



Executive : 4 March 2009

Task and Finish Review into How the Housing Service Tackles Anti-Social Behaviour

Report of the Democratic Services Manager

(This matter is the responsibility of Councillor Hazel Prior-Sankey)

Executive Summary

This Task and Finish review has now been concluded. The final report has been submitted to the Overview and Scrutiny Board on 22 January 2009 and all of the recommendations were supported.

This cover sheet provides directions on how the Executive should deal with the Task and Finish report into how the Housing Service tackles Anti-Social Behaviour, particularly its 7 recommendations.

The final report of the Task and Finish review follows this cover report.

1. The Executive is asked to do the following:-

- 1.1 Consider the report and its recommendations, and decide which, if any, of the recommendations it wishes to adopt.
- 1.2 If the Executive agrees to adopt any of the recommendations of the review, it should state who will be responsible for delivering each of the adopted recommendations. The Corporate Management Team (CMT) has had prior sight of the report and has identified a CMT member to take responsibility for each recommendation, if adopted.
- 1.3 If the Executive decides **not** to adopt any of the recommendations, it must specifically state why, as prescribed by the Local Government Act 2007.

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Overview and Scrutiny

Task and Finish Review into How the Housing Service Tackles Anti-Social Behaviour

October 2008

This matter is the responsibility of Councillor Mary Whitmarsh

“Manners are stronger than laws”

- Thomas Carlyle

Taunton Deane Borough Council: Overview and Scrutiny Board

A Task and Finish Review into How the Housing Service Tackles Antisocial Behaviour

Introduction by Councillor Mary Whitmarsh
Chair of the Housing and Antisocial Behaviour Task and
Finish Review



“An Englishman’s home is his castle and everyone in the community needs to be able to live contentedly and peaceably at home, without interference or threat.

You may ask, “Why hold a Scrutiny Task and Finish investigation to look into anti social behaviour which may occur in Taunton Deane’s Housing?” The principal reason is that several Councillors have been approached by tenants, very distressed and at their wits’ end, trying to get something done about nuisance being caused to them by others and feeling that Housing Officers were unable to be effective in bringing about an improvement in their situation. Some of this behaviour has been serious and some just trying, but it causes concern and unhappiness to some tenants and needs to be considered.

We set out to bring in all the people who could supply information and discuss the problems over management of housing, to enquire into all the possibilities for change and improvement and whether they were feasible to use from a practical and legal point of view.

Councillor Mary Whitmarsh

Chair

Housing and Antisocial Behaviour Task and Finish Review

Acknowledgements

The members of the review would like to thank the following for giving their time and for helping us to come to some conclusions which we sincerely hope, if adopted, will help to improve the way the Estate Managers are able to operate and thereby improve the quality of life for those who have been affected by anti-social behaviour or may be in the future:-

John Williams

Chief Housing Officer, Taunton Deane Borough Council

Steve Boland and Norah Day

Housing Estate Managers, Taunton Deane Borough Council

Michelle Garcia, Paul Hadley, Nicole Walker, Nicola Williams

Estate Managers, Taunton Deane Borough Council

Scott Weetch

Community Safety Co-coordinator, Taunton Deane Borough Council

The Tenants Forum

Marian Axtell

Anti-social Behaviour Tenancy Officer, Mid-Devon District Council

Mary Sergeant

Senior Tenancy Officer, Mid-Devon District Council

Sergeant Andy Murphy

Halcon Beat Manager, Avon and Somerset Constabulary

Anita Kacherovskis

Operational Manager of the Youth Offending Team, Somerset County Council

Andrew Hinchcliff

Local Service Delivery Team Manager, Somerset County Council

Definitions and Abbreviations

CCTV

Closed Circuit Television

ASBO

Anti-Social Behaviour Order

PCSO

Police Community Support Officer

Respect Standard for Housing Management

This is a Government initiative launched in 2006 which outlines the core components essential to delivering an effective response to anti-social behaviour and building stronger communities, such as accountability, leadership, giving greater resident empowerment and supporting community efforts at tackling anti-social behaviour. Landlords are required to meet certain criteria to sign up to the Standard.

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Background to the Review

Why do a review on this subject?

