

**Report for: HOMES POLICY DEVELOPMENT
GROUP**

Date of Meeting:	13 June 2023
Subject:	MID DEVON HOUSING ANTI-SOCIAL BEHAVIOUR POLICY UPDATE (INC. POLICY STATEMENT, PROCEDURES AND EQUALITY IMPACT ASSESSMENT)
Cabinet Member:	Councillor Simon Clist, Cabinet Member for Homes
Responsible Officer:	Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing
Exempt:	None
Wards Affected:	All Wards
Enclosures:	Annex A – Anti-Social Behaviour Policy Annex B – Anti-Social Behaviour Policy Statement Annex C – Anti-Social Behaviour Procedures Annex D – Anti-Social Behaviour Equality Impact Assessment

Section 1 – Summary and Recommendation(s)

Under the Neighbourhood and Community Standard, The Regulator of Social Housing (RSH) requires all registered providers to publish a policy setting out, how in consultation with their tenants, they will maintain and improve the neighbourhood's associated with their homes. Registered suppliers are required to publish a policy on how they work with relevant partners to prevent and tackle Anti-Social Behaviour (ASB). An updated, draft policy on ASB within the Council's housing stock is presented to Members. This has been developed following an in-depth review of the policy by the Community PDG ASB working group and through tenant and partner consultations.

Recommendation(s):

That the PDG recommends that Cabinet adopt the updated Anti-Social Behaviour Policy, Statement, Procedures and Equality Impact Assessment contained in Annexes A, B, C & D respectively.

Section 2 – Report

1.0 Introduction

- 1.1 Mid Devon Housing (MDH), as a provider of social housing (RP), is subject to the provisions of the regulatory framework for social housing, which is issued by the Regulator for Social Housing (RSH).
- 1.2 The Neighbourhood & Community Standard is one of the consumer standards and are therefore applicable to the work of MDH. These Standards require RPs to publish a policy on how they work with relevant partners to prevent and tackle Anti-Social Behaviour (ASB).
- 1.3 The Social Housing White Paper and pending legislation (Social Housing Bill) present a significant shift the regulation of the social housing sector towards a proactive, consumer led regime with increased powers being granted to both the RSH and Housing Ombudsman. The White Paper sets out a charter that is leading towards clear standards that every social tenant in England is entitled to expect from their landlords.
- 1.4 These new standards are there to ensure people feel safe and secure in their homes with no significant issues or safety concerns when they take on a new tenancy. They are also there to ensure problems are fixed before they spiral out of control, and see exactly how good their landlord is performing giving tenants a stronger voice. Of the seven chapters within the White Paper, several are particularly relevant to the aims of this policy:
 - To be safe in your home (Chapter 1)
 - To know how your landlord is performing (Chapter 2)
 - To have your complaints deal with promptly and fairly (Chapter 3)
 - To have a good quality home and neighbourhood to live in (Chapter 6)
- 1.5 As part of the new consumer regulation regime, from April 2023, the RSH is introducing a series of 22 mandatory Tenant Satisfaction Measures (TSMs) creating a new system for assessing how well social housing landlords in England are doing at providing good quality homes and services. These measure include those applicable directly to building safety as well as those based on tenant perception surveys setting out tenants views on our performance which will include responsible neighbourhood management including ASB.
- 1.5 The TSM measures under responsible neighbourhood management, particularly ASB, include:

- TP12: Satisfaction with the landlord's approach to handling anti-social behavior
- NM01: Anti-social behaviour cases relative to the size of the landlord

1.6 The new TSMs will form part of the key benchmark for all major registered providers of social housing including MDH. The emphasis behind these measures is firmly on tenant experience or satisfaction and how tenants perceive we are performing alongside management information/data on repairs, safety, complaints and anti-social behaviour.

2.0 **The updated MDH Anti-Social Behaviour Policy, Statement and Procedures.**

2.1 Overall the revised Anti-Social Behaviour Policy, Statement and Procedures aim to ensure that everyone has the right to live in the way they want as long as it does not unlawfully spoil the quality of life of others, or breach the terms of their tenancy agreement.

2.2 MDH aims to provide the right level of support to empower our tenants to tackle issues themselves, wherever possible.

2.3 The Housing Ombudsman has issued guidance to all RP's that noise complaints should not be treated as ASB as this was unfair to the complainant and the complained about. It suggested that noise complaints should be handled under the Neighbourhood Management function and MDH have taken on board this advice and have removed noise complaints from the ASB Policy and included them within the Neighbourhood Management Policy.

2.4 The Policy describes what is and what is not ASB and provides the tenant with a clear overview of how their complaint will be dealt with so that expectations can be met.

