



London Borough of Enfield

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| Report Title | Council Housing antisocial behaviour policy |
| Report to: | Cabinet |
| Date of Meeting: | 18/10/23 |
| Cabinet Member: | Cllr Savva |
| Directors: | Joanne Drew |
| Report Author: | Ozlem Anderson, Ozlem.anderson@enfield.gov.uk |
| Ward(s) affected: | ALL |
| Key Decision Number | KD5656 |
| Implementation date, if not called in: | |
| Classification: | Part I Public |
| Reason for exemption | |

Purpose of Report

This report seeks approval of the new Council Housing Antisocial behaviour policy for publication and implementation.

Recommendations

- I. To approve the Council Housing Antisocial Behaviour Policy 2023-28
- II. To delegate to Joanne Drew, Director of Housing and Regeneration, authority to make minor changes to the policy to ensure operational effectiveness as required.

Background and Options

1. The new Council Housing Antisocial Behaviour (ASB) Policy sets out how Enfield Council Housing Services, in partnership with other members of Enfield's Safer Stronger Communities Board, will prevent and tackle ASB which is impacting Enfield Council Housing tenants and leaseholders and/or is perpetrated by them. It meets our statutory obligation under Section 218A of the Housing Act 1996, which requires a landlord to prepare and publish a Policy and Procedure in relation to anti-social behaviour; and the expectations of the Regulator for Social Housing Consumer Standards.
2. The policy has been informed by a review of our previous policy, procedures and our performance, input from professionals across council services working to prevent and tackle ASB; engagement with our residents forum Customer Voice; analysis of feedback from residents through a 12-week consultation period; requirements of the Regulator of Social Housing and an equality impact assessment. We have also benchmarked with other social housing providers.
3. A 10-week consultation ran between July and September 2023. The consultation was published on our website, promoted via our Housing Newsletter; promoted and discussed at Customer Voice, shared with 8,101 council tenants and leaseholders via email; and shared on our social media pages. We had 107 responses. A majority (82%) of participants agreed 'a great deal' or 'to some extent' with our new service standards and 82% with our new priority categorisations of reported ASB. We asked participants whether they agreed with our timeframes for responding to reports of ASB – 54% answered 'a great deal' or 'to some extent' while 44% said 'not very much' or 'not at all'. Of those who did not agree, 76% stated response times should be quicker. As a result of these findings, we have reviewed our timeframes with the ASB teams and agreed a 48 hour timeframe for the initial response to agree next steps with complainants of both P1 and P2 ASB reports. The consultation will inform the implementation of the policy and we will always strive to acknowledge reports of ASB as quickly as possible and always within our stated timeframes.
4. The new policy introduces the following changes, when compared to our previous policy which was last reviewed in 2016:

- Confirmation of the use of two categories of ASB rather than three and the introduction of new definitions for these two categories.
 - The introduction of 12 new service standards which we will use to inform our approach to managing cases of ASB.
 - Improved methods of reporting ASB to ensure residents can easily let us know when ASB is impacting their lives.
 - Clarification of roles and responsibilities of the council in handling cases of ASB.
 - Confirmation of a new set of indicators to monitor our performance against and improve our approach. This includes the logging and monitoring of non ASB nuisance reports in order that we can support our residents to prevent escalation of issues.
 - Further clarity on how we will investigate cases to ensure resident satisfaction of outcome.
5. The policy acknowledges and has been informed by the Ombudsman report on ASB [‘Out of Order’: learning lessons from complaints about antisocial behaviour](#) and adheres to the good practice guidance to:
- Invest in training for officers and members so they are aware of the full range of tools available to tackle antisocial behaviour, including the ASB case review.
 - Ensure ASB investigations are efficient and officers are equipped to make robust and prompt decisions.
 - Take steps to guard against applying policies too strictly and make sure officers are empowered to consider each case on its individual circumstances.
 - Promote good liaison with relevant agencies and ensure that the council fully considers its own role in tackling ASB.
 - Make sure the victim is at the heart of the council’s consideration; that their vulnerability informs any action; and other services are in place to support the victim.
 - Make clear that the ASB case review is not another complaint process, but provides opportunities for the council and other agencies to proactively consider what more action might resolve the ASB and support the victim. Ensure officers signpost victims to the ASB case review process where appropriate.

