

BOROUGH OF BARROW-IN-FURNESS

HOUSING MANAGEMENT FORUM

Meeting: Thursday, 16th January, 2014
at 2.00 pm (Committee Room No. 4)

Group Meetings at 1.15 pm

A G E N D A

PART ONE

1. To note any items which the Chairman considers to be of an urgent nature.
2. Admission of Public and Press

To consider whether the public and press should be excluded from the meeting during consideration of any of the items on the agenda.

3. Declarations of Interest

To receive declarations by Members and/or co-optees of interests in respect of items on this Agenda.

Members are reminded that, in accordance with the revised Code of Conduct, they are required to declare any disclosable pecuniary interests or other registrable interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting).

Members may however, also decide, in the interests of clarity and transparency, to declare at this point in the meeting, any such disclosable pecuniary interests which they have already declared in the Register, as well as any other registrable or other interests.

4. Confirmation of the Minutes of the meeting held on 28th November, 2013.
5. Apologies for Absence/Changes in Membership.

FOR DECISION

OPERATIONAL

- (R) 6. Housing Revenue Account 2014/15.
- (D) 7. Housing Maintenance Investment Programme 2014/15.
- (D) 8. Scrutiny of Anti-Social Behaviour Policies and Procedures – Final Report.

NOTE: (D) – Delegated to the Executive Committee
(R) – Referred to the Council

HOUSING MANAGEMENT FORUM MEMBERS:

Councillors: K Hamilton (Chairman)
D Barlow
M Irwin
A. Johnston
F G Murray
R J Pointer
J Richardson
K Williams

Tenant Representatives: Mr M Burton
Mr A McIntosh
Mr W Ward
Mrs K Warne
Mrs G. Giddings
Ms M. Burgess
Mr W. McEwan

} Substitutes

HOUSING MANAGEMENT FORUM

Meeting: Thursday 28th November, 2013
at 2.00 p.m.

PRESENT:- Councillors Hamilton (Chairman), Barlow, Irwin, Johnston, Murray and Pointer.

Tenant Representatives:- Mr A. McIntosh, Mr W. McEwan and Mr W. Ward.

30 – Minutes

The Minutes of the meetings held on 29th August and 31st October, 2013 were taken as read and confirmed.

31 – Apologies for Absence/Changes in Membership

Mr W. McEwan had replaced Mrs K. Warne for this meeting only.

32 – Rent Strategy

The Housing Manager reported that whilst the various Welfare Reforms and Self-Financing changes were challenging they also presented the Housing Service with an opportunity to improve the way rents were determined, demanded and collected and transform service delivery.

1. Dwelling Rents

Rents within the HRA 30-year business plan had been predicated at 3% on the assumption that they would be determined using RPI +0.5% plus an additional uplift to bring Local Authority rents up to market (Target) rents by 2015-16.

He stated that today he was guided to use the September CPI of 2.7% + 1% (3.7%) and informed that the opportunity to uplift to market rents would cease after 2014-15.

This would mean that the Housing Service would lose the mechanism to harmonise individual rents where there were anomalies and to match their market equivalents and the Housing Manager suggested that consideration be given to bring rents in line with market (target) rents in 2014-15 highlighted as Option 3 in the table below and to dispense with target rents in any future rent determination or calculation.

The effect on the Council's rents would be as follows:-

OPTIONS	52 Weeks	48 Weeks	+/- from 2013
Current average rents	£71.40	£77.35	
OPTION 1: 2014 (uplift at 3.7%)	£74.04	£80.21	£2.86
OPTION 2: 2014 (uplift at 3.7% + partial convergence)	£74.69	£80.92	£3.57
OPTION 3: 2014 (uplift at 3.7% + full convergence)	£75.34	£81.62	£4.27

The difference in gross income between options 2 & 3 was £94,412 per annum (£10,544,605).

Under the recommendation at Option 3, rents on an individual property basis would differ but all remained within their individual £2 cap (assuming an increase of 3.7%).

The Housing Manager attached as an appendix, examples of the effect of applying Option 3 for the different property types.

2. Garage Rents

It was normal practice to recommend that garage rents were increased in line with residential properties provided that there was a healthy demand. The 2014/15 budget would develop on this basis.

For example a 3.7% increase would generate £7,072 and the effect on individual garage charges would be as follows:-

	No	2013/14	3.70%	2014/15
Garage rate 1	27	£6.43	£0.24	£6.67
Garage rate 2	448	£8.88	£0.33	£9.21
Increase	475	£191,129	£7,072	£198,201

There was a 160 strong waiting list for garages with one vacancy and the proposed new rent appeared on par with the private sector.

The Housing Manager therefore suggested that Members give consideration to develop the budget on this principle.

3. Service Delivery

Historically, dwelling and garage rents had been debited to tenants' accounts every Monday with 4 non collectable weeks - probably as a convenience to the Council's opening arrangements and in an era when Housing Benefit was paid on the same day and when tenants predominantly paid weekly and in cash.

The Council's collection and arrears processes, procedures and tenancy agreements were in line with this practice but were increasingly becoming out of kilter with today's practice.

- Today more tenants received their income (or main benefits) 4 weekly and paid increasingly by remote, direct or automated means.
- In the future Universal Credit would be paid to tenants on a fixed but personal calendar month date.

Consideration also needed to be taken on the impact of these changes and would need to offer customer focused solutions which still protected the Council's rental

income and help it manage arrears efficiently. The Housing Manager also wanted to encourage this channel shift and make sure that policies and agreements were aligned and that the Council's processes were capable of delivering the service.

Initially the Housing Manager suggested that the Council explore and consult its tenants and internally on the following key aspects:-

- Eliminate non collectable weeks;
- Introduce monthly/any day rent groups where debits match 'income' dates; and
- Determining rent increases in the future.

He stated that there may well be new and better ways of rent accounting and changes that are looked at which may reduce costs and add more certainty to business planning over the next few years.

RECOMMENDED:-

1. To agree to bring forward convergence with market (target) rents to 2014/15 from 2015/16 and to further dispense with Target Rents and agree that the 2014/15 budget be developed on the basis of Option 3 and to note the potential effect on individual rents modelled at Appendix A to the report;
2. To agree in principle that the Garage rents budget is developed at the same rate as Dwellings Point 2; and
3. To agree to further exploration and consultation with tenants of the proposals outlined in Point 3 to formulate and present a Rents Strategy and implementation plan by the end of the financial year.

33 – Scrutiny of Anti-Social Behaviour Policies and Procedures

The Housing Manager reported that the Tenants' Scrutiny Working Party was established in September, 2013 in line with the regulatory emphasis on co-regulation and the requirement for meaningful scrutiny by residents.

The main aims of the Tenants' Scrutiny Working Party were:-

- To drive continuous improvement in performance and customer service excellence through the process of resident led self-regulation;
- To ensure tenants' views, aspirations and priorities were central to, and directly influence the Housing Service strategic direction and that this could be clearly evidenced; and
- To conduct two or possibly three scrutiny projects each year, which resulted in making evidence, based recommendations to Housing Management Forum and Executive Committee.

The Tenants' Scrutiny Working Party agreed the scope and the timeframe of the project at the outset, based around the following stages:-

Stage 1: Fact Finding

This included a presentation by the Anti-Social Behaviour Consultants – ASB Action Ltd on the current Anti-Social Behaviour Service by the Tenancy Services Team and an examination of the policy and procedures and performance data obtained from the 'Star Survey'.

Stage 2: Further investigation, compare and challenge

The Tenants' Scrutiny Working Party selected the following as their main areas of focus:-

- Review of the Anti-Social Behaviour Policies and Procedures;
- Access to the service and information provided to residents about the service; and
- Performance Issues – Timescales for ASB complaints to be dealt with;

A further area to be examined as part of the wider service review was also considered:-

- Review of the tenancy agreement in line with changes to Anti-Social Behaviour policies and procedures;

The key activities undertaken at this stage were:-

- Information noted from the presentation by ASB Action Ltd;
- Document review of policies, procedures, incident diaries and case review diary – ongoing;
- Review of ASB Policy - Revised Policy Statement agreed by Tenants' Scrutiny Working Party on 25th October, 2013;
- Tenancy Services Team meeting to review draft Policy and Procedures 25th November, 2013;
- Tenants' Scrutiny Working Party to meet 26th November, 2013 to review initial draft Procedures;
- Good practice review of other organisations' service literature and website - ongoing; and
- Tenant Audit – interviews to take place of tenants who have been victims of Anti-Social Behaviour to hear their views and 'learn from any positive/negative comments'.

An evidence file was being compiled with detailed minutes of meetings and interviews with tenants and staff. The Operations Manager and Assistant Operations Manager attended each meeting to respond to the points raised and to suggest improvements to be made. The Tenants' Scrutiny Working Party was chaired by a tenant representative.

Stage 3: Analysis and recommendations

The Operations Manager and Assistant Operations Manager were to assist Tenants' Scrutiny Working Party to share and understand the findings from the scrutiny exercise to agree recommendations for how the service might be improved for residents.

Stage 4: Implementation and review

A meeting would be arranged of the Tenants' Scrutiny Working Party and Tenancy Services Team to agree an action plan to implement the improvements identified. Monitoring progress against the agreed actions would be the responsibility of the Operations Manager.

The final report would be presented to Housing Management Forum in January 2014.

RECOMMENDED:-

1. To note the content of the Housing Manager's report; and
2. To adopt the four-stage scrutiny process for future scrutiny reviews.

34 – Cumbria Choice: Choice-Based Lettings Scheme

The Housing Manager reported that the Countywide Choice Based Lettings (CBL) Scheme had been in operation since April 2011. Included within the original contribution costs was the funding of the Cumbria Choice Co-ordinator post. The Partnership needed to consider the position on continuing to finance the post beyond its present 12 month term which would end in May 2014.

The co-ordinator role had been responsible for the following tasks for the partnership:-

- Co-ordinating the system upgrade testing;
- Testing and upgrading the CBL website;
- Administration of the Facebook Page;
- Promotion of Cumbria Choice through social media;
- Continuation and development of the reporting element, producing reports for Project Board;
- Chairing Operations Group to resolve operational issues across the partnership to ensure consistency of the policy; and
- Facilitating and monitoring any Review requests from applicants.

The contribution cost for the Housing Service would be £3,407.88 to fund the role for a further 12 months. The additional value and savings provided by the coordinator post included:-

- Making best use of the reporting system;

- Reducing the amount spent on paper forms and staff time across the partnership by raising IT awareness and skills to boost the use of the system online; and
- Reducing staff time in resolving operational issues across the partnership and facilitating any review challenges from applicants.

The partnership had agreed in principle the approach to finance the post for a further 12 months which would coincide with end of the Abris contract and allow the Partnership to consider the best approach going forward in terms of CBL system and co-ordinator role.

RECOMMENDED:-

1. To note the information within the Housing Manager's report; and
2. To agree to fund the Cumbria Choice Co-ordinator post for a further 12 months.

35 – Brook Street Garage Area

The Housing Manager reported that there was a disused garage site on property behind Brook Street.

There had also previously been playground equipment on that area but this had been removed some years ago. The land had restricted access and was surrounded by residential accommodation.

Within very close proximity was the location of Brook Street Gym and they had approached the Housing Manager to request the Council lease the land to them for the purpose of creating additional training area for the Barrow Amateur Boxing Club (BABC).

There had been discussion regarding this matter previously but the club would like the Council to give them a firm commitment that the land would be available to them.

Following discussion, it was clear the club needed to seek funding from third parties and carry out further investigations into the practicality of the land being used in the way they suggest.

In order to facilitate this process the Housing Manager asked Members to agree giving the club a 12-month option to provide the Council with a proposal for the site and confirmation that funding was in place to improve the area.

RECOMMENDED:- To agree that Barrow Amateur Boxing Club (BABC) be given a 12-month option to provide the Council with a business plan and proposals for use of the above area as a training facility and to agree appropriate terms for the lease of the land.

36 – Relocation of Housing Service

The Housing Manager reported that the Council held a lease on Cavendish House until 2018. However, the lease contained a break clause which would allow the Council to end the lease in December 2014.

At the present time the Council paid a substantial rent to a third party for the lease of Cavendish House.