Anti-social behaviour from Council tenants is a high priority issue for Taunton Deane Borough Council. Not only are the number of complaints to Councillors on the increase but there is also a feeling amongst some tenants that the Council is unable to resolve these complaints either through lack of commitment or because their powers are weak in dealing with anti-social behaviour issues.

Certainly, it was thought that Taunton Deane had a moral and legal obligation as a high profile landlord to address the issue head-on. Nuisance incidents should be addressed both reactively and proactively, such as by 'designing out' anti-social behaviour incidents perhaps through tenancy contracts or the appropriate allocation of housing.

The original purpose for this review was to examine how Taunton Deane's Housing Service deals with anti-social behaviour, specifically with regard to clauses in its tenancy agreements. However, it was thought that the review should go beyond this and investigate the wider role of the Housing Service in general in tackling this problem. It was also seen as a good opportunity to review the Council's tenancy agreements and to see how they work in real life, to identify best practice and to investigate better and easier ways of reducing and tackling these incidents.

Much work is already being done; for instance, including clauses in tenancy agreements specifically designed to deter anti-social behaviour and allow the Council to tackle it if it arises.

It was also generally thought that many people perceive anti-social behaviour to be a problem even if that perception is not real. This was also discussed to see if there was any way of responding to this.

It also gave the chance to consider the other following issues:-

- Looking at the details of what problems were recorded by the Housing Estate Officers and their recommendations of how the service can be improved;
- The organisation of the Housing Service and the possibility of having a dedicated team;
- The opportunity to draw on best practice from other Local Authorities;
- The possibility of introducing Introductory Tenancies which would restrict the rights of new tenants;
- Inviting Beat Officers and PCSOs to future meetings to discuss the problems that occurred;
- How Councillors can be kept informed of nuisance cases;
- What anti-social behaviour software was available and at what cost;
- The consideration of what, if any, staff training may be required.

Membership of the Review

Councillor Mary Whitmarsh (Chair)
Councillor Bob Bowrah
Councillor John Meikle
Councillor Tim Slattery
Councillor Nigel Stuart-Thorn
Councillor Nicola Wilson
Councillor Julie Wood

Terms of Reference

The Overview and Scrutiny Board commissioned this review on 28 November 2007 subject to the following terms of reference:

- To define anti-social behaviour and nuisance and to specifically focus on the role of the Housing Service;
- To identify ways of building confidence to help residents speak out, rather than tolerate the problem;
- To consider the current legal procedures and the length of time it can take to reach an eviction and;
- To make recommendations to Executive for consideration.

It was recognized that the first priority was to understand the true extent of anti-social behaviour in relation to Housing issues and how the Housing Service can influence and reduce these cases. It was also important to find out how the Housing Service investigates and deals with anti-social behaviour incidents and whether they are successful in their response to these complaints and also if their procedures may in fact exacerbate the situation. It was suggested that there also may be gaps in the provision of services to respond or avoid anti-social behaviour incidents and so another purpose of the Task and Finish Group was to make recommendations on how to fill those gaps and consider the cost and feasibility of such proposals.

Finally, if other local authorities had devised a successful approach to tackling anti-social behaviour the Council would look at how these could be taken on board within the Housing Service.

Evidence Taken, Key Findings and Recommendations

Various members of Taunton Deane's Housing Service attended the meetings as also did the Police and members of the public.

Scott Weetch, Community Safety Coordinator, Taunton Deane Borough Council

Scott explained to the group that his role was to provide a strategic overview of nuisance incidents and to act as an advocate on behalf of other agencies, such as the Police. His team used portable CCTV equipment which could be placed where needed and they also maintained a database of anti-social behaviour incidents in relation to Council tenants. Scott explained that the team's aim was to intervene at an initial pre-offending stage and to issue warning letters if the complaint was justified. Their involvement stopped if the incident increased to the stage which warranted an anti-social behaviour order.

A Restorative Justice Co-ordinator had also recently been employed by the Council and was based at Wellington. This role was to work closely with the Housing Department and carry out mediation work where necessary.

Steve Boland, Housing Estate Manager, Taunton Deane Borough Council

Steve was asked by the Group if he perceived there to be a problem with the Housing Service in tackling anti-social behaviour incidents. He explained that the organisation could be improved, for example the Council no longer has a team which specifically dealt with nuisance complaints. The organisational structure currently consisted of ten Estate Officers who each manage a patch of up to 600 Council properties. They manage aspects of landlord-tenant relations. All Council tenants are automatically given secure tenancies. The Council does not use introductory or demoted tenancies even though new legislation allows local authorities to demote tenancies for a 12 month period. If the tenancy was not breached within this period, it would revert to a secure tenancy.

