

Public Document Pack

Mid Devon District Council

Cabinet

Thursday, 2 July 2015 at 2.15 pm
Phoenix House

Next ordinary meeting
Thursday, 30 July 2015 at 2.15 pm

Those attending are advised that this meeting will be recorded

Membership

Cllr C J Eginton	Leader
Cllr R J Chesterton	Deputy Leader and Planning and Economic Regeneration
Cllr N V Davey	Environment
Cllr P H D Hare-Scott	Finance
Cllr C R Slade	Community Well Being
Cllr Mrs M E Squires	Working Environment and Support Services
Cllr R L Stanley	Housing

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**
To receive any apologies for absence.
- 2. Public Question Time**
To receive any questions relating to items on the Agenda from members of the public and replies thereto.
- 3. Minutes of the Previous Meeting** (*Pages 5 - 12*)
To receive the minutes of the meeting of 4 June 2015 (attached).
- 4. New Collection Scheme for Waste and Recycling Service** (*Pages 13 - 18*)
Arising from a report of the Waste and Transport Manager and a recommendation from the Managing the Environment Policy Development Group, the PDG had recommended that:
 - (i) The annual charge for fortnightly collections of Garden Waste from a 240L bin be set at £47.00.

- (ii). The annual charge for fortnightly collections of Garden Waste from a 140L bin be set at £35.00.
 - (iii) The charge for sacks be set at £13.00 for a roll of 10.
 - (iv) Subject to the change of wording from 'purchase' to 'subscribe' in 3.4, and clarification regarding where sacks could be purchased, the Terms and Conditions set out in Appendix B be adopted
5. **Housing Anti-Social Behaviour Policy** *(Pages 19 - 78)*
Arising from a report of the Head of Housing and Property Services and a recommendation from the Decent and Affordable Homes Policy Development Group, the PDG had recommended that the revised Housing Service Anti-Social Behaviour policy and procedures be approved.
 6. **Housing Service Harassment Policy** *(Pages 79 - 92)*
Arising from a report of the Head of Housing and Property Services and a recommendation from the Decent and Affordable Homes Policy Development Group, the PDG had recommended that the adoption of the new Harassment Policy be recommended to Council.
 7. **Housing Service Domestic Abuse Policy** *(Pages 93 - 106)*
Arising from a report of the Head of Housing and Property Services and a recommendation from the Decent and Affordable Homes Policy Development Group, the PDG had recommended that the adoption of the Housing Service Domestic Abuse Policy be recommended to Council
 8. **Housing Service Hoarding Policy** *(Pages 107 - 116)*
Arising from a report of the Head of Housing and Property Services and a recommendation from the Decent and Affordable Homes Policy Development Group, the PDG had recommended that the adoption of the Housing Services Hoarding Policy be recommended to Council
 9. **Housing Services Pets and Animals Policy** *(Pages 117 - 128)*
Arising from a report of the Head of Housing and Property Services and a recommendation from the Decent and Affordable Homes Policy Development Group, the PDG had recommended that the revised policy be adopted.
 10. **Compensation Policy** *(Pages 129 - 138)*
Arising from a report of the Head of Housing and Property Services and a recommendation from the Decent and Affordable Homes Policy Development Group, the PDG had recommended that the adoption of the Compensation Policy be recommended to Council.
 11. **Tenant Involvement Policy** *(Pages 139 - 146)*
Arising from a report of the Head of Housing and Property Services and

a recommendation from the Decent and Affordable Homes Policy Development Group, the PDG had recommended that the revised policy be approved.

12. **Tenant Involvement Strategy** (*Pages 147 - 162*)
Arising from a report of the Head of Housing and Property Services and a recommendation from the Decent and Affordable Homes Policy Development Group, the PDG had recommended that the revised policy be approved.
13. **Planning Policy Procedure Report** (*Pages 163 - 168*)
To receive a report of the Forward Planning Team Leader reviewing the procedures for formulating and adopting planning policy and planning policy documents to reflect work streams previously omitted when planning policy procedures were previously considered by Council in 2012.
14. **Performance and Risk** (*Pages 169 - 190*)
To receive a report of the of the Head of Communities and Governance providing Members with an update on performance against the corporate plan and local service targets for 2014/15 as well as providing an update on the key business risks.
15. **Notification of Key Decisions** (*Pages 191 - 198*)
To note the rolling plan containing key decisions.

Kevin Finan
Chief Executive
Wednesday, 24 June 2015

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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 to the Council Chamber on 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 Sally Gabriel on:

Tel: 01884 234229

E-Mail: sgabriel@middevon.gov.uk

Public Wi-Fi is available in all meeting rooms.

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 4 June 2015 at 2.15 pm

Present

Councillors

C J Eginton (Leader)
R J Chesterton, N V Davey, P H D Hare-
Scott, C R Slade, Mrs M E Squires and
R L Stanley

Apologies

Councillors

Also Present

Councillors

Mrs J Roach

Also Present

Officers:

Kevin Finan (Chief Executive), Andrew Jarrett (Head of Finance), Amy Tregellas (Head of Communities and Governance and Monitoring Officer), Christina Cross (Head of BIS), Liz Reeves (Head of Customer Services), Jenny Clifford (Head of Planning and Regeneration) and Sally Gabriel (Principal Member Services Officer)

1. **APOLOGIES**

There were no apologies.

2. **PUBLIC QUESTION TIME**

There were no members of the public present.

3. **MINUTES OF THE PREVIOUS MEETING (00-00-45)**

The minutes of the meeting on 2 April 2015 were approved as a correct record and **SIGNED** by the Chairman.

4. **NIGHT TIME ECONOMY (00-01-42)**

Arising from discussions at the Scrutiny Committee who considered the work of the Night Time Economy Working Group at its meeting on 13 April 2015; the following recommendations were put before the Cabinet:

- i) The Waste Service liaise with the Licensing Service to ensure that the litter from late night food premises be kept to a minimum. Should a problem arise with a specific premises a letter be sent to remind them of their duty to keep the area clean.

- ii) The Licensing Officer liaise with the Devon and Cornwall Police with regard to Temporary Extension Notices, to ensure that they are dealt with in a timely fashion and that all of the appropriate people are aware of them.
- iii) The Licensing Officer ensure that measures be put in place to monitor Temporary Extension Notices when offices were closed.

The Cabinet Member for Community Well-Being introduced the item and asked the previous Chairman of the Scrutiny Committee who was present to outline the background to the recommendations. She had been a Member of the Working Group and had spent a Saturday evening in Tiverton with Police Inspector Jane Alford Mole, several issues had been raised and these formed the basis for the recommendations to Cabinet.

Discussion took place regarding the late night venues in Gold Street, a recent licensing application and specific planning conditions which would be investigated by the Head of Planning and Regeneration.

It was therefore:

RESOLVED that the recommendations of the Scrutiny Committee be approved.

(Proposed by Cllr C R Slade and seconded by Cllr N V Davey)

Note: Cllr Mrs M E Squires declared a personal interest as she had made a representation regarding a recent Licensing application in Gold Street.

5. **COUNCIL MOTION 520 (COUNCILLOR MRS J ROACH - 11 MARCH 2015) (00-08-00)**

The Cabinet considered the following Motion referred by the Council:

That this Council resolves to write to the Secretary of State for DCLG to ask that when setting out national planning policy the following issues are taken in to consideration.

There is evidence that developers are now buying up old properties in villages and seeking permission to redevelop those sites to obtain a maximum return. By demolishing the existing building and replacing it with more than one house, or alternatively a much larger house, they are creating major problems for existing neighbours.

The first concern is building too close to boundary walls or undermining those walls. It appears that any redress in these cases is via the Party Wall Act and has to be dealt with by a civil action. This entails the neighbour taking legal action which can be long drawn out and costly to fund just to protect their property. If they do not have the funds then they cannot take action. Many people are reluctant to take legal action or are unaware that they could take this route.

The second concern is about rights of access.

It is not uncommon in villages for access to have been taken for granted over hundreds of years, with no thought given to ensuring it was protected in law.

Development of the land can interfere with historic rights and those who enjoyed access have to resort to civil action at their own expense to maintain their rights. Some of those properties have been passed down through family members without the access rights being formalised”.

Cllr Mrs Roach was invited to speak to the Motion: she outlined issues that had occurred in her Ward.

Discussion followed with regard to: issues that were beyond the the control of the planning system and would be a civil matter, the impact of development on local residents, the issue was outside the remit of the local authority but that the local Member of Parliament would be well placed to lobby the Planning Minister and should therefore be contacted.

It was therefore:

RESOLVED that the Council be recommended to reject the Motion.

(Proposed by Cllr R J Chesterton and seconded by Cllr R L Stanley).

6. **REVENUE AND CAPITAL OUTTURN 2014/15 (00-17-58)**

The Cabinet had before it a report* of the Head of Finance presenting the revenue and capital outturn figures for the financial year 2014/15.

The Cabinet Member for Finance highlighted the key messages within the report which were:

- Taking into consideration the redundancy costs and the relocation of the Waste Service the General Fund outturn had only showed an overspend of £90k.
- No money had been taken from Reserves to balance the budget.
- The Housing Revenue Fund showed a healthy balance.
- The Capital Programme had slipped and it was proposed to carry forward the underspend.
- Appreciation of the prompt delivery of the outturn by the finance team.

RESOLVED that:

a) the General Fund outturn achieved in 2014/15 which showed an overall overspend of £90k be noted.

b) the net transfers to/from ear marked reserves of £1,082k detailed in the General Fund service budget variance reports shown in Appendix 1 & 2 and summarised in Appendix 4 be approved.

c) the positive position achieved on the Housing Revenue Account which showed an annual saving of £867k be noted and approve the “ear marking” of specific items totalling £1,549k identified in Appendix 4 and the extra £871k shown in paragraph 3.3 be approved.

d) the carry forward of £1,788k (see paragraph 5.2) relating to scheme slippage on the 2014/15 capital programme as all of the schemes will be delivered in 2015/16 be approved

e) the Treasury Management performance achieved in 2014/15 as detailed in paragraph 6 be noted.

(Proposed by the Chairman)

Note: *Report previously circulated, copy attached to minutes.

7. **ANNUAL TREASURY REPORT 2014/15 (00-20-52)**

The Cabinet had before it and **NOTED** a report* of the Head of Finance informing it of the Council's treasury management performance for 2014/15.

The Cabinet Member for Finance outlined the contents of the report particularly monies placed on deposit and monies borrowed. He highlighted the current financial climate and outlined the investments being made in council housing and commercial property.

Consideration was given to investment opportunities for the next financial year, the detail of which would be received by way of a report to a future meeting.

Notes:

- i) Cllr C J Eginton declared a personal interest as he received a pension from Lloyds Bank;
- ii) Cllr N V Davey declared a personal interest as he was a member of the Royal Bank of Scotland Pension Scheme;
- iii) *Report previously circulated, copy attached to minutes.

8. **REVENUES AND BENEFITS PERFORMANCE (00-24-40)**

The Cabinet had before it and **NOTED** a report * of the Head of Finance informing it of the performance of the Council Tax, Non Domestic Rates and Housing Benefit teams.

The Cabinet Member for Finance outlined the contents of the report highlighting the overall performance of both the Housing Benefit and Council Tax Collection Teams despite the extra pressures being placed on them as a direct consequence of Central Government imposed legislation.

9. **JOINT WORKING WITH NORTH DEVON (00-25-59)**

The Cabinet had before it a report of the Head of Business Information Services advising it of the need to continue to pursue partnership working, to producing a detailed business case that would allow an informed decision to be made.

The Cabinet Member for Community Well-Being outlined the contents of the report stating that since October 2014 both North Devon Council and Mid Devon Council had been sharing Mid Devon's Head of Business Information Services. This enabled the preparation of a Business Case to work in partnership with a single ICT service between the two councils. The initial reasoning was to make significant reductions in the cost of delivering services and to create efficiencies because of the ever decreasing settlements from central government. The councils shared boundaries and had similarities and challenges in servicing remote rural communities.

Consideration was given to:

- **The fact that there was a need to reduce costs but that the high standards of the service should be maintained and that discussions would continue to take place between officers from both authorities.**
- Two small authorities, sharing ICT and skilled staff provided greater resilience in the current economic climate.

RESOLVED that:

- a) The Chief Executive, in consultation with the Cabinet Member, negotiate with North Devon Council for the provision of a joint ICT service.
- b) The form and structure of the joint service be negotiated and reported to a future Cabinet meeting.

(Proposed by Cllr C R Slade and seconded by Cllr P H D Hare-Scott)

Note: * Report previously circulated, copy attached to minutes.

10. **COMMUNICATION STRATEGY AND MEDIA AND SOCIAL MEDIA PROTOCOL (00-31-56)**

The Cabinet had before it a report * of the Head of Customer Services providing it with a new Communication Strategy and Media & Social Media Protocol for recommendation to Council.

The Cabinet Member for Community Well-Being outlined the contents of the report stating that it was important that there was effective communication with all our stakeholders, both internally and externally and that the strategy explained how the Local Authority would develop and maintain effective communication.

Internally this will be two-way communication between staff and between staff and elected Members. Externally there needed to be both one-way and two-way communication with the public and other key stakeholders. The Communication Strategy set out how this should be achieved and how to measure the success of the communication strategies used.

The Media and Social Media Protocol had been provided to give advice and guidance to officers and elected Members on how we will deal with media and social media.

Consideration was given to the need for better communication between officers and Members

RECOMMENDED to Council that the Communication Strategy and Media & Social Media Protocol be endorsed.

(Proposed Cllr C R Slade and seconded by Cllr P H D Hare-Scott)

Note: * Report previously circulated, copy attached to minutes.

11. **START TIME OF MEETINGS (00-34-35)**

The Cabinet were requested to consider a start time for its meeting for the municipal year 2015/16.

RESOLVED that meetings of the Cabinet continue to be held at 2.15pm.

(Proposed by the Chairman)

12. **NOTIFICATION OF KEY DECISIONS (00-35-20)**

The Cabinet had before it, and **NOTED**, its rolling plan * for July 2015 containing future key decisions.

Members were informed that the review of the Article 4 Direction for Cullompton had been moved on to the meeting of 27 August 2015.

Note: * Plan previously circulated; copy attached to the signed Minutes

13. **ACCESS TO INFORMATION ACT - EXCLUSION OF THE PRESS AND PUBLIC (00-37-55)**

Prior to considering Item 14 on the agenda discussion took place as to whether it was necessary to pass the following resolution to exclude the press and public having reflected on Article 12 12.02(d) (a presumption in favour of openness) of the Constitution. The Cabinet decided that in all the circumstances of the case, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

It was therefore

RESOLVED that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the next item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act, namely information relating to the financial or business affairs of any particular person (including the authority holding that information).

(Proposed by the Chairman)

14. **EXTERNAL PAINTING AND REPAIRS OF COUNCIL HOMES 2015-2020**

The Cabinet had before it a report of the Head of Housing and Property Services outlining proposals for undertaking the external painting of the Council's homes for the next five years (2015-2020).

RESOLVED that the recommendation within the report be approved.

(Proposed by Cllr R L Stanley and seconded by Cllr Mrs M E Squires)

Note: Report preciously circulated.

(The meeting ended at 2.57 pm)

CHAIRMAN

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MANAGING THE ENVIRONMENT PDG
9TH JUNE 2015:

New Collection Scheme for the Waste and Recycling Service

Cabinet Member Cllr Neal Davey
Responsible Officer Waste & Transport Manager

Reason for Report: To consider and agree the recommendations for Cabinet on the Refuse and Recycling Collection Scheme commencing in October 2015. To receive an update on the plans for the roll out of the new scheme from the Project Board and budget.

RECOMMENDATION(S): That the PDG recommends to the Cabinet the following two recommendations:

- **The annual charges for a fortnightly collections of Garden Waste as set out in section 3 be adopted**
- **The Terms and Conditions set out in Appendix B be adopted**

Relationship to Corporate Plan: Maintaining front line services in the face of the ongoing funding cuts requires the redesign of services to enable them to continue to be affordable.

Financial Implications: The detailed costings for 2015/16 and on-going are shown in Appendix A. An estimated reduced on-going cost of £450,000 per annum is anticipated against the current budget for Refuse and Recycling.

The recommended scheme will also create an anticipated treatment and disposal savings of around £300,000 per annum for Devon County Council as the disposal authority. A mechanism to share this saving between the two authorities is currently being negotiated and will also be reported back at a future PDG.

Legal Implications: There is a duty to collect all household waste and four kerbside dry recyclates from 2015. The size and type of collection receptacles used, where they are placed and the frequency they are emptied, are all for the Council to decide. There is no obligation to collect from private roads or to collect garden waste. Garden Waste (discretionary service) is a material for which a charge to householders can be made for the collection.

Risk Assessment:

Members of the PDG have agreed that, without considering and implementing changes to service delivery, the Council will face the risk that it runs a service that is not affordable or will require deeper cuts to other services to support it. In order to mitigate service risks a trial of 1,000 properties has been undertaken and reported back to this committee previously.

A review of all service based risks has been completed and reviewed at the working group.

1.0 Introduction

- 1.1 At the Managing the Environment PDG meeting on the 18th November 2014, a list of recommendations were made to the Cabinet regarding the future waste collection scheme. A joint Officer and Member Project Board was also established to consider details of the scheme. During the Project Board meetings the budget, charges and terms and conditions of the garden waste collection scheme were considered and new recommendations made, which are outlined in this report.
- 1.2 This report sets out a fully costed budget (based on a range of assumptions) for the changes to the waste collection service. See Appendix A
- 1.3 This reports sets out the proposed charging rates for the garden waste collection scheme.
- 1.4 This report sets out a set of proposed terms and conditions for the garden waste collection scheme. See Appendix B
- 1.5 The report gives an update from the Project Board on the new scheme roll out.

2.0 Changes to the Waste Collection Service Budget

- 2.1 The updated and detailed budget can be seen in Appendix A. This shows the one off costs associated with starting the scheme, the revenue budget effect for 2015/16 and the on-going annual budget effect for Refuse and Recycling.
- 2.2 The One off costs include the purchase and delivery of new containers (green boxes, caddies and bins) and the literature which explain the scheme to all householders in the district. Both phase 1 and phase 2 will include two leaflets/cards.
- 2.3 The authority has undertaken a joint procurement exercise with Teignbridge DC for the supply of containers for the new scheme. These tendered prices have been used for the updated budget provided.
- 2.4 A quote for the new dual refuse collection vehicles (RCV) was obtained and used but could change once a formal tender is undertaken. These vehicles are more expensive than conventional RCV and therefore the capital programme has been altered also to reflect this. Most of this capital expenditure was already budgeted for to replace five of the existing RCVs.
- 2.5 To allow for the weekly collection of food waste and the additional recycling materials to be collected on the box scheme (cardboard and mixed plastic) an extra box collection crew was included in the budget. This could be optimistic for the volume of work and resource needed

but will need to be reviewed after the introduction of both phases of the new scheme. Likewise the amount of waste collected on black sack rounds could reduce enough to allow for the reduction in the number of crews on that service.

- 2.6 Provision has been made in the budget for the replacement of all containers over a ten year period. Any underspends in the early years will be placed in a sinking fund for latter years.
- 2.7 For budget setting purposes a charge of £47 per annum has been used with an estimated participation rate of 33% of households to predict income levels. This participation rate is critical to the financial feasibility of the scheme. Other authorities who have operated a free garden waste collection scheme and then introduced a charge have shown higher participation rates than those who introduce charges from the start. Each £1 reduction in the charge with this estimated participation rate will reduce the budgeted income by £11,666 per year.
- 2.8 Some of the figures used are estimates. For example the price gained by the authority for materials recycled can fluctuate up or down and the current market price for mixed plastic and cardboard has been used. The amount of material which will be put out for collection has been estimated using tonnage information from the trial and national averages for similar schemes. This tonnage estimate has also been used to estimate recycling credits payments from the County Council paid for avoiding disposal of waste in landfill at £54 per tonne.
- 2.9 It is estimated that the Disposal Authority (Devon County Council) could save over £300,000 per year. The Waste & Transport Manager has met with Devon County Council several times to discuss the scheme and estimated savings. The savings cannot be agreed before the scheme is introduced as it will be dependent on diversion rates which will be unknown. A proposed detailed savings sharing mechanism has been promised in the next month by DCC. The mechanism will be used, if agreed, by all authorities in Devon who propose changes which could provide savings for the disposal authority as a result. As these figures have not currently been agreed these savings have not been added to the budget at this point.

3.0 Proposed Charging Rates for the Garden Waste Collection Scheme

- 3.1 The proposed annual charge for a 240L wheeled bin is between £45-£47.
- 3.2 The proposed annual charge for a 140L wheeled bin is between £35-£37.
- 3.3 The proposed charge for a sack (120L sack includes sack and collection charge) is £1.30. It is recommended they are sold in rolls of 10 at £13 per roll.

4.0 Proposed Terms and Conditions for the Garden Waste Collection Scheme

4.1 Appendix B are a list of terms and conditions which have been considered and recommend by the working group having looked at similar schemes already operating.

5.0 Waste Project Group Update

5.1 Roll Out

Phase 1

Everything is now in place for all households to receive a green box and leaflet over a 7 week period from 1st June so they can recycle mixed plastics and cardboard from the box scheme.

Phase 2

Planning has now started for the second roll out phase of weekly food waste collections and a chargeable garden waste scheme. This will be rolled out over a 10 week period from 5th October. The additional recycling vehicle has been ordered and anticipated delivery is in September. All containers have been ordered.

5.2 Depot Alterations

The depot alterations to allow for the extra materials to be stored are almost complete and will be complete by the start of collections in June.

5.3 Vehicles

DCC have confirmed that food and garden waste material will be treated together at the existing plant until March 2017 due to contractual issues with their contractor. Therefore it is proposed that conventional RCVs are used to comingle the two waste streams until DCC arrangements have been resolved. Therefore a refit of the existing five RCVs or a short term hire will be used to collect garden and food waste together until March 2017. This will give the authority an opportunity to trial vehicles and review round productivity following the changes before it commits nearly a million pounds of expenditure.

5.4 Communication

A communication plan has been written which includes staff and member briefings, roadshows, parish talks, leaflets, primary school competition and press releases.

5.5 IT System

A system is being designed in-house to deal with the chargeable waste collection scheme which will be used by customer services. This will allow for payments and correspondence to customers.

5.6 Mixed Plastics

The cost of introducing the collection of mixed plastics was estimated to be £160,515 per annum. This cost was based on the additional resource needed to collect extra material on rounds and the loss of income from the higher valued HDPE material. The Council would receive additional recycling credits from the additional tonnage but this would be much lower than the loss of income. Officers are looking at the feasibility of changing the current bailing system at the depot to allow for the picking out of the higher values HDPE material from the mixed plastic and then selling it separately.

6.0 Conclusion

- 6.1 Clearly a lot of work has already been done in preparation of this strategic service change in order to provide a wider range of recyclates to be collected and to reduce the overall costs of the service by around £500k (about 20% of its current cost).
- 6.2 As one of the highest profile services to the public that the Council delivers we will provide further updates to the PDG in order to inform how these new changes are bedding in.

Contact for more Information: Stuart Noyce, Waste & Transport Services Manager (01884 244635 snoyce@middevon.gov.uk)

Circulation of the Report: Cabinet Member, Management Team

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DECENT & AFFORDABLE HOMES PDG 16 JUNE 2015

THE HOUSING SERVICE ANTI-SOCIAL BEHAVIOUR POLICY & PROCEDURES

Cabinet Member Cllr Ray Stanley
Responsible Officer Housing Services Manager

Reason for Report: The Housing Service is required to have an anti-social behaviour (ASB) policy and procedures and these should be revised from time to time.

RECOMMENDATION(S): The Cabinet approves the revised Housing Services anti-social behaviour policy and procedures.

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

Financial Implications: There is a budget set aside within the Housing Revenue Account for managing ASB. This is important because small changes, such as the erection of a fence, can help to stop minor nuisance escalating into a bigger problem. Furthermore, the costs associated with legal action can be very high. However, sometimes such action may be necessary in order to reinforce our commitment to tackling ASB.

Legal Implications: The Council is required, under Section 12 of the Anti-social Behaviour Act 2003, to prepare a policy and procedure on ASB and to publish the following documents:

- Statement of policy on ASB;
- Statement of procedure on ASB;
- Summary statement of current policy and procedures on ASB

Risk Assessment: The Council needs to take a robust approach to the management of anti-social behaviour because the housing stock is a valuable asset and because nuisance and ASB can blight the lives of other tenants. Failure to tackle problems could lead to innocent victims experiencing harassment, alarm and distress and there is a reputational risk if the Housing Service fails to address the issues.

1.0 Introduction

1.1 As a registered provider (RP) of social housing, the Council is regulated by the Homes & Community Agency. The regulatory framework consists of a number of standards and the Council is expected to comply with the provisions of those relating to consumer regulation.

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 own homes.

- 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 own properties.
- 1.4 In August 2004, the Government published a code of guidance for local authorities and housing action trusts relating to policy and procedures and ASB.
- 1.5 The Anti-Social Behaviour, Crime and Policing Act 2014 introduced a number of new tools and powers which can be used by RPs and this made a review of the existing policy and procedure necessary. The new draft policy and procedures include reference to the changes introduced as a result of the new legislation.

2.0 **Changes to the existing policy**

- 2.1 The revised policy and procedure have been written to take account of government guidance. The guidance is very prescriptive and specifies that local housing authorities should have policy and procedural commitments relating to racial and other harassment; and domestic abuse. The revised policy contains reference to these issues and we have developed separate draft policies relating to harassment and domestic abuse to reinforce our commitment to tackling ASB in all its forms. Approval of these draft policies is also being sought separately. However, it is intended that all three policies and the ASB procedures should be complementary.
- 2.2 The definition of ASB contained within the revised policy refers to the definition of ASB contained within the Housing Act 1996 as amended by the Anti-Social Behaviour, Crime & Policing Act 2014. This states that: “a) ASB is conduct that is capable of causing nuisance or annoyance to some person (who need not be a particular identified person) and that directly or indirectly relates to or affects the landlord’s housing management functions, or b) conduct that consists of or involves using or threatening to use housing accommodation owned or managed by the landlord for an unlawful purpose”.
- 2.3 The revised policy makes reference to the Council’s corporate ASB policy. The revised Housing Service policy was drafted to complement the corporate policy and should be read in conjunction with this.
- 2.4 The Government guidance specifies that the Council should publish a summary of current policy and procedures on ASB and if the revised policy and procedures are approved, the existing summary will be reviewed to bring it into line with them.
- 2.5 The guidance also requires the revised policy to contain the following:
 - A definition of ASB
 - General policy statement of approach to ASB
 - Information on the standards of behaviour that are expected of tenants, other members of their households and their visitors
 - Information on how complainants and witnesses will be supported
 - Information as to how ASB will be prevented

- Our policy relating to the rehabilitation of perpetrators and support for vulnerable groups
- How the Housing Service will work in partnership to prevent and manage ASB
- What protocols the Housing Service has in place for sharing information and how confidentiality will be maintained particularly in relation to the identity of complainants
- How the housing service will respond to issues involving residents living in other housing tenures
- How the housing service will ensure that staff are protected
- How staff will be trained to deal with ASB
- Information on related policies

2.6 The guidance specifies what should be contained in the statement of procedures, as well. It should address:

- The making of a complaint, the processing of a complaint, the provision of support to complainants
- The use of enforcement action
- The support available in respect of the perpetrator
- Monitoring complaints of ASB
- How the Council will work in partnership with other agencies
- The use of professional witness schemes
- How ASB will be monitored
- How actions taken to resolve ASB issues will be monitored

2.7 In accordance with the provisions of the new legislation, landlords can now evict tenants if they, a member of their household, or a visitor has been found guilty of ASB, and reference to this new absolute power of possession has been made in the new draft documents.