As a result of changes in the Council over the last 12 months there was now under-used office space in the Town Hall. This had enabled the Council to look how it could make best use of its office space, to improve income and efficiency and the delivery of services.

Following these considerations it was now proposed that the Housing Service look to relocate to the Town Hall and take the opportunity to end its lease at Cavendish House.

The Housing Manager asked the Forum to agree this proposal and he would keep Members informed as the proposal was developed.

RECOMMENDED:- To agree to the relocation of the Housing Service to the Town Hall during 2014.

37 – Void Property Gas and Electricity Meters

The Housing Maintenance Manager reported that when a property became vacant there were often problems associated with the existing gas and electricity meters that caused re-letting delays and consequently led to rental loss.

Common problems included clearing former tenant meter debts, meter tampering, processing of former bills and dealing with debt management companies. This inevitably took Officers a significant amount of time and effort to co-ordinate and required lengthy telephone calls to a number of agencies and utility suppliers.

Officers had held unsuccessful discussions with several utility companies in an attempt to simplify the existing void meter process. Having spoken to other landlords in the North West region it was clear that the problem was common throughout the housing sector.

In September 2013 a representative from British Gas approached Officers with a proposal to offer the Council a free of charge “Void Management Energy Service”. The scheme provided a “one stop shop” aimed at increasing revenue, reducing administration costs, managing debt and bills and helping tenants with their energy needs.

The scheme required the Council to confirm by e-mail the former tenant details, the date the property became vacant along with any exiting meter readings. British Gas would then assign the void to a Personal Account Manager who would (where necessary) arrange for the existing meters to be transferred (15 working days), debts

to be cleared/chased and a new meter to be installed ready for the new tenant to move in to. The scheme also provided a free £5.00 out of tenancy credit allowance for each meter whilst the property remained empty.

Whilst British Gas clearly derived the benefit from being the nominated utility supplier at the time of tenancy sign up tenants had no contractual obligation to remain with British Gas and may choose an alternative supplier should they wish.

The scheme offered by British Gas was presently in operation at a number of North West based landlords including One Vision Housing, Bolton at Home and City West Housing Trust.

RECOMMENDED:- To agree that Officers proceed with the appointment of British Gas to manage gas and electricity meter related problems affecting void properties.

38 – Performance Information Report

The Housing Manager submitted information relating to the Housing Management Performance 2013/14 and Best Value Performance Indicators. The information is attached at **Appendix A** to these Minutes. He provided a brief commentary to assist Members in their understanding of the key trends.

RESOLVED:- To note the Performance Information reports.

39 – Planned Investments and Planned Maintenance 2013/14

The Housing Manager reported information relating to the Planned Investment and Planned Maintenance Programme for 2013/14. The information is attached at **Appendix B** to these Minutes.

RESOLVED:- To note the information.

The meeting closed at 2.27 p.m.

HOUSING MANAGEMENT PERFORMANCE REPORT

APPENDIX A

Performance Indicator	Actual 2011/12	Actual 2012/13	Apr - Jun 2013	Apr -Sept 2014	Target (Median)
£ Rents Collection					
£ Rent & Service Charges due	£9,228,558	9,728,187	2,502,106	5,370,404	£10,923,715
£ Rent collected	£9,134,875	9,604,739	2,342,289	5,120,073	£ 10,596,004
Rent collected as % of rent due (inc ft)	98.98%	98.73%	93.61%	95.34%	97%
£ Current Arrears (dwellings)	£181,230	£203,623	£295,660	£430,358	£175,679
£ Former Arrears (dwellings)	£92,499	£135,745	£153,108	£204,630	£128,081
Write Offs (Gross)	£75,538	£38,573	£1,695	£17,501	£50,000
Tenants evicted for rent arrears	6	5	3	10	10
Current tenants arrears % of rent owed inc arrears b/f	2.0%	2.1%	11.8%	8.0%	5%
Former tenants arrears % of rent owed	1.0%	1.4%	6.5%	4.0%	3%
£ Rent arrears Garages	£1,824	£1,452	£1,923	£6,458	£ 3,750
£ Rent Arrears Shops	£16,602	£22,146	£19,609	£19,759	£ 25,000
Void management					
Tenancy Turnover %	10.3%	10.4%	3.5%	7.5%	8.05%
Total number of re-lets	278	245	101	201	217
No. of Voids	227	277	94	204	218
Ends due to Under Occupation			9	29	
Average relet time for dwellings (CORE)	37	32	29	30	28
£ rent loss through vacant dwellings	£ 100,227	£ 111,607	£ 32,550	£ 82,191	£ 109,685
£ rent loss due to vacant garages	£5,098	£2,290	£1,161	£1,583	£ 4,500
£ rent loss due to vacant shops	£16,546	£5,000	£1,000	£1,021	£ 4,000
% properties accepted on first offer	86.4%	78.4%	75.5%	77.1%	70%
Loss per Void (Rents, Repairs, Arrears)	£ 2,846	£ 2,684	£ 1,774	£ 1,795	£2,000
Maintenance					
No. Repair Orders issued (Tenant Demand)	11,587	10,109	2,846	5,521	9,197
Responsive & Void repairs per property	4.3	3.7	1.1	2.1	3.4
P1 & P2 as a % of total repairs	61.7%	63.8%	59.8%	59.1%	47.5%
% all responsive repairs completed on time	87.3%	77.1%	69.8%	70.8%	96.3
P1 % emergency repairs completed on time	94.6%	94.6%	77.0%	83.5%	96.7
P2 % urgent repairs completed on time	78.9%	77.3%	71.0%	71.0%	94.6
Average end-to-end time for all reactive repairs (days)	12.25	19.78	18.56	23.6	8.2
Percentage of repairs completed 'Right First Time'	78.5%	79.79	N/A	N/A	88.8
Appointments kept as a percentage of appointments made	77%	61%	N/A	N/A	96.8
Appointments made as a percentage of repair orders (exc gas & voids)	NA	100%	N/A	N/A	94.1
Percentage of dwellings with a valid gas safety certificate	99.89%	100%	100.0%	99.9%	99.8%
Percentage of homes that fail to meet the Decent Homes Standard	0%	0%	0%	0%	0.2%
*Average energy efficiency rating of dwellings (based on RD SAP 9.83)	69.2	69.2	69.2	69.2	68.90%
Equality & Diversity					
ASB cases reported	82	72	26	35	143
Percentage of closed ASB cases that were successfully resolved	91%	99%	100%	100%	88%
% Diversity Information : Age	100%	100%	98%	100%	100%
Gender	100%	100%	89%	93%	98%
Ethnicity	95%	82%	87%	91%	75%
Disability	100%	100%	89%	93%	75%
Sexuality	56%	52%	45%	46%	55%
Religion or belief	57%	53%	45%	47%	55%
Percentage of Stage 1 complaints upheld	22%	40%			NA

HOUSING MANAGEMENT PERFORMANCE REPORT

APPENDIX A

Satisfaction	Actual 2011/12	Actual 2012/13	Apr -Jun 2013		Target (Median)
Percentage of tenants satisfied with the landlord's services overall		88%			83%
Percentage of tenants satisfied with repairs and maintenance		87%			79%
Percentage of tenants satisfied that their views are taken into account		78%			64%
Percentage of tenants satisfied with the quality of the home		90			N/A
Percentage of residents satisfied with the neighbourhood as a place to live		84%			82%
Percentage of tenants satisfied that their rent provides value for money		90%			N/A
Percentage of tenants satisfied that their service charges provide value for money		81%			N/A
Value for Money - Direct Costs per property	Actual 2011/12	Actual 2012/13	Apr -Jun 2013	Apr-Sept 2013	Target (Median)
Overhead per property	£ 324	£ 274	£ 140		130
Major & Cyclical works	£ 1,256	1100			1200
Responsive Repairs	£ 480	391			375
Void Repairs	£ 167	166			150
Rent Arrears & Collection	£ 54	59			65
Community Involvement	£ 38	36			35
Anti Social Behaviour	£ 41	41			40
Neighbourhood Mgt (Estates/Tenancy)	£ 102	105			100
Housing Options	£ 36	36			40
Leasehold	£ 70	134			
Total staff turnover	7.0%	5.9%	2.0%	3.9%	
Ave. working days lost / sickness absence	14.0	18.9	2.1	4.0	
Housing Property	Apr-June 2013	Apr-Sept 2013			
HSE	1282	1280			
FLATS	1247	1247			
BUNGALOWS	157	157			
TL DWELLINGS	2686	2684			
TL DISPERSED (FLATS)	8	8			
COMMUNITY CENTRES	5	5			
LEASEHOLDS	205	205			
GARAGES	486	486			
SHOPS	20	19			
TOTAL PROPERTIES	3410	3407			
SOLD PROPERTIES	SOLD 2011/12	2012-13	SOLD 2012/13	Apr-Sept	SOLD 2013/14
HSE	3	252,750	6	152,210	4
FLAT	1	42,160	2	19,320	1
LAND	1	0	0	0	0
TL	4	294,910	8	171,530	5
HOMELESSNESS	Actual 2011/12	Actual 2012/13	Apr-June 2013	Apr-Sept 2013	
Homeless ave. days in temporary dispersed accommodation	59	57	18	30	
Homeless ave. days in temporary B&B accommodation	20	27	35	24	
Homeless Total Cases Closed	752	903	169	335	
Homeless Advice	339	408	63	119	
Homeless Prevention	114	170	57	117	
Homeless Applications	185	147	14	27	
Homeless Successful Preventions	85	148	32	65	
Eligible Homeless (Owed a full duty)	29	30	3	7	
HOUSING REGISTER	Actual 2011/12	Actual 2012/13	Apr-June 2013	Apr-Sept 2013	
Applicants on housing register					
Active Direct Applicants		1471	1189	1226	
Active Transfer Applicants		346	297	305	
Cumbria Choice Register	1745	1817	1486	1531	

PLANNED INVESTMENTS 2013-14

SCHEME	CONTRACTOR OR SUPPLIER	AVAILABLE BUDGET	NO OF PROPERTIES	EXPENDITURE TO DATE	START DATE	ESTIMATED COMPLETION DATE	CONTRACTOR	COMMENTS	Leasholders affected?
RE-ROOFING WORKS (GRIFFIN)	DLP Roofing	£300,000	157	£ 347,600	Apr-12	Dec-13	DLP SERVICES	COMPLETE	Yes
REWIRES	CUMBRIA HOUSING PARTNERS	£227,120	120	£ 168,109	1.4.2013	31.3.14	K WILSON	50% COMPLETE	No
BATHROOMS	CUMBRIA HOUSING PARTNERS	£300,000	200	£ 64,055	1.4.2013	31.3.14	AB MITCHELL	70% COMPLETE	No
KITCHENS	CUMBRIA HOUSING PARTNERS	£500,000	300	£ 198,979	1.4.2013	31.3.14	AB MITCHELL	70% COMPLETE	No
HEATING	CUMBRIA HOUSING PARTNERS	£500,000	200	£ 202,372	1.4.2013	31.3.14	AB MITCHELL INTEGRAL	60% COMPLETE	No
PAINTING	CUMBRIA HOUSING PARTNERS	£200,000	500	£ 92,954	1.4.2017	31.3.14	GH JONES	95% COMPLETE	Yes

HOUSING MAINTENANCE COMMITMENTS 2013-14

	Funding Available 2011-12	EXPENDITURE TO DATE	Weekly Available	Gross Comm. as a % funds available
Tenant Demand Repairs	£ 750,000	£ 410,584	£ 14,423	55%
Preliminary Cost	£ 265,096	£ 194,532	£ 5,098	73%
Voids	£ 200,000	£ 53,320	£ 3,846	27%
Gas Servicing	£ 280,000	£ 223,714	£ 5,385	80%
Decoration Vouchers	£ 75,000	£ 13,193	£ 1,442	18%
Disrepair Claims	£ 15,000	£ -	£ 288	0%
Environmental Impmts	£ 25,000	£ 8,712	£ 481	35%
Disabled Adaptations	£ 300,000	£ 70,846	£ 5,769	24%
Electrical Testing	£ 75,000	£ 37,754	£ 1,442	50%
Door Entry Maintenance	£ 20,000	£ 10,316	£ 385	52%
Total	£2,080,096.00	£1,022,971.00	£38,559.54	

HOUSING MANAGEMENT FORUM	(R) Agenda Item 6
Date of Meeting: 16th January, 2014	
Reporting Officer: Jane Coles, Business Support Manager	
Title: Housing Revenue Account 2014/15	
Summary and Conclusions:	
The purpose of this report is to agree a Housing Revenue Account Budget for the financial year 2014/15.	
The report also provides an Expected Outturn Budget for the current year 2013/14 and information regarding balances.	
Recommendations:	
Members are asked to:	
1. Note the information at (1)	
2. Note the information on balances and Voluntary Repayment Provision at (2)	
3. Note the information in point (3) and agree 2014/15 budgets as shown in Appendix A.	
4. Agree the Dwelling Rent increase of 3.7% at (4) and note the information in Appendix B.	
5. Agree the Garage increase of 3.7% at (5)	
6. Note the information at (6)	

Report

The purpose of this report is to agree a Housing Revenue Account Budget for the coming financial year 2014/15. Information about the Expected Outturn Budget and balances for the current year is also included.