Steve also explained that a mediation service had been used in the past to deal with some nuisance incidents but that the service had largely been ineffective. He did, however, recommend that Taunton Deane should sign up to the 'Respect' Standard for Housing Management. This consisted of six commitments which needed to be met by landlords in order to join. There were two areas where the Council were not able to commit to at present but this could easily be resolved.

The information given out to tenants could also be investigated as the "tackling neighbour nuisance" document and the tenancy agreement wording were last updated approximately 10 years ago.

It was also recognised that other Council departments could get involved, for example, Environmental Health legislation gave powers to tackle noise and other environmental 'pollution' problems. The external appearance of properties was a serious issue, for example, sacks of waste left outside properties looked untidy and could attract vermin and untidy and neglected gardens also had an effect.

Steve explained that he had previously worked in a 'foyer' which provided safe and secure housing for young people and meant that tenants had connections to the area where they were subsequently housed which could also reduce anti-social behaviour on housing estates.

Steve added that it takes a long time to create a team of Estate Officers with experience of all the roles required of them. Training is important. Estate Officers have a difficult and complex job and there are many competing pressures. Nuisance and anti-social behaviour are the most challenging aspects of the job. It is rarely possible to employ new Estate Officers with a complete set of skills and experience.

Neighbourhood Nuisance Complaints Statistics 2006/2007

The Group looked at statistics of neighbourhood nuisance complaints received by the Council in 2006-2007 of which 110 were made in total. The main types of anti-social behaviour and nuisance dealt with by the Housing Service were as follows (in order of number of complaints with 1. being the highest):-

1. Verbal abuse / abusive behaviour
2. Noise nuisance
3. Drink and drugs
4. Vandalism
5. Racist abuse
6. Property boundary disputes
7. Parking and car repair
8. Unruly children
9. Pets

Key Findings

- The initial assumption that it was mainly new tenants causing the majority of anti-social behaviour was dispelled as they made up only 7 out of the 110 complaints.
- A total of 110 complaints was a small proportion out of the 7000 tenancies that make up the Council housing stock, although it was recognised that nuisance still caused a great deal of misery.
- The majority of noise nuisance incidents reported to the Council were from residents of flats.

Estate officers Survey

Alastair Higton, the former Scrutiny Officer for Taunton Deane Borough Council had circulated a survey to the Housing Estate Officers. These were very well received and the officers gave very thorough and useful feedback regarding their experiences and opinions on dealing with anti-social behaviour complaints. The survey asked what the

biggest difficulties were in dealing with nuisance complaints and what the officers thought would help the Council and its partners to deal with these problems.

Key Findings

- The public generally had a lack of understanding about the procedure of investigating a complaint of anti-social behaviour. The officers found that there was also a feeling that the system was apathetic and that perpetrators 'got away with it'.
- Time constraints meant that the officers did not feel they could investigate complaints thoroughly.

Suggestions on Improvements

- Gain the public's confidence, for example by publicising any successful resolutions of anti-social behaviour incidents, for example tenancy evictions.
- Employ more staff to deal with complaints.
- Issue better guidelines for complainants detailing the correct process of making a complaint to the Council and what the Council can and cannot do.
- Find ways to change the general view that perpetrators have more rights than tenants.

Suggestions from Estate Officers on how improvements can be achieved.

- Consider the allocations policy and the introduction of demoted or introductory tenancies.
- Consider incentives for good tenants.
- Promote Council policies and the limitations on dealing with anti-social behaviour.
- Continue partnership working.
- Install CCTV in problem areas.
- Improve relationship between Housing operations and the Anti-Social Behaviour Co-ordinator.
- Review Council's procedures and guidelines.
- Install soundproofing between flats where appropriate.
- Reduce the Housing Benefit for tenants causing nuisance.
- Educate the public on what the Council can and cannot do about anti-social behaviour.