2.8 Other measures introduced by the new legislation which may be of interest include the community trigger, which allows victims and communities the right to request a review of their case; and the introduction of the civil injunction which will include prohibitions and can include positive requirements. This may, for example, include the requirement to seek help with drug or alcohol issues, the aim being to encourage the perpetrator to address the underlying causes of their ASB. Information about these remedies has also been included.

2.9 The revised policy and procedures also make reference to the Respect Charter for Housing. Although the Council has not signed up to this, the Charter provides a robust framework on which to base our approach to tackling ASB. We intend to review our services in due course with a view to signing up to the Respect Charter.

3.0 **Consultation**

3.1 The following organisations were given an opportunity to comment on the revised policy and procedures during April and May 2015:

- East & Mid Devon Community Safety Partnership

- The Police
- Torridge, North, Mid and West Devon Citizen's Advice Bureau (CAB)
- Churches Housing Action Team (CHAT), Tiverton
- Age UK (Tiverton branch)
- Devon Mediation Service

3.2 The Police and the Community Safety Partnership commented on the revised policy and procedures.

3.3 The Housing Service encourages tenants to get involved in scrutiny, in accordance with the regulatory framework. Our Scrutiny Group recently changed its name from the Scrutiny Improvement Group (commonly known as the SIG) to Tenants Together. This group reviewed the revised policy at its meeting on 14 May 2015 and did not suggest any amendments.

Contact for more Information: Claire Fry, Housing Services Manager, Tel: 01884 234920 cfry@midddevon.gov.uk

Circulation of the Report: Councillor Ray Stanley, Cabinet Member for Housing

List of Background Papers:

1. Anti-Social Behaviour, Policy and Procedure: Code of Guidance for local housing authorities and housing action trusts, Office of the Deputy Prime Minister, August 2004
2. Corporate ASB Policy

Mid Devon District Council

Housing Services Anti-social Behaviour Policy

Policy Number: HSC v1.4

June 2015

Version Control Sheet

Title: Housing Services Anti-social Behaviour Policy

Purpose: To ensure that the Housing Service manages anti-social behaviour in accordance with legislative and regulatory requirements and good practice

Owner: **Housing Services Manager**

cfry@middevon.gov.uk

Telephone number 01884 234920

Date: **June 2015**

Version Number: 1.4

Status: Review of Policy

Review Frequency: **As and when required and in accordance with changes in good practice and legislation**

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

Cabinet Member

Staff

The Police

The East & Mid Devon Community Safety Partnership

Devon Mediation

CHAT (Churches Housing Action Team)

CAB (Citizen's Advice Bureau)

Age UK

Tenants Together

Management Team

PDG Decent & Affordable Homes

Document History

This document obtained the following approvals.

Title	Date	Version Approved
Head of Service		
Tenants Together	14/5/15	
Management Team		
Cabinet Member		
PDG Decent & Affordable Homes		
Cabinet		

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 and to ensure that they are available for inspection to any person who asks for sight of them. The Council is also obliged to publish a statement and summary of the policy and procedures. When preparing and reviewing the policy and procedures, the social landlord must take account of guidance issued by the government and by the regulator of social housing, currently the Homes and Communities Agency (HCA).

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

2. Scope

This policy statement outlines the commitment of the Housing Service of Mid Devon District Council (MDDC) to prevent, investigate, respond to and monitor incidents of ASB involving our tenants. By being responsive to complaints, and tackling issues in a fair, consistent and proportionate way, we can provide safe and secure environments around our homes and neighbourhoods, where people want to live.

Our approach to the prevention and management of ASB therefore reinforces our work to build sustainable communities. These are neighbourhoods where people from all sections of society can live side by side and where there is a culture of co-operation and respect. We recognise that in order to build sustainable communities, we must work with other residents who live on our estates and for this reason, this policy will also apply to complaints made by or about tenants of other landlords or by owner occupiers.

The ASB policy states how we will deliver our commitments and how we will respond to complaints. The overall purpose of the policy is to explain how:

- we will investigate complaints of ASB and nuisance
- we will tailor action plans to take account of the circumstances of each case
- we will make best use of the remedies available
- we will involve vulnerable tenants, victims and perpetrators, to resolve ASB problems
- we will support victims, witnesses and perpetrators
- we will work in partnership with other agencies to resolve problems and to prevent ASB happening on our estates

This policy should be read in conjunction with the ASB procedures and related documents as stated below.

3. Related Documents

- a. The ASB procedures of the Housing Service
- b. The corporate ASB policy
- c. The Housing Service tenancy agreements

- d. The corporate plan
- e. The homelessness strategy
- f. The housing strategy
- g. The corporate Safeguarding Children and Vulnerable Adults Policy
- h. The Housing Service tenancy policy
- i. The corporate Compliments, Complaints and Feedback Policy
- j. The Single Equality Scheme
- k. The Housing Service domestic abuse policy
- l. The Housing Service harassment policy
- m. The tenant involvement policy
- n. The Housing Service's Our Service Standards
- o. The Sanctuary Scheme protocol

4. Definitions

The Council's corporate ASB policy defines ASB as: "Any aggressive, intimidating or destructive activity that damages or destroys another person's quality of life". It states that there are many types of behaviour that could be considered as being anti-social, and different types of behaviour will have differing levels of impact depending on where and when it is conducted".

The Housing Service refers to the definition of ASB contained in the Housing Act 1996 as amended by the Anti-Social Behaviour, Crime and Policing Act 2014.

ASB is:

- a) Conduct that is capable of causing nuisance or annoyance to some person (who need not be a particular identified person) and that directly or indirectly relates to or affects the landlord's housing management functions, or
- b) Conduct that consists of or involves using or threatening to use housing accommodation owned or managed by the landlord for an unlawful purpose

Such conduct may cause nuisance and annoyance to anyone who has a right to live in the property owned or managed by the Council, those living in any other property in the neighbourhood and anyone else visiting such property or the locality. This will include those working or using local facilities.

The Council recognises that in order to provide a high quality housing service for its residents, it must be effective in tackling the problems created by ASB.

The impact of any nuisance and annoyance on others will be taken into account by the Housing Service which means that both criminal activity and non-criminal activity will be included in the definition of ASB.

Some examples of ASB:

- crimes against people
- actual violence including acts of aggression
- aggressive and threatening language and behaviour
- hate crime

- intimidation and harassment
 - crimes against property
 - criminal damage
 - damage to the environment
 - nuisance vehicles
 - litter
 - rubbish
 - fly-tipping
 - vandalism
 - misuse of home or neighbourhood
 - alcohol or solvent abuse
 - pets and animals to include dangerous dogs, noise complaints and issues relating to fouling, breeding etc
 - noise nuisance including loud parties, loud music, burglar alarms and shouting
 - criminal activity involving drugs
 - garden nuisance
 - boundary disputes
 - nuisance arising from people using the property for business use

This list is not exhaustive.

Hate incidents and hate crime are defined as any incident 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.

Our Single Equality Scheme states the Council's commitment to providing quality services delivered in a fair and equitable way and to promoting good relations between different groups in the community.

We will adopt a sensitive approach to responding to any complaints involving hate incidents or hate crime. We are committed to zero tolerance of this type of behaviour and the action taken in connection with any such incidents will reflect this, in accordance with provisions of our harassment policy.

The Housing Service defines domestic abuse as any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass, but is not limited to, the following types of abuse:

- psychological
- physical
- sexual
- financial
- emotional

Controlling behaviour is a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

Coercive behaviour is an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim. This is not a legal definition but will include “honour” based violence and forced marriage.

We encourage victims of domestic abuse to report this to us and are committed to working in partnership with other agencies, as appropriate, to resolving the issues. We have a separate policy relating to our approach to this and also operate a sanctuary scheme to ensure that victims can remain in their own homes.

5. The Respect ASB Charter for Housing

The Housing Service has developed this policy and procedure to explain how we will prevent and manage ASB. This will be achieved by reference to the seven ASB commitments set out in the Charter.

5.1 Accountability, leadership and commitment

The Housing Service will make a commitment to tenants that steps will be taken to prevent and tackle ASB. More detailed information is explained in our ASB Procedures attached (Appendix 1)

This policy has regard to the Chartered Institute of Housing, Resolve ASB (formerly known as the Social Landlord Crime & Nuisance Group) and the Housemark Respect ASB Charter for Housing which was published in June 2011.

All complaints will be investigated, evaluated and the necessary action taken, as appropriate. Complainants will be provided with agreed action plans and they will be kept updated as to the progress of their case.

5.2 Making the service accessible by:

- providing clear information in the Tenancy Agreement
- publicising and promoting our service
- offering a wide range of reporting mechanisms with details included in the Tenants Handbook
- providing clear information and guidance about our service standards

5.3 Protecting communities through prompt and proactive actions by:

- using the full range of tools and powers available under the ASB, Crime and Policing Act 2014
- building on our strong partnerships by working closely with our partner agencies such as the Police, Social Services, Youth Offending Team, Fire Service

- encouraging the communities to work together and respect each other
- using effective measures to rehabilitate perpetrators
- accelerating enforcement action if we deem any incident to be of a serious or life threatening nature.

5.4 Adopting a supportive approach to working with victims and witnesses by:

- identifying and minimising risks
- protecting our communities by taking a proactive approach to minimise all types of harassment.
- protecting our communities by taking a proactive approach to minimise domestic abuse
- ensuring staff are fully trained in signposting to all support agencies

5.5 Bringing communities together by:

- providing the resources to foster greater tenant involvement
- helping to make your neighbourhood a better, safer place to live

5.6 Prevention and early intervention by:

- providing a Tenancy Agreement that clearly states that ASB will not be tolerated and which sets out, in Plain English, what behaviour would be considered to be unacceptable.
- proactively engaging with our residents and partnership agencies
- promoting mediation at an early stage especially in cases where there is a clash of lifestyle, and encouraging neighbours to work together to find solutions
- using the full range of tools in order to prevent the escalation of ASB

5.7 Offering a value for money service by:

- utilising a clear understanding of resources available and using them effectively and efficiently
- encouraging staff to identify value for money opportunities
- evaluating performance against resident satisfaction and cost

6. Our approach

6.1 The Corporate ASB policy states that the Council cannot work in isolation and relies on members of the community to assist with positive problem solving in their area. It is the responsibility of everyone to acknowledge where a problem exists and to report this to the relevant agencies. All complaints received will be investigated and evaluated and action will be taken in line with relevant policies and enforcement legislation as well as good practice.

6.2 We will seek the support of the community in order to take action so victims,

complainants and witnesses are asked to complete and return diary sheets to demonstrate the nature and extent of the problem. Such notes provide vital evidence which can be used in court if required. Without this support and commitment from the community, the Housing Service may not be able to resolve the issues in a satisfactory manner. We will also work in partnership with other agencies.

6.3 We ensure that all new tenants are made aware of their rights and responsibilities before they sign their tenancy agreement. In particular, we make it clear that they are responsible for the behaviour of other household members and visitors and that we will not tolerate ASB.

6.4 Our tenancy agreements contain specific conditions which relate to the community obligations of our tenants and which set out what behaviour will not be tolerated. There are specific clauses relating to nuisance and anti-social behaviour, harassment, violence, and illegal activities including prostitution, storing or distributing pornographic material, selling or dealing in any illegal or controlled drugs and storing or handling stolen goods or vehicles.

7. Complaints about ASB

7.1 When we receive a complaint about ASB we will assess the type of ASB being claimed to determine how quickly we need to respond. It will be assigned to one of four categories. We will also complete a risk assessment matrix to enable us to work out who is vulnerable for both complainants and perpetrators, where applicable.

The following categories will be applied:

- Level one: High risk/ urgent - response within one working day. This will apply where there is a serious risk to the complainant so will include race/hate crime, threats or use of violence.
- Level two: medium risk/ persistent nuisance – response within five working days. This will apply where there is no immediate risk to the complainant and will include noise complaints, nuisance vehicles and ongoing issues relating to pets and animals.
- Level three: low to no risk/ non-urgent – response within five working days. This will include ball games which result in damage to property, issues arising from a clash of lifestyle and other ASB, such as neighbour disputes where there is no independent evidence, unlikely to cause harm in the short term. It will also include one-off complaints and incidents where there is not enough evidence to show that a nuisance exists at all. Most incidents judged to be

low to no risk will be recorded only. Mediation will be offered but otherwise, there will be no further action. *We would only offer mediation if a case was recorded.*

- 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 is safeguarding or other such issues of concern, we will involve other partners in order to take appropriate action.

7.2 The Housing Service operates a generic system of housing management which means that we have patch officers in neighbourhood teams who are responsible for housing management issues in a defined geographical area. They will be responsible for dealing with any ASB which occurs in their area of responsibility.

8. Reporting ASB

8.1 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 customerservices@middevon.gov.uk Alternatively tenants and others can contact the appropriate neighbourhood team directly using the same telephone number or by email on htenancy@middevon.gov.uk .

8.2 We will also accept complaints made in written correspondence or by personal visits to our offices, or made through a third party such as a local Councillor. We will attempt to make contact with the complainant within one working day in all level one cases.

8.3 We will acknowledge all level two and three cases in writing within five working days and endeavour to set up an interview to discuss the complaints.

8.4 We will issue diary sheets straight away but if the complainant is unable to complete these for whatever reason (this may include literacy problems, English not being the first language, or due to a disability), we will tailor our response, and this may include the provision of a dictaphone.

8.5 We understand how important it is to keep complainants 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.

9. The investigation of ASB complaints

9.1 We use our electronic housing management system as an incident management tool

and this enables us to be consistent.

9.2 When gathering evidence, we will use all the tools available to us, which may include working with Environmental Health professionals in connection with the use of noise monitoring equipment, information exchange with other agencies such as the Police and evidence from other potential witnesses, including neighbours. In very serious cases, we would make use of professional witnesses especially where potential witnesses were fearful of reprisals and intimidation and unwilling to give evidence in court proceedings.

9.3 We will take all reports of ASB seriously and investigate impartially.

10. Contact with Complainants

10.1 We will develop an action plan with the complainant immediately prior to investigating the incident. If there is evidence to support the need for further action, we will amend the action plan again with the complainant setting out how we will proceed. We will also agree a level of support and contact as the case progresses. This is to ensure that complainants 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.

11. Working with the Perpetrator

11.1 We will interview the alleged perpetrator to make them aware of the issues being reported at an early stage. We will write to them and invite them to meet with a member of the neighbourhood team. We need to meet with the alleged perpetrator as part of the investigation and to give them an opportunity to respond to the allegations made. We will only arrange such an interview if the complainants have agreed to this as part of the action plan. After this, taking into account the outcomes of interviews with both the complainant and the perpetrator, the officer dealing with the case will make a judgement and decide on the most appropriate way forward.

11.2 We may approach the perpetrator and issue a warning so that they understand the need to modify their behaviour. We may also carry on trying to obtain evidence and we may consider legal action as a way forward recognising that eviction is a last resort.

11.3 We understand that the perpetrator may be vulnerable and, for this reason, we will undertake a vulnerability risk assessment. We will review any support needs and make referrals, if required, and/or involve relevant agencies, where appropriate.

12. The Support Needs of Complainants & Victims

- 12.1** We will use all the options available to resolve a case of ASB and to protect victims. We would only consider transferring the perpetrator or commencing possession proceedings as a means of resolving the problem as a last resort even if there have been breaches of the tenancy agreement. Any possession action must be both reasonable and proportionate and in a lot of cases, it would be difficult for us to prove that depriving someone of their home, especially if there are children involved, would be an appropriate response to the issues raised.
- 12.2** However, we do recognise the need to support the needs and vulnerability of the complainant and any witnesses and it is for this reason that we will undertake a risk assessment every time we are informed of an incident or where incidents escalate.
- 12.3** We appreciate that the chances of successfully resolving ASB cases are greatly increased if complainants are involved in all stages and are willing to co-operate. We will provide support to complainants and witnesses and this may include frequent home visits or telephone calls to provide support, signposting or referral to other appropriate agencies and help and advice about all stages of the process.
- 12.4** We will do everything we can to make complainants and witnesses feel safe and this will involve the provision of increased security measures such as fireproof letter boxes, additional security lights and additional security locks, as appropriate. By providing support and security measures to tenants and witnesses we are preventing homelessness and maintaining support networks for those most vulnerable.
- 12.5** If legal action is commenced, we will give complainants and witnesses an opportunity to attend Court beforehand so that they know what to expect later on. We will meet with them at the Court prior to the hearing and we will arrange transport and/or pay any costs relating to travel, as required. We will also pay any costs relating to subsistence whilst at Court and any other out of pocket expenses, such as compensation in respect of lost earnings, provided that any claims can be supported by evidence showing this.
- 12.6** In situations where there may be a threat to the health and safety of the complainant or victim, outside of normal working hours, we advise dialling 999 to summon the Police. They may telephone 01884 255255 and speak to an advisor who will contact the Standby Officer if there are any issues which require an immediate response from the Housing Service.

13. Further Action

- 13.1** When further action is needed, the officer dealing with the case will look at all the evidence and, taking this into account, will work out what action is needed to ensure that there is a reasonable and proportionate response to the issues reported. The

aim will be to resolve the case. We will always offer mediation as a first step to resolve the issue unless the case is high risk and falls into level one.

- 13.2** There is an escalation process and this will be used if mediation is not appropriate. The first stage might include giving advice to help the perpetrator to avoid the problem behaviour and this could involve joint agency visits; however, warning letters may also be sent in conjunction with the Community Safety Partnership and Acceptable Behaviour Contracts may be issued.
- 13.3** If the ASB is very serious, a fast track response may be necessary and legal action including injunctions, possession proceedings or demotion orders may be considered. If legal action is required, the officer dealing with the case will work with others including partner agencies to gather the evidence needed to support this.
- 13.4** Prior to making the referral to Court, there will be an internal review meeting. Introductory tenants will have an opportunity to appeal if possession action is proposed in accordance with the relevant legislation. For other tenants, the evidence will be discussed at an Eviction Panel hearing and their local Councillor will be invited to attend this meeting.
- 13.5** If we believe that any child or vulnerable adult is at risk as a result of any ASB, we will take action in accordance with the corporate Safeguarding Children and Vulnerable Adults Policy.

14. Provision of Support to Perpetrators

- 14.1** We understand that some tenants may be vulnerable and that this causes them to behave in an anti-social way. We are committed to working in partnership to reduce the impact of such behaviour and to help such people to sustain their tenancies.
- 14.2** We work with the East & Mid Devon Community Safety Partnership (CSP) and the tiered process adopted across the whole of Devon by all key partner organisations may involve referrals to key support organisations such as mental health teams, drugs and alcohol services and domestic abuse support services. In serious cases, we will ask the CSP to arrange a multi-agency meeting and other organisations, as appropriate, will be asked to attend.
- 14.3** We are also committed to supporting the Targeted Family Support scheme (the name of the Troubled Families initiative in Devon) and joint initiatives with other partners.

15. Sustainable Communities

- 15.1** We use Devon Home Choice (DHC) to allocate our homes. This is a choice-based

lettings scheme operated in partnership by all the local authorities and registered providers (RPs) which work in Devon. In accordance with the provisions of the scheme, anyone with a proven history of ASB can be excluded from the scheme for a period and this means that they are unable to access social housing.

15.2 Our Tenancy Policy sets out the circumstances in which we issue different types of tenancy. We use introductory tenancies for new tenants and monitor these. If they have not been adequately maintained, we will consider extending them. We also issue flexible tenancies in most cases.

15.3 We will record every incident reported because this enables us to measure the nature and extent of ASB affecting the areas where we manage homes.

16. Confidentiality & Data Protection

16.1 We are committed to maintaining tenancy confidentiality and bound by legislation relating to data protection. We will respect the confidentiality of those who approach us to report ASB and also those we speak to, for whatever reason, regarding any incident or as part of our investigations.

16.2 We will not usually exchange any information without the consent of the people involved or 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.

16.3 We will publicise positive action taken to resolve ASB, if possible. This will be done together with partners in order to demonstrate what can be achieved with the help of the local community.

17. Training & Support for our Officers

17.1 We are committed to ensuring that our officers have the necessary skills and knowledge to enable them to adequately manage any of the many and varied ASB issues which might arise on their patch. To this end, we provide training, as necessary, and have a supervision framework, which enables officers to raise queries or discuss action with their line manager.

17.2 Our officers are trained to recognise ASB and how to respond to complaints made. We have an ongoing programme of training which gives them the understanding they need to recognise the seriousness of specific issues and how to respond in an appropriate and effective way. They are also given training to enable them to make best use of the tools and powers available when working to resolve ASB problems. We also provide training on how to respond to safeguarding issues.

17.3 We will not tolerate ASB directed at our officers and will take appropriate action in response to any issues. In addition, we are committed to ensuring that the health and safety of the people who work for us is maintained and officers who go out to visit tenants and others as part of their daily activities are routinely trained on safe systems of working and how to respond to difficult situations. All housing services employees understand their responsibilities in terms of health and safety and are committed to ensuring that the risks to lone working colleagues are minimised as much as possible.

18. Performance Monitoring & Levels of Satisfaction

18.1 We will monitor the work that we do in response to complaints of ASB and also levels of satisfaction. We publish key performance information on a monthly basis which includes information on the numbers of new, open and closed cases and the percentage of those resolved.

18.2 We are planning to increase the amount of information published to include types of cases and the range of actions taken.

18.3 Senior Managers meet with the Cabinet Member for Housing on a monthly basis to discuss performance and a tenant rep also attends these Housing Performance & Improvement Board meetings. In addition, Tenants Together, our Scrutiny Group, reviews performance on a monthly basis.

19. Appeals & Complaints

19.1 If anyone wishes to appeal a decision made as part of the ongoing management of an ASB 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.

19.2 Any complaints relating to the general management of an ASB 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 Compliments, Complaints and Feedback Policy.

20. Equality and Diversity

20.1 The Housing Service will tailor our service to meet the needs of individuals. We will foster good relations when providing our service to eliminate discrimination and promote opportunity of equality.

21. Legislation

21.1 This policy takes into account the following legislation but is not limited to:

- The ASB, Crime and Policing Act 2014
- Equalities Act 2010
- Children Act 2004
- ASB Act 2003
- Police Reform Act 2002
- Homelessness Act 2002
- Freedom of Information Act 2000
- Data Protection Act 1998 & 2003
- Human Rights Act 1998
- Crime & Disorder Act 1998
- Harassment Act 1997
- Housing Act 1996
- Disability Discrimination Act 1995
- Noise Nuisance Act 1993
- Environmental Protection Act 1990
- Children Act 1989
- Mental Health Act 1983 (amended 2007)
- Housing Act 1985
- Race Relations Act 1976

22. Consultation

22.1 The Police, the CSP, and other partner agencies including Devon Mediation Service, CHAT (Churches Housing Action Team) and the CAB (Citizens Advice Bureau) have been given an opportunity to comment on this policy. Our Tenants Together (tenant scrutiny) Group has also been consulted.

23. Review

23.1 This Policy has been written in line with and meets current relevant legislation. The policy and procedures will be reviewed and revised to reflect any legislation requirements and/or other guidance or good practice, in accordance with the provisions of the ASB Act 2003.

Mid Devon District Council

Housing Services Anti-Social Behaviour Procedures

Procedures Number: HSG v1.3

June 2015

Version Control Sheet

Title: Housing Service Anti-Social Behaviour Procedures

Purpose: To set out how the Housing Service will implement the Housing Service Anti-Social Behaviour policy and how it will prevent, investigate, respond to and monitor incidents of ASB.

Owner: Housing Services Manager

cfry@middevon.gov.uk

Telephone number 01884 234920

Date: June 2015

Version Number: v1.3

Status: Review of procedures

Review Frequency: As and when required and in accordance with changes in legislation and good practice.

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

Management Team

Cabinet Member

The Police

The East & Mid Devon Community Safety Partnership

Devon Mediation Service

CHAT (Churches Housing Action Team)

CAB (Citizen's Advice Bureau)

Age UK

Document History

This document obtained the following approvals.

Title	Date	Version Approved
Head of Service		
Management Team		
PDG		
Cabinet		
Council		

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 to ensure that they are available for inspection to any person who asks for sight of them. The Council is also obliged to publish a statement and summary of the policy and procedures. When preparing and reviewing the policy and procedures, the social landlord must take account of guidance issued by the government and by the regulator of social housing, currently the Homes and Communities Agency (HCA).

2. Scope

The ASB procedures set out how the Housing Service will implement the ASB policy and therefore will explain how we will deliver the service to ensure that the commitment of the Council to prevent, investigate, respond to and monitor incidents of ASB reported will be met.

3. Related Documents

These procedures link with the Housing Service ASB policy and the Council's corporate Anti-Social Behaviour (ASB) Policy. In addition, they refer to the Chartered Institute of Housing (CIH), Social Landlords Crime and Nuisance Group (SLCNG) and Housemark Respect ASB Charter for Housing.

4. Accountability, leadership & commitment

- 4.1** Our policy details the Housing Service's approach to the prevention and management of ASB and acknowledges that it will reinforce our work to build sustainable communities. It states: "By being responsive to complaints, and tackling issues in a fair, consistent and proportionate way, we can provide safe and secure environments around our homes and neighbourhoods, where people want to live".
- 4.2** The Housing Service has generic Neighbourhood Teams which are responsible for dealing with all ASB complaints on their designated patches. They are based at the Council's Head Office in Phoenix House. The Neighbourhood Teams operate during the office hours of 9.00am to 5.00pm on Mondays to Thursdays, and 9.00am to 4.30pm on Fridays.
- 4.3** We are committed to ensuring our staff are trained in the complexities of housing legislation and the law relating to ASB and crime and disorder. They are trained to work with complainants, witnesses, perpetrators and partnership agencies. Staff attend accredited training courses with reviews of their skills and training needs undertaken as part of their annual appraisal. New staff members undergo a thorough induction programme.

5. Making the service accessible

5.1 Information regarding ASB can be found:

- In the Housing Service ASB Policy and also in the summary leaflet

- In the Housing Service tenancy agreements
- The Housing Service's Our Service Standards
- On our website
- In our newsletters, annual report and tenant handbook.

5.2 You can report incidents of ASB to your Neighbourhood Officer using any of the following methods:

Telephone:

- 01884 255255 during normal working hours and also in emergencies through our out of hours standby service on the same telephone number.

Write to:

Housing Services
Phoenix House
Phoenix Lane
Tiverton
Devon EX16 6PP

E-mail: htenancy@middevon.gov.uk or customerservices@middevon.gov.uk

In person: 9.00am – 5.00pm Monday to Thursday and 9.00am - 4.30pm Friday at:

- Phoenix House, Tiverton
- Crediton Area Office Market Street, Crediton, Hayridge Centre, Cullompton (Monday and Thursday mornings only)

You can also report an incident through a third party, such as a local Councillor. In situations where there may be a threat to the health and safety of an individual, we advise dialling 999 to summon the Police.

6. What happens next?

6.1 All incidents of ASB are logged on our electronic housing management database. This helps us in the following ways as stated below:-

6.2 **We have a permanent record of all incidents of ASB.** We can monitor the nature and extent of problems and identify hotspots. This enables us to work out priorities and to monitor the effectiveness of any initiatives or interventions.

