

Agenda Item 9

Committee	Dated:
Housing Management & Almshouses Sub-Committee	23/07/2018
Subject: Anti-Social Behaviour Policy - Draft	Public
Report of: Director of Community & Children's Services	For Decision
Report author: Liam Gillespie, Acting Head of Estates	

Summary

A new Anti-Social Behaviour Policy has been written to provide a clear statement of our commitment to dealing with issues of nuisance and anti-social behaviour on our estates. The Policy also describes principles that will guide decisions made by officers when investigating cases and taking action to address anti-social behaviour.

This new Policy forms part of a review of the way in which we manage anti-social behaviour cases. This review has also seen the introduction of a new procedure for officers and the implementation of new case management software to assist in the effective administration of cases.

Recommendation

Members are asked to:

- Approve the Anti-Social Behaviour Policy for use by the Housing & Neighbourhoods Service

Main Report

Background

1. Over the past year, the Housing & Neighbourhoods Service has made changes to the way in which it manages anti-social behaviour cases, with the aim of improving officers' knowledge and skills in this area and, in turn, helping to ensure that cases are dealt with effectively and decisively.

As part of this exercise, the Anti-Social Behaviour Policy has been reviewed and re-written. An associated procedure has also been written to assist officers. The new Policy emphasises a preventative approach to anti-social behaviour and makes a commitment to ensuring that any action we take as a landlord is a proportionate response to the behaviour in question.

Current Position

2. The Anti-Social Behaviour Policy was last approved by Committee in 2015. That Policy was written in response to major changes to anti-social behaviour legislation in the form of the Anti-Social Behaviour, Crime & Policing Act 2014. Our estates have relatively low levels of anti-social behaviour and the incidents that do occur tend to be relatively minor. However, we do occasionally deal with serious cases that require legal intervention. It is important that officers are equipped to respond effectively to these cases to ensure that victims are supported, and appropriate action is taken against perpetrators.
3. During 2017, estate-based staff received training on anti-social behaviour case management and best practice. In early 2018, we introduced Streetwise, a specialist anti-social behaviour case management system, which is now being used to administer cases. Streetwise also enables more effective monitoring and reporting of cases by management and allows us to run statistical reports very easily.
4. The new policy re-states our commitment to dealing with anti-social behaviour on our estates and emphasises the importance of providing timely support to victims. It also stresses the need to address any vulnerabilities that might be the cause of someone's anti-social behaviour, with the aim of stopping the nuisance and helping sustain the individual's tenancy.
5. The policy aims to strike a balance between the needs of the victim and the perpetrator. We will provide appropriate support to vulnerable perpetrators and ensure that any action we take is proportionate to the behaviour in question. We will normally attempt less formal interventions first, though we have reserved the right to proceed directly to formal action where this is justified.
6. This policy was sent to members of the Housing HUB for comments and suggestions. Twelve residents replied, and their feedback is summarised in Appendix 3, which also includes management responses to their comments.

Corporate & Strategic Implications

7. This Policy supports our corporate aim of contributing to a flourishing society. The relevant outcome is 'ensuring that people are safe and feel safe'. This outcome includes tackling anti-social behaviour and protecting consumers and users of our buildings, streets and public spaces.

Conclusion

8. The new Anti-Social Behaviour Policy is intended to outline our commitment to dealing effectively with issues when they arise on our estates. It is also meant to support officers in making decisions in case management, as well as emphasising that we will take proportionate and effective action to deal with issues when they arise.

Appendices

1. Anti-Social Behaviour Policy
2. Equalities Assessment for this policy
3. Summary of resident feedback on the draft policy, with responses

Liam Gillespie

Acting Head of Estates

T: 020 7332 3308

E: liam.gillespie@cityoflondon.gov.uk



City of London Corporation
Department of Community and Children's Services
Housing Service

Anti-Social Behaviour Policy

Approved by:	<i>Housing Management & Almshouses Sub-Committee</i>
Approval Date:	
Review Date:	

1. Introduction

This policy outlines the City of London Corporation's approach to managing instances of anti-social behaviour affecting its residents, or which relate to, or affect, its ability to manage its estates and related premises.

Anti-social behaviour is prohibited by the City's tenancies, leases and licences. This policy is intended to describe how housing management staff will deal with breaches of these agreements by residents and others who commit acts of anti-social behaviour.

