

Meeting:	Tenants' and Leaseholders' Consultative Forum
Date of Circulation:	30 th October 2006
Subject:	INFORMATION REPORT – Housing issues - Anti Social Behaviour
Responsible Officer:	Gwyneth Allen Head of Housing
Portfolio Holder:	Housing
Exempt:	No

SECTION 1 – SUMMARY

This report sets out in summary form three typical examples of anti-social behaviour and provides information for TLCF on the action that can be/ is being taken to manage the issues that arise. The report also provides detail of the additional support that is being given to staff to bring to satisfactory conclusion examples of anti-social behaviour. TLCF has received a petition and a request for a special meeting to discuss specific issues relating to anti social behaviour. Tenants' and Leaseholders' Associations must appreciate that specific cases cannot be discussed openly and therefore this report seeks to assure TLCF of the action that is being taken in all cases of reported anti social behaviour.

FOR INFORMATION

SECTION 2 - REPORT

Resident Services is currently dealing with 22 cases of Anti Social Behaviour. Of those 22 cases, 12 were served with Notices Seeking Possession, which is the first step to taking legal action. Of those 12 cases, 5 have required Harrow to instigate possession proceedings.

Case 1 – Typical Mental ill Health Case

The tenant was served with a Notice Seeking Possession and was also served with a Demotion Notice. Harrow issued the Demotion Notice with the Notice Seeking Possession so that when the case went to court if the Judge failed to give possession of the property we could ask for the secure tenancy to be demoted to a non-secure tenancy. This would have enabled Residents Services to return to court and obtain possession of the property if further breaches were reported.

Residents were prepared to be witnesses at the court hearing to give evidence against the perpetrator who was causing serious anti social behaviour.

Several meetings were held with People First regarding the behaviour and following an assessment they advised that the tenant was not capable of sustaining independent living.

Resident Services asked for a referral to be made but were advised that there was no space available. As the Court Hearing was listed for August the Area Manager worked with the Rehabilitations Services Manager advising that the Judge would want a clear explanation of the reasons why the tenant was not provided with supported accommodation.

Shortly after that the tenant accepted supported accommodation when it became available and the tenant terminated the tenancy. Court Proceedings were withdrawn.

Case 2 – Mental ill Health Case

The tenant was served with a Notice Seeking Possession and was also served with a Demotion Notice. We issued the Demotion Notice with the Notice Seeking Possession.

Following an assessment we were advised that the tenant was not capable of sustaining independent living. However, due to alcohol and drug dependency the tenant was not eligible for supported accommodation. A support worker advised specialist rehabilitation unit and several referrals have been made and the tenant is refusing to engage.

When the tenant is released from Hospital there is a period of tranquillity and acceptance of treatment. When medication ceases aggression is manifest.

A meeting was held with medical advisers to discuss the case as Resident Services and the Police and the Anti Social behaviour Unit had concerns about the tenant returning.

A request was made for an urgent referral to a specialist unit but unless the tenant accepts the help offered there is no mechanism for compulsion. The tenant has rejected all attempts at pro-active approaches by resident services staff. Local residents feel that Harrow are not doing enough to resolve the situation but the Police and housing staff have to work within the available system. Local residents have made several requests that the tenant be re-located and we have advised that it is not our policy to move a perpetrator who is causing anti social behaviour as this is seen as a reward for bad behaviour and we are not resolving the issues by the move.

Each time the tenant is sectioned under the mental health acts no action can be taken as the courts state that the tenant cannot be held accountable for their actions.

Proceedings have been instigated but it is anticipated that Harrow will not be successful in obtaining a possession order as under the Mental Health Act we have a duty to provide the tenant with accommodation.

Case 3 - Drugs

We are currently receiving complaints that a resident in a block of flats is dealing in drugs. Staff have visited the area to investigate. Evidence of drug paraphernalia was found in the communal staircase and in the bin room. Photos were taken of the walls, which were covered in graffiti.

The area, which is being vandalised, has been identified for a minor estate improvement of fencing to prevent people from gathering in the area.

