



# **Wrexham County Borough Council**

## **Housing and Public Protection Department**

# **Anti-social Behaviour Policy**

**Updated Feb. 2007**

<u>Section</u>	<u>Title</u>	<u>Page</u>
1)	Introduction	3
2)	Policy Statement	4
3)	Strategic Framework	6
4)	Statement of Procedures	7
5)	Standard of Service Delivery	11
6)	Multi Agency Partnerships	13
7)	Support for Complainants & Witnesses	18
8)	Management of Perpetrators	19
9)	Domestic Abuse	23
10)	Tenancy Support	24
11)	Consultation	25
12)	Glossary of Terms	26
13)	Useful Telephone Numbers	29

## **LANDLORD SERVICES ANTI-SOCIAL BEHAVIOUR POLICY**

### **1. INTRODUCTION**

- 1.1 The Anti-social Behaviour Act 2003, which amends the 1996 Housing Act requires Wrexham County Borough Council as a landlord to publish a policy about how it will deal with Anti-social behaviour.
- 1.2 This Policy Statement is intended to give a clear statement of Landlord Services' approach to Anti-social behaviour. It will play a key role in promoting safer estates and protecting vulnerable residents from the effects of anti social behaviour.
- 1.3 It outlines how we will safeguard our housing estates, deal with the perpetrators of anti social behaviour, and provide advice and support to witnesses and victims.
- 1.4 This document is available for inspection at Council Offices and a copy can be provided on request.
- 1.5 A summary of the document is also available upon request. Both can be viewed on the Council's website.
- 1.6 Upon request the document will also be available in Welsh, alternative formats, and other languages.

## **2. POLICY STATEMENT**

- 2.1 Wrexham County Borough Council recognises that it must have clear policies, procedures and objectives when dealing with instances of Anti-social behaviour and the problems that it creates.
- 2.2 As a landlord Wrexham County Borough Council believes that tenants, and those residents who live near Council tenants or on Council estates, have the right to peaceful occupation. This occupation should be free from harassment, nuisance, annoyance and any other anti social behaviour.
- 2.3 The Housing & Public Protection Department (Landlord Services) also recognises that Anti-social behaviour can affect its ability to manage its properties, and carry out its function as a landlord.
- 2.4 Anti social behaviour is defined as:-  
“acting in a manner that caused, or was likely to cause harassment, alarm or distress to one or more persons”. (Crime and Disorder Act 1998)
- 2.5 Instances of Anti-social behaviour can include:- playing loud music, drunken behaviour, selling drugs, the illegal use of drugs, using racist behaviour or language, using homophobic language or behaviour, using language or behaviour intending to hurt, harm or offend any other person because of a perceived difference, damaging or threatening to damage another person’s property, domestic violence and unauthorised car repairs on land owned by Housing Services.
- 2.6 The above is not a full list of what anti social behaviour is, but serves as a guide. All instances that are reported to Landlord Services will be dealt with seriously, promptly, professionally and confidentially. The necessary investigations will be made to consider the most appropriate course of action. The Housing & Public Protection Department’s Tenancy Agreement states:-  
  
“We must give you, and anyone living with you, help and advice if you report antisocial behaviour. We will investigate your complaints, keep you informed and take appropriate action to tackle the problem”. “We will give you help and advice if you report a nuisance or harassment. We will look into your complaints and decide what action to take.”
- 2.7 Landlord Services will clearly establish and publicise:-
- Through its Tenancy Agreement and Tenants’ Handbook the acceptable level of behaviour expected from its tenants, their families and visitors to their properties.
  - Through its anti social behaviour policy and information leaflets the multi agency approach which Landlord Services will adopt to tackle Anti-social behaviour, the action that Housing Services will take when behaviour becomes unacceptable and the support that will be given to those who are suffering the effects of Anti-social behaviour.

2.8 Landlord Services already has the following measures in place to deal with Anti-social behaviour.

- Multi-agency working with bodies such as North Wales Police, the Community Safety Partnership, Wrexham Youth Offending Service and Public Protection.
- Housing & Public Protection Department staff who can deal with complaints of Anti-social behaviour in the first instance, and who can take the necessary action to progress the matter or resolve it.
- The Tenancy Enforcement Team, which is part of Landlord Services. Referrals are made to the team for more serious breaches of tenancy conditions, when Anti-social behaviour escalates, or when Court action is necessary.
- Acceptable Behaviour Contracts drawn up with an individual as a non legal remedy to try to modify anti social behaviour.
- Referrals to the Council's Tenancy Support Scheme, where low levels of anti social behaviour are identified, to work with the individuals concerned to resolve problems that may be putting their tenancy at risk.
- A range of legal remedies including Anti Social Behaviour Orders, Injunctions, Demotion Orders, and Possession Proceedings.

### **3. STRATEGIC FRAMEWORK**

3.1 Wrexham's approach to tackling anti social behaviour must be seen within the context of the following legislation:-

- Race Relations Act 1976
- The Housing Act 1985
- The Housing Act 1996
- Children Act 1989
- Children Act 2004
- Disability Discrimination Act 1995 (DDA)
- The Crime & Disorder Act 1998
- The Human Rights Act 1998
- The Homelessness Act 2002
- The Police Reform Act 2002
- The Anti Social Behaviour Act 2003
- The Data Protection Act 1998
- The Regulation of Investigatory Powers Act 2000 (RIPA)
- The Clean Neighbourhoods & Environment Act 2005
- Protection from Harassment Act 1997
- The Environment Protection Act 1990
- The Noise Act 1996
- Tackling Substance Misuse in Wales – a Partnership Approach (Welsh Assembly Government)

3.2 And the following policies and procedures:-

- The Housing & Public Protection Department's Tenancy Agreement
- The Housing & Public Protection Department's Allocations Policy
- The Housing & Public Protection Department's Local Housing Lettings Policy – Difficult to Manage Properties
- The Housing & Public Protection Department's Exclusions Policy
- The Housing & Public Protection Department's Procedure – Anti Social Behaviour in Retirement Accommodation
- The Local Housing Strategy
- The Community Safety Strategy
- All Wales Child Protection Procedures
- The Community Strategy

#### **4. STATEMENT OF PROCEDURES**

4.1 The aims of Landlord Services are:-

- To reduce and prevent anti social behaviour.
- To prevent repetition.
- To ensure the safety and security of individual witnesses.
- To increase the confidence of the wider community to report anti social behaviour.
- To give tenants and residents a sense of security and well being on the Council Estates where they live.

