

Public Document Pack

Mid Devon District Council

Homes Policy Development Group

Tuesday, 1 October 2019 at 2.15 pm
Exe Room, Phoenix House, Tiverton

Next meeting
Tuesday, 3 December 2019 at 2.15 pm

Those attending are advised that this meeting will be recorded

Membership

Cllr Mrs E M Andrews
Cllr R J Dolley (Chairman)
Cllr J Cairney
Cllr D R Coren
Cllr L J Cruwys
Cllr W J Daw
Cllr C J Eginton
Cllr Mrs I Hill
Cllr S J Penny

A G E N D A

Members are reminded of the need to make declarations of interest prior to any discussion which may take place

- 1 **Apologies and Substitute Members**
To receive any apologies for absence and notice of appointment of substitutes.
- 2 **Declaration of Interests under the Code of Conduct**
Councillors are reminded of the requirement to declare any interest, including the type of interest, and reason for that interest, either at this stage of the meeting or as soon as they become aware of that interest.
- 3 **Public Question Time**
To receive any questions relating to items on the Agenda from members of the public and replies thereto.
- 4 **Minutes (Pages 5 - 12)**
Members to consider whether to approve the minutes as a correct record of the meeting held on 13 August 2019.
- 5 **Chairman's Announcements**
To receive any announcements that the Chairman may wish to make.

- 6 **Performance and Risk Report** *(Pages 13 - 22)*
To receive a report from the Director of Operations providing Members with an update on performance against the Corporate Plan and local service targets for 2019 – 2020 as well as providing an update on the key business risks.
- 7 **Financial Monitoring**
To receive a verbal report from the Principal Accountant presenting a financial update in respect of the income and expenditure so far in the year.
- 8 **Council Tenancy Rent Debit Frequency** *(Pages 23 - 30)*
To receive a report from the Group Manager for Housing Services reviewing the number of weeks over which rent is charged on a yearly basis.
- 9 **Update on progress relating to the review of the Homelessness Strategy** *(Pages 31 - 36)*
To receive a report from the Group Manager for Housing Services regarding the Homelessness Strategy which is currently being reviewed and this report provides information on progress relating to this project.
- 10 **Deposit and Advance Rent Scheme** *(Pages 37 - 42)*
To receive a briefing report from the Group Manager for Housing Services providing information relating to the Deposit and Advance Rent Scheme.
- 11 **Review of the Housing Service Harassment Policy** *(Pages 43 - 62)*
To receive a report from the Group Manager for Housing Services reviewing the Housing Service Harassment Policy.
- 12 **Review of Housing Service Hoarding Policy** *(Pages 63 - 74)*
To receive a report from the Group Manager for Housing Services reviewing the Hoarding Policy by virtue of time bar.
- 13 **Review of the Housing Services Pets and Animals Policy** *(Pages 75 - 94)*
To receive a report from the Group Manager for Housing reviewing the Pets and Animals Policy.
- 14 **Housing Update Report** *(Pages 95 - 104)*
To receive a briefing report from the Group Manager for Housing Services providing a written briefing on the latest developments relating to social housing.
- 15 **Identification of items for the next meeting**
Members are asked to note that the following items are already identified in the work programme for the next meeting:

- Performance & Risk
- Financial Monitoring
- Draft GF budget for 2020/201
- Draft HRA budget for 2020/21
- Compensation Policy
- Homelessness Strategy
- Improvements to Council Property Policy
- Leasehold Management Policy
- ASB Policy and Procedures
- Income Management Policy
- Tenancy Strategy
- Tenancy Policy
- Housing Sector Update

Note: This item is limited to 10 minutes. There should be no discussion on the items raised.

Stephen Walford

Chief Executive

Monday, 23 September 2019

Anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chairman. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairman or the Member Services Officer in attendance so that all those present may be made aware that is happening.

Members of the public may also use other forms of social media to report on proceedings at this meeting.

Members of the public are welcome to attend the meeting and listen to discussion. Lift access the first floor of the building is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available. There is time set aside at the beginning of the meeting to allow the public to ask questions.

An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, or if you would like a copy of the Agenda in another format (for example in large print) please contact Sarah Lees on:

Tel: 01884 234310

E-Mail: slees@middevon.gov.uk

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **HOMES POLICY DEVELOPMENT GROUP** held on 13 August 2019 at 2.15 pm

Present

Councillors

R J Dolley (Chairman)
Mrs E M Andrews, D R Coren, L J Cruwys,
W J Daw, C J Eginton, Mrs I Hill, S J Penny
and B Holdman

Apologies

Councillor(s)

J Cairney

Also Present

Councillor(s)

R M Deed, L D Taylor and Ms E J Wainwright

Also Present

Officer(s):

Andrew Pritchard (Director of Operations), Claire Fry (Group Manager for Housing), Joanne Nacey (Group Manager for Finance), Simon Newcombe (Group Manager for Public Health and Regulatory Services), Catherine Yandle (Group Manager for Performance, Governance and Data Security), J P McLachlan (Principal Accountant) and Sally Gabriel (Member Services Manager)

15 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr J Cairney who was substituted by Cllr B Holdman.

16 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT**

Cllr Mrs E M Andrews declared a personal interest with regard to council housing issues as she was a tenant.

17 **PUBLIC QUESTION TIME (00-02-25)**

Reverend Helen Drever referring to Item 5 on the agenda (Syrian Vulnerable Persons Resettlement Scheme) spoke on behalf of Anthea Duquemin who thanked the officers who had prepared the useful discussion document outlining various approaches that different district councils have used to operate the Syrian Vulnerable Persons Resettlement Scheme. These seem to offer a way forward by which Council officers can avoid undertaking too much additional work or costs while Mid Devon can still offer a safe home to a small number of displaced Syrian families in the way that many of us in Mid Devon feel very motivated to support .

As the person who has bought a house in Crediton for this purpose, I would like to say that I very much hope that we can have a decision today that Mid Devon will definitely agree to go ahead with the original proposal that the next place to settle a Syrian family would be Crediton, and that the house that I have bought, which was selected specifically according to the criteria identified by council officers, and which

has already been approved by Housing officers for the Syrian Vulnerable Persons Resettlement Scheme, can be put into use as soon as possible.

At present the house is empty, although it seems a terrible waste, I have avoided using it for any other purpose as I am aware that the Council cannot start looking for a family through the Syrian Vulnerable Persons Resettlement Scheme unless or until the house is actually vacant. I would therefore like to ask if I can (a) be given confirmation that my house will be used for the scheme and (b) ask for a specific date from when my house will be considered to be secured for the scheme.

Finally having read the discussion paper prepared for today's meeting, I would like to assure you in relation to point 3.4 about the risk to private landlords not being able to support the refugee families living in their homes, that I cannot imagine any way in which this would happen. I am fully committed to providing a house for this purpose and if for any reason I wasn't able to provide full support myself, I would find some other way of achieving this, quite separate from any support from the council.

Mr Conyngham again referring to item 5 on the agenda stated that he wanted to endorse the words of the previous speaker and that he was impressed with the officers report, he had worked with others for 4 years to find a house and was overjoyed when the house in Crediton came forward, he felt that it would be shocking if the project did not go ahead, the house was empty and in good order, he asked that the PDG do more than note the report but provide a clear commitment that Mid Devon would take a 3rd Syrian family and would start the necessary process.

The Chairman indicated that the answers to the questions would be provided when the item was debated.

18 **MINUTES (00-07-23)**

The minutes of the meeting held on 18 June 2019 were confirmed as a correct record and **SIGNED** by the Chairman.

19 **CHAIRMAN'S ANNOUNCEMENTS (00-08-00)**

The Chairman stated that a lot of good work had been identified within the work programme.

20 **SYRIAN VULNERABLE PERSONS RESETTLEMENT SCHEME (00-09-02)**

The Group had before it a report * from the Group Manager for Housing Services providing an update on work relating to the Syrian Vulnerable Persons Resettlement Scheme. Specifically the report addressed what could be achieved by working with a third party or parties such as the Churches Housing Action Team (CHAT). In addition to this the report examined how other local authorities were managing families given that they were also required to comply with the Homelessness Reduction Act 2017 and were likely to be experiencing the same time constraints.

The Director of Operations outlined the contents of the report stating that the scheme had resource and financial liabilities for the authority and that there was no imposed model regarding how properties should be managed and that there was an acceptance that there would be different policies and procedures used by each local

authority with several other local authorities engaging with a third party. He informed the meeting that it was the local authority who was the tenant of the property and therefore it would retain the tenant's liability; officer resource was required to deal with statutory functions and any funding available for the scheme would not finance an additional officer. There was a need to find a way forward which negated the need for the Council's direct involvement in the scheme.

In response to questions posed in public question time, the officer stated that there was a need to direct resources to comply with the statutory requirement of the Homelessness Reduction Act 2019. To expand the Syrian Vulnerable Persons Resettlement Scheme would have financial implications which were not within the approved budget.

Consideration was given to:

- The fact that the local residents were willing to support the scheme and there was a property available
- The amount of funding that was recoverable from the Home Office
- The amount of officer resource that was required to extend the scheme
- The tenancy management costs
- The 2 properties that were already in use for the scheme
- The various models used by other local authorities
- The original policy agreed by the Cabinet to take up to 5 Syrian families, at the time of the original decision, the costs of the scheme were unknown
- The original scheme and the fact that the scheme was a non-statutory function of the council, the economic climate and the financially challenging position that the council was in
- Home Office guidance with regard to specialist support required for the families and that vulnerable people could not be attended to by volunteers
- Investigation into a new model and discussions with Devon County Council which could allow the scheme to be progressed by a third party

It was therefore **AGREED** that representations be made to Devon County Council requesting it to develop a scheme that allowed landlords to accept Syrian refugees with a direct contract with the landlord through the Home Office Scheme.

Notes:

- i) A recommendation to expand the scheme was not supported;
- ii) * Report previously circulated; copy attached to the signed minutes.

21 **PERFORMANCE AND RISK FIRST QUARTER 2019/20 (0-10-00)**

The Group had before it, and **NOTED**, a report * from the Director of Operations providing Members with an update on performance against the Corporate Plan and local service targets for 2019/20 as well as providing an update on the key business risks.

Note: * Report previously circulated; copy attached to the signed minutes.

22 **PERFORMANCE INDICATOR IN RELATION TO VOIDS (TO RECEIVE AND DISCUSS A RECOMMENDATION FROM THE AUDIT COMMITTEE) (1-11-08)**

The Group had received a recommendation from the Audit Committee that it considered the performance indicator in relation to 'the average number of days to re-let a property', otherwise known as 'void turn around'. The Audit Committee had specifically requested that the Group consider the best use of resource in this area.

The Director of Operations stated that targets needed to be challenging, there was a need for void turnaround time to be as short as possible as this added social value and the receipt of rent. The performance with regard to this indicator for the months from April was very close to the target of 14 days.

Consideration was given to: the target being acceptable and that it should be maintained and if a property required major works it would become a major void which would fit within another performance indicator.

It was **AGREED** that the target for the average number of days to re-let a property remain at 14 and that this be referred back to the Audit Committee.

23 **PRESENTATION ON PRIVATE SECTOR HOUSING (1-18-28)**

The Group was provided with a presentation on the work undertaken in the Private Sector Housing area. This included the following summary of activity:

- An overview of the service with a range of statutory functions
- The gross budget for the service and the number of staff with a breakdown of revenue and capital expenditure relevant to the PDG
- The work of the Private Sector Housing Team with regard to adaptations, housing assistance, improvement loans and the facilitation of energy saving programmes
- Statutory duties to inspect properties in the private sector to make sure they were up to standard and examples of properties that had been identified and closed down. This included reactive work and proactive work such as the Rogue Landlords project in Cullompton
- The licensing of houses of multiple occupation (HMO's) and the enforcement tools available
- The reinstatement of empty homes, 366 properties were now back in use following this initiative
- The Annual Landlords Network Event
- The corporate risk work undertaken for the Housing Service with regard to fire risk assessments, asbestos surveying and water sampling

24 OVERVIEW OF THE HOUSING SERVICE (1-49-35)

The Group had before it, and **NOTED**, a briefing paper * from the Group Manager for Housing Services providing information on the structure of the Housing Service and the functions for which the housing teams were responsible.

The officer outlined the contents of the report bringing particular attention to the following:

- The areas of responsibility of the Group Manager: that of the Housing Options Team and housing management of the Council's retained stock,
- The number of staff and the budget for the service through the Housing Revenue Account and the General Fund
- The strategic housing functions: homelessness, Devon Home Choice, neighbourhood management, fire safety, tenancy fraud, anti-social behaviour, tenancy involvement and housing policy

Discussion took place regarding:

- The implications of the Homelessness Reduction Act and the new duties it introduced
- The number of homeless people in Mid Devon and the work that was taking place to engage with these people
- The fact that the team were fully occupied with the new duties outlined in the recent legislation

Note: * Briefing paper previously circulated; copy attached to the signed minutes.

25 HOMELESSNESS (1-56-59)

The Group had before it, and **NOTED**, a briefing paper * from the Group Manager for Housing Services providing an overview of how the Council works to prevent and manage homelessness.

The officer outlined the contents of the report with particular reference to the new Homelessness Reduction Act 2017 and the implications that this had on officers and the fact that the council was now duty bound to make investigations if someone at risk of becoming homeless approached the council for assistance. If it was established that there was a threat of this, the Council had a statutory obligation to work with the person for 56 days in order to prevent them becoming homeless, this could include helping them to find alternative accommodation.

Consideration was given to:

- The budgetary pressures associated with the new Act
- Housing people in rural areas where it would be more appropriate for them to be housed in the towns.
- How officers considered the appropriateness of locations for tenants
- Wherever possible people would be placed in Mid Devon and their needs would be considered.

Note: * Briefing paper previously circulated; copy attached to the signed minutes.

26 **DEVON HOME CHOICE: HOUSING NEEDS ASSESSMENT FRAMEWORK AND CHOICE BASED LETTINGS SCHEME (2-02-51)**

The Group had before it, and **NOTED**, a report * from the Group Manager for Housing Services providing information on the Devon Home Choice scheme and how it was used in Mid Devon.

The Director of Operations outlined the contents of the report stating that local authorities were required to have allocation schemes which gave reasonable preference to certain categories of those in housing need. Whilst councils were required to give reasonable preference to some people as defined in the statutory guidance, they could manage the housing waiting list in such a way as to support any local priorities; therefore they could refuse to accept applications from those who are not in housing need (Band E). He identified the number of households in housing need in Mid Devon as at 31 March 2019:

Band	Number
A	0 (0%)
B	110 (13%)
C	262 (30%)
D	503 (57%)
Total A to D	875 (100%)
E	1018

Members were asked whether they wished to pursue options to remove band E (those not in housing need) from the scheme used in Mid Devon.

Consideration was given to :

- whether or not to retain Band E within the scheme and that there were a lot of people in private rented accommodation that would like a council property
- The number of properties available via Devon Home Choice and the number available for Band E applications
- Properties in the rural areas were difficult to fill
- Whether to dispose of properties that were difficult to fill in rural areas and purchase properties where there was a need
- People did not always stay within the same band if their circumstances changed
- The mutual exchange programme.

It was **AGREED** that there was no appetite to amend the banding at the current time and that Band E should remain within the scheme.

Note: * Report previously circulated; copy attached to the signed minutes.

27 **HOUSING SECTOR UPDATE (2-29-15)**

The Group had before it, and **NOTED**, a briefing paper * from the Group Manager for Housing Services providing information on the latest developments relating to social housing.

The officer outlined the contents of the report with particular reference to:

- matters relating to fire safety and cladding which continued to dominate the housing press
- Possible new regulations with regard to health and safety in council owned properties.

Note: * Briefing paper previously circulated; copy attached to the signed minutes.

28 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (2-32-00)

Other than the reports already listed in the work programme no additional items were listed for the following meeting.

(The meeting ended at 4.55 pm)

CHAIRMAN

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HOMES PDG
1 OCTOBER 2019

PERFORMANCE AND RISK REPORT

Cabinet Member Cllr Simon Clist, Cabinet Member for Housing
Responsible Officer Director of Operations, Andrew Pritchard

Reason for Report: To provide Members with an update on performance against the corporate plan and local service targets for 2019/20 as well as providing an update on the key business risks.

RECOMMENDATION(S): That the PDG reviews the Performance Indicators and Risks that are outlined in this report and feeds back any areas of concern to the Cabinet.

Relationship to Corporate Plan: Corporate Plan priorities and targets are effectively maintained through the use of appropriate performance indicators and regular monitoring.

Financial Implications: None identified

Legal Implications: None

Risk Assessment: If performance is not monitored we may fail to meet our corporate and local service plan targets or to take appropriate corrective action where necessary. If key business risks are not identified and monitored they cannot be mitigated effectively.

Equality Impact Assessment: No equality issues identified for this report.

Impact on Climate Change: No impacts identified for this report.

1.0 Introduction

- 1.1 Appendix 1 provides Members with details of performance against the Corporate Plan and local service targets for the 2019-20 financial year. The PDG is invited to suggest measures they would like to see included in the future for consideration.
- 1.2 Appendix 2 shows the section of the Corporate Risk Register which relates to the Economy Portfolio. See 3.0 below.
- 1.3 Appendix 3 shows the profile of all risks for Homes at present.
- 1.4 All appendices are produced from the corporate Service Performance And Risk management system (SPAR).

2.0 Performance

- 2.1 Regarding the Corporate Plan Aim: **Build more council houses:** Palmerston Park is now due for handover of all 26 units at the end of September.
- 2.2 Regarding the Corporate Plan Aim: **Facilitate the housing growth that Mid Devon needs, including affordable housing: Bringing Empty homes into use** has already exceeded the annual target. **Number of affordable homes delivered** was below target as at 30 June, this is reported quarterly.
- 2.3 Regarding the Corporate Plan Aim: **Planning and enhancing the built environment: Performance Planning Guarantee determined within 26 weeks** was just below target at 99% but all 4 speed and quality measures were well above the required target as at 30 June. These too are all reported quarterly.
- 2.4 Local Plan update: Planning service is preparing draft main modifications these are due to go to Cabinet on 17 October.
- 2.5 Regarding the Corporate Plan Aim: **Other:** all measures are either on or above target except for **Average days to re-let** which was just outside the target of 14 days.
- 2.6 Housing performance remains in the top quartile compared with HouseMark.