Preferred Option and Reasons For Preferred Option

6. ASB accounted for 22.4% of all reported crime in Enfield in the 12 months from January to December 2022, second only to violent crime at 27.3%.¹ A total of 8,200 ASB incidents were reported over this period at a rate of 25.7 incidents per thousand people, ranking Enfield 19th for the highest rates of anti-social behaviour crime in England and Wales.
7. There were 126 cases of reported ASB from Enfield council housing tenants recorded on our case management system in the periods between May 2021 and April 2022. This translates as around 12 cases per 1000 council homes compared to the 55 cases per 1000 homes London

¹ <https://www.plumplot.co.uk/Enfield-antisocial-behaviour-crime-statistics.html>

average in 2021/22. The figure for Enfield excludes nuisance reports which do not meet the definition of ASB. The new policy introduces an indicator to log the number of nuisance reports as a separate measure.

8. The 2022 Resident Satisfaction Survey showed that 37% of council tenants and leaseholders were satisfied with our approach to handling ASB. This demonstrates the need for change and improvement and is one of the key drivers for the development of the new policy.
9. The new policy is based on research and best practice and informed by consultation with residents and a robust equality impact assessment. It is therefore the preferred option for our future approach to preventing and tackling ASB impacting on or perpetrated by our council housing residents.
We expect to see improved resident satisfaction scores in relation to our handling of ASB in future Resident Satisfaction Surveys, as a result of the new policy.

Relevance to Council Plans and Strategies

10. Our Council Plan 2023-26 sets out our priorities for supporting residents to live happy, healthy and safe lives. This includes our priority for strong, healthy and safe communities where we improve feelings of safety and tackle crime and antisocial behaviour. The Plan also includes our priority for clean and green places, where we keep our streets and public spaces clean and welcoming; and our priority for supporting thriving children and young people. A robust council housing antisocial behaviour policy will support us on delivering on all these priorities. The policy will also contribute toward our delivery of the Safer Strong Communities Board Community Safety Plan 2022-2025.

Financial Implications

11. The ASB policy sets out how Enfield Council Housing Services, in partnership with other members of Enfield's Safer Stronger Communities Board, how they will prevent and tackle ASB which is impacting Enfield Council Housing tenants and leaseholders. The new policy has been set within the Housing and landlord regulatory framework.
12. The Service Standards sets out the approach of how the Council will prevent and tackle ASB impacting on council housing tenants and leaseholders. Standards will:
 - a. Meet the needs of our diverse communities through a fair and consistent approach
 - b. Make it easy to report ASB
 - c. Respond to cases by the agreed timeframe
 - d. Keep accurate records
 - e. Work with residents, partner services and agencies
 - f. Use mediation to stop cases escalating
 - g. Support victims and keep in touch throughout the case

- h. Sustain tenancies wherever possible
 - i. Take enforcement action where necessary
 - j. Review cases where residents request this
 - k. Support and develop our workforce
 - l. Monitor performance
13. There are no specific budget requests within the policy and set out in the report. Any future budgetary impact to budgets as a result of this policy will be subject to HRA resources and governance approvals.

Legal Implications

14. The Housing Act 1996 as amended², creates a requirement for the Council to prepare a policy specifically in relation to anti-social behaviour and procedures for dealing with occurrences of anti-social behaviour. It is a legal requirement under the Act that the Council must from time to time keep the policy and procedures under review and, when it thinks appropriate, publish a revised statement.
15. The Housing Act 1996 as amended³, creates a requirement for the Council to prepare a policy specifically in relation to anti-social behaviour and procedures for dealing with occurrences of anti-social behaviour. It is a legal requirement under the Act that the Council must from time to time keep the policy and procedures under review and, when it thinks appropriate, publish a revised statement.
16. Under Freedom of Information law, the policy should be provided on the Council's website, freely available to download, however in order to ensure technical compliance with the Housing Act requirement, a copy of a statement must also be available for inspection at all reasonable hours at the Council's principal office and must be provided to any person who requests it. Presumably not everyone in the borough has access to the means to download the policy from the Council's website and print it.
17. In preparing and reviewing the policy and procedures the Council must have regard to guidance from the Regulator of Social Housing – The Neighbourhood and Community Standard.
18. Under the Equality Act 2010, the Council – and therefore the policy – must not directly discriminate under any of the protected characteristics set out in the Act, and also it must not indirectly discriminate. Indirect discrimination in this case would apply to a Council provision, criterion or practice which puts a member of a public at a disadvantage due to that member of the public having some relevant protected characteristic, where the Council cannot show that this is a proportionate means of achieving a legitimate aim.⁴

² Section 218A Housing Act 1996, inserted into the 1996 Act by the Anti-social Behaviour Act 2003, section 12

³ Section 218A Housing Act 1996, inserted into the 1996 Act by the Anti-social Behaviour Act 2003, section 12

⁴ The Equality Act 2010, section 19

19. Further the Council has a duty – which applies when considering the policy – to have due regard to the need to:
- eliminate discrimination, harassment, victimisation and other illegal conduct,
 - advance equality of opportunity and foster good relations between people who have protected characteristics and those who do not.⁵