4.2 We will meet these outcomes by using a wide range of actions, including:-

- Listening to complainants and witnesses
- Investigating reports and complaints to establish the facts, including interviewing the perpetrators.
- Using the Council's Tenancy Support Service where low levels of anti social behaviour are identified as putting a tenancy at risk.
- Using Acceptable Behaviour Contracts (ABC's) as a non legal method of deterring anti social behaviour and encouraging improvement in behaviour.
- In more serious cases applying for Anti Social Behaviour Orders (ASBOs).
- The use of Injunctions.
- In the most serious cases, or those of persistent anti social behaviour seeking a court order to demote a secure tenancy, or for repossession of the property and eviction of the tenant and their household.

4.3 The procedure will be easy to follow for all complainants.

4.4 Complainants will be kept informed of the progress of investigations, and their outcome.

4.5 Landlord Services' response to complaints will be in accordance with its procedures for dealing with anti social behaviour. The outcome of individual complaints will depend on the nature of the behaviour and the housing tenure of those involved.

#### **4.4 Complaints Received of Anti-social Behaviour by Wrexham County Borough Council Tenants**

4.5 Complaints involving tenants of Wrexham County Borough Council can initially be reported at any of the Council Housing Estate Offices, or at the Housing Services Offices, Ruthin Rd., Wrexham.

4.6 Complaints can be made in person, by letter, by telephone or directly to the Tenancy Enforcement Team by email [tenancyenforcement@wrexham.gov.uk](mailto:tenancyenforcement@wrexham.gov.uk)

- 4.7 Initially the complaint will be sent to the relevant Estate Office. The complaint will be allocated to a Housing Officer by the Estate Office Manager. Investigations will begin within 3 working days of receiving the complaint. The Housing Officer dealing with the complaint will assess its severity and undertake any necessary investigations. This will include contacting and interviewing all the parties involved.
- 4.8 If the perpetrator is a juvenile, we will contact the parent or guardian and they will attend the interview, as every tenant of Wrexham's Housing and Public Protection Department will be responsible for the behaviour of persons living in or visiting their home. This could ultimately result in action being taken against them due to the anti social behaviour of their son, daughter or other family member.
- 4.9 The Department's Tenancy Agreement clearly states:-
- “You are responsible for the behaviour of every person (including children) living in or visiting your home. You are responsible for their behaviour in your home, on nearby land, in shared areas, in the estate area around your home or on any premises.” “You are responsible for the behaviour of every person (including children) living in or visiting your home. You are responsible for everyone, in your home, on surrounding land, in shared areas (places such as stairs, lifts, landings, entrance halls, paving, shared gardens and yards, parking areas or bays which you share with other tenants), in the estate area around your home or on any of our premises.”
- 4.10 During investigations, the complainant will be kept informed of progress and given relevant information.
- 4.11 The case will be monitored, and after 28 days will be reviewed by the Estate Office Manager.
- 4.12 The review will determine whether all the necessary investigations have been carried out, and whether any further action is needed.
- 4.13 After reviewing the case the options are:-
- Closing the case if it has been satisfactorily resolved and informing the parties involved of the outcome.
  - Retaining the case for further action or investigation. When cases are held for further investigation or action the affected parties will be advised. All cases that are being investigated will be reviewed on a regular monthly basis to decide on how to proceed.
  - Referring the case to Landlord Services' Tenancy Enforcement Team for further action. This could include legal action.

- 4.14 **Referrals to the Tenancy Enforcement Team**
- 4.15 If an Estate Manager is of the opinion that the case warrants further action or that a legal remedy may be required to resolve the problem, the case will be referred to the Tenancy Enforcement Team.
- 4.16 This may happen when Anti-social behaviour has not improved, or there has been an escalation in incidents.
- 4.17 All cases received by the Senior Tenancy Enforcement Officer will be reviewed and discussed with the Tenancy Enforcement Team within 3 working days.
- 4.18 When a case has been accepted by the Tenancy Enforcement Team, the Senior Tenancy Enforcement Officer will email the Estate Manager including the name and address of the complainant, the case number, the name of the officer dealing with the case and the proposed action plan.
- 4.19 The nominated Tenancy Enforcement Officer will contact the complainant to advise them of the case officer's name, contact telephone number and that the case is under investigation.
- 4.20 Complainants and witnesses will be kept informed of developments in a case. If a complainant or witness is felt to be vulnerable, or is frail or elderly the Tenancy Enforcement Team can liaise with the Police and offer support.
- 4.21 If a witness is unable to attend Court because they are vulnerable, elderly or infirm, the Tenancy Enforcement Team can also use signed witness statements in Court or act as professional witnesses.
- 4.22 All necessary investigations will be undertaken to obtain further evidence.
- 4.23 The following methods can be used:-
- Visiting neighbours
  - Identifying possible witnesses
  - Liaising with other bodies
  - Contacting the perpetrator
  - Interviewing the perpetrator
  - Using neighbour nuisance diary sheets
  - Surveillance
- 4.24 Ongoing cases and action taken are reviewed on a weekly basis. The relevant paperwork relating to each case will also be reviewed on a weekly basis in accordance with Landlord Services' Tenancy Enforcement Procedures. Estate Office Managers will be informed of the progress of relevant cases on a monthly basis. All details of these review meetings will be logged in accordance with Landlord Services' Tenancy Enforcement Procedure.

