

HOMES POLICY DEVELOPMENT GROUP 15 SEPTEMBER 2020

HOUSING SERVICE DELIVERY REPORT

Cabinet Member(s): Councillor Bob Evans
Responsible Officers: Mrs Claire Fry, Group Manager for Housing Services /
Simon Newcombe, Group Manager for Public Health and
Regulatory Services

Reason for Report and Recommendation: To provide an update to Members on enforcement and other activity undertaken by Officers in the Housing Service. Members are asked to comment on the format and reporting used in the report because changes have been made to the way in which the data is collected and presented.

Recommendation: Members are asked to note the report and to provide feedback on format and reporting in the new tables contained in the appendices.

Financial Implications: The activity of the Housing Service spans both General Fund and the Housing Revenue Account (HRA). The HRA is ring fenced and subject to specific financial controls.

Budget and Policy Framework: Policies agreed by the Homes Policy Development Group govern the work of the Housing Service. There are budgets set aside within the General Fund to finance work relating to homelessness and strategic rehousing. Additional funding to support work with rough sleepers has also been obtained in partnership with East Devon District Council for use this year. The HRA is funded in large part by rental income and therefore maintaining the revenue stream must be a key priority for the Housing Service.

Legal Implications: Tenancy management is funded through the Housing Revenue Account. The tenancy agreement defines the Council's relationship with tenants and sets out the rights and responsibilities of both parties. This takes account of legal and regulatory requirements. The Housing Act 1985, the Localism Act 2011 and the Anti-social Behaviour, Crime and Policing Act 2014 contain many provisions which must be taken into account by the Housing Service.

Service delivery funded by the General Fund encompasses the prevention and management of homelessness; and the administration of the housing register. There are many statutory obligations associated with these activities arising from provisions of the Housing Act 1996, as amended by the Homelessness Act 2002 and the Homelessness Reduction Act 2017.

Risk Assessment: The landlord service has approximately 3,000 homes in management which represents a huge investment. Failure to provide an effective tenancy management service has the potential to result in failure to meet legal and statutory obligations including those relating to health and safety issues, tenancy fraud, and potential negative publicity in the event of, for example, a serious fire or anti-social behaviour leading to residents on an estate feeling stigmatised. Failure to collect rental income could impact the ability to fund necessary management and maintenance activities.

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

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

The Council has a number of statutory obligations arising from the Homelessness Reduction Act 2017 and therefore all those presenting as homeless to the Council must be assessed regardless of the section of society from which they come to see whether or not the duties apply. Failure to treat homelessness clients who are eligible fairly could result in judicial review.

Relationship to Corporate Plan: Homes and the environment are a priority for the Council and this includes increasing the supply of affordable homes in the District and also supporting and growing active tenant engagement.

Impact on Climate Change: We recognise that the provision of sustainable communities is important. As part of our commitment to meeting the provisions of the Tenant Involvement and Empowerment Standard within the Regulatory Framework for Social Housing, the Council offers a menu of involvement which provides opportunities for tenants to get involved in service delivery. We use social media to promote sustainability and publish information relating to a variety of topics including fuel efficiency, recycling and healthy living.

With regard to the homes in our management, our repairs and improvements strategies are informed by the need to reduce carbon emissions; and the need to reduce fuel poverty is also a key consideration.

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

1.0 Introduction

- 1.1 The rationale for this report is to show the range of work being undertaken across the Housing Service with regard to enforcement and safeguarding activity.
- 1.2 Since the first report presented at the previous meeting of the Homes PDG, Officers have re-run the data and re-structured the tables. This was to ensure that all relevant information has been captured.
- 1.3 Annex 1 shows a summary of enforcement and other related activity and Annex 2 shows a summary of safeguarding activity undertaken in connection with the

wellbeing of tenants, members of their households or anyone else, regardless of whether they live on our estates, where a concern has been identified.

2.0 Enforcement Activity

- 2.1 The Regulator for Social Housing operates the regulatory framework which contains a number of standards which set out the required outcomes and specific expectations associated with the performance of registered social landlords/housing providers (RPs).
- 2.2 The Neighbourhood and Community Standard contains provisions relating to the management of anti-social Behaviour and in line with these, RPs are expected to work in partnership with other agencies to prevent and tackle anti-social behaviour in the neighbourhoods where they own homes.
- 2.3 Neighbourhood Officers in the Housing Revenue Account (HRA) Estates team are responsible for managing nuisance and anti-social behaviour. Some cases can be very complex and the work involved in the management of these can be ongoing for many months.
- 2.4 The report in Annex 1 shows the range of work associated with the management of anti-social behaviour under the heading: "Neighbourhood and Community Standard".
- 2.5 Members of the PDG will note that there was one injunction obtained during Quarter 2. This was an ex-parte -injunction, which means that the defendant was unaware of the action. Officers were able to demonstrate to the Court that the defendant had caused serious anti-social behaviour which included threatening and abusing staff. The proceedings took place in a virtual hearing via an electronic platform. There will be a further virtual hearing in due course and the purpose of this second hearing will be to provide the defendant with an opportunity to challenge the action taken by the Council.
- 2.6 Neighbourhood Officers in the HRA Income Team are responsible for maintaining the revenue stream. From the beginning of April 2020 until 21 September 2020, landlords were prohibited from commencing possession proceedings or evictions. The Government described this hiatus as a "pause" designed to mitigate the impact of lockdown and to aid sustainable tenancies.
- 2.7 Procedures relating to possession actions have changed in order to provide more protection for those tenants who may be experiencing financial difficulties as a result of the economic impact of the pandemic. Housing Officers are working with the Legal Service to understand the implications of this and to redesign standard letters and templates because, for the time-being, notice of possession proceedings should be of 6 months duration. Furthermore, there is to be another pause on possession action and evictions over the Christmas period from 11 December 2020 to 11 January 2021.
- 2.8 For reference, the Government has also advised that there should be no evictions in those local authority areas which are under local lockdown.