3.0 Risk

- 3.1 Risk reports to committees include strategic risks with a current score of 10 or more in accordance. (See Appendix 2)
- 3.2 Operational risk assessments are job specific and flow through to safe systems of work. These risks go to the Health and Safety Committee biannually with escalation to committees where serious concerns are raised.
- 3.3 The Corporate risk register is regularly reviewed by Group Managers' Team (GMT) and Leadership Team (LT) and updated as required.

4.0 Conclusion and Recommendation

- 4.1 That the PDG reviews the performance indicators and risks for 2019-20 that are outlined in this report and feeds back any areas of concern to the Cabinet.

Contact for more Information: Catherine Yandle, Group Manager for Performance, Governance and Data Security ext 4975

Circulation of the Report: Leadership Team and Cabinet Member

Corporate Plan PI Report Homes

Monthly report for 2019-2020
Arranged by Aims
Filtered by Aim: Priorities Homes
For MDDC - Services

Key to Performance Status:

Performance Indicators:	No Data	Well below target	Below target	On target	Above target	Well above target
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* Indicates that an entity is linked to the Aim by its parent Service

Corporate Plan PI Report Homes

Priorities: Homes

Aims: Build more council houses

Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
Build Council Houses	2 (5/12)		26	0	0	0	0	0								Angela Haigh	(August) Revised completion date agreed with Homes England (CY)

Aims: Facilitate the housing growth that Mid Devon needs, including affordable housing

Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
Number of affordable homes delivered (gross)	18 (1/4)		100	n/a	n/a	22	n/a	n/a		n/a	n/a		n/a	n/a		Angela Haigh	
Deliver homes by bringing Empty Houses into use	56 (5/12)		72	17	33	42	55	72								Simon Newcombe	

Aims: Other

Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
% Decent Council Homes	99.9% (5/12)		100.0%	100.0%	100.0%	100.0%	100.0%	100.0%								Angela Haigh	
% Properties With a Valid Gas Safety Certificate	99.91% (5/12)		100.00%	99.78%	99.82%	99.91%	99.91%	99.96%								Angela Haigh	
Rent Collected as a Proportion of Rent Owed	99.26% (5/12)		97.00%	91.55%	99.90%	97.66%	100.93%	99.30%								Angela Haigh	
Current Tenant Arrears as a Proportion of Annual Rent Debt	1.32% (5/12)		2.50%	1.10%	0.87%	1.11%	1.09%	0.91%								Angela Haigh	
Dwelling rent lost due to voids	0.57% (5/12)		0.70%	0.50%	0.50%	0.48%	0.48%	0.52%								Angela Haigh	
Average Days to Re-Let Local Authority Housing	15.7days (5/12)		14.0days	14.0days	14.5days	14.6days	13.7days	14.6days								Angela Haigh	

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Homes PDG Risk Management Report - Appendix 2		
(12)	High	Medium
Service Manager: Claire Fry		
Review Note: See mitigating actions		

Homes PDG Risk Management Report - Appendix 2

Risk: Reputational re Council Housing Stock Failure in handling a disaster/mistake properly

Service: Housing Services

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
Completed and evaluated	Proactive Working	Dynamic system of fire risk assessment being adopted to minimise risk of a disaster. Tenancy Home Checks enable us to identify issues in homes; and communal inspections and Neighbourhood Walkabouts enable us to identify issues in communal areas which could result in a disaster.	Claire Fry	05/09/2017	13/09/2019	Fully effective(1)
Completed and evaluated	Staff Support	Trained staff who are knowledgeable and have a comprehensive suite of housing related policy and procedures in place. These include procedures in case of disaster.	Claire Fry	05/09/2017	13/09/2019	Fully effective(1)

Current Status: Medium (10)

Current Risk Severity: 5 - Very High

Current Risk Likelihood: 2 - Low

Service Manager: Claire Fry

Review Note: See mitigating actions

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2019 11:45

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Risk Matrix Homes Appendix 3

Report
 For Homes - Cllr Simon Clist Portfolio
 Current settings

Risk Likelihood	5 - Very High	No Risks	No Risks	No Risks	No Risks	No Risks
	4 - High	No Risks	1 Risk	No Risks	No Risks	No Risks
	3 - Medium	No Risks	1 Risk	1 Risk	3 Risks	No Risks
	2 - Low	No Risks	No Risks	3 Risks	1 Risk	1 Risk
	1 - Very Low	No Risks	No Risks	No Risks	2 Risks	3 Risks
		1 - Very Low	2 - Low	3 - Medium	4 - High	5 - Very High
		Risk Severity				

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HOMES POLICY DEVELOPMENT GROUP

1 OCTOBER 2019

COUNCIL TENANCY RENT DEBIT FREQUENCY

Cabinet Member(s): Councillor Simon Clist, Cabinet Member for Housing
Responsible Officer: Mrs Claire Fry, Group Manager for Housing Services

Reason for Report: To review the weeks over which rent is charged on a yearly basis.

RECOMMENDATION: That the Policy Development Group recommends to the Cabinet that Council tenants be charged rent over 52 weeks each year and not 48 as currently.

Financial Implications: Council housing management and maintenance is funded through the Housing Revenue Account (HRA). The HRA is ring fenced and subject to specific financial controls. Rent collected from tenants provides the main income into the HRA.

In February 2019, the Government announced that the existing arrangement to reduce the level of rent by 1% over a 4 year period would end. Under the new settlement, social housing rents will rise by the Consumer Price Index (CPI), which measures inflation, with an additional 1% on top for 5 years from 2020.

Legal Implications: Registered providers of social housing, such as the Council, are subject to the provisions of the regulatory framework operated by the Regulator for Social Housing. The framework consists of a number of standards which each contain specific expectations and required outcomes.

There are legislative and regulatory requirements to consult tenants about any changes to the way in which homes are managed arising from the Housing Act 1985 and the regulatory framework.

The regulator launched a consultation in May 2019 relating to a new five-year Rent Standard. This followed a Direction to the Regulator which was published by the Government on 26 February 2019 and which stated that the regulator should set a new Rent Standard to apply from 1 April 2020. The new standard will apply to all social landlords including local authorities with retained stock and housing associations. The required outcome will be that these providers of social housing must comply with the provisions of the revised Standard and also with the Policy Statement on rents which was issued by the Government alongside the Direction to the Regulator.

Specific expectations included in the version of the Rent Standard which was consulted on relate to the 2020 limit for rents, the rules on social rents, the rules on affordable rents, and movement between the different types of rent.

Risk Assessment: Rent collected from Council tenants is the main income into the Housing Revenue Account. A large number of tenants are in receipt of benefits and the increasing pace of welfare reform has the potential to impact revenue. This is on the basis that more tenants of working age are now being moved onto Universal

Credit which is paid in arrears directly to the claimant. These payments include housing costs and therefore those who may have been used to receiving Housing Benefit as a rebate to their rent account may struggle to adjust to the need to make their own payments of rent out of a limited income.

Equality Impact Assessment: There is a suite of housing related policies. The use of these helps to ensure that service delivery is consistent and fair. There is a regulatory requirement for registered providers of social housing to tailor their service to meet the needs of the tenants and the Housing Service requests diversity data from tenants to enable compliance to be monitored.

Relationship to Corporate Plan: Homes are a priority for the Council and this includes ensuring that those homes in our ownership are managed efficiently and effectively.

Impact on Climate Change: The housing service has actively invested in energy efficiency; extensive use of solar PV and air source heat pumps already exists. This also has an impact in terms of reducing fuel costs for those whose homes have been improved. The ongoing circa £170M 30 year maintenance programme has a significant focus on ensuring energy efficiency. Where sustainable options are available they are utilised; however, it is acknowledged that where there is a significant cost differential that plays heavily in the choices made.

We recognise that the provision of sustainable communities is important. As part of our commitment to meeting the provisions of the Tenant Involvement and Empowerment Standard within the Regulatory Framework for Social Housing, the Council offers a menu of involvement which provides opportunities for tenants to get involved in service delivery. Tenants scrutinise the work of the Service and are also involved in the development of our newsletter which is published periodically. We use this and social media to promote sustainability and therefore publish information relating to a variety of topics including fuel efficiency, recycling and healthy living.

Generally, home and other visits can be scheduled to minimise the impact upon the environment as much as possible. Attendance at Exeter County Court in connection with hearings where a Stay of Execution relating to an eviction has been requested will be arranged at short notice thereby meaning that Officers cannot arrange other visits to coincide with the journey to and from the Court.

1.0 Introduction/Background

1.1 Currently, the Housing Service collects dwelling and garage rent over 48 weeks during each year. In the past, there have been two “rent free” weeks over the festive holiday period at the end of December and two more at the end of the financial year.

1.2 Rent weeks begin on a Monday and this means that every seven years there will be an extra week in the year. 2019/20 is one of these years. Previously, in these 53 week years, there was an additional “rent free” week at the end of March; however, this year, following consultation with tenants, the rent free weeks were changed so that they were distributed more evenly throughout the year to weeks 9, 22, 39, 40 and 53.

1.3 The tenancy agreement currently in use by the Housing Service contains a clause which states that tenants must pay their rent weekly in advance on every Monday. Another condition of tenancy makes tenants responsible for paying their rent on time.

1.4 The tenancy agreement also makes it clear that tenants must not carry a debt in relation to rent or other charges at any time.

2.0 **The Annual Rent Debit**

2.1 The “rent free” weeks were previously seen as a time when tenants in arrears could reduce their rent debts.

2.2 In actual fact, the term “rent free” is a misnomer. The annual rent for a property is divided by 48 instead of by 52 or 53 and this has the effect of making the tenant pay more on those weeks in which rent is charged than they would if it was spread evenly across all the weeks in the year. As an example, the rent for a property could be £5,000 each year. When rent is charged over 48 weeks, a total of £104.17 per week would be due. However, if the rent were to be charged over 52 weeks, this reduces the total due each week by £8.02 to £96.15.

3.0 **Welfare Reform**

3.1 Universal Credit (UC) is now being rolled out in the District. This benefit has been introduced to consolidate many other entitlements and replaces the following benefits:

- Child Tax Credit
- Housing Benefit
- Income Support
- Income based Job Seekers Allowance (JSA)
- Income related Employment and Support Allowance (ESA)
- Working Tax Credit

3.2 Although the Government has put the managed migration of all those of working age in receipt of benefits onto UC on hold, those reporting changes in circumstances to the Department of Work & Pensions (DWP) are being switched over to it when their claims are updated.

3.3 UC is paid in 12 monthly instalments based on a 52 week year. It is paid in arrears. The aim is to help people to cope better with the transition into work. Housing costs are included in the payments of Universal Credit and tenants are expected to pay their rent themselves. Council tenants in receipt of housing benefit have their payments rebated to their rent accounts and do not pay or transfer these payments directly to the Council. Therefore, when the change is made, it can be difficult for some people on low incomes and those who are vulnerable to manage their finances. This is because they may not have had any previous experience of having to make payments of rent themselves.

- 3.4 It should also be noted that many tenants who have never had a relationship with the DWP could be affected by the changes. This is due to the fact that they have been receiving Child Tax Credits in the past. As they switch onto UC, there could be a delay in them receiving their benefits. The Housing Service has many tenants with children who will have to adapt to the new welfare regime. Many of these people may never have had to claim Housing Benefit and may have been able to keep their rent accounts up to date in the past. However, they could experience difficulty doing so during the transition to UC, and this could have an impact upon the revenue stream of the Housing Service. It also has the potential to impact resources because more interventions will be required.
- 3.5 The restructure implemented last year put in place a specialist team with responsibility for income collection. The Neighbourhood Officers in the team are alerted by the DWP, which administers UC, when a tenant makes a claim. This is because there is an online portal and the DWP asks for verification of rent costs, if a claimant has said that they are a tenant of the Council. Once the team becomes aware that someone is switching onto UC, the Neighbourhood Officer responsible for managing the rent account will endeavour to work intensively with the tenant to ensure that they understand their responsibilities; and to signpost or refer them to other agencies which can help if they are experiencing financial distress.
- 3.6 The number of tenants in receipt of UC is increasing rapidly. On 1 April 2019, there were 259 current tenants in receipt of UC. By the end of June 2019 (week 13), this had increased to 318 and by the end of July (week 18, ending 4 August 2019), the number of tenants receiving UC was 353.
- 3.7 The total arrears owed by current tenants at the end of July (week 18, ending 4 August 2019) was £131,280.15 and this debt can be attributed to 508 tenants.
- 3.8 195 of these tenants who had arrears of rent were in receipt of UC.
- 3.9 The total debt owed at the end of that week by this cohort was £68,714.01. The average debt owed by these tenants in receipt of UC was £352.38 and the level of debt ranged from £0.59 to £2,274.45.
- 3.10 Therefore, it can be demonstrated that proportionately, those current tenants in receipt of UC at the end of the week in question owed more than those who were not:
- 52.3% of the total debt outstanding in respect of current tenancies is the responsibility of tenants in receipt of UC.
 - 38.4% of current tenants in arrears were in receipt of UC
- 3.11 If a tenant is vulnerable and meets the criteria specified by the DWP, the Housing Service can request direct payments of rent using the Alternative Payments Arrangements Scheme (APA scheme); in addition, Officers can request direct payments in respect of arrears in some cases, but the amount which can be paid will depend upon what other debts the claimant may have which are also being collected using this method. It should be noted that

there are some very strict criteria relating to the payment of APAs and that the DWP will refuse some requests if these criteria are not met.

4.0 Rent Free Weeks

4.1 The “rent free” weeks were implemented for administrative reasons before rent collection was automated. The Housing Service used rent collectors then but we now offer other methods of rent payment. For example, tenants can pay their rent by Direct Debit on a weekly, fortnightly or monthly basis and we also offer telephone payments which can be made out of hours. There is also a payment kiosk at Phoenix House and tenants can pay their rent locally at a Post Office.

4.2 The implementation of a 52 week rent year would mean that there would still be one rent free week every 7 years. Those in receipt of UC receive 12 payments in respect of housing costs. There is a possibility that a discretionary payment of Housing Benefit may be available to cover the 53rd week should rent be charged for that. However, the next 53 week rent year will be in 7 years and the structure of the welfare system may have changed considerably by then. Potentially, this type of support may no longer be available at that point. For this reason, the recommendation is to move to a 52 week rent year during all years regardless of how many Mondays each has in it.

5.0 The Benefits of Implementing a 52 Week Rent Year

5.1 The rent accounts of those in receipt of UC need to be managed more carefully to ensure that those tenants pay the right amount throughout the year. Whilst they will receive rent due for the annual amount within 12 equal payments, if they do not pay an additional sum each week on top of what they are paid in respect of housing costs, their rent accounts will go into arrears.

5.2 Therefore, every month, those in receipt of UC must use monies accounted for within the personal element of their UC payments to make up the shortfall; they cannot wait until the rent free weeks to reduce their debts otherwise their accounts will go into arrears by a considerable sum.

5.3 By switching to a 52 week rent year, the Council would be giving assistance to those who are experiencing difficulty paying their rent. They would not be expected to pay so much each week, which should make budgeting easier. In turn, this should have a positive impact upon the level of rent debt, and also reduce levels of stress and anxiety for those who are finding it hard to pay on time. The main rationale for the change is to allow those in receipt of UC to spread the cost of their rent throughout the year and to ensure that their rent accounts are kept up to date as much as possible.

5.4 There is also a need to ensure that a rent payment culture is embedded in all aspects of service delivery. There is a tension between having weeks which are called “rent free” in an era where Officers are trying to encourage tenants to establish a payment habit and to keep their accounts up to date. By setting the expectation of a payment for every week of the year, it would minimise the situation where a tenant could claim that they had been under the impression

that they were not required to pay rent because there had been a rent free week, or that their debt will be cleared because they intend to use the rent free weeks as an opportunity to make additional payments.

- 5.5 In addition, the change would simplify matters for both tenants and other partners. For example, the courts do not currently take the “rent free” weeks into account when making orders. Instead, they will order a tenant to pay current rent plus an amount throughout the year. This can make it difficult if someone is on full or partial housing benefit, in particular, because it means that they are still expected to pay the total amount due during the “rent free” weeks. The amount needed to cover the total due can sometimes be too much for them as they do not receive housing benefit over those weeks. This then means that they breach the court order, through no fault of their own.
- 5.6 The change to a 52 week rent year would make it easier to explain the amount due to a tenant. This would apply especially in cases where someone wishes to negotiate an arrangement or where a Court Order has been made which sets out what needs to be paid to reduce any arrears of rent in instalments.
- 5.7 Furthermore, the move away from rent free weeks is likely to make it easier to benchmark performance relating to income collection because a diminishing number of social landlords now offer “rent free” weeks.

6.0 **Consultation**

- 6.1 The Tenants Together Group (TT) discussed the proposal at length at the meeting on 8 August 2019.
- 6.2 It was noted that some of those with a fixed income, such as pensioners, appreciate the opportunity afforded by the rent free weeks over the festive period. It was noted that some tenants may see this as a rent payment holiday which comes at a time when there can be a lot of additional expenditure. It was noted that financial pressures can have a detrimental impact upon those with bad health, and, in particular, those with mental health issues. In addition, it was noted that those experiencing ill health could find the festive period difficult anyway and may experience additional stress caused by the need to continue making rent payments.
- 6.3 The group therefore suggested that consideration is given to retaining two rent free weeks over the festive period. However, such a suggestion would still have the potential to cause confusion for those in receipt of UC and, at worst, to place them in increased financial hardship. This would be as a result of the need to make additional payments during the rest of the year to ensure that their rent accounts were kept up to date at all times.
- 6.4 If a tenant is in receipt of UC, the DWP pays housing costs and the tenant is expected to pay these to the landlord irrespective of the time of year or whether there is a rent free week. Officers are used to tailoring the service to meet the needs of the individual and to taking the needs of those experiencing ill health into account.