- 4.25 If legal action is deemed necessary to resolve the case, the Housing Solicitor (Enforcement) will be involved.
- 4.26 The Enforcement Team has a range of legal and non legal remedies at their disposal to deal with Anti-social behaviour. These include:
- Acceptable Behaviour Contracts (ABCs)
  - Anti-social Behaviour Orders (ASBOs)
  - Possession Proceedings - for tenants and licensees of Wrexham County Borough Council.
  - Anti Social Behaviour Injunctions – if the terms of an injunction are broken, committal proceedings can then be brought against the perpetrator. In order to safeguard the safety of the community, these orders can include terms that prohibit certain types of behaviour and can exclude perpetrators from certain areas in Wrexham County Borough.
  - Demoted Tenancies (for Secure Tenants of Wrexham County Borough Council).
  - Extension of an Introductory Tenancy
  - Suspension of the Right to Buy
  - Withholding Consent to Mutually Exchange
- 4.27 These terms are explained in more detail in Section 13 – Glossary of Terms.

## **5. STANDARD OF SERVICE DELIVERY**

- 5.1 If a complainant is unhappy with the result of investigations, or the manner in which they have been conducted, they are able to make an official complaint via the Council's Complaints Procedure.
- 5.2 An initial complaint will be investigated by the Representations & Complaints Officer at Housing Services.
- 5.3 Within 20 days, the complainant will receive a response, outlining the findings, and any remedial action that has been identified.
- 5.4 If the issue proves to be of a complex nature, an interim response will be sent, outlining the findings to date, and any further action which will undertaken to resolve the matter.
- 5.5 Should the complainant be unhappy with the outcome of investigations, the matter can be progressed through the Council's Complaints Procedure.
- 5.6 For a full explanation of this procedure please refer to the Corporate Complaints Policy.
- 5.7 **Complaints Received from WCBC Tenants Concerning Owner Occupiers or Tenants of another Registered Social Landlord**
- 5.8 Landlord Services has the power to take certain actions against those who own their own home.
- 5.9 When the behaviour or actions of an owner occupier or the tenant of another registered social landlord affects the lives of Council tenants or affects the Council's ability to carry out its duties as a landlord, the case can be referred to Landlord Services' Tenancy Enforcement Team. In these cases it may be possible to issue Anti Social Behaviour Injunctions against them to prevent such behaviour impacting on Council tenants.
- 5.10 In all other cases, the tenant making the complaint will be advised to seek independent legal advice, or consult voluntary bodies such as the Citizens' Advice Bureau.
- 5.11 When tenants of a Registered Social Landlord/ Housing Association are involved the address and telephone number of the relevant association will be issued. Housing Associations have a responsibility to ensure that their tenants do not behave in an anti social manner.
- 5.12 The addresses and telephone numbers of the local Housing Associations are available at the Housing Services Offices at Ruthin Road, Wrexham, local Estate Offices, the Anti Social Behaviour Policy and Policy summary.

### 5.13 **Referrals to Environmental Health**

- 5.14 In cases of noise nuisance referrals will be made to the Council's Environmental Health Officers. Initially an Environmental Health Officer will contact the complainant and send diary sheets to monitor the nature of the noise and how often it occurs. These sheets must be returned within one month to Environmental Services.
- 5.15 Following analysis of the diary sheets, a noise monitor may be installed at the complainant's home or monitoring may be carried out in person by an Environmental Health Officer.
- 5.16 This will determine the levels of the noise and whether there is any nuisance. If there is a Statutory Nuisance, or one is likely to occur or reoccur the Council can serve an Abatement Notice under Section 80 of the Environmental Protection Act 1990.
- 5.17 The perpetrator is given a reasonable time to comply (this can vary from immediately for cases such as amplified music, to 21 days for cases such as barking dogs). If the Notice is breached, the perpetrator is then guilty of a criminal offence.
- 5.18 The options available are:-
- Prosecution for none compliance of the Notice (Environmental Protection Act 1990).
  - Abate the nuisance.
  - Seize the equipment (Noise Act 1996).

### 5.19 **Closure Orders**

- 5.20 Part 1 Section 2 of the Anti Social Behaviour Act 2003 gives new powers to the Police and Magistrates Courts to close premises for up to 3 months. This prohibits the occupant from entering the property. These orders can be used in instances of repeated anti social behaviour or where Class A drugs are being used or dealt at a Council property.
- 5.21 The Police can consult with local authorities when applying for Closure Orders or independently of the Council if they wish.
- 5.22 Rent is still payable on a property and if the terms of the Tenancy Agreement have been broken, the tenant will be classed as intentionally homeless. The Housing & Public Protection Department will have no duty to rehouse the person concerned.

## 6. **MULTI-AGENCY PARTNERSHIPS**

6.1 Wrexham County Borough Council recognises that Anti-social behaviour comes from a variety of sources. As a landlord we do not operate in isolation. We use the experience of a number of agencies, and other Council services, to address anti social behaviour. We have strong working relationships with a range of partners.

6.2 The principal multi-agency partnerships that Wrexham County Borough Council participates in are:-

a) **Community Safety Partnership**

The Crime & Disorder Act 1998 requires Wrexham County Borough Council to work in cooperation with North Wales Police and other key agencies, such as the Police Authority, and the Probation Service, to develop and implement strategies for reducing crime and disorder in the Borough.

The Community Safety Partnership is the overarching group that informs all other joint partnership working groups.

The Partnership meets on a bi-monthly basis to promote cross agency communication, to ensure continual working to meet the partnerships aims and to inform and discuss with partner agencies all community safety developments that affect the ongoing strategy.

