

CORNWALL HOUSING

Drugs Misuse Policy

People & Places

Cornwall Housing
Treven Kernow

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Policy control sheet

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Notes

This procedure was originally developed and agreed with tenants from all areas through the Cornwall Consultation Panel.

Legal influences on this strategy

Housing Act 1985, 1996, 2004,
 Crime and Disorder Act 1998
 Anti-Social Behaviour Act 2003
 Family Law Act 1996
 Domestic Violence, Crime and Victims Act 2004
 Domestic Abuse Act 2021
 Equality Act 2010
 Disability Discrimination Act, 1995
 Human Rights Act 1998
 Race Relations Act 1976, 2000
 Children's Act, 1989
 GDPR and Data Protection Act, 1998, 2018.
 Local Government Act, 1972
 Regulation of Investigatory Powers Act, 2000
 Anti-Social Behaviour, Crime and Policing Act 2014

Cornwall Housing reserves the right to use any subsequent amendments to these acts and any other legislation introduced that relates to Anti-Social Behaviour, Abuse or Hate Crime.

Other documents linked to this strategy

Anti-Social Behaviour Policy
 Enforcing Conditions of Tenancy Policy
 Drugs Misuse Policy
 Harassment and Hate Crime Policy
 Anti-Social Behaviour Policies and Procedures customer leaflet
 Tenancy Agreements
 Conditions of Tenancies
 Equality and Diversity Framework
 Tenants' Handbook
 Safeguarding Children, Adults and Vulnerable Adults Policy
 DASV Housing Pathway
 Gypsy and Traveller Pitch Agreement

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1.0 Introduction

The Drugs Misuse Policy is a result of discussions with tenant representatives who demanded that drugs should not be tolerated in and around their estates. The policy is designed to recognise a sliding scale of different offences relating to the use of illegal substances, much in line with Police action, namely that the severity of any action should match the severity of any 'crime' relating to drugs misuse.

2.0 Policy Statement

At Cornwall Housing Limited (CHL), we wish to send a strong message to tenants that the Drugs Misuse Policy will be enforced and may ultimately lead to eviction in appropriate cases. We recognise the anti-social effects drug misuse can have on areas and would underline that it is not acceptable for our communities to become open markets for drug dealers and users.

3.0 Challenging Drugs Misuse

CHL will actively seek to advertise the Drugs Misuse Policy through information to Tenants and Residents associations, tenants' representatives and through tenants' newsletters.

CHL will work with the police and other relevant agencies in exchanging information gained regarding possible drug possession, supply and dealing.

Appropriate officers will receive training on how to identify signs of drug misuse so that this information can be passed on to the police for investigation where relevant.

CHL will use the information exchange protocol with the police, in situations of suspected offences and nuisance to gain evidence on potential cases. In cases of drug misuse involving Anti- Social Behaviour, we will also involve the Community Safety Partnership if it is appropriate to do so.

Any tenant who has a drugs raid, resulting in a criminal conviction or caution, carried out on their property will be recharged for any damage caused by the police, in the carrying out of their duties.

Officers will be encouraged to monitor any drug-related convictions within their area with the view to taking action under breach of conditions of tenancy.

4.0 Introductory / Assured Shorthold Tenancies

Introductory/Assured Shorthold tenancies are as their name suggests more 'fragile' than a secure tenancy. As this type of tenancy is often a gateway to permanent accommodation it is imperative that Conditions of Tenancy are enforced vigorously, in order to prevent a 'temporary' nuisance becoming a more 'permanent' nuisance.

4.1 Cautions

A Introductory/Assured Shorthold tenant will receive an automatic formal warning that their tenancy is in jeopardy, if they or any member of their household or visitor to their property is cautioned for the possession of illegal substances, in their property, or in and around the locality of their estate, (in the case of tenants and members of their household this also extends to any estate managed or owned by CHL).

Introductory/Assured Shorthold tenancies may be extended for a further period of six months, following drug related offences.

If a second caution occurs during the duration of their Introductory/Assured Shorthold tenancy, a Notice to Terminate/Notice to Quit will be served, and action will follow to seek possession of the property.

4.2 Convictions for Possession/Cultivation

If a tenant or any member of their household, or visitor to their property is convicted for the possession of illegal substances, in their property, or in and around the locality or their estate, (in the case of tenants and members of their household this also extends to any estate managed or owned by CHL), the officer will refer the case to the appropriate Manager to consider proportionate actions which may include:

- Introductory/Assured Shorthold tenancies may be extended for a further period of six months.
- A Notice to Terminate/Notice to Quit will be served and possession proceedings instigated.

Any action taken will be dependent on additional factors such as i) the classification and/or the quantity of the drug in question, ii) the level of any nuisance to neighbours as a result of drugs misuse, and iii) any other, not necessarily related, breaches in tenancy conditions.

Any further cautions or convictions at any level during the duration of their Introductory/Assured Shorthold tenancy will result in automatic possession proceedings.