- 6.5 Members of the TT also asked if the Housing Service could consider offering two schemes in respect of the rent debit, one which gave tenants an opportunity to pay their rent over 48 weeks, and another which allowed them to pay over 52 weeks.
- 6.6 The electronic integrated housing management system currently used by the Housing Service cannot be configured to provide two different schemes of debit. However, following the move to a 52 week rent year, if this is agreed, tenants could still agree an arrangement with Officers which would enable them to have breaks in payment. For example, payments could be increased during the first 11 months of the year to ensure that there was enough credit on the rent account to cover the rent due for the last 4 weeks of each year. This would reflect the arrangements currently in place regarding Council Tax payments.
- 6.7 There is a risk that managing tenants with differing arrangements relating to rent payments could be problematic. Potentially, it could divert resources away from work designed to manage increasing arrears. It could also cause confusion because the tenancy agreement states that tenants should pay their rent weekly in advance. Any arrangement designed to build up a credit would necessitate different advice being given.
- 6.8 In accordance with the Housing Act 1985, the Housing Service must consult tenants on any changes of this nature and therefore letters would be sent to all tenants to notify them about the plans to implement a 52 week rent debit.
- 6.9 It should be noted that the Housing Service received no feedback on the proposal to move the fifth “rent free” week to the end of May, earlier this year.
- 7.0 **Equalities Impact Assessment**
- 7.1 Before any such a change was agreed, an equality impact assessment would be undertaken. It is likely that there could be some negative impacts upon certain groups of tenants, in particular, those who are elderly, disabled in some way, and those whose first language is not English.
- 7.2 However, the Neighbourhood Officers in the Income team are the main point of contact for tenants and would be available to assist those who had any questions or concerns. The two Community Housing Support Officers who work alongside these Officers would be able to identify those tenants who may not be able to comprehend the implication of the changes. They could target support to ensure that there is a greater understanding. This may involve spending more time explaining the transition to the new way of charging rent but the expected benefits would justify the additional work required.
- 8.0 **Recommendation**
- 8.1 Members are asked to agree that Council tenants should be charged rent over 52 weeks each year, and not 48, as currently, with effect from April 2020. This is on the basis that all tenants will be consulted by letter about the forthcoming change during November 2019.

Contact for more Information: Mrs Claire Fry, Group Manager for Housing Services, Tel: 01884 234920, email: cfry@middevon.gov.uk

Circulation of the Report: Cabinet Member for Housing, Leadership Team

List of Background Papers: None

HOMES POLICY DEVELOPMENT GROUP 1 OCTOBER 2019

UPDATE ON PROGRESS RELATING TO THE REVIEW OF THE HOMELESSNESS STRATEGY

Cabinet Member(s): Cllr Simon Clist, Cabinet Member for Housing
Responsible Officer: Mrs Claire Fry, Group Manager for Housing Services

Reason for Report: The homelessness strategy is currently being reviewed and this report provides information on progress relating to this project

RECOMMENDATION: Members to note the report

Financial Implications: The prevention and management of homelessness is accounted for within the general fund and there are budgets set aside to support this work. The Ministry of Housing, Communities and Local Government (MHCLG) has provided additional funding to the Council in relation to this in recent years but this funding is not guaranteed going forward. The Council has recently been involved in successful bids for monies from MHCLG associated with initiatives to reduce rough sleeping.

Legal Implications: In accordance with the Homelessness Act 2002, the Council must have a homelessness strategy. The existing strategy covered the period from 2013 to 2018 and has been extended by delegated decision made by the Cabinet Member for Housing to run until the end of 2019.

Risk Assessment: Failure to agree a new homelessness strategy for the period from 2020 to 2023 before the end of 2019 would result in the Council failing to meet a statutory obligation arising from the Homelessness Act 2002. Non-compliance with relevant legislation could result in a judicial review. There is a reputational risk associated with this and the resources needed to respond to such a challenge would be extensive.

Failure to meet statutory obligations relating to the prevention and management of homelessness could result in judicial review which could prove costly. Such an outcome also has the potential to impact the reputation of the Council in a negative way.

Equality Impact Assessment: The Council has a number of statutory obligations arising from the Homelessness Reduction Act 2017 and therefore all those presenting as homeless, or at risk of homelessness, to the Council must be assessed regardless of the section of society from which they come to see whether or not the duties apply. Failure to treat homelessness clients fairly could result in judicial review. The Council requests diversity information from clients but this is not always forthcoming.

Relationship to Corporate Plan: Work to prevent homelessness is a priority for the Council

Impact on Climate Change: Officers sometimes have to respond to emergencies associated with the prevention and management of homelessness. In such cases,

safeguarding concerns will take priority in order to minimise risk and it is accepted that the ability to manage such issues effectively may have an environmental impact which would not occur if work can be planned in advance and managed in a more co-ordinated way.

1. Introduction/Background

- 1.1 Following the implementation of the Homelessness Reduction Act 2017 in April 2018, a new homelessness strategy is required. The way in which the Council works has changed and therefore the existing strategy requires a complete review. Resourcing issues have delayed the completion of the new strategy.
- 1.2 Officers advised the Ministry of Housing, Communities and Local Government (MHCLG) earlier this year that the existing homelessness strategy had expired at the end of 2018, and that a new one was in development. The Housing Service was advised that the life of the existing strategy which covered the period 2013 to 2018 should be extended for a short period to allow completion of this work. Therefore a delegated decision relating to this was sought from the Cabinet Member for Housing.
- 1.3 The Cabinet Member for Housing made the delegated decision on 10 July 2019 and the relevant page on the Council's website was updated to explain that the existing strategy has been extended until the end of 2019.
- 1.4 Work to prevent homelessness is a priority for the Council in accordance with the Corporate Plan.
- 1.5 Section 1 of the Homelessness Act 2002 imposes a duty on the Council to carry out a homelessness review and to formulate and publish a homelessness strategy based on the homelessness review. The Council and also Devon County Council, which is responsible for the provision of Social Services in Mid Devon, are required to take into account the homelessness strategy in exercising their functions. In formulating the homelessness strategy, the Council can require Social Services to provide assistance.
- 1.6 Section 2 of the Homelessness Act 2002 provides more information on what should be included in a homelessness review. The Council needs to consider the current and likely future levels of homelessness in the District. In addition, there must be a review of the activities carried out in the authority's area to prevent homelessness; to secure accommodation that is or that will be available in the area for people who are or may become homeless. In addition, the review should take into account the support available for people who are or who may become homeless to prevent this recurring. The resources available to the authority, the social services authority, other public authorities, voluntary organisations and other persons for such activities should also be reviewed.

2 Consultation with stakeholders

- 2.1 There was a series of meetings with stakeholders and as a result Officers in the housing options team were consulted, as were other colleagues within the Council. A meeting for Councillors was held on 4 March 2019 and external stakeholders were invited to another meeting which took place on 8 March 2019.

2.2 At each meeting, Officers discussed the current approach to the prevention and management of homelessness. Participants were asked to think about the following strands of the strategy in more depth:

- 2.2.1 Prevention of homelessness including rough sleeping
- 2.2.2 Partnership working
- 2.2.3 Reducing the use of temporary accommodation
- 2.2.4 Supporting those with complex needs

2.3 Participants were also given an opportunity to discuss:

- 2.3.1 What the Council does well in relation to this area of work
- 2.3.2 What could be done better
- 2.3.3 Challenges
- 2.3.4 What additional work could be done
- 2.3.5 What work should be prioritised

3 Review of relevant evidence

- 3.1 The data reviewed to date show a number of trends.
- 3.2 The cost of purchasing a home in the District is relatively high. During 2018, the average house price in Mid Devon was £235,000. The median ratio of house prices to local earnings is 8.4, which compares with the average for England, which is 8.0. (LGA, 2019)
- 3.3 Full time earnings in Mid Devon are below the national average. Median full-time earnings in Mid Devon were £27,970 in 2018, compared to £29,869 in England.
- 3.4 It would appear that rents are relatively high in Mid Devon; private rents in the District in the 12 months to September 2018 ranged from £425 per month for a lower quartile one bed to £1,150 for an upper quartile four (or more) bed property. The overall median private rent was £625, which is similar to the England average of £690.
- 3.5 The Council uses the Devon Home Choice (DHC) scheme to assess housing need and in accordance with this, housing applicants are banded according to need with those in Band A having high housing need and those in Band E having no housing need. At the end of 2018/19, there were 875 households deemed to be in housing need in the District, and a further 1,081 registered for rehousing but assessed as having no housing need.
- 3.6 The statistics contained within the end of year report held on the DHC webpages show that there were 310 social homes belonging to the Council and other Registered Providers of social housing available for letting during 2018/19. 125 (40%) of these available homes were let to those in Band B.
- 3.7 The Housing Service uses an electronic system to manage homeless cases and the statistics obtained from reports based on the data held on this system show some interesting trends. The number of people presenting as homeless is increasing with a rise of 70% following the implementation of the Homelessness Reduction Act 2017 at the beginning of April 2018.

3.8 The review has established that the majority of those approaching for assistance because they are homeless or at risk of homelessness is now made up of those who have lost a tenancy. The loss of a tenancy in the private rented sector is increasing as a trigger for homelessness but those who have lost a tenancy in the social rented sector also make up a significant number of those approaching for assistance.

3.9 Unfortunately, the number of cases where homelessness has been successfully prevented or relieved is decreasing and work will continue to try to establish why this might be. The use of temporary accommodation has increased but this is due to the provisions of the Homelessness Reduction Act 2017 which introduced more statutory obligations to those who approach the Council as homeless. The period over which local authorities are expected to work with homeless people or those who may be at risk of homelessness has been extended and this is having an impact.

4 Strategic priorities

4.1 The homelessness review is ongoing but following consultation, a number of issues have been identified which are likely to form important strands within the strategy:

4.1.1 Minimising rough sleeping

4.1.2 Maximising prevention activities & outcomes

4.1.3 Increasing accommodation options

4.1.4 Improving health & wellbeing by supporting those with complex needs

5 Action Plan

5.1 Officers are now working on on the homelessness review and this will inform the homelessness strategy. Once this is complete, the draft document will be sent out to stakeholders for consultation.

5.2 The final draft will be on the agenda for adoption at the meeting of the Homes Policy Development Group on 3 December 2019.

6 Recommendation

6.1 That Members note the report.

Contact for more Information: Mrs Claire Fry, Group Manager for Housing Services, tel: 01884 234920, email: cfry@middevon.gov.uk

Circulation of the Report: Cabinet Member for Housing, Leadership Team

List of Background Papers:

Devon Home Choice, Quarterly monitoring report, April 2019
<https://www.devonhomechoice.com/useful-information-0>

LGA (2019), Understanding Local Housing Markets, Local Government Association, 29 July 2019
<https://www.local.gov.uk/understanding-local-housing-markets>

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HOMES POLICY DEVELOPMENT GROUP 1 OCTOBER 2019

DEPOSIT AND ADVANCE RENT SCHEME

Cabinet Member(s): Councillor Simon Clist
Responsible Officer: Mrs Claire Fry, Group Manager for Housing

Reason for Report: To brief Members on this scheme

RECOMMENDATION: Members to note the report

Financial Implications: The prevention and management of homelessness is a strategic activity which is accounted for in the General Fund. The Council receives funding from Central Government through the new burdens and the flexible homelessness support grant funding stream in relation to this work and there is a budget set aside to meet the costs of the Deposit and Advance Rent Scheme (DARS).

Legal Implications: The Homelessness Reduction Act 2017 amended part VI of the Housing Act 1996 and placed new duties on English Councils. Everyone who is at risk of homelessness in the next 56 days or who is homeless now has access to help and support from the Council regardless of whether they have priority status, provided that they are eligible for assistance.

Risk Assessment: Failing to prevent and manage homelessness effectively has the potential to result in increased costs associated with the use of temporary accommodation, legal challenges and reputational risk. Risks associated with the DARS are contained within the main body of the report.

Equality Impact Assessment: The Council must treat all housing applicants in the same way to avoid allegations of favouritism. The diversity of those who approach the Council as homeless is recorded.

Relationship to Corporate Plan: The prevention of homelessness is a priority as stated in the Corporate Plan.

Impact on Climate Change: Officers sometimes have to respond to emergencies associated with the prevention and management of homelessness. In such cases, safeguarding concerns will take priority in order to minimise risk and it is accepted that the ability to manage such issues effectively may have an environmental impact which would not occur if work can be planned in advance and managed in a more co-ordinated way.

1. Introduction

1.1 The Housing Service runs a Deposit and Advance Rent Scheme (DARS).

1.2 When someone applies for assistance because they are about to become, or are, homeless, the priority for Officers in the Housing Options team is to work to assist the household concerned to remain in their existing home. This may involve negotiating with the landlord and offering mediation, or repayment plans, if they are in rent arrears. In addition, Officers will offer the applicant access to

the deposit and advance rent scheme (DARS), if necessary, because this has the potential to enable them to secure alternative accommodation.

- 1.3 The DARS enables Officers to provide an interest free loan, repayable on a monthly basis until the debt is cleared, as an option to those who are homeless. A loan made using the DARS provides a much cheaper option than placing someone into temporary accommodation. The average DARS loan is around £1,200 and this is repayable over five years.
- 1.4 The Council would generally expect to pay £80 per night for bed and breakfast accommodation for a family of four.
- 1.5 The City of York stated in their homelessness strategy for 2018-23 that: “The costs of a rent deposit scheme are estimated to be eight times less than providing accommodation under the main homelessness duty.” (City of York, 2018)

2. ELIGIBILITY FOR SOCIAL HOUSING

2.1 Members will be aware that the Council uses Devon Home Choice to assess housing need; and that homes in the District are allocated through the scheme. This includes the Council’s own housing stock and that of other registered providers of social housing. In accordance with the provisions of the scheme, certain people cannot be admitted to the housing register. These include:

- Those with rent arrears of £500 or above
- Those who have been evicted from social housing within the last 2 years
- Those who are intentionally homeless
- Those who are considered to be very high risk due to a history of criminal activity or anti-social behaviour

2.2 Therefore, some of those people to whom the Council owes a homeless duty will not be eligible for social housing.

3. PRIVATE RENTED SECTOR ACCOMMODATION AS A HOUSING OPTION

3.1 In such cases, the Housing Options team has to assist the clients to find a home in the private rented sector because this is the only option open to them. Such people may need assistance to pay the advance rent and deposit required by the landlord and/ or their agent. Many people find it impossible to secure a bank loan as a result of their own personal circumstances. Such loans would enable them to pay the monies required. However, their inability to obtain the finance needed to secure a home in the private rented sector means that in such cases the only way in which Officers can resolve the homelessness is to offer a loan using the DARS.

3.2 It should be noted that Officers have reported that they often find that agents and private landlords are generally more willing to help clients who have access to a DARS loan and who are referred by the Housing Options team; and that they are less keen to assist those who approach them directly.

4. SOCIAL HOUSING AS A HOUSING OPTION

- 4.1 The Homelessness Reduction Act 2017 was implemented with the aim of reducing homelessness. A key aim of the legislation was to ensure that no-one spent any longer in temporary accommodation than necessary. This can be difficult because there are issues in terms of supply versus demand relating to the provision of social housing which can make it difficult to find homes suitable for the needs of some homeless people.
- 4.2 As at 8 July 2019, there were 690 cases registered in Bands A to D, the bands of Housing Need, as defined by Devon Home Choice. A further 849 housing applicants were registered in Band E, the band of no housing need. During 2018/19 (from 1 April 2018 to 31 March 2019), there were 270 lettings in terms of general needs accommodation and a further 40 accessible homes were let in Mid Devon.

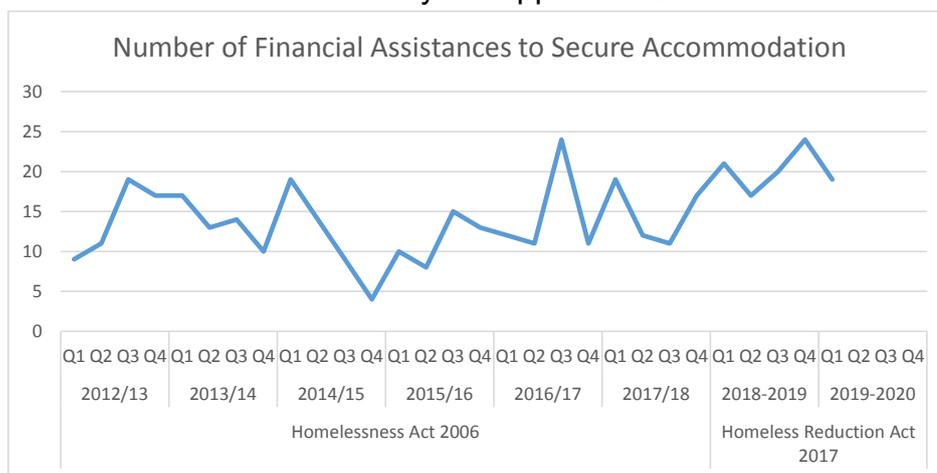
5. HOMELESSNESS PREVENTION

- 5.1 As noted, the DARS provides a way to assist those clients who are found to be in priority need. These people are often placed into temporary accommodation until such time as they can secure a more permanent home. Without the scheme, they could remain in that temporary accommodation until such time as they have managed to save up enough money to cover the deposit and advance rent required by a private landlord; or until such time as a home in the social sector becomes available.
- 5.2 Families with a need for a larger home, including those with 4 to 5 bedrooms, may have to wait for many years for a home suitable for their needs in the social sector due to the small number of such properties in the District. The impact of this would be to increase the waiting time on the housing register for anyone in Band C or lower, due to the fact that most properties would go to homeless households who have been assessed as having a need which entitles them to Band B status.
- 5.3 Loans provided through the DARS can also help to reduce the amount of expenditure related to the provision of temporary accommodation for those found to be homeless and in priority need. As an example, earlier this year, a client fleeing domestic violence was able to find themselves accommodation suitable for them and a young child in the private sector, on the same day on which they presented as homeless. They were able to secure a loan through the DARS and were accepted by the agents. The household moved in 6 days later which meant that the Council was only required to provide 6 nights of Bed and Breakfast accommodation for them. This meant that there was no need to provide temporary accommodation for the client and their family in the longer term.
- 5.4 It should also be noted that the Government's Rough Sleeper Strategy sets out an intention to end rough sleeping altogether by 2027. It sets out a collective approach to help people to recover and to find a home quickly. In cases where people are found to be sleeping on the streets, a loan made available through the DARS can be the quickest option to secure suitable accommodation for them.