The agencies involved are:-

- Wrexham County Borough Council
- The Local Health Board
- North East Wales NHS Trust
- The Probation Service
- North Wales Police
- North Wales Fire Service
- The Youth Service
- The Youth Offending Service

b) **Joint Action Working Group**

The Joint Action Working Group is a multi agency partnership formed to identify and tackle crime and disorder issues in specific areas at a local level. Members are drawn from the Strategic Officers of the Community Safety Partnership.

The group meets on a monthly basis to share information and agree actions. Action plans are formulated and agreed for each problem area. Problem areas are identified by the Community Safety Partnership Crime Analyst.

Representatives of all the relevant partners and agencies are included in this group:-

- Council Departments – Housing and Public Protection, Social Services, Trading Standards and the Youth Service.
- The Housing Associations that operate in Wrexham County Borough when it is relevant to the management of their properties or estates.
- The Probation Service.
- The Youth Offending Service
- The Police Authority
- North Wales Fire Service.
- Voluntary Sector Bodies – Victim Support and Neighbourhood Watch.
- Communities First.

c) **Anti-social Behaviour Planning & Delivery Group**

The Anti Social Behaviour Delivery & Planning Group is a multi agency partnership formed to identify those who persistently commit anti social behaviour and offer support services to the perpetrators. The group meets on a monthly basis to formulate and put in place interventions that will stop anti social behaviour from continuing. An incremental approach is taken with responses that depend on the seriousness of the anti social behaviour and any past history of offending.

Perpetrators of anti social behaviour will be referred to this group, so that a relevant course of action can be devised.

Ways to resolve issues will address the behaviour of the individual concerned and any associated problems.

Group members include:-

- Wrexham County Borough Council
- North Wales Police
- The Youth Offending Service
- The Youth Service
- Registered Social Landlords (RSLs)

Housing Estate Managers are also invited to attend the group, if a perpetrator of anti social behaviour has been identified who lives in Council accommodation in their management area.

All Crime & Disorder Partners will also be responsible for the administration of the ‘yellow card system’; an incremental approach to dealing with anti social behaviour. The intention is that the initial warnings will act as a deterrent, reducing the need for more serious interventions. There are four stages of interventions available which can be summarised as:-

1. Yellow cards issued
2. Yellow cards and Warning Letters are sent to the Perpetrators
3. Home Visits are carried out by representatives of the Community Safety Partnership.

4. Referrals are made to the Anti Social Behaviour Planning & Delivery Group.

**Stage 1:-** Yellow cards can be issued by any member of the Anti Social Behaviour Planning & Delivery Group if they witness acts of anti social behaviour. As the Housing & Public Protection Department is a part of this group, members of housing staff can issue these cards. A verbal warning will be given at the same time followed with a letter to the perpetrator and parents/carers by the Police Anti-Social Behaviour Officer. At this point the Tenancy Enforcement Manager on behalf of Landlord Services will also contact the perpetrators, or their parents, if they live in Council accommodation. All cards issued by Housing staff will, in the first instance, be sent to the Tenancy Enforcement Manager for collation and forwarding to the Community Safety Team.

The details of the perpetrator and the nature of the anti social behaviour will be entered onto a shared database held by North Wales Police and Wrexham County Borough Council.

**Stage 2:-** At this stage a home visit may be carried out by North Wales Police and one of the following partners:- the Youth Offending Service, a Social Worker or a member of staff from Landlord Services acting as representatives of the Community Safety Partnership. At this point an explanation of the system will be given and the perpetrator will also be warned of the consequences of repeated anti social behaviour.

**Stage 3:-** This is the final stage of the process and involves referral of the perpetrator to the Anti Social Behaviour Planning and Delivery Group. The Group will discuss individual cases and the options or interventions that are available to remedy the situation.

The options available include:-

- Referral to Child Protection
- Parenting Classes
- Truancy Patrols
- Youth Offending Orders
- Acceptable Behaviour Contracts
- Anti Social Behaviour Orders
- Possession Proceedings
- Further Monitoring

Landlord Services are also able to pursue parallel interventions such as issuing Acceptable Behaviour Contracts or Anti Social Behaviour Orders which could ultimately lead to custody or the decision could be made to begin Possession Proceedings by issuing a Notice of Seeking Possession for breach of tenancy conditions. This route could ultimately result in eviction from Council accommodation.

d) **Amenity Wardens**

Amenity Wardens have been in post in Wrexham County Borough's Environmental Services Section since 2002.

The principle aim of the Amenity Wardens is to limit incidences of dog fouling, littering, fly tipping and anti social behaviour in Wrexham County Borough with a combination of enforcement and education. They supply information such as signage, leaflets and on site advice.

Amenity Wardens will attend Community meetings when there are concerns regarding dog fouling or problems with litter. They are also available to give presentations in schools regarding these problems and undertake promotional activities for local children, for example litter picking, as a means of addressing these issues.

Reports are made to Environmental Services and are forwarded to the Senior Amenity Warden who allocates cases on an area basis. The Amenity Wardens have enforcement powers that enable them to prosecute individuals for littering and dog fouling.

Fixed penalty notices can be issued to offenders. The amounts are set by the Welsh Assembly and currently stand at £75 for littering and dog fouling offences.

Offenders must pay these notices within 14 days or further action can be taken. Dog fouling carries a maximum penalty of £1000 and littering a maximum penalty of £2500.

e) **Wrexham Substance Misuse Action Team**

Wrexham Substance Misuse Action Team (SMAT) is part of the Community Safety partnership, which aims to reduce crime and disorder in the local area. The SMAT is a multi agency partnership comprising the Local Authority, Local Health Board, North Wales Police, North Wales Probation and the Voluntary and Community sector. Its aim is to tackle substance misuse and reduce the harm it causes in Wrexham County Borough by working towards the Public Sector agreement target (PSA4) to "reduce the harm caused by illegal drugs including substantially increasing the number of drug misusers entering treatment".