6.3 **We can check if the perpetrator:**

- is currently under investigation
- is the subject of an Injunction or a Court Order
- has known associates who are engaged in anti-social activity
- has caused ASB in the past.

6.4 **We can check if the ASB is:**

- a one-off incident
- part of an on-going campaign against a specific individual
- concentrated in a specific area.

7. Confidentiality and Data Protection

7.1 Any information you give us will be treated in the strictest confidence. Your identity will not be divulged to the perpetrator of the ASB without your express permission. However, we may share information with:

- the Police - for the prevention and detection of crime and disorder and anti-social behaviour
- other local councils and registered social landlords (Housing Associations) about perpetrators of ASB
- Social Services, if this is relevant
- Fire Service
- Probation
- Health.

7.2 Any exchange of information is strictly controlled and monitored through the use of established Information Exchange Protocols agreed between this Council, the Police, other local authorities and Housing Associations active in Mid Devon and the surrounding area.

7.3 There are a number of areas of legislation that the Council complies with in relation to the sharing of personalised information including the:

- Data Protection Act 1998 (Section 29)
- Freedom of Information Act 2000
- Human Rights Act 1998
- Crime and Disorder Act 1998 (Section 115).

8. Our Response Times

8.1 We will acknowledge all complaints of ASB in writing or e-mail within five working days. We will respond to cases involving racial harassment, threats or actual violence within one working day – or on the same day if resources permit.

9. Complaints about ASB

9.1 When we receive a complaint, we will assess the type of ASB being complained about to determine how quickly we need to respond. We will complete a complainant risk assessment when speaking to you first about the incident and this will inform the decision relating to the category we decide to apply to it.

- Level one: High risk/urgent - response within one working day. This will apply where there is a serious risk to the complainant so will include race/ hate crime, threats or use of violence.
- Level two: Medium risk/persistent nuisance – response within five working days. This will apply where there is no immediate risk to the complainant and will include noise complaints, nuisance vehicles and ongoing issues relating to pets and animals.

- Level three: Low to no risk/non-urgent – response within five working days. This will include ball games which result in damage to property, issues arising from a clash of lifestyle and other ASB, such as neighbour disputes where there is no independent evidence, unlikely to cause harm in the short term. It will also include one-off complaints and incidents where there is not enough evidence to show that a nuisance exists at all. Most incidents judged to be low to no risk will be recorded only. Mediation will be offered but it is unlikely that there will be any further action.
- Anonymous complaints: Generally, these will be recorded for information only as we may not be able to gather all the evidence needed. In the event of serious allegations, where there are safeguarding or other such issues of concern, we will involve other partners in order to take appropriate action.

9.2 We will develop an action plan immediately prior to investigating the incident. This will set out how we intend to proceed. We will also agree a level of support and contact as the case progresses. We will always offer mediation as a first step to resolve the issue being reported unless the case is high risk and falls into level one.

9.3 We will issue diary sheets straight away but we understand that some people will be unable to complete these for whatever reason and we will work with them to enable them to record any ongoing issues. This may include the provision of a Dictaphone.

10. Investigation

10.1 Members of the Neighbourhood Teams have responsibility for investigating incidents on their patches. They are the first point of contact throughout the investigation. We will need all relevant information about the complaint and this will involve taking detailed statements, as necessary.

10.2 The initial investigation should take no more than twenty working days depending on the complexity or severity of the complaint. Staff will maintain regular contact with you in the way and at the frequency agreed. They will review the action plan periodically as the case progresses so you are able to agree new methods of contact and amend the frequency of contact. You will be told if the investigation is delayed for any reason. You will also be told if, for whatever reason, we have to involve another Officer in the investigation, and we will make you aware of the name and contact details of the new Officer dealing with the case.

10.3 We use a straightforward approach to tackling ASB:

- investigate the complaint;
- evaluate the evidence; and
- take appropriate action to resolve the issue.

10.4 We use our electronic housing management system as an incident management tool and this enables us to be consistent.

10.5 When gathering evidence, we will use all the tools available to us, which may include working with Environmental Health professionals in connection with the use of noise monitoring equipment, information exchange with other agencies such as the Police

and evidence from other potential witnesses, including neighbours. In serious cases, we would consider the use of professional witnesses especially where potential witnesses were fearful of reprisals and intimidation and not willing to give evidence in court proceedings.

11. Protecting communities through prompt and proactive actions

11.1 We will play a key role in preventing ASB from occurring and work in partnership with other agencies to jointly tackle problems as they arise. We work with the East & Mid Devon Community Safety Partnership (CSP) and other key support organisations such as mental health teams, drugs and alcohol services and domestic abuse support services.

11.2 We will work in partnership with the Police and other agencies, where necessary, and make use of all the tools and powers available to tackle ASB, especially those arising from the ASB, Crime and Policing Act 2014. For example, we are able to accelerate enforcement action or to seek an absolute order for possession of a property through the Courts in response to incidents judged to be serious or life-threatening.

11.3 We are also able to attach requirements to injunctions to assist with the rehabilitation of perpetrators. Therefore, we could require them to seek support for substance issues as part of a wider package of obligations.

11.4 We continue to support tenant involvement initiatives within our neighbourhoods. We carry out two Neighbourhood Walkabouts each year on each estate and we encourage Councillors, tenants, Police Officers and other interested parties to accompany us.

12. Adopting a supportive approach to working with victims and witnesses

12.1 We can help and support you in a number of ways. We can:

- provide regular contact by telephone or home visit and will agree an action plan with you at the time that you report the incident. This will be amended to take account of your preferences as the investigation progresses
- refer you to counselling, victim support, and witness support services
- tailor our service to meet the needs of our tenants and liaise with appropriate support workers if you are physically or mentally vulnerable
- seek to provide appropriate support if you are hearing or visually impaired
- provide free transport to and from investigation meetings, court, and other venues
- assist with childcare/caring costs so that you can attend meetings
- provide victims and witnesses with an out of hours contact to respond to any issues which require an immediate response
- consider re-housing you on a temporary or permanent basis by way of a management move in serious ASB circumstances if supported by the Police or Health Officials although this will be a last resort
- continue to provide advice and support following court proceedings

- monitor the behaviour of the perpetrator following court proceedings to ensure that any order of the court is adhered to
- carry out a “risk assessment” of your home and install appropriate support measures such as CCTV cameras, alarms, extra locks or spy holes in your front door
- supply dictaphones or personal alarms
- in cases of domestic abuse, attend any Multi Agency Risk Assessment Conference (MARAC) meetings and arrange to have any recommended security measures put in place under the Sanctuary Scheme
- identify and minimise risks by continually reviewing risks during an investigation
- take a proactive approach to minimise all types of harassment
- make referrals to the Race Equality Council where there has been incidents of racial harassment, in order to obtain support for you
- ensure that all Officers are fully trained and able to signpost victims to support agencies.

13. Bringing communities together

- 13.1** We want to build sustainable and safe neighbourhoods. We do this by:
- encouraging and developing tenant involvement by continuing to support tenants and residents groups and helping any new groups being formed
 - continuing to support existing estate tenant representatives and encouraging more to become involved and to attend Neighbourhood Walkabouts
 - by participating in joint community initiatives e.g. Community Action Days, Local Action Group meetings and resident involvement activities.

14. Prevention and early intervention

- 14.1** We aim to take a straightforward approach to the management of ASB problems. We will always encourage complainants to consider mediation unless they are reporting a serious high risk incident. If, when we have investigated, we find that a particular complaint arises from a clash of lifestyle, we will only offer mediation. We recognise that in some cases, individuals must compromise and that it is not appropriate for the Council to take action. In such cases, we will make it clear that we expect all the parties involved to work together to find a way forward.
- 14.2** However, we have made a commitment to prevent, investigate, respond to and monitor incidents of ASB involving our tenants and to support the development of sustainable communities where people want to live. We will therefore use a wide range of all the tools and powers available in order to prevent the escalation of ASB. We aim to ensure that, where possible, perpetrators are given the opportunity to make the required changes to their behaviour and successfully re-integrate into the community.
- 14.3** We will consider any vulnerability or support needs and work with the individual to provide advice on accessing appropriate support by completing a risk assessment and continuing to review that.

15. How you can help us

15.1 In many instances, especially those that may involve legal action, we will need your help to build our case against a perpetrator of ASB. You will be asked to keep a regular diary of events. You may be asked to:

- allow noise monitoring or video equipment to be installed in your home
- allow professional witnesses, the Police and/or Council staff to use your home for surveillance purposes
- encourage other witnesses to come forward
- report incidents to the Police, always requesting a log number
- attend meetings with witnesses and with our legal representatives
- attend court and give evidence to support the Council's case or if you do not feel able to do this then provide us with an Impact Statement
- monitor the behaviour of the perpetrator following court proceedings to ensure that any order of the court is kept to.

15.2 Your help and assistance is vital and is greatly appreciated.

16. Our approach to tackling ASB

Our intentions are to:

- deal firmly but fairly with perpetrators
- deter ASB and prevent future occurrences
- encourage complainants and witnesses to come forward.

When evaluating the evidence collected, we will consider the most appropriate course of action. We will also try to ensure that the response to the issues reported is both reasonable and proportionate. We will use a variety of different remedies in order to encourage perpetrators to modify their behaviour.

16.1 Partnership Approach

We work in partnership with various agencies including:

- Citizens Advice Bureau (CAB) – for general tenancy advice
- Police – for criminal activities
- Environmental Health - for noise nuisance
- District Officers - for abandoned vehicles and dogs.

16.2 Troubled Families Support Programme

This initiative is aimed at families who have complex needs with the intention of:

- getting children back into school – attendance issues
- reducing youth crime and ASB
- enabling adults to get back to work
- reducing the costs to the public sector that are associated with these families – such as health.

We will adopt a partnership approach whereby all the different agencies will work

together to provide support for such families. We will continue to support families with any new initiatives introduced by the programme.

16.3 Tenant obligations

All Council tenants are subject to the Council's Terms and Conditions of Tenancy. All tenants are provided with a copy of these at the start of their tenancy and the most important clauses relating to ASB are explained in detail. Tenants are responsible for the behaviour of other household members and visitors and this is made clear to them at the start of their tenancy.

16.4 Cross-tenure Issues

The Council recognises that the powers and responsibilities it has as a social landlord extend beyond its own sector and housing stock. The Council will act to protect owner-occupiers or those of other housing tenures from the actions of Council tenants, and equally, may take action against perpetrators of ASB in other tenures to protect its tenants.

16.5 Mediation

The Council works with the Devon Mediation Service, an independent local voluntary organisation. We will always offer mediation unless the case is deemed to be high risk as it can be used successfully to resolve neighbour disputes at an early stage. It is useful because the mediator is an impartial independent person who helps both parties to develop a solution to their difficulties. We work with the CSP and will usually work in partnership with other agencies to decide the way forward in more serious cases. There is an escalation process and this will be used if mediation is not appropriate.

16.6 Acceptable Behaviour Contracts (ABCs)

ABCs attempt to modify the perpetrator's behaviour before formal legal action is started. Perpetrators are encouraged to agree to the conditions set. ABCs are voluntary contracts which are effective as warnings for perpetrators whose continued unrestrained activities would lead to the obtaining of Criminal Behaviour Orders, injunctions or possession orders.

16.7 Parenting Contracts and Orders

This is a Court Order which is designed to give you support and guidance. It aims to help you prevent your child from committing ASB, to ensure they attend school every day and to address issues of behaviour at school if they have been excluded.

16.8 Demotion Orders

The Council can ask a County Court to "demote" a secure or flexible tenant to a lesser form of tenancy for 1 year (similar to an introductory tenancy). Repossession becomes easier during that year for on-going acts of ASB or for rent arrears.

16.9 Legal action under the Environmental Protection Act 1990 or the Noise Act 1996 *Statutory nuisance*

The Housing Service can work in partnership with Environmental Health Officers who can serve Noise Abatement Notices, take legal action in the Magistrates Court and seize equipment in cases of extreme noise where the noise coming from a property is “prejudicial to health or a nuisance”.

Formal action would only be commenced where informal action had failed to resolve the matter. If an abatement notice is served, the person responsible for the problem is expected to live within the terms of the Order. Failure to comply with an abatement notice is a criminal offence, and could result in a fine being payable following a successful prosecution for contravention or non-compliance with any requirement of the notice. The Court can also order the seizure and potential forfeiture of equipment.

16.10 Possession Orders (Housing Act 1985)

The Council can apply to the County Court for an order for possession that will lead to eviction of a Council tenant where nuisance or ASB is seriously and/or constantly affecting the locality. A tenant who is evicted on nuisance grounds could be found intentionally homeless even if they are in housing need.

The Council takes breaches of the terms and conditions of Tenancy relating to nuisance and ASB very seriously, and will take action to ensure that tenants comply with their tenancy agreements. However, any enforcement action must be reasonable and proportionate and if legal action is to be considered as a way forward, it will be recognised that eviction is a last resort, especially if there are children involved.

16.11 Termination of Introductory Tenancy

Introductory tenancies enable the Council to repossess homes more easily during the first twelve months of a tenancy where there are grounds for eviction (for example, ASB or rent arrears).

16.12 Termination of a Flexible Tenancy

The Council uses flexible tenancies, and has discretion as to whether to renew or revoke a tenancy at the end of a fixed term should there be sufficient grounds for eviction (for example, ASB or rent arrears).

16.13 Extension of an Introductory Tenancy

The Housing Service can, under certain circumstances, extend an Introductory Tenancy for a period of six months by serving a Notice of Extension on the tenant at least eight weeks before the tenancy either would normally have been made secure or became flexible. This has to be agreed by independent officers not involved in the appeal review.

17. New tools and powers

The ASB, Crime and Policing Act 2014 introduced simpler, more effective powers to tackle ASB that provides better protection for victims and communities.

17.1 Community Trigger

This gives victims and communities the right to request a review of their case and bring agencies together to take a joined up approach to find a solution. The trigger will apply in Mid Devon when there have been three complaints about ASB in the last 6 months (if there are 3 complaints about 1 incident this will also count) with the most recent complaint having occurred within the last month. Complaints can be made to any partner agency.

As a result of any review, the agencies involved will share information, review what action has taken place and decide whether any additional actions have been missed. Any review will take into account the persistence of the ASB, any harm or potential harm caused by the ASB and the adequacy of response to the ASB. The victim of the ASB can use the community trigger and also other people acting on their behalf such as a local Councillor, the local MP, a family member or other advocate. The trigger will be activated even if a business or community group makes the complaint.

17.2 Community Remedy

This gives victims a chance to influence the type of punishment given out to perpetrators of low-level crime and ASB.

17.3 Civil Injunction

The purpose of the civil injunction is to stop or prevent anyone behaving in an anti-social way quickly. It is there to prevent an escalation of any problems. The Council, other registered providers of social housing, the Police and other agencies including the Environment Agency, can apply one of these injunctions. If the Housing Service is to apply for an injunction, there must be a good chance that the behaviour is likely to be capable of causing nuisance and annoyance and that it would be just and convenient to grant the injunction to prevent ASB.

The injunction will include prohibitions and may include positive requirements to help the perpetrator to address the underlying causes of their ASB. If the perpetrator is under 18, the agencies involved must consult the local Youth Offending Team (YOT). A breach of the injunction is not a criminal offence. If there is a breach, it must be proved to the criminal standard which means that there needs to be evidence which demonstrates that there is no reasonable doubt about what happened.

If the perpetrator is over 18, they may be given an unlimited fine or sentenced to up to two years in prison.

If they are under 18, they may be given a supervision order or, as a very last resort, a civil detention order of up to three months for those aged 14 to 17.

17.4 Criminal Behaviour Order

This can be issued by any criminal court against a person if they have been convicted of an offence. An Order will be made if the court is satisfied beyond reasonable doubt that the offender has engaged in behaviour that has caused or is likely to cause harassment, alarm or distress to any person and the court considers that making the order will help prevent the offender from engaging in such behaviour.

The aim of this new Order is to make it easier to deal with those who continue with anti-social activity and also engage in criminal activity. The ASB does not need to be part of the criminal offence. The Order will include prohibitions to stop the ASB but it can also include positive requirements. The aim of this is to give the offender an opportunity to deal with the causes underlying their criminal behaviour. If the offender is under 18, then the YOT must be consulted about any applications for Orders.

A breach of an Order will be a criminal offence and therefore there needs to be evidence showing that what is alleged can be proved beyond reasonable doubt. Offenders over the age of 18 can be sentenced to prison. However, they could also be liable to pay a fine or they may be sent to prison and ordered to pay a fine, as well.

For those offenders under the age of 18, the sentencing powers in the Youth Court apply.

17.5 Dispersal Power

The Police can require a person committing or likely to commit ASB, crime or disorder to leave an area for up to 48 hours. This power can be used when members of the public in an area are being harassed, alarmed or distressed, or are likely to be by ASB, or by crime and disorder. The Police must specify the area to which the power will relate and can also specify the time and the route that must be used to leave the area.

The Police can also confiscate any item that could be used to commit ASB, crime or disorder. A direction can be given to anyone who is, or who appears to be, over the age of 10. Anyone under the age of 16 can be taken home or to a place of safety.

A breach of this power is a criminal offence. Failure to comply with a direction to leave can result in a fine and/or up to three months in prison although those under 18 cannot be imprisoned. Fines can also be applied if someone fails to hand over items.

17.6 Community Protection Notice (CPN)

This has been introduced to stop anyone aged 16 or over, or a business, or other organisation, committing ASB which spoils the quality of life of a community. The new notices can be issued by Council Officers, the Police or social landlords, under certain circumstances. They can be issued in response to a wide range of

behaviours including noise nuisance, and litter on private land such as a garden belonging to an owner occupier.

The behaviour has to have a detrimental impact upon the quality of life in an area, and also be unreasonable. In addition, it must be persistent or continuing. The perpetrators will be issued with a written warning making them aware of the issue and requesting that they stop. It will also set out the consequences of continuing the ASB. The notice will require the perpetrator to stop the behaviour, or set out what they can do to put things right. If someone fails to do what they are required to do, then the Council can carry out the works on their behalf and recharge the perpetrator for the cost of doing so.

A breach of a CPN is a criminal offence. A fixed penalty notice may be issued and this will require a payment of £100 by the perpetrator. Alternatively a fine can be levied which can be up to £2,500 for individuals and up to £20,000 for businesses.

17.7 Public Spaces Protection Order (PSPO)

Such an Order can be issued by Councils after consultation with the Police, the Police and Crime Commissioner and other relevant bodies if there is ASB being committed in a public space. The ASB must be having, or be likely to have, a detrimental impact on the quality of life of those in the local area. It must also be persistent and unreasonable.

The Council can put in place restrictions and requirements as part of a PSPO and these can be blanket restrictions, or they can be targeted to tackle certain behaviours by certain groups at certain times. A PSPO can restrict access to public spaces where that route is being used to commit ASB. A breach of a PSPO is a criminal offence and Council and Police Officers can issue a fixed penalty notice of up to £100, if appropriate. If there is a prosecution, the perpetrator may be fined. More than one restriction can be added to the same PSPO.

17.8 Closure Power

The Council or the Police can apply to close premises if they are being used, or are likely to be used, to commit nuisance or disorder. A Closure Notice may be issued for up to 48 hours. It may be issued out of Court. After this, a Closure Order can be sought through the courts. If there has been a Closure Notice, the owner or those who live at the premises must be able to access them. A Closure Order can be used to close premises for up to 6 months and can restrict all access to the property.

A Closure Notice can be issued if there is nuisance to the public or disorder near the premises. A Closure Order can be sought if there is disorderly, offensive or criminal behaviour; or serious nuisance to the public; or if there is disorder near the premises.

Both the Closure Notice and the Closure Order can be used to manage issues relating to any land or other place, whether enclosed or not including residential, business, non-business and licenced premises.

A breach of a Closure Power is a criminal offence. Breach of a Closure Notice could result in up to three months in prison. Breach of a closure order could result in up to six months in prison. Breaches of both could result in an unlimited fine for both residential and non-residential premises.

17.9 The New Absolute Ground for Possession

Landlords can now evict tenants if they, a member of their household or a visitor has been found guilty of ASB. The aim of this is to improve the situation for victims. The ASB or criminality must have been already proved in another court and the tenant, a member of their household or a visitor must have met one of the following conditions:

- They have been convicted of a serious offence (as specified in schedule 2A to the Housing Act 1985);
- They have been found by a court to have breached a civil injunction ;
- They have been convicted for breaching a Criminal Behaviour Order (CBO);
- They have been convicted for breaching a Noise Abatement Notice; or
- The tenant's property has been closed for more than 48 hours under a Closure Order for ASB.

The offence or the breach needs to have occurred in the locality of the property or affected a person with a right to live in the locality. Alternatively it needs to have affected the landlord or a member of staff or one of their contractors.

Council tenants with secure tenancies will have the right to request a review of the landlord's decision to seek possession.

If one or more of the conditions detailed is met, the court must grant a Possession Order if the correct procedure has been followed but tenants can raise a human rights defence and may argue that the action taken is not proportionate.

The landlord will not be required to demonstrate that the action being taken is reasonable. Once an order is made, the Court cannot postpone possession to a date later than 14 days after the making of the order except in exceptional circumstances, and will not be able to postpone for later than six weeks in any event.

18. Other legislation

Other legislation we use to help us respond to issues related to ASB include:-

18.1 Protection from Harassment Act 1997

This legislation provides a power of arrest and the possibility of a restraining order obtained in the Magistrates Court that could carry a penalty of up to 5 years' imprisonment. The intention is to prevent a perpetrator from entering certain areas and harassing others.

18.2 Civil Evidence Act 1995

Hearsay evidence is admissible in civil proceedings in County or Magistrates Courts. This allows Council officers and other professional witnesses to give evidence when a complainant or witness is too frightened to give evidence personally.

18.3 CCTV and Surveillance Measures

The Council will use these where appropriate and proportionate to the ASB complaint. Where these measures are used they will be in conjunction with other agencies and will comply with the Regulation of Investigation Powers Act 2000 (RIPA)

19. Offering a value for money service

19.1 We regularly monitor performance in tackling ASB. We have a range of methods in which we do this by:

- conducting resident satisfaction surveys
- using dedicated ASB computer software system which estimates the cost of each ASB case
- benchmarking against other Housing Providers
- pooling resources and using a multi-agency approach where ASB hotspots are identified
- continually evaluating our performance

20. Confidentiality & Data Protection

20.1 We are committed to maintaining tenancy confidentiality and bound by legislation relating to data protection. We will respect the confidentiality of those who approach us to report ASB and also those we speak to, for whatever reason, regarding any incident or as part of our investigations.

20.2 Officers are expected to undergo regular training to ensure that they understand their responsibilities with regard to data protection and the importance of maintaining confidentiality.

20.3 We will not usually exchange any information without the consent of the people involved or unless there are suspected safeguarding issues. In cases of this nature, 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.

20.4 We may publicise positive action taken to resolve ASB, if possible. This will be done in conjunction with partners in order to demonstrate what can be achieved with the help of the local community.

21. Monitoring our performance

21.1 We record all incidents reported using our electronic housing management system.

We record all relevant information regarding complainants, witnesses and perpetrators including their names, addresses, contact details and information regarding their diversity.

- 21.2** Our system provides a management tool which prompts Officers in the Neighbourhood Teams to take action in accordance with policy and procedure. All action taken in connection with an investigation and in response to complaints of ASB will be recorded and this enables Managers to monitor performance and to ensure that targets are met.
- 21.3** Our system enables us to identify trends and hotspots. We can also monitor whether or not specific initiatives or actions have had an impact.
- 21.4** We monitor levels of satisfaction too. We publish key performance information on a monthly basis and this includes information on the numbers of new, open and closed cases and the percentage of those resolved. We are planning to increase the amount of information published to include information on types of cases and the range of action taken.
- 21.5** Senior Managers meet with the Cabinet Member for Housing on a monthly basis to discuss performance and a tenant representative also attends these Housing Performance & Improvement Board meetings. In addition, Tenants Together, our Scrutiny Group, reviews performance on a monthly basis.
- 21.6** We also subscribe to the Housemark benchmarking service which enables us to compare costs and other indicators to ensure that our service is delivering value for money.



Anti-social Behaviour: Policy and Procedure

Code of guidance for
local housing authorities
and housing action trusts

August 2004

housing



Anti-social Behaviour: Policy and Procedure

*Code of guidance for local housing
authorities and housing action trusts*

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Ministerial Foreword

No one should underestimate the sheer misery and disruption that the abusive and destructive behaviour of a small minority can wreak on individuals and the wider community. Tackling anti-social behaviour is a key part of delivering the Sustainable Communities Plan, which seeks to improve the quality of life of people by providing better places to live, with the right homes, jobs and services. Renewing our housing and improving services will not be enough if some people continue to feel threatened in those homes or intimidated on the streets.

We all have to be prepared to adopt new approaches and learn from each other and the communities we serve if we are to strengthen neighbourhoods and help people living within them feel more secure. Local housing authorities and Housing Action trusts, working in partnership with tenants and other agencies, play a vital role in creating and sustaining communities in which everyone can be proud.

The Government has worked to ensure that social landlords and the agencies with which they work have the necessary powers and tools to deal swiftly and effectively with anti-social behaviour. Landlords and agencies have a key role in identifying the nature of problems their tenants face and must use the tools they have been provided with to counter those problems effectively.

Across the country, a wide range of innovative approaches are being deployed to tackle a diverse and complex range of problems, involving a mixture of prevention, enforcement and support. The challenge is to build on this and ensure that the benefits that multi-agency partnerships bring are maximised and that tenants and the wider community understand what you as social landlords can do to help them.

The preparation and publishing of your policies and procedures should provide an opportunity to explore those new approaches, review old ones and to demonstrate how you are working to tackle anti-social behaviour, so that people feel increasingly empowered to 'take a stand' with you to improve their own quality of life and that of their community.

A handwritten signature in black ink, appearing to read 'Keith Hill'.

Rt. Hon. Keith Hill MP
Minister of State for Housing and Planning

CHAPTER 1

Introduction

Purpose of the Code

1.1 The First Secretary of State is issuing this Code of Guidance to local housing authorities and Housing Action Trusts (HATs) in England for the purposes of Section 218A(7) of the Housing Act 1996 ('the 1996 Act').

1.2 Section 218A of the 1996 Act was inserted by Section 12 of the Anti-Social Behaviour Act 2003 ('the 2003 Act'). It requires landlords that are local housing authorities, HATs and registered social landlords (collectively referred to as 'social landlords') to prepare and publish policies and procedures in relation to anti-social behaviour ('ASB').

1.3 Each social landlord must publish a Statement of their policies and procedures, and an associated Summary not later than 6 months after the commencement of Section 12 of the 2003 Act – this means by 30 December 2004.

1.4 Guidance under s.218A(7)(a) may be issued to local housing authorities in Wales by the National Assembly for Wales.

1.5 S218A(7)(b) requires registered social landlords to have regard to guidance issued to them in England by the Housing Corporation and in Wales by the National Assembly for Wales.

1.6 This Code gives guidance on how local housing authorities and HATs ('landlords') in England should prepare and review their policies and procedures in relation to anti-social behaviour. Landlords must have regard to this guidance in accordance with s218A(7) of the 1996 Act. In so far as it comments on the law it can only reflect the Department's understanding at the time of issue.

Who is the code for?