Police at the safer neighbourhood team were alerted of the complaints received. They agreed to increase the patrols and make a visual presence.

Resident Services issued posters and incident logbooks and letters, which were hand delivered to every resident on the estate.

To date no further complaints have been reported and none of the incident logbooks have been completed by any residents.

Resident Services is aware that the problem is probably continuing but without residents support there is insufficient evidence to take the matter further.

To obtain a possession order Harrow need strong evidence that will stand up to close examination in Court. If the judge is satisfied that the tenant has breached the terms of their tenancy agreement they can grant possession.

What we currently do:

When a complaint is received we send out Incident logbooks for the resident to record any incident of anti social behaviour. When the book is returned and depending upon the information received then the perpetrator will be interviewed to explain the actions. We ask the perpetrator to make an agreement and offer solutions to modify the behaviour. This is followed up in writing and a letter also sent to the person who made the complaint.

If further complaints are received the safer neighbourhood team are made aware of the situation. Letters and incident logbooks are sent to other tenants in the block/street to build up a picture of the level of nuisance that is occurring.

If complaints continue then a case management conference is called and the Police and social services and other agencies are invited to the meeting to discuss the case jointly and come up with a solution. The perpetrator will be invited to attend a joint meeting and will be asked to sign an Acceptable Behaviour Contract which will list certain conditions that they must abide by and are issued with a warning that if they breach then further action will be taken against them.

This could be in the form of an ASBO or possession of the property.

Whilst anti social behaviour orders (ASBO) are a tool for tackling anti social behaviour we have not been able to utilise them to their full potential. Resident Services obtained the first ASBO in 2004 and have not identified a case in which this tool could effectively be used since that time. ASBO's are not suitable in cases where there are mental ill health issues.

Each high level anti social behaviour case is considered at the early stage for its suitability to apply for an ASBO.

Improvements that Resident Services are implementing to tackling Anti Social Behaviour.

Full training is to be provided to all members of staff on the 1st November 2006.
New case management procedures are to be implemented.
New incident recording books are being printed with step-by-step process.
Booklet on a Guide to Tackling Anti Social Behaviour is currently being printed.
Anti Social Behaviour Protocol is currently being updated.
Develop protocols with the Safer Neighbourhood Teams.
Introducing new tenancy agreements, which have more robust clauses to tackle anti social behaviour.

Update the web pages on the Internet on our aims for tackling anti social behaviour.

Other Tools:

Resident Services and the Anti Social Behaviour Unit have identified that we do not have sufficient tools to capture anti social behaviour and we are jointly in the process of purchasing CCTV equipment which will assist us in gathering critical evidence of anti social behaviour where witnesses are not willing to give statements or record events on log books for fear of any reprisals against them or the families.

The system is completely portable and can be located anywhere and offers covert monitoring from strategic observations points and can even be buried in the ground. This will be beneficial if we have areas, which are subject to constant fly tipping.

Once the system is installed it delivers live images direct to a PC or a laptop. This information can be used in court and passed to the police for any criminal convictions.

This system is to be deployed in a block of flats where we have received complaints of drug dealing. The Police and Resident Services have been unable to identify the culprits and are hoping to secure a conviction once the system is installed.

Safer Neighbourhood Teams

Since the introduction of the Safer Neighbourhood teams Residents Services have become more aware of ASB cases on estates, which were previously not being reported to us.

This has enabled us to act more quickly

E.g. Local Police informed us that they had made an arrest for the growing and cultivation of Marijuana. Tenant was charged with intent to supply and following this report has been served with Notice Seeking Possession.

Once the tenant is convicted Harrow will be in a position to ask the court to grant possession for misusing the premises.

It is quite clear that partnership working is contributing to tackling anti social behaviour on our estates in particular work with the Safer Neighbourhood teams.

SECTION 3 – FURTHER INFORMATION

Tenant handbook for handling anti-social behaviour

SECTION 4 - CONTACT DETAILS AND BACKGROUND PAPERS

Contact: William Manning, Resident Services Manager, 0208 424 2074

Background Papers: None