The current year Outturn and proposed 2014/15 HRA budget is attached at **Appendix A.**

Previous assumptions on rent increases were based on guidance that stated that the annual RPI +0.5% plus an additional uplift to bring Local authority rents up to

market (Target) rents by 2015/16 should be used and rents within the HRA 30-year business plan were predicated at 3%.

Guidelines now suggest we should use the annual CPI (2.7%) + 1% to determine future rent increases.

In November we asked and you agreed that we could bring forward convergence to Target (market rents) in 2014/15 and dispense with Target rents in any future rent considerations. Attached at **Appendix B** are examples of the effect of applying the increases to a range of property types.

We also asked and you agreed that Garage rents increase at the same % rate as dwellings

We are expected to manage expenditure incurred in maintaining tenancies and stock from the rents collected and we suggest that any surpluses be applied across the following:

- (1) debt repayment
- (2) increased investment in stock
- (3) investment projects where the need or the return is clearly identifiable

1. Expected Outturn Budget 2013/14

The outturn for the year forecasts a net surplus of £10,370. Key factors are:

- HRA Income will be higher than expectations
- Water charges, Repair and Leasehold Major Work recharges account for the increased revenue under other services and facilities
- Water repayment charges also account for the above budget expenditure
- Right to Buy sales are on course to meet budget expectations leaving a dwellings stock of 2685 by 31st March 2014
- Increased time taken to relet voids, particularly 2 bedroom flats, has reduced dwelling rent income
- Tenancy terminations have increased by 40% ytd which is mainly attributed to under/over occupation movement

2. Balances on the Expected Outturn for 2013/14

The above is likely to result in the following movement in balances.

2.1 Major Repair Reserve balance as at 31 March 2013 : £130,562

The above funds are not expected to be spent by year end and will carry forward.

2.2 Housing Revenue Account balance 31 March 2013 : £1,991,094

2.3 Breakdown of Balance on Account

Housing Revenue Account as at 31 March 2013 (of which the £788k was the Maintenance element)	: £1,991,094
Forecast Surplus 2013/14	: <u>£ 10,370</u>
Estimated Balance at year end	: <u>£2,001,464</u>

2.4 Voluntary Repayment Provision

Provision as at 31 March 2013	: £1,739,934
Set Aside for 2013/14	: £1,069,970
Provision at year end	: <u>£2,809,904</u>

3. Proposed HRA Budget 2014/15

In proposing the budget for 2014/15 the following factors have been taken into account:

- 3.1 The Settlements Payments Determination provided a budgetary and business planning framework for rental income and management of tenancy, major repair and maintenance expenditure. However, guidelines now suggest increases in line with the annual CPI of 2.7% + 1% raising gross rent income to £10.46 million (including convergence uplift).
- 3.2 Bringing forward convergence adds another £94k to rent income which is marginally less than it would have been a year later. The additional increase, when applied to individual properties, remains within the £2 limit (Constraint).
- 3.3 The 30 year business plan expects an annual Set Aside of £869,970; however the Set Aside for 2014/15 will be £295,690 higher making a total Set Aside for 2014/15 of £1,165,800.
- 3.4 The Welfare Reforms have had a knock on effect on arrears and loss of rental income because of the increased number of voids. We will need to increase the bad debt provision by £33k.
- 3.5 The net income from water charge collection will be £188,912.
- 3.6 I would like to propose that we open up a training opportunity and career path through Housing Service by way of an apprenticeship. It would be Scale 1 total annual cost of £18,000 and whilst provided for within the proposed budget we would hope to work with Cumbria Housing Partnership to recover some of the cost.
- 3.7 It's necessary to carry out Housing Stock survey to update and inform the programme of major works improvements at an estimated cost of £30k.

- 3.8 The budget has allowed for investment projects to be considered which improve the appearance and safety of certain neighbourhoods and this is further considered within the Maintenance budget elsewhere on this agenda.
- 3.9 There is a further need to employ a Planned Maintenance Project Manager on SO2 at total cost of £33,000 to manage and coordinate the various investment projects and a Mobile Caretaking handyman to carry out minor repairs to voids and around the estates on scale 1 with a total annual cost of £18,000.
- 3.10 The Housing department conducted a walkabout of the estates looking at repairs and overall condition during 2013/14. The Housing Management Chair has asked that bi annual site inspections for the whole forum be organised for 2014/15. Provision has been made within the budget to accommodate the cost.

4 Dwelling Rents

- 4.1 The effect for this authority is as follows:

Calculation for 2013/14

CPI in September 2012 = 2.7% + 1% = 3.1% increase to Barrow Borough Council rents

Plus or minus a maximum of £2.00 to move the property to its individual target rent.

	52 Weeks	48 Weeks	Average Rent increase over 48 weeks
2013/14	£71.40	£77.35	
2014/15	£75.34	£81.62	
Increase	5.52%	5.52%	

£4.27

Attached at Appendix B are further details of the resultant rents for different property types. Rents on an individual property basis will differ.

- 4.2 The housing Major Repairs and maintenance budget has been increased to allow for additional stock investment and environmental improvements and allows a total £2,075 per dwelling based on a stock level of 2,685.

5 Other Charges

- 5.1 Garage Charges

It was approved by the 28th November HMF to apply the same uprate to garage rents. Therefore the proposed budget includes a 3.7% increase on garage charges which generates £7,547. The effect on individual garage charges would be as follows:

	2012/13	+3.7%
Garage rate 1 (27)	£6.43	£6.67
Garage rate 2 (459)	£8.88	£9.21
Increase	£203,977	£211,525

There is a 160 strong waiting list garages with few vacancies and the proposed new rent appear on par with the private sector.

5.2 We have recently reviewed the service and facility charges for supported, furnished and dispersed properties and conclude that they are about right. I suggest that we leave them as is provided we continue to recover their cost.

6 Business Improvement Initiatives

Initiatives for 2014/15 will include:

- Moving the Housing Service to the Town Hall and using the opportunity to redesign our structure, design and processes to fit in and improve service delivery
- Reduce the management effort of administrating and managing the Responsive Repair contract in particular the way that the payments are structured and processed.
- In consultation with tenants develop a more meaningful Rent Strategy which outlines how rent increases are determined in the future and how we can improve our collection and arrears service and processes.
- Maximise the online technology to meet customers' needs.

(i) Legal Implications

The recommendation has no legal implications.

(ii) Risk Assessment

The recommendation has no, minor or significant implications.

(iii) Financial Implications

The recommendation has financial implications as detailed.

(iv) Health and Safety Implications

The recommendation has no detrimental impact the built environment or public realm.

(v) Equality and Diversity

The recommendation has little impact on users with disabilities and Furness Equality and Diversity Partnership have been consulted.

(vi) Health and Well-being Implications

The recommendation has no adverse effect on the Health and Wellbeing of users of this service.

Background Papers

Nil

APPENDIX A

Housing Revenue Account				
Budget 2014-2015				
	Actual 2012-2013	Original 2013-2014	Revised 2013-2014	Budget 2014-2015
Expenditure				
Repairs and maintenance	2,178,955	2,967,370	2,967,370	3,650,300
Supervision and management	2,171,720	2,300,510	3,022,860	3,204,620
Rents, rates, taxes and other charges	3,395	2,300	4,460	3,700
Negative HRA Subsidy payable	1,896	0	0	0
Depreciation and impairment of dwellings	1,822,044	1,659,770	1,659,770	1,660,950
Depreciation and impairment of non-dwelling assets	128,926	127,010	127,010	126,460
Debt management costs	13,897	15,560	15,560	13,910
Movement in the allowance for bad debts	145,582	213,480	213,480	247,290
Total Expenditure	6,466,415	7,286,000	8,010,510	8,907,230
Income				
Dwelling rents	(9,493,714)	(9,869,530)	(9,798,860)	(10,280,770)
Non-dwelling rents	(343,109)	(336,800)	(336,960)	(348,610)
Charges for services and facilities	(238,384)	(206,090)	(975,880)	(1,136,440)
Contributions from other Local Authorities	(590)	0	0	0
Total Income	(10,075,797)	(10,412,420)	(11,111,700)	(11,765,820)
Net Total	(3,609,382)	(3,126,420)	(3,101,190)	(2,858,590)
HRA services' share of Corporate and Democratic Core	226,391	384,320	348,720	246,590
HRA share of other Non Distributed Costs	(813)	0	0	(820)
Net (Income)/Expenditure for HRA Services	(3,383,804)	(2,742,100)	(2,752,470)	(2,612,820)
HRA share of operating income and expenditure:				
Gain or (loss) on sale of HRA non-current assets	(327,035)	0		0
Interest payable and similar charges	920,400	950,290	950,290	945,930
Pensions interest cost and expected return on pension assets	186,000	158,000	158,000	190,000
(Surplus) or deficit for the year on HRA services	(2,604,439)	(1,633,810)	(1,644,180)	(1,476,890)
Adjustments between accounting basis & funding basis under regulations				
Reversal of depreciation and impairment of non-current assets	(1,659,763)	(1,659,770)	(1,659,770)	(1,660,950)
Reversal of revaluation losses on Property, Plant and Equipment	(162,281)	(127,010)	(127,010)	0
Reversal of amounts of non-current assets written off on disposal or sale	(297,206)	0	0	0
Add the voluntary provision for the financing of capital investment	1,739,934	1,069,970	1,069,970	1,165,800
Transfer of cash sale proceeds credited as part of the gain/loss on disposal	624,240	0	0	0
Reversal of Major Repairs Reserve credited to the HRA	1,904,924	2,265,920	2,265,920	1,922,000
Debt rescheduling premium and discounts released	35,679	33,360	33,360	(1,030)
Reversal of technical items relating to retirement benefits	(356,869)	(158,000)	(158,000)	(190,000)
Employer's pension costs	313,686	209,340	209,340	241,070
Reversal of accumulated absences charges	(7,228)	0	0	0
Total Adjustments	2,135,116	1,633,810	1,633,810	1,476,890
(Surplus)/Deficit for the Year	(469,323)	0	(10,370)	0

