

Decision Notice

Delegated Decision

Decision No:	DD08
Subject:	REVISION OF NEIGHBOUR NUISANCE AND ANTI-SOCIAL BEHAVIOUR POLICY
Notification Date:	19 July 2022
Implementation Date:	15 July 2022
Decision taken by:	Louise Taylor, Head of Housing
Delegated Authority:	Delegation C104 of Section 6 (Scheme of Officer Delegations) of Part 3 (Responsibility for Functions) of the Constitution to the Head of Housing: ‘To exercise the powers and functions of the Council as local housing authority.’
Decision Type:	Executive Non-Key
Call-In to Apply?	No (<i>Call-in does not apply to Non-Key Officer decisions</i>)
Classification:	Unrestricted

Reason for the Decision:	To make minor amendments to the Tenancy Management Anti-Social Behaviour Policy to improve clarity of the policy's objectives and facilitate operational activity.
Decision:	To adopt the Neighbour Nuisance and Anti-Social Behaviour Policy, as set out at Appendix 1.

1. Consideration and Alternatives (if applicable)

- 1.1 On 20 February 2020 Cabinet confirmed its intention to withdraw from the contract the Council had with East Kent Housing to manage its housing stock and return the housing management service in house.
- 1.2 Following this decision, a number of subsequent decisions were taken to enable the operation of the housing service as an in-house service.
- 1.3 On 28 September 2020 the Council adopted the Tenancy Management Anti-Social Behaviour policy in respect of its housing functions.
- 1.4 Minor amendments are now required to the Tenancy Management Anti-Social Behaviour policy. These clarify the circumstances in which the Council may take possession action under the Anti-Social Behaviour, Crime and Policing Act 2014, Absolute Ground for Possession provisions and that the Council will not be required to use supportive interventions for serious cases meeting the threshold for use of these grounds.
- 1.5 Policy revisions also clarify Council response times to reports of anti-social behaviour falling into different categories and how the Council will use a noise APP to help support the robust management of neighbour nuisance and anti-social behaviour.

The revisions are:

- 1.6 Section 1.2 confirms that the policy does not supersede the tenancy agreement or legislative powers.
- 1.7 Section 1.5 clarifies how the Council may use a noise APP to support the collection of evidence for tenancy enforcement action.
- 1.8 Section 3.4 clarifies the circumstances in which the Council may take action under the Crime and Policing Act 2014, Absolute Ground for Possession provisions
- 1.9 Section 4.1 clarifies response timescales for different categories of reported anti-social behaviour
- 1.10 Section 4.5 clarifies that whilst antisocial behaviour has been put into different categories for Dover District Council response times, in certain circumstances if it is considered serious enough then possession can be sought under the absolute ground.
- 1.11 Section 10.1 clarifies that in some circumstances possession might be sought under the absolute grounds of the Anti-Social Behaviour, Crime and Policing Act 2014 where it is not considered that early intervention would be appropriate, interventions have failed or in other circumstances that make immediate action necessary.
- 1.12 The minor amendments to the policy are highlighted in red in the Anti-Social Behaviour Policy at Appendix 1.

2. Identification of Options

- 2.1 Option 1: Approve these minor changes to the Anti-Social Behaviour Policy
- 2.2 Option 2: Not approve the minor changes to the Anti-Social Behaviour Policy

3. Evaluation of Options

- 3.1 Option 1 is the recommended option. The current Anti-Social Behaviour Policy requires minor redrafting to provide clarity so that we have clearly defined times for DDC to respond to reported cases and that the categories do not define the use of possession action under statute. This policy will give effect to conditions in the tenancy agreement and policy objectives.
- 3.2 Option 2 Not to approve the minor amendment to the document. This is not the recommended option as the policy will continue to lack the necessary clarity to facilitate effective operational implementation.

4. Resource Implications

- 4.1 The revisions to the Anti-Social Behaviour Policy will be delivered within existing resources in the Housing Revenue Account (HRA).

5. Climate Change and Environmental Implications

- 5.1 There should be no environmental or climate change implications as a consequence of this decision being taken.

6. Corporate Implications

- 6.1 Comment from the Director of Finance (linked to the MTFP): Accountancy has been consulted and has no further comments. (FP) 19/07/22

6.2 Comment from the Solicitor to the Council: The Head of Governance and HR has been consulted during the preparation of this report and has no further comment to make.

6.3 Comment from the Equalities Officer: 'This report does not specifically highlight any equality implications. However, in discharging their duties, Members are required to comply with the public sector equality duty as set out in Section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/section/149>.'

6.4 Other Officers (as appropriate): None received

7. **Any Conflicts of Interest Declared?**

7.1 None.

8. **Appendices**

Appendix 1 – Dover District Council Anti-Social Behaviour Policy with amendments