3.0 **Key Changes to Policy**

3.1 The Housing Ombudsman has issued clear guidance to all Housing Providers that neighbour disputes and everyday living noise complaints should not be treated as ASB as this is unfair on the complainant and the complained about.

When every dispute was treated as ASB the expectations of tenants were unrealistic and previous policies reinforced that with actions that could be taken in all cases of ASB, such as seeking eviction.

The ASB Policy now details the actions that will be taken in relation to serious cases of ASB. If a complaint is ASB there are specific timeframes that have to be adhered to. Some of these timeframes are a statutory requirement and the Council will be deemed as failing if it does not meet them.

The ASB Policy now incorporates the Domestic Violence and Harassment Policies which were previously standalone Policies. This is to ensure that our tenants have the information they need accessible in one place.

The revised Neighbourhood Management Policy will detail the actions that will be taken in relation to neighbour disputes and everyday living noise complaints that are not classed as ASB. The timeframes for these are the same as any other complaint or enquiry raised by a tenant. The revised Neighbourhood Management Policy is currently out for tenant and partner consultation will be presented to the PDG in August 2023.

4.0 Historic Performance

- 4.1 Mid Devon Housing have recently won a National Award for Resolving Community Safety Issues and the achievement is a significant milestone and a clear demonstration of our commitment to providing quality housing and ensuring the safety and well-being of residents in the district.

The Council's housing service has won a 'Team of the Year' award for its outstanding efforts to tackle community safety issues and anti-social behaviour in the district.

Mid Devon Housing was recognised for its partnership approach with neighbourhood policing, mental health services, and social services to tackle 'County Lines' drug issues. The team has been working closely with residents to address issues of anti-social behaviour and take enforcement action as part of targeted interventions.

The Housing team's successful submission to the awards program highlighted the importance of working together with the community to tackle ASB issues, as well as the significance of raising awareness of ASB reporting to ensure community safety.

The award was presented by Resolve, an anti-social behaviour help organisation that deals with community safety and ASB issues through training, support, guidance, and sharing best practice.

The award is a testament to the hard work and dedication of the Mid Devon Housing team, which has consistently gone above and beyond to address community safety issues in the district. The award ceremony was held on 30 March 2023 in Birmingham, where MDH were announced as winners.

- 4.2 In the pilot Tenant Satisfaction Measures (TSM) survey undertaken at the end of 2022, the response to the relevant question was as follows:

TP12 - 47% of those who responded to our survey expressed satisfaction with our service relating to the management of ASB. The low response may be because few tenants actually had any experience of ASB.

A further TSM requires the provision of data relevant to ASB. This was populated alongside the pilot survey as follows:

NM01 – Anti-social behaviour cases relative to the size of the landlord 2022-2023:

No. of new ASB cases (1 relating to hate): 57

No. of properties:	2960
No. of ASB case per 1000 properties:	19.26
Of which are hate incidents	0.34

Given the TSMs were not formally introduced until April 2023 with the first full year of reporting in April 2024 then no TSM benchmark data is available for NM01 presently.

- 4.3 The last monthly performance report for 2022/23 showed the following with regard to ASB incidents in more detail. It should be noted that this data applied a different definition of an ASB under previous guidance so the total number of cases is higher than under the new TSM above. The TSM and new guidance apply an updated definition which includes discounting domestic noise complaints (e.g. children, washing machine noise etc) as directed by the Housing Ombudsman.

Measure	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	YTD
No. New ASB Instances in period	0	6	11	9	4	5	10	3	6	7	5	6	72
No. Live ASB Incidents	44	45	53	60	56	53	60	59	61	50	46	42	42
No. Closed Incidents	1	5	3	2	8	8	3	4	4	18	9	10	75
% Closed Anti-social Behaviour Incidents Resolved	100 %	100 %	100 %	100 %	100 %	100 %	100 %	100 %	100 %	100 %	100 %	100 %	100%
No. Closed Resolved ASB Incidents	1	5	3	2	8	8	3	4	4	18	9	10	75

5.0 Review Highlights

- 5.1 The Community PDG established an Anti-Social Behaviour Working Group in 2021 to investigate how the wider Council handled complaints on ASB within the District. As part of their investigations the Working Group scrutinised the MDH Anti-Social Behaviour Policies and Procedures with any recommendations being presented to the Homes PDG.

- 5.2 One of the recommendations of the Community PDG ASB Working Group was:

That Members of the ASB working group feed into the review of the MDH ASB policy (to be incorporated into Neighbourhood and Community Standard Policy) through an informal, in-depth discussion with the Corporate Manager for Public Health, Regulation and Housing and other officers.