1.7 The Code is issued specifically for local housing authorities, HATs and their staff. It will also be relevant to any person or organisation such as an Arms Length Management Organisation (ALMO) or Tenant Management Organisation (TMO) managing housing stock on behalf of a local housing authority.

1.8 The Housing Corporation issues separate guidance on the publication of Anti-social behaviour policies and procedures for Registered Social Landlords in England. The National Assembly for Wales issues guidance for social landlords in Wales.

The legislation in context

1.9 The Anti-social Behaviour Act 2003 was designed to extend powers to tackle ASB in local communities. Part 2 deals specifically with social housing. It includes measures developing the use of injunctions, and introduces demoted tenancies.

1.10 In addition to Part 2 of the Anti-social Behaviour Act 2003 local housing authorities and HATs should also ensure that their policies and procedures are compatible with obligations imposed on them by other existing legislation, including, but not limited to:

- Children Act 1989 (in particular S.27)
- Crime and Disorder Act 1998
- Disability Discrimination Act 1995 (in particular S.2)
- Homelessness Act 2002
- Race Relations Act 1976 (in particular s71)
- Human Rights Act 1998.

1.11 The policies and procedures which local housing authorities and HATs produce should be seen in the context of their overall responsibilities.

1.12 The Statement of Policy and Procedures should be compatible with the local housing authority's homelessness strategy (see Section 1 of the Homelessness Act 2002). It should also be compatible with the local housing authority's housing strategy, produced under s87 of the Local Government Act 2003.

1.13 Local authorities, and other responsible authorities, have a duty to publish a strategy for addressing crime and disorder. They also have a duty to combat the misuse of drugs in the locality. These duties are detailed under section 6 of the Crime and Disorder Act 1998. The landlord's Statement of Policy and Procedures on ASB should acknowledge and complement the priorities of the local strategy.

1.14 Section 71 of the Race Relations Act 1976 requires local authorities and housing action trusts to have due regard to the need to eliminate unlawful racial discrimination, promote equality of opportunity and promote good relations between people of different racial groups. The aim of this provision is to make the promotion of racial equality central to the way relevant services are designed and delivered. Local authorities and housing action trusts are also required to publish a race equality scheme every three years. Any policy and procedure on ASB should have regard both to the wider duties imposed on public bodies in terms of race relations, and to the landlord's own race equality schemes.

CHAPTER 2

Landlord's obligations under s.218A Housing Act 1996, as introduced by s.12 Anti-social Behaviour Act 2003

Introduction

2.1 This chapter sets out the statutory obligations which are laid on local housing authorities and HATs under s.218A Housing Act 1996, as introduced by s.12 Anti-social Behaviour Act 2003. It provides information on the way in which those obligations should be discharged.

What kind of behaviour is covered?

2.2 For the purposes of the duties imposed by section 218A of the Housing Act 1996, anti-social behaviour is any conduct to which sections 153A(1) and 153B(2) of the 1996 Act apply. These sections apply to conduct which:

- is capable of causing nuisance or annoyance to any person; and
- directly or indirectly relates to or affects the housing management functions of a relevant landlord; or
- consists of or involves using or threatening to use housing accommodation owned or managed by a relevant landlord for an unlawful purpose.

2.3 This definition is contained in section 218A(8) of the Housing Act 1996 inserted by the Anti-social behaviour Act 2003. It is wide enough to encompass most landlords' own understanding of anti-social behaviour.

2.4 Those persons to whom the conduct may cause annoyance or nuisance include anyone who has a right to live in property owned or managed by the landlord, those living in any other property in the neighbourhood (for example owner occupiers, tenants of other landlords) and anyone else lawfully in such property or in the locality, for example working or using local facilities.

2.5 The housing management function of the landlord covers any activity that the landlord would undertake in the day to day and strategic management of the stock. Examples include tenant and community participation, maintenance and repairs, rent and rent arrears collection, neighbourhood management and dispute resolution. Matters which 'indirectly affect' the housing management function could be said to include social care and housing support, environmental health and refuse collection and other services provided that enable the efficient operation of the landlord function.

Statement and Summary of Policies and Procedures on ASB

2.6 S218A of the 1996 Act requires local housing authorities and HATs ('the landlord') to prepare a policy and procedure on ASB and publish the following documents:

- Statement of Policy and Procedures on ASB ('the statement'); and
- Summary of current policy and procedures on ASB ('the summary').

(a) The Statement of Policies should outline the landlord's general approach to ASB and also include specific policies. For example, these could relate to the landlord's commitment to eradicating ASB, the obligations of tenants, support for witnesses of ASB, racial harassment, domestic violence, multi-agency partnerships and the use of available legal remedies.

(b) The Statement of Procedures should outline the landlord's procedures when dealing with occurrences of ASB. For example, it could include information on how and to whom a complaint of ASB should be made, how contact will be maintained with the complainant, and how the progress of the case will be monitored. It should contain sufficient information to enable a tenant to understand how the landlord will deal with a complaint of ASB and what is expected of the tenant.

Publishing and reviewing the Statement and Summary

2.7 Landlords are required to publish the Statement and the Summary within 6 months of the commencement of section 12 of the 2003 Act, that is, 30 December 2004. Further details on the requirements to publish the Statement and Summary are outlined in paragraphs 5.2 to 5.3 below.

2.8 Publication may be in a variety of formats, including publication on a website, at the landlord's discretion. However, the Statement must also be available in printed hard copy form and should also be available in translation and alternative formats (for example in Braille and large print).

2.9 The landlord is required to review the Statement and when it thinks appropriate, revise the Statement. It is up to the Landlord when the Statement is reviewed, however annual reviews are suggested. The Statement and the Summary should be re-published whenever they become outdated.

2.10 Revisions to the statement may be by way of supplements, updates or corrections to the published version. However, landlords must ensure that the Statement is at all times comprehensive, clear and accessible to readers.

Consultation

2.11 Section 218A does not specifically refer to consultation in connection with landlords' policies and procedures on ASB. However under s.105 of the Housing Act 1985 (the 1985 Act), landlords are required to consult their secure and demoted tenants about matters of housing management, and changes in the practice or policy of the authority. This will include the management of anti-social behaviour which directly or indirectly affects the landlord's management of its stock, and therefore the production of policies and procedures under s.218A of the 1996 Act. Similar provisions apply to introductory tenants by virtue of s.137 of the 1996 Act.

2.12 If a review of the Statement under 218A(4) results in proposed changes to the policies and procedures, these will also be subject to consultation under 105(3)(b) of the 1985 Act and s.137 of the 1996 Act. There is no requirement to consult on changes to the Summary resulting from changes to the Statement, however it is good practice to involve the community in any changes that might be made.

2.13 A collaborative approach to the preparation of the policies and procedures on anti-social behaviour is encouraged and this can be achieved through consultation. Local housing authorities should consult tenants in line with arrangements established by Tenant Participation Compacts. It is suggested that, in addition to their tenants, landlords may like to consult the following:

- Tenants' groups or other participation structures
- Tenant Management Organisations (TMOs)
- Their staff and other housing management organisations
- The wider local community, including the business community
- Stakeholder groups, including organisations representing young people, the elderly, Black and ethnic minority communities, lesbians and gay men, people with disabilities and any other significant local communities
- Other agencies or services, including social services, education services, youth offending teams, health services and the police
- Local housing advice centres and the Citizens Advice Bureau
- Local leisure facilities, e.g. sports centres, parks, open spaces.

CHAPTER 3

Content of Statement of Policies

Definition of anti-social behaviour

3.1 The Statement should include a description of the type of conduct that can amount to anti-social behaviour (ASB). It is suggested that examples of behaviour that would fall within the definition of ASB (see paragraph 2.2 above) are included.

3.2 A non-exhaustive list of examples could include:

- noise nuisance (for example, loud parties, shouting, noise from TVs, radios, Hi-fi's and burglar alarms);
- intimidation and harassment;
- local environmental quality issues (for example, litter, dog fouling, graffiti, fly tipping and nuisance vehicles);
- aggressive and threatening language and behaviour;
- actual violence against people and property;
- hate behaviour that targets members of identified groups because of their perceived differences (for example, race and ethnicity, gender, age, religion, sexual orientation, mental health or disability); and
- using housing accommodation to sell drugs, or for other unlawful purposes.

3.3 Anti-social behaviour may or may not constitute criminal activity. The key determinant in deciding whether particular behaviour is anti-social or not should be the impact of the behaviour on others.

3.4 The landlord may wish to give further examples of the types of behaviour that could constitute ASB and to include the classification of incidents it uses in monitoring ASB. This will help to establish for the reader what types of behaviour the landlord considers to be anti-social. The Statement should assist readers in establishing whether the behaviour they are complaining of, or are engaging in, is likely to constitute ASB.

General policy statement of approach to anti-social behaviour

3.5 This should set out the landlord's aims, attitude and general approach to anti-social behaviour, for example to communicate clearly what standards of behaviour are acceptable. It could also identify what specific commitments the landlord is making to its tenants or the wider community in terms of dealing with ASB, and what service standards can be expected.

3.6 Landlords should describe the range of services that they offer on ASB, and how these will deliver a proportionate and flexible response to challenges that ASB presents. They should also explain how these services fit within the landlord's organisational structure.

The strategic context

3.7 The Statement should set out the strategic context of the landlord's policies and procedures on ASB, and how they relate to existing statutory obligations (see paragraphs 1.9 to 1.14). This should include the relationship between the landlord's policies and procedures in relation to ASB and the strategic priorities established by the relevant Crime and Disorder Partnership.

Obligations of tenants

3.8 Landlords should set out the standards of behaviour that are expected of tenants, those who live with them, and their visitors. The tenant's responsibility for the behaviour of people who live with them and visit them should be made clear. Reference should be made to any tenancy clauses relating to ASB or nuisance.

Specific policies to be included in the Statement of Policy

3.9 Specific policies that have been adopted by the landlord to deal with ASB should be outlined in detail in the Statement of Policy. Examples of the types of policy landlords should consider including are set out below.

Support of complainants and witnesses

3.10 In the First Secretary of State's view landlords should support complainants by dealing with their complaint promptly, keeping them informed of any developments relating to their complaint and referring them to appropriate support services, where necessary. The Landlords' policies to support complainants should be included in their Statement of Policies.

3.11 Effective witness support is about setting up systems and adopting approaches that seek to improve success rates in tackling cases of anti-social behaviour, whilst boosting the morale and confidence of the witness, the agencies involved and the wider community. In doing so, the safety and well being of victims and witnesses must come first.

3.12 The Statement of Policy should set out the landlord's policy on the provision of support to complainants and witnesses throughout all stages of the process from report, to court, remedy and beyond; for example, this might include:

- Being clear about how incidents of anti-social behaviour can be reported
- Making reporting channels as simple as possible
- Discussing and planning every stage of any legal action with witnesses

- Providing details of an emergency out of hours contact
- Informing relevant officers, (caretakers, wardens etc) so they can keep a 'look out'
- Risk assessment of the witnesses home environment and provision of protection measures (installation of new locks, panic buttons etc)
- Facilitation of transport and accompaniment/escort to court
- Provision of support at court
- Provision of ongoing support following resolution of legal action or other measures.

Professional witness schemes

3.13 These are innovative schemes involving the use of trained volunteers from staff and partnership contacts to gather evidence of ASB that they have witnessed and to support witnesses. The schemes allow greater flexibility in the gathering of evidence in court cases, especially when witnesses of ASB are reluctant to provide evidence in court proceedings. If a landlord has a professional witness scheme, then policies relating to the scheme should be included in the Statement of Policy.

Racial and other harassment policies

3.14 Incidents of harassment could fall within the description of ASB (see paragraph 2.2) and should be addressed by landlords in the policy statement.

3.15 Local housing authorities are required to publish Race Equality Schemes. Policies on ASB and should have regard to the duty to promote race equality (see paragraph 1.14).

3.16 The First Secretary of State would anticipate that housing authorities reflect in their Statement of Policies and Procedures their policies for dealing with reported incidents of racial harassment, and have policy and procedural 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.

Domestic violence policy

3.17 Domestic violence committed by a tenant, family member or visitor in social housing could fall within the description of ASB outlined in paragraph 2.2. Landlords should reflect in their Statement of Policies and Procedures their policies for dealing with complaints of domestic violence. In doing so, landlords should be mindful of the need to ensure that the victim is supported in accessing remedies specifically designed to deal with domestic violence (for example, non-molestation orders). The use of measures designed to tackle ASB (for example ASBOs), should normally only be used where the relevant Police Domestic Violence Unit has been consulted and there is no other option available in order to provide protection and prevent the impact on the wider community.

3.18 When including in their statement their policies on complaints of domestic violence, landlords may wish to make reference to separate policy documents on domestic violence.

Prevention of ASB

3.19 Prevention should be an essential part of the landlord's approach to ASB. Many landlords are already involved in initiatives that focus on prevention of ASB. Where these exist, the Statement of Policies should set out the range of initiatives and the general purpose of those initiatives.

3.20 Examples of such measures include the following:

- Mediation services provided directly by the landlord or in conjunction with another agency;
- Uniformed warden patrols;
- Diversionary projects for youths such as football clubs or IT drop-in centres;
- Reward schemes for tenants with a record of a well conducted tenancy;
- Structured interviewing of juveniles to establish ways forward in tackling their behaviour;
- Use of Acceptable Behaviour Contracts;
- Multi-agency partnerships (see paragraphs 3.28 to 3.32 below); and
- Floating support/tenancy support schemes.
- Designing out Crime.

3.21 Further information on preventative measures as well as a collection of best practice in tackling anti-social behaviour can be found at www.together.gov.uk. Practitioners may also wish to contact the Together Actionline (0870 220 2000), which can provide advice across the range of anti-social behaviour issues.

Rehabilitation of perpetrators and support for vulnerable groups

3.22 In considering the most effective options for the protection of tenants and the wider community from ASB landlords should consider the positive impact that support might have on perpetrators. The provision of support will be particularly relevant when considering issues of ASB that are a consequence directly or indirectly of one or more of the following factors:

- Drug use
- Alcohol use
- Mental health
- Disability.

3.23 It is important to note that the majority of people who fall within these vulnerable groups are not perpetrators of ASB and may also be victims of ASB.

3.24 Tenants whose anti-social conduct is a consequence of one or more of the issues listed above may sometimes require support in maintaining their tenancies. Adopting effective interventions by specialist agencies can help ensure that key professionals are involved at the earliest possible stage to prevent or manage issues as they arise. Specialist agencies may include, but are not limited to, the local community health team, drug action teams and community-based organisations such as drug and alcohol support and mental health services. The Statement of Policy should set out the landlord's policy on the provision of support to perpetrators. This might include:

- The role of multi-agency partnerships [See paragraphs 3.28–3.32]
- Delineation of key roles and responsibilities
- Protocols and planning

3.25 Landlords should consider what actions they can take to achieve long-term changes in the behaviour of perpetrators, and to prevent displacement of anti-social behaviour.

3.26 Some landlords and other agencies have developed rehabilitation projects that attempt to engage tenants whose behaviour has not been successfully changed by preventative work and enforcement action.

3.27 Juvenile perpetrators often experience problems with their family and school. The landlord should try to ascertain the causes of the juvenile's ASB and consider involving their parents/guardians, if appropriate, and possibly obtaining information from their school or other appropriate agencies, for example, Youth Offending Teams. Landlords should ensure that the local social services department carry out an assessment pursuant to s17 of the Children Act 1989 to identify whether a child is a 'child in need' necessitating the provision of services to that child and/or his/her family to meet those needs. This assessment should normally be carried out before any specific enforcement action is taken against the young person (e.g. an application for an ASBO). Landlords are encouraged to use acceptable behaviour contracts with juvenile perpetrators, as they can be particularly effective. The landlord's policy to support juvenile perpetrators should be included in the Statement of Policy.

Multi-agency partnerships

3.28 Landlords do not operate in isolation. They are part of a wider community, and will share the problems and challenges of that wider community. ASB is a complex phenomenon, and it is unlikely that the causes or solutions to it will lie solely within the remit of a single organisation.

3.29 Multi-agency partnerships involve landlords working with residents and local agencies such as the police, neighbourhood wardens, youth offending teams, schools, health services, drug action teams, social services and probation services. The development of multi-agency partnerships can be an effective way to prevent and combat ASB. Landlords may also wish to include coverage of any partnership arrangements with private landlords in order to tackle ASB across tenures.

3.30 A co-ordinated approach by specialist agencies to provide perpetrators of ASB with the support that they may need can assist in their rehabilitation. Effective interventions by specialist agencies can prevent landlords from having to take legal action in relation to ASB.

3.31 The First Secretary of State encourages the development of multi agency partnerships by landlords as they have proven to be an effective tool against ASB.

3.32 A summary of the landlord's policies on multi-agency working and the extent of the landlord's work with other agencies in relation to ASB should be set out in their statement of policy, along with details of any relevant organisations of which the landlord is a member.

Working with other organisations managing local authority housing

3.33 ALMOs, TMOs or housing management contractors (including PFI contractors) may be managing some or all of the landlord's housing. They should be involved in the preparation of the authority's policies and procedures as these may have implications for the housing management responsibilities they carry out under their management agreement with the authority.

3.34 It is important that housing management service providers are clear about their roles and responsibilities under the authority's Statement of Policies and Procedures, and there are robust working arrangements in place covering procedures for information sharing, handling and monitoring complaints and dealing with perpetrators.

Data protection and information exchange

3.35 Tackling ASB depends upon robust information exchange between all agencies (both statutory and non-statutory) involved. Whilst landlords should be mindful of their responsibilities under Data Protection Act 1998 it should not be seen as a complete barrier to sharing any information. If landlords are unclear about their obligations and responsibilities under the Act they should contact the Information Commissioner, www.informationcommissioner.gov.uk.

3.36 The Statement of Policy should outline what protocols the landlord has in place for sharing information with other agencies. It should make clear what type of information might be shared, with whom, and for what purposes.

Sharing information with tenants and the wider community

3.37 Publicity may take the form of local media coverage or targeted leafleting. Publicity can assist landlords and the agencies with which they work in reassuring their tenants and the wider community that action is being taken to tackle ASB, through, for example, the publicising of successful resolution of cases. This may also act as a deterrent to others whose nuisance behaviour impinges on the quality of life of others. It can also provide tenants with the information they require to enable them to report any breaches of injunctive measures which may have been served upon perpetrators (where the court has not imposed reporting restrictions). The Statement of Policy should set out the landlord's policy on publicity where relevant.

Confidentiality

3.38 Complainants may well be concerned that their complaint could lead to retaliation by the perpetrator and may provide information to the landlord on the basis that it is confidential. The Statement of Policy should set out the landlord's policy on confidentiality, particularly in relation to the identity of complainants and whether their permission will be sought prior to the disclosure of information to the perpetrator, legal representatives or other interested parties.

3.39 Information relating to complainants and perpetrators may be shared with other agencies for the purpose of the preventing ASB or crime. Where protocols on information sharing exist, the implications on confidentiality of information should be clearly explained in the Statement of Policy.

Cross-tenure issues

3.40 The powers and responsibilities that landlords have to tackle ASB extend beyond their own sector and housing stock. Landlords may act to protect owner-occupiers or those in other tenures from the actions of tenants, and equally, may take action against people in other tenures to protect their tenants.

3.41 Landlords can contribute to cross-tenure approaches at a strategic level, for example through their involvement in Crime and Disorder Reduction partnerships (CDRPs), multi-agency partnerships and sharing information with other agencies or landlords. The Statement of Policy should reflect their strategic and operational involvement in such cross tenure approaches.

Protection of staff

3.42 Unfortunately employees of the landlord or others not directly employed but who may be employed in connection with the exercise of the relevant landlord's housing management functions, may from time to time be threatened, abused or harmed in the course of their normal duties or when specifically tackling ASB. The Statement of Policy should provide details of the landlord's policy on the protection of staff and the legal remedies which the landlord may use to protect them.

Training of staff in dealing with ASB

3.43 In tackling anti-social behaviour it is important that practitioners have the confidence and knowledge to identify and investigate incidents and reports of anti-social behaviour and are equipped to take appropriate action. The Statement of Policy should provide details of landlord's training programmes in respect of ASB, this might also include broader 'awareness raising' work with tenants.

Information on other relevant policies

3.44 The Statement of Policy should include reference to any other relevant landlord policies, including:

- related policies, such as how the authority proposes to take into account 'unacceptable behaviour' in allocating its property, or
- other policies, which do not specifically relate to ASB, for example, equal opportunities policies, tenant participation and consultation strategies.

CHAPTER 4

Content of Statement of Procedures

Information to be contained in the Statement of Procedures

4.1 The Statement of Procedures should include the operational procedures introduced by the landlord to implement their policies on ASB. The level of detail in the Statement of Procedures is a matter for the landlord, however it is expected that relevant procedures will be broadly outlined so that tenants know how the landlord is likely to deal with a complaint of ASB.

4.2 The Statement of Procedures will vary according to the policies that have been adopted by the landlord. The Statement of Procedures should, regardless of the policies adopted, address the making of a complaint, the processing of a complaint, the provision of support to complainants, the use of enforcement action, support in respect of the perpetrator and monitoring complaints of ASB. Additionally, any relevant procedures relating to multi-agency partnerships and professional witness schemes should also be included.

4.3 Where ALMOs, TMOs or other housing management contractors (including PFI contractors) are managing some or all of the landlord's housing, the Statement of Procedures should make clear to residents the respective responsibilities of the local housing authority and housing management service providers in tackling ASB.

Making a complaint of ASB

4.4 Information on how and to whom the initial complaint of ASB should be made should be included in the Statement of Procedures with contact details. It would also be helpful if some guidance were provided on when it might be appropriate for a complainant to contact other agencies, such as the police.

Processing a complaint of ASB

4.5 Early responses to complaints and action plans agreed between the landlord and the complainant, where appropriate, can be vital to effectively deal with ASB, helping to build trust and confidence. Effectively processing a complaint of ASB gives credibility to the landlord's ASB service and assists the relationship between the complainant and the landlord.

4.6 Landlords are encouraged to develop clear lines of communication between the complainant and the landlord. These should be established at the earliest opportunity. The contact point or points for complaints of ASB should be set out in the procedures. Ideally each complainant would have access to a named officer to discuss their case, and any changes in personnel should be communicated to the complainant as soon as possible. It is important that landlords keep a complainant informed, as far as permissible, about the progress of their case.

4.7 The landlord should encourage the involvement of the complainant in the progress of the complaint. The Statement of Procedures could include the following:

- the information and advice that will be provided to the complainant when they make a complaint;
- how clear lines of communication between the landlord and the complainant will be established;
- how the complainant will be kept informed of the progress of the case; and
- the role of the complainant in the determination of an action plan;
- what the complainant can do if they are unhappy with the service they have received. Reference should be made to internal and external complaint procedures;
- escort to Court; and
- support beyond any court proceedings.

Supporting complainants

4.8 Landlords should consider the support needs of complainants, including how best to assess and meet their needs. The methods of, and triggers for, referring complainants to external sources of support, may also be included in the Statement of Procedures with a list of the available support services. The support mechanisms provided by the landlord to the complainant may include:

- risk assessment of home environment, installation of appropriate witness protection measures, alarms, new locks, panic buttons etc;
- access to counselling services;
- allocations and lettings policies that are both sympathetic to complainants and effective, where it is appropriate to do so, providing temporary and/or permanent rehousing;
- witness support;
- access to telephone and/or face-to-face interpreters; and
- regular visits or patrols by housing officers, community support workers or neighbourhood wardens.

4.9 Other departments and agencies will be able to provide varying degrees of additional practical, specialist or emotional support and advice to complainants. This support may be as diverse as target hardening schemes, translation services or 'buddy schemes'.

Options available to landlords

4.10 The Statement of Procedures should include the types of legal and non-legal actions a landlord could take and explain the circumstances in which each might be appropriate. These could include, but are not limited to:

- Mediation
- Acceptable Behaviour Contracts
- Anti-Social Behaviour Orders
- Injunctions and exclusions orders under sections 153A, 153B, 153C or 153D of the 1996 Act
- Injunctions under section 222 of the Local Government Act 1972
- In connection with any of the injunctions above, applications for powers of arrest
- Possession proceedings
- Demoted tenancies
- Any other legal action which could be taken with the support of the police or local authority, for example, Environmental Protection Act (1990) action or criminal prosecution.

4.11 Further information on these actions as well as a collection of best practice in tackling anti-social behaviour can be found at www.together.gov.uk. Practitioners may also wish to contact the Together Actionline (0870 220 2000), which can provide advice across the range of anti-social behaviour issues.

Monitoring ASB and the service

4.12 Landlords are encouraged to monitor ASB and the service they provide to tackle it. This will assist the landlord to:

- evaluate the effectiveness of specific ASB initiatives;
- identify key priorities and issues;
- understand the nature and location of areas where ASB is prevalent; and
- distinguish between different types of behaviour, which could be categorised as ASB.

4.13 The Statement of Procedures should identify what internal and external monitoring of the service is carried out, if any, and the performance indicators that are used to assess the service.

4.14 Landlords may wish to consider the following when developing monitoring mechanisms:

- The current best value indicator for compliance with the Commission for Racial Equality guidance on dealing with racial harassment
- Appropriate local indicators as outlined in the Audit Commission's library of indicators
- Local Indicators developed by the landlord to measure the performance and effectiveness of the service(s) provided by them and other providers
- Local indicators agreed by the landlord to assist in the delivery of other strategies, for example the local Crime and Disorder Strategy.

Data collection

4.15 The ODPM publication *'Tackling Anti-Social Behaviour in Mixed Tenure Areas'* (March 2003) identified a number of areas where effective data collection is used, some of which are of direct relevance to a landlord:

- evaluating the effectiveness or otherwise of particular initiatives;
- identifying key priorities and issues of concern;
- helping understand the nature and location of problems and hot spots; and
- distinguishing between different types of behaviour.

4.16 The landlord's Statement should identify:

- how incidents are categorised;
- what data will be collected;
- how it will be collected; and
- to what uses it will be put.

CHAPTER 5

Content of summary and publication of Statement and Summary

Availability of the Statement and charges

5.1 Landlords must have available for inspection the Statement of Policy and procedures and provide copies (for which a reasonable fee may be charged) at their principal office (see s.218A (5)(a) and (b) of the 1996 Act).

5.2 Landlords must be able to produce the Statement if requested without undue delay, and in a clear and up-to-date form. When requested, a copy should similarly be made available without undue delay. Any fee charged should not be higher than necessary to cover the costs of producing the copy.

Preparation and provision of Summary

5.3 Local housing authorities and HATs must prepare a summary of their current policy and procedure, and provide a copy to any person who requests it. It would be good practice to distribute this widely (for example distribution to tenants groups or coverage in newsletters). No charge may be made for this (see s.218A (6)(a) and (b) of the 1996 Act). It would also be good practice to explain the principles of the policy and procedure with new tenants at the time of their signing up for a new tenancy.

5.4 The purpose of the summary is to provide information to tenants, residents and other interested parties on the landlord's anti-social behaviour policies and procedures in a clear and accessible format.

5.5 The summary should cover the policies and procedures outlined in the Statement. It should be published to the same timetable as the Statement.

5.6 As the summary must reflect current policies and procedures, it will be necessary to review the summary every time the Statement is revised.

5.7 Publication may be in a variety of formats, including to a website, at the landlord's discretion. However, the summary must be available in printed hard copy form and should be available in translation and other alternative formats (Braille, large print, and audiotape).

