update on progress. All new staff receive induction training and have access to a mentor. Training received by staff, which relates to this Strategy, is as follows:
- Court skills training
  - Dealing with aggression
  - Lone Worker procedures
  - Various IT courses
  - Staff briefings on various matters
  - Data Protection training
  - Recruitment and selection training for Managers
  - Protection of vulnerable adults from abuse
  - Adult and Child Safeguarding
  - Performance Development Review training for Managers and Seniors
  - Managing sickness absence training

- 11.4 Housing Management staff delivering the Strategy in 2013/14 was approximately 4.5 FTE. This is based on the estimate that all staff in the Section spends around 25% of their time on aspects of the Strategy. The projection for the number of staff, required to deliver the Strategy over the following three years is detailed in the following table;

<b>Staff Resources</b>				
<b>Year</b>	<b>2017/2018</b>	<b>2018/2019</b>	<b>2019/2020</b>	<b>2020/2021</b>
<b>Housing Management Staff</b>	<b>4.5</b>	<b>4.5</b>	<b>4.5</b>	<b>4.5</b>

## **12. Reviewing the Strategy**

- 12.1 The Strategy for Anti-Social Behaviour will be reviewed, by the Communities Select Committee in consultation with the Tenants and Leaseholders Panel, and the Epping Forest Community Safety Team, in around March 2021.