APPENDIX B

Sample Rents 2014-15										
Archetype		No. Beds	Area/Sub Area	Constrained 2011/12	Constrained 2012/13	Constrained 2013/14	Constrained 2014/15	48 Week Difference	% Change	52 week 2014/15
House	End Terrace	2	ORM/OR1	£70.82	£75.36	£77.92	£81.28	£3.36	4.31%	£75.03
Ground Floor Flat	Low Rise	1	ORM/OR1	£58.78	£62.53	£64.65	£67.41	£2.76	4.27%	£62.22
Ground Floor Flat	Medium Rise	3	CEN/CEN	£74.79	£79.50	£82.11	£85.46	£3.35	4.08%	£78.88
Bungalow	Semi Detached	1	ORM/GRI	£66.57	£70.63	£72.84	£75.55	£2.71	3.72%	£67.74
House	Mid Terrace	3	WAL/NWA	£79.79	£85.61	£89.24	£94.57	£5.33	5.97%	£87.29
Bungalow	End Terrace	1	WAL/NWA	£66.57	£70.63	£72.84	£75.55	£2.71	3.72%	£67.74
Ground Floor Flat	Medium Rise	2	ROO/NBN	£68.30	£73.08	£76.00	£83.13	£7.13	9.38%	£73.97
Upper Floor Flat	Medium Rise	2	ROO/NBN	£67.60	£72.53	£75.61	£80.13	£4.52	5.98%	£73.97
House	Mid Terrace	2	CEN/HIN	£71.27	£76.10	£78.96	£82.91	£3.95	5.00%	£76.53
House	End Terrace	3	ROO/ROO	£76.42	£81.80	£85.09	£89.78	£4.69	5.51%	£82.88
Ground Floor Flat	Medium Rise	1	CEN/CEN	£60.57	£64.44	£67.78	£71.46	£3.68	5.43%	£65.96
Upper Floor Flat	Low Rise	1	WAL/NWA	£60.64	£65.09	£67.89	£72.03	£4.14	6.10%	£66.49
House	Semi Detached	2	ROO/GGS	£72.85	£77.77	£80.26	£84.23	£3.97	4.95%	£77.75
House	Mid Terrace	4	ROO/GGS	£83.86	£89.78	£94.52	£100.50	£5.98	6.33%	£92.77
Upper Floor Flat	Low Rise	3	ROO/NBN	£72.74	£78.25	£81.79	£87.12	£5.33	6.52%	£80.42
House	End Terrace	5	ROO/GGS	£91.41	£97.85	£101.77	£107.39	£5.62	5.52%	£99.13
Bungalow	Mid Terrace	3	ORM/OR2	£82.51	£87.99	£91.18	£95.51	£4.33	4.75%	£88.17
Bungalow	End Terrace	3	ORM/OR2	£83.21	£88.55	£91.57	£95.51	£3.94	4.30%	£88.17
Upper Floor Flat	Low Rise	2	ORM/OR2	£66.11	£70.84	£73.77	£78.01	£4.24	5.75%	£72.01
Ground Floor Flat	Low Rise	2	ORM/GRI	£69.06	£73.95	£76.95	£81.23	£4.28	5.56%	£74.99
House	Semi Detached	3	WAL/WAL	£81.82	£87.44	£90.80	£95.51	£4.71	5.19%	£88.17
Upper Floor Flat	Medium Rise	1	CEN/LHI	£58.83	£63.05	£66.05	£69.46	£3.41	5.16%	£64.12
House	End Terrace	4	ROO/ROO	£83.32	£89.25	£92.89	£98.15	£5.26	5.66%	£90.60
House	Semi Detached	5	ROO/ROO	£97.76	£105.31	£109.94	£117.70	£7.76	7.06%	£108.65
Bungalow	Semi Detached	3	ROO/NBN	£83.21	£88.55	£91.57	£95.51	£3.94	4.30%	£88.17
House	Semi Detached	4	DAL/DAL	£88.90	£94.95	£98.55	£103.55	£5.00	5.07%	£95.58
Bungalow	Semi Detached	2	DAL/DAL	£74.24	£78.88	£81.43	£84.67	£3.24	3.98%	£78.16
Bungalow	Mid Terrace	1	DAL/DAL	£64.49	£68.98	£71.70	£75.05	£3.35	4.67%	£69.74

HOUSING MANAGEMENT FORUM	(D) Agenda Item 7
Date of Meeting: 16th January, 2014	
Reporting Officer: Colin Garnett, Housing Manager	
Title: Housing Maintenance Investment Programme 2014/15	
Summary and Conclusions:	
The purpose of this Report is to agree the spend profile for the 2014/15 Housing Maintenance Investment Plan. The plan includes the resources available to respond to day to day repair requests, void properties and the ongoing upgrading of the main components of properties.	
Recommendations:	
Members are asked to agree the Housing Investment Plan for 2014/15 as drafted at Appendix C .	

Report

The Housing Maintenance Investment Plan is funded by the Housing Revenue account. In agreeing the Housing Revenue Account for 2014/15 also on this agenda, the overall monies available for maintaining the housing stock have also been agreed.

The purpose of this Report is to agree the spend profile for the 2014/15 Housing Maintenance Investment Plan. The plan includes the resources available to respond to day to day repair requests, void properties and the ongoing upgrading of the main components of properties.

Following agreement of the profile for expenditure in the Plan, at your next meeting we will Report on the progress against previously agreed targets and details of properties to be targeted for upgrading in 2014/15.

Background

It is the Council's practice to agree an annual delivery plan for its Maintenance Services. The basis of doing so is based on previously agreed priorities and targets included in the 2010 Asset Management Plan. Regard is also given to operational factors which arise on an ongoing basis, particularly with reference to day to day repair requests.

The principles of the asset management Plan are to:

- Ensure the Council achieves the Decent Homes Standard
- The aspirations of tenants are considered and incorporated within the plans
- To work collaboratively with other housing providers and contractors to improve delivery and responsive repairs service.

As I have reported previously, the upgrading of key components such as central heating systems, bathroom upgrades and kitchen upgrades are ahead of the agreed targets. Additional resources were also agreed at your meeting on the 13th June 2013 to further increase the rate of replacement of these components.

It would be my normal practice to provide you with an update of progress against these targets. However, whilst I am confident we are ahead of our targets, as these work streams have been ongoing for some years and it is appropriate to review progress prior to you considering which properties should be targeted during 2014/15. Details of progress against Targets will be available for your next meeting along with proposals of which properties should be targeted.

Progress on delivery throughout the year will continue to be reported to this Forum on a regular basis through the Information Report.

Suggested Investment Profiles for 2014/15

Attached at **Appendix C** is the proposed investment profile for 2014/15.

The proposals are based on the following resources:

- Maintenance Allowance (£1,360 per property) : £3,650,294
- Major Repairs (£716 per property) : £1,922,000

Total	<u>£5,572,294</u>
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With reference to Appendix C I would draw your attention to a number of changes on the Plan which differ from previous years:

- Stock condition survey: It is our normal practice to complete a stock condition survey every five years. However, good progress has been made against our targets for the upgrading of key components and it would be appropriate to complete a new survey during the year to ensure resources are targeted appropriately in future years.
- Repointing both houses and flats; resources have been included as a specific item. This reflects one of our objectives to keep homes “warm and watertight”. During the current year we have carried out a repointing scheme but it has become apparent that a number of properties, particularly on exposed locations require work. It would be appropriate to tackle this issue on a scheme basis rather than an individual property basis which has generally been the case over the recent past.

- Window refurbishment and replacement: resources have been included as a specific item. All properties except a very small number where it is not appropriate, have UPVC double glazed windows. They are now some years old and we are aware of failures in certain types of window and locations.
- Communal Lighting & doors: additional resources were identified during 2013/14 to start to replace such fittings in specific areas. These resources will enable the process of communal door replacement to continue and incorporate the opportunity to consider energy efficient lighting arrangements where it is appropriate.
- Fences and Gates: again additional resources were identified during 2013/14 to carry out improvements. These resources will enable an ongoing programme to be developed.
- Garages: again, as immediately above.
- Void major works: resources have been increased for 2014/15. As previously identified, in some circumstances it would be appropriate to complete additional work on a property over and above the normal void repairs.
- Re-roofing of Houses and communal flat roofs: resources have been included to commence a replacement of problematic flat roofs on communal entrances and Houses.

Except for the resources for the Stock Condition Survey all other items identified will be on-going areas of expenditure.

Delivery of Cyclical, Major Improvement and Capitalised Work

Delivery of the ongoing upgrading schemes will continue through the arrangements previously agreed with Cumbria Housing Partners. There are a number of “new” areas of work included in the Plan and I will be considering the options for delivering these works through the Cumbria Housing Framework or on an individual scheme by scheme basis.

(i) Legal Implications

The recommendation has no legal implications.

(ii) Risk Assessment

The recommendation has no significant implications.

(iii) Financial Implications

Resources are available in the HRA to fund these proposals.

(iv) Health and Safety Implications

The recommendation has no significant implications.

(v) Equality and Diversity

The recommendation has no detrimental impact on service users showing any of the protected characteristics under current Equalities legislation.

(vi) Health and Well-being Implications

The recommendation has no adverse effect on the Health and Wellbeing of users of this service.

Background Papers

Nil

Housing Maintenance Investment Plan: 2014/15

APPENDIX C

Total Budget £5,572,294

Routine Property Repairs

£1,085,671	Tenant Demand Repairs
-£9,315	<i>Routine Repairs Income</i>
-£10,000	<i>Rechargeable Repair Income</i>

Void Property Repairs

£238,243	Void Property Repairs
-£15,000	<i>Void Repairs Income</i>

£1,289,599

Cyclical Repairs

£99,049	Gas Servicing
£19,176	Door Entry Maintenance
£115,880	External Decoration
£80,700	Electrical Testing
£14,485	Ground Maintenance
£11,588	TV Aerials
£30,000	Consultancy Fees
£7,800	Legal Fees
-£17,279	<i>Service Charge Income</i>

£361,399

Major Improvement Work

£100,000	Disabled Adaptations
£5,000	Asbestos Surveys
£45,000	Decoration (After Major Works)
£189,600	Fencing and Gates
£238,000	Repointing - Flats
£464,000	Repointing - Houses
£120,465	Window Refurbishment
£392,000	Window Replacements
£34,200	Communal Lighting
£62,500	Communal Doors
£48,600	Garage Improvements
£9,679	Shop Improvements
£5,000	Community Centres
£25,000	EEB Improvements
£300,752	Void Major Works
£30,000	Stock Condition Survey
-£70,500	<i>Major Repair Income</i>

£1,999,296

MRA - Capitalised Improvement Work

£150,000	Rewires (CHP)
£525,000	Heating and Insulation (CHP)
£360,000	Bathrooms (CHP)
£500,000	Kitchens (CHP)
£255,000	Re-Roofing - Houses
£132,000	Communal Flat Roofs

CHP = Cumbria Housing Partners

£1,922,000

HOUSING MANAGEMENT FORUM	(D) Agenda Item 8
Date of Meeting: 16th January, 2014	
Reporting Officer: Colin Garnett, Housing Manager	
Title: Scrutiny of Anti-Social Behaviour Policies and Procedures	
Summary and Conclusions:	
<p>The purpose of this report is to provide you with an update on progress with the Scrutiny Review of the Anti-Social Behaviour Policy and Procedures. The Scrutiny project commenced in September, 2013 with the final draft of policy and procedures completed in December, 2013. Copies of the final drafts are attached at Appendices D and E.</p>	
Recommendations:	
Members are asked to:	
<ol style="list-style-type: none">1. Note the content of the report;2. Note the four-stage scrutiny process for future scrutiny reviews within the Housing Service3. Agree the final draft of the Anti-Social Behaviour Policy and Procedures which will form the operating basis for management of anti-social behaviour by the Housing Neighbourhood Management Team.4. Agree to continue the Service Level Agreement with ASB Action Ltd for 2014/2015.	

Report

As you will be aware the Tenants Scrutiny Working Party was established in September, 2013 in line with the regulatory emphasis on co-regulation and the requirement for meaningful scrutiny by residents with an aim to scrutinise two, or possibly three, areas of service each year.

The purpose of this report is to provide you with an update on progress with the Scrutiny Review of the Anti-Social Behaviour policy and procedures. Tenants Scrutiny Working Party agreed the scope and timeframe of the project based on a four stage approach:

- Stage 1: Fact Finding
- Stage 2: Further investigation, compare and challenge
- Stage 3: Analysis and recommendations
- Stage 4: Implementation and review

A thorough review of the policy and procedures has now been completed by Tenants Scrutiny Working Party in partnership with our ASB Consultants – ASB Action Ltd. As part of the review consideration was given to information obtained from the 'Star Survey' and a good practice review of the organisations service literature and website. A 'Tenants Audit' has also been completed to ensure the views of tenants who have been victims of anti-social behaviour has been incorporated into the 'scrutiny process' to ensure we learn from any 'positive and negative comments'.

The Housing Service is committed to being accountable to its residents and ensuring greater transparency in the way it operates. The Housing Service believes its new residents' scrutiny arrangements enabled those residents involved to gain a real understanding of the how the Housing Neighbourhood Management team manage cases of anti-social behaviour and also how easily accessible expert advice and assistance can be obtained through our 'Service Level Agreement' with ASB Action Ltd which is vital to the success of our service.