6. USE OF LOANS THROUGH THE DARS

6.1 In recent years, the scheme has been used to support a number of homeless households into accommodation with some security of tenure:

- 2015/16: 63 applications
- 2016/17: 62 applications
- 2017/18: 64 applications
- 2018/19: 82 applications
- 2019/20 Q1 only: 18 applications

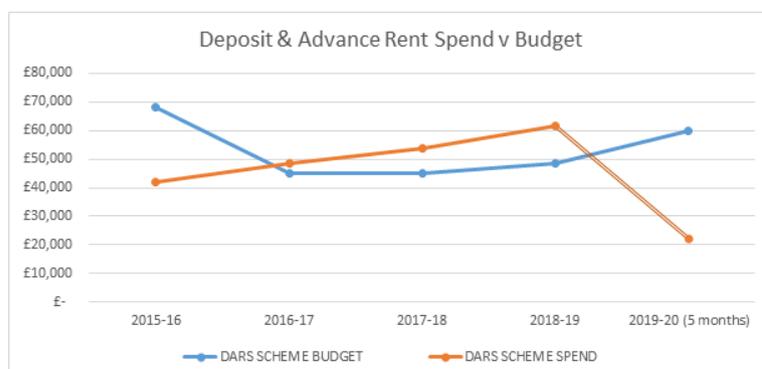


7. THE APPROACH OF NEIGHBOURING AUTHORITIES IN DEVON

7.1 Currently, a number of other strategic housing authorities within Devon have schemes similar to our DARS. This includes Exeter City Council, East Devon District Council and North Devon District Council.

8. BUDGET & EXPENDITURE

8.1 The graph shows expenditure against budget in respect of loans issued through the DARS over time from the beginning of 2015/16:



8.2 Officers have undertaken a review of cases and this has shown that the average spend in cases where DARS is used is £1,504. In cases where homeless households have been accommodated on a temporary basis, the average cost is

£3,165. This means that the average saving the Council associated with the use of DARS is £1,661 in each case.

9. MITIGATION OF RISK

- 9.1 If those households which were found to be non-priority or found to be intentionally homeless did not have financial assistance into the private rented sector, there is a possibility that they may end up sleeping rough. There is also the potential for them to put the tenancies of their friends and family at risk by causing overcrowding which could result in their households becoming homeless, too.
- 9.2 In addition, there is a risk that the demand for family sized temporary accommodation would increase exponentially should the option of a home in the private rented sector not be available for some households. This could result in a further financial burden to the Council.
- 9.3 Although the Housing Service is currently working on a scheme to convert a large property within our own Housing stock to provide accommodation for those in need on a temporary basis, this only has the potential to help a limited number of clients at any one time. The accommodation there will not be suitable for all of our homeless clients; for example, it will not be an option for those who are deemed to be high risk and for those who may have fled domestic violence. It is also the case that clients accommodated in the property will need “move on accommodation” once their immediate housing need has been resolved. Given the shortage of available homes in the social rented sector, clients could remain in the new scheme much longer than was originally envisaged if they are unable to secure alternative accommodation in the private sector due to an inability to obtain funding to meet the costs required to obtain a tenancy.
- 9.4 In addition, the period of time for which homeless applicants occupy other units of temporary accommodation within the Council’s own stock may increase if there is no other option for them besides social housing. This has the potential to increase the need for families to be accommodated in bed and breakfast accommodation for longer periods, which is deemed to be unacceptable, and which could have significant cost implications for the Council.
- 9.5 The use of loans through the DARS offers a housing option which is cost effective. If this option was not available, there could be increased budgetary pressures; and levels of satisfaction experienced by homeless applicants themselves and others on the housing waiting list could be reduced if more social housing had to be used to accommodate more homeless applicants.
- 9.6 Helping people to secure accommodation with some security of tenure is likely to have a number of positive social impacts relating to employment, education and health. It also enables the Housing Options team to demonstrate that social housing is not always the most appropriate or the only option for everyone who presents as homeless.

10. RECOVERY OF LOANS

10.1 It is important to maximise income and for this reason the Housing Options team has made recent changes to the procedures relating to the recovery of loans through the DARS in order to ensure that all clients understand how the scheme works. Officers make it clear to those receiving loans that it is a loan, and not a grant, and that there is a requirement to repay the debt in a timely manner in accordance with the repayment agreement. They explain the consequences of non-payment.

10.2 The Miscellaneous Income team is responsible for collection of the debt and will escalate action in accordance with agreed procedures. Debts will be written off as a last resort only once it would be uneconomic to pursue the matter any further.

10.3 As at 30 March 2019, the position was as follows with regard to recovery of loans made through DARS:

Total Net debts raised up to 30 March 2019	£870,530.29	
Total receipts against debt raised	421,110.52	48.37%
Debts written off	201,124.45	23.10%
Total Outstanding HG320 debt	(248,295.32)	28.52%

11. Conclusion

11.1 The budget required to accommodate homeless households in temporary accommodation would be higher than that needed for loans through the DARS. This is because it could be many months until such time as the members of those households can acquire the funding needed to rent privately by other means; or until alternative accommodation in the social housing sector suitable for their needs becomes available.

11.2 Members are invited to note the report.

Contact for more Information: Mrs Claire Fry, Group Manager for Housing, tel: 01884 234920, email: cfry@middevon.gov.uk

Circulation of the Report: Cabinet Member for Housing, Leadership Team

List of Background Papers:

City of York (2018), Preventing homelessness together, Strategy 2018-2023
https://www.york.gov.uk/info/20094/homelessness/833/homelessness_strategy

HOMES POLICY DEVELOPMENT GROUP 1 OCTOBER 2019

REVIEW OF HOUSING SERVICE HARASSMENT POLICY

Cabinet Member(s): Councillor Simon Clist
Responsible Officer: Mrs Claire Fry, Group Manager for Housing Services

Reason for Report: The Housing Service Harassment Policy requires review

RECOMMENDATION: That the Policy Development Group considers the proposed changes as set out in the tracked policy and that it makes recommendation to the Cabinet that the changes be adopted.

Financial Implications: There is a budget set aside within the Housing Revenue Account for managing Anti-social Behaviour (ASB) including harassment. The cost of legal action can sometimes be high but the Council is required to be pro-active to eliminate discrimination and harassment.

Legal Implications: The Housing Service is required to have policy and procedures in place relating to the prevention and management of racial and other forms of harassment. This policy was previously adopted to complement the revised draft ASB policy and procedures.

Risk Assessment: Failure to promote good relations between people belonging to different groups and to address complaints of harassment could lead to problems escalating. This could lead to victims experiencing distress and to the Council being exposed to reputational risk.

Equality Impact Assessment: The Council has statutory obligations to promote good relations between people belonging to different sections of society and to tackling racial and other forms of harassment. The Housing Service can ensure a consistent approach which is tailored to meet the needs of the people concerned by ensuring that there is an agreed policy and that staff implement it when responding to issues involving harassment.

Relationship to Corporate Plan: The Council must run the Housing Service efficiently and effectively in accordance with relevant legislation and also with the provisions of the regulatory framework.

Impact on Climate Change: The housing service has actively invested in energy efficiency; extensive use of solar PV and air source heat pumps already exists. The ongoing circa £170M 30 year maintenance programme has a significant focus on ensuring energy efficiency. Where sustainable options are available they are utilised; however, it is acknowledged that where there is a significant cost differential that plays heavily in the choices made.

We recognise that the provision of sustainable communities is important. As part of our commitment to meeting the provisions of the Tenant Involvement and Empowerment Standard within the Regulatory Framework for Social Housing, the Council offers a menu of involvement, which provides opportunities for tenants to get involved in service delivery. Tenants scrutinise the work of the Service and are also

involved in the development of our newsletter which is published periodically. We use this and social media to promote sustainability and therefore publish information relating to a variety of topics including fuel efficiency, recycling and healthy living.

Officers sometimes have to respond to emergencies such as those arising from serious incidents of anti-social behaviour (ASB). In such cases, safeguarding concerns will take priority in order to minimise risk and it is accepted that the ability to manage such issues effectively may have an environmental impact which would not occur if work can be planned in advance and managed in a more co-ordinated way.

1.0 Introduction/Background

1.1 The Council is committed to ensuring good governance of the Housing Service and having an effective policy framework. The policy sets out how Officers will respond to and manage complaints of harassment in order to ensure a consistent approach.

1.2 Regulatory requirements relating to the management of ASB are contained within the Neighbourhood and Community Standard. In accordance with the provisions of this Standard, the Council is required to work in partnership with other agencies to prevent and tackle ASB in the neighbourhoods where we have a responsibility to provide neighbourhood services.

1.3 There is also a specific expectation that the Council should publish a policy on how we will work with relevant partners to prevent and tackle ASB in areas where we have a responsibility to provide neighbourhood services. The Council is required to have a published policy relating to ASB in accordance with the provisions of the Anti-social Behaviour Act 2003.

1.4 The Harassment Policy is a companion document to the Anti-social Behaviour policy and procedures and supports our commitments to:

- eliminate unlawful discrimination and harassment;
- promote good relations between people of different racial groups;
- maximise the reporting of incidents that are racially motivated;
- support complainant's and their families;
- and take action against perpetrators

1.5 The Council has a Single Equality Scheme which sets out how we are working to implement the equality duties that are set out in the Equality Act 2010. This legislation describes nine protected characteristics:

- Age
- Disability (including people with learning disabilities, people with a mental illness)
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race, including nationality, national or ethnic origin
- Religion or belief
- Sex

- Sexual orientation

- 1.6 The Council has a duty to promote equality and to eradicate discrimination in relation to these nine protected characteristics outlined in the Equality Act 2010.
- 1.7 Tenants Together (TT), the tenancy scrutiny group, had the review of the Harassment Policy on the agenda for its meeting on 8 August 2019. A verbal update on amendments suggested by the Group will be given at the meeting of the PDG.
- 1.8 Various support agencies were also consulted on the review of the Harassment Policy. The Manager at the Churches Housing Action Team (CHAT) confirmed that she and the Tenancy Support Senior Advisor had looked at the draft policy and had no comments.
- 1.9 The Co-ordinator of the Devon Mediation Service (DMS) wrote back in response to the consultation and said that a lot of the clients with whom the service works claim that they are being harassed. They noted that this was a very subjective issue and that although clients may believe that they are being harassed, it can often be very difficult for the mediator to work out whether or not this is actually so.
- 1.10 They expressed the view that there may be cases where the client perceives that they are experiencing harassment where mediation can be used.
- 1.11 Officers have liaised with colleagues in the Legal Service during the review of the Harassment Policy. In response to the issue raised by DMS, following further discussions, it has been agreed that mediation should not be recommended as an option in this particular policy.
- 1.12 The Housing Service has a separate policy on Anti-Social Behaviour (ASB) which contains a commitment to promote mediation at an early stage especially in cases where there is a clash of lifestyle, and encouraging neighbours to work together to find solutions. In accordance with this policy, Officers will complete a risk assessment matrix to enable them to work out who is vulnerable, for both complainants and perpetrators, where applicable. There are four categories with level one being used in cases which are high risk. The ASB policy states that this category will apply where there is a serious risk to the complainant and so will include race/hate crime, threats or use of violence.
- 1.13 Level two is used where a medium risk has been assessed, that is, where there is no immediate risk to the complainant.
- 1.14 Cases categorised as being in level three include ball games which result in damage to property, issues arising from a clash of lifestyles and neighbour disputes. The ASB policy states that most incidents judged to be low to no risk which are deemed to be in this category will be recorded only. It states that mediation will be offered but otherwise, there will be no further action.

- 1.15 In cases where there has been an anonymous complaint, the policy specifies that these will be recorded for information only.
- 1.16 Officers concluded that most cases where harassment is an issue will fall into category one and that, under the circumstances, mediation would not be appropriate given the serious nature of the complaint. That said, as demonstrated, the separate ASB policy states the commitment of the Housing Service to the promotion of mediation and our Officers will continue to suggest it as one of the options open to those who report low level nuisance, where appropriate.
- 2.0 Overview of policy**
- 2.1 The existing policy has been in use since adoption in 2015. Following a review, only a limited number of amendments are being suggested. These changes have been included on the policy document at Appendix 1 and are shown as tracked changes for ease of reference.
- 2.2 Members will note that a number of other references have been included as amendments. In particular, the revised policy includes further reference to the relevant provisions of the regulatory framework which apply in relation to the prevention and management of ASB.
- 2.3 A more detailed reference to the Council's own Single Equality Scheme has been included in an attempt to demonstrate a "more joined up" approach.
- 2.4 Information on related documents has been updated to make it more relevant.
- 2.5 The policy has been updated to take account of the Stalking Protection Act 2019. This new legislation created a new civil Stalking Protection Order to protect members of the public from risks associated with stalking. The Police apply for these Orders which can be used to impose restrictions and requirements on perpetrators. If they are breached, there is a criminal penalty. The role of the Housing Service will be to work in partnership with the Police and other agencies, as appropriate, in order to minimise risk.
- 2.6 An amendment has been suggested which reflects the structural changes within the Neighbourhood Teams. Until the end of September 2018, the Neighbourhood Teams were generic, meaning that each officer had responsibility for all aspects of housing management on a geographical patch. The Housing Service implemented a restructure in October 2018 which resulted in specialist teams being responsible for different areas of work. It is the responsibility of Neighbourhood Officers in the Estates Team to manage ASB issues which arise on our estates and this includes taking action to manage and resolve any harassment issues, as required.
- 2.7 Since the policy was first adopted in 2015, our standard terms of tenancy have been reviewed and the revised policy includes reference to the new clauses.
- 2.8 Members will note that in accordance with the conditions of tenancy, tenants, members of their households and visitors must not harass our staff or our

contractors, in their homes, in the vicinity of their homes or anywhere else, including in our office. This reflects the importance given to maintaining the health and safety of our Officers. Reference to relevant clauses within the tenancy agreement demonstrates the strong commitment of the Housing Service to this.

- 2.9 It has been suggested that the next review of the policy should take place in ten years and this amendment has been suggested as a tracked change in the updated draft of the policy. However, it should be noted that the policy will be reviewed earlier if there are any relevant legislative or regulatory changes or recommendations relating to good practice change.

3.0 RECOMMENDATION

- 3.1 Members are asked to consider the amendments and to agree the adoption of the revised policy. In the meantime, the policy will be reviewed and revised to reflect any legislative requirements and/ or other guidance or good practice.

Contact for more Information: Mrs Claire Fry, Group Manager for Housing, 01884 234920, cfry@middevon.gov.uk

Circulation of the Report: Councillor Simon Clist, Cabinet Member for Housing, Leadership Team

List of Background Papers:

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Mid Devon District Council

Harassment Policy

| Policy Number: HSG v~~20.5~~

| ~~June~~October 201~~9~~5

Version Control Sheet

Title: Harassment Policy

Purpose: To ensure that the Housing Service manages harassment in accordance with legislative and regulatory requirements, and good practice.

Owner: Housing Services Group
Manager for Housing Services
cfry@middevon.gov.uk
Telephone number 01884 234920

Date: ~~June~~October

2015 ~~9~~ *Version*

Number: v~~20~~-5

Status: ~~Review~~New

Policy

Review Frequency: **Every 410 years or sooner if required and in accordance with changes in good practice and legislation**

Next review date: ~~June~~October 2029

Consultation **This document was sent out for consultation to the following:**

- Cabinet Member
- Staff
- Tenants Together
- The Police
- ~~The East & Mid Devon Community Safety Partnership~~
- Devon Mediation
- CHAT (Churches Housing Action Team)
- CAB (Citizen's Advice Bureau)
- Age UK
- ~~Management~~Leadership Team
- ~~PDG Decent & Affordable Homes~~ PDG Policy Development Group

Document History

This document obtained the following approvals.

Title	Date	Version Approved
Cabinet Member	14/5/15	
Tenants Together	14/5/15	
Police	6/5/15	
East & Mid Devon Community Safety Partnership	8/5/15	
Leadership <u>Management</u> Team	2/6/15 <u>17/09/19</u>	
PDG Decent & Affordable Homes <u>PDG</u>	16/6/15 <u>01/10/19</u>	

Harassment Policy

Cabinet	2/7/15	
Full Council	15/7/15	0.5

1. Introduction

The Anti-Social Behaviour Act 2003 placed a duty on all social landlords to prepare and publish policies and procedures relating to anti-social behaviour (ASB) and harassment and to ensure that they are available for inspection to any person who asks ~~for sight of them to read them~~. When preparing and reviewing policies and procedures, the social landlord must take account of guidance issued by the government and by the ~~r~~Regulator of ~~s~~Social ~~h~~Housing, ~~currently the Homes and Communities Agency (HCA) which operates the Regulatory Framework for Social Housing.~~ The Neighbourhood and Community Standard states that Registered Providers of social housing including the Council shall work in partnership with other agencies to prevent and tackle ASB in the neighbourhoods where they have homes. Landlords are ~~also~~ expected to provide strong leadership, commitment and accountability on preventing and tackling ASB. In addition, they must demonstrate prompt, appropriate and decisive action is taken to deal with any ASB before it escalates.

Our corporate ASB policy states that Mid Devon experiences low levels of crime ~~and~~ but that ~~anti-social behaviour~~ ASB can blight people's lives, destroy families and ruin communities if not dealt with effectively.

Our corporate Single Equality Scheme refers to section 149 of the Equality Act 2010 which imposes a duty on "public authorities", including the Council, which states that they must have due regard to the need to eliminate discrimination, harassment, victimization and any other conduct which is prohibited by or under the Act, when exercising our public functions.

2. Scope

Mid Devon District Council's (MDDC) Housing Service is committed to the development of sustainable communities. These will be safe and welcoming places. This policy sets out our principles for addressing and tackling harassment and hate crimes caused by Council tenants, members of their household or visitors to their property; and also for dealing with any such issues experienced by them. This policy should be read in conjunction with the related documents below.

3. Related Documents

- ~~a. Office of the Deputy Prime Minister: Anti-social Behaviour: Policy and Procedure, Code of Guidance~~
- a. Anti-social Behaviour, Crime & Policing Act 2014
- b. The Stalking Protection Act 2019
- c. Equality Act 2010
- d. Neighbourhood and Community Standard
- ~~e. Single Equality Scheme Codes of Practice and Technical Guidance~~
- f. ASB Policy
- ~~b.g.~~ ASB Procedures
- ~~e.h.~~ Allocations Policy
- ~~d.i.~~ Devon Home Choice Scheme
- ~~e.j.~~ Tenancy Agreements

4. Definitions

The following definitions apply to this policy:

- **Hate crime** is any incident, ~~which constitutes a criminal offence,~~ which is perceived by the victim or any other person as being motivated by prejudice or hate based on their diversity. This may include age, race, religion or belief, gender or gender identity, disability, pregnancy, marital status and sexual orientation.
- **Racist incident** is any incident which is perceived to be racist by the victim or by any other person.
- **Harassment** is conduct directed at, or towards an individual by another which causes a victim to fear that violence may be used against them or another person or causes the victim to feel afraid, alarmed or distressed.