We recognise that anti-social behaviour can have a severe impact on the wellbeing of residents and we are committed to taking appropriate action to resolve cases when they occur. We will work in partnership with other agencies to tackle anti-social behaviour effectively.

2. Aims & Scope

The City's Housing Service aims to do the following:

- Take effective action in cases of anti-social behaviour to minimise its impact on residents
- Set realistic expectations around how we can help resolve cases
- Promote an environment on our estates where residents feel confident in coming forward to report anti-social behaviour
- Provide appropriate support and advice to complainants and perpetrators
- Work in partnership with key agencies to tackle anti-social behaviour
- Protect City of London staff and contractors from anti-social behaviour at work and take effective action when it occurs

This policy applies to:

- the Corporation's Housing Revenue Account ("HRA") housing estates
- the City of London and Gresham Almshouses
- commercial properties managed as part of HRA estates

This policy covers anti-social behaviour affecting our residents and their households or visitors, our commercial tenants and our staff, agents and contractors. It applies to incidents whether they are in person, or threatening, abusive or insulting language in other communications, such as telephone calls, letters, e-mails, text messages or in posts on websites.

3. Definition of Anti-Social Behaviour

There is no single definition of anti-social behaviour but the most relevant for housing management purposes is contained in the Anti-Social Behaviour, Crime and Policing Act 2014:

- conduct that has caused, or is likely to cause, harassment, alarm or distress to any person
- conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or
- conduct capable of causing housing-related nuisance or annoyance to any person

This definition also covers behaviour that affects the City's ability to manage its housing stock and premises. Unacceptable conduct towards the City's staff, agents and contractors is also specifically covered in the legislation.

The term "anti-social behaviour" covers a wide range of unacceptable activity that causes harm to individuals, to the community or to the environment. It also includes behaviour that lead to fear of crime, or cause people to feel less safe.

3.1. Unacceptable Behaviour

Our anti-social behaviour policy covers a wide range of unacceptable behaviour. Anti-social behaviour may or may not be criminal; what is important is the effect the behaviour has on others.

The behaviour in question will normally fall into one of four broad categories:

- Misuse of public or communal spaces
- Disregard for the community and personal wellbeing
- Acts directed at people
- Environmental damage or nuisance

Specific examples of anti-social behaviour include:

- Physical violence
- Domestic violence and abuse
- Vandalism and damage to property
- Hate-related incidents based on race, religion or belief, disability, age, sexual orientation, sex, gender identity or marriage/civil partnership status
- Verbal abuse, harassment, intimidation and threatening behaviour
- Prostitution, public sex acts and kerb crawling

- Drug misuse and drug-dealing
- Alcohol misuse and related behaviour
- Misuse of communal areas and public spaces
- Using City property for an illegal or immoral purpose (or threatening to do so)
- Noise nuisance
- Nuisance caused by pets or animals
- Vehicle-related nuisance
- Fly-tipping
- Making malicious or unfounded complaints of anti-social behaviour
- Other criminal activity

This is not an exhaustive list and our standard tenancy agreement, leases and licences include clauses relating to anti-social behaviour and what the City regards as unacceptable behaviour. The Tenancy Handbook includes more detailed examples of nuisance behaviour and should be read in conjunction with this policy.

Certain other breaches of tenancy, lease or licence may amount to anti-social behaviour if they are sufficiently serious or persistent. Example breaches include:

- Using a property for business purposes where this causes a nuisance
- Failing to keep a property in a clean and habitable condition

If a resident's inability to meet the obligations of their tenancy or lease is due to vulnerability, we will offer appropriate support to them in the first instance.

3.2. **Acceptable Behaviour**

Most of our housing stock is made up of blocks of flats and many of these properties are situated in busy areas of central London. Some noise disturbance and other minor annoyances are to be expected when living in such proximity to other people.

Certain behaviour is therefore not usually regarded as being capable of amounting to anti-social behaviour and will not be dealt with under this policy, though it may be addressed by other means. This includes 'reasonable living noise' from residential properties, such as people talking, babies crying, noise from the use of kitchens and bathrooms, people walking around in their homes, doors and cupboards being opened and closed and the use of household electrical appliances at reasonable times of day.