Mary Sergeant and Marian Axtell, Senior Tenancy and Anti-Social Behaviour Officer, Mid-Devon District Council

The Senior Tenancy Officer of Mid Devon District Council, Mary Sergeant, explained that a small team had been set up in 2001 to deal specifically with anti-social behaviour. This consisted of three members of staff, the Anti-Social Behaviour Officer, an Assistant and an Administrative Officer, based in Housing Services. Mid-Devon District Council was responsible for approximately 3,000 properties.

The officers explained that anything considered a nuisance was defined as anti-social behaviour, but there was a priority depending on its severity. All complaints were acknowledged within twenty four hours. Mediation was effective in Mid-Devon and success rates were monitored in partnership with the Housing Team and Devon Mediation Services.

The Group was told that all tenants who signed a contract were on probation for one year, after which the tenancy automatically became secure. Tenancy conditions were clear that anti-social behaviour would not be tolerated. Where there were problems, proceedings for demotion or eviction needed to start well before the initial year expired. The threat of re-possession was often enough to prevent further problems and giving tenants a year's probation often educated them. It was rare for Mid-Devon to take the final step of re-possession (only four instances had occurred since the Introductory Tenancy system had come into effect) whereas demotion was slightly more common. There was no duty to re-house those who had been evicted and the homeless did not always have to be housed.

Where noise disturbance was concerned, tenants were invited into the Council's offices to discuss the problem. If not resolved after six months, the MATRON, a noise monitoring system was installed, usually for a week. If disturbance still occurred then a notice of demotion or even re-possession was served.

The Youth Offending Team dealt with the pockets of problems caused by youths, usually with the help of the Police. There was a Youth Intervention Support Programme which had been set up to help whole families and Local Action Groups had been set up in the three major towns; and

Reliable witnesses were very important. Mid Devon reported that they had been successful with their witness support by communicating regularly with them.

Anita Kacherovskis, Operational Manager of the Youth Offending Team, Somerset County Council

Anita explained that the teams worked with young people from 10 to 18 years, but the bulk of the offenders were over 15. There was an 80:20 gender split with the majority being male.

A multi agency team had been set up in 1999 which comprised the Police, Probation Officers, Community Psychiatric Nurses, Forensic Psychologists, Education Workers and full time Parent Workers. This wide range of professionals looked at youngsters holistically.

The team worked with approximately fifty to seventy young people at one time, 20% of these were placed in Somerset from other local authorities.

The offenders tended to have chaotic lives. They were subject to bail and accommodation was a key issue for them. The sharing of information and intensive supervision and surveillance helped to prevent them going into custody and prevented the breakdown of accommodation.

The Police liaised with anti-social behaviour workers from an early stage so they were familiar with the young offenders and Acceptable Behaviour Contracts (ABCs) were reinforced with the help of the Police. Patterns that led to ABCs were reckless behaviour and offenders not considering others in their actions.

Andrew Hinchcliff, Local Service Delivery Team Manager

Andrew explained to the Group the role of the Local Service Delivery Team (LSDT). From 1 April 2008 there were eight of these teams across Somerset. These are multi-agency teams providing universal and early preventative services which work within the Partnership Group of the Children and Young People's Directorate. The core team include:-

- Education Attendance Officers who work closely with Parent/Family Support Advisors. They support parents and explain the consequences of certain actions.
- Emotional Health Workers who work with young people with mental health problems.
- Youth Workers who provide information, advice and guidance.
- A Senior Youth Worker and three area Youth Workers.
- Family Advice and Liaison Workers of which there are seven in Taunton and are linked to every school in the area. They provide support for vulnerable people.
- Children's Centres which are regarded as the hub of support for families and provide services for children up to four or five years of age. The managers of these centres also manage areas with a lower level of need.
- Youth Inclusion and Support Workers who are involved with young people (six – thirteen years of age) who can drift into anti-social behaviour. These workers liaise closely with the Police.

Workers from the other partner agencies such as Health Visitors, PCSO's and Housing Support Officers are encouraged to make links with LSDT's and are invited to 'hot desk' in locality offices to develop relationships at a local level.

Andrew added that he would be meeting with the Police to discuss how they could work together. He also thought that PCSOs had impacted positively in many areas.

The Group discussed funding for activities for youngsters involved in anti-social behaviour and it was felt that a liaison group between the LSDTs, Police, Somerset County Council and Taunton Deane Borough Council would be beneficial.

