



Neuadd y Sir / County Hall, Llandrindod, Powys, LD1 5LG

QUESTIONS AT ANY TIME TO CABINET PORTFOLIO HOLDERS

Response by the Portfolio Holder:

There are four broad categories of how public agencies can work to try and resolve anti-social behaviour.

1) Self-resolution

There are instances where there are no regulatory or legal powers available to the Council or other agencies to resolve the matter. In such cases, self-resolution is the only realistic course of action. Examples include:

- Neighbour disputes for example disagreements over parking places.
- Lifestyle differences for example young children meeting in parks unless there is evidence of criminal activity taking place, including harassment or aggressive behaviour in which case the matter should be referred to the Police.
- Noise that does not constitute a statutory nuisance, for example day-to-day chatter from children, moving around flats, infrequent dog barking or listening to a radio in a garden.
- One-off occasional (less than once per year) events such as parties or celebrations.

2) Direct intervention by Housing Services

These instances are those in which resolution rests within the Council's powers as a landlord. These powers revolve around tenancy law as the only sanction available to the Council as a landlord is, ultimately, to seek possession of the home of someone committing anti-social behaviour. This has to be done via the Courts which will usually only consider such a sanction in the most extreme of cases, for example where a clear criminal offence has been committed in the property. Examples where direct intervention by Housing Services would be appropriate include:

- Tenanted gardens causing risks to health and safety, for example by the keeping of livestock, the storage of vehicles and machinery, inadequate maintenance and upkeep and the accumulation of general rubbish, waste materials, disused furniture and household waste.
- Leaving rubbish, disused furniture and equipment (such as bicycles and scooters) in communal areas or open spaces where they represent a hazard to other people.

- Fly-posting, dumped rubbish and abandoned cars – these cases will be taken on board by Housing Services which will act as the instigator of action by the relevant agency or service.
- Hoarding, if the extent of the hoarding is such that the health and safety of the occupant and their immediate neighbours is at risk from fire or the spread of disease.

3) Referral for intervention by other Council Services

- These instances are those in which resolution is provided for in general powers vested in the Council by virtue of law and statute. The Council has a legal duty to take action if it is satisfied that certain 'statutory nuisances' exist or are likely to occur or reoccur. This duty is provided under the Environmental Protection Act 1990. In most cases, such matters fall within the remit of the Environmental Health department. In such cases, Housing Services will refer the matter to the relevant Council department to lead on investigation and resolution. Cases which will be referred to other Council services are primarily those considered to be statutory nuisances.
- Noise that is so loud or otherwise intrusive as to be prejudicial to health or a nuisance. While there is no prescribed legal level above which a noise becomes a statutory nuisance, for action to be taken the noise must be unreasonable. Formal action cannot be taken against ordinary domestic noise, such as footsteps, talking, or children playing.
- Any premises in such a state as to be prejudicial to health or a nuisance to the wider community. This would include any accumulation or deposit within or around the property which is a serious risk to public health. Examples include, accumulations of household or animal waste.
- Any animal kept in such a place or manner as to be prejudicial to health or a nuisance. In the case where an animal's well-being is considered to be at risk, the RSPCA may also have powers to intervene and should be pulled in promptly.

4) Intervention by the Police

- The Police are, by virtue of the powers vested in them by society, best placed to lead on matters where the action reported is considered to potentially represent a criminal act. Should such a case result in a tenant being convicted of a criminal offence, then possession action may be taken if the offence represents a breach of tenancy conditions. Examples that could be reported to the Council as ASB but which should be considered potential crimes and therefore better managed by the Police include:
 - The sale and/or storage of prohibited drugs, including 'cuckooing'.
 - The storage and/or sale of stolen goods.
 - Aggressive or intimidating behaviour to other people. This includes abuse related to ethnicity, race, gender, sexuality or faith.
 - Harassment, which is prohibited under the Protection from Harassment Act 1997. Harassment is not defined in the Act other than it involves causing

another person alarm or distress. This can be verbal abuse, threats, vandalism specifically directed against an individual or household and racial or homophobic harassment.

- Drunk and disorderly behaviour that is sufficiently serious to present a risk to the safety and security of neighbours and residents.