We will not take enforcement action under this policy in the above situations. When neighbours are in dispute about any of the above issues we will normally, with their consent, refer the parties to independent mediation.

3.3 'Reasonable times' for noisy works

Our Tenants' Agreement & Handbook specifies that noisy works or DIY should be confined to the hours of 8:00am to 6:00pm Monday to Friday and 9:00am to 1:00pm on Saturdays. No noisy work should be carried out on Sundays or public holidays.

These times are adopted by this policy and will be taken to apply to all residents regardless of tenure when this policy is being relied on. Allowance will be made for emergency repairs made outside these hours.

3.4 Other domestic noise

Noise from other sources (e.g. televisions, radios and other electrical appliances) should be kept to a reasonable level at all times. We do not specify timings for the use of appliances, as what is considered reasonable depends on several factors. We expect residents to be mindful of any noise in their home that might be heard by others, especially at night or early in the morning.

4. Reporting Anti-Social Behaviour

Complaints of anti-social behaviour affecting City of London Corporation residents will be accepted from any source and can be made in person, in writing or via telephone. We accept reports via third parties and support agencies assisting residents.

When a City of London Corporation resident or lessee complains about anti-social behaviour from someone who is not our resident, we will support the complainant to resolve the case by working with relevant agencies, such as the Police and community safety teams.

We will act on anonymous complaints where possible and will seek evidence from other sources to corroborate the complaint and take appropriate action.

Complainants will be encouraged to make named complaints and leave contact details as this will enable a more effective investigation into the complaint.

We will publish clear information on our estates (and elsewhere as appropriate) explaining how to report anti-social behaviour to local estate teams and other agencies.

5. Residents' Responsibilities

The City of London Corporation expects its residents to show consideration for their neighbours and the wider community by not behaving anti-socially or allowing their household members or visitors to do so. Responsibilities are outlined in the City's tenancy, lease and licence agreements.

We will encourage and support residents to:

- Report incidents of anti-social behaviour, harassment and domestic abuse
- Report incidents to the Police as appropriate
- Take responsibility for minor personal disputes with their neighbours and to try to resolve any such problems themselves in a reasonable manner, for example by participating in mediation

6. Addressing the Causes of Anti-Social Behaviour

We recognise that anti-social behaviour has many causes and many factors may lead to someone behaving anti-socially. These may include mental health issues, drug or alcohol dependency, family breakdown or exploitation by others.

We aim to address the causes of anti-social behaviour by working with statutory and voluntary agencies, by providing support directly, or through community development initiatives. Where appropriate, we will make referrals to other agencies to address the root causes of an individual's anti-social behaviour. We may also take enforcement action alongside supportive measures where this is appropriate.

7. Taking a Preventative Approach

We aim to prevent anti-social behaviour wherever possible, and our preventative approach includes:

- Inserting clear clauses in tenancy, lease and licence agreements prohibiting anti-social behaviour and detailing resident responsibilities
- Promoting our commitment to dealing with anti-social behaviour
- Training staff to deal effectively with minor issues to prevent them escalating
- Assessing vulnerability and support needs of our residents and providing support, or referring to appropriate external agencies
- Ensuring new residential developments are designed with security and crime-reduction in mind
- Considering physical improvements to properties to reduce or eliminate crime and anti-social behaviour
- Operating sensitive lettings where appropriate
- Using introductory tenancies for new tenants
- Considering refusing housing applicants with a known history of causing serious anti-social behaviour

8. Supporting Complainants and Witnesses

The action we take to support complainants and witnesses will vary depending on the type of anti-social behaviour experienced. We will deal sympathetically and confidentially with complainant and witnesses. We will also take the following action, as appropriate to each case:

- Formulate an agreed action plan with the complainant at the outset
- Provide appropriate support to the complainant until the case is closed, including regular updates on progress (frequency of contact will be agreed at the outset)
- Take swift and proportionate action to stop intimidation, including legal remedies
- Inform the complainant and any witnesses about services that our partners and local agencies can provide, such as victim support
- Provide witnesses with information and support to help them make a decision about signing a witness statement and going to court. Witnesses in court proceedings will be offered appropriate support
- Protect complainants' and witnesses' identities where they request to remain anonymous
- Where attendance at court is required, reimburse witnesses for travel expenses, explain court procedures and accompany witnesses to court
- Take practical measures to protect complainants and witnesses, for example by providing extra security measures at their home

Alternative housing options, such as transfers for complainants, will normally only be considered when other options have been exhausted or where there is evidence of significant risk to the complainant. Our focus is on stopping the anti-social behaviour, rather than transferring complainants elsewhere. Decisions on housing need will be made in accordance with our housing Allocations Scheme. In cases where we do consider someone's housing options, the Police and other relevant agencies will normally be consulted for their assessment of the risks involved.