Equalities Implications

20. An equality impact assessment (EQIA) has been completed for this policy and is appended to this report. The EQIA concludes that there is no differential impact on any protected characteristic as a result of the implementation of this policy; and implementing the policy will have a positive impact on all protected groups, providing fair treatment to all residents.
21. The draft policy sets out a consistent person-centred approach to managing all reports of ASB ensuring all complainants are treated fairly and highlights interventions to reduce and prevent incidents of ASB for all council housing residents.
22. The policy includes improved methods for reporting ASB to ensure all residents can easily report concerns in an appropriate way. It also strengthens our commitments to supporting residents, taking a tailored approach including in relation to victims' protected characteristics. The policy clarifies the steps we will take to support perpetrators to stop or change their behaviour, taking a proportionate approach to enforcement action. We have also improved and clarified what we describe as antisocial behaviour, ensuring that we do not incorrectly infer that reasonable behaviour by any members of our community meets the definition of antisocial behaviour.
23. The policy introduces a commitment for us to collect equalities data from people reporting ASB, and where possible on perpetrators of ASB, in order for us to better understand how ASB and our response is impacting on people who share a protected characteristic compared to those who do not. This will enable us to take a more informed approach to future equality impact assessments as we will have more robust equalities data on those being impacted and our response.
24. Data analysis of complainants of ASB suggests there may be an over representation of female tenants and disabled tenants. The improved policy is expected to have a particularly positive impact on people who share these protected characteristics.
25. We ran a 10-week consultation on the draft policy which was promoted in a variety of ways and discussed with tenant and leaseholder representatives at our Customer Voice. We had 107 responses to our

⁵ The Equality Act 2010, section 149

questionnaire. 68 respondents provided their protected characteristics, and analysis of these results shows that we obtained feedback from different protected groups. This included 57% female; 40% male and 3% did not specify their gender. It included 40% who reported having a physical or mental health condition lasting longer than 12 months. We have used the results of the consultation to inform our final policy and will also use the results to inform its implementation.

HR and Workforce Implications (draft for review)

26. No direct workforce implications have been identified by this report. If a requirement for additional resource is identified to support the implementation of this policy a separate proposal and supporting restructure report will need to be prepared in accordance with the Council's Principles for Managing Reorganisations. This will outline the resource required and the reporting structure. HR advice will be sought prior in relation to the above point.

Environmental and Climate Change Implications

27. The policy is not expected to result in an adverse impact on the environment or increase in energy consumption.

Public Health Implications

28. ASB can have a detrimental impact on health and wellbeing including poor mental health, increased stress and anxiety. It can also cause those experiencing it to live in fear, change their routines and have a lower quality of life.
29. The policy sets out our commitment to support all our residents to live peacefully within their homes without fear, intimidation, threats of harm, nuisance, or unreasonable behaviour from others. It sets out our person-centred approach to acknowledging, investigating and tackling all forms of ASB in our council estates to reduce and prevent incidents. It also highlights our ongoing work and interventions to reduce incidents of ASB, improve feelings of safety and ensure our council homes and neighbourhoods are happy places to live and enjoy.
30. The policy introduces a new set of service standards which will help ensure consistent, equal and fair support to all residents impacted by ASB including keeping in touch with complainants via their preferred method of contact throughout the investigation of a case and ensuring they are satisfied with the outcome upon closure.
31. Furthermore, the policy sets out how we will help victims with additional support needs by referring to relevant agencies which provide tailored support to protect their ongoing welfare.

Safeguarding Implications (draft for review)

32. The ASB Policy sets out our commitment to ensure all our council housing residents are safe, healthy and happy by preventing and tackling ASB incidents that cause them to suffer harm and intimidation which may then in turn impact their ability to lead healthy lives and achieve positive lifelong outcomes.
33. Implementation of the policy will be subject to Enfield's safeguarding policies. Where welfare risks or concerns are identified during the course of an investigation these will be logged and procedures followed to ensure the safeguarding of all our residents. This will be the case whether or not the person in question is directly linked to the ASB case we are investigating.

Crime and Disorder Implications

34. We take a zero-tolerance approach to aggressive, threatening or violent behaviour. We also take a zero-tolerance approach to knife crime and organised crime throughout our communities. The ASB Policy sets out our enforcement powers and how and when we will use these to tackle these issues and prevent escalation or recurrence.
35. We will share information with our residents on successful enforcement action taken to tackle ASB, including through news articles on our website and in our resident newsletters. By doing this, we aim to demonstrate that we can work together to stop ASB and to deter residents from committing ASB in future.

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Appendices

36. Draft Council Housing Anti-Social Behaviour Policy
37. Council Housing Anti-Social Behaviour Policy EQIA