

CHESHIRE EAST COUNCIL

REPORT TO: Sustainable Communities Scrutiny Committee

Date of Meeting: Tuesday 10th May
Report of: Community Safety
Subject/Title: Cheshire East Council Anti Social Behaviour Policy
Portfolio Holder: Cllr Rachel Bailey

1.0 Report Summary

- 1.1 Policy and procedures for dealing with Anti-Social Neighbours in private and let accommodation

2.0 Recommendation

- 2.1 Approve policies on Anti Social Behaviour process
- 2.2 Seek additional funding for Mediation Service for 2013/14

3.0 Reasons for Recommendation

- 3.1 The policies have been written through consultation of partner agencies, knowledge of best practice and national guidance.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 All

6.0 Policy Implications including - Climate Change - Health

- 6.1 As a lot of the Safer Cheshire East Partnership's (SCEP) procedures and policies rely on assistance and commitment from partner agencies in order for the processes to have the greatest effect and success, the SCEP's documents around ASB and tackling ASB have to in most circumstances remain as working documents due to the following:

- Economical Climates and partner agency reduction of staff or funding meaning that they can no longer commit to the SCEP's processes as much as they previously had been.
- Changes in Partner agency processes meaning that ASB processes outlined by SCEP have to change in line with partner agencies methods

and processes or working. i.e. Transforming Policing, CE targeted Youth provision, prevention services funding cuts or change of priority/direction.

- New legislation from Home Office with regards to tools and powers to tackle ASB.
- Serious case reviews and recommendations of good practice.

7.0 Financial Implications

7.1 Funding will remain an issue with regards to the level of interventions that we can offer.

The most important currently being our Mediation Service which we currently hold cases with through a “buy in” back in 2010 and a SLA with the service.

These cases are available until 31st March 2013 and 54 cases were purchased at a cost of £32,400. These cases are exclusively for Private own and Private Rent tenants, who would normally not have this opportunity to solve disputes at a more preventative level, free of charge.

Loosing this resource would be detrimental to our commitment to work with private own and rent sectors of the community. There would not be capacity to replace this provision within our own team due to our limited resources and conflict of interest.

Although our ASB unit has managed to secure the majority of our posts by mainstreaming in 2011; we do still have a remaining post which does not have secure funding after 31/03/2013, which is the role of our part-time ASB Coordinator in Macclesfield. It is essential that we do what we can to secure funding for this post and ideally mainstream this. If we loose our Macclesfield post this would have to be divided out between an already very small team in comparison to other parts of Cheshire. Loss of this post could lead to some of our processes not being able to be carried out. The Macclesfield and Congleton posts have already been cut from full to part time roles which has it's strains on the team during busy periods.

8.0 Legal implications (authorised by the Borough Solicitor)

8.1 None

9.0 Risk Management

9.1 As with all interventions we can offer with regards to dealing with a perpetrator of ASB who is a home owner, if an ASBO is not deemed by our legal teams (police, housing or CE) as the best course of action, our team and resources then become more limited. The risk to this is the threat of action to a particular individual and then this not being carried out for any number of legal reasons. This can be seen to let members of the community down although it may be beyond our control.

All cases of this nature are carefully considered before actions are publicised or reported back to members of the community to try and avoid any disappointment. Coordinators are always clear from the start that no promises can be made with regards to eviction or more formal ASB processes.

10.0 Background and Information

Over the past 2 years the Safer Cheshire East ASB team have been working on increasing support and interventions for those members of the public that live in private rent and own properties.

It had been noted that those members of the Community that are part of a Registered Social Landlord scheme had access to preventative measures with regards to assisting with ASB and Neighbour disputes at it's lowest level through mediation and also housing officer support. However, private own and rent members of the community do not have the same access to this level of service without having to pay for these themselves.

This has lead to feuds and disputes becoming unresolved and escalating to a point where Police have been called and repeat calls to service including the Partnership, Community Wardens and also Environmental Health Department had left some cases "stuck" due to the only options being to advise the residents that they were to seek their own legal advise at their own cost.

Many of these residents were not entitled to assistance with legal aid, so would therefore choose to let things lie and escalate to a level that was greatly affecting their quality of life.

Although the ASB unit offer assistance to all members of the community and work closely with RSL's, it was satisfied that the RSL's do have enough processes in place to deal with the majority of their tenants feuds "in-house". We were also confident that if this was not the case, a referral would be made to our team. With this in mind our focus over the past 2 years has been on making services available to the private sector, encouraging them to resolve their issues at the earliest point.

We had the opportunity to buy in 54 cases over a 3 year period for the private sector in order to encourage early intervention. The independent service offer mediation relevant to our department in the following circumstances:

- Between neighbours
- In communities
- Between tenants and Landlords
- With residents groups and associations
- In schools

Further information on the service is attached in the flyer and Service Level Agreement Documents below.



Version 1.2
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Mediation GENERIC v



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East Cheshire 2010-2

If mediation is not taken up, is not appropriate or was unsuccessful, then depending on the type of ASB the following actions can take place.

For private sector residents only:

If the incidents of ASB are not solely down to a two party dispute, Anti-Social Behaviour Log books can be issued to members of the community.

These log books have been designed specifically for private own and rent members of the community who are suffering from repeat incidents of Anti-Social Behaviour. The way the Log Books are now issued and monitored has changed dramatically since the serious case review of the well known "Pilkington" case.

The attached document below outlines purpose of the log books and protocol for issuing, collection and monitoring of the Log Books.



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ASB Log\ASB Log Boo

This Log Book has been created in conjunction with our partners in Cheshire West and Chester who now use a very similar style of book and also mirror our protocol.

This protocol is in its draft format, as it is still in "pilot" state until enough books have been handed out to members of the community allowing a full review of the process.

The ASB team has increased work to track down and trace private landlords and involve them in cases at the earliest opportunity. Due to this we have had recent success with regards to an Anti-Social family in Crewe being served "notice to quit".

There is view to team up further with Environmental Health Department in order to develop our communications with private landlords.

With regards to tackling Anti-Social Behaviour, we have a number of processes in place to deal with both young people and adults which cover all members of the community whether RSL or private.

Further processes for tackling Anti-Social Behaviour are detailed in the attached document below. The flow chart shows the processes that we go through in order to deal with reported ASB. This is a general flow chart, but other documents can be submitted on request if any of the other process would like to be seen in more detail. This basic flow chart has been submitted to assist with keeping to the scrutiny report summary brief.



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11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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