5.8 It is open to landlords to supplement both the Statement and Summary with a range of information leaflets.

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DECENT & AFFORDABLE HOMES PDG 16 JUNE 2015

HOUSING SERVICE HARASSMENT POLICY

Cabinet Member Cllr Ray Stanley
Responsible Officer Housing Services Manager

Reason for Report: The Housing Service is required to have policy and procedural commitments relating to the prevention and management of racial and other harassment and this policy has been drafted to complement the revised draft Anti-Social Behaviour (ASB) policy and procedures.

RECOMMENDATION(S): That the Cabinet recommends the adoption of the new harassment policy to the Council.

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

Financial Implications: There is a budget set aside within the Housing Revenue Account for managing ASB including harassment. The cost of legal action can sometimes be high but the Council is required to be pro-active about eliminating discrimination and harassment which will invariably mean that we need to take action against perpetrators from time to time.

Legal Implications: The Council has statutory obligations to promote good relations between people belonging to different sections of society and to tackling racial and other harassment.

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.

1.0 Introduction

1.1 As a registered provider of social housing, the Council is regulated by the Homes & Community Agency. The regulatory framework consists of a number of standards and the Council is expected to comply with the provisions of those relating to consumer regulation.

1.2 Regulatory requirements relating to the management of anti-social behaviour (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 own homes.

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 own properties.

- 1.4 In 2004, the Government published a code of guidance for local authorities and housing action trusts relating to policy and procedures and ASB.
- 1.5 In accordance with this guidance, the Housing Service is expected to have policy and procedure for dealing with reported incidents of racial harassment and also policy and procedural 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
- 1.6 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:
- Disability (including people with learning disabilities, people with a mental illness, and people living with HIV and/or AIDS)
 - Gender reassignment
 - Marital status, family circumstances, or caring responsibilities
 - Pregnant women and mothers with young children (under 5's)
 - Race, including nationality, national or ethnic origin, being a traveller or gypsy
 - Religion or belief
 - Sex
 - Sexual orientation
- 1.7 The Council has a duty to promote equality and eradicate discrimination in relation to these nine protected characteristics outlined in the Equality Act 2010.

2.0 **The new policy**

2.1 The new policy contains definitions of the terms hate crime, racist incident and harassment. It also contains examples of harassment. This will provide guidance for Officers and clarity for service users. We have developed this separate draft policy relating to harassment to reinforce our commitment to tackling ASB in all its forms.

2.2 The new policy takes account of the regulatory requirements, Government guidance and relevant legislation including the Equality Act 2010. Approval of this policy, the revised policy setting out our approach to ASB and the new policy relating to domestic abuse is being sought separately. However, it is intended that all three policies and the ASB procedures should be complementary.

3.0 **Consultation**

3.1 The following organisations were given an opportunity to comment on the draft policy and procedures during April and May 2015:

- East & Mid Devon Community Safety Partnership
- The Police
- Torridge, North, Mid and West Devon Citizen's Advice Bureau (CAB)
- Churches Housing Action Team (CHAT), Tiverton
- Age UK (Tiverton branch)
- Devon Mediation Service

3.2 None of these organisations suggested any amendments.

3.3 The Housing Service encourages tenants to get involved in scrutiny, in accordance with the regulatory framework. Our Scrutiny Group recently changed its name from the Scrutiny Improvement Group (commonly known as the SIG) to Tenants Together. This group reviewed the new policy at its meeting on 14 May 2015 and did not suggest any amendments.

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

Circulation of the Report: Councillor Ray Stanley, Cabinet Member for Housing

List of Background Papers: Anti-Social Behaviour, Policy and Procedure: Code of Guidance for local housing authorities and housing action trusts, Office of the Deputy Prime Minister, August 2004

Mid Devon District Council

Harassment Policy

Policy Number: HSG v0.4

June 2015

DRAFT

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 Manager
cfry@middevon.gov.uk
Telephone number 01884 234920

Date: June 2015

Version Number: v0.4

Status: New Policy

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

Next review date: June 2019

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 Team

PDG Decent & Affordable Homes

Document History

This document obtained the following approvals.

Title	Date	Version Approved
Cabinet Member	14/5/15	
Tenants Together	14/5/15	
Management Team		
PDG Decent & Affordable Homes		
Cabinet		
Police	6/5/15	
East & Mid Devon Community Safety Partnership	8/5/15	

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. When preparing and reviewing policies and procedures, the social landlord must take account of guidance issued by the government and by the regulator of social housing, currently the Homes and Communities Agency (HCA).

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

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
- b. Equality Act Codes of Practice and Technical Guidance
- c. Allocations Policy
- d. Devon Home Choice Scheme
- e. 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.
- **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 include:

- **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 of doors/windows.

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** 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 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 they are responsible for housing 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 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 directly using the same telephone number or by email on htenancy@middevon.gov.uk.

6.2 We will also accept complaints made in written correspondence or by 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 the Housing Duty Officer.

6.3 Every attempt will be made to contact a victim of harassment or hate crime within one working day. 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 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. 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 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) will be treated as an emergency repair with a target for completion of one working day.

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. The police will be the lead agency on dealing with criminal offences, including hate crime.

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 available services and we will follow up referrals where data protection allows us to. By directing perpetrators to additional services, we may be able to prevent 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 a disability 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 Neighbour 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.

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 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, 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.

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 Services 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 of violence or risk of harm. We will work closely with the Police 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.

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 Services 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 and every four years thereafter.

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DECENT & AFFORDABLE HOMES PDG 16 JUNE 2015

HOUSING SERVICE DOMESTIC ABUSE POLICY

Cabinet Member Cllr Ray Stanley
Responsible Officer Housing Services Manager

Reason for Report: The Housing Service is required to have policy and procedural commitments relating to domestic abuse and this policy has been drafted to complement the revised draft Anti-Social Behaviour (ASB) policy and procedures.

RECOMMENDATION(S): That the Cabinet recommends the adoption of the new policy relating to domestic abuse to the Council.

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

Financial Implications: There is a budget set aside within the Housing Revenue Account for managing ASB including domestic abuse.

Legal Implications: Government guidance states that landlords should have policies for dealing with complaints of domestic violence.

Risk Assessment: Failure to have robust policy and procedure setting out how the Council will respond to complaints of domestic abuse could lead to victims experiencing distress and to the Council being exposed to reputational risk.

1.0 Introduction

1.1 As a registered provider of social housing, the Council is regulated by the Homes & Community Agency. The regulatory framework consists of a number of standards and the Council is expected to comply with the provisions of those relating to consumer regulation.

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 own homes.

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 own properties.

1.4 In 2004, the Government published a code of guidance for local authorities and housing action trusts relating to policy and procedures and ASB.

1.5 This guidance stated that domestic violence committed by a tenant, family member or visitor in social housing could fall within the description of ASB.

Landlords are expected to reflect in their ASB policy and procedures their policies for dealing with complaints of domestic violence.

- 1.6 In accordance with the guidance, landlords need to be mindful of the need to ensure that the victim is supported in accessing remedies specifically designed to deal with domestic violence, such as non-molestation orders.
- 1.7 The guidance states that the use of measures designed to tackle ASB should normally only be used where the relevant police domestic violence unit has been consulted and there is no other option available in order to provide protection and prevent the impact on the wider community.
- 1.8 The guidance states that landlords may wish to make reference to separate policy documents on domestic violence in their statement of policy relating to ASB. Therefore, the revised ASB policy makes reference to this new domestic abuse policy.

2.0 **The new domestic abuse policy**

- 2.1 The new policy contains a section setting out a number of definitions. It also contains examples of each type of behaviour; for example, physical abuse is defined as slapping, pushing, kicking, punching and stabbing, or other physical assault. This will provide guidance for Officers and clarity for service users. We have developed this separate draft policy relating to domestic abuse to reinforce our commitment to tackling ASB in all its forms.
- 2.2 On the advice of the Police, the name of the new policy was changed from “The Housing Service Domestic Violence Policy” to “The Housing Service Domestic Abuse Policy”. This is to reflect the fact that society’s understanding of this type of ASB has changed and that humiliation, intimidation and other forms of controlling behaviour may have a strongly negative impact upon the victim even though they have not experienced any physical harm.
- 2.3 The policy contains a section entitled: “victim centred approach, advice and support”, which demonstrates the commitment of the housing service to supporting victims.
- 2.4 The new policy takes account of the regulatory requirements, Government guidance and relevant legislation including the Equality Act 2010. Approval of this policy, the policy setting out our approach to ASB and the new policy relating to harassment is being sought separately. However, it is intended that all three policies and the ASB procedures should be complementary.

3.0 **Consultation**

- 3.1 The following organisations were given an opportunity to comment on the new policy and procedures during April and May 2015:
 - East & Mid Devon Community Safety Partnership
 - Torridge, North, Mid and West Devon Citizen’s Advice Bureau (CAB)

- Churches Housing Action Team (CHAT), Tiverton
- Age UK (Tiverton branch)
- Devon Mediation Service

3.2 As stated, the Police suggested the use of the term “domestic abuse” instead of “domestic violence”. Otherwise, there was support for the approach set out in the new policy.

3.3 The Housing Service encourages tenants to get involved in scrutiny, in accordance with the regulatory framework. Our Scrutiny Group recently changed its name from the Scrutiny Improvement Group (commonly known as the SIG) to Tenants Together. This group reviewed the draft policy at its meeting on 14 May 2015 and did not suggest any amendments.

Contact for more Information: Claire Fry, Housing Services Manager, Telephone number: 01884 234920 cfry@middevon.gov.uk

Circulation of the Report: Councillor Ray Stanley

List of Background Papers: Anti-Social Behaviour, Policy and Procedure: Code of Guidance for local housing authorities and housing action trusts, Office of the Deputy Prime Minister, August 2004

Mid Devon District Council

Domestic abuse Policy

Policy Number: HSG v0.5

June 2015

DRAFT

Version Control Sheet

Title: Domestic abuse Policy

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

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

Date: **June 2015**

Version Number: v0.5

Status: New Policy

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

Next review date: **June 2019**

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 Team

PDG Decent & Affordable Homes

Document History

This document obtained the following approvals.

Title	Date	Version Approved
Cabinet Member	14/5/15	
Tenants Together	14/5/15	
Management Team		
PDG Decent & Affordable Homes		
Cabinet		

1. Introduction

The Anti-Social Behaviour Act (ASB) 2003 placed a duty on all social landlords to prepare and publish policies and procedures relating to ASB and domestic abuse and to ensure that they are available for inspection to any person who asks for sight of them. When preparing and reviewing policies and procedures, the social landlord must take account of guidance issued by the government and by the regulator of social housing, currently the Homes and Communities Agency (HCA).

The Council, as a registered provider of social housing, is expected to have policies for dealing with domestic abuse.

2. Scope

This policy aims to promote an appropriate and efficient response to people who are experiencing domestic abuse. It also aims to support staff to recognise the early warning signs and take the most appropriate action to support the victim. It gives information on how the Housing Service will respond effectively to domestic abuse and the legal action that may be taken. This policy should be read in conjunction with the related documents stated in the Housing Services ASB policy and those highlighted below.

3. Related Documents

- a. Office of the Deputy Prime Minister: Anti-social Behaviour: Policy and Procedure, Code of Guidance
- b. Lone Working Procedures

4. Definitions

The following definitions apply to this policy:

- **Domestic abuse** is defined as any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass, but is not limited to, the following types of abuse:
- **Physical** - slapping, pushing, kicking, punching, stabbing, or other physical assault
- **Sexual** - rape and non-consensual sex acts
- **Financial** - denial of rights or restriction of personal freedom for example, withholding money or medical help.
- **Emotional or psychological** - intimidation, isolation, verbal abuse, humiliation, degradation, not allowing friends or relatives to visit or phone.
- **Controlling behaviour** is a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

- **Coercive behaviour** is an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim. This is not a legal definition but will include “honour” based violence and forced marriage.

5. Investigations

- 5.1** When a complaint is received we will assess the type of ASB being complained about in order to decide what sort of response needed. Domestic abuse incidents will be given high priority. We will also assess the risk to the person making the complaint. We aim to respond to domestic abuse incidents within one working day. This will apply where there is a serious risk to the complainant, for example threats or use of violence.
- 5.2** Anonymous complaints: generally, these will be recorded for information only. This is because it is unlikely that we would be able to gather 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 to take appropriate action.
- 5.3** We use our electronic housing management system as an incident management tool and this enables us to be consistent. We will take all reports of ASB seriously and investigate impartially.
- 5.4** When gathering evidence, we will work with Environmental Health 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 may 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 customerservices@middevon.gov.uk. Alternatively, tenants and others can contact the appropriate Neighbourhood team directly using the same telephone number or by email at htenancy@middevon.gov.uk. Reports in person will be seen by the Neighbourhood Officer responsible for that patch or the Housing Duty Officer.
- 6.2** We will also accept complaints made in written correspondence or by personal visits to our offices, or made through a third party such as a local Councillor.
- 6.3** We will attempt to make contact with the complainant/victim within one working day in all high priority cases. We understand how important it is to keep complainants/victims informed about progress in resolving issues 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.

7. Contact with Complainants

7.1 We will develop an action plan with the complainant as we speak to them setting out how we will investigate the issues reported and how we will support them. If there is evidence to support the need for further action, we will amend the action plan in agreement with the complainant setting out how we will proceed. We will also agree a level of support and contact as the case progresses. This is to ensure that complainants know what action and support they can expect from us and what will be required from them; this will include, for example, keeping in touch with us.

8. Victim centred approach, advice and support

8.1 We acknowledge that a person deciding to report any incidents may experience shame, guilt or embarrassment. We will take a non-judgemental and supportive approach.

8.2 When a victim reports an incident of domestic abuse this will be sufficient for them to 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. The victim may not wish for any contact with the perpetrator and this will be respected.

8.3 We can provide advice to assist with accessing temporary accommodation especially if there is a threat to the victim's safety or to that of their children, if they remain at home. Emergency repairs needed to the home will be given priority. We may provide additional security measures such as door spyholes and windows locks, if the perpetrator has left the home.

8.4 Advice and support will be given to the victim, but evidence is required before any legal action can be taken. It is our responsibility to proactively support the victim and to collect the evidence from other agencies as necessary with the victim's consent.

8.5 Victims will be provided with an extensive list of specialist advice and referral agencies including the Police, Victim Support, Solicitors, Benefit Advisors, Citizens Advice Bureau, National Domestic Violence Helpline and other related agencies. The victim will be encouraged to seek legal aid if they can provide evidence that they or their children have been victims of domestic abuse or/and they are unable to afford to pay legal costs. We will liaise with Social Services where dependants are at risk.

8.6 We will discuss with the victim the possible effects that domestic abuse may have on their dependants.

8.7 Incidents will be investigated and a course of action established with the victim, whilst maintaining the safety of staff and victims. We will liaise closely with any referral or advice agencies and also provide support to the victim, as appropriate.

8.8 Victims will be signposted to agencies which can help them to explore any legal remedies available to them. This may include taking action to exclude the perpetrator from the home, where he or she is resident in the home, or from the

area, if he or she is not resident in the home. The victim's wishes and safety considerations will inform the advice given.

- 8.9** We will support victims of domestic abuse when they give evidence in court if necessary. It is a criminal offence if a person knowingly performs an act intended to intimidate another person who is or may be a witness in civil or criminal proceedings.
- 8.9** Every effort will be made to ensure that those subject to domestic abuse are dealt with in a sensitive and sympathetic manner. Key considerations include:
- The option to be interviewed by someone of the same sex
 - To be interviewed in the location of their choice (subject to satisfying any concerns about staff safety)
 - Not to be interviewed in the presence of their children
 - Encouraging them to have a friend or advocate present at the interview.

9. Multi agency approach

- 9.1** We are committed to ensuring that everyone has a home which is free from abuse, but we recognise that some people may be subject to this type of behaviour within the home. We will positively assist and support victims but as a landlord, our assistance can only cover the housing aspect. We will take the strongest possible action against perpetrators of domestic abuse where we have the power to do so. All other issues will be dealt with by other specialist agencies including the Police and Social Services.
- 9.2** We encourage victims of domestic abuse to report this to us and are committed to working in partnership with other agencies, as appropriate, to resolving the issues. The Housing Service has a separate ASB policy and procedure, and this policy complements those documents. We operate a sanctuary scheme and this enables us to provide additional security to the victim's home to ensure that they can remain there, if they wish.
- 9.3** Managing reports of domestic abuse requires a multi-agency approach. We will ensure that victims are placed in contact with appropriate agencies for specialist advice and support with their consent.

10. Confidentiality and Data Protection

- 10.1** Maintaining strict confidentiality is central to our handling of reports of domestic abuse. We understand that residents must feel assured that the perpetrator will not become aware of their whereabouts if they decide to leave the relationship or that they have been obtaining advice and support if they are still living with the perpetrator. We will not give out information about anyone to a third party without their written consent, and we will not contact the victim to follow up contact made with us, unless they give us permission to do so.
- 10.2** 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.

10.3 In the case of joint tenancies, the perpetrator may have the right to access the contents of the tenancy file. Staff will ensure that it is not possible for confidential information from the victim to be seen by the perpetrator.

10.4 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, which allows personal data to be exchanged in order to prevent or to detect crime.

11. Legal action

11.1 Possession action may be taken against a tenant who has been proven to have perpetrated domestic abuse. The Housing Act 1996 contains specific remedies for domestic violence and this is supported by the Housing Services tenancy agreements.

11.2 All appropriate action will be taken against perpetrators of domestic abuse. This may involve:

- Applying for a possession order to evict a tenant who has perpetrated or threatened violence against a person living with them. This applies where the household is occupied by a couple related to each other by marriage or civil partnership or a couple who are living together as a married couple
- Advising the victim to seek legal advice
- Involving the Police if the victim gives their consent.
- Working with the Local Authority to ensure that perpetrators are not re-housed following eviction.

11.3 It is our policy, where the victim is the tenant's partner and a member of the household, but not a tenant themselves, where evidence supports the severity of the violence, to commence possession proceedings against the tenant and where possible to assist the victim to enable them to resolve their housing needs.

11.4 The Family Law Act 1996 allows for additional legal remedies which includes the issue of orders and injunctions. There are two types of orders/injunctions under the Act which include:

- **Non molestation orders** – orders the perpetrator not to assault, molest or harass another person or any “relevant children”
Note: Molestation can take the form of physical violence and can include harassment, such as sending threatening letters. Orders can be made for any specified period but in family cases the order will finish if the case is withdrawn or dismissed.
- **Occupation orders** are temporary court orders relating to the occupation of the home and determine who should live in the home until a final decision is made.

11.5 A court can grant orders “ex parte”. This means that the perpetrator does not have to be told of the court hearing in advance where the victim or child is at significant risk. The court will usually set a hearing date for a full hearing.

11.6 The ASB, Crime and Policing Act 2014 provides additional tools and powers to exclude a person from a home in cases of violence or risk of harm. We will work with the Police to provide them with any evidence that will support them to obtain a Domestic Violence Protection Notice or Order. An Order will allow the removal of the perpetrator from the property for up to 28 days allowing the victim time to make alternative housing arrangements where necessary.

11.7 We will work closely with the Police 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 the Absolute ground for possession.

12. Repairs and security

12.1 We will carry out repairs and implement any recommendations made through the sanctuary scheme, which are required as a result of violent incidents. Where practicable, these works will be carried out as emergency works (within 24 hours). Where this is not practicable, they will be carried out as soon as possible and this will be communicated clearly to the individual or to their support agency (if appropriate).

13. Temporary accommodation/re-housing

13.1 It may be necessary in cases of domestic abuse to re-house the person fleeing violence and then take action against the perpetrator to regain possession of the home.

13.2 If the victim wants to leave their home due to domestic abuse, the Council's Housing Options team will consider them as being homeless. We will work with the Housing Options Team to organise emergency accommodation if they do not want to return to the property due to fear for their own safety. It is our policy to support victims even if they are not our tenants and for them not to lose their homes. We will assist such victims to remain in their own homes, wherever possible.

14. Staff awareness

14.1 It is recognised that the Housing Service may be a victim's first point of contact regarding domestic abuse. With this in mind, we will work to ensure that Officers have the skills and knowledge to effectively manage reports of domestic abuse and to recognise signs suggesting that a victim may be suffering from it.

15. Health and safety

15.1 Officers will follow the Housing Services Lone Working Procedures at all times when managing reports of domestic abuse. They will also consider the health and safety of all parties involved in any one case and the wider community.

16. Appeals & Complaints

16.1 If anyone wishes to appeal a decision made as part of the ongoing management of a domestic abuse 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.

- 16.2** Any complaints relating to the general management of a domestic abuse 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 Complaints and Feedback Policy.

17. References

This policy takes into account legislation listed in the Housing Services ASB policy.

18. Equality and Diversity

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

19. Review

- 19.1** 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 and every four years thereafter.

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DECENT & AFFORDABLE HOMES PDG 16 JUNE 2015

HOUSING SERVICES HOARDING POLICY

Cabinet Member Cllr Ray Stanley
Responsible Officer Housing Services Manager

Reason for Report: To explain the need for a new policy for the Housing Service relating to hoarding and to seek the adoption of this.

RECOMMENDATION(S): That Cabinet recommends the adoption of the Housing Services Hoarding Policy.

Relationship to Corporate Plan: The Council must run the Housing Service efficiently and effectively in accordance with the provisions of the regulatory framework. The Corporate Plan includes a pledge entitled “Better Homes” where the long term vision is to ensure that the housing needs of our residents are met through the provision of good quality housing.

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

Legal Implications: The Council’s tenancy agreement contains clauses relating to “condition of your home” which state that tenants should keep the inside and outside of their property in a clean and reasonable condition. The agreement also states that the tenant, their household or visitors must ensure that they do not cause nuisance or annoyance to neighbours, or cause any damage to the property.

Risk 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.

1.0 Introduction

1.1 The Council is committed to improving the Housing Service. The implementation of a new Hoarding Policy will provide guidance for Officers to follow when responding to issues that arise when properties are cluttered or 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 belongings to the point where these items are “clogging up” their living space. It is good practice to put in place preventative measures 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 sets out the Housing Service approach to identifying and dealing with issues of hoarding and clutter in Council properties.
- 1.4 Tenants Together (formerly Scrutiny Improvement Group) approved the draft Hoarding Policy at their meeting on 9 April 2015.
- 1.5 Members are asked to consider the content and agree the adoption of the new policy.

2.0 Overview of policy

- 2.1 The policy emphasises the need for operational staff to identify and report any concerns about the condition of properties where it has been identified they are cluttered or are being used to hoard large amounts of possessions or animals. The Neighbourhood Officer can then take relevant action to address any issues.
- 2.2 It is recognised that hoarding/clutter can become a significant health and safety risk both to the tenant, their households and any visitors to their property or neighbouring properties which cannot be ignored.
- 2.3 Hoarding/clutter can generate complaints of anti-social behaviour. These may include complaints about untidy gardens, unwelcoming odours from the property and infestation by vermin. These will be dealt with in line with the Housing Services Anti-social behaviour policy.
- 2.4 The policy acknowledges that by the time that any issues of hoarding are brought to the landlord's attention, it is likely that they will be severe, resulting in breaches of the tenancy agreement. It sets out our commitment to having Officers work with the tenant to address any health and safety concerns or breaches of the tenancy agreement.
- 2.5 Reference is made to the tenancy agreement, highlighting that tenants are responsible for the behaviour of their household and are required to comply with the terms and conditions.
- 2.6 The policy refers to the Housing Services Recharge Policy which states that any costs incurred due to neglect or wilful damage will be recharged to the tenant.
- 2.7 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.
- 2.8 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 address any issues raised and ultimately to improve the quality of the life for the tenant and their household.

2.9 In extreme cases, it may be necessary for the Housing Service to start tenancy enforcement action. Officers will use a variety of those tools and powers available to them to address any tenancy breaches, to fulfil any legal obligations or 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.

Contact for more Information: Claire Fry, Housing Services Manager (01884 234920 cfry@middevon.gov.uk)

Circulation of the Report: Councillor Ray Stanley, Management Team

List of Background Papers: A copy of such papers to be made available for public inspection and included on Website

Mid Devon District Council

Hoarding Policy

Policy Number: HSG v0.4

June 2015

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

Date: June 2015

Version Number: v0.4

Status: New Policy

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

Next review date: June 2019

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

Cabinet Member
Staff
Tenants Together
Management Team
PDG Decent & Affordable Homes

Document History

This document obtained the following approvals.

Title	Date	Version Approved
Cabinet Member		
Tenants Together	9/4/15	
Management Team		
PDG Decent & Affordable Homes		
Cabinet		

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 seen as someone who lets possessions to pile up in their property. However, preventive measures must be put in place to reduce health and safety risks to the tenant and others as well as to reduce neglect and wilful damage to the property. Where necessary, the Housing Service will take enforcement action in connection with any breaches of the tenancy agreement.

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

3. Related Documents

- a. Anti-social Behaviour Policy
- b. Decant Policy
- c. Recharge Policy
- d. Tenancy Agreement

4. Tenancy Management

- 4.1** The Housing Service has operational staff 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 health and safety risk and 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.

- 4.3** Issues with hoarding/clutter can generate complaints of anti-social behaviour and these will be dealt in line with the Housing Services, Anti-social Behaviour Policy and Procedures. Complaints may include those relating to untidy gardens, unwelcoming odours from the property or infestation of vermin.
- 4.4** Housing staff are aware that there will be times where a property may be cluttered And messy 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.
- 4.5** The Housing Service is likely to become aware of hoarding/clutter issues:-
- During routine planned maintenance works due to 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.
- 4.6** It is common that once any issues of hoarding have come to the landlord's attention, the situation is likely to be severe resulting in breaches of the tenancy agreement. Neighbourhood Officers will raise awareness of any breaches with the tenant and will take appropriate action.
- 4.7** 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 health and safety concerns. We understand that it may be a slow process in reducing rubbish and clutter from the property.
- 4.8** 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 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 landlord we have a 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 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 such as social services, community mental health teams, the Fire Service, Environmental Service and family members.

9. Tenancy enforcement

9.1 There is 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.

9.2 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.

9.3 The tenant will also be recharged for any damage to the property caused by neglect or 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 any changes to such legislation beforehand, the next review of this Policy is due June 2019 and every four years thereafter.

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DECENT & AFFORDABLE HOMES PDG
16 JUNE 2015

HOUSING SERVICES PETS AND ANIMALS POLICY

Cabinet Member Cllr Ray Stanley
Responsible Officer Housing Services Manager

Reason for Report: The existing pets and animals policy was approved in October 2011 and is now due for review.

RECOMMENDATION(S): That the Cabinet approves the revised Housing Services pets and animals policy to the Cabinet.

Relationship to Corporate Plan: The Council must run the Housing Service efficiently and effectively in accordance with the provisions of the regulatory framework. The Corporate Plan includes a pledge entitled "Better Homes" where the long term vision is to ensure that the housing needs of our residents are met through the provision of good quality housing.

Financial Implications: Housing management staff have to manage nuisance cases involving animals and this can include cases where pets have caused damage to property. Void and rechargeable repairs costs can be inflated if there is such damage or where tenants have made alterations to their property for the benefit of their pet or animal, for example inserted cat flaps or similar into a security door.

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.

Risk 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.

1.0 Introduction

- 1.1 The Council is committed to improving the Housing Service. The review of this policy will allow any changes in legislation or good practice to be updated accordingly. It will provide a framework for staff which sets out how they will respond to and manage queries, permissions and complaints relating to pets and animals from tenants and their neighbours.
- 1.2 The pets and animals policy was adopted at the meeting of the Decent and Affordable Homes Policy Development Group on 4 October 2011. The policy is due to be reviewed by September 2015.
- 1.3 Tenants Together (formerly Scrutiny Improvement Group) approved the pets and animals policy at their meeting on 12 March 2015.