Rationale for involvement of the Community PDG Working Group was that the policy was due to be reviewed in 2022 and would need to be adjusted to include new legislation that had recently come into force. Given the involvement of the Members in ASB, it was useful for those members to be involved in that process. This took place in an informal, remote meeting where the revised draft Policy and Procedures were presented to the members of the ASB working group on 6th April 2023 and were recommended for approval. The members of the working group were Cllrs Mrs M E Squires, S Pugh, B Holdman, R Dolley and W Burke.

5.3 In addition to the review by the Working Group the draft Policy and Procedures went out for tenant consultation between 13th April and 19th May 2023. No comments were received from tenants.

5.4 The following Partners were also consulted on the draft documents between 13th April and 30th April 2023:

- CHAT
- Citizens Advice
- Police
- Navigate
- Town Councils

5.5 One response was received; Inspector Lee Groves from Devon and Cornwall Police stated:

'I have reviewed the documents that you attached and feel they are informative. I particularly like the SLA regarding the contact time in days depending on the type/risk of incident alleged.

I note the mention of ABC which factor into our joint ASB strategy.

There is nothing on the document that would cause me concern in relation to our joint agency working practices or ASB decision making'.

Financial Implications: The activity of the landlord service, known as Mid Devon Housing (MDH) is accounted for within the Housing Revenue Account (HRA). The HRA is ring fenced and subject to specific financial controls. There is a budget set aside within the Housing Revenue Account for managing ASB. This is important because small changes, such as the erection of a fence, can help to stop minor nuisance escalating into a bigger problem. Furthermore, the costs associated with legal action can be very high.

However, sometimes such action may be necessary in order to reinforce our commitment to tackling ASB.

Legal Implications:

The Council is required, under Section 12 of the Anti-social Behaviour Act 2003, to prepare a policy and procedure on ASB and to publish the following documents:

- Statement of policy on ASB;
- Statement of procedure on ASB;
- Summary statement of current policy and procedures on ASB

Following publication of the Social Housing White Paper in late 2020, the Social Housing Regulation Bill is currently on its way through Parliament and, once implemented, this will impact the regulatory framework for social housing. One aim of the new legislation is to ensure that providers of social housing, such as the Council, keep its properties and estates safe and clean.

The existing Neighbourhood and Community Standard which forms part of the regulatory framework for social housing is also relevant to discussion about how the Council manages ASB.

Risk Assessment: The Council needs to take a robust approach to the management of anti-social behaviour because the housing stock is a valuable asset and because nuisance and ASB can blight the lives of other tenants. Failure to tackle problems could lead to innocent victims experiencing harassment, alarm and distress and there is a reputational risk if the Housing Service fails to address the issues.

Impact on Climate Change: None directly relevant to this report.

Equalities Impact Assessment: There is a suite of housing related policies, the use of which helps to ensure that service delivery is consistent and fair. There is also a regulatory requirement for registered providers of social housing to tailor their service to meet the needs of the tenants and diversity data is requested from tenants at sign up to enable compliance to be monitored. Within this overarching context, nothing has been identified in the draft, updated Anti-Social Behaviour Policy and Procedures is likely to directly or indirectly disadvantage any incoming or outgoing tenant on the basis of any legally protected characteristics that may be relevant.

The Equalities Impact Assessment is attached to this report in Annex D.

Relationship to Corporate Plan: A stated aim of the Council is to deliver sustainable communities.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151

Date: 30 May 2023

Statutory Officer: Maria De Leburne

Agreed on behalf of the Monitoring Officer

Date: 30 May 2023

Chief Officer: Simon Newcombe

Agreed by or on behalf of the Chief Executive/Corporate Director

Date: 29 May 2023

Performance and risk:

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 05 June 2023

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact: Carole Oliphant, Policy Officer or Simon Newcombe Corporate Manager for Public Health, Regulation and Housing

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Background papers:

Current MDH Anti-Social Behaviour Policy 2015

<https://www.middevon.gov.uk/media/1184/asb-policy-v1-4-approved-by-pdg-160615.pdf>

Current MDH Anti-Social Behaviour Procedures 2015

<https://www.middevon.gov.uk/media/191676/asb-procedures.pdf>

Current MDH Domestic Abuse Policy

<https://www.middevon.gov.uk/media/114710/domestic-abuse-policy-v0-5.pdf>

Current MDH Harassment Policy

<https://www.middevon.gov.uk/media/348647/harassment-policy.pdf>

The Charter for Social Housing Residents – Social Housing White Paper

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/936098/The_charter_for_social_housing_residents_-_social_housing_white_paper.pdf