Members felt that Housing Estate Managers should be aware of the work that the LSDTs did and also suggested that the LSDTs send out leaflets with contact numbers.

Andy Murphy, Sergeant of Avon and Somerset Constabulary responsible for Taunton East.

Sergeant Murphy explained to the Group that Taunton East comprised of five Beat Managers and five Police Community Support Officers. Taunton East was problematic with its fair share of anti-social behaviour. Their approach was two-fold, namely targeting those involved in anti-social behaviour and providing an alternative to causing nuisance though he recognized that there was a general lack of facilities for young people, particularly during evenings.

Sergeant Murphy added that some anti-social behaviour was actually crime and incidents mainly involved the young and were drink-fuelled so there was a need to reduce opportunities to get drunk. They were trying to reintroduce Youth Clubs and trips in order to show individuals that there was a different behaviour available to them and they offered projects as rewards for good behaviour. He told the group that 6% of anti-social behaviour was caused by youths.

Sergeant Murphy explained that the problem was exacerbated by a lack of free play facilities. Until recently, there were no free play areas for over 5 years in Halcon, which meant that a large number of children had nowhere to go. Young people felt safe in groups and felt vulnerable alone. Most were not troublemakers and there was a need to provide opportunities and new skills. There was less youth provision than 25 years ago and he was concerned that Police and society were criminalising young people simply because there was nothing for the young to do.

The Group was told that for a large town, Taunton offered very little to young people and the new play area in Holway was an excellent example of what could be done. Sergeant Murphy added that he had recently spent six weeks in Bridgwater, where anti-social behaviour was reported to the Council and not the Police. It was linked to CCTV operators and non-criminal incidents were reported to the Council the next day. He suggested that one stand alone database for Taunton would give the public a stand alone number, and avoid them getting frustrated. In addition, a CCTV system should be considered for Halcon. He also thought that there was a good working relationship between the Police and Council Housing Officers.

The Chairman felt that there needed to be a partnership of the agencies to discover ways of providing and funding diversionary activities and sustainable activities.

Sergeant Murphy stated that anti-social behaviour data was 'wasted' because it was held by the Police. He recommended a database for the Taunton area.

John Williams, Chief Housing Officer, Taunton Deane Borough Council

John Williams handed out copies of the parts of the draft Tenant's Handbook referring to anti-social behaviour. There have been no major changes to this section in the new draft handbook. Changes can be made but there is a process that must be gone

through, involving consultation. May 2009 is a good time to do this because it coincides with consultation on rent increases though the launch of the completed handbook is planned for February 2009.

He informed the Group that tenants are responsible for the behaviour of everyone in their property, including visitors. In reality it is not always possible for a tenant to manage this.

John added that currently, the Council evicts one or two tenants each year on grounds of nuisance. Eviction is the final step in a process, which begins with verbal or written warnings, possibly mediation too. Court action is a last resort. Judges do not choose to evict without significant evidence and proof that all other avenues are exhausted.

It was noted that changes to the tenancy agreement cannot be applied to current tenants; only new ones. He confirmed that the introduction of Choice-Based Lettings did not rule out the ability to provide Introductory Tenancies, but said that April 2009 would be very difficult right on top of the introduction of Choice-Based Lettings because of the increased workload.

Recommendations

The original recommendations are set out below together with the revised recommendations which were made following consultation with the Council's Legal Team.

- 1. ORIGINAL RECOMMENDATION:** Creation of Introductory Tenancy Agreements for new tenants. These agreements to become secure after a period of 18 months. The Introductory Tenancy could then be extended by a further period of time if 'good reason' could be shown.

LEGAL TEAM ADVICE: Legislation allows Introductory Tenancies to remain for an initial 12 months, not 18. The tenancy can only remain Introductory for a further 6 months under certain circumstances. Introductory Tenancies have to be granted to all tenants. They cannot be targeted. Also, the upcoming Choice Based Lettings states that new tenants will receive a secure tenancy. If we were to use them we would have to advertise as such on all the adverts for our stock, but could not easily put a disclaimer on the website because we are not the only Council advertising.

REVISED RECOMMENDATION: To look at the feasibility of using Introductory Tenancies.

- 2. ORIGINAL RECOMMENDATION:** The Council should look at the usefulness and feasibility of introducing parental programmes that have been shown to impact on anti-social behaviour.