4.3 Convictions for Possession with intent to supply

A tenant will receive a Notice to Terminate/Notice to Quit and possession proceedings instigated if they or any member of their household, or visitor to their property is convicted of possession with intent to supply illegal substances from their property, or in and around the locality of their estate, (in the case of tenants and members of their household, this also extends to any estate owned or managed by CHL).

In the above case leniency may only be considered if the tenant is elderly, disabled, vulnerable or has young children.

This will be also tempered by whether there were any extenuating circumstances, such as supplying under the threat of domestic abuse.

5.0 Secure Tenancies

A Secure/Assured Tenancy offers the occupants more security. However, robust enforcement action will still be taken if the Conditions of Tenancy are breached.

5.1 Cautions

A tenant will receive an automatic formal warning that their tenancy is in jeopardy, if they or any member of their household or visitor to their property is cautioned for the possession of illegal substances in their property, or in and around the locality of their estate, (in the case of tenants and members of their household, this also extends to any estate managed or owned by CHL). The tenant will be interviewed and made aware of the conditions of tenancy.

A second caution will result in an automatic Notice of Seeking Possession/Section 21 Notice being served, and consideration will be given to further proportionate legal action.

5.2 Convictions for Possession/Cultivation

A tenant will receive an automatic Notice of Seeking Possession/Section 21 Notice, if they or any member of their household or visitor to their property is convicted of possession of an illegal substance in their property, or in and around the locality of their estate, (in the case of tenants and members of their household this also extends to any estate managed or owned by CHL). Consideration will be given to further proportionate legal action.

Any further convictions within a 12 month period will result in possession

proceedings being instigated, (especially if there is nuisance to neighbours as a result of the misuse of drugs), which may lead to the loss of their home.

5.3 Convictions for Possession with intent to supply

A tenant will receive an automatic Notice of Seeking Possession, if they or any member of their household or visitor to their property is convicted of possession with intent to supply illegal substances from their property, or in and around the locality of their estate, (in the case of tenants and members of their household this extends to any estate managed or owned by CHL).

Dependant on additional factors such as i) the classification and /or the quantity of the drug supplied, ii) the level of nuisance caused to neighbours due to the supplying of drugs and iii) whether the supplying was to friends/family and not for financial gain, iv) whether the supplying was for financial gain, v) any other, not necessarily related, breaches in tenancy conditions, possession proceedings may be undertaken.

This will be tempered by whether there were any extenuating circumstances, such as supplying under the threat of domestic abuse.

In the case of iv) above, possession action will be taken. Leniency may only be considered if the tenant is elderly, disabled, vulnerable or has young children.

If a second conviction for possession with intent to supply occurs during the duration of their Secure/Assured tenancy, legal proceedings will be instigated to seek possession of the property.

6.0 Support for vulnerable tenants

CHL will take the necessary measures to protect tenants who are vulnerable due to age, physical or mental illness, or have a learning disability, whether they are the complainant or perpetrator.

The special needs of vulnerable tenants who may behave anti-socially will be dealt with sensitively and where appropriate in partnership with other relevant support organisations. If it becomes necessary to take legal action against vulnerable tenants, CHL will aim to ensure that the support organisation is consulted throughout the process and informed of the outcome.

7.0 Cuckooing

Cuckooing may be part of wider and more organised crime with links to criminal exploitation, but it may also be a less organised and more localised issue.

For this reason, it is really important that agencies work together to address concerns around cuckooing and exploitation. This is likely to include CHL, police, social care including children's services, the local authority, health workers, substance abuse support agencies, the voluntary sector and care providers. It is vital that practitioners recognise, and by working in partnership, identify tactics to disrupt multiple types of exploitation.

In some cases where there is immediate risk to someone, it may be necessary to consider supporting them to move to alternative accommodation in order to safeguard them.

There are also other tools and powers which can be used to remove the people who are exploiting them which will keep the tenant safe. In more extreme cases, the local authority and police can work together to obtain closure orders or injunctions on the cuckooed properties.

It is important to remember that perpetrators of cuckooing and exploitation may also have support needs of their own such as around their mental health or substance misuse. Agencies should consider whether offering support or assessment to them may also help to mitigate risks.

There could also be children who may be perceived as alleged perpetrators of abuse but are themselves being victimised so it is key that a referral is made with children's services where there may be a child/children identified. Where exploitation of children is a potential factor it is essential that information is shared with the appropriate agency.

8.0 Monitoring

All incidents will be recorded, monitored and treated in confidence. Statistics will be recorded on the ASB database within the Open Housing System.

9.0 Reviewing the procedure

The procedure will be reviewed every 2 years to ensure that it is meeting the current needs of the community, and to ensure that it takes into consideration any changes to legislation at any given time.

10.0 Diversity and equality

Cornwall Housing understands and respects the diversity of all its tenants and is committed to providing information and services equally and without discrimination to meet the needs of all sections of the community.

Alternative formats

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If you would like this information on audio CD, audio tape, Braille, large print, any other format or interpreted in a language other than English, please contact:

Mar mynnowgh hwi kavos an kedhlow ma war son-sidi, sonsnod, yn Braille, prynt bras, furvas aral po styrys yn taves dres Sowsnek, kesteveugh mar pleg:

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