Harassment is a personalised form of anti-social behaviour, specifically aimed at a particular individual. Harassment may take a variety of forms and includes:

- **Verbal abuse** – where threatening, abusive, or insulting words or behaviour are used within the sight or hearing of a person, with the intention of

harassing, alarming or distressing. This can include nuisance telephone calls or the distribution of inflammatory material.

- **Physical Abuse** – this is defined as a common assault and occurs where the perpetrator uses a degree of force, whether intentional or through carelessness, to the body of another person, without lawful excuse. Physical attacks range from common assault to manslaughter and murder.
- **Damage to Property** – this covers a wide range of behaviour. It may include graffiti, damage to property, and the dumping of rubbish and other material in gardens. It also covers the mis-use of letter boxes or ~~the daubing/defacing~~ of doors/windows using paint or any other sticky substance.
- **Stalking** - persistent and unwanted attention that makes a person feel pestered and harassed. It includes behaviour which happens on at least two occasions or more and which is directed at, or towards a person by another person. It is likely to cause the victim to feel alarmed or distressed, or to fear that violence might be used against them.

Some forms of harassment may precede a hate crime which is motivated by prejudice ~~or hatred based on race, sexuality, disability, mental health, gender identity or religion~~. There are specific incidents/behaviours under the broader headings of hate crime and harassment, these include:

- Racist incidents, sexual harassment, homophobic incidents, harassment against people on the basis of disability, harassment against people on the basis of mental health, religious harassment and other forms of harassment based on perceived differences; therefore, asylum seekers and refugees or economic immigrants with immigration status classed as A8 nationals, Gypsies and the travelling community and the elderly may all be victims of hate crime and/or harassment.

5. Investigations

- 5.1 We have a statutory duty to eliminate unlawful discrimination and to promote equality of opportunity and good race relations. Harassment and hate crime is unacceptable and should not be tolerated and we encourage anyone experiencing this type of behaviour to report this to us. We will record and investigate any incidents reported to us.
- 5.2 When a complaint is received we will assess the type of ASB being complained about in order to decide what sort of response is needed. Harassment and hate crimes will be given high priority. We will also assess the risk to the person making the complaint.
- 5.3 In accordance with the provisions of our ASB policy, ~~W~~we aim to respond to harassment and hate crimes within one working day. This will apply where there is a serious risk to the complainant; for example, where there is race/hate crime, threats or use of violence.
- 5.4 Anonymous complaints: generally, these will be recorded for information only. This is because it is unlikely that we would be able to gather all the evidence needed as part of the investigation. In the event of serious allegations, where there are safeguarding or other such issues of concern, we will involve other partners in order

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Harassment Policy

to take appropriate action.

- 5.5** We use our electronic housing management system as an incident management tool and this enables us to be consistent. All incidents reported will be recorded and monitored on this system. We will take all reports of ASB seriously and investigate

impartially.

5.6 The Housing Service has patch officers who work in Neighbourhood teams ~~and who they~~ are responsible for ~~housingestate~~ management issues in a defined geographical area. They will be responsible for dealing with any ASB which occurs in the area for which they are responsible (their patch).

5.7 When gathering evidence, we will work with ~~Environmental Health~~ appropriate professionals in connection with the use of noise monitoring equipment, exchange information with other agencies such as the Police and collect evidence from other potential witnesses, including neighbours. In serious cases, we would look to use professional witnesses especially where potential witnesses were fearful of reprisals and intimidation and not willing to give evidence in court proceedings.

6. Reporting incidents

6.1 ASB can be reported in a variety of ways. The Council's Customer First team will receive complaints on 01884 255255 or by email at customerfirst@middevon.gov.uk. Alternatively, tenants and others can contact the appropriate Neighbourhood ~~team~~ Officer directly using the same telephone number or by email on htenancy@middevon.gov.uk.

6.2 We will also accept complaints made ~~in by written correspondence~~ ~~correspondence letter, or~~ by ~~a personal visits~~ to our offices, or made through a third party such as a local Councillor. Reports in person will be seen by the Neighbourhood Officer responsible for that patch or ~~a colleague, the Housing Duty Officer.~~

6.3 Every attempt will be made to contact a victim of harassment or hate crime within one working day ~~in order to minimise the risk to the victim, in accordance with our ASB policy.~~ We understand how important it is to keep victims informed about what we are doing to resolve the issues that they have reported and we will be as open and transparent as we can be taking into account the need to maintain tenant confidentiality and data protection.

6.4 We recognise that people experiencing harassment or hate crime may sometimes be reluctant to contact the police or us directly to report incidents. Also, sometimes it may be that victims may not necessarily identify an incident as being hate crime related. All staff are trained to understand and identify hate crime and harassment and will investigate any complaints involving issues of this nature in a sensitive way.

7. Contact with the victim

7.1 We will develop an action plan immediately prior to investigating the incident. If there is evidence to support the need for further action, we will amend the action plan in agreement with the victim setting out how we will proceed. We will also agree a level of support and contact ~~with the victim~~ as the case progresses. This is to ensure that victims know what action and support they can expect from us and what will be required from them, this will include for example, keeping diary sheets and keeping in touch with us.

7.2 When a victim reports an incident of harassment or hate crime they will be given

advice and assistance as a matter of priority by staff. However, where re-housing or legal action is required, supplementary evidence may be requested before further action can be pursued. The victim may not wish for any contact with the perpetrator and this will be respected.

- 7.3 Our tenancy agreements specifically prohibit harassment of any kind. Where a tenant, a member of their household or a visitor to their home, perpetrates racial or other hate based harassment, we will consider action for breach of their tenancy. We will work in partnership with local agencies including the police to pursue legal action which may include starting possession proceedings, obtaining injunctions ~~or the~~ issue of acceptable behaviour contracts. ~~This will depend on the~~ nature and seriousness of the incident.

8. Supporting victims and witnesses

- 8.1 We involve the victims in decision-making regarding the investigation and the management of cases involving hate crime and harassment. The starting point for all investigations is to acknowledge the accounts of victims, witnesses or other persons reporting the incident and to agree a course of action.
- 8.2 It is recognised that hate crime and harassment can have an enormous impact on victims, their family, friends and witnesses. We will work closely with the victim throughout all stages of the procedure, to ensure that they are aware of actions being taken.
- 8.3 Victims and their families will be supported to remain in their homes safely. However, if the evidence available shows that it would be unsafe for them to do so, we will work in partnership to relocate the victim and their family. This will be dealt with in accordance within the provisions of the Housing Services Allocations Policy and the Devon Home Choice Scheme.
- 8.4 Where appropriate we will also arrange:
- Referrals to witness support and other support agencies, as appropriate
 - Crime prevention advice
 - Safety and security improvements
 - Liaison with schools and other relevant agencies, where necessary.
- 8.5 ~~Any damage to property (including graffiti) We will aim to make good any damage to property which has arisen as a result of harassment will be treated as an emergency repair with a target for completion of~~ within one working day. This will include offensive graffiti. Such repairs will be categorised as being emergency repairs.
- 8.6 We will report all racial incidents to the Plymouth & Devon Race Equality Council within one working day.
- 8.7 We will make every effort to protect and support witnesses. This may include meeting them at court if proceedings are started and ensuring that they feel safe whilst the hearing progresses.

9. Multi agency approach

9.1 We are committed to working in partnership with other agencies, as appropriate, to resolve the issues. This will include the Police and the Community Safety Partnership. The Housing Service has a separate Anti-social behaviour policy and procedure and this policy complements these.

9.2 Neighbourhood Officers and other relevant staff will work closely with our partner agencies (for example, the Police, Social Services, local non-statutory agencies) to support the victims of hate crime and harassment and to ensure a consistent response to perpetrators. Our Legal Service provides advice and support to the Neighbourhood team and will seek a legal remedy using relevant Housing legislation if it is agreed that this is an option. The police will be the lead agency on dealing with criminal offences, including hate crime and harassment.

10. Signposting and supporting alleged perpetrators

10.1 We understand that there are many factors which can cause people to act in an anti-social or disruptive way and these may include drug and alcohol use, mental health issues and depression. Other issues such as poor education and job prospects, debt and poor health can also contribute to the way people behave.

10.2 We may direct perpetrators to Drug and Alcohol Misuse Support, mental health teams and advocacy groups but this is not a definitive list. The support options available will vary depending on locally availability of the services locally and we will follow up referrals where data protection allows us to. By directing perpetrators to additional services, we may be able to prevent further ASB and/or harassment and in some cases, to help the individual.

10.3 We recognise the need to support tenants who may have difficulty in managing their tenancy. Where we are considering legal action, we will take reasonable steps to ensure we are not discriminating against the alleged perpetrator due to a disability protected characteristic in accordance with the Equality Act 2010.

10.4 We are committed to preventing unnecessary evictions. If a tenant is considered vulnerable then we must take extra care to ensure that seeking possession is a proportionate means of achieving a legitimate aim. The Neighbourhood Officer should consider whether the tenant needs any extra help or support to resolve the situation or to find alternative accommodation. This may include, but is not limited to:

- Alternative methods of communication, for example explaining the situation on the phone as well as by letter or using a translation service
- Contacting any support workers
- Offering advice or signposting to advice agencies
- Allowing extra time for the perpetrator to put the situation right
- Ensuring that the perpetrator is being supported to change their behaviour.

11. Management moves and transfers

- 11.1 In severe cases, for example where physical violence has been experienced, we may consider whether a voluntary move on management grounds would be appropriate (for anyone considered to be at high risk). This will be dealt with in

accordance with the Housing Services Allocation Policy and Devon Home Choice Scheme.

- 11.2 In line with our information-sharing agreements, we will share any complaints of **anti-social behaviour** ASB with local authority partners, which may result in applications to alternative accommodation ~~transfer applications~~ being suspended.

12. Prevention

- 12.1 We are committed to the prevention of harassment and hate crime incidents. This is necessary to make our neighbourhoods safer places. However, by preventing homelessness and avoiding potential costly and lengthy court cases, we can also deliver added value and cost effectiveness. We will ensure that tenants are made aware of their responsibilities as a tenant with regards to preventing harassment and hate crime incidents.

13. Confidentiality and Data Protection

- 13.1 Maintaining strict confidentiality is central to our handling of reports of harassment and hate crime. We will not usually exchange any information without the consent of the people involved unless there are suspected safeguarding issues. In cases like this, we would refer to the relevant information sharing protocols. This is in accordance with the provisions of the Crime and Disorder Act 1998, which allows personal data to be exchanged in order to prevent or to detect crime.

- 13.2 No contact will be made with the perpetrator unless the victim has given us consent to do so. If contact has been agreed, the victim must be informed of our intention to make contact before doing so on every occasion. All other information would be handled in accordance with current data protection legislation.

14. Legal action

- 14.1 We will decide what enforcement action is most appropriate on a case by case basis and the decision will be taken in accordance with the provisions of the Housing Service's ASB policy.
- 14.2 The ASB, Crime and Policing Act 2014 provides additional tools and powers to exclude a person from a home in cases where there is the use or threatened use of violence or risk of harm. We will work closely with the Police and also with our own Legal Service to provide additional evidence to support any legal action. Where appropriate, we will work in partnership with other agencies to enable a joint approach when seeking a legal remedy, for example when obtaining civil injunctions, criminal behaviour orders or Absolute ground for possession.

15. Staff awareness/training

- 15.1 It is recognised that the Housing Service may be a victim's first point of contact regarding harassment or hate crime of any kind; with this in mind, we will work to ensure that Officers have the skills and knowledge to effectively manage reports of harassment or hate crime and to recognise signs suggesting that a victim may be suffering.

16. Health and safety

16.1 Officers will follow the Housing Services Lone Working Procedures at all times when managing reports of harassment or hate crime. They will also consider the health and safety of all parties involved in any one case and the wider community.

~~16.2 Tenants, their households or visitors must not harass, intimidate, verbally abuse, physically abuse, use violence or threaten to use violence towards our staff, contractors or agents, in accordance with the terms of the Council standard tenancy agreements. We have robust procedures in place to maintain the health and safety of our Officers and we will notify the Police, as appropriate, and if the victim wishes, if we feel that any of our staff are being affected by harassment or hate crime arising from their work.~~

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16.2 Our tenancy agreement contains a clause relating to harassment. In accordance with this, tenants must not harass or threaten to harass on any grounds which may interfere with the peace and comfort of anyone living, visiting or working in the neighbourhood. This includes other tenants and our employees and contractors. The clause also prohibits harassment which may be perpetrated at our offices. Tenants must also take steps to prevent any members of their households and visitors, from behaving in this way as it is not allowed; neither is inciting others to harass or to threaten to harass anyone else.

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17. Appeals & Complaints

17.1 If anyone wishes to appeal a decision made as part of the ongoing management of a harassment or hate crime case, in the first instance, they should make their concerns known to the Neighbourhood team and another manager will review the case to ensure that action has been taken in accordance with the appropriate policies and procedures.

17.2 Any complaints relating to the general management of a harassment or hate crime incident by the Neighbourhood teams, which may include concerns about a general failure to address ASB issues reported, will be responded to in accordance with the Council's corporate Compliments, Complaints and Feedback Policy.

18. References

This policy takes into account legislation listed in the Housing Service's ASB policy.

19. Equality and Diversity

19.1 The Housing Service will tailor its services to meet the diverse needs of individuals. The aim will be to foster good relations with people when providing services to eliminate discrimination and to promote opportunity of equality. All action taken by us will be in accordance with the requirements of current legislation.

20. Review

20.1 This Policy has been written in line with current relevant legislation. ~~The policy will be reviewed and revised to reflect any legislation requirements and/or other guidance or good practice. The next review of this Policy is due June 2019.~~

Harassment Policy

and every four years thereafter. This policy will be reviewed and revised to reflect any legislative requirements and/or other guidance or good practice. The next scheduled review of this policy is due in October 2029 and every 10 years thereafter.

HOMES POLICY DEVELOPMENT GROUP 1 OCTOBER 2019

REVIEW OF HOUSING SERVICE HOARDING POLICY

Cabinet Member(s): Councillor Simon Clist
Responsible Officer: Mrs Claire Fry, Group Manager for Housing Services

Reason for Report: The Housing Service Hoarding Policy requires review by virtue of time bar.

RECOMMENDATION: That the Policy Development Group considers the proposed changes as set out in the tracked policy and that it makes a recommendation to the Cabinet that the changes be adopted.

Financial Implications: Housing management officers are sometimes required to manage cases involving properties that are either cluttered or which are being used to hoard large amounts of possessions, including animals. This can lead to damage to the property. This may also result in rodent or insect infestations, blocked drains and other problems that may also affect neighbouring properties. Rechargeable repairs costs can be inflated if there is damage which can prove at times difficult to recover.

Legal Implications: The Council's tenancy agreement contains clauses relating to hoarding. In particular, it states that tenants must keep their homes clean and tidy and must not allow excessive build up of belongings which could cause a health and safety or fire risk to the tenant, anyone else or to the property. It also states that tenants must ensure that they are able to evacuate the property in the event of a fire or other emergency situation.

Risk Assessment: [start text here and continue without indenting] Hoarding may have serious implications which impact upon health and safety and for this reason the risk it poses is regularly reviewed as part of the risk management framework. Failure to provide housing management staff with policies to use in the course of their day to day activities could result in a less consistent and effective service.

Equality Impact Assessment: The Housing Service recognises that hoarding is classified as a mental health disorder. The Housing Service can ensure a consistent approach which is tailored to meet the needs of the people concerned by ensuring that there is an agreed policy and that staff implement it when responding to issues involving hoarding.

Relationship to Corporate Plan: The Council must run the Housing Service efficiently and effectively in accordance with the provisions of the regulatory framework.

Impact on Climate Change: The housing service has actively invested in energy efficiency; extensive use of solar PV and air source heat pumps already exists. The ongoing circa £170M 30 year maintenance programme has a significant focus on ensuring energy efficiency. Where sustainable options are available they are utilised; however, it is acknowledged that where there is a significant cost differential that plays heavily in the choices made.

We recognise that the provision of sustainable communities is important. As part of our commitment to meeting the provisions of the Tenant Involvement and Empowerment Standard within the Regulatory Framework for Social Housing, the Council offers a menu of involvement, which provides opportunities for tenants to get involved in service delivery. Tenants scrutinise the work of the Service and are also involved in the development of our newsletter which is published periodically. We use this and social media to promote sustainability and therefore publish information relating to a variety of topics including fuel efficiency, recycling and healthy living.

Officers sometimes have to respond to emergencies such as those associated those arising from serious incidents of anti-social behaviour. In such cases, safeguarding concerns will take priority in order to minimise risk and it is accepted that the ability to manage such issues effectively may have an environmental impact which would not occur if work can be planned in advance and managed in a more co-ordinated way.

1.0 Introduction/Background

- 1.1 The Council is committed to improving the Housing Service and having an effective Hoarding Policy enables staff to refer to guidance which can be followed when responding to issues which arise when properties are cluttered; or when these properties are being used to hoard large amounts of possessions, including animals.
- 1.2 Hoarding is often described as when someone is unable to dispose of excess or unused things to the point where their belongings are clogging up their living space. Preventive measures must be put in place to reduce health and safety risks to the tenant and others as well to reduce neglect and wilful damage to the property.
- 1.3 This policy identifies the approach of the Housing Service to identifying and dealing with issues of hoarding and clutter in Council properties.
- 1.4 The Tenants Together Group (TT), the Tenant Scrutiny Group, had the review of the Hoarding Policy on the agenda for its meeting on 8 August 2019. The Group asked for more time in which to feedback comments. A verbal update on amendments suggested by the Group will therefore be given at the meeting of the PDG.
- 1.5 Various support agencies were also consulted on the review of the Hoarding Policy and the only response received was from the Manager at the Churches Housing Action Team (CHAT) who confirmed that she and the Tenancy Support Senior Advisor had looked at the draft policy and had no comments.