The Housing Service Neighbourhood Management Team will implement the new policy statement and procedures from January 2014. A further area to be examined as part of the wider service review is:

- Tenancy Agreement
- Continual improvement to our website and service literature

(i) Legal Implications

The recommendation has no legal implications.

(ii) Risk Assessment

The recommendation has no significant implications.

(iii) Financial Implications

The recommendation has no financial implications.

(iv) Health and Safety Implications

The recommendation has no significant implications.

(v) Equality and Diversity

The recommendation has no detrimental impact on service users showing any of the protected characteristics under current Equalities legislation.

(vi) Health and Well-being Implications

The recommendation has no adverse effect on the Health and Wellbeing of users of this service.

Background Papers

Nil



Barrow-in-Furness Borough Council

Tackling Anti-social Behaviour in the Council housing stock:

Policy Statement October 2013

This statement sets out the policy of Barrow in Furness Borough Council with regard to anti-social behaviour perpetrated in and around the housing accommodation owned and managed by the Council.

This is a statement of the Council's view of its principles and commitments in exercising its relevant authorities and responsibilities as the landlord of this stock.

The first purpose of this statement is to make clear, specifically, the Council's commitment to act to stop (and to prevent the repetition of) anti-social behaviour, when this is reported to its officers.

For the purposes of this statement, anti-social behaviour is defined as:

- **Behaviour capable of causing a nuisance or annoyance to any reasonable person**

This definition is taken from *the Housing Act 1996, section 153* (as amended by *section 13 of the Anti-Social Behaviour Act 2003*). It provides the basis for action by the Council in exercising its landlord authority to stop anti-social behaviour in and around its housing stock.

The Key Principles

The key principles on which the Council bases its policy and procedure with regard to anti-social behaviour are as follows:

- The Council recognises that people have a right to choose their own lifestyle and to live without fear or intimidation, provided that they do not interfere with the rights and freedoms of others to use and enjoy their homes and the environment around their homes
- The Council recognises that tackling anti-social behaviour is a core function of the Council's housing management services
- The Council is a principal stakeholder in the communities it serves and recognises that it has a leadership role in ensuring that community safety and well-being is achieved
- The Council will work in partnership with other stakeholders and will work to develop and support the engagement of partner agencies and their own commitments and contributions to community safety and well-being
- The Council will expect other agencies to recognize and exercise their own responsibilities to keep communities safe and supported
- The Council believes in working in partnership with the community; it sees members of the community as important contributors to the development of local community safety strategies and to effective action in individual cases of anti-social behaviour
- The Council will exercise its landlord responsibilities and authority on behalf of tenants and residents in its housing stock and visitors to its housing stock
- The Council recognises that its landlord responsibilities and authorities extend to dealing with cases of anti-social behaviour in the locality of its housing stock, even if the perpetrators or victims of such behaviour are not residents in its housing stock
- The Council has a reasonable expectation that those affected by anti-social behaviour will support the Council in its efforts to stop the harm they experience by reporting anti-social behaviour and providing detailed evidence of what they have seen and heard and how this has affected them
- Legal action is not the only means by which the Council will seek to end anti-social behaviour; however, when such legal action is the proportionate means of achieving this legitimate aim of the Council, the Council will use injunctions and, in serious cases, eviction to do so
- The Council is clear that the success of such action depends on the availability of detailed and recent evidence
- The Council's officers will work in partnership with other service providers and, most importantly, with members of the affected communities in order to establish the evidence necessary for effective action to be taken to tackle anti-social behaviour

The Key Commitments

The Council will act, within the resources available to it, to deliver a service which meets the reasonable expectations of tenants, residents and visitors to the housing stock owned by the Council.

To this end the Council will deliver the following:

- **Easy access to the Housing Service;** someone to listen to the complaint and to get a clear and detailed account of the complainant's experience of anti-social behaviour; an immediate, initial assessment as to whether this meets the statutory definition of anti-social behaviour on which the Council can act effectively
- **A case specific action plan** for the complainant which sets out how the case will be dealt with:
 - this will include the specific steps to be taken by the Council's officers to investigate and get evidence and support for any action necessary to end the anti-social behaviour;
 - it will also make clear what responsibilities the complainant will have to support the Council;
 - this action plan will include timescales for each step and a date to review whether the plan is effective
- **Support for complainants in understanding evidence** and an explanation about what the complainant has to do to have the best chance of assisting in ending the anti-social behaviour which is distressing them
- **Fast investigation of the complaints;** this will include checking the details supplied by complainants and securing facts to support action – facts provided by other witnesses and by other service providers
- **Feedback from the investigation to the complainant;** this will aim to keep the complainant informed and committed to action
- **A clear decision made on the basis of the facts;** this will be communicated quickly to the complainant and will set out likely action
- **Any appropriate and proportionate action, necessary to prevent repetition of anti-social behaviour, will be taken quickly**

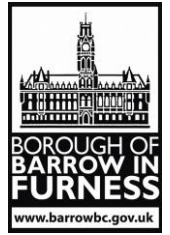
In addition, the Council will meet its statutory responsibility to publish the procedures by which it will achieve the commitments set out above. These procedures are set out in a separate document.

The Practical Aims and Objectives of the Council's Policy

- To make the Council accountable to the community it serves by being transparent about where it stands on anti-social behaviour and what it will do to tackle such behaviour
- To give a clear view for its officers of the Council's expectations and direction
- To make clear the Council's commitment to lead, in appropriate cases, in action to stop anti-social behaviour and, in other cases, its commitment to support other agencies in their action to tackle anti-social behaviour
- To ensure a "whole organization" approach within the Council to tackling anti-social behaviour; all Members and staff will be expected to take reports of anti-social behaviour seriously, to be committed to establishing clear and detailed evidence of incidents by assisting witnesses to capture such evidence and to support action by the Council, to protect individuals and communities, by providing evidence of anti-social behaviour they have witnessed themselves
- To make clear the Council's reasonable expectation that other agencies, such as the Police and local housing associations, will act in partnership with the Council and to use their own authorities to stop anti-social behaviour
- To make clear that the Council's actions will, and can only, be based on evidence
- To encourage and reassure residents that the Council will act on such evidence of anti-social behaviour and to support and empower residents in providing this evidence
- To make clear that the Council will seek to act in a way that is relevant to the needs of its residents: to act quickly and effectively to end anti-social behaviour and to credibly prevent its repetition

Barrow Borough Council

HOUSING DEPARTMENT



**Anti-social Behaviour and Neighbour Nuisance Procedure –
including hate behaviour and domestic violence**

December 2013

FINAL

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The purpose and scope of the procedure

This procedure sets out the way in which staff of the Borough Council will respond to complaints of anti-social behaviour and nuisance. The procedure relates to cases where the behaviour takes place in or around the Council's housing stock. The procedure also relates to behaviour in other locations when the behaviour can reasonably be related (directly or indirectly) to the Council's social housing management service.

Currently this procedure is based on the relevant sections of the **1996 Housing Act** which set out the Council's landlord authority to act in cases of nuisance and anti-social behaviour and in the relevant sections of the **Crime and Disorder Act 1998**. Each of these pieces of legislation has been amended by subsequent pieces of legislation and the procedure relies on the most up to date versions of the amended legislation.

The procedure (when read with the Council's Policy Statement) meets the requirement of the **Anti-Social Behaviour Act 2003** (section 12) that the Council, as a social landlord, must prepare and publish its policies and procedures to deal with nuisance and anti-social behaviour.

The procedure deals with action to prevent repetition of anti-social behaviour in cases reported to the Council's officers.

Action to stop anti-social behaviour can be taken by the Council, as landlord:

- Against a tenant of the Council (the tenant is also responsible for the behaviour of their household or a visitor to their household and action can be taken directly against the tenant for the behaviour of such people)
- Against any resident in the Council's housing stock
- Against any visitor to the Council's housing stock
- Against anyone causing nuisance in the locality of the Council's housing stock including local owner-occupiers, people renting locally from other social landlords, people renting locally privately owned accommodation or anyone else causing such nuisance

The key factor is that such action will be taken to protect the following, so long as the Council can show there is an impact on their Housing Management Function:

- Any resident in the Council's housing stock (including members of the same household as the perpetrator)
- Any visitor to the Council's housing stock
- Anyone going about their lawful business or living in the locality of the Council's housing stock
- The Council's staff or representatives or anyone employed by the Council

Although action to stop nuisance and anti-social behaviour will not always be legal action, staff will take reports of such behaviour seriously, will investigate any substantial detail that's been provided by complainants and will exercise a judgement and decide the most reasonable and proportionate way to deal with the complaint that is likely to prevent a repeat of the behaviour.

To this end, the procedure seeks to establish action by Council staff to use a proportionate means of achieving the Council's legitimate aim as a social landlord to stop anti-social behaviour in and around its housing stock. This is in line with the spirit and language of the **Equality Act 2010**.

Finally, the procedure recognizes the Council's responsibility within the terms of the **Human Rights Act** (Schedule 1, Article 8). The staff of the Council will not use this procedure to interfere with an individual's rights unless such action is necessary for the prevention of crime or disorder, the protection of health or morals or for the protection of the rights and freedoms of others.

This procedure is intended to ensure:

- That anti-social behaviour is stopped effectively at the earliest possible stage and to prevent a repetition
- That victims of such behaviour and witnesses to it are protected by the authority of the Council and its partner services, notably the Police
- That the action chosen to do this is likely to achieve these outcomes quickly
- That perpetrators of such behaviour are held to account for their actions, if necessary through the Courts
- That the Council is seen to be acting proportionately to achieve its legitimate aim of acting to secure the safety and well being of residents in and visitors to its housing stock
- That Council's staff are supported and guided in their decision making and action in cases of nuisance and anti-social behaviour

The relevant definitions of anti-social behaviour

There are two definitions which social landlords should use to decide whether the behaviour reported is behaviour on which you can take action. These are as follows:

- **Behaviour capable of causing nuisance or annoyance to any reasonable person**

This definition is the one that the Council is most likely to rely on for deciding on action directly against an adult.

- **Behaviour likely to cause harassment alarm or distress to anyone not of the same household as the perpetrator**

This definition is the one that the Council is most likely to rely on in the rare case when it is considering action directly against someone under 18 years of age and when considering, for example, the use of a Premise Closure Order.

These definitions are important. They are very broad and are meant to give the Council the widest scope possible to protect its tenants and also residents in and around as well as visitors to its Council housing stock.

The behaviour may be either simply nuisance behaviour or it might also be criminal behaviour, either or both causing nuisance and distress to the complainant who has come to the Council for help.

In some cases, which are the most serious cases, this behaviour may leave the complainant in fear or at serious risk of further harm. This may be because the behaviour includes violence or threat of violence. It may be because the complainant is vulnerable or targeted because they are being subjected to hate behaviour. These are the cases that may require urgent action and you should tell your manager if you believe that you are dealing with a case like this.

A summary of the legislation, which gives the Council the authority to act in cases of anti-social behaviour, is provided at the end of this procedure.

Case Management: Evidence and investigation

Good case management is based in evidence; facts that you establish, which enable you to make a judgement about what you can do to assist the complainant and to stop any anti-social behaviour. You need to establish two sets of evidence. The evidence of your case management and the evidence provided by witnesses and any professional sources apart from yourself.

The evidence contained in the written record of your own case management

One set of facts is within your own experience. This is, essentially, a list (in date order) of your direct experience of the case: when you received the case; the name and address of the complainant; what you have been told by the complainant and by any witnesses and what you have done to check that what you have been told is true. You need to ensure that you have a clear written record of every such contact: the date you spoke to each person, his or her name and address and exactly what you were told by them.

You will also need to keep a written record of what you did in response: what you agreed with the complainant you would do; what you agreed the complainant would do; what you did to investigate and to corroborate or verify what you were told; what judgement you made as to whether you had enough evidence to take action; what action you considered appropriate; when you took that action; what was the outcome of that action.

The evidence provided by complainants, witnesses and professionals

The point at which the complainant comes to you may be immediately after an incident. You need to try to capture a written record of the detail of the incident while it is fresh in their mind. It will help you greatly to have an incident diary in front of you to prompt you to get the full and necessary information for each incident they can tell you about. The questions will always be the same:

- The date of the incident?
- The time it started and finished?
- What happened, in as much detail as possible? (What did the perpetrator actually do? What did they say, the exact words?)
- Who was the perpetrator? (If possible you need a name and address)
- Who witnessed this?
- Did the complainant report it to anyone else and, if so, to whom?
- How did this incident affect them (or, if relevant, their household or visitors)?
- Have they approached the perpetrator and, if so, with what outcome?