9. Perpetrators with Support Needs

We recognise that perpetrators may need help and support to sustain their tenancy, lease or licence. We will ensure that the action we take is proportionate and takes due account of any vulnerability the perpetrator has.

Where appropriate we will provide support directly, or work with external specialist agencies, to seek to moderate the anti-social behaviour and sustain the perpetrator's tenancy, lease or licence. We recognise that in these circumstances changes in behaviour may be gradual and not immediately achieved.

We may arrange for perpetrators to receive support in the following ways:

- Referral to community mental health teams
- Referral to substance misuse programmes
- Referral to social services
- Advice on adult learning
- Referrals to floating support services

Perpetrators of anti-social behaviour may be part of a vulnerable household, with children, young people or adults who are in need of support; the anti-social behaviour may be a trigger which alerts us to wider problems the household is experiencing. This may include child protection and safeguarding issues. We will respond to such situations in line with our Safeguarding Policy.

10. Early Intervention and Informal Remedies

In many cases anti-social behaviour can be stopped if challenged early enough. We will usually attempt to use informal remedies before taking legal action, though in some cases it will be appropriate to commence legal action immediately (for example in cases involving violence, threats of violence, damage or threats of damage to property or other serious criminal activity). If we decide to proceed straight to legal action, we will make our reasoning clear.

Informal measures we may consider include:

- Referrals to support agencies
- Warnings (written or verbal)
- Acceptable Behaviour Agreements
- Referral to independent mediation

In cases where neighbours are in dispute, we expect the parties to participate in independent mediation. This may be the only remedy open to us in some cases.

12. Legal Action

We may pursue legal action where the behaviour is deemed to be sufficiently serious, is a criminal offence, or other intervention has failed to stop or prevent persistent anti-social behaviour. We will encourage and support complainants to report crimes to the Police. We will work in a way that supports the Police's investigation, which may involve taking no action of our own until the outcome of the Police investigation.

Legal remedies include:

- Possession Orders
- Injunctions
- Demotion of tenancy
- Forfeiture of lease
- Criminal Behaviour Orders (in conjunction with the Police and prosecuting authorities)
- Closure Notices and Closure Orders (in conjunction with the Police and other Local Authorities)
- Either taking or supporting action under environmental protection legislation (for example, in cases of noise nuisance)
- Taking or supporting action under the Anti-Social Behaviour, Crime and Policing Act 2014

Seeking a perpetrator's eviction is normally regarded as a last resort, though in more serious cases it may be both reasonable and proportionate to commence legal action without first attempting other solutions. Action to end a tenancy, lease or licence will be authorised by a senior manager, normally an Area Manager or higher. We will seek possession where there is serious risk to other people or property, or other measures have not been successful in resolving persistent anti-social behaviour.

The action taken will vary depending on:

- The level of risk involved in the case
- The seriousness of any criminal offence involved
- Any history of anti-social behaviour involving the same person
- The success of previous measures taken
- The complainant's personal circumstances including support needs or vulnerabilities
- The perpetrator's personal circumstances including support needs or vulnerabilities
- The willingness of the perpetrator to engage with the City or other agencies

When seeking possession of a property, we may use mandatory or discretionary grounds as appropriate. When using mandatory grounds, we will comply with our obligation to provide the tenant the opportunity to seek a review of our decision. This review will be undertaken by a senior manager who was not involved in the original decision, normally an Area Manager in the first instance.

13. **Taking Appropriate Action**

We are under a duty to ensure that any action we take, especially legal action, is both a reasonable and proportionate response to the behaviour in question. Any measures we put in place must also have a reasonable chance of working.

We will often have to make difficult decisions when dealing with anti-social behaviour cases and will have to balance several competing considerations. Sometimes, this may mean that we take action that the complainant does not consider to be adequate. We will explain the reasoning behind our decisions to ensure that complainants and perpetrators understand them clearly.