Wrexham SMAT's work is driven by the Welsh drug and alcohol strategy: "Tackling Substance Misuse in Wales: A Partnership Approach". This strategy has 4 key aims, which all SMAT partnerships must address in their action plans: Children, Young People and Adults, Families and Communities, Treatment and Availability.

Each SMAT is required to develop an action plan to outline its actions against each of the above aims, this is monitored quarterly by the Welsh Assembly Government. Wrexham's Local Substance Misuse Action Plan 2005/08 is

available from Wrexham Community Safety Unit (tel. 01978 317020) or email the SMAT Development Officer – [vicky.owen@wrexham.gov.uk](mailto:vicky.owen@wrexham.gov.uk).

## **7. SUPPORT FOR COMPLAINANTS & WITNESSES**

- 7.1 Throughout the process, complainants and witnesses will be fully supported by Landlord Services. Complaints will be dealt with promptly. Complainants will be kept informed of developments in a case, and the appropriate action will be taken to resolve the case satisfactorily.
- 7.2 Where the complainant is felt to be vulnerable, or may be frail or elderly, we will liaise with North Wales Police and support can be offered. For those who do not speak English or Welsh as their first language staff will make use of the telephone interpreting service where relevant, aiming to ensure fair treatment and equal access to information.
- 7.3 When a case is referred to North Wales Police, contact will be made with the complainants or witnesses by visit or telephone if preferred. Any victim of crime can be referred to the victim support service. In extreme cases when the Police feel that there is a specific threat an address can be highlighted or panic alarms can be installed.
- 7.4 If there are genuine reasons why a witness cannot attend Court, due to illness or infirmity for example, there are other ways to give evidence in Court. Signed statements can be read out in Court by the Tenancy Enforcement Team without the witness being present, or evidence can be incorporated into the general evidence given in Court. The Tenancy Enforcement Team can also act as professional witnesses. This involves gathering evidence, and presenting it at Court.
- 7.5 In extreme cases emergency injunctions can be obtained from the Court, these can include specific clauses preventing perpetrators from approaching witnesses or their homes.

## **8. MANAGEMENT OF PERPETRATORS**

- 8.1 Our response to each perpetrator will depend on the nature of the Anti-social behaviour, and the individual's circumstances. Tenants who face action against them for anti social behaviour may find the process intimidating. It is essential therefore, that a sensitive approach is taken and vulnerable tenants are particularly considered. The main aim is to stop anti social behaviour and to prevent it happening again.
- 8.2 This will involve working with the perpetrators to give them the opportunity to remedy the matter, and alter their behaviour.
- 8.3 We will issue new tenants with information regarding their obligations and our policy on dealing with anti social behaviour at the earliest possible opportunity. An information leaflet outlining tenants' obligations, how we deal with anti social behaviour and how tenants can report any incidents will be issued to every tenant when they are signed up for a new property.
- 8.4 In extreme cases of anti social behaviour, Council tenants can be evicted from their homes.
- 8.5 Our initial response will be a formal warning or interview. This will include:-
- A description of the breach of the Tenancy Agreement and the implications for the perpetrator.
  - An account of the reported anti social behaviour.
  - An opportunity to respond to the complaint.
  - A formal warning that anti social behaviour will not be tolerated, and that we will consider implementing an Acceptable Behaviour Contract or legal action if it continues.
- 8.6 For those tenants who do not speak English or Welsh as their first language staff will make use of services such as the telephone interpreting service where relevant. This ensures these tenants have fair treatment and equal access to information.
- 8.7 If the perpetrator is a juvenile the parent or guardian will attend the interview. We will also engage with other service providers who may be involved with the perpetrator by reference to the Anti Social Behaviour Delivery Group.
- 8.8 Referral will also be made to the Joint Action Working Group as the location where the anti social behaviour is occurring will be identified as a "hot spot", to be addressed.
- 8.9 Landlord Services realises that instances of low level anti social behaviour can be addressed with appropriate support. This support is often useful in helping some tenants to keep their tenancy and to avoid Court action and possible eviction. In these instances, a referral can be made to the Tenancy Support Service. Tenancy Support Workers help tenants with low to medium needs address any issues that may be putting their tenancy at risk. The service will

also urge tenants who have particular needs to make contact with the relevant professional agencies.

- 8.10 We will examine very closely, any application for rehousing or a transfer from those who have been perpetrators of Anti-social behaviour.
- 8.11 Should such persons make an application for rehousing as homeless and in priority need, all the necessary enquiries will be made with the relevant Estate Office and the Tenancy Enforcement Team. A decision to class them as being intentionally homeless may be made.
- 8.12 Wrexham County Borough Council's Housing & Public Protection Department operates an exclusions policy. Under its terms, any applicant for rehousing with a past history of anti social behaviour can be excluded from the Housing Register indefinitely. Exclusion from the Housing Register can apply if an applicant or joint applicant or a member of the household is guilty of serious unacceptable behaviour at the time of application for which the Council as a landlord has or could have obtained an Outright Possession Order. The applicant has a responsibility to prove that there has been an improvement in their behaviour.
- 8.13 Exclusion can only take place following consideration of the facts by an Exclusions Panel comprising Senior Housing Management and Council Solicitors.
- 8.14 The Housing & Public Protection Department has individual policies on both lettings and exclusions. These can be referred to for further details.
- 8.15 Anti social behaviour occurs for a variety of reasons. We will consider different approaches that can be taken to manage and reduce the risk of it being repeated:-
- The involvement of services such as the Youth Service for diversionary measures.
  - The involvement of Social Services and other support services if the tenant is vulnerable and anti social behaviour is the result of illness rather than any deliberate act.
  - The use of Acceptable Behaviour Contracts, to deal with issues of anti social behaviour without immediately taking Court proceedings, via the Anti Social Behaviour Delivery Group.
  - Anti social Behaviour Orders and Individual Support Orders for more serious or escalating cases.
  - Demoted Tenancies for existing secure tenants who are perpetrating anti social behaviour.
  - The use of injunctions.
  - Extending the period of an Introductory Tenancy.
  - Withholding consent to carry out a mutual exchange.