1.4 Members are asked to consider the amendments and agree the adoption of the reviewed policy.

2.0 Proposed Changes

2.1 The reviewed policy has been updated to reflect changes in good practice and future legislation changes in pet and animal ownership.

2.2 The policy gives greater clarity on responsible pet and animal ownership taking into account good practice identified by the RSPCA.

2.3 To encourage greater awareness of their responsibilities, the policy states that tenants will be given a copy of the pets and animals policy when permission has been granted.

2.4 The policy has been changed to give greater clarity on permissions and reasons for refusal have been extended to include breeding and running a pet related business from home.

2.5 Restrictions on the number and type of dogs a tenant may seek permission for has been reflected in the policy. This will reduce the risk of potential tragic incidents happening, for example, the national press reported that a young 14 year girl was found dead at a house she was visiting. She was attacked by a number of dogs who were out of control and aggressive. Evidence suggested that her injuries were consistent with having been attacked by dogs.

2.6 The policy raises awareness of other policies that tenants have to adhere to such as the Recharge policy and the Improvements to Council Properties policy, where they have been granted permission to keep a pet or pets.

2.7 The following additions have been made to the policy:-

- Burial grounds and visiting pet graves at former properties
- Support dogs
- House cats and dogs, for examples pets that do not go outdoors

2.7 Finally the policy format has been changed to take into account changes to the corporate policy template and numbering added for ease of reference.

Contact for more Information: Claire Fry, Housing Services Manager (01884 234920 cfry@middevon.gov.uk)

Circulation of the Report: Councillor Ray Stanley, Management Team

List of Background Papers: A copy of such papers to be made available for public inspection and included on Website

Mid Devon District Council

Pets and Animals Policy

Policy Number: HSG v4.5

June 2015

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 Manager
cfry@middevon.gov.uk
Telephone number 01884 234920

Date: **June 2015**

Version Number: v4.5

Status: Review of Policy

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

Next review date: **June 2019**

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

Cabinet Member

Staff

Tenants Together (formerly Scrutiny Improvement Group)

Management Team

PDG Decent & Affordable Homes

Document History

This document obtained the following approvals.

Title	Date	Version Approved
Cabinet Member		
Tenants Together	12/3/15	
Management Team		
PDG Decent & Affordable Homes		
Cabinet		

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 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 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 a domestic animal which depends on a human for food, water and shelter.
- House cat or dog is defined as a pet that does not go outdoors.

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.

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, 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 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 copy of the Pets and Animal Policy for guidance.
- 6.6** 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.

- 6.7** 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.
- 6.8** 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.
- 6.9** 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.
- 6.10** 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.

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 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 place under Section 3 Dangerous Dogs Act 1991.
- 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.
- 8.5** 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.
- 8.6** 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.
- 8.7** Although the Housing Service understands there are many benefits that pet ownership can bring, permission for house cats or dogs will be refused.
- 8.8** 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 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.

8.9 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 line with the Housing Services Anti-Social Behaviour Policy.

10.2 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.

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 1997
- 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.

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DECENT & AFFORDABLE HOMES PDG
16 JUNE 2015

COMPENSATION POLICY

Cabinet Member: Cllr Ray Stanley
Responsible Officer: Nick Sanderson, Head of Housing and Property

Reason for Report: To advise members of the new Compensation Policy.

RECOMMENDATION(S): That the Cabinet recommends the Council to adopt the new Compensation Policy.

Relationship to Corporate Plan: This policy will ensure that we compensate our tenants in a fair and consistent way when we have done something wrong.

Financial Implications: The financial implications will be contained within the Housing Revenue Account.

Legal Implications: It will be necessary to ensure that the Compensation Policy addresses all the legal liabilities the Council has as a Landlord for the housing estate.

Risk Assessment: The management of 3061 homes for some of our most vulnerable tenants contains many risks. These risks are managed at a service level through various risk assessments.

1.0 Introduction

1.1 There could be occasions when service standards are not being met and as such it may be necessary to compensate a tenant for loss or inconvenience. In these cases we recognise that the tenant may have a statutory right to compensation.

1.2 It is essential that we have a policy to ensure that all claims for compensation are dealt with in a fair and consistent manner, within published timescales and parameters. It is felt that the attached policy fulfils these requirements and as such will assist both staff and tenants alike when compensation claims are being made.

1.3 Statutory claims for compensation include failure by the authority to meet the requirements under the 'Right to Repair' legislation, and also Tenant Improvements.

2.0 Tenant Consultation

2.1 The 'Tenants Together' scrutiny group have been consulted on this policy and their comments taken into consideration.

3.0 **Implementation of the Compensation Policy**

3.1 This policy formalises the process already in use and make it clearer for both staff and tenants alike when a claim for compensation is being made.

3.2 There are no additional resource implications as a direct result of this policy.

4.0 **Financial Context**

4.1 Within the annual budget there are sufficient monies to fund the current level of compensation claims received each year.

4.2 It is envisaged that this policy whilst making it clearer for all parties will ensure that compensation is paid out only when necessary

Contact for more Information: Mark Baglow, Building Services Manager. Tel 01884 233011 or Nick Sanderson, Head of Housing and Property. Tel 01884 234960

Circulation of the Report: Management Team, Councillor Ray Stanley, Cabinet Member for Housing

Mid Devon District Council

Building Services

Tenant Compensation Policy – DRAFT

May 2015 v1.0

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Policy Statement

This policy has been drafted to ensure that Mid Devon District Council (MDDC) has effective procedures in place to manage tenant compensation, quickly and efficiently.

As a registered provider of social housing, we aim to provide our tenants with a high quality service at all times.

All complaints relating to service failure are investigated according to the procedures set out in our “Have Your Say” leaflet.

There may be cases when service standards have not been met and where an apology is insufficient to compensate a tenant’s inconvenience or loss. In these cases, we recognise that the tenant may have a statutory right to compensation.

The council will publicise the Compensation Policy by including information for new tenants at sign-up, through advertising on our website and in our newsletters, and within the Tenants handbook.

We will review this policy on a bi-annual basis to ensure that its contents reflect current legislation and the latest examples of best practice in the field.

Policy Standards

Statutory compensation

This policy includes the statutory rights of our tenants to receive compensation, which includes:

- The Right to a Repair
- Compensation for tenants’ improvements

Discretionary Compensation

Any discretionary award for activities or lack of performance not included within the Tenant Statutory Right will be determined by the Head of Housing and Property Services.

Statutory Compensation

Legislation exists to financially compensate tenants in a number of situations.

Home Loss

The circumstances under which payments relating to Home Loss will be paid are set out in our Decant Policy.

Disturbance Payments

The circumstances under which disturbance payments will be paid are set out in our Decant Policy.

The Right to Repair

Tenants may be entitled to compensation for a listed range of certain repairs or maintenance problems affecting health, safety or security if MDDC's Housing Service twice fails to complete the repair within the prescribed timescales.

In order to qualify under this scheme, the estimated cost of the repair should be £250.00 or less, and should be included in those listed in the Council's Right to Repair Policy.

Compensation under the Right to Repair will not be payable when:

- The repair has been inspected and attended to within set service standards, and the tenant has been advised that the relevant parts are on order
- The repair is classed as rechargeable to the tenant
- There was no access at the time of the pre-booked appointment to do the work

There is a flat rate award of £10 plus £2 per day, for each day the repair remains outstanding after the second report has been raised, to a maximum of £50.

Compensation for Tenants' own Improvements

Tenants have a contractual right to claim compensation at the end of their tenancy for 'qualifying improvements' they have carried out to their home.

Qualifying improvements that may be eligible for compensation are:

- Bath
- Wash hand basin
- Toilet
- Kitchen sink
- Storage cupboards
- Kitchen work surfaces
- Central heating or water heating

- Thermostatic radiator valves
- Insulation of pipes, water tank or cylinder
- Double glazing, secondary glazing or other window replacement

The following guidelines will apply when determining whether compensation is payable:

- Introductory tenants will not qualify for compensation
- Tenants must have submitted three estimates from bona fide contractors and have received written permission from the Council prior to starting work
- The work must have been undertaken to an acceptable standard by a competent and qualified contractor
- All relevant statutory approvals, building regulations, planning permission etc. have been gained and documentary evidence as such is available
- When a claim for compensation for Tenants' Improvements has been received, the council will arrange an inspection by a surveyor and make an assessment based on the cost of the improvement, its estimated total life and the value of the residual life of the improvement to assess the payment that should be made
- Compensation will not be paid where a mutual exchange has taken place
- Compensation will only be paid at the end of the tenancy, and will be set against any sums that are owed to the council
- Compensation will not be payable where the tenancy is ended through a possession order obtained through the County Court
- Compensation will not be payable if a tenant has exercised their right to Buy or) or where the tenancy passes from joint to sole names (or vice versa)
- The maximum payable is £3,000 and the minimum is £50 in line with legislation

Circumstances where Claims for Compensation will not be met

The loss or damage is a result of routine failure of a building's component, fixture or fittings where MDDC Housing has not been negligent.

Where non-availability of parts or materials prevents MDDC's Housing Service completing repairs within the published repair timescales, and the tenant has been kept fully informed.

Where service failure is the result of extreme or unforeseen conditions (such as weather conditions) where the council has taken all reasonable steps to restore services or facilities under the prevailing conditions.

Where service failure is due to interruptions in gas, electricity or water supplies as a result of the non-performance of utility companies, or through the action of the tenant.

Where the loss or damage is the tenants' own fault, including the failure to report repairs in a timely manner or to keep appointments..

Where the loss or damage arises from an alteration or repair which the tenant has arranged privately or carried out them self.

Where the loss or damage is due to acts of negligence by a third party, for example, a visitor or contractor who is not acting on behalf of the council.

Where MDDC has acted reasonably and complied with its legal and contractual liabilities.

From loss or damage to personal possessions stored in a council garage, outhouse, or shed.

General

External Contractors

MDDC will ensure that all contractors carry Public Liability Insurance and they have a clear and appropriate Compensation and Complaints Policy

Where a claim is made in respect of personal injury, damage to possessions or other financial loss alleged to have been caused by a council contractor's negligence, the council will not accept liability for the claim, but will refer the claim to the contractor themselves

Home Contents Insurance

Tenants are encouraged to have home contents insurance to cover their personal belongings and cost of interior redecoration in the event of damage

MDDC Housing officers will promote and encourage the tenant to take up contents insurance during their contact with tenants, especially at sign stage

Independent Housing Ombudsman

This Compensation Policy does not apply where a tenant has made a claim for compensation via the Independent Housing Ombudsman. In such cases MDDC, where appropriate, will pay compensation as directed by the Ombudsman

Legal Proceedings

With the exception of statutory compensation, the policy does not apply where a tenant has commenced legal proceedings.

All offers of discretionary compensation are made on a 'Without Prejudice' basis.

Payment of Compensation

Compensation payments will be made within 30 days of the offer being accepted by the claimant

Rent Arrears and Other Debts

In cases where discretionary compensation is due to a tenant but their rent account is in arrears, the compensation will be offset against any rent or other housing related debt on the tenants rent account EXCEPT in cases where compensation is being offered to reimburse a direct financial loss or expense incurred by the tenant (for example replacement of a damaged personal household article)

Appeals

Appeals by tenants against a decision related to the payment of compensation can be made using the complaints procedures

Policy Monitoring and Review

The Compensation Policy will be reviewed every two years and reported to MDDC's Decent and Affordable Home Policy Development Group Committee for approval

Equality & Diversity

MDDC will ensure that this policy is applied fairly to all tenants. The council will not directly or indirectly discriminate against any person or group of people because of their race, religion, gender, marital status, sexual orientation, disability or other grounds set out in our Equality and Diversity Policy

This policy and any other related publications of MDDC Housing Service can be provided on request in other formats (e.g. in an alternative language, in Braille, on tape, in large print).

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DECENT & AFFORDABLE HOMES PDG 16 JUNE 2015

THE TENANT INVOLVEMENT POLICY

Cabinet Member Cllr Ray Stanley
Responsible Officer Housing Services Manager

Reason for Report: The existing tenant involvement policy was approved in January 2012 and is now due for review.

RECOMMENDATION(S): That the Cabinet approves the revised Housing Services tenant involvement policy.

Relationship to Corporate Plan: The Council must run the Housing Service efficiently and effectively and in accordance with the provisions of the regulatory framework. The Corporate Plan includes a pledge entitled: "Better Homes" where the long term vision is to ensure that the housing needs of our residents are met through the provision of good quality housing. It also contains a pledge relating to the empowerment of our communities.

Financial Implications: The Housing Service has set aside a budget for tenant involvement activities.

Legal Implications: The Tenant Involvement and Empowerment Standard within the Regulatory Framework for Social Housing sets out a number of required outcomes and specific expectations which the Housing Service, as a Registered Provider (RP) of social housing is expected to meet.

Risk Assessment: The regulator holds Boards and Councillors responsible for ensuring that registered providers meet the consumer standards, including the Tenant Involvement and Empowerment Standard. Failure to deliver the outcomes and expectations required could lead to reputational risk and some tenant dissatisfaction.

1.0 Introduction

1.1 The Homes and Communities Agency (HCA) is responsible for the regulation of social housing. The regulatory framework is underpinned by the principle of co-regulation which means that, in the case of a local authority such as the Council, with retained stock, Councillors are responsible for ensuring the standards are met and that others such as tenants, MPs and other elected representatives have a role in scrutinising that this is delivered.

1.2 The regulatory framework consists of a number of standards and these are divided into those relating to economic issues and those relating to consumer issues. The Council is only required to comply with the consumer standards; the economic standards apply to housing association and other RPs.

1.3 The Tenant Involvement & Empowerment Standard specifies that tenants must be given a wide range of opportunities to influence service delivery and to be involved in scrutinising all the work undertaken by the Housing Service.

2.0 **The Revised Policy**

2.1 The revised policy refers to the regulatory framework and also to the Council's statutory obligations which arise because it has retained stock.

2.2 It acknowledges that not all of our tenants will want to get involved and respects their right not to do so. This is particularly important because last year, all tenants were consulted on their views in relation to tenant involvement. The results demonstrated a high level of apathy. Over 3000 households were sent a questionnaire survey but only 122 responses were received either by post or online. 29 tenants were invited to attend a focus group to give us their views, but, unfortunately, this was not very well attended, with only 3 attending. Of the tenants who responded to the survey:

- Almost 50% said that they would find it easier to get involved with more online opportunities
- 54% said that they did not want to attend meetings
- 66% said that they were unable to attend a meeting very easily
- 48% said that they did not feel comfortable meeting new people

2.3 Whilst the revised policy contains a commitment to working in partnership with tenants to deliver service improvements, it states that the Housing Service will gather feedback by various methods and use a variety of different methods to communicate with tenants.

2.4 It describes how we will offer tenants opportunities to participate and to scrutinise all aspects of service delivery.

2.5 The revised policy was discussed at the last meeting of the PDG on 17 March 2015 but it was agreed that a decision should be deferred to this meeting of the PDG due to the fact that the draft policy was not sent out to Members at the appropriate time, due to an oversight.

3.0 **Equality & Diversity**

3.1 The revised policy contains a statement which sets out the statutory obligations of the Council as a Registered Provider of social housing.

3.2 In particular, it states that we will not tolerate any discriminatory remarks or actions and that we will challenge anyone who behaves in that manner. This is important so that tenants from every section of society feel comfortable because they are aware that meetings are inclusive and that they can attend meetings or other events in the knowledge that any offensive behaviour will be dealt with firmly.

3.3 In practice, in order to ensure that any tenant who wants to get involved can do so, the service is tailored to the needs of those who are involved. For example, meetings of the Scrutiny and Improvement Group (the SIG), now

known as the Tenants Together Group, are held at Phoenix House, an accessible venue. Tenant representatives are reimbursed for any costs associated with work undertaken on behalf of the Council and this will include travel costs, childcare and the cost of telephone calls.

3.4 Training is offered to those tenants who express an interest and a variety of different options are on offer, including online and residential training, which means that it is accessible to most people who wish to participate.

4.0 **Tenant Involvement**

4.1 The SIG reviewed this revised policy at their meeting on 12 February 2015 and did not seek any changes to the wording.

4.2 The PDG is asked to recommend that the Cabinet approves the revised Tenant Involvement policy.

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

Circulation of the Report: Councillor Ray Stanley, Management Team

List of Background Papers: The Tenant Involvement & Empowerment Standard (part of the Regulatory Framework for Social Housing)

Mid Devon District Council

Tenant Involvement

Policy Number: HSG v3

February 2015

DRAFT

Version Control Sheet

Title: Tenant Involvement Policy

Purpose: To inform residents of our approach to tenant involvement

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

Date: February 2015

Version Number: v3

Status: Review of Policy

Review Frequency: 3 yearly

Next review date: **February 2018**

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

Cabinet Member
Scrutiny and Improvement Group
Management Team
Decent and Affordable Homes PDG

Document History

This document obtained the following approvals.

Title	Date	Version Approved
Head of Service		
Management Team		
Cabinet Member		
Decent and Affordable Homes PDG		
Cabinet		

1. INTRODUCTION

All registered providers must meet the Homes and Communities Agency's (HCA) consumer standards. One of these standards is the Tenant Involvement and Empowerment standard, as set out in the regulatory framework for social housing in England from April 2012. The regulatory framework for social housing required outcomes for this standard relate to:

- Customer service
- Choice and complaints, Involvement and empowerment
- Understanding and responding to the diverse needs of tenants

2. SCOPE

This policy applies to how we will develop greater involvement of tenants in the decision-making processes of the Housing Service leading to service improvement and improved tenant satisfaction.

3. RELATED DOCUMENTS

- Tenancy Agreement
- Section 105 of the 1985 Housing Act
- The regulatory framework for social housing in England

4. The POLICY

This policy demonstrates our commitment to tenant involvement and to providing better homes and communities. The aim of this policy is to develop our structure to ensure we have effective involvement with tenants, and include leaseholders, in developing and improving services to meet their needs, ensuring that tenants have a chance to scrutinise the work of the housing service, and to strengthen our communities.

- This policy has been developed to ensure that the regulatory framework, set out in the National Standards informs the work of the Housing Service. We will demonstrate this by:
- Working in partnership with tenants in all aspects of housing management, by offering a menu of involvement shaped around the diverse needs of our tenants and offering opportunities to review the work of the Housing Service and to make recommendations to elected members
- Creating and developing a culture of mutual trust, respect and partnership between all parties at all levels

Making the best use of the resources available being mindful of the need to spend funds available wisely

We will involve tenants in housing management by a wide range of methods including:

- Making information easy to access, written in Plain English and, where possible, jargon free

- Acknowledging that many tenants do not wish to get involved and respecting their right not to do so. We will provide formal involvement methods, whilst promoting maximum inclusion through other less formal methods
- Finding the most appropriate way to consult individually and collectively and being clear about the choices on offer

5. INFORMATION

Tenants will be provided with information in a variety of ways, regarding the following:

- Issues affecting their homes and tenancies
- Housing management policies and practice
- Any proposals for change
- Rent increases

6. CONSULTATION

The Council is obliged to consult secure tenants on certain aspects of housing management. Section 105 of the Housing Act 1985 requires public sector landlords to have arrangements to inform and consult secure tenants who are likely to be affected by some proposed changes in matters of housing management. We also have a commitment to keeping tenants informed about other matters and to offering choices and opportunities to make recommendations to elected members. We will therefore provide information about:

- Major improvement or repair programmes
- Changes to policy and strategies
- Performance targets and priorities
- Activities for tenant involvement
- The timetable for newsletters
- The Annual Report

7. PARTICIPATION

Tenants will have ample opportunity to participate and play an integral part in:

- Scrutinising and challenging how services are managed and provided
- Giving us their opinion on how to improve service delivery

8. SUMMARY

Establishing meaningful involvement is not always about attending a meeting or saying yes to every idea put forward. It is about working in partnership to make better decisions in the work that we do to improve our housing service for all tenants. Tenants will be able to give us their views by various methods:

- Social Media and email
- Face to face
- Telephone
- Written
- Tenant involvement events

9. EQUALITY AND DIVERSITY

As a registered provider of social housing, the Council has an equality duty and is bound by the provisions of the Equality Act 2010. This means we must ensure that there will be no discrimination or unfair treatment on the grounds of gender (or gender reassignment), background (e.g. gypsies and travellers, asylum seekers) race, colour, ethnicity or national origin, faith, sexual orientation, marital/civil partnership status, age, disability, social position, politics, trade union membership or social disadvantage. We will not tolerate any discriminatory remarks or actions and will challenge anyone who behaves in that manner. Tenants will be excluded from any further involvement if they continue to behave in an offensive or discriminatory manner.

10. REVIEW

This Policy has been written in line with and meets current relevant legislation. Unless there are changes to such legislation beforehand, the next review of this policy is due February 2018.

DECENT & AFFORDABLE HOMES PDG 16 JUNE 2015

TENANT INVOLVEMENT STRATEGY

Cabinet Member Cllr Ray Stanley
Responsible Officer Housing Services Manager

Reason for Report: The existing tenant involvement strategy was approved in January 2012 and is now due for review.

RECOMMENDATION(S): The Cabinet approves the revised Housing Services tenant involvement strategy.

Relationship to Corporate Plan: The Council must run the Housing Service efficiently and effectively and in accordance with the provisions of the regulatory framework. The Corporate Plan includes a pledge entitled: "Better Homes" where the long term vision is to ensure that the housing needs of our residents are met through the provision of good quality housing. It also contains a pledge relating to the empowerment of our communities.

Financial Implications: The Housing Service has set aside a budget for tenant involvement activities.

Legal Implications: The Tenant Involvement and Empowerment Standard within the Regulatory Framework for Social Housing sets out a number of required outcomes and specific expectations which the Housing Service, as a Registered Provider (RP) of social housing is expected to meet.

Risk Assessment: The regulator holds Boards and Councillors responsible for ensuring that registered providers meet the consumer standards, including the Tenant Involvement and Empowerment Standard. Failure to deliver the outcomes and expectations required could lead to reputational risk and some tenant dissatisfaction.

1.0 Introduction

1.1 The Homes and Communities Agency (HCA) is responsible for the regulation of social housing. The regulatory framework is underpinned by the principle of co-regulation which means that, in the case of a local authority such as the Council, with retained stock, Councillors are responsible for ensuring the standards are met and that others such as tenants, MPs and other elected representatives have a role in scrutinising that this is delivered.

1.2 The regulatory framework consists of a number of standards and these are divided into those relating to economic issues and those relating to consumer issues. The Council is only required to comply with the consumer standards; the economic standards apply to housing association and other RPs.

- 1.3 The Tenant Involvement & Empowerment Standard specifies that tenants must be given a wide range of opportunities to influence service delivery and to be involved in scrutinising all the work undertaken by the Housing Service.
- 2.0 **The Revised Strategy**
- 2.1 The review of the tenant involvement strategy was informed by a survey of tenants undertaken during Spring 2014. Every Council tenant was surveyed and the low level of response provided a vivid demonstration of the apathy to tenant involvement activities which we have encountered in recent years.
- 2.2 Over 3000 households were sent a questionnaire survey but only 122 responses were received either by post or online. 29 tenants were invited to attend a focus group to give us their views, but, unfortunately, this was not very well attended, with only 3 attending.
- 2.3 Of the tenants who responded to the survey:
- Almost 50% said that they would find it easier to get involved with more online opportunities
 - 54% said that they did not want to attend meetings
 - 66% said that they were unable to attend a meeting very easily
 - 48% said that they did not feel comfortable meeting new people
- 2.4 The revised tenant involvement strategy has been reviewed and includes an expanded menu of involvement which gives more opportunities for getting involved remotely online.
- 2.5 The menu of involvement consists of three different types of activity:
- Those that involve a low level of demand on time by staying informed
 - Those that involve some commitment of time by getting participating in consultations
 - Those that involve a higher level of demand on time because they entail participating in decision making
- 2.6 The activities included in each strand are detailed within the strategy.
- 2.7 It should be noted that in recent years, there has been increased interest in electronic means of communication. These methods of communication offer significant cost savings for the Housing Service. Whilst there is a recognition that such methods of engagement will not appeal to all tenants, with the increased numbers of Smartphones in use, it is an area where the service can be developed. The "MDDC Housing" page on Facebook now has 150 likes and it is used to disseminate information about a whole range of issues such as service improvements, issues of concern, events, performance, and new homes available for housing applicants. The page is also used to celebrate success.
- 2.8 The Scrutiny & Improvement Group (the SIG), now known as the Tenants Together Group, offers tenants and also one leaseholder a real opportunity to get involved in how the Housing Service is delivering services to tenants. The

Tenant's Together Group reviews all new policies, and those under review, performance and other areas of work and is able to make recommendations to the Cabinet Member and to the Decent and Affordable Homes PDG. The name change has been agreed in order to make the group appear more accessible to other tenants. In recent years, the SIG has become increasingly involved in the production of the Annual Report and the success of the calendar sent out during the Autumn of 2014 can be attributed in a large part to the contribution of the group to the design and editing.

2.9 The revised strategy was discussed at the last meeting of the PDG on 17 March 2015 but it was agreed that a decision should be deferred to this meeting of the PDG due to the fact that the revised strategy was not sent out to Members at the appropriate time, due to an oversight.

3.0 **Equality and Diversity**

3.1 The menu of involvement had been designed in such a way as to enable tenants to get involved as much or as little as they want. If tenants have sensory or mobility issues, the service can be tailored to meet their needs. The strategy enables the Council to provide training to those tenants who want or need it. The options available for training include courses that can be completed online and the training available enables interested tenants to overcome any barriers to getting involved.

4.0 **Tenant Involvement**

4.1 The SIG reviewed this revised strategy at their meeting on 12 February 2015 and did not seek any changes to the wording.

4.2 The PDG is asked to recommend that the Cabinet approves the revised Tenant Involvement Strategy.

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

Circulation of the Report: Councillor Ray Stanley, Management Team

List of Background Papers: The Tenant Involvement & Empowerment Standard (part of the Regulatory Framework for Social Housing)

TENANT INVOLVEMENT STRATEGY 2015 - 2018

February 2015

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INTRODUCTION

1.0 The Aims and Objectives of the Strategy

This new strategy for 2015-2018 builds on previous tenant involvement strategies. The purpose of tenant involvement is to find out the priorities of our tenants and this includes leaseholders. This will enable us to focus on listening to tenants' views and aspirations and to ensure tenants are able to influence future service delivery by scrutinising performance and identifying areas for improvement. During 2014 we surveyed tenants asking them how they wanted to engage with us. We have incorporated their views within this strategy.