These are the questions you must get fixed in your mind and any witness's mind, whether the witness is a complainant, another witness to an incident or a professional who witnessed an incident or to whom an incident was reported.

If you always get the answers to these questions, you have a much better chance of being effective in your case management and being able to check facts and to establish an account which is likely to be true, and which will give you the basis for clear action.

THE CASE MANAGEMENT CHECKLISTS

The following pages have a series of checklists to assist you with your case management. Using the Case File and the Incident Diary will give you a structure for managing your case, to make sure you don't miss anything important. The checklists will take you through each necessary task in a sensible order. At any stage, with your manager's agreement, you may contact ASB Action Ltd for advice on how to progress your particular case.

You will see a constant reference in the checklists to writing things down.

Written and detailed records of your contacts, your investigations and your decisions are massively important. You will need these in order to explain what you have done. These records will help you in any review of your case management. They will help your colleagues to continue to manage the case in your absence. They will form the basis of your own statements to the Court for any successful legal action. If you do not keep them, you will have great difficulty in progressing any case forward. Sign and date **all** your written records.

The Case File

Keeping all the information on the case together in one place will help you to manage the case and help you to use your time efficiently. This is what the Case File is designed to do; it has sections to take you through each stage of the Council's procedure. You should keep copies of all relevant notes and correspondence in a folder with the Case File.

The ASB Incident Diary

The detail set out in this diary is the essential detail for each incident of anti-social behaviour. It should be used to record the direct personal experience of the person completing the diary (or on whose behalf the diary is completed). With the detail you will be more likely to be able to investigate the complaint and to take action. Without the detail, you will be less likely to be able to do either. Although the diary is primarily for the use of complainants and witnesses, it contains all the questions, which should also be answered by any service provider or elected representative who personally witnesses anti-social behaviour. It is worth learning these questions off by heart and asking them each time someone wants to talk to you about their experience of a case of anti-social behaviour.

Checklist 1: Getting the detail of the complaint

- Write down the name and address of the complainant and establish whether they live in Council housing
- Write down the name and address of the perpetrator and establish whether they live in Council housing
- Write down a clear account of the complaint using the diary questions and write down an account of each incident that the complainant remembers
- Decide, firstly, whether the behaviour is, on the face of it, behaviour likely to cause nuisance or annoyance to any reasonable person
- Decide, secondly, whether you have sufficient detail to enable you to investigate the complaint
- If not** (to either or both of the above), tell the complainant and tell your manager that this is your view
- With your manager's agreement, confirm this in writing to the complainant and place a copy of this letter on the house file
- If you decide that you have the detail of what appears to be anti-social behaviour that will enable you to investigate, proceed to the next stage, establishing the Case File within 10 working days
- If the behaviour described by the complainant includes violence or threat of violence (and the Council is clear that this will include domestic violence), or if the behaviour is hate behaviour (directed at someone because they are, for example, disabled):**
 - Start your initial investigation immediately (see **Checklist 3**, page 10),
 - Check any facts you can,
 - Speak to your manager and decide what action is appropriate,
 - Where appropriate, check with the Police to ensure there are no current appropriate bail conditions in place;
 - Where there appears to be a history of mental health, check with the Mental Health Team to establish whether there are any issues of mental capacity in relation to the alleged perpetrator, and,

- With your manager's agreement, where necessary and proportionate, commence emergency legal action to protect the witness (s) (*using Checklist 5, page 12 as your guide*).

Checklist 2: Establishing the Case File and Action Plan

- If you decide that the behaviour **is** likely to cause nuisance or annoyance to any reasonable person, open a Case File using the detail you have secured so far and agree a relevant Action Plan with the complainant as follows:
- Tell the complainant what **you** will do to investigate and support their account (eg: check the perpetrator's house file for any previous records of anti-social behaviour, check with other witnesses identified by the complainant, check with neighbours, check with the police or any other service provider to whom complainants have reported incidents or who it becomes apparent may have previously been involved)
- Tell the complainant what you need **them** to do (eg: keep detailed diaries of any further incident, encourage any other sympathetic witnesses to come forward, report any relevant behaviour to the Police or, perhaps, to Environmental Health Services); give the complainant a copy of the incident diary and explain its importance
- Write this all down in the Case File and sign your entry
- Give the complainant a copy of this Action Plan you have agreed with them

Checklist 3: Initial investigation

- Check with witnesses and use the diary questions to get their versions of events – write down their names and addresses and their answers to the diary questions; write down everything you are told and file your notes with the Case File; ask any witnesses who are helpful if they are willing to keep diary evidence of future anti-social behaviour and, if so, send them a diary: make a note of the date you sent the diary and place this on the case file and sign it

- Check with the police or any other professionals involved in the case: check with them any assertion by the complainant that they have been in touch with the service in question; get an account of the service provider’s involvement with both the complainant and the perpetrator; if the service provider has witnessed anti-social behaviour directly, use the diary questions to get an account of each incident they have witnessed; write down everything you are told and file your notes with the Case File: sign your notes

- Check the house files for any history of similar behaviour from the perpetrator or any previous or current legal action against them by the Council; note what you find and place your note on the Case File and sign it

- **This is the first stage of your investigation. At any point forward from this, you may be provided with an assertion from a witness that you are**

able to check. Checking what a witness says is not to doubt what they are saying to you. It is seeking to bolster and strengthen the force of their evidence by finding someone who can corroborate any detail and therefore make their statement more credible. You need to establish clear and credible facts to enable you to make a judgement as to what will be the appropriate and proportionate action you should take. You also need these facts if you need at some future date to go to Court.

- Your investigation will therefore continue after this first stage but the aim is always the same: to check, whenever possible, any assertion made to you. It's not always possible, but you should take any reasonable opportunity to do this when you can.
- You must always write down what you hear and what you do and sign and date your notes so that you have a credible record: both of what you have done to investigate, and when you have done it.
- In Court, the Judge will test the credibility of your case usually on "The Balance of Probability". The Judge has to decide whether your account of the facts is "more likely than not".
- Every fact that you can corroborate makes your case more likely to be believed. Any point for which you cannot provide precise detail makes your case less likely.

Checklist 4: Mental health issues

The question of the mental health of the perpetrator may arise during your investigation. It is important that you address this issue if it is relevant. You do not need to become an expert in mental health issues. There are many professionals charged with providing expert services in this field and you should be able to rely on them to address the difficulties created by their client for others in the community.

To make any Injunction or Suspended Possession Order the Judge must be able to assume that the subject of the order can understand and abide by the terms of the Order. If the Judge believes the perpetrator cannot do so, they won't make the Order.

In order to address this issue, you don't need any detail of the perpetrator's diagnosis. **You simply need the answers to 4 questions regarding their mental capacity:**

- **Can they understand the impact of their behaviour on others?**
- **Can they understand the terms of any order made by the Court?**
- **Can they abide by the terms of an order?**
- **Is their behaviour as a consequence of any mental health issue?**

If an issue of the perpetrator's mental health is raised, you should use the following checklist to manage this aspect of the case

- Make a written note of the date this was brought to your attention and by whom; also note the detail of the reason the issue of mental health is in question – why does someone think that this is an issue?
- Send an email to Mental Health Services (Duddon House/Dover Unit) asking for answers to the 3 relevant questions with regard to the perpetrator's capacity – make it clear that you are considering action against the perpetrator and want to ensure that you are using a proportionate means to achieve your legitimate aim of ending nuisance and distress to others in the community – ask for a response within an appropriate timeframe – if you are considering an emergency injunction, you will be asking for an immediate response
- If you do not receive a response within the necessary timeframe, talk to your manager and consider escalating the request to the relevant head of service
- Ensure that you have a written record of the response entered on to your Case File together with a note of the date you received this – if you do not receive a response (or if the service provider refuses outright to provide a professional judgement on this issue), ensure that you note this on the Case File

Checklist 5: Decision on action

- Decide whether the evidence supports the complainant's account
- If not, tell your manager and, most importantly, tell the witness and confirm this in writing
- If your initial investigation does support the fact there is anti-social behaviour, tell your manager and decide what is the action that is likely to stop it
- Make a written record of this decision in the Case File and sign this
- If the behaviour involves threats or violence, or if the complainant is particularly vulnerable, speak to your manager about the possibility of urgent legal action** (an injunction to prevent repetition of the behaviour)

- If the behaviour is **not** violent or threatening, the appropriate and proportionate action is likely to be a warning interview confirmed in writing

- If there is a history of such warnings, and these have clearly not been effective in stopping the anti-social behaviour, legal action might now be appropriate – this may depend on the quality of your written record keeping
 - **You may consider action other than the actions above (such as the use of Mediation or an Acceptable Behaviour Contract) but you should always establish the facts before you take action**
 - **It is also important that you choose an action which you believe will authoritatively and credibly stop the nuisance behaviour**
 - **You must not take a particular action simply to go through the motions – if you do not believe that, for example, an Acceptable Behaviour Contract Mediation, will be effective, do not use such action – write down in the Case File why you believe this and sign and date your decision – following discussion with your Manager or ASB Action Ltd**
 - **You must keep at the front of your mind the distress and anxiety which the complainant is feeling**
 - **There is no point in repeating the same action over and over if this is already very clearly not effective**

Checklist 6: Legal action in emergency cases, following urgent investigation

- Confirm with the witnesses that, if urgent and immediate protection is secured from the Court, that they will support your further Court action by providing evidence in person to the Court – explain that you will support them through this experience

- Alert you manager and ASB Action Ltd urgently (by telephone) that you have an emergency case

- Use the information in the Case file and (perhaps) the diaries to produce a statement for yourself, detailing the complaint and your investigation – your manager

and ASB Action Ltd will assist you with this, get it finalized with you and instruct your solicitor on your behalf

- Be available to go to Court within 24 hours to meet your Solicitor
- When the Court has made the Order, check that the detail (names and addresses) is correct
- Tell the witnesses that the Order has been made and that they need to report any breaches urgently to the police and to you
- Ensure that the Order is afterwards served on the perpetrator in person (they must be physically touched by the Order for it to be effective) – do this yourself or instruct a Process Server to do it (ASB Action can assist in getting a Process Server)
- If the injunction order has a Power of Arrest Order attached to it (it usually will if it involves action to deal with threats or violence), make sure that both Orders are lodged with the police
- Ensure that you complete a Certificate of Service (if you personally serve the Order on the perpetrator)
- Ensure, if you are using a Process Server to serve the Order on the perpetrator, that you get a certificate of service from the process server
- Scan a copy of the Certificate of Service and the Order/s of the Court to ASB Action Ltd so that they can use them out of normal office hours for any emergency Court action for any breach of the orders
- File the Orders and the Certificate of Service on the Case File
- Go to the next Court hearing (“the return hearing”) with your Solicitor, when the Court will decide on what happens next: either making a Final Order or giving you directions on what you must do to prepare for a trial of the evidence

Checklist 7: Progressing action in non-emergency cases, following investigation, with no previous history of anti-social behaviour

- Agree the course of action with your manager

- Explain to the witnesses that you have established that you believe that there has been anti-social behaviour, that the perpetrator is responsible and that, at this stage, you need to speak to the perpetrator and warn them

- If the complainant or a witness does not want you to do this you need to understand precisely why they don't – it may be that they haven't told you something that might lead you to reconsider emergency action – it may be that you can proceed without identifying them – it may be that you are unable to proceed because you cannot do so without identifying them

- If you cannot proceed because of the witness's concern, you should make a written note of their specific concerns and whether there is any evidence to support these concerns that would allow you to consider emergency legal action, you should discuss the situation with your manager and decide whether you can or cannot proceed – write this decision down and put it on file with the Case File

- If you cannot proceed because of the witness's concern, you must confirm this in writing to them

- if you can do so, proceed to the warning interview

Checklist 8: The warning interview

- Decide when and where you will do the interview and put this in your diary

- Check the system to make sure that there are no alerts for the perpetrator because of previous behaviour