## **Local Lettings Policies**

- 8.16 Anti social behaviour in Council properties can lead to a variety of management problems. Where there is low demand for certain streets or blocks of flats, properties can stand empty for periods of time, increasing the risk of vandalism and arson. There are also issues of rent loss and high repair costs.
- 8.17 The Housing Act 1996 (amended by the Homelessness Act 2002), requires local authorities to have a written policy that determines the priorities and procedures to be followed in letting housing. Section 167(2E)/[s.16(3)] allows Councils to let properties to people of a particular description where there is a clear need for the approach.
- 8.18 Local letting policies place particular requirements on those applying for rehousing in certain areas. These requirements can include being a certain age or being able to prove that any past tenancies or tenancies with another landlord have been conducted in a satisfactory manner.
- 8.19 After considering all the facts, such as vandalism, anti social behaviour and the number of empty properties in an area, Landlord Services will consider using local lettings policies, as a means to create more sustainable tenancies and to reduce instances of anti social behaviour. This should generate more demand for housing in an area as applicants see it as being a safer and more desirable place to live.
- 8.20 Full details of eligibility for rehousing in properties covered by our local lettings policy can be found in the Department's Local Lettings Policy for Difficult to Manage Accommodation.

## **Anti Social Behaviour in Retirement Accommodation**

- 8.21 Anti social behaviour can also occur in situations which require a more sensitive approach. Landlord Services has developed a specific procedure for dealing with anti social behaviour when it happens in Council owned retirement accommodation, as it recognises that people enter sheltered accommodation later in life, when they may have higher support needs. Landlord Services' staff will work with other departments and agencies such as Social Services when trying to resolve instances of anti social behaviour in retirement accommodation.
- 8.22 As a result of illness, deterioration due to old age or issues such as alcohol abuse and mental illness a person's support needs can change very quickly. This can have an effect on people who live in close proximity.
- 8.24 Whilst deterioration in a person's condition can manifest itself as anti social behaviour, it may be due to illness and not any deliberate act.

- 8.25 In these situations we recognise that such behaviour falls outside of the category of deliberate tenancy breach and requires an alternative course of action to be considered in the first instance, rather than legal action.
- 8.26 Before an offer of sheltered accommodation is made an assessment will be made of the person's suitability for sheltered accommodation. The assessment will include:-
- Making prospective tenants aware verbally and in writing of the sheltered service and what it provides.
  - Estate Office staff carrying out an accompanied viewing of sheltered properties with a prospective tenant, when new tenants are signed up for a property.
- 8.27 Wardens of all sheltered schemes will complete a Support Plan with each new tenant. This plan identifies all people and agencies involved in supporting an individual. Wardens of each sheltered scheme review the Support Plans for each tenant at least every six months, or when circumstances change and information is updated.
- 8.28 If a tenant's condition deteriorates, or there is a breach of tenancy, the Warden will in the first instance carry out an investigation and take any appropriate action to resolve the matter. All incidents will be logged in the tenant's Support Plan.
- 8.29 The Warden will contact the relevant Estate Office and request a follow up letter to be sent to the tenant, a copy will be sent to the tenant's Social Worker, if applicable, or project worker. If a serious concern is raised, the Contact Assessment Team and the Older Persons' Service Manager will be notified. All parties will be in communication until the matter is resolved. All actions will be documented in the tenant's Support Plan.
- 8.30 If repeat incidents occur, the warden will notify the Social Services Contact Assessment Team or the tenant's named Social Worker to request a meeting. All parties who are involved in supporting the individual will be invited to attend the meeting, including the relevant Warden and Estate Manager. The meeting will be held within 14 days, or in cases that have caused immediate danger within 24 hours where possible. The tenant has the right to attend this meeting and bring any necessary representation.
- 8.31 The meeting will discuss the incident and whether or not any additional support is required to help the person sustain their tenancy. Outcomes can include increased support, or signposting to other services. Any actions that are taken must be discussed with the tenant and followed up in writing. An action plan will also be drawn up to implement the support and a copy will be put on file with the tenant's Support Plan.
- 8.32 Any action plan that is agreed following the meeting will be reviewed within 4 weeks by the relevant Warden to ensure that the actions put in place are suitable for the tenant and are working.

- 8.33 If there continue to be further issues of concern, a Warden will request a further meeting with those individuals who are involved in providing support for the tenant to discuss the consequences of the tenant's actions. This meeting will also be attended by the Older Person's Service Manager or the Sheltered Housing Officer
- 8.34 The issue of continued occupation in the sheltered unit and whether alternative accommodation, more appropriate to the tenant's needs, may be required, will also be discussed at this meeting
- 8.35 In situations where agreement cannot be reached, or when a tenant refuses to engage with support services, legal action will have to be considered, particularly in those situations where a person's behaviour is having a profound or detrimental effect on other residents.
- 8.36 Before any legal action is started the relevant Estate Manager and the Housing Manager for Older Persons Services will prepare a joint report to be submitted to the Housing Operations Manager. The report will detail the action that has been taken to try to resolve the current situation. In all cases, Social Services will be notified so that they may take any appropriate steps.