The main aims and objectives of our strategy are to make sure tenants:

- Can contribute to the debate about how we use the resources available to us in such a way as to deliver services appropriate to their needs
- Have opportunities to identify issues relating to service delivery and to influence service improvement
- All have an opportunity to participate in the work which we do
- Feel that they have been listened to and their views considered
- Find it easier to get involved and have their views heard
- Have confidence in the housing service and are satisfied with the service they receive

2.0 Who is responsible for delivering this strategy?

To make this strategy a reality we need help from all those with an interest in the housing service:

- Elected members
- Tenants, residents and leaseholders of Mid Devon
- Mid Devon District Council employees
- Community and voluntary sector
- Partners and other stakeholders

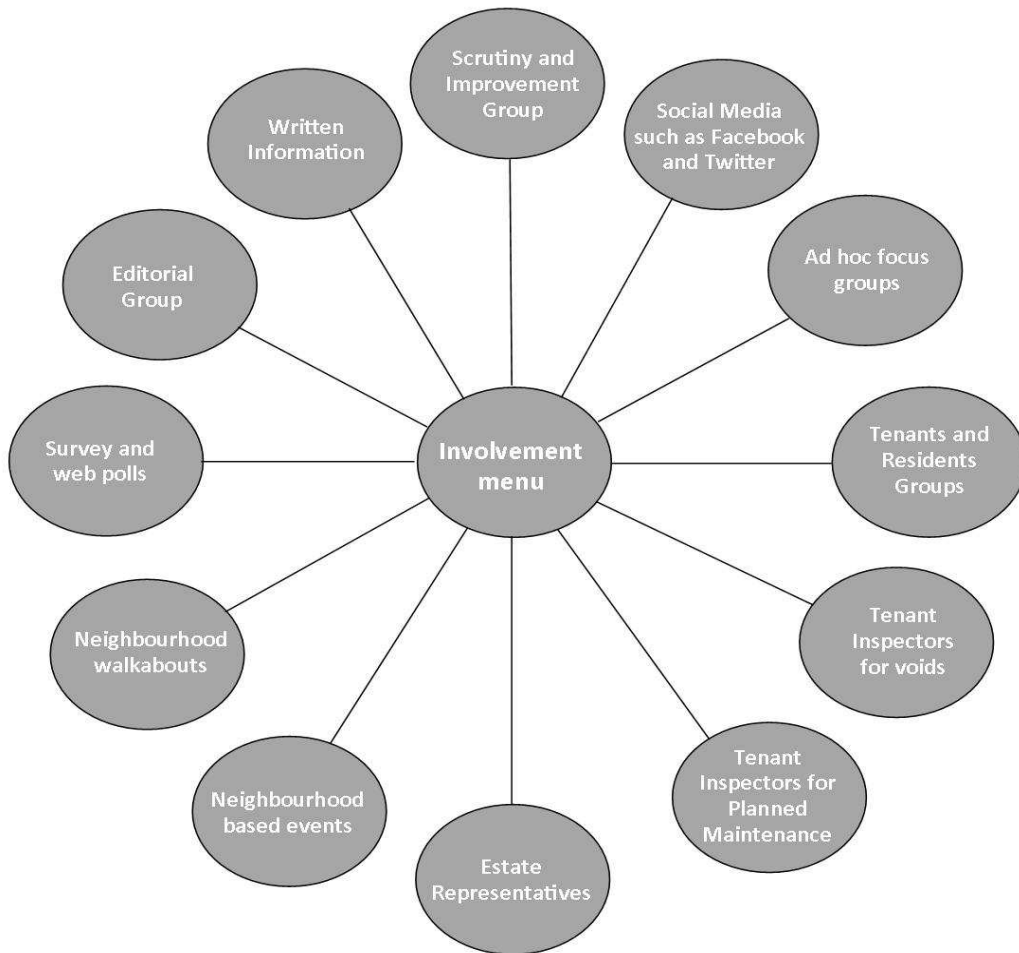
3.0 The Statutory & Regulatory Framework

The National Standard relating to Tenant Involvement and Empowerment contains certain expectations and as a result RP's must:

- Tailor our services to meet the needs of our tenants
- Treat all tenants with respect and fairness
- Ensure tenants are given opportunities to influence and be involved in shaping services to reflect local priorities
- Give tenants opportunities to identify areas for improvement and delivery
- Offer training and support to tenants to help them develop their skills and capacity so that they can make a meaningful contribution

4.0 Menu of involvement

The menu of involvement for 2015-2018 is set out below, and more detailed information about delivery is contained in Appendices A and B of this strategy.



Our programme of involvement is divided into three parts:

- Staying informed (low level of demand on time)
- Being consulted (some demands on time)
- Participating in decision making (higher level of demand on time)

Staying informed

Housing News 4U

Website

Facebook, Twitter, email and any other forms of social media

Service Business Plan and Performance information

Annual Report

Letters to individual tenants about their tenancy and work to their home

Being consulted

Facebook, Twitter, email and any other forms of social media
Surveys and Web Polls
Email Group
Neighbourhood walkabouts
Estate Representatives
Tenants and Residents Groups
Neighbourhood based events

Participating in decision making

Scrutiny and Improvement Group (the SIG)
Attending the Decent and Affordable Homes Policy and Development Group (PDG) Meetings
Facebook, Twitter, email and any other forms of social media
Tenant Inspectors for Voids
Tenant Inspectors for Planned Maintenance
Short-term Focus/Working Groups
Editorial Group
Local Tenants and Residents Groups

5.0 Scrutiny arrangements

The Regulatory Framework encourage landlords and tenants to work together to improve the levels of service delivered. We are committed to offering opportunities for tenants to scrutinise the work of the Housing Service and have a well-established Scrutiny and Improvement Group. This group's role is to:

- Monitor and check performance
- Challenge and improve services
- Ensure the Housing Service runs the business well and that it meets the needs of its tenants

6.0 Training

We recognise the need for targeted training and development opportunities for tenants and staff. We give new staff a briefing about tenant involvement as part of the induction process. We also encourage and support tenants to access training activities. This enables our tenant representatives to have an understanding of current housing issues. Training has been focussed on individuals but group training is also available, if a need is identified.

7.0 Conclusion

This strategy has outlined the Council's principles and approach to tenant involvement. The Tenant Involvement Strategy will be monitored by the Scrutiny and Improvement Group annually. This strategy will be reviewed January 2018.

APPENDIX A: MENU OF INVOLVEMENT

Staying Informed	Details
Housing News 4U	<ul style="list-style-type: none"> • Tenant magazine providing information on current issues/events and services • Newsletter can be provided in a range of formats such as large print, audio or electronic
Website	<ul style="list-style-type: none"> • A range of information and links • Dates and details of tenant involvement activities
Performance and Business Plans	<ul style="list-style-type: none"> • In depth information relating to performance • Available on our website, in our offices or sent out on request
Annual Report	<ul style="list-style-type: none"> • In depth information relating to how our service have performed over the past 12 months
Receive information from various teams on a regular and ad hoc basis	<ul style="list-style-type: none"> • Tenants receive individual information about their tenancy including rent and charges • Tenants and leaseholders receive information regarding any major improvements works to their homes • Tenants receive a Tenant Handbook

Being Consulted	Details
Surveys and Web Polls	<ul style="list-style-type: none"> • Tenants can take part in completing surveys by telephone, text messaging, over the Internet or in person
Email Group	<ul style="list-style-type: none"> • To establish a group of tenants who wish to be consulted by email
Local Estate Based Events	<ul style="list-style-type: none"> • Consultation takes place in various locations across the district to inform and consult tenants on a on a variety of issues.
Social Networking	<ul style="list-style-type: none"> • Tenants asked regularly for feedback and views on service improvements
Neighbourhood Walkabouts	<ul style="list-style-type: none"> • We visit each area at least every six months to meet tenants and check for repair needs. Tenants are invited to join officers and elected

	members as they walk around their area to raise any concerns and share ideas for improvement
--	--

Participating in decision making	Details
Scrutiny and Improvement Group (the SIG)	<ul style="list-style-type: none"> • Membership consists of a maximum of up to twelve independent tenants (and one of those tenant places is reserved exclusively for a leaseholder) and the Lead Member for Tenants' from the Decent & Affordable Homes Policy and Development Group (PDG). The group examine, in detail, how we manage the service and how we deliver these services to tenants and for them to make recommendations to the Cabinet Member for Housing, the PDG and the Cabinet to improve the service
Tenant Inspectors for Voids	<ul style="list-style-type: none"> • We recruit tenants that inspect our standard of repair for our void properties and ensure they are up to the Decent Homes Standard
Short-term Focus/Working Groups	<ul style="list-style-type: none"> • Ad hoc groups are held as and when necessary to consult on issues relating to a service • These groups are ideal for tenants who have a particular interest in areas of interest to them
Tenant Inspectors for Planned Maintenance	<ul style="list-style-type: none"> • We recruit tenants to check our Planned Maintenance works. The role of Tenant Inspector is to assist in the 'liaison' between the tenant and the Planned Maintenance Team

Editorial Group	<ul style="list-style-type: none"> • This group consists of tenant volunteers who are involved in editing newsletters
Tenants and Residents Groups	<ul style="list-style-type: none"> • Tenants and Residents Groups are where local tenants and residents get together and discuss housing issues in their neighbourhood
Estate Representatives	<ul style="list-style-type: none"> • Tenants can represent the interests of their neighbours in a block of flats, street or any other agreed specified area within their neighbourhood

APPENDIX B: TENANT INVOLVEMENT ACTION PLAN 2015/2016

This Action Plan is a working document for the Housing Service. The actions in this plan are designed to make sure that our work in 2015/2018 achieves the aims and objectives set out in the Tenant Involvement Strategy.

	ACTION REQUIRED	COMPLETION DATE	SUCCESS MEASURE / OUTCOME
1	Promote and develop on-line services and the use of social media to engage with the wider community by updating the tenant involvement web, Facebook and Twitter pages on a regular basis. Publish involvement activities, survey results, outcomes etc	On going	Web pages will be current and more informative for tenants <ul style="list-style-type: none"> • Tenants kept informed • Encouraging involvement opportunities • Improved, 24/7 access to information for service users
2	Produce four newsletters per year with tenant editors and one representative from the Scrutiny and Improvement Group (SIG)	January April July October	Newsletters published and sent out to all tenants and are promoted on our web, Facebook and Twitter pages <ul style="list-style-type: none"> • Keeping all tenants informed • Encouraging involvement opportunities
Page 159	Produce the Housing Service Annual Report	Annually	Sent out to all council households by the required date <ul style="list-style-type: none"> • Informing tenants on how well we performed last year Encouraging tenant engagement
	Promote and increase tenant involvement with Neighbourhood Officers and Community Housing Support Officers by facilitating and supporting the use of social event such as coffee sessions, , keep fit sessions, healthy lifestyle events, gardening clubs and other events which promote greater sustainable communities	On going	<ul style="list-style-type: none"> • Achieving wider aspiration of tenant, residents and all service users and their communities • Improve residents lifestyles and build sustainable communities in our neighbourhoods
5	Promote Neighbourhood Walkabouts on our website, Facebook and Twitter pages, newsletters and on communal notice boards	Annually	Increase involvement on our estates. Evidence outcomes and publish on website, communal notice boards, newsletters etc <ul style="list-style-type: none"> • Better tenant satisfaction at a local level • Tailoring services to suit the needs of tenants in local areas • Improving neighbourhoods Help create communities where people want to live

6	Increase engagement with young people by working in partnership with agencies who engage with young people	On going	Young people's views being incorporated in the service delivery
7	Increase tenant profiling	On going	Use customer knowledge to identify services most relevant to tenants <ul style="list-style-type: none"> • Capture views from current under- represented groups • Increased scope for inclusion • Tailor our services to meet tenants' needs
8 Page 160	Continue to support Tenants and Residents Groups and promote the need for more involvement groups to reach the 'hard to reach' groups. Ensure all are accessible for people across the seven strands of diversity. Use tenant profiling information to target specific groups	On going	Promote the work of the current Tenant and Residents Groups across the district by having good news articles on our website, Facebook, Twitter pages, communal noticeboards and in newsletters <ul style="list-style-type: none"> • Increased numbers of groups in our neighbourhoods • Leading to better community cohesion • Increased involvement in shaping service delivery • Better tenant satisfaction • Improving neighbourhoods
9	Increase tenant involvement, especially from the tenants in rural communities	On going	More partnership working with Parish Councils. Promote estate representatives in the rural areas <ul style="list-style-type: none"> • Help create communities where people want to live • Ensuring the views of rural tenants' are being captured • Better tenant satisfaction locally • Tailor service to meet tenants' needs

10	Continue to support existing Tenant Inspectors for Voids and Planned Maintenance and encourage more to come forward	On going	Promote the work of the Tenant Inspectors across the district by having good news articles on our website, Facebook and Twitter pages, communal noticeboards and in our newsletters
11	Continue to support existing Estate Tenant Representatives and encourage more to come forward	On going	<p>Promote the work of the Estate Reps across the district by having good news articles on our website, Facebook and Twitter pages and in the newsletters</p> <ul style="list-style-type: none"> • Help create communities where people want to live • Views of rural tenants' being captured • Better tenant satisfaction locally • Tailor service to meet tenants' needs

CABINET

AGENDA ITEM: 13

2 JULY 2015

PROPOSED CHANGES TO THE DECISION MAKING PROCESS RELATING TO CONSERVATION AREAS, NEIGHBOURHOOD PLANS AND ARTICLE 4 DIRECTION PLANNING POLICY WORK

Cabinet Member Cllr Richard Chesterton
Responsible Officer Team Leader Forward Planning

Reason for Report: To review the procedures for formulating and adopting planning policy and planning policy documents to reflect work streams previously omitted when planning policy procedures were previously considered by Council in 2012.

RECOMMENDATIONS:

- 1. That the Council approve the changed procedure for dealing with Planning Policy as set out below.**
- 2. Following adoption the necessary changes are made to the Constitution.**
- 3. The Scheme of Delegation to the Head of Planning and Regeneration be amended accordingly.**

Type of Policy	Advisory Group	Cabinet	Council for approval of submission document or adoption	Requires separate meeting of Cabinet in each of the main three towns
Introduction of New Conservation Areas	Yes	Yes	Yes	No
Conservation Area Appraisals <i>(Changes to Conservation Area Boundaries Proposed)</i>	Yes	Yes	No	No
Conservation Area Appraisals <i>(Technical assessments with no boundary changes proposed)</i>	Yes	Delegated approval by the Head of Planning in consultation with the Local Ward Member(s) & Cabinet Member (P&R).		No
Article 4 Directions	Yes	Yes	Yes	No
Neighbourhood Plans	Yes	Yes	Yes	No
Neighbourhood Plan Area Designations	If approved and the proposed areas adhere to parish boundaries then decisions made by the Head of Planning in consultation with the Cabinet Member (P&R). If not approved, or does not follow Parish Boundaries, then decision referred to Cabinet.			No

Relationship to Corporate Plan: Planning decision making is relevant to key objectives within the Corporate Plan.

Financial Implications: None.

Legal Implications: Updating and clarification of authority in the manner suggested will reduce the risk of legal challenge based on the decision making process.

Risk Assessment: Clarification of delegated authority through the changes recommended will reduce risk of challenge and align the decision making route for conservation policy relating to Conservation Areas with that for other planning policy work.

Consultation carried out with: None.

1.0 Introduction

- 1.1 At the meeting of Council on 11 January 2012 it was agreed that planning policy would no longer be determined by Planning Committee, but instead by Cabinet. The Planning Policy Advisory Group (PPAG) was set up as a working group to discuss planning policy and make recommendations to Cabinet. At the 22 March 2012 Cabinet meeting consideration was given to which policy documents would be appropriate to be considered at which forum.
- 1.2 Since these decision making arrangements were agreed, a number of anomalies have come to light relating to streams of planning policy work which were omitted from these discussions. In 2012 there had been no change to these omitted policy areas for sometime and as a result these issues were not considered when these decision making considerations were debated.
- 1.3 The areas of Planning Policy work referred to in this report, previously not considered in terms of revised decision making procedures, are as follows: Conservation Area Policy, Neighbourhood Plans and Article 4 Directions.
- 1.4 Also allied to this process is the current scheme of delegation to the Head of Planning and Regeneration. This was agreed by Planning Committee at the meeting of 2nd April 2003, and was amended at later meetings and most recently in March 2015. It sets out the powers of the Local Planning Authority that are delegated to the Head of Planning and Regeneration. These powers can be exercised by the postholder and are authorised by the Planning Committee. Importantly the designation of new Conservation Areas and amendments to the boundary of existing Conservation Areas are specifically referred to in the scheme of delegation from this Committee to the Head of Planning and Regeneration. This is at odds with other planning policy work as referred to above. Planning Committee at it's 1 July 2015 meeting will be considering a related paper which recommends amending the scheme of delegation to reflect the proposed changes to planning policy decision making set out in this report.

2.0 CONSERVATION AREA APPRAISALS

- 2.1 As referred to above, at the time Cabinet previously considered the decision making route for planning policy issues (22 March 2012), there had not been any changes to conservation areas for some time. As a result it was omitted from the report considered at the March 2012 Cabinet meeting. Following the recent work on Conservation Area appraisals it has come to our attention that the decision making procedures should be amended to incorporate Conservation Area decision making within the Cabinet decision route. Currently the approval process is the responsibility of Planning Committee.
- 2.2 It is recommended that, in order to be consistent with the decision making process for other policy documents, the determining body for Conservation Area policy work should be Cabinet with PPAG making recommendations.
- 2.3 It is also proposed that it is not necessary for Cabinet or Council to consider Conservation Character Appraisal work which does not propose changes to adopted Conservation Area boundaries; instead such appraisals could be subject to discussion at PPAG, with subsequent approval by the Head of Planning, the Local Ward Member(s) and the Cabinet Member for Planning and Regeneration.
- 2.4 This proposed change was considered at the meeting of the PPAG on 17th June 2015 and agreed:

Type of Policy	Advisory Group	Cabinet	Council for approval of submission document or adoption	Requires separate meeting of Cabinet in each of the main three towns
Introduction of New Conservation Areas	Yes	Yes	Yes	No
Conservation Area Appraisals (Changes to Conservation Area Boundaries Proposed)	Yes	Yes	No	No
Conservation Area Appraisals (Technical assessments with no boundary changes proposed)	Yes	Delegated approval by the Head of Planning in consultation with the Local Ward Member(s) & Cabinet Member (P&R).		No

- 2.5 As explained above the scheme of delegation to the Head of Planning and Regeneration would also need to be revised. Planning Committee will consider this issue on 1 July 2015. An update will be reported verbally.

3.0 ARTICLE 4 DIRECTIONS

- 3.1 An Article 4 direction is made to restrict permitted development rights. Article 4 directions are made when the character of an area of acknowledged importance would be threatened. It does not in itself prohibit any action but

means that planning permission is required whereas without the Direction this would not be necessary. Currently Cullompton is the only part of the district which has an Article 4 Direction in place and it is currently being reviewed.

3.2 As with the Conservation Area Appraisals above an Article 4 Direction reassessment has not been undertaken for some time and recent work has identified that the decision making procedures needs updating to ensure consistency with other planning policy decision making. Similar to Conservation Area Appraisals it would seem appropriate for Cabinet, following consideration by PPAG, to approve proposals for consultation. It is recommended that any changes to an Article 4 direction should be approved by both Cabinet and Council.

3.3 This proposed change was considered at the meeting of the PPAG on 17th June 2015 and agreed:

Type of Policy	Advisory Group	Cabinet	Council for approval of submission document or adoption	Requires separate meeting of Cabinet in each of the main three towns
Article 4 Directions	Yes	Yes	Yes	No

4.0 NEIGHBOURHOOD PLANS

4.1 Recent experience, from work in connection with designation of Neighbourhood Plan areas, is that often the required timescales regarding consultation and approval deadlines make it very difficult to meet statutory deadlines and enable items to go through the full committee cycle. The designation of neighbourhood plan areas is generally uncontentious. It is recommended that if the proposed areas adhere to parish boundaries then decisions, if approved, could be made by the Head of Planning and the Cabinet Member for Planning and Regeneration. It is proposed that this delegation would also apply to Neighbourhood Plans comprising of multiple parishes, so long as the area designated area proposed adheres to parish boundaries. However if the proposed Neighbourhood Plan area does not follow parish boundaries, or if the Head of Planning and the Cabinet Member are minded not to approve the designated area, then it should be considered by Cabinet for a decision. Changes in the government regulations now provide insufficient time for a decision to be considered by Council before the adoption deadline. Other decision making with respect to Neighbourhood Planning, such as at the Submission Stage, should be considered by PPAG and approved by both Cabinet and Council.

4.2 This proposed change was considered at the meeting of the PPAG on 17th June 2015 and agreed:

Type of Policy	Advisory Group	Cabinet	Council for approval of submission document or adoption	Requires separate meeting of Cabinet in each of the main three towns
Neighbourhood Plans	Yes	Yes	Yes	No
Neighbourhood Plan Area Designations	If approved and the proposed areas adhere to parish boundaries then decisions made by the Head of Planning in consultation with the Cabinet Member (P&R). If not approved, or does not follow Parish Boundaries, then decision referred to Cabinet.			No

Contact for any more information	Forward Planning Team Leader Mr Adrian Welsh 01884 234344
Background Papers	Scheme of Delegation to the Head of Planning and Regeneration Cabinet report of 22 March 2012 Planning Committee Report 1 July 2015 Council report 11 January 2012
File Reference	None.
Circulation of the Report	Cabinet Members Chair of Planning Committee

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CABINET
2 JULY 2015:

PERFORMANCE AND RISK OUTTURN REPORT FOR 2014-15

Cabinet Member Cllr Clive Eginton
Responsible Officer Head of Communities & Governance

Reason for Report: To provide Members with an update on performance against the corporate plan and local service targets for 2014/15 as well as providing an update on any key business risks.

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

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.

1.0 Introduction

- 1.1 Appendices 1-6 provide Members with details of performance against the Corporate Plan and local service targets for the 2014/15 financial year.
- 1.2 Appendix 7 shows the higher impact risks from the Corporate Risk Register. This includes operational and Health and Safety risks where the score meets the criteria for inclusion
- 1.3 All appendices are produced from SPAR, the Corporate Service Performance and Risk Management system.

2.0 Performance

Managing the Environment Portfolio - Appendix 1

- 2.1 The **carbon footprint** results are not yet available; a verbal update will be given at the meeting if they are available by then.
- 2.2 The **dry recycling** rate is below target but has increased steadily throughout the year finishing on 16.9% for quarter 4. **Residual household waste** at 462.6kg per head is below target (455kg), but improved compared to 2013/14

(482.3kg). Similarly for **reused, recycled and composted** 48.2% was achieved against a target of 50%, for 2013/14 the result was only 46.7%.

- 2.3 For **missed collections**, as is well known, figures were very high in quarter 1 but back to normal levels over the remainder of the year.
- 2.4 The targets for 2015/16 will be reviewed before quarter 1 to ensure they are realistic and again to reflect any new Corporate Plan priorities once these have been determined later in the year.

Decent and affordable Homes Portfolio - Appendix 2

- 2.5 The Housing enablement targets were not achieved and should be reviewed for reasonableness before they are set for 2015/16.
- 2.6 **Repairs** performance continues to be good, although targets were just missed these represent 1 or 2 jobs not completed on time. There were 3 properties without a **valid gas certificate** and without access at the end of March; 2 were where the tenants were in hospital, the last is in the formal access process. As has been previously reported verbally, at the 31 March 2015 100% of homes with access **were decent**.
- 2.7 **Rent Collection** performance is also very good, even though it was outside the very challenging targets set for 2014/15, MDDC were persistently at the top of HouseMark's benchmarking quartiles for rent collection.

Community Well Being Portfolio - Appendix 3

- 2.8 The number of **empty shops** is on or above target as reported previously.
- 2.9 The **Leisure** performance is slightly below target but has improved over the course of the year.
- 2.10 **Food Premises** inspections were very low; an Environmental Health Officer (Food) is being recruited at present to address the lack of resource.

Planning and Regeneration Portfolio - Appendix 4

- 2.11 There have been staff shortages within the Planning Service and difficulties with recruitment. Until the service is up to its full compliment priority will be given to meeting all the critical targets in relation to special measures and timescales that would result in a cost to MDDC if they were not met.

Working Environment Portfolio - Appendix 5

- 2.12 The delays to the CRM upgrade meant the accuracy of **complaints** statistics was unreliable, which was confirmed by manual checking at the year end. Other PIs are above target except working days lost due to **sickness**. The Health & Safety Committee continues to monitor the statistics for any trends which need attention.

Finance Portfolio - Appendix 6

2.13 Performance has been good with only % **Council Tax** collected marginally below target.

3.0 Risk

3.1 The Corporate risk register is reviewed by Management Team (MT) and updated quarterly. Risk reports to Audit Committee and Cabinet continue to include risks with a total score of 15 or more and all those with an impact score of 5. (Appendix 7)

3.2 The Waste and Transport Manager is in the process of reviewing all the risk assessments for his entire area of responsibility. Operational risk assessments will be job specific and flow through to safe systems of work. These are completed but not yet input on SPAR.

3.3 The profile of these risks for this quarter is:

Impact	5	14	3			
	4					
	3					
	2					
	1					
		1	2	3	4	5
		Likelihood				

4.0 Conclusion and Recommendation

4.1 That the Committee reviews the performance indicators and any risks that are outlined in this report and feeds back any areas of concern to Cabinet.