2.0 Overview of Policy

- 2.1 The existing policy has been in use since it was adopted in 2015. Following a review, it has been agreed that it is fit for purpose and therefore only minor amendments are being suggested. These changes have been included on the policy document contained within Appendix 1 and are shown as tracked changes for ease of reference.

- 2.2 Members will note that the majority of changes to the policy which are being proposed relate to style or grammar. The only major change being proposed is insertion of a reference to the Vulnerability Policy adopted for use by the Housing Service. This policy was adopted in 2017 and sets out the approach of the Housing Service to those who may not be able to look after their home and who may be in need of additional support.
- 2.3 It is recognised that hoarding/clutter can become a significant health and safety risk to the tenant, their household and any visitors to their property or neighbouring properties, which cannot be ignored.
- 2.4 Hoarding/clutter can generate complaints of anti-social behaviour such as untidy gardens, unpleasant odours from the property and infestation of vermin. These will be dealt with in line with the Housing Services Anti-social behaviour policy.
- 2.5 The policy acknowledges that it is common that when any issues of hoarding are brought to the landlord's attention, it is likely to be severe, resulting in breaches of the tenancy agreement. Staff will work with the tenant to reduce issues raised and address any health and safety concerns or breaches of the tenancy agreement.
- 2.6 Reference is made to the tenancy agreement, highlighting that tenants are responsible for the behaviour of their household and that they are required to comply with the terms and conditions.
- 2.7 The policy raises awareness of the Housing Services Recharge Policy which makes reference to any costs incurred due to neglect or wilful damage, stating that they will be recharged to the tenant.
- 2.8 Staff will carry out tenancy home checks, in the first instance, unannounced. These visits will identify any issues with hoarding/clutter at the property or if access routes for emergency services have been jeopardised.
- 2.9 Although animal hoarding is more uncommon, any cases will be brought to the attention of the RSPCA and any other relevant agencies, for further advice and assistance, to ensure that the welfare of any animals have been met.
- 2.10 It is recognised that there may be many reasons why a property has either become cluttered or why large volumes of items have been hoarded at the property. These may include mental health issues or be due to bereavement or shock. Therefore, Officers will work in partnership with other agencies to reduce any issues raised and to ultimately improve the quality of life for the tenant and their household.
- 2.11 In extreme cases, it may be necessary for the Housing Service to take tenancy enforcement action. Officers will use a variety of the tools and powers available to them to address any tenancy breaches, to fulfil any legal obligations or to take action where it has been identified that there is a health and safety risk which could have a detrimental effect on the tenant, members of their household and visitors or the property.

2.12 It has been suggested that the next review of the policy should take place in ten years and this amendment has been suggested as a tracked change in the updated draft of the policy.

3.0 RECOMMENDATION

3.1 Members are asked to consider the content and the proposed changes; and to agree a recommendation relating to the adoption of the revised policy to the Cabinet. In the meantime, the policy will be reviewed and revised to reflect any legislative requirements and/ or other guidance or good practice.

Contact for more Information: Mrs Claire Fry, Group Manager for Housing, 01884 234920, cfry@middevon.gov.uk

Circulation of the Report: Councillor Simon Clist, Cabinet Member for Housing, Leadership Team

List of Background Papers: None

Mid Devon District Council

Hoarding Policy

| Policy Number: HSG v20.4

| ~~June-October 2019~~5

Version Control Sheet

Title: *Hoarding Policy*

Purpose: This policy statement outlines Mid Devon District Council's (MDDC), Housing Service approach to identifying and dealing with issues of hoarding in Council properties.

Owner: **Group Manager for Housing-Housing Services**
Service Manager
cfry@middevon.gov.uk
Telephone number 01884 234920

Date: ~~June~~October

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20159 Version

Number: ~~2~~ v2.10-4

Status: ~~Review~~ New

Policy

Review Frequency: Every ~~10~~4 years or sooner if required and in accordance with changes in good practice and legislation

Next review date: ~~June~~October 20292019

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Consultation This document was sent out for consultation to the following:

- Cabinet Member
- Staff
- Tenants Together (formerly Scrutiny Improvement Group)
- Management Leadership Team
- PDG Decent & Affordable Homes Policy Development Group

Document History

This document obtained the following approvals.

Title	Date	Version Approved
Cabinet Member	3 September	
Tenants Together	8 August 20199/4/15	
Management Leadership Team	17 September	
PDG Decent & Affordable Homes PDG	1 October	
Cabinet	21 7/15	
Full Council	15 7/15	0 -4

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1. Introduction

This policy statement outlines Mid Devon District Council's (MDDC) Housing Service approach to identifying and dealing with issues of hoarding and clutter in Council properties.

It recognises that hoarding is often described as when someone is unable to dispose of excess or unused things to the point where their belongings are clogging up their living space.

Whilst, people who clutter are ~~more often~~ seen as ~~someone people~~ who lets possessions ~~to pile up in their property~~, hoarding is now recognised as a mental health disorder. However, preventive measures must be put in place to reduce public health and safety risks to the tenant and others as well as to reduce neglect and ~~willful~~ damage to the property. Where necessary, the Housing Service will take enforcement action ~~in connection regarding with~~ any breaches of the tenancy agreement, taking the vulnerability of the tenant into account.

2. Scope

This policy sets out how the Housing Service will respond to dealing with issues that arise when properties are cluttered or are being used to hoard ~~large~~ amounts of possessions including animals.

This policy covers the following points and should be read in conjunction with the related documents as stated below:

- Tenancy management
- Health and Safety issues
- Tenancy home checks
- Animal hoarding
- Partnership working
- Tenancy enforcement

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3. Related Documents

- a. Anti-social Behaviour Policy
- b. Decant Policy
- c. Recharge Policy
- d. Tenancy Agreement
- e. Vulnerability Policy
- d.f. Pets and animals Policy

4. Tenancy Management

4.1 The Building and Housing Services ~~has~~ have operational staff ~~who that~~ visit tenants and their households at home. Staff are required to identify any issues that arise when properties are cluttered or are being used to hoard ~~large~~ amounts of possessions or animals and report them to the relevant Neighbourhood Officer.

4.2 ~~In extreme cases, piles of clutter can become a~~ public health and safety risk and

Hoarding Policy

can result in trips, slips and falls. If the home is difficult to clean, living conditions can be unhygienic and can lead to rodent or insect infestations, blocked drains and other problems that may also affect neighbouring properties. Staff will identify any risks to

the tenant, their household, visitors or neighbouring properties and to take appropriate action in accordance with the severity of the risk.

4.34.2 Issues with hoarding/clutter can generate complaints of anti-social behaviour and these will be dealt with in line with the Housing Services, Anti-social Behaviour Policy and Procedures. Complaints may include those relating to untidy gardens, unwelcoming-unpleasant odours from the property or infestation of vermin.

4.44.3 Housing staff are aware that there will be times where a property may be cluttered and messy. ~~This may be due to a whole host of reasons, including being and that this may be due to~~ a lifestyle choice or lack of education. Hoarding issues are thought to be more related to mental health issues. Concerns should be directed back to the Neighbourhood Officer when discovered.

4.54.4 The Housing Service is likely to become aware of hoarding/clutter issues:-

- During routine planned maintenance works ~~due to~~ scheduled for the property (gas services or property upgrades)
- When complaints of anti-social behaviour are received; for example, those concerning the presence of vermin or clutter in outside spaces
- When reports of welfare concerns from family members or neighbours are received.

4.64.5 It is common that once any issues of hoarding have come to the landlord's attention, the situation is likely to ~~be severe resulting present in~~ breaches of the tenancy agreement. Neighbourhood Officers will raise awareness of any breaches with the tenant and will take appropriate action.

4.74.6 When an issue has been identified the Neighbourhood Officer will regularly visit the property and will put together an action plan to work with the tenant to reduce the hoarding issues and to address any public health and safety concerns. We understand that it may be a slow process into ~~reducing~~ rubbish and clutter from the property. However, action must take place at a pace that reflects the risk posed.

4.84.7 Tenants are responsible for the behaviour of members of their household and are required to comply with the terms and conditions of the tenancy agreement.

5. Health & Safety

5.1 Hoarders can accumulate volumes of rubbish or clutter leading to unsafe and unhygienic conditions to the property which can ~~impose~~ a significant public health and safety risk.

5.2 It is generally not seen as good practice to completely clear the rubbish or clutter away from the property. This is due to the fact that it is unlikely to solve the problem. In addition, the clutter may often build up again. The Housing Service will work with the tenant to resolve the issue but will not offer extra storage space as this is only a quick fix, costly and does not address the problem. ~~However, as a~~ As a landlord, we have a legal responsibility to ensure that our properties are safe to live in. If there is a detrimental health or safety risk, then any rubbish or clutter will be cleared to comply with legislative requirements.

~~5.3 In extreme cases of hoarding where a serious health and safety issue has been identified or where there is damage to the property, then it may be necessary for us to decant the tenant and their household to allow access to the accommodation. This will be dealt with in line with the Housing Services' Decant Policy. Any costs incurred due to neglect or wilful damage will be recharged to the tenant.~~

6. Tenancy Home Checks

6.1 Neighbourhood Officers will carry out tenancy home checks on all properties. During these visits they will identify if there is an issue with hoarding at the property or if access routes for emergency services are blocked. When such issues have been identified, the Officer will work with the tenant and involve relevant agencies to address the problem.

7. Animal hoarding

7.1 Animal hoarding is more uncommon. It is considered a problem if the owner:

- is not able to provide basic needs for the animals, such as food, shelter and veterinary care
- is allowing their animals to live in poor conditions – for example, overcrowding or severe lack of hygiene
- is not aware that the animals are having a negative effect on their personal health or the health of family members

7.2 The person hoarding will often not understand they are neglecting the animals and putting their own health and that of others at risk. They often have an emotional attachment to their pets, making it extremely difficult to give up any animals during treatment.

7.3 Where cases of animal hoarding have been identified, the Housing Service will involve ~~the RSPCA and other partner~~ agencies, as appropriate, for further advice and assistance to ensure that any welfare concerns are addressed.

8. Partnership working

8.1 It is recognised that it may be necessary to involve a range of agencies to play a part in trying to reduce hoarding issues and ultimately to improve the quality of life for the tenant and their household.

8.2 The Housing Service will work with a range of agencies; ~~including such as~~ social services, community mental health teams, the Fire Service, ~~Environmental Service~~ Public Health professionals and family members.

9. Tenancy enforcement

9.1 There ~~is are~~ a variety of tools and powers that can be used to address tenancy breaches. However, it is understood that there are no “one-size fits all” solutions. The Housing Service will liaise with experienced practitioners to achieve the best result in a given case taking into account our duty to equality and the fostering of

relationships. Tenancy enforcement can include legal action to recover the property or a legal injunction to the tenant to comply with the tenancy conditions. Normally a graded approach will be taken before such enforcement action is taken but occasionally it may be necessary to proceed directly to urgent tenancy enforcement action particularly where the hoarding is causing substantial health and safety risks including risks of fire.

9.29.1 Where there is a problem with gaining access to the property to fulfil our legal obligations or where it has been identified that there is a health and safety risk which could have a detrimental effect on others, we will take the necessary legal steps to obtain an injunction. Any costs incurred in doing this will be recharged to the tenant.

9.39.2 The tenant will also be recharged for any damage to the property caused by neglect or ~~wilful~~wilful damage. This will be dealt with in line with the Housing Services' Recharge Policy.

10. Equality and Diversity

10.1 The Housing Service will tailor its services to meet the diverse needs of individuals. The aim will be to foster good relations with people when providing services to eliminate discrimination and to promote opportunity of equality. All action taken by us will be in accordance with the requirements of current legislation.

11. Review

This Policy has been written in line with good practice and current relevant legislation. ~~Unless there are any changes to such legislation beforehand, the next review of this Policy is due June 2019 and every four years thereafter. This policy will be reviewed and revised to reflect any legislative requirements and/ or other guidance or good practice. The next scheduled review of this policy is due in October 2029 and every 10 years thereafter.~~

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HOMES POLICY DEVELOPMENT GROUP 1 OCTOBER 2019

REVIEW OF HOUSING SERVICE PETS AND ANIMALS POLICY

Cabinet Member(s): Councillor Simon Clist
Responsible Officer: Mrs Claire Fry, Group Manager for Housing

Reason for Report: The Housing Service policy relating to pets and animals requires review

RECOMMENDATION: That the Homes PDG recommends to the Cabinet that those changes agreed following a review of the policy relating to pets and animals are adopted

Financial Implications: Housing management officers are required to manage nuisance cases involving animals and this can include cases where pets have caused damage to property. Void costs can be inflated if there is such damage and also where tenants have inserted cat flaps or similar into security doors or doors which have been double glazed.

Legal Implications: The Council's tenancy agreement contains clauses relating to animals and pets which state that tenants should seek permission for most pets and should ensure that they do not cause nuisance or annoyance to neighbours, or cause any damage to the property. Intentional breeding is also prohibited. The policy takes account of relevant legislation and animal welfare issues.

Risk Assessment: Failure to have in place an agreed policy could result in tenants keeping pets and animals which are unsuitable and which could impact the welfare of those pets, the tenant, their household and neighbouring tenants and properties. There is also a risk that a pet or animal could experience ill health or that the property could be damaged if that pet or animal is not properly cared for.

Equality Impact Assessment: Failure to provide housing management staff with policies to use in the course of their day to day activities could result in a less consistent and effective service. The policy includes reference to support dogs and makes provision for these to be kept in properties in cases where under usual circumstances this would not be allowed. The Housing Service reserves the right to seek evidence to support the request and to ensure that the property type is suitable for keeping a dog.

Relationship to Corporate Plan: The Council must run the Housing Service efficiently and effectively in accordance with the provisions of the regulatory framework.

Impact on Climate Change: The housing service has actively invested in energy efficiency; extensive use of solar PV and air source heat pumps already exists. The ongoing circa £170M 30 year maintenance programme has a significant focus on ensuring energy efficiency. Where sustainable options are available they are utilised; however, it is acknowledged that where there is a significant cost differential that plays heavily in the choices made.

We recognise that the provision of sustainable communities is important. As part of our commitment to meeting the provisions of the Tenant Involvement and Empowerment Standard within the Regulatory Framework for Social Housing, the Council offers a menu of involvement, which provides opportunities for tenants to get involved in service delivery. Tenants scrutinise the work of the Service and are also involved in the development of our newsletter which is published periodically. We use this and social media to promote sustainability and therefore publish information relating to a variety of topics including fuel efficiency, recycling and healthy living.

Officers sometimes have to respond to emergencies such as those associated those arising from serious incidents of anti-social behaviour. In such cases, safeguarding concerns will take priority in order to minimise risk and it is accepted that the ability to manage such issues effectively may have an environmental impact which would not occur if work can be planned in advance and managed in a more co-ordinated way.

1.0 Introduction/Background

- 1.1 The Council is committed to improving the Housing Service and having an effective policy to provide a framework which sets out how Officers will respond to and manage queries, permissions and complaints relating to pets and animals from tenants and their neighbours is important to ensure a consistent approach.
- 1.2 The pets and animals policy was originally adopted at the meeting of the Decent and Affordable Homes Policy Development Group on 4 October 2011 and then reviewed in June 2015.
- 1.3 Tenants Together (TT), the tenancy scrutiny group, had the review of the Pets and Animals Policy on the agenda for its meeting on 8 August 2019. The Group asked for more time in which to consider their feedback. A verbal update on amendments suggested by the Group will therefore be given at the meeting of the PDG.
- 1.4 Various support agencies were also consulted on the review of the Pets and Animals Policy and the only response received was from the Manager at the Churches Housing Action Team (CHAT) who confirmed that she and the Tenancy Support Senior Advisor had looked at the draft policy and had no comments.

2 Overview of Policy

- 2.1 The existing policy has been in use since it was adopted in 2015. Following a review, it has been agreed that it is fit for purpose and therefore only a limited number of amendments are being suggested. These changes have been included on the policy document contained within Appendix 1 and are shown as tracked changes for ease of reference.
- 2.2 Members will note that the majority of changes to the existing policy which are being proposed relate to style or grammar.

- 2.3 However, several additional references have been inserted. The first relates to the responsibilities regarding the microchipping of dogs. The second additional reference is to the Anti-social, Crime and Policing Act 2014 which extended criminal liability under section 3 of the Dangerous Dogs Act 1991 for owning or being in charge of a dog that is dangerously out of control. It now includes private places.
- 2.4 In addition, the clauses relating to intentional breeding of pets and animals in section 11 have been reinforced with reference to the tenancy agreement. Hopefully, this will provide greater clarity on the position of the Housing Service to intentional breeding. Tenants are not allowed to breed any animals at their homes or to sell any bred there.
- 2.5 When the existing policy was amended in 2015, a number of changes were made to ensure that it reflected good practice relating to pet and animal ownership.
- 2.6 The existing policy places emphasis on the need to make tenants aware of their responsibilities, and this includes giving them a copy of the pets and animals policy when permission has been granted.
- 2.7 The existing policy explains in great detail the factors which will be taken into consideration before a decision is made on whether or not to allow a tenant to keep a pet or animal at their home. In accordance with section 6 of the policy, the type of property lived in together will be taken into account, as well as the garden size, the availability of local open space and the breed, size, number and temperament of the pets or animals which the tenant is seeking permission to keep. The Neighbourhood Officer will also give consideration to the number of existing pets.
- 2.8 Generally, a tenant will not be allowed to keep a cat or a dog at a property which does not have direct access to outside. This is on the grounds of animal welfare and also to avoid causing nuisance or annoyance to neighbours. Furthermore, the Housing Service is unlikely to grant permission for a tenant to have more than two dogs or two cats at a property, or one of each. Permission to keep a registered support dog may be granted in some circumstances to enable a tenant to keep one in a property which would not usually be deemed to be suitable for keeping dogs.
- 2.9 An amendment to the existing policy has been proposed which relates to the action to be taken in cases where it is found that a tenant is keeping a pet or animal without permission. The amended policy, if agreed, would allow the Housing Service to seek vacant possession of the property should a tenant continue to keep a pet or animal without our permission. It should be noted that such action would only be proposed if attempts to work with the tenant to re-home the pet or animal had failed.
- 2.10 It should be noted that the existing policy raises awareness of other policies that tenants have to adhere to including the Housing Service Recharge policy and the Improvements to Council Properties policy. Damage caused to a property by a pet or animal will be recharged in accordance with the former;

and permission for improvements to accommodate pets and animals must be sought in accordance with the latter.