- Tell your manager that you are doing the interview

- Write to the perpetrator to set up the interview, telling them that you have had complaints of anti-social behaviour, that you are taking the matter seriously and that you need to speak to them – if the perpetrator is a juvenile, write to both the juvenile and to the appropriate adult to set up the interview

- Make sure that you have prepared for the interview by reading the file and any relevant tenancy agreement, and by being clear on the evidence you have already established

- Start the interview by explaining the seriousness of the situation, any implications relating to a relevant tenancy agreement and a general account of the allegations you received

- Ask for a response to these and make sure that you write down as fully as possible the response you receive and that you consider this response (you may want to take a short break to do this and to decide on how to proceed)

- If you remain confident in the evidence that you have established prior to the interview, tell the perpetrator and give them some of the detail to show that you have investigated the complaints and not just taken them on face value

- Warn the perpetrator that the behaviour must stop immediately, that you will keep these matters on file and that should they (or, in the case of a tenant, a member of or visitor to their household) engage in any behaviour capable of causing a nuisance or annoyance to anyone, you will consider using all the current evidence you hold and any future evidence you get to take action against them without any further warning

- Advise the perpetrator that it is in their own interests to get independent legal advice on the implications of the interview and their situation

- Confirm the detail of the interview in writing to the perpetrator (or, if they fail to attend the interview, write to them anyway, as follows), quoting the appropriate conditions of any relevant Tenancy Agreement, setting out the detail of the behaviour which you have verified through your investigation, telling them that you reserve the right to take action against them without any further warning and (again) advising them to get independent legal advice – if the perpetrator is a juvenile, send a copy of the letter to the appropriate adult

- Tell the complainants and witnesses that you have warned the perpetrator and ask them to continue to keep diaries if the behaviour continues

Checklist 9: Considering and starting legal action in non-emergency cases: Tenants

Remember that action against Tenants may be for their own and/or their household's or visitor's anti-social behaviour. You should decide whether you are taking action against the tenant alone or against them and also against any other adult perpetrator involved in the same course of conduct in this case

- Check whether any other legal action is already in place for rent recovery
- Check the Tenancy Agreement and note the relevant terms that mention nuisance or anti-social behaviour
- Check that you have clear records of previous warnings regarding anti-social behaviour, preferably confirmed in writing
- Decide that you have sufficient detailed records to enable you to evidence recent anti-social behaviour and to show that you have checked the facts available to you
- Check that your witnesses will support you in taking Court proceedings and will provide statements and evidence in person in Court
- Tell your manager that you believe that legal action is appropriate and viable and get their agreement to this entered on the Case File and signed by them
- With your manager's agreement, consult ASB Action Ltd – this will sometimes mean sending a **copy** of the Case File and all the relevant papers to them – always keep all original papers on your Case File
- Record all decisions on your Case File with the date you made them
- With assistance from ASB Action Ltd, draft witness statements (and, for some cases, a Notice of Intention to Seek Possession or a section 128 Notice for Possession of an Introductory Tenancy)
- Secure authorization from your manager for ASB Action Ltd to instruct Solicitors to act in your case and confirm this in writing to ASB Action Ltd

- Tell the witnesses that you are proceeding to make an application to the Court and that the perpetrator will be receiving notice of the Court hearing date, together with their witness statements
- When you are notified by ASB Action Ltd, collect the Notice of Hearing from the Court, serve it on the perpetrator (in person if possible), complete a Certificate of Service and send a copy of the Notice of Hearing and a copy of the completed certificate of service to ASB Action Ltd
- Tell the witnesses the hearing date; they don't have to attend this hearing

Checklist 10: Considering and taking legal action in non-emergency cases: Adult non-tenants

- Is the behaviour related (directly or indirectly) to the Council's housing management function? - Is the complainant your tenant or someone living in or visiting your housing stock? – Is the perpetrator your tenant or someone living in or visiting your housing stock? – Either will give you reasonable grounds for being approached
- Check that you have clear records of previous warnings regarding anti-social behaviour, preferably confirmed in writing
- Decide that you have sufficient detailed records to enable you to evidence recent anti-social behaviour and to show that you have checked the facts available to you
- Check that your witnesses will support you in taking Court proceedings and will provide statements and evidence in person in Court
- Tell your manager that you believe that legal action is appropriate and viable and get their agreement to this decision entered on the Case File and signed by them
- With your manager's agreement, consult ASB Action Ltd – this will sometimes mean sending a **copy** of the Case File and all the relevant papers to them – always keep all original papers on your Case File
- Record all decisions on your Case File with the date you made them
- With assistance from ASB Action Ltd, draft witness statements
- Secure authorization from your manager for ASB Action Ltd to instruct solicitors to act in your case and confirm this in writing to ASB Action Ltd

- Tell the witnesses that you are proceeding to make an application to the Court and that the perpetrator will be receiving notice of the Court hearing date, together with their witness statements
- When you are notified by ASB Action Ltd, collect the Notice of Hearing from the Court, serve it on the perpetrator (in person if possible), complete a Certificate of Service and send a copy of the Notice of Hearing and a copy of the completed certificate of service to ASB Action Ltd
- Tell the witnesses of the hearing date; they don't have to attend this hearing

Checklist 11: Considering and taking legal action in non-emergency cases: Juveniles

- Is the behaviour related (directly or indirectly) to the Council's housing management function – Is the complainant your tenant or someone living in or visiting your housing stock? – Is the perpetrator someone living in or visiting your housing stock? – Either, alone, will give you reasonable grounds for being approached
- Check that you have clear records of previous warnings regarding anti-social behaviour, preferably confirmed in writing
- Decide that you have sufficient detailed records to enable you to evidence recent anti-social behaviour and to show that you have checked the facts available to you
- Check the your witnesses will support you in taking Court proceedings and will provide statements and evidence in person in Court
- Tell your manager that you believe that legal action is appropriate and viable and get their agreement to this entered on the Case File and signed by them
- With your manager's agreement, consult ASB Action Ltd – this will sometimes mean sending a **copy** of the Case File and all the relevant papers to them – always keep all original papers on your Case File
- Record all decisions on your Case File with the date you made them

- With assistance from ASB Action Ltd, draft witness statements
- Secure authorization from your manager for ASB Action Ltd to instruct solicitors to act in your case and confirm this in writing to ASB Action Ltd
- Tell the witnesses that you are proceeding to make an application to the Court and that the perpetrator will be receiving notice of the Court hearing date, together with their witness statements
- When you are notified by ASB Action Ltd, collect the Notice of Hearing from the Court, serve it on the perpetrator and the appropriate adult (in person if possible), complete a certificate of service and send a copy of the Notice of Hearing and a copy of the completed certificate of service to ASB Action Ltd
- Tell the witnesses of the hearing date; they don't have to attend this hearing

Checklist 12: Your compliance with Court instructions and support of witnesses

Whether you have started legal action with an emergency (without notice) Injunction or whether you have given notice to the perpetrator that you are taking them to Court and seeking an Order against them, you will arrive at a point where a Court gives the Council and the perpetrator instructions (called "Directions") on how to assist the Court in the ongoing legal proceedings.

The directions of the Court are not advice or guidance. They are, very precisely, instructions. They will give deadlines for completion of specified tasks. The Judge responsible for Court management in Lancashire and Cumbria has made it absolutely clear in his guidance to local Judges that they can strike out cases and award costs against parties who do not meet the directions set down by a Court. The directions order will also give a date for the next hearing or a time slot/window within which that hearing will take place.

- When the Court has made the Directions Order (at the 1st or at the return hearing), collect the sealed Order (stamped with the Court Seal) and check that the detail (name and address) is correct
- If the perpetrator wasn't in Court when the Directions Order was granted, ensure that the Order is afterwards served on the perpetrator (in person, if possible) – do this

yourself or instruct a Process Server to do it – serving it on the person means that it's less likely that a Judge will delay proceedings if the perpetrator says they haven't received the order

- Ensure that you complete a Certificate of Service (if you personally serve the order on the perpetrator)
- Ensure, if you are using a process server to serve the Order on the perpetrator, that you get a certificate of service from the process server
- Scan a copy of the certificate of service and the Directions Order of the Court to ASB Action Ltd so that they can provide them to the Solicitors they are instructing to act for you
- File the Order/s and the Certificate of Service on the Case File
- If you have problems meeting any Court deadline, you must discuss this urgently with your manager
- In particular, check with witnesses whether they have any commitments during the time window established by the Court for a further hearing
- Reassure the witnesses that you will support them and stay with them in Court during any hearing they have to attend – encourage them to continue to report and keep details of any continuing anti-social behaviour
- Attend Court with your witnesses for the trial of the evidence

Checklist 13: Managing the Final injunction and Suspended Possession Orders made by the Court

Any reasonable person made subject to an Order from the Court to stop anti-social behaviour and nuisance should take it seriously and comply with it. Most people do. You cannot, however, assume that the perpetrator will comply. The Order is, for the Council, a tool to ensure that, if the perpetrator doesn't comply with the Court order, there will be consequences for them.

- If the perpetrator was in Court when the Order was made, they are immediately subject to the Order – the Judge may, in these circumstances, dispense with service of the Final Order
- If not, you should serve the Order on the perpetrator, and complete a Certificate of Service or get a Process Server to do both these tasks
- Make sure that a copy of the Final Order and the Certificate of Service is scanned to ASB Action Ltd and then filed with your Case File

- Make sure that witnesses have a copy of the Order or Orders of the Court

- Make sure that, if there is a Power of Arrest attached to the Order, the Police also have a copy of the Injunction and the Power of Arrest

- Make sure that the witnesses have a fresh diary and that they know that you need the same very precise detail if you they need you to take action for any breach of the Court's order

- Make sure that, if you are told of breaches, that you bring these to the attention of your manager urgently

- If the breach is a breach of a Power of Arrest Order and the Police have arrested for this, they should have urgently informed the Solicitor acting for you in the case. If you are the first person the police have called, please get in touch with ASB Action Ltd urgently

- For other breaches, with your manager's approval, take advice from ASB Action Ltd

Breach of a Court order is very serious matter. It is contempt of Court and can result in imprisonment or, in the case of a Suspended Possession Order, the eviction of a household.

Closing the Case

When a report is received, the Council must investigate, monitor and progress it to a conclusion.

A case should be closed when:

- It has been resolved successfully without using legal proceedings
- It has been resolved successfully because of the threat of legal proceedings
- It has been resolved successfully using legal action
- This legal action (Injunction, demotion etc) has been managed in the community to change the behaviour of the perpetrator
- There is no further action that can be taken because it is deemed that the behaviour complained of is not anti-social.

A clear conclusion and closure of each case is important for the investigating officer, the complainant and the perpetrator. At the same time all should be aware that the securing of a Court order is often the start of a stronger engagement with the community and the perpetrator and not the closure of the case. Witnesses and the community must experience the continuing commitment of the Council's staff to their safety and well-being through the management of Orders in partnership with the community, the Police and with other relevant local service providers

The Council's aim in tackling anti-social behaviour is in part to ensure that the complainant is satisfied with the outcome, but some cases may have to be closed even though the complainant is not satisfied: for example, if:

- The reported behaviour cannot be reasonably described as a nuisance
- There is no evidence
- The complainant or perpetrator will not try other approaches, such as mediation, where there is not enough evidence to justify any more formal action
- The report is obviously mischievous.

When closing a case, it should be borne in mind that what may constitute an insufficient basis for action now may well provide vital evidence or verification in the future. Therefore closed Case Files should always be kept securely.

It is appropriate to close a case where there has been no contact from the complainant for 8 weeks (40 working days), unless legal proceedings have been started or the case is being monitored for evidence of a breach of the tenancy agreement.

Before a case is closed, the Investigating Officer should write to the complainant to explain the reasons for doing so and secure their response. If the complainant agrees that the case be closed, they should be asked to confirm this.

If the complainant does not agree that the case be closed, but is still keeping Diary records of anti-social behaviour or breach of the Tenancy Agreement, the Case Manager should check to confirm that the Diary information is relevant, take appropriate action and the case should remain open for another 8 weeks (40 working days), after which period the case manager should contact the complainant again.

Customer Satisfaction Survey

Communities and Local Government, as part of its development of the Respect Standard for Housing Management, has developed a questionnaire to be used in individual cases to check with complainants in cases of anti-social behaviour whether they are satisfied with the service they have received from a Registered Social Landlord.