All parties in an anti-social behaviour case will be treated fairly. Counter allegations will be treated as separate cases and action will be taken based on the evidence available.

14. **Partnership Working**

We recognise that working in partnership with other agencies is key to dealing effectively with issues of anti-social behaviour. We will participate in initiatives designed to improve information exchange and better joint working, with the aim of improving responses to anti-social behaviour.

Our housing stock is in the City of London and in six surrounding boroughs. Partnership working will take different forms depending on the location, though we are committed to forming partnerships with relevant agencies, both in the City and in our host boroughs.

Where other agencies have more effective powers and resources to deal with anti-social behaviour, we will refer the case to the relevant agency and support any action they take.

We will also work with agencies providing support for both complainants and perpetrators, including social services, floating support and tenancy sustainment services, victim support and more specialist agencies.

We will also refer to and participate in multi-agency panels such as domestic violence MARACs (Multi-Agency Risk Assessment Conferences) and similar panels relating to anti-social behaviour and community safety issues.

15. **Service Standards**

We will publish our service standards relating to anti-social behaviour. These standards will outline how we will respond to reports of anti-social behaviour and our commitment to resolving cases fairly and effectively.

16. Closing Cases

We will write to complainants when ceasing investigation and closing cases. We will advise of our reasons for closing the case and offer further advice as appropriate.

Cases may be closed for a variety of reasons, but we will typically do so when:

- the anti-social behaviour has ceased, been addressed or resolved
- appropriate legal or enforcement action has commenced
- the behaviour, on investigation, is not objectively anti-social
- the complainant has failed to engage appropriately
- the allegations cannot be substantiated
- the allegations are deemed vexatious or malicious

17. Monitoring and Performance

We will monitor our use of this policy and the way in which it is implemented, ensuring that any relevant information is reported at appropriate intervals.

Performance data will be monitored by senior officers and submitted to the relevant Committee at regular intervals.

18. Training

We will provide all staff responsible for implementing this policy with comprehensive training as required.

19. Equality and Diversity

This Policy has been subject to a full Equalities Analysis and will be implemented in accordance with our responsibilities and duties under relevant legislation, including the Equalities Act 2010.

20. Accessibility

We will ensure that tenants' needs are considered when implementing this Policy to ensure that they are treated fairly. We will make appropriate arrangements to ensure that customers with distinct communication needs are not unreasonably and disproportionately affected. This could involve providing communications in alternative languages or formats or providing interpretation or transcription as appropriate.

21. **Data Protection and Information Exchange**

We will comply with our obligations under relevant data protection legislation and regulations. We will process and store personal information securely.

There are some circumstances in which we are required by law to disclose information given to us. We will normally discuss this with the party giving us the information, but this may not always be possible.

22. **Policy Review**

We will review this policy at least every three years, or following relevant changes to legislation, regulation or policy.

22. **Statutory and Regulatory Framework**

This policy is informed by the following legislation and

regulation: Neighbourhood and Community Standard 2012
Anti-Social Behaviour, Crime and Policing Act 2014
Anti-Social Behaviour Act 2003
Crime and Disorder Act
1998 Data Protection Act
2018 Equality Act 2010
Housing Act 1996
Housing Act 1985
Housing Act 1988

23. **Associated Documents**

This policy is supported by the following documents:

- Anti-Social Behaviour Procedure
- Hate Incidents Policy
- Safeguarding Policy
- Domestic Violence and Abuse Policy and Procedure
- Tenancy Policy