## **9. DOMESTIC ABUSE**

- 9.1 Wrexham County Borough Council has a duty to take all reasonable steps possible to combat domestic abuse for those individuals being abused, for children being affected and to challenge the behaviour of the perpetrator.
- 9.2 In partnership with other key agencies the Council is committed to the principle that there is 'No Excuse for Domestic Abuse'.
- 9.3 Domestic Abuse is the emotional, physical, sexual, psychological or economic abuse of power and the exercise of control by a family member, partner or ex partner regardless of gender, age or sexual orientation. Most domestic abuse is directed by men against women. At least 1 in 4 women will experience domestic abuse during their lifetime regardless of ethnic origin or socio-economic background.
- 9.4 Wrexham County Borough Council will not tolerate domestic abuse by or against its tenants and will work with the Police and other agencies to use existing legal remedies to deal with this.
- 9.5 The safety and protection of those at risk of harm is of primary consideration and where appropriate referrals will be made to the relevant department, advice and support agencies.
- 9.6 The Homelessness Section of the Housing & Public Protection Department is able to give assistance to victims of domestic violence. The Homelessness Act 2002 gives a victim of domestic abuse the right to temporary accommodation. They have this right whether they own or rent their present home.

- 9.7 A woman does not have to provide evidence of domestic abuse, as there is a duty on the Housing & Public Protection Department to provide accommodation whilst any necessary investigations are being carried out. All investigations will take account of the sensitivity of the matter, the fact that some victims are frightened and the need for confidentiality.
- 9.8 The Homelessness Section can contact Women's Aid or refuges outside of Wrexham County Borough if there is a need for someone to leave the Wrexham area.
- 9.9 Someone who presents themselves as homeless due to domestic violence may also be referred to Women's Aid as they will need support and wish to come into the Wrexham area.
- 9.10 Most refuges in Wales are affiliated to, or are associate members of Welsh Women's Aid. This is a national organisation that supports, guides and resources the Welsh network of refuge projects.
- 9.11 Refuges offer information, advice and support including:-
- The provision of temporary refuge for women and their children.
  - Support and encouragement to help victims decide on their future.
  - Outreach support.
  - Services that deal with any special needs of children involved.
  - Advice, information support and advocacy as well as aftercare support for those women who have left a refuge.

## **10. TENANCY SUPPORT SERVICE**

- 10.1 We recognise that some instances of anti social behaviour can be addressed with the appropriate support. This support is often useful in helping some tenants to keep their tenancy and to avoid Court action and possible eviction.
- 10.2 If the levels of anti social behaviour are low level, for example untidy gardens, or unruly children, referrals can be made to the Council's Tenancy Support Service.
- 10.3 The service is available to all Council tenants. Under the scheme a Tenancy Support Officer will visit on a regular basis, depending on the level of support identified and offer assistance and advice on how to deal with specific problems that are putting their tenancy at risk.
- 10.4 With consent from the tenant, referrals can also be made to other specialist agencies, if any particular issues are identified that might be contributing to low level anti social behaviour, for example alcohol abuse.

## **11. CONSULTATION**

11.1 The following agencies and members of staff have been consulted in the drafting of this statement of policy and procedures. They will also be consulted on any proposed future changes:-

- Chief Housing & Public Protection Officer
- Community Safety Partnership
- Environmental Services (WCBC)
- Estate Managers (WCBC Housing Services)
- Housing Manager–Older Persons’ Services (WCBC Housing Services)
- Housing Operations Manager (WCBC Housing Services)
- Landlord Services Manager (WCBC Housing Services)
- North Wales Police
- Principal Housing Services Officer (WCBC Housing Services)
- Senior Community Safety Officer (Anti Social Behaviour)
- Shelter Cymru
- Strategy & Support Services Manager (WCBC Housing Services)
- Tenancy Enforcement Team (WCBC Housing Services)
- Tenancy Support Service (WCBC Housing Services)
- Tenant Member Partnership
- The Tenants’ Assembly (Estate Management Focus Group)
- The Youth Offending Service
- Wrexham Domestic Abuse Coordinator

## **12. GLOSSARY OF TERMS**

### **12.1 Acceptable Behaviour Contract (ABC)**

This is a voluntary agreement drawn up between Housing Services and a tenant or family member who has been involved in Anti-social behaviour. ABCs are most commonly used for young people between the ages of 10 and 18, but can also be used for adults if they still live in Council property with parents or guardians. The contract specifies a list of acts that the person has agreed not to carry out. As an initial measure an ABC is a useful non legal tool which can help the perpetrators of anti social behaviour to recognise its impact, and how to rectify it. The threat of future legal action provides an incentive to adhere to the agreement.

### **12.2 Anti – Social Behaviour**

For the purposes of obtaining an Anti-social behaviour order, the definition is set out in section 1(1) of the Crime and Disorder Act 1998. Section 1(1) of the Act defines Anti-social behaviour as “acting in a manner that caused, or was likely to cause harassment, alarm or distress to one or more persons not of the same household as the complainant”.

### **12.3 Anti – Social Behaviour Injunctions**

This legal remedy has been in force since September 2004. A Local Authority can apply for an Anti Social Behaviour Injunction against anyone whose behaviour is capable of causing nuisance or annoyance to specified individuals. This is provided that the anti social behaviour relates directly or indirectly to the Council’s ability to manage its homes. It is now easier to gain an injunction. Its powers will also be widened to include the protection of Council employees and victims who are not Council Tenants. Perpetrators may also be subject to Exclusion Orders preventing them from entering specific areas. Anti-social Behaviour Injunctions are also available to prevent the use or threatened use of premises for unlawful purposes, for example drug dealing, prostitution or handling stolen goods.

### **12.4 Anti – Social Behaviour Orders (ASBO)**

Anti-social Behaviour Orders (ASBOs) are civil orders made in Court that are drafted to protect the public from behaviour that is likely to cause harassment, alarm or distress. Conditions are laid down prohibiting the offender from specific Anti-social behaviour from entering certain areas, and can also include the use of curfews and restrictions from associating with certain individuals. The fact that an ASBO is a civil order means that hearsay and professional witness evidence can be heard in ASBO applications. This can give protection to those subject to Anti-social behaviour or those reporting it. Breach of an ASBO is a criminal offence. An ASBO is effective for at least 2 years.