The survey explores the complainant's experiences when contacting the landlord, how their complaint was dealt with and, more generally, their attitudes to the landlord's services for tackling anti-social behaviour.

The Survey has been incorporated into the Council's procedure for tackling anti-social behaviour and must be forwarded to complainants within a fortnight of a case being

closed. The results should be recorded on the Database and the paper version filed with the Case File.

The Law

There are two important pieces of legislation for Councils dealing with anti-social behaviour in their Council owned housing stock:

- **The Housing Act 1996
(as amended by the Anti-Social Behaviour Act 2003)**
This sets out the basis for action by the Council as the landlord of its housing stock to stop anti-social behaviour and to take action against perpetrators of such behaviour
- **The Crime and Disorder Act 1998**

Because the Housing Act 1996 is so effective in dealing with the behaviour of anyone over 18 years of age, this legislation is likely to be used by the Council (as landlord) only to deal with juveniles (from 10 to 17 years of age, inclusive)

The Legal Actions available to the Council

i - The use of Introductory Tenancies (Housing Act 1996, Part V, Chapter I)

Introductory Tenancies, for new tenants who haven't already got a tenancy with the Council or a Housing Association, create a probationary period for the tenant.

During this time you can assess the tenant's conduct of their tenancy. If they are failing to meet their obligations as tenants, you can start proceedings to end the tenancy using a Notice of Proceedings (section 128), setting out the reasons for deciding to take this action. You should always establish a clear written record of the evidence and the investigation on which you have based your decision. The Notice should specify a date for proceedings to be started that is far enough in the future to allow the following stages to have been completed (around 3 - 4 weeks).

- On receipt of the Notice, the tenant has 14 days to request a review of the decision to seek an order for possession.
- The review must be conducted by a senior officer, who was not involved in the original decision to act to end the tenancy.
- The reviewing officer should consider what the tenant has to say and may also consider what complainants have got to say.
- They should make a decision on the facts and then inform the tenant of their decision with regard to the appeal.

If the reviewing officer's decision is to reject the appeal, a claim for possession must be made to the County Court. Possession is mandatory, but the Defence may ask the Judge to decide whether, on the evidence, the decision to end the tenancy was proportionate decision.

An introductory tenancy can also be extended if you have evidence of anti-social behaviour.

An introductory tenancy does not have some of the rights of a secure tenancy

ii - Injunctions (Housing Act 1996, sections 153A, B, C, D, & E)

The Council can apply for an injunction against any adult to prohibit conduct capable of causing a nuisance or annoyance to any reasonable person, if that conduct directly or indirectly relates to the Council's housing management function. This could be shown by something as basic as demonstrating that the Council had reasonably received a complaint about the behaviour because *either the complainant or the perpetrator was a resident in or visitor to the Council's accommodation.*

A Council tenant can be made the subject of an Injunction, even if the behaviour is not their own but that of a member of their household, of whatever age, or of a visitor to their household. They can also be made subject to an Injunction to prevent the unlawful use of the premises for which they hold a tenancy.

If the behaviour about which you receive complaints includes violence, threat of violence or risk of significant harm the Injunction can have an additional, associated Order (a power of arrest order) attached to it. This Order can be made on a single Housing Officer statement. In such circumstances the Police can arrest for breach of the Order, without a Warrant, and bring the perpetrator before the County Court within 24 hours of arrest. You can ask the Court, at that hearing, to commit them to prison for breach of the Order, which is contempt of Court. The Court has the power to remand the perpetrator if the proceedings are adjourned.

In the most extreme circumstances, the perpetrator can be excluded from the premises or from the whole estate.

iii - Undertakings

The perpetrator or their legal advisor will often ask to give an Undertaking as an alternative to being made the subject of an Injunction. This is still an Order of the Court but:

- There are no findings of fact which could be used in further proceedings because no evidence will have been tested before the Court
- You cannot, even if you believe your witnesses need such protection, seek to attach a power of arrest

Breach of Undertaking is a Contempt of Court and can result in committal to prison. Evidence used to prove a breach can be used as findings of fact for future proceedings.

iv - Anti-Social Behaviour Orders (ASBOs) Section 1, Crime and Disorder Act 1998 (amended by section 61, Police Reform Act, 2002)

This provides for the Council to apply to the Magistrates' Court for ASBOs where the behaviour relates to the Council's stock and the perpetrator has behaved in a manner which is likely to cause harassment, alarm or distress to anyone not of the same household.

As well as being sure of the evidence which demonstrates that this behaviour has taken place, the Court must be satisfied that the Order is necessary.

The standard of proof required by the Court that the anti-social behaviour has taken place is the criminal standard of proof, beyond reasonable doubt.

The Order is, nevertheless, a civil order. The proceedings are civil proceedings and this means that Hearsay Evidence (such as that given by a Housing Officer or Police Officer on behalf of fearful witnesses) is admissible and can itself fully meet the requirements of the Court for evidence. However, the Council recognises that best evidence will always be evidence in person which can be tested by the Court and will always encourage and assist complainants themselves and their witnesses to bring this evidence before the Court.

The ASBO is a civil order in most ways similar to the Injunctions available to social landlords to tackle anti-social behaviour. The differences are:

- That the Order is not tenure specific and the terms can be made to apply to the perpetrator if they leave the Council's housing stock to live in the Private sector
- The Order can be made to tackle the anti-social behaviour of anyone over the age of 10 – the Court should actively consider the making of a Parenting Order when making an ASBO for anyone under the age of 16

- The order lasts for a minimum of two years
- Breach of the order is a criminal offence punishable by up to 5 years in prison

The similarities to Injunctions are:

- They prohibit repetition of harmful behaviour
- They can be secured as interim orders at the first time of application to the Court
- They can be secured without notice to the perpetrator in circumstance where the behaviour includes actual violence or threat of violence or hate behaviour such as racist behaviour

The application must be made within 6 months of at least one of the incidents evidenced to the Court. It may be made on the basis of one incident if that incident was sufficiently serious. Earlier incidents may be used as background information to support the case and show a pattern of behaviour.

Orders issued to young people should be reviewed each year, to help ensure that they are receiving the support they need in order to prevent breach. The review should be administrative rather than judicial, and should be undertaken by the Team that made the initial application. Where practicable, the Youth Offending Team should provide the Council with an assessment of the young person. Depending upon progress towards improved behaviour, possible outcomes will include an application to discharge the Order or a strengthening of the prohibitions. Applications to vary or discharge the Order will have to be made to the Court in the usual way. The overriding considerations remain the safety and needs of the community, and the review would have to incorporate the community's views on the Order's effectiveness.

v - Possession Proceedings to end a secure tenancy (Housing Act 1996, section 144, amending Ground 2 schedule 2 of the Housing Act 1985)

The Council can make a Claim for Possession of one of its secure tenancies if the tenant or a person residing in or visiting the property has been guilty of causing or likely to cause a nuisance or annoyance to anyone living in or visiting the locality.

Additionally, the Council can make a Claim for Possession if the tenant or a person residing in or visiting the property has been convicted of using the dwelling-house or allowing it to be used for immoral or illegal purposes, or has been convicted of an indictable offence committed in, or in the locality of, the dwelling-house.

Finally, if a partner has had to leave a tenancy because of domestic violence (towards any member of the household) this creates a ground for possession against the perpetrator if the perpetrator is the Council's tenant at that property.

vi - Demotion from a secure tenancy (Housing Act 1985, section 82 and 82A, and Housing Act 1996, section 143A – both as amended by the Anti-Social Behaviour Act 2003)

The Council can seek an order from the Court to reduce the security of tenure of a secure tenant and to create, for the tenant, a Demoted Tenancy. Such a tenancy is very similar in its implications to an Introductory Tenancy.

The grounds for seeking demotion are as follows:

- The tenant or a member of or visitor to their household has engaged in conduct capable of causing a nuisance or annoyance to any reasonable person and the behaviour directly or indirectly relates to or affects the Council's housing management function
- Someone has used or threatened to use the premises for an unlawful purpose

When such an order has been made, the Council must give the tenant a reasonable opportunity to amend the conduct of their tenancy, but should the behaviour continue and the Council has evidence of this, the procedure for ending the Demoted Tenancy is virtually the same as that for ending an Introductory Tenancy (see the relevant paragraph above in this section of the Council's procedures).

vii - Premises Closure Orders (Anti-social Behaviour Act 2003, Part 1, as amended by Criminal Justice and Immigration Act 2008)

The Anti-Social Behaviour Act introduced so called Crack House Closures, to be used by the Police to deal with closing premises where Class A drugs are being used or sold, causing distress to others in the community.

A more recent Closure Order has been introduced, which the Council itself can use to deal with "significant and persistent disorder" or with "persistent serious nuisance".

For both types of closure order the Council must consult with the Police and vice versa.

The Chief Executive must authorize the use of such an action by the Council. The Chief Executive's authority can be delegated.

The action begins with investigation to establish the evidence of the facts and involves a judgement that the order is necessary to prevent further distress to other residents. The authorization of the Chief Executive (or of the delegated officer) must be secured. You should, as far as is reasonably possible, identify the people who live in the premises and serve a notice, which prohibits entry to the premises immediately. The notice must also give the date and time of the hearing at which the closure order application will be heard by the Magistrates (within 48 hours of the service of the notice). The notice must also inform the tenant where they can go to get legal advice and assistance.

The order is made by Magistrate's on the evidence you present to them.

Breach of an order is an offence and anyone breaching it can be arrested and brought before the Magistrates.

viii - Parenting Orders (Section 24, Police and Justice Act, 2006)

This makes provision for the Council to apply to Court for a Parenting Order.

Generally a Parenting Contract should be agreed and tried before such an application is considered. The Police and Justice Act requires that the child whose parents are under consideration must have engaged or be likely to engage in anti-social behaviour which directly or indirectly relates to the landlord's housing management function. The Parenting Contract is a document which sets out the requirements on the parent which may include a counselling or guidance programme. The purpose of

the contract is to stop the young person from engaging in anti-social behaviour. It is signed by the parent and the representative of the landlord. There is no sanction available for failure to comply with a Parenting Contract.

Local Authorities ALMOs and RSLs may apply for a Parenting Order if the young person under consideration has engaged or is likely to engage in anti-social behaviour which directly or indirectly affects the housing management function of the landlord. The application is made to the Magistrates' Court (unless it is joined with other associated proceedings in the County Court). The court must both be satisfied that the young person has engaged in anti-social behaviour and that it's desirable in the interest of stopping the behaviour for the order to be made.

A Parenting Order lasts for no more than 12 months. The parent must comply with its terms throughout this period. During the same period they may or may not be required to attend counselling or guidance for a period of no more than 3 months.

For each Order made there must be a named Responsible Officer (either an officer of the Council or someone who has agreed to be nominated by the Council as the Responsible Officer).

If the parent fails to comply with the terms of the Order they will be warned; if they continue in this way they will be met with by the Responsible Officer and warned again; and, finally, if they persist in non-compliance they may be fined up to £1,000.

ix - Extending an Introductory Tenancy – (Section 179 of the Housing Act 2004 amended the Housing Act 1996 and gives the Council the flexibility to extend Introductory Tenancies):

- where there are continuing doubts about the conduct of a tenant; or
- in cases of anti-social behaviour.

Provisions to extend will only apply to new Introductory Tenancies granted after 6 June 2005. A tenant is entitled to ask for a review of the decision to extend an Introductory Tenancy. **The Introductory Tenancies (Review of Decisions to Extend a Trial Period) England Regulations 2006** commenced on 3 May 2006 and stipulates the form of review a tenant is entitled to where a Landlord makes a decision to extend the period of their Introductory Tenancy.

x - Suspending a Right to Buy Application – (Section 192 of the Housing Act 2004)

This enables the Council to seek an Order from the Court, suspending a Right to Buy application for a specified period in respect of the tenancy, on the grounds of anti-social behaviour. The Court may only grant such an Order if it is satisfied that the tenant or a person residing in or visiting the property has engaged or threatened to engage in anti-social behaviour (which includes using the premises for unlawful purposes), and that it is reasonable to make the Order.

This measure will stop anti-social tenants escaping the consequences of their actions by buying their home before the Council can take effective action against them