Contact for more Information: Amy Tregellas, Head of Communities & Governance ext 4246

Circulation of the Report: Management Team and Cabinet Member

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MTE PDG Performance Report - Appendix 1

Quarterly report for 2014-2015

No headings

For Environment - Cllr Neal Davey Portfolio

For MDDC - Services

Filtered by Performance Status: Exclude PI Status: Data not due, Not calculable

Key to Performance Status:

Performance Indicators:	No Data	Well below target	Below target	On target	Above target	Well above target
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MTE PDG Performance Report - Appendix 1

Performance Indicators								
Status	Title	Prev Year End	Annual Target	Current Target	Q1 Act	Q2 Act	Q3 Act	Q4 Act
Data not entered	<u>Reduce the carbon footprint of our offices and public buildings by 2% pre adjustment</u>	+27.6	+2	+2	n/a	n/a	n/a	
Management Notes:								
Data not entered	<u>Reduce the carbon footprint of our offices and public buildings by 0.5% post adjustment</u>	16.0%	0.5%	0.5%	n/a	n/a	n/a	
Management Notes:								
Well below target	<u>Increase Dry Recycling Rate to 20% by 2015</u>	14.89%	20.00%	20.00%	13.46%	13.79%	13.94%	14.62%
Management Notes:								
Below target	<u>Residual household waste per head</u>	482.3	455.0	455.0	115.8	223.7	348.8	462.6
Management Notes: (Quarter 1 - 4) Currently waiting for figures to be verified by Waste Data Flow at DCC. (CY)								
Below target	<u>% of Household Waste Reuse, Recycled and Composted</u>	46.7%	50.0%	50.0%	50.5%	51.6%	49.2%	48.2%
Management Notes: (Quarter 4) All South West LAs average 45.7% for 2013/14 (CY)								
No Target	<u>Number of Missed Collections logged per Quarter (refuse and organic waste)</u>	661			1,190	1,542	1,682	1,797
Management Notes: (Quarter 4) Last 3 quarters 607 (CY)								
No Target	<u>Number of Missed Collections logged per Quarter (Recycling)</u>	652			719	976	1,056	1,162
Management Notes:								

DAH PDG Performance Report - Appendix 2

Quarterly report for 2014-2015

No headings

For Decent and Affordable Homes - Cllr Ray Stanley Portfolio

For MDDC - Services

Filtered by Performance Status: Exclude PI Status: Data not due, Not calculable

Key to Performance Status:

Performance Indicators:	No Data	Well below target	Below target	On target	Above target	Well above target
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DAH PDG Performance Report - Appendix 2

Performance Indicators								
Status	Title	Prev Year End	Annual Target	Current Target	Q1 Act	Q2 Act	Q3 Act	Q4 Act
Well below target	<u>Deliver 15 homes per year by bringing Empty Houses into use</u>	16	15	15	2	6	8	12
Management Notes:								
Well below target	<u>Number of affordable homes delivered (gross)</u>	68	80	80	1	5	21	58
Management Notes:								
On target	<u>% Emergency Repairs Completed on Time</u>	99.74%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
Management Notes:								
Below target	<u>% Urgent Repairs Completed on Time</u>	100.00%	100.00%	100.00%	100.00%	100.00%	99.91%	99.94%
Management Notes:								
(March)								
A combination of knowledgeable staff, dedicated operatives and smart programming has allowed the team to complete all but one urgent repair received within the targets set.								
(AB)								
Below target	<u>% Routine Repairs Completed on Time</u>	99.96%	100.00%	100.00%	100.00%	99.96%	99.97%	99.98%
Management Notes:								
Below target	<u>% Repairs Completed at First Visit</u>	99.86%	99.90%	99.90%	100.00%	100.00%	99.86%	99.87%
Management Notes:								
Well above target	<u>Ratio of expenditure between planned and responsive repairs</u>	76.24	70.30	70.30	53.47	66.34	82.18	81.19
Management Notes:								
Below target	<u>Rent Collected as a Proportion of Rent Owed</u>	100.66%	100.50%	100.50%	97.35%	100.10%	100.29%	100.09%
Management Notes:								
(March)								
Performance was excellent even if it was just outside target. Changes to procedures appear to have helped to mitigate the impact of welfare reform and this includes more personal contact, the use of letters which flag up the seriousness of the situation using a "traffic light" system and the inclusion of articles in our tenants newsletter which raised awareness.								
(AB)								

DAH PDG Performance Report - Appendix 2

Performance Indicators								
Status	Title	Prev Year End	Annual Target	Current Target	Q1 Act	Q2 Act	Q3 Act	Q4 Act
Well above target	<u>Rent Arrears as a Proportion of Annual Rent Debit</u>	0.72%	1.00%	1.00%	1.10%	1.00%	0.83%	0.60%
Management Notes:								
On target	<u>% Decent Council Homes</u>	83.45%	100.00%	100.00%	88.56%	96.09%	98.53%	100.00%
Management Notes:								
Below target	<u>% Properties With a Valid Gas Safety Certificate</u>	100.00%	100.00%	100.00%	99.91%	99.72%	99.81%	99.86%
Management Notes:								
Above target	<u>Average Days to Re-Let Local Authority Housing</u>	19.9days	17.0days	17.0days	21.0days	22.6days	15.3days	14.9days
Management Notes:								
(March)								
Rent Loss due to voids £7k								
(AB)								

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CWB PDG Performance Report - Appendix 3

Quarterly report for 2014-2015

No headings

For Community Well-Being - Cllr Colin Slade Portfolio

For MDDC - Services

Filtered by Performance Status: Exclude PI Status: Data not due, Not calculable

Key to Performance Status:

Performance Indicators:	No Data	Well below target	Below target	On target	Above target	Well above target
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CWB PDG Performance Report - Appendix 3

Performance Indicators								
Status	Definition	Prev Year End	Annual Target	Current Target	Q1 Act	Q2 Act	Q3 Act	Q4 Act
Well above target	<u>The number of Empty Shops. (TIVERTON)</u>	18	20	20	15	16	15	12
Management Notes: (Quarter 4)								
January 2015 no. empty units - 12 / 245 = 4.90% (September 2009 = 30 / 245)								
(ZL)								
On target	<u>The number of Empty Shops. (CREDITON)</u>	7	10	10	12	10	10	10
Management Notes: (Quarter 4)								
January 2015 no. empty shop units - 10 / 118 = 8.47% (September 2009 = 17 / 114)								
(ZL)								
Well above target	<u>The number of Empty Shops (CULLOMPTON)</u>	12	14	14	12	13	15	11
Management Notes: (Quarter 4)								
January 2015 no. empty shop units - 11 / 94 = 11.70% (September 2009 = 17 / 91)								
(ZL)								
Well below target	<u>Percentage of food premises inspections that should have been carried out that were carried out for high risk premises</u>	92%	100%	100%	n/a	n/a	n/a	46%
Management Notes: (2014 - 2015)								
The reason for the decline is the reduction in staff resources, as highlighted by the Food Standards Agency audit in January 2015 and the ongoing illegal meat case that has taken significant resources away from the food inspection programme.								
(JP)								
Above target	<u>The percentage of Leisure's operational expenditure recovered through customer receipts</u>	88.18%	87.50%	87.50%	86.51%	86.08%	86.57%	88.16%
Management Notes: (Quarter 4)								

Planning Performance Report - Appendix 4

Quarterly report for 2014-2015

No headings

For Planning and Economic Regeneration - Cllr Richard Chesterton Portfolio

For MDDC - Services

Filtered by Performance Status: Exclude PI Status: Data not due, Not calculable

Key to Performance Status:

Performance Indicators:	No Data	Well below target	Below target	On target	Above target	Well above target
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Planning Performance Report - Appendix 4

Performance Indicators									
Status	Quartile	Title	Prev Year End	Annual Target	Current Target	Q1 Act	Q2 Act	Q3 Act	Q4 Act
Above target	2012-2013 No Data Available	<u>Planning Applications: Householder Applications determined within 8 weeks</u>	84%	85%	85%	91%	87%	87%	90%
Management Notes:									
Above target	2012-2013 No Data Available	<u>Enforcement site visits within 15 days of complaint</u>	89%	87%	87%	100%	100%	93%	95%
Management Notes:									
Above target	2012-2013 No Data Available	<u>Delegated decisions</u>	93%	90%	90%	94%	95%	95%	94%
Management Notes:									
Well above target	2012-2013 No Data Available	<u>Planning Applications: over 13 weeks old</u>	50	45	45	28	31	31	32
Management Notes:									
On target	2012-2013 No Data Available	<u>Searches carried out w/in 5 working days</u>	99.10%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
Management Notes:									
Well below target	2012-2013 No Data Available	<u>Building Regulation Applications</u>	87%	95%	95%	70%	81%	83%	76%
Management Notes: (Quarter 4) Team reduced in size, a review of service delivery currently being undertaken with NDC's Building Control Manager. (JC)									
Above target	2012-2013 No Data Available	<u>Building Regulation Full Plan Applications</u>	100%	95%	95%	100%	100%	97%	96%
Management Notes:									
Well below	2014-2015	<u>Listed Building & conservation Area</u>	n/a	80%	80%	68%	67%	70%	69%

Planning Performance Report - Appendix 4

Performance Indicators									
Status	Quartile	Title	Prev Year End	Annual Target	Current Target	Q1 Act	Q2 Act	Q3 Act	Q4 Act
target	No Data Available	<u>Consents</u>							
Management Notes: (Quarter 4) Pressure of conservation work. (JC)									
Above target	2012-2013 Above Median All England	<u>Planning Applications: Major Applications</u>	36%	60%	60%	50%	63%	61%	63%
Management Notes: (Quarter 4) Closely monitored by the Government, target much improved. (JC)									
Above target	2012-2013 Below Median All England	<u>Planning Applications: Minor Applications</u>	51%	65%	65%	64%	68%	68%	67%
Management Notes: (Quarter 4) Increased emphasis is being placed on Major applications (JC)									
Below target	2012-2013 Below Median All England	<u>Planning Applications: 'Other' Applications determined within 8 weeks</u>	79%	80%	80%	84%	81%	81%	79%
Management Notes: (Quarter 4) This is closely monitored, only £385 returned to date. (JC)									
Below target	2014-2015 No Data Available	<u>New Performance Planning Guarantee determine within 26 weeks</u>	95%	100%	100%	94%	95%	95%	96%

Working Environment Portfolio Performance - Appendix 5

Quarterly report for 2014-2015

No headings

For Working Environment and Support Services - Cllr Margaret Squires Portfolio

For MDDC - Services

Filtered by Performance Status: Exclude PI Status: Data not due, Data not entered

Key to Performance Status:

Performance Indicators:	No Data	Well below target	Below target	On target	Above target	Well above target
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Working Environment Portfolio Performance - Appendix 5

Performance Indicators								
Status	Title	Prev Year End	Annual Target	Current Target	Q1 Act	Q2 Act	Q3 Act	Q4 Act
On target	<u>Issue 12 editions of Mid Devon Talk</u>	12	12	12	n/a	n/a	n/a	12
Management Notes:								
No Target	<u>Number of phone calls to CF per month</u>	11,929	For Information Only	For Information Only	14,160	13,843	12,877	12,670
Management Notes:								
Above target	<u>Number of visitors per month < 4,500</u>	4,257	4,500	4,500	4,480	4,397	4,228	4,226
Management Notes:								
Above target	<u>Satisfaction with front-line services</u>	80.33%	80.00%	80.00%	77.00%	79.50%	81.67%	81.75%
Management Notes:								
Not calculable	<u>% complaints acknowledged w/in 3 days</u>	71%	80%	80%	43%	44%	45%	46%
Management Notes: (Quarter 4)								
the accuracy of stats from the CRM will be checked prior to writing the Annual report on complaints. Work on The CRM upgrade has meant this has been difficult to complete during the year.								
(LR)								
Above target	<u>% of complaints resolved w/in timescales (10 days - 12 weeks)</u>	73%	90%	90%	81%	97%	97%	97%
Management Notes: (Quarter 4)								
at year end a full manual check was made of all complaints plus details obtained from housing, show that 97% of all complaints were resolved within the extended 12 week period. The stats have been amended to reflect this.								
(LR)								
Above target	<u>% Emails received by Customer Services responded to within 5 days</u>	99.3%	95.0%	95.0%	99.0%	99.0%	98.0%	98.0%
Management Notes:								
Not calculable	<u>Number of Complaints</u>	n/a	For information only	For information only	193	122	69	74
Management Notes:								

Finance Portfolio Performance - Appendix 6

Quarterly report for 2014-2015
No headings
For Finance - Cllr Peter Hare-Scott Portfolio
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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Finance Portfolio Performance - Appendix 6

Performance Indicators								
Status	Title	Prev Year End	Annual Target	Current Target	Q1 Act	Q2 Act	Q3 Act	Q4 Act
Below target	<u>% total Council tax collected - monthly</u>	97.56%	98.00%	98.00%	29.31%	56.58%	88.95%	97.80%
Management Notes:								
Above target	<u>% total NDR collected - monthly</u>	98.40%	98.00%	98.00%	29.70%	57.74%	85.02%	99.00%
Management Notes:								
Above target	<u>Percentage of Invoices Paid on Time</u>	94.13%	97.50%	97.50%	n/a	99.34%	n/a	99.26%
Management Notes: (October - March)								
The creditors team are very committed and have performed very well, they have improved processes and been very proactive encouraging departments to GRN invoices promptly on receipt of goods.								
(AB)								
Well above target	<u>Time taken to process Housing Benefit/Council Tax Benefit new claims and change events</u>	8days	14days	14days	9days	9days	9days	8days
Management Notes:								

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Risk Report Appendix 7

Report for 2015-2016
 Filtered by Flag:Include: * CRR 5+ / 15+
 For MDDC - Services

Not Including Risk Child Projects records or Mitigating Action records

Key to Performance Status:

Risks: No Data (0+) High (15+) Medium (5+) Low (1+)

Risk Report Appendix 7

Risk: Asbestos Health risks associated with Asbestos products such as lagging, ceiling/wall tiles, fire control.

Effects (Impact/Severity):

Causes (Likelihood):

Service: Housing Services

Current Status:
Medium (5)

Current Risk Severity: 5 -
Very High

Current Risk Likelihood: 1 -
Very Low

Head of Service: Nick Sanderson

Review Note: Recommendations from the HSE after the events last year have now been implemented.

Risk Report Appendix 7

Risk: Breaches in HR Legislation Failure to keep Council policies up to date, that complement the appropriate legislation

Failure to develop staff knowledge and competence regarding legislation/changes

Effects (Impact/Severity): - The Council could face poor reports from assurance bodies
 - Failure to meet statutory duties could result in paying penalties, stretching already thin financial resources
 - Failure to comply with legislation could lead to legal challenge against individuals or the Council as a whole
 - Future legislation changes, their impact on services and the cost of implementing changes to policies, procedures and service delivery

Causes (Likelihood):

Service: Human Resources

Current Status: Medium (5)	Current Risk Severity: 5 - Very High	Current Risk Likelihood: 1 - Very Low
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Head of Service: Jill May

Review Note: The council employs four Chartered Ins of Personnel and Development (CIPD) staff who undertake regular employment law updates. All policies are reviewed on an three year programme which has slipped lately due to pressure of work (reorganisations, consultations and redundancies) however we always prioritise legislative change. Therefore whilst this is a huge risk it is a risk which is managed.

Risk: Breaches of Legislation Breaches of Anti-Money Laundering or Bribery Act both could result in a criminal conviction.

Effects (Impact/Severity):

Causes (Likelihood):

Service: Audit

Current Status: Medium (5)	Current Risk Severity: 5 - Very High	Current Risk Likelihood: 1 - Very Low
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Head of Service: Amy Tregellas

Review Note:

Risk: Chemicals Staff using chemicals incorrectly.

Effects (Impact/Severity):

Causes (Likelihood):

Service: Leisure Services

Current Status: Medium (10)	Current Risk Severity: 5 - Very High	Current Risk Likelihood: 2 - Low
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Head of Service: Jill May

Review Note:

Risk Report Appendix 7

Risk: Council Finances - Banking Arrangements Problems with banks and online services may affect ability to access funds when we need to or receive / process payments on a timely basis

Effects (Impact/Severity): Unable to promptly pay suppliers or treasury commitments

Causes (Likelihood): ICT systems down at Council or Bank so impossible to review cash position or make urgent payments

Service: Financial Services

Current Status:
Medium (5)

Current Risk Severity: 5 -
Very High

Current Risk Likelihood: 1 -
Very Low

Head of Service: Andrew Cawdron, Andrew Jarrett

Review Note:

Risk: Council Finances - Investments Failure to invest in the Council's funds in an efficient and effective manner may cause potential of a loss of monies invested

Effects (Impact/Severity): • Could result in cash flow loss of up to £3M

Causes (Likelihood): • Future banking collapses

Service: Financial Services

Current Status:
Medium (5)

Current Risk Severity: 5 -
Very High

Current Risk Likelihood: 1 -
Very Low

Head of Service: Andrew Cawdron, Andrew Jarrett

Review Note:

Risk: Council Finances - Treasury Management Failure to comply with the CIPFA Code of Practice on Treasury Management /local authority accounting would be a breach in statutory duty

Effects (Impact/Severity):

Causes (Likelihood):

Service: Financial Services

Current Status:
Medium (5)

Current Risk Severity: 5 -
Very High

Current Risk Likelihood: 1 -
Very Low

Head of Service: Andrew Cawdron, Andrew Jarrett

Review Note:

Risk Report Appendix 7

Risk: Digital transformation - Local Plan Jeopardisation of the Local plan consultation timetable due to problems with the website

Effects (Impact/Severity):

Causes (Likelihood):

Service: Management Team

**Current Status:
Medium (10)**

Current Risk Severity: 5 - Very High

Current Risk Likelihood: 2 - Low

Head of Service: Liz Reeves

Review Note:

Risk: Digital Transformation - No Website The complete failure of the Council website

Effects (Impact/Severity):

Causes (Likelihood):

Service: Management Team

**Current Status:
Medium (5)**

Current Risk Severity: 5 - Very High

Current Risk Likelihood: 1 - Very Low

Head of Service: Christina Cross, Liz Reeves

Review Note: the security patch has been successfully applied to Goss.

Risk: Document Retention If documents fail to be retained for the statutory period then we may face financial penalties

Effects (Impact/Severity):

- The Council may be disadvantaged in taking or defending legal action if prime documents are not retained;
- Performance statistics cannot be verified;
- The external auditor may not be able to verify the Council's final accounts and subsidy may be lost.
- Mismanagement of burial records

Causes (Likelihood): • "Data debris" cluttering system and storage space

Service: Management Team

**Current Status:
Medium (5)**

Current Risk Severity: 5 - Very High

Current Risk Likelihood: 1 - Very Low

Head of Service: Christina Cross

Review Note: no change to policy

Risk Report Appendix 7

Risk: Failure to comply with card security standards As an organisation we need to comply with the requirements of TrustWave to be authorised as card payment processors.

Effects (Impact/Severity):

Causes (Likelihood):

Service: Management Team

**Current Status:
Medium (5)**

**Current Risk Severity: 5 -
Very High**

**Current Risk Likelihood: 1 -
Very Low**

Head of Service: Liz Reeves

Review Note: Annual review of policy and training for all staff. ICT advise on all payment systems to ensure comply to PCI standard.

Risk: Fire and Explosion Risks associated with storage of combustible materials, fuels and flammable substances and sources of ignition, as well as emergency procedures (existence, display and knowledge of), accessibility (or obstruction) of emergency exits and walkways to. Also, risks associated with use of fire extinguishers, having correct type in location, in date and trained operatives on site.

Effects (Impact/Severity): Very High (5) – Although the risk is low, a fire in the server or storage room could potentially cause loss of life, have serious financial implications and severely impact the councils ability to provide services due to loss of IT infrastructure.

Causes (Likelihood): Very Low (1) – The likelihood of a fire within ICT is extremely low. No quantities of combustible materials are stored within the work area. There is easy access to the emergency exit and all staff have received fire awareness training.

Service: I C T

**Current Status:
Medium (5)**

**Current Risk Severity: 5 -
Very High**

**Current Risk Likelihood: 1 -
Very Low**

Head of Service: Christina Cross

Review Note: we had an incident 7 pm Tuesday evening and our heat sensors and recovery team worked all as it should and problem averted

Risk: Information Security Inadequate Information Security could lead to breaches of confidential information, damaged or corrupted data and ultimately Denial of Service. The council fails to have an effective information strategy in place.

Risk of monetary penalties and fines, and legal action by affected parties

Effects (Impact/Severity):

Causes (Likelihood):

Service: I C T

**Current Status:
Medium (5)**

**Current Risk Severity: 5 -
Very High**

**Current Risk Likelihood: 1 -
Very Low**

Head of Service: Christina Cross

Review Note: no changes since last risk review. Users are aware and regularly reminded

Risk Report Appendix 7

Risk: Legionella Legionella

Effects (Impact/Severity):

Causes (Likelihood):

Service: Leisure Services

Current Status:
Medium (5)

Current Risk Severity: 5 -
Very High

Current Risk Likelihood: 1 -
Very Low

Head of Service: Jill May

Review Note:

Risk: Lifeguard Training Poor quality training. Improper use of rescue equipment

Effects (Impact/Severity):

Causes (Likelihood):

Service: Leisure Services

Current Status:
Medium (5)

Current Risk Severity: 5 -
Very High

Current Risk Likelihood: 1 -
Very Low

Head of Service: Jill May

Review Note:

Risk: Plant Rooms plant rooms

Effects (Impact/Severity):

Causes (Likelihood):

Service: Leisure Services

Current Status:
Medium (5)

Current Risk Severity: 5 -
Very High

Current Risk Likelihood: 1 -
Very Low

Head of Service: None

Review Note:

Risk: Waste Collection - Health and Safety Inadequate training with regards to Manual Handling and workplace hazards (eg contact with broken glass) could result in Health and Safety risks

Effects (Impact/Severity):

Causes (Likelihood): - Increasing demand and service costs due to increasing population, consumer society and an increasing amount of waste

Service: Street Scene Services

Current Status:
Medium (10)

Current Risk Severity: 5 - Very
High

Current Risk Likelihood: 2 -
Low

Head of Service: None

Review Note:

MID DEVON DISTRICT COUNCIL – NOTIFICATION OF KEY DECISIONS

July 2015

The Forward Plan containing key Decisions is published 28 days prior to each Cabinet meeting

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Growth Fund Bid Report of the Head of Communities and Governance regarding a potential bid to the Growth Fund	Cabinet	30 Jul 2015	Amy Tregellas, Head of Communities and Governance and Monitoring Officer Tel: 01884 234246	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
Tiverton and Halberton Neighbourhood Plan - Area Designation Report of the Head of Planning and Regeneration regarding an application made by Tiverton Town Council in agreement with Halberton Parish Council for the formal designation of the parishes of Tiverton and Halberton as a Neighbourhood Area for	Cabinet	30 Jul 2015	Jenny Clifford, Head of Planning and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open

Agenda Item 15.

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Neighbourhood Development Plan purposes.					
Amendment to the Treasury Management Strategy Report of the Head of Finance requesting consideration of an investment in CCLA Commercial Property Investment Fund	Cabinet	30 Jul 2015	Andrew Jarrett, Head of Finance Tel: 01884 234242	Cabinet Member for Finance (Councillor Peter Hare-Scott)	Open
Silverton Toilets Report of the Head of Housing and Property Services giving information on the valuation and the proposal for use as a community asset.	Cabinet	30 Jul 2015	Nick Sanderson, Head of Housing and Property Services Tel: 01884 234960	Cabinet Member for Housing (Councillor Ray Stanley)	Open
Community Safety Partnership Plan 2012-2015 Report of the Head of Housing and Property Services	Cabinet	30 Jul 2015	Nick Sanderson, Head of Housing and Property Services Tel: 01884 234960	Cabinet for the Working Environment and Support Services (Councillor Margaret)	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
				Squires)	
<p>Workforce Planning and Human Resource Strategy A report of the Head of Human Resources providing a review of the current strategy and reflecting the latest legislative and economic changes</p>	Cabinet	30 Jul 2015	Jill May, Head of HR and Development Tel: 01884 234381	Cabinet for the Working Environment and Support Services (Councillor Margaret Squires)	Open
<p>Tender Award for New Dwellings at Palmerston Park and Birchen Lane, Tiverton Report of the Head of Housing and Property Services regarding the awarding of the tender for these developments.</p>	Cabinet	30 Jul 2015	Nick Sanderson, Head of Housing and Property Services Tel: 01884 234960	Cabinet Member for Housing (Councillor Ray Stanley)	Fully exempt <i>Consideration of the tender award which will indicate the outcome of the tender process, the names the businesses involved and possible the financial detail of the tender.</i>
<p>Landscape Implications of Wind and Solar Energy Proposals Supplementary Planning Document Report of the Head of Planning and Regeneration regarding proposals for the Supplementary Planning</p>	Cabinet	30 Jul 2015	Jenny Clifford, Head of Planning and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Document					
Masterplan - Cullompton North West Urban Extension Report of the Head of Planning and Regeneration requesting the Cabinet to consider consultation drafts	Cabinet	30 Jul 2015	Jenny Clifford, Head of Planning and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
Masterplan - Area B Tiverton Eastern Urban Extension Report of the Head of Planning and Regeneration requesting the Cabinet to consider consultation drafts	Cabinet	30 Jul 2015	Jenny Clifford, Head of Planning and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
Corporate Asbestos Policy A report of the Head of Housing and Property Services providing a review of the existing policy with recommendations for any necessary changes	Cabinet	27 Aug 2015	Nick Sanderson, Head of Housing and Property Services Tel: 01884 234960	Cabinet Member for Housing (Councillor Ray Stanley)	Open
Review of the Article 4 Direction for Cullompton To receive a report from the Head of Planning and	Cabinet	27 Aug 2015	Jenny Clifford, Head of Planning and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration	Open

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Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Regeneration regarding the outcomes of the review of the Article 4 Direction in Cullompton				(Councillor Richard Chesterton)	
Review of the Tenancy Policy Report of the Head of Housing and Property Services outlining the types of tenancy available.	Cabinet	27 Aug 2015	Nick Sanderson, Head of Housing and Property Services Tel: 01884 234960	Cabinet Member for Housing (Councillor Ray Stanley)	Open
Rent Arrears Management Policy Report of the Head of Housing and Property Services identifying how rent arrears are collected.	Cabinet	27 Aug 2015	Nick Sanderson, Head of Housing and Property Services Tel: 01884 234960	Cabinet Member for Housing (Councillor Ray Stanley)	Open
Void Policy To receive a report of the Head of Housing and Property Services outlining this revised policy.	Cabinet	27 Aug 2015	Nick Sanderson, Head of Housing and Property Services Tel: 01884 234960	Cabinet Member for Housing (Councillor Ray Stanley)	Open
Housing Strategy A report of the Housing Services Manager reviewing the existing strategy	Cabinet	27 Aug 2015	Clare Fry, Housing Services Manager Tel: 01884 234920	Cabinet Member for Housing (Councillor Ray Stanley)	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
<p>Private Sector Housing Policy Report of the Head of Housing and Property Services undertaking a review of the policy.</p>	Cabinet	27 Aug 2015	Nick Sanderson, Head of Housing and Property Services Tel: 01884 234960	Cabinet Member for Housing (Councillor Ray Stanley)	Open
<p>Asset Management and Capital Strategy Plan (Corporate) A report of the Head of Housing and Property Services reviewing the existing policy and providing an update on recent acquisitions / disposals</p>	Cabinet	24 Sep 2015	Nick Sanderson, Head of Housing and Property Services Tel: 01884 234960	Cabinet Member for Housing (Councillor Ray Stanley)	Open
<p>Gas Service Contract Report of the Head of Housing and Property Services regarding the awarding of the tender for maintenance, servicing and responsive repairs.</p>	Cabinet	24 Sep 2015	Nick Sanderson, Head of Housing and Property Services Tel: 01884 234960	Cabinet Member for Housing (Councillor Ray Stanley)	Open
<p>Empty Homes Strategy A report of the Private Sector Housing Officer providing a</p>	Decent and Affordable Homes Policy	24 Sep 2015	Nick Sanderson, Head of Housing and Property	Cabinet Member for Housing (Councillor Ray	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
review of current policy with recommendations for any changes that may be necessary in the current economic circumstances	Development Group Cabinet		Services Tel: 01884 234960	Stanley)	
Car Parking Fees To consider a recommendation from the Managing the Environment Policy Development Group with regard to car parking fees in Mid Devon	Cabinet	24 Sep 2015	Andrew Jarrett, Head of Finance Tel: 01884 234242	Cabinet Member for the Environment (Councillor Neal Davey)	Open
Complaints and Feedback Policy To receive a report of the Head of Customer Services providing an annual report on complaints, comments and compliments.	Cabinet	24 Sep 2015	Liz Reeves, Head of Customer Services Tel: 01884 234371	Cabinet for the Working Environment and Support Services (Councillor Margaret Squires)	Open
Corporate Plan Report of the Head of Communities and Governance detailing the updated Corporate Plan.	Cabinet	22 Oct 2015	Amy Tregellas, Head of Communities and Governance and Monitoring Officer Tel: 01884 234246	Leader of the Council (Councillor Clive Eginton)	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
<p>Economic Development Strategy To consider a report of the Head of Communities and Governance revising this policy</p>	Cabinet	22 Oct 2015	Amy Tregellas, Head of Communities and Governance and Monitoring Officer Tel: 01884 234246	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
<p>Medium Term Financial Plan Report of the Head of Finance</p>	Cabinet	22 Oct 2015	Andrew Jarrett, Head of Finance Tel: 01884 234242	Cabinet Member for Finance (Councillor Peter Hare-Scott)	Open
<p>Allocations Policy (Band E - Devon Home Choice) Revised Report A report of the Head of Housing and Property Services giving consideration to the merits of retaining a Band E classification</p>	Cabinet	Not before 19th Nov 2015	Nick Sanderson, Head of Housing and Property Services Tel: 01884 234960	Cabinet Member for Housing (Councillor Ray Stanley)	Open