- 2.9 There has been very little enforcement activity undertaken since the start of the pandemic by the HRA Income Team. Instead, Officers modified their style in order to provide a more supportive response to those experiencing financial issues and a more collaborative approach was implemented. The aim was to ensure that those who were unable to pay their rent approached the Housing Service at an early stage in order to obtain advice and support as appropriate. Our Officers were able to signpost and refer those in need to other agencies which could help. In addition, they endeavour to create a payment culture by ensuring that any arrangements for repayment were realistic and achievable. The sending of letters to those in arrears has resumed but the purpose of this activity is to prompt a response from those people who may be in denial about the extent of their financial distress.
- 2.10 Members are likely to see an increase in enforcement activity relating to income management due to the need to protect the interests of the Council once the procedures relating to the service of notices have been amended to take account of the latest legal provisions.
- 2.11 The Housing Options team is responsible for managing temporary accommodation which is used by those who have presented as homeless. The Council has a number of statutory obligations to such people and this includes accommodating them whilst their circumstances are being investigated and assessed; and then, if a duty is owed, until such time as they can be rehoused.
- 2.12 During the pandemic, other individuals were accommodated as part of the initiative to minimise rough sleeping.
- 2.13 As shown in Annex 1, there was only one eviction from temporary accommodation during Quarter 2.
- 2.14 All Officers in the Housing and Building Services are required to escalate safeguarding issues, as appropriate, if there are any concerns about an individual, a member of their household or anyone else. This is in accordance with the corporate policy on safeguarding. Safeguarding issues can arise for many reasons and these may be associated with relationship breakdown, mental or other health issues, neglect and so on.
- 2.15 The HRA Estates team is the main point of contact for other agencies in relation to any safeguarding issues relating to tenants or anyone else, which have been escalated due to concern relating to risk of harm. The Neighbourhood Officers in that team will attend Team Around the Family (TAF) and other relevant meetings, as appropriate, on behalf of the Housing Service.
- 2.16 Members are asked to note the significant number of cases which have been referred to the Multi-Agency Risk Assessment meeting (the MARAC) during the first two quarters of this year. Our Officers are able to participate in virtual meetings where cases are discussed in detail and where appropriate decisions are made on the basis of information provided.
- 2.17 Activity relevant to safeguarding is shown in Annex 2

3.0 The New Report Template

3.1 Members will note that the format of the table associated with this report has changed since the last meeting. This new template is intended to be the final one going forward. The approach to data collection has been reviewed and amended to ensure that all relevant information is captured and the table has been re-structured. Members are asked to feedback on whether or not this new arrangement of the information is satisfactory.

4.0 Recommendation

4.1 Members are asked to note the report and to provide feedback on format and reporting in the new table contained in the appendices.

Contact for more Information: Mrs Claire Fry, Group Manager for Housing Services, telephone: 01884 255255, email: cfry@middevon.gov.uk or Simon Newcombe, Group Manager for Public Health and Regulatory Services/Corporate Management Team email: snewcombe@middevon.gov.uk

Circulation of the Report:

Members of the Housing PDG
Cllr Bob Evans, Cabinet Member for Homes
Leadership Team
Corporate Management Team and other Group/Interim Service Managers
Legal Services

List of Background Papers:

The Regulatory framework for social housing:

<https://www.gov.uk/government/collections/regulatory-framework-requirements>

Annex 1

Service Delivery – Enforcement Activities

Neighbourhood & Community Standard – Housing Revenue Account – Estates Team						
	Q1	Q2	Q3	Q4	YTD	Comments
Fraud cases opened	2	0			2	No new cases reported
Fraud cases referred to an external investigator	1	1			2	
Acceptable Behaviour Agreements signed	0	2			2	
Good Neighbourhood Agreements signed	3	0			3	No new cases reported
Community Protection Notice warnings issued	1	1			2	
Community Protection Notices issued	0	0			0	
Possession Actions commenced on grounds of ASB	3	0			3	
Closure Orders – obtained	4	0			4	
Injunctions sought	0	1			1	
Evictions on grounds of anti-social behaviour/ other tenancy breach	0	0			0	

Income Recovery – Housing Revenue Account – Income Team						
	Q1	Q2	Q3	Q4	YTD	Comments
Notice of Seeking possession served	0	0			0	Due to the pandemic we have not commenced with service of Notices
Judgement obtained	0	0			0	
Warrants issued	2	0			2	Warrants issued are pending an eviction date due to the pause on evictions during the pandemic
Evictions on grounds of rent arrears	0	0			0	

Management of Temporary Accommodation – General Fund – Housing Options team						
	Q1	Q2	Q3	Q4	YTD	Comments
Evictions from temporary accommodation	6	1			7	

Annex 2

Service Delivery – Safeguarding Activities

Neighbourhood & Community Standard – Housing Revenue Account						
	Q1	Q2	Q3	Q4	YTD	Comments
Domestic abuse cases opened	10	0			10	No new cases reported
Domestic abuse cases referred to Multi-agency Risk Assessment Conference (MARAC)	5	9			14	All cases relate to MDDC tenants but referred by other agencies
Safeguarding referrals made (to all agencies)	4	9			13	Various referrals made