2.11 The existing policy contains other relevant clauses which provide clarity for Officers and for tenants, alike:

- Burial grounds and visiting pet graves at former properties
- The fitting of cat flaps
- House cats and dogs
- Pet sitting

2.12 It has been suggested that the next review of the policy should take place in ten years and this amendment has been suggested as a tracked change in the updated draft of the policy. In the meantime, the policy will be reviewed and revised to reflect any legislative requirements and/ or other guidance or good practice.

3 RECOMMENDATION

3.1 Members are asked to consider the amendments and to agree the adoption of the revised policy.

Contact for more Information: Mrs Claire Fry, Group Manager for Housing, 01884 234920, cfry@middevon.gov.uk

Circulation of the Report: Councillor Simon Clist, Cabinet Member for Housing, Leadership Team

List of Background Papers:

Mid Devon District Council

Pets and Animals Policy

| Policy Number: HSG v~~5~~4.5

| ~~October~~June 2019~~5~~

Version Control Sheet

Title: *Pets and Animals Policy*

Purpose: To review the Pets and Animals Policy in accordance with good practice in animal welfare and to ensure that amendments are incorporated into the revised Tenancy Agreement.

Owner: **Housing Services Group
Manager for Housing Services**
cfry@middevon.gov.uk
Telephone number 01884 234920

Date: ~~June~~October

201~~9~~5 Version Number:

v~~5.4.5~~ Status: Review of

Policy

Review Frequency: **Every 410 years or sooner if required and in accordance with changes in good practice and legislation**

Next review date: ~~June~~October 201~~9~~29

Consultation This document was sent out for consultation to the following:

Cabinet Member
Staff

Tenants Together (~~formerly Scrutiny Improvement Group~~)

~~Management Leadership~~ Team

~~PDG Decent & Affordable Homes~~ Policy Development Group

Document History

This document obtained the following approvals.

Title	Date	Version Approved
Cabinet Member	3 <u>September</u>	
Tenants Together	8 <u>September</u>	
Leadership Management Team	2019 <u>12/3/15</u>	
PDG Decent & Affordable Homes <u>Policy</u>	1 <u>October</u>	
Cabinet	N/A	

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1. Introduction

This policy statement outlines Mid Devon District Council's (MDDC) Housing Service approach to the keeping of pets and animals by its tenants and their households. The Housing Service recognises the benefits that responsible pet ownership can bring. However, controls must be in place to prevent irresponsible pet and animal ownership which can cause suffering to animals and a nuisance to neighbours.

2. Scope

This policy explains how the Housing Service will respond to and manage queries, permissions and complaints relating to pets and animals from tenants and their neighbours. This policy covers the following points and should be read in conjunction with the related documents as stated below:

- Responsible pet and animal ownership as defined under the Animal Welfare Act 2006
- Permission requests, type of pets and animals allowed and refused
- Complaints about pet and animal nuisance
- Breeding or running of a pet or animal related business from the property
- Abandoned and unattended pets and animals at the property
- Burial grounds for pets and animals

3. Related Documents

- a. Anti-social Behaviour Policy
- b. Improvement to Council Properties Policy
- c. Recharge Policy
- d. Tenancy Agreement

4. Definitions

The following definitions apply to this policy:

- "Dangerous Dogs" are pets covered by the Dangerous Dogs Act 1991 ([and any subsequent amendments](#)) and include Pit Bull Terrier, Japanese Tosa, Dogo Argentino or a Fila Brazilliero without a Certificate of Exception and Cross breeds of these dogs. Dogs of other breeds can be considered as dangerous dogs if they have ever attacked a person in public.
- "Dangerous Animals" are pets or animals covered by the Dangerous Wild Animal Act [1976](#) ~~1997~~ and include crocodiles, big cats, wolves, certain venomous snakes and poisonous spiders as well as various breeds of monkeys.
- "Pet" is defined as a pet animal (such as a cat or dog).
- "Animal" is defined as an [domestic](#) animal which depends on a human for food, water and shelter.

Pets and Animals Policy

- House cat or dog is defined as a pet that does not go outdoors.

7.5. Responsible pet and animal ownership

- 5.1** Tenants are responsible for the welfare of any pet or animal at their home whether they belong to them, their household or visiting their home. Welfare is governed by law, as defined under the Animal Welfare Act 2006. They must comply with any legislation concerning the keeping and control of their pets or animals.
- 5.2** Owners of pets and animals have a duty of care, which makes it an offence for the person responsible to “not take such steps as are reasonable in all circumstances to ensure that the needs of a pet or animal for which they are responsible ~~for~~ are met to the extent required by good practice”. They must make sure that any pet or animal they own or care for has a suitable environment with room to exercise, is kept securely where they cannot escape, is provided with a suitable diet and fresh water and given the ability to display normal behaviour patterns. Any pet or animal also needs to be protected from pain, suffering, injury and disease.

8.6. Permission

- 6.1** Pets are generally allowed in Council properties however, tenants must obtain written permission from the Housing Service if they want to keep a pet or animal unless it is a registered support dog, ~~or small fish, or a small domestic caged animal or bird.~~ The Housing Service will not unreasonably withhold permission, however, checks will be carried out in the first instance to ensure that there are no tenancy issues to warrant refusal. Permission to construct any type of animal home, for example ponds or aviaries must be sought in line with the Housing Services Improvements to Council Properties Policy, Recharge Policy and by obtaining planning permission, if required.
- 6.2** The following criteria will be considered before we grant or deny permission: the type of property lived in and facilities available, size of garden and whether there is open space nearby and the breed, size, number and temperament of the pet(s) or animal(s) the tenant is looking to keep and any pets or animals they may already have. In all cases where permission for a pet or animal is granted, it will be on the condition that the tenant looks after it properly and in line with the Tenancy Agreement and Pets and Animals Policy.
- 6.3** Prospective tenants who already have pets or animals will need to obtain permission to keep them before they sign their Tenancy Agreement with us. Any pets or animals that are refused will not be allowed to move into the property with the tenant.
- 6.4** When a pet or animal dies, the tenant will be required to seek written permission from the Housing Service to replace that pet or animal. Permission will not be granted if the property is not suitable. Tenants will have “grandfather rights” to enable them to retain existing pets in such circumstances until such time their pet or animal passes away.
- 6.5** Where the Housing Service gives permission to keep a pet or animal, they will write to the tenant outlining the conditions attached to the permission and will give them a

6-86.6 Permission is conditional on the tenant making sure that their pet or animal does not; stray or roam, damage anybody's property including their own home, injure, annoy or frighten anybody else, breed in the property, become dangerous or cause nuisance or annoyance to anyone living in the locality of the tenant's home, for example. making too much noise.

6-96.7 Permission is also conditional on the tenant making arrangements for the animal's care if they go away overnight, or for longer, and providing the Housing Service with details of an emergency contact. They have to ensure that litter trays are cleaned regularly and pet faeces are cleared frequently from the house and/or garden and no smell is caused by the pets or animals. Where applicable hutches/cages/aviaries/ponds are to be frequently cleaned and pets or animals are to be kept under control at all times, including when visitors such as officers of the Council, contractors and postal workers come to their home.

6-106.8 Permission will only be granted to keep the pets or animals specified by the Housing Service at the tenant's current address. The tenant must ask for permission if they move to another property.

6-116.9 Additional conditions may be imposed where appropriate; these will not be imposed unreasonably and will be detailed in writing in the permission letter. Conditions may also be imposed after permission has been granted if they are necessary to deal with any issues that have arisen. The tenant will be advised of any additional conditions and the reasons for imposing them in writing.

6-126.10 The Housing Service reserve the right to withdraw permission or request any pet or animal to be removed from the property if they do not keep them in line with this policy or the Tenancy Agreement.

Consent may also be withdrawn if we consider the number of pets or animals at the property should be restricted (for example due to nuisance behaviour), or where there is evidence of neglect or mistreatment or it has been brought to our attention.

7.0 Types of pets and animals allowed

7.1 Tenants may be given permission for a number of different pets or animals. There are examples listed below, however, this is not an exhaustive list.

7.2 Cats and Dogs

We will normally only consider giving permission for one dog and one cat (or two of one type) per household. Tenants who currently have more than two pets (with permission) will be allowed to keep them until such time as the pets leave the household.

In accordance with the Control of Dogs Order 1992 every dog, while in a public place, must wear a collar with the name and address of the owner inscribed on the collar or a badge attached to it. There are some exceptions and more information

about this can be found in the Control of Dogs Order 1992. ~~The Council strongly encourages tenants to have their pets microchipped where appropriate. This will be a legal requirement from 6 April 2016. It is a legal requirement that dogs must be microchipped by the age of 8 weeks. This is to ensure that they can be identified. It is the responsibility of the keeper of the dog to ensure that the dog is registered with a database compliant with the regulations. The keeper must also keep the database updated following any change of address.~~

Tenants must not allow dogs to enter children's play areas, keep cats or dogs on balconies or in communal walkways or allow visitors with pets to visit properties without direct access to a garden, for example flats. The exception to this is where the dog is a registered support dog. They must exercise dogs on a lead if on communal areas of housing land and pick up any faeces immediately.

The fitting of dog or cat flaps will be at the discretion of the Housing Service. Permission will not be granted if this is a fire safety door for a communal entrance door to a block of flats due to health & safety concerns. A written request will be required from the tenant in the first instance. Any permission granted will be in accordance with the Housing Services Improvements to Council Properties Policy and Recharge Policy.

7.3 Support dogs

Permission to keep a registered support dog should be granted where a tenant requests it and the dog has been provided by a recognised agency, such as Guide Dogs for the Blind. The Housing Service may require evidence from the relevant agency to support the application and be satisfied that the property type is suitable for keeping a dog. In some circumstances a tenant may be given permission to keep a support dog in a property which would not usually be suitable for keeping dogs.

7.4 Small Caged Mammals

Small caged mammals include: mice, rats, hamsters, guinea pigs, chipmunks, chinchillas, ferrets and rabbits. In the case of small caged mammals, tenants must limit them to manageable numbers agreed by housing management staff. Tenants must also make sure they are suitable for their living conditions. In the case of rabbits, guinea pigs and ferrets, tenants should keep them outside the main property (house). They can be kept in outhouses or sheds but they must have access to outside space and have a secure exercise run with fresh water which is away from prolonged direct sunlight and where they are safe from predators.

7.5 Caged Birds

Tenants can keep small caged birds in the property provided their cage is large enough for the bird to spread its wings fully in any direction and that it has enough space to perch. Ideally tenants should also let the bird exercise outside the cage, provided it cannot escape and any excrement is cleaned up.

7.6 Aviary Birds and Pigeons

Requests for aviaries in individual gardens on an individual basis will be considered, taking into account the likelihood of nuisance to neighbours (for example, morning noise or the potential

to attract rodents). Tenants are not permitted to keep pigeons unless they are a member of the Royal Pigeon Racing Association. Tenants who are members of this association will still need to apply for permission before keeping pigeons and provide the relevant paperwork.

7.7 Reptiles and Spiders

Tenants are not encouraged to keep these types of animals in a property as they need specialised care and living conditions. If a tenant wishes to keep a reptile or spider, they must provide a suitable and secure environment and request permission from us as usual.

7.8 Chickens

Permission may be granted to keep chickens on an individual basis. We will limit the number of chickens kept and this will be at the discretion of the Housing Service taking into account the size of property and neighbouring properties. Tenants are requested to keep chicken feed in an enclosed container. Permission will be reviewed if complaints are received that cannot be resolved.

7.9 Fish

Tenants are allowed to keep small fish in tanks without our permission. Larger fish, (for example sting rays) in tanks will require permission from us. However, where fish tanks are stored upstairs or in first floor flats and above, tenants will be required to have contents insurance in case of flooding.

8. Refusal

- 8.1 The Housing Service may refuse a tenant permission to have a pet or animal if it has ever caused injury to a person, or if it is dangerous in any other way. This includes all animals prescribed under the Dangerous Wild Animals Act 1976. This also includes a dog which has been found to be dangerously out of control in a public or a private place under Section 3 Dangerous Dogs Act 1991, as amended by the Anti-social Behaviour, Crime and Policing Act 2014.
- 8.2 If the pet the tenant wants to keep is of a type to which Section 1 of the Dangerous Dogs Act 1991 applies, including dogs placed on Index of Exempt Dogs, their request will be refused. This list is subject to change by legislation.
- 8.3 Permission to keep some types of domestic animals, for example cockerels or livestock such as sheep, goats, pigs, cattle, horses or ducks will not be granted.
- 8.4 Permission will be refused if the tenant or another household member has any convictions for, or past history of abandonment, cruelty, neglect or mistreatment of animals, or convictions for any offences under the Dangerous Dogs Act 1991, or has been disqualified from keeping animals or a particular type of animal due to a conviction. This also includes where a tenant or a member of their household has

previously abandoned a pet or animal when they moved out of a Council property.

8.78.5 Permission will be refused when the tenant or member of the household has previously had any tenancy enforcement action taken against them in relation to their previous ownership of pets or animals in a Council property. The Housing Service may consider giving permission to keep pets with additional conditions placed on the tenant in exceptional circumstances.

8.88.6 A request to keep a pet or animal in a property type which is unsuitable will be refused, for example a dog or a cat should not be kept in a flat unless that property has direct access to its own garden.

8.10 Although the Housing Service understands there are many benefits that pet ownership can bring, permission for house cats or dogs will be refused.

8.118.7 Where it is found that a tenant is keeping a pet or animal without our permission, we will in the first instance send a warning letter to the tenant. This letter will ask for the tenant to confirm what pets or animals they are keeping and whether it is a temporary or permanent arrangement. Where appropriate, ~~we may grant permission. If it is not appropriate to grant permission for some or all of the pets or animals,~~ we will give the tenant 28 days in which to find suitable alternative accommodation for them.

Ultimately, if the tenant continues to keep a pet or animal without our permission they are in breach of their Tenancy Agreement. The Housing Service will take relevant legal action ~~where necessary to remove that animal from the~~ seek vacant possession of the property. The tenant will be liable for any resulting legal costs. In all cases, where the Housing Service refuses permission to keep a pet or animal, the Housing Service will explain the reasons fully to the tenant in writing.

8.128.8 Permission will not be granted to keep pets or animals which require a structure to be placed in a communal area to home them, for example- aviaries, hutches and ponds.

9. Pet sitting

9.1 Tenants will need our permission before looking after someone else's pet or animal. The normal rules as stated under point 6 for granting permission will also apply for pet sitting. Where permission is granted, it will be for a limited period of 28 days and you will need to seek permission for any future pet sitting arrangements. Where an animal's health or safety could be affected due to an unforeseen event out of office hours, tenants can take on the temporary responsibility of looking after that pet or animal but must let us know as soon as is reasonably practicable.

10. Complaints

10.1 Tenants must not allow their pets or animals to become a public health or noise nuisance or to annoy or frighten other people. Some problems generally regarded as low level nuisance can make residents lives and in some cases, the animal's life a misery if they persist. We will handle complaints about nuisance pets or animals in

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10.410.2 A range of behaviours can cause nuisance to neighbours. Examples of these are listed below, this is not an exhaustive list but includes: roaming and unattended animals, fouling in communal areas and in owners' gardens and this not being cleared immediately, excessive noise, unpleasant odours from pets, aggressive animals, feeding and/or harbouring stray animals or excessive feeding of wild birds such as pigeons. In most cases the Housing Service will aim to resolve the situation informally. When this can't be achieved they will use the powers and tools available to them to take further action.

11. Breeding or running a pet related business from home

- 11.1** Tenants are not permitted to run an "animal hostel" (including cattery, kennels, other boarding or breeding business) from our properties including outhouses or garages. If a tenant makes an application to run a pet-related business from home, this needs to be put in writing. The Council must also give regard to the policy on pets and animals, in particular whether the type of property is suitable.
- 11.2** Permission will not be granted to run a business or any activity which involves selling animals or any business which is likely to create a nuisance due to the number of animals being taken to a property. Tenants must avoid letting their pets or animals breed. [Our tenancy agreement specifically prohibits tenants from intentional breeding of any pet or animal at their home and the sale of any pet or animal for profit.](#)

12. Abandoned and unattended pets and animals

- 12.1** Tenants are not allowed to abandon any pets or animals that belong to their household or leave unattended for a period that will result in the owner being unable to meet its welfare needs. If the tenant plans to be away from their home (such as a holiday or overnight), they must make reasonable arrangements for the care of their pets and animals. It is the tenant's responsibility to rehome their pet or animal responsibly if they are no longer able to care for it.
- 12.2** If a tenant moves out of the property, abandons or is evicted and leaves a pet or animal behind, the Housing Service will take action as with other items left in the property. The pet or animal will be removed from the property. Any costs incurred by the Council in dealing with the animal(s) left behind will be recharged to the tenant. In cases of abandonment or neglect, the Housing Service will make every attempt to contact the tenant or named emergency contact. Where this fails or where an animal's health is at risk, we will contact local animal sanctuaries for assistance.

13. Burial grounds

- 13.1** Tenants are not permitted to bury a deceased pet or animal in their garden or in communal areas. It is recommended that tenants wishing to bury their pet or animal use a reputable animal cemetery to either bury their pet or animal or scatter their ashes. Tenants are advised to contact their local veterinary service for further details. Those tenants who have moved away from a property where they may have

previously buried their pet or animal or scattered their ashes are not permitted to

trespass the land of their former home. This is to respect the privacy of the tenant living at the property.

14. References

- Dangerous Dogs Act 1991
- Control of Dogs Order 1992
- Dangerous Wild Animal Act 1976~~97~~
- Animal Welfare Act 2006

15. Equality and Diversity

15.1 The Housing Service will tailor their services to meet the diverse needs of individuals. They will foster good relations with people when providing their services to eliminate discrimination and promote opportunity of equality.