APPENDIX 3

Results of resident consultation

Draft Anti-Social Behaviour Policy

June 2018

	Resident Comments	Response
1.	It may be helpful to list anti-social behaviour in the tenancy or lease contracts. This would make it easier to bring about eviction should the resident breach a tenancy agreement	Our tenancies do have information on the types of behaviour that we consider to be a nuisance or anti-social behaviour. Leases contain clauses prohibiting nuisance behaviour but in less detail.
2.	In the definition of anti-social behaviour, I would like to see intrusive behaviour and spying on neighbours included in the document too	This type of behaviour, if sufficiently persistent, would be covered by 'harassment', which is already included in the policy.
3.	Some people may feel nervous about approaching any authority about anti-social behaviour, therefore an intermediary person could be helpful in these cases	We will train staff to deal sensitively with reports of anti-social behaviour and ensure that residents receive a professional response when they report issues. We do accept reports from residents via third parties, such a friends, relatives and support agencies (for example Victim Support or a similar agency). We also accept anonymous complaints.
4.	Moreover, I would like to see deliberate targeting of the Corporation and their staff, spite and provocative malicious comments, included in the definition of anti-social behaviour. It needs to be clear that residents will also be protected too	This is covered in the policy. It was also expressly covered in legislation introduced in 2014. We will act against people who assault, threaten or harass our staff, agents and contractors. Less serious instances of inappropriate behaviour may not be dealt with as anti-social behaviour. We have made it clear in the policy that we will assist residents who are victims of anti-social behaviour.
5.	Section 3.1 on page 3 has the first point as "misuse of public or communal spaces"; unless it's mentioned elsewhere clearly, perhaps it could say " misuse of public, communal spaces or the demised areas of the tenant(s)"? Just for clarity in that we are talking about where the tenant either lives or works.	The policy is stated to apply to behaviour affecting our residents, which would cover communal and private areas of our estates. The list in 3.1 is simply a way of categorising behaviour. Anti-social behaviour is covered by the policy wherever it occurs, be it in a communal area or affecting someone in a private dwelling.
6.	I wondered at the inclusion of tobacco smells being included along with cooking as being acceptable. I feel that smoking should not be encouraged, if it is allowed in flats, then windows	The policy has been modified and tobacco odours are not specifically mentioned. While smoking is not allowed in communal areas, residents

	<p>that do not face walkways should be used to give fresh air to the flats. Also, the throwing of cigarette butts from balconies on to communal areas below can cause distress. Also smoking in communal areas.</p>	<p>are free to smoke in their homes. This is not the same as saying smoking is encouraged. Tobacco odour escaping from a private dwelling would not be dealt with as anti-social behaviour but could be addressed by other means.</p> <p>Our tenancies and leases do not prohibit smoking tobacco in private dwellings, in common with most local authority landlords.</p> <p>The throwing of cigarette butts would be considered anti-social and is covered under littering.</p>
7.	<p>Section 3.2 Acceptable Behaviour, second para: Within the text you refer to ...'at reasonable times of day'. The term 'reasonable times' has a rather open-ended meaning and I'd suggest that, maybe in brackets, a more specific time measure, be added; e.g. ('between #am to #pm') after the phrase 'reasonable times'.</p>	<p>The policy has been updated to address this suggestion and another similar one. We do specify guideline times in our Tenant's Agreement & Handbook and these have been included in the policy, though these relate only to "noisy works".</p> <p>Other noise should be kept to a reasonable level. To avoid taking an inflexible approach, we will retain this distinction.</p>
8.	<p>Section 22. Statutory & Regulatory: Among the list of Acts/Policies you are referring to the Data Protection Act 1998. There's now a 2018 Data Protection Act (EU GDPR) come into force - should this also be added to the list or even replace the Data protection Act 1998 as presently given in the draft document?</p>	<p>The Policy has been amended to reflect the point made here, which is quite right. The draft was started in 2017, which explains the reference to the old law, though this should have been spotted before the draft was sent out.</p>
9.	<p>3.2. Acceptable Behaviour "..... Some noise disturbance and other minor annoyances are to be expected when living in such proximity to other people.... This includes 'reasonable living noise' from residential properties are also considered acceptable and will not be treated as anti-social behaviour.</p> <p>Perhaps add to this list the times that it is acceptable to carry out noisy DIY (e.g. Monday to Saturday 08:00 hrs to 18:00 hrs)? No noisy DIY on bank holidays and on Sundays. I think this is generally not clear to new residents and therefore, difficult to reinforce.</p>	<p>The policy has been updated to address this suggestion. Our Tenants' Agreement and Handbook has details of the hours we consider suitable for carrying out potentially noisy activity and these have been included in the policy itself.</p>
10.	<p>My only concern is the refusal of housing to those with a history of anti-social behaviour. I understand why but think it a failure in dealing with the causes of this behaviour. I would hope that all local authority and housing associations would work together with experts in this problem to seek a humane solution to managing and changing behaviour in these difficult cases.</p>	<p>It is anticipated that we will exercise this discretion very rarely and only when we have reasonable grounds for believing that the applicant will continue to commit further acts of anti-social behaviour once granted a tenancy. As part of the decision-making process, risk assessments are usually</p>