LEGAL TEAM ADVICE: May be useful, but cannot and should not be used to tackle behaviour that the Council does not consider normal or acceptable. Legislation allows everyone to live the life they choose. Legally we cannot, for instance, act against parents who swear in front of their children. We **can** act when tenancy terms are breached. This does not stop us setting up voluntary schemes though.

REVISED RECOMMENDATION: (*unchanged*)

- 3. ORIGINAL RECOMMENDATION:** A group of officers be set up within the Housing Service to deal with anti-social behaviour. The team would be trained and qualified to deal with anti-social behaviour including the legal aspects as per the Mid-Devon model.

SCRUTINY OFFICER ADVICE: The Core Council Review is under way. This will identify how the Council will be structured and work in light of Pioneer Somerset and Southwest One. Perhaps the recommendation could suggest that the Council should consider a full-time dedicated team as part of the restructure of the Housing Service. A further recommendation on training officers to interact more effectively may be useful.

REVISED RECOMMENDATION: As part of the Core Council Review, the Council should look at creating a dedicated Anti-social Behaviour Team for Housing.

- 4. ORIGINAL RECOMMENDATION:** The introduction of Demoted Tenancy Agreements when there was a record of serious anti-social behaviour or other breaches of the tenancy agreement.

LEGAL TEAM ADVICE: We do not need to introduce Demoted Tenancies. We already have that tool by statute. They are best used where there is support for the tenant remaining in the home, which may be too late for many neighbours. A Postponed Possession Order (PPO) may be better, where re-offending is likely but one last chance is to be given. Demoted tenancies can be awkward and long-winded. It can take 6 to 9 months to get one then a second set of proceedings taking a further 3 months before the tenant is evicted. A tenant who breaches a PPO, however, can be evicted in as little as 9 weeks. What is needed is swift action by both the Housing and Legal Teams when anti-social behaviour is identified.

REVISED RECOMMENDATION: The Review Group wishes to highlight the need for swift action on the part of Estate Officers, and close working between them and the Legal Team, to tackle anti-social behaviour as soon as possible.

OTHER RECOMMENDATIONS

- 5.** The Council should continue to publicise its successes in dealing with specific cases of anti-social behaviour in its Housing Stock.

6. The Council should sign up to the 'Respect' standard for Housing Management as soon as possible.
7. A skills audit of Estate Officers should be carried out to identify and meet any training needs in respect of dealing with anti-social behaviour.

Conclusion

Anti-social behaviour takes many forms though, fortunately, it is caused by only a very small minority of Council tenants. Nevertheless, it is of great concern to Taunton Deane Borough Council and is a high priority for its Councillors and members of the public. There is no easy answer to tackling this problem nor is there one particular organization that can deal with this issue. This Task and Finish Group has found that, in order to reduce the number of anti-social and nuisance incidents in the Borough, close liaison with many other organizations is required. Nuisance incidents should be addressed both reactively and proactively. It was also recognized that any cases that have been resolved successfully should be publicized where possible in order to educate and reassure the public that these problems could and would be resolved.

This review has demonstrated that the Council has taken some successful measures in tackling this problem and that with the cooperation both between Council departments and with other outside organizations, further improvements can be made.

If you have any queries regarding this review, please contact the following:-

Contact Details

Chair of the Review

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Democratic Services Manager

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Appendix A – Full List of Recommendations

Recommendation 1

The Council should sign up to the 'Respect' Standard for Housing Management as soon as possible.

Recommendation 2

A skills audit of Estate Officers be carried out to identify and meet any training needs in respect of dealing with anti-social behaviour.

Recommendation 3

There should be a close and swift working liaison between the Council's Estate Officers and its Legal Team to tackle anti-social behaviour as soon as possible.

Recommendation 4

As part of the Core Council Review, the Council should look at creating a dedicated Anti-social Behaviour Team for Housing.

Recommendation 5

To look at the feasibility of using Introductory Tenancies. This however, may be complicated by the imminent introduction of Choice Based Lettings.

Recommendation 6

The Council should look at the usefulness and feasibility of introducing parental programmes that have been shown to impact on anti-social behaviour.

Recommendation 7

The Council should continue to publicise its successes in dealing with specific cases of anti-social behaviour in its housing stock.