16. Review

This Policy has been written in line with good practice on animal welfare and current relevant legislation. ~~Unless there are any changes to such legislation beforehand, the next review of this Policy is due June 2019 and every four years thereafter. This policy will be reviewed and revised to reflect any legislative requirements and/ or other guidance or good practice. The next scheduled review of this policy is due in October 2029 and every 10 years thereafter.~~

HOMES POLICY DEVELOPMENT GROUP 1 OCTOBER 2019

HOUSING UPDATE REPORT

Cabinet Member(s): Councillor Simon Clist
Responsible Officer: Mrs Claire Fry, Group Manager for Housing Services

Reason for Report: To provide a written briefing on latest developments relating to social housing

RECOMMENDATION: Members to note the report

Financial Implications: None arising from this report

Legal Implications: None arising from this report

Risk Assessment: None arising from this report

Equality Impact Assessment: None arising from this report

Relationship to Corporate Plan: Homes are a priority for the Council and this includes increasing supply in the District and also ensuring that those homes in our ownership are managed efficiently and effectively

Impact on Climate Change: The housing service has actively invested in energy efficiency; extensive use of solar PV and air source heat pumps already exists. The ongoing circa £170M 30 year maintenance programme has a significant focus on ensuring energy efficiency. Where sustainable options are available they are utilised; however, it is acknowledged that where there is a significant cost differential that plays heavily in the choices made.

We recognise that the provision of sustainable communities is important. As part of our commitment to meeting the provisions of the Tenant Involvement and Empowerment Standard within the Regulatory Framework for Social Housing, the Council offers a menu of involvement which provides opportunities for tenants to get involved in service delivery. Tenants scrutinise the work of the Service and are also involved in the development of our newsletter which is published periodically. We use this and social media to promote sustainability and therefore publish information relating to a variety of topics including fuel efficiency, recycling and healthy living.

Officers sometimes have to respond to emergencies such as those associated with the prevention and management of homelessness and also those arising from serious incidents of anti-social behaviour. In such cases, safeguarding concerns will take priority in order to minimise risk and it is accepted that the ability to manage such issues effectively may have an environmental impact which would not occur if work can be planned in advance and managed in a more co-ordinated way.

1. Introduction/Background

- 1.1 Members previously agreed that it would be helpful to receive a regular briefing on matters relating to housing.

1.2 Matters relating to fire safety and cladding continued to feature quite prominently in the press in recent weeks. However, the Council does not have any high rise blocks in our stock and therefore discussions relating to this type of housing stock and associated issues are not relevant to the situation in Mid Devon. For this reason, this report will not contain any other references to these matters.

2. Ministerial Changes

2.1 Boris Johnson implemented a re-shuffle when he became Prime Minister. Robert Jenrick replaces James Brokenshire as Housing Secretary and Esther McVey is the new Minister of State at the Ministry of Housing, Communities and Local Government. (Barratt, 2019)

2.2 In his first statement to the Houses of Parliament after taking on his new role, the Prime Minister said: “We will announce investment in vital infrastructure, full fibre roll out, transport and housing that can improve the quality of people’s lives, fuel economic growth and provide opportunity”. He did not expand on what kind of housing he would focus on but on a visit to Gosport, Ms McVey said that the new Government would give millions of young people the chance to own their own home “so we can make the dream of homeownership a reality”. (Apps, 2019)

2.3 Luke Hall, MP for Thornbury and Yate, has joined the Ministry of Housing, Communities and Local Government as the Parliamentary Under-Secretary of State. (Heath, 2019)

3. Social Housing Green Paper

3.1 The Social Housing Green Paper entitled “A New Deal for Social Housing” was published in August 2018. This sought views on the Government’s stated vision for social housing which related to the provision of safe, secure homes which help people to “get on with their lives”. The consultation relating to the Green Paper ran from 14 August 2018 to 6 November 2018. An action plan or timetable relating to the policy proposals associated with the future of social housing which were outlined in the Green Paper was expected in September. However, in light of recent events at Westminster, there is a possibility that this work will be delayed.

4. Review of Consumer Standards

4.1 The Regulator of Social Housing (RSH), (RSH, 19 July 2019) published its annual review of the consumer standards, the seventh since 2012.

4.2 There are four consumer standards:

4.2.1 Home

4.2.2 Neighbourhood and Community

4.2.3 Tenancy

4.2.4 Tenant Involvement and Empowerment

- 4.3 All Registered Providers of Social Housing (RPs) must comply with these standards and this includes local authorities. The aim is to ensure that housing is well managed and of an appropriate quality, that tenants are given choices and an opportunity to be involved in management, that tenants can hold their landlords to account, and that providers are encouraged to address the wellbeing of their neighbourhoods.
- 4.4 The Localism Act 2011 prevents the RSH from being proactive in monitoring the consumer standards. Regulatory investigations therefore arise from self-referrals by providers, individuals, MPs, councillors and other interested parties, or as a result of regulatory engagement in other areas. The RSH must exercise its role in a way which minimises interference and is proportionate, consistent, transparent and accountable. It will use its powers where it judges that a consumer standard has been breached and that “there are reasonable grounds to suspect” that tenants have suffered, or could suffer, serious detriment.
- 4.5 Serious detriment is identified following a serious detriment test which involves investigations by the RSH. The RSH needs to decide if there has been a system-wide failure within the provider and if this “caused or has the potential to cause serious harm”. Harm, or potential harm, can relate to health and safety, loss of home, unlawful discrimination, loss of legal rights and/ or financial loss.
- 4.6 Regulatory investigations into the consumer standards follow a 3 stage process. If there has been a breach of the consumer standards, or a risk of a breach, the case is referred to the Consumer Regulation Panel. This Panel decides if there is evidence of a breach of the standards and, if there is, whether or not there has been harm, or potential harm, to tenants. If the Consumer Regulation Panel considers that the evidence could indicate a breach of the standards, or a suggestion that tenants are at risk of serious harm, a detailed investigation begins. Information is sought from the individual who referred the case and the RP, as well as third parties, if necessary.
- 4.7 The RSH expects tenants to raise any concerns with their landlord and then the Housing Ombudsman Service (HOS), which can assist them to resolve disputes locally. If a complaint is not resolved through the complaints procedure of the RP, the tenant is expected to contact a designated person such as an MP, or a local Councillor to help them to resolve the complaint. If a tenant in Mid Devon asked the Council to convene a designated Tenants’ Panel, the Council would ask representatives from our Tenants Together Scrutiny Group (TT) to consider the complaint and all relevant information.
- 4.8 In 2018/19, the RSH received 502 referrals about consumer standards, compared to 543 in 2017/18. The number of cases reaching a stage 3 investigation (where the Consumer Regulation Panel decides whether or not there has been a breach of the standards and, if so, whether or not there has been harm, or potential harm, to tenants) increased from 77 cases (14% of those referred) in 2017/18 to 124 (25%) in 2018/19.
- 4.9 The source of the referrals can be split as follows, bearing in mind that there were 543 in 2017/18 and 502 in 2018/19:

	2017/18	2018/19
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Self-referrals from RPs	48%	31%
Individual tenants or representatives	39%	47%
Identified through regulatory engagement (Housing associations only)	5%	11%
Media coverage	4%	3%
Employees and contractors	4%	3%
Statutory bodies	0%	5%
	100	100

4.10 There were six cases where serious detriment was found:

4.10.1 Knowsley Housing Trust: failure to act on fire safety notices issued by Merseyside Fire and Rescue Service

4.10.2 Kinsman Housing Ltd: failure to deal with structural safety of homes along with concerns about the safety of gas, fire and electrical installations. Governance concerns were also identified.

4.10.3 Arun District Council: Failure to carry out fire and legionella risk assessments across its entire stock

4.10.4 Beyond Housing: failure to put in place up to date fire risk assessments

4.10.5 Lincolnshire Housing Partnership: electrical testing inadequate

4.10.6 Green Square Housing Group: gas certification not up to date. Fire and lift safety inadequate.

4.11 All six of the providers breached the Home Standard and five of the six cases involved fire safety concerns.

4.12 It should be noted that there were some key messages arising from the 2018/19 review which can be summarised as follows:

4.12.1 RPs need to have clear and detailed policies to ensure that tenants are not exposed to risks

4.12.2 Councillors in local authorities are responsible for compliance with the consumer standards

4.12.3 All RPs must ensure that their homes are safe. The full range of statutory health and safety obligations must be met and in local authorities councillors are responsible for this.

4.12.4 RPs must have robust data collection and reporting arrangements in place. In local authorities, councillors must have effective oversight of compliance.

- 4.12.5 The Home Standard is most often the cause of serious detriment findings. Providers must focus on all the standards, but compliance with the Home Standard is essential.
- 4.12.6 Providers must be able to demonstrate compliance across every aspect of the consumer standards.
- 4.12.7 Analysis of complaints data and trends may underpin a provider's understanding of how tenants feel about particular issues. Where failings are systemic, a judgement of serious detriment could result.
- 4.12.8 When things go wrong, RPs need to be open and to take measures to address failings and remedy all instances of non-compliance. Failure to disclose failings to the RSH may be seen in a very negative light

5. Regulation

- 5.1 The RSH wrote to all registered providers seeking comments before 14 August 2019 about a proposed 15% increase in their fees next year (RSH, 17 July 2019). In line with the proposals, RPs with more than 1,000 homes will have to pay £5.47 per unit from April 2020, up from £4.72 which was payable this year. The Chief Executive of the RSH said that a review of the regulator's resources had identified a need for an increase in capacity to ensure that it could continue to effectively regulate the changing risk profile of the sector. The RSH has proposed that fees for small providers with less than 1,000 homes will stay at £300 per year.

6. Housing Related Complaints

- 6.1 If a tenant makes a complaint to an RP regarding service delivery or another matter connected with their tenancy, and they remain dissatisfied after their landlord's formal complaint procedure has been exhausted, they may escalate the complaint to a Designated Person which may include a local Councillor, an MP or a Tenant's Panel. The aim of this is to ensure that there has been every opportunity to resolve any matters of concern locally.
- 6.2 Subject to certain exceptions, a tenant cannot complain directly to the Housing Ombudsman Service (HOS). Rather, their complaint must be made through a Designated Person to the HOS. A tenant can complain directly to the HOS where 8 weeks has elapsed since the conclusion of the landlord's own investigation.
- 6.3 The HOS recently published its annual report for 2018-19 (HOS, 2019). This states that in 2018/19, 7,623 complaints were received, up 12% from 6,806 in 2017/18. 2,214 decisions were made in 2018/19. In 37% of these, no maladministration was found. Maladministration is defined as a failure by the landlord to act appropriately, doing something which it should not or, in the opinion of the Ombudsman, delaying unreasonably in relation to service delivery or any other matter.
- 6.4 29% of cases, where there was a decision, were found to involve maladministration. 81% involved partial maladministration. 39% of the complaints related to repairs; the next largest category related to tenant behaviour (15%) and the third largest category related to the handling of complaints (10%).

7. Social Housing Fraud

- 7.1 A Council tenant was recently fined £100,000 and evicted for illegally subletting his flat. This was owned by Westminster City Council in Central London. The tenant used the Airbnb site to advertise it. The Council's investigation found that there were 300 reviews about the flat on the website which had been written since 2013. (BBC, 2019)

8. Health & Safety Issues

- 8.1 Four were injured and one man in his 80s subsequently died following a recent gas explosion at a block of Council flats on an estate in Wandsworth. A Council spokesperson said that the man who had died was a Council tenant but that he had been in his daughter's flat, located underneath his own, whilst she was away. Residents were able to move back into their homes the following day. The Council said that all the gas safety checks were up to date with the programme relating to the servicing of boilers also in order. The building where the explosion occurred was made from a concrete frame with brick infill. (Barratt, August 2019)
- 8.2 Members may recall that at the last meeting, the housing update report contained reference to significant failings relating to gas safety issues in homes managed by East Kent Housing (EKH), which manages approximately 17,000 homes on behalf of Canterbury, Dover, Thanet and Folkestone & Hythe Councils. The P & R Installations Company had been contracted to undertake works associated with gas safety. Significant weaknesses in management arrangements had been identified. A report recently published by Thanet District Council has stated that EKH failed to identify overcharging by P & R for work completed; and that there were instances where work had been completed although the relevant paperwork had not been provided to evidence this. The Councils are in the process of seeking legal advice as to whether or not this constitutes fraud. Therefore, there could be legal action or, alternatively, the matter may be referred for independent arbitration. (Barker, July 2019)
- 8.3 Members can be reassured that the Council is delivering excellent performance in relation to gas safety and that this is being monitored closely by senior managers as a matter of routine. Information relating to performance is published monthly and available to view on the housing pages of the Council's website. We have an eleven month cyclical programme of regular gas safety inspections and are currently in the process of moving to the new MOT system in accordance with regulation 36a of the General Safety User and Installer Regulations (as amended) 1998.
- 8.4 A housing association, Connexus, failed to repair an unsafe solid fuel appliance before a fire and fatality; the Regulator for Social Housing said in a regulatory judgement that there had been a failure to meet the Home Standard leading to serious detriment. Connexus had failed to meet their statutory health and safety requirements because they had been aware that the appliance was deemed unsafe for use but had failed to arrange the necessary repair. (Barker, 28 August 2019)

9 Anti-social behaviour

- 9.1 A housing association recently won a case at the Court of Appeal. Aldwyck Housing Group, which is now part of Catalyst, had taken legal action to enable them to evict a tenant from a flat in Watford on the grounds of anti-social behaviour. The Police had described the activity as typical of “cuckooing”, that is, where those involved in drug dealing move into the properties of vulnerable tenants.
- 9.2 The tenant in this case has physical disabilities and had also advised that he suffers from depression, anxiety and a personality disorder.
- 9.3 Following work with the tenant, when he was told that he could be evicted if the nuisance continued, there were further incidents. Following a Police raid, a closure order was obtained on the basis that he had breached his tenancy agreement. In March 2018, the Judge at Watford County Court made an order for possession on the grounds that the tenancy agreement had been breached. (Barker, 9 August 2019a) During the case, the housing association admitted that it had failed to undertake an assessment with regard to the public sector equality duty (PSED) which is required in line with the provisions of section 149 of the Equality Act 2010.
- 9.4 The Judge hearing the case decided that the housing association had not discriminated against the tenant. He also felt that the tenant had not been cuckooed.
- 9.5 At the High Court, this decision was upheld on the basis that even if there had been a proper equality impact assessment, the housing association would have decided to evict the tenant.
- 9.6 There was a further appeal, which was heard at the Court of Appeal, where the tenants appeal was dismissed on the grounds that there should be no rigid rule that a breach of the PSED should always result in quashing the relevant decision. It was found that the District Judge had been right to conclude that there “was no viable option for the landlord other than to seek possession.”
- 9.7 The tenant was ordered to pay the housing association’s costs related to the appeal.

10 Universal Credit

- 10.1 Inside Housing reported that a number of housing associations had raised concern regarding the administration relating to rent changes for tenants claiming Universal Credit (UC). The registered providers had referred to the additional resources required to ensure that those claiming housing costs as part of their UC claims are receiving the right amounts. The Department for Work and Pensions (DWP) had told housing associations earlier this year that they would record rent charges in bulk on behalf of tenants claiming UC, with effect from April. However, the necessary upgrade was never completed.
- 10.2 Individual claimants are responsible for making the DWP aware of any changes in their rent and service charges and the DWP then uses these

figures to calculate entitlement. There are concerns that tenants may not appreciate the need to notify the DWP. If this happens, the payments received will be incorrect. Given that rents were decreased by 1% in April, this could result in there being overpayments to tenants, which must be paid back.

10.3 Landlords monitor payments but if there is no alternative payment arrangement (APA) in place, they can only liaise with the tenant to ensure that the information provided to the DWP is correct. Given that the numbers of claimants receiving UC is steadily rising, it may not be possible to do this by next April. Housing associations are claiming that it is important for the DWP to automate the task to avoid providers of social housing being faced with a lot of additional work. The DWP has stated that the bulk upload service is being tested and that plans will be announced in due course. However, they also said that tenants are required to notify them of changes in rent levels and that the “bulk upload” process would not change this. (Barker, 9 August 2019b)

10.4 As at the end of August 2019 (week 22), 361 current tenants of the MDDC Housing Service were in receipt of UC. Any failure by the DWP to implement an ability for the Council to submit data relating to the new rents to be charged from April 2020 by bulk upload could result in individuals claiming the wrong amount of housing costs. Given that the number of tenants switching to this benefit is increasing steadily, this has the potential to impact our revenue stream in a negative way, as well.

11 Recommendation

11.1 That Members note the report.

Contact for more Information: Mrs Claire Fry, Group Manager for Housing Services, tel: 01884 234920, email: cfry@middevon.gov.uk

Circulation of the Report: Cabinet Member for Housing, Leadership Team

List of Background Papers:

Apps (2019), McVey focuses on home ownership after being confirmed as housing minister, Peter Apps, Inside Housing, 26 July 2019

Barker (July 2019), Councils “could seek criminal action” against contractor following gas safety issues, Nathaniel Barker, Inside Housing, 30 July 2019

Barker (9 August 2019a), Aldwyck wins “cuckooing case”, Nathaniel Barker, Inside Housing, 9 August 2019

Barker (9 August 2019b), Landlords: stop huge UC administrative burden, Nathaniel Barker, Inside Housing, 9 August 2019

Barker (28 August, 2019), Housing association failed to fix unsafe appliance before deadly fire, Nathaniel Barker, Inside Housing, 28 August 2019

Barratt (July 2019), Boris Johnson promises investment in housing, Luke Barratt, Inside Housing, 26 July 2019

Barratt (August 2019), Council tenant dies after explosion in flat, Luke Barratt, Inside Housing, 9 August 2019

BBC (2019), Airbnb host fined £100,000 for letting Council flat, BBC news website, technology, 29 July 2019
<https://www.bbc.co.uk/news/technology-49149983>

Heath (2019),
HOS (2019), Annual Report 2018-19 Published, Housing Ombudsman Service, 23 July 2019
<https://www.housing-ombudsman.org.uk/2019/07/23/annual-report-2018-19-published/>

RSH (17 July 2019), Letter: Regulation Fees 2020/21, Regulator of Social Housing, 17 July 2019
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/817822/RSH_letter_-_Fees_proposals_2020-21.pdf

RSH (19 July 2019), Consumer Regulation Review 2018 to 2019, Regulator for Social Housing, 19 July 2019
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/817807/Consumer_Regulation_Review_2018-19.pdf

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