		<p>completed and any measures we can put in place to support the applicant and grant a tenancy are considered. We also take account of the surrounding circumstances. We would only refuse to house someone if it was reasonable to do so.</p> <p>We also have an introductory tenancies scheme, which allows us to monitor the new tenant's behaviour in the first twelve months.</p>
11.	The only worry I had was keeping your garden in a reasonable state, what if you were elderly or had physical problems and your garden could not be kept pristine. What's an acceptable standard	The policy wording has been clarified to reflect these comments. We will offer support when residents cannot maintain their properties, or meet other obligations of their tenancy or lease, due to vulnerability. This has been made clearer.
12.	Paragraph 3.2 appears to imply that residents who live in upper flats and install Wooden Flooring without permission, would NOT be committing Anti-Social Behaviour by normal walking around. I believe that in the Barbican Estate such floors are banned and must be removed as they DO amount to Anti-Social Behaviour. The Policy should be the same on the Social Housing Estates. If such flooring is banned in other Policies, then this should be referred to in this document so as there is no room for doubt.	<p>It is important to distinguish between a breach of tenancy/lease and anti-social behaviour. Having wooden flooring without permission is not in itself an anti-social act, though any noise caused by this could potentially amount to anti-social behaviour if it causes nuisance or annoyance to a neighbouring resident.</p> <p>We will address breaches of tenancy/lease that involve hard flooring when they come to our attention and our tenancies and leases contain terms concerning appropriate flooring.</p> <p>If a complaint of anti-social behaviour is made, for instance around noise, and the resident in question has installed hard flooring without permission, this would be addressed under this policy or via enforcement of the tenancy/lease terms.</p>
13.	You do not appear to cover what the Housing Department will do when the Anti-Social Behaviour is by some person or group who are not Estate Residents, e.g. Students from a nearby school using the underground garage area on Golden Lane Estate for smoking Cannabis.	The policy covers anti-social behaviour affecting our residents and their households, so the example given here would be dealt with under this policy, as it occurs on our property and would affect our residents or staff. Numerous tools and powers are available to us in dealing with incidents of this type. When the perpetrators are not our residents, we will normally work with other agencies to take appropriate action.
14.	You do not say what action will be taken when the Anti-Social Behaviour is by a City of London employee or contractor/sub-contractor. This does happen	In situations where an employee committed an anti-social act in the course of their duties (i.e. while at work), this would be dealt with as a

		<p>potential breach of the code of conduct and would be a staff disciplinary matter.</p> <p>For contractors, the matter would be dealt with as a contract management issue and would be taken up with the company or individual concerned.</p> <p>Anti-social acts committed by our employees or contractors who happen to be our tenants/leaseholders, if they occur outside their working hours (i.e. in their private life as a resident), would be dealt with under this policy and appropriate action taken.</p>
15.	Personally, I think you are far too soft and should take a tougher stance on this issue and evict persistent offenders	<p>We aim to take effective responses that reflect the seriousness of the problem complained of. We have a duty to support perpetrators and take account of their needs – dealing with anti-social behaviour is often very complex and each case is different. Eviction requires a court order and is not easy to obtain. Only the most serious cases will result in eviction. We will pursue possession when this is justified in the circumstances of the case.</p>
16.	Mediation could be another option	<p>This is addressed in the policy. We use mediation extensively to resolve neighbour disputes, for instance.</p>
17.	Contractors deserve no different treatment to others	<p>The policy wording in the relevant area has been clarified. It is not intended to give contractors special status, though it needs to be clear that contractors are protected under this policy. This reflects wording in our tenancies and leases, as well as legislation.</p>
18.	Make the reporting routes for anti-social behaviour very clear	<p>The policy wording has been clarified to address this point. We will ensure that reporting routes and methods are publicised to residents as these will vary by estate</p>
19.	Where will performance information be reported and how frequently?	<p>The policy has been clarified to explain this. We intend to report performance information to Committee every six months as part of our routine Housing Update Report, or as requested outside this process. Senior Officers will also monitor the information routinely.</p>