### 12.5 **Demoted Tenancies**

Demoted Tenancies were introduced by The Anti Social Behaviour Act 2003, and came into force on 30 April 2005.

Demotion Orders can be sought against secure tenants at any point during their tenancy and are gained on the grounds of nuisance or unlawful use of the premises.

Demotion Orders are granted by the County Courts if the ground exists and it is reasonable to do so, and last for a fixed period of 12 months. During this time, the tenant loses many of the rights of a secure tenancy, including security of tenure, the Right to Buy, the right to carry out a Mutual Exchange and the right to transfer to another Council property.

The County Court will grant a Demotion Order if the ground exists and it is reasonable to do so.

At any time during the 12 month period of the demoted tenancy Housing Services may serve a Notice of Proceedings for Possession.

Provided the landlord has followed the correct procedure for issuing the Proceedings, the County Court must grant a Possession Order this could result in the perpetrator being evicted from their home.

### 12.6 **Extension of Introductory Tenancies**

Section 125a of the Housing Act 1996 as introduced by section 179 of the Housing Act 2004 allows the Council to extend an Introductory Tenancy by 6 months when there have been recorded instances of anti social behaviour during the 12 months probationary period.

### 12.7 **Harassment**

This is persecution or intimidation by residents, members of their family, household or visitors of a person or persons. Harassment is most commonly on the grounds of race, religion, colour, disability or sexual orientation. Harassment can take many forms including graffiti, abusive language, noise nuisance and wilful damage to property or possessions.

### 12.8 **Individual Support Orders**

As from May 2004 when an Anti Social Behaviour Order is being imposed on a young person aged between 10 and 17 years Magistrates' Courts are obliged to issue an Individual Support Order (ISO) if it is felt that it will help to prevent further instances of anti social behaviour occurring. A responsible officer will oversee the delivery of the ISO. The officer may be from the Youth Offending Service or Social Services for example and will advise the Court on the possible content of the ISO. The order can specify that the individual attends counselling, for example, if there is a history of substance misuse or behavioural problems. An ISO can last for a maximum of six months but will be discharged if the Anti Social Behaviour Order is discharged within that time. Like an Anti Social Behaviour Order, the breach of an ISO is a criminal offence and the Court can impose a fine.

12.9 **Neighbour Dispute**

When two neighbours are in disagreement about any aspect of behaviour that one party feels to be unacceptable. This behaviour causes nuisance or annoyance. Neighbour disputes often arise from an incompatibility of lifestyles.

12.10 **Nuisance**

Nuisance is defined as the tenant or anyone living with or visiting the tenant has engaged in behaviour capable of causing a nuisance or annoyance to anyone and that this behaviour directly or indirectly relates to the landlord's ability to manage its properties and estates.

12.11 **Proceedings for Possession**

The Anti Social Behaviour Act 2003 also introduces certain considerations that the Court must bear in mind when the Council seeks a possession order against a Secure Tenant under Ground 2 schedule 2 of the Housing Act 1985. The Council must not only prove the ground, it must also prove that it is reasonable for the Court to order possession. Under the terms of the Anti Social Behaviour Act 2003, the Court when considering reasonableness must also consider:-

- The effect of the nuisance or annoyance on anyone other than the person against whom the order is sought.
- The continuing nuisance or annoyance on any such person
- The effect on these people if the conduct is repeated

This power is now in force.

12.12 **Racial Harassment**

“A racist incident is any incident which is perceived to be racist by the victim or any other person”. This is the definition which is contained in the Mac Pherson Report into the death of Stephen Lawrence. As with general harassment, racial harassment can take various forms including violent or aggressive behaviour, verbal abuse and damage to property or possessions. In the case of racial harassment however, it is prompted by the victims' race, ethnic origin or skin colour.

12.13 **Suspension of the Right to Buy**

The Council may be able to apply to the County Courts to suspend the Right to Buy application of any tenant who has perpetrated anti social behaviour. This power came into force 25 November 2005.

12.14 **Withholding of Consent to Mutual Exchange**

In instances where a tenant or someone residing in the property has an injunction, an anti social behaviour order or a possession order granted against them due to anti social behaviour, the Council may refuse an application to mutual exchange.

### **13. USEFUL TELEPHONE NUMBERS**

#### **Wrexham County Borough Council**

Main Switchboard – 01978 292000  
Housing Services – 01978 315300  
Anti Social Behaviour Hotline (24 hours) – 01978 292029  
Tenancy Enforcement Team email - tenancyenforcement@wrexham.gov.uk

Local Estate Offices -           Broughton Estate Office – 01978 720193  
  Caia Estate Office – 01978 317040  
  Gwersyllt Estate Office – 01978 722100  
  Plas Madoc Estate Office – 01978 813000  
  Rhos Estate Office – 01978 832900  
  Wrexham Central Estate Office – 01978 292062

Environmental Health – 01978 292040  
Amenity Wardens – 01978 292040  
Senior Community Safety Officer (Anti social Behaviour) – 01978 317024

#### **North Wales Police**

Wrexham Station – 01978 290222  
Minicom - 01978 294680  
Emergency Only – 999

#### **Local Housing Associations**

Clwyd Alyn Housing Association – 0800 1835757  
Cymdeithas Tai Clwyd – 01745 815220  
Wales & West Housing Association – 0800 0522526

#### **Other Useful Telephone Numbers**

North Wales Victim Support (Wrexham Branch) – 01978 294605  
Shelter Cymru (Wrexham Office) – 01978 317900  
Wales Domestic Abuse Helpline – 0808 8010800  
Dyn Project (Helpline for male victims of domestic abuse) – 0808 801 0321  
Wrexham Women’s Aid (24 hour helpline) – 01978 310203  
North Wales Fire Service (Wrexham Station) – 01978 263518  
Neighbourhood Watch – 01978 294519  
Crimestoppers – 0800 555111  
Wrexham Citizens’ Advice Bureau – 01978 364639