

## HOMES POLICY DEVELOPMENT GROUP 16 MARCH 2021

### HOUSING SERVICE DELIVERY REPORT

**Cabinet Member(s):** Councillor Bob Evans  
**Responsible Officer:** Mrs Claire Fry, Operations Manager for Housing Services/Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing

**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 endorse the report.**

**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. There are specific budgets set aside within the General Fund to enable the Council to meet statutory obligations associated with homelessness. Central Government makes some funding which is ring-fenced available to support this work. Furthermore, the Housing Service is currently in receipt of funding which was awarded as part of the Rough Sleeping Initiative which is used in connection with a number of projects which align with our own rough sleeping strategy.

**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:** None directly arising from this update report. In wider terms, 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/Background

- 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. The statistics contained in the appendices cover the period from September 2020 to December 2020 i.e. Quarter 3 of 2020/21
- 1.2 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 (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. This work can be resource-intensive involving as it does the need to investigate complaints, provide support to complainants, and to take appropriate action. Officers often experience conflicting demands when trying to resolve such cases and can find some of the delicate and sensitive issues with they may be called upon to manage, particularly challenging.
- 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 will note that there were three fraud cases identified during the third quarter of this year. Looking at the report, it would seem that the workload of the HRA Estates Team became more varied during the quarter. There were 6 Acceptable Behaviour Agreements issued and 2 Community Protection Notice warnings issued during the period.
- 2.6 The HRA Income Team has changed approach during the pandemic with the aim of supporting those who may be experiencing financial hardship to sustain their tenancies. This is important for many reasons but also supports the work of the Housing Options team which is responsible for the prevention and management of homelessness. Officers have adopted a more collaborative approach over the last 10 months. The aim is to ensure that those who are unable to pay their rent work with Officers from an early stage in order to obtain advice and support as appropriate. Our team is able to signpost and refer those in need to other agencies which can help. This includes CHAT and Citizen's Advice. They also make referrals for hardship grants and other help. In addition, they endeavour to create a payment culture by ensuring that any arrangements for repayment were realistic and achievable.
- 2.7 Therefore, formal enforcement activity has been reduced since the start of the pandemic in March 2020.
- 2.8 However, there was one warrant issued during the quarter. This related to a case which was heard in the County Court prior to Lockdown 1.0. The

Housing Service was awarded a possession order which was suspended. The Court ordered the tenant to make regular monthly payments but the tenant failed to make one which was expected. At the beginning of March last year, he was asked to make up the payment within 7 days with this request being made in writing. He failed to do so and Officers therefore applied for the warrant on 26 June 2020. An eviction date was scheduled for 7 December 2020. This was suspended and the bailiff appointment withdrawn due to ongoing restrictions and risks associated with Covid19.

- 2.9 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.
- 2.10 During the pandemic, other individuals were accommodated as part of the initiative to minimise rough sleeping.
- 2.11 As shown in Annex 1, there were some evictions from temporary accommodation during the third quarter of 2020/21. These arose because the clients failed to use the rooms provided to them. In these cases, the commitment to provision of temporary accommodation was ended and this is recorded in our records as an eviction.
- 2.12 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.
- 2.13 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. As with enforcement activity, work relating to safeguarding can be very difficult and upsetting, and may involve inter-agency dialogue, joint working and involvement in many meetings. Officers are sometimes required to prioritise their work in order to ensure that they have the time available to manage cases where safeguarding is an issue. For this reason, activity relating to this work-stream has been included within this report; with an additional table demonstrating the extent of the current caseload.
- 2.14 11 safeguarding referrals were made during the quarter which is reassuring because it shows that Officers are acting to escalate any issues of concern.

### 3.0 **Recommendation**

- 3.1 Members are asked to endorse the report.

**Contact for more Information:** Mrs Claire Fry, Operations Manager for Housing Services, tel: 01884 255255 (via callback) [cfry@middevon.gov.uk](mailto:cfry@middevon.gov.uk) or Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing [snewcombe@middevon.gov.uk](mailto:snewcombe@middevon.gov.uk)

**Circulation of the Report:**

Members of the Housing PDG  
Cllr Bob Evans, Cabinet Member for Homes  
All Leadership Team  
All Corporate Management Team  
Group/Operations 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 Activity

Neighbourhood & Community Standard – Housing Revenue Account Estates team						
	Quarter1	Quarter2	Quarter3	Quarter4	YTD	Commentary
Fraud cases opened	2	0	3		5	3 x new cases being investigated for fraud
Fraud cases referred to an external investigator	1	1	1		3	1 x case referred to an external investigator
Acceptable Behaviour Agreements signed	0	2	6		8	
Good Neighbourhood Agreements signed	3	0	0		3	No new cases reported Q3
Community Protection Notice warnings issued	0	0	2		2	
Community Protection Notices issued	0	0	0		0	
Possession Actions commenced on grounds of ASB	3	0	4		7	4 x new cases in connection to extension of closure orders
Closure Orders – obtained	4	0	4		4	4 x new cases are extension of Closure Orders
Injunctions sought	0	1	1		2	Legal advice obtained.  1x case - collating evidence for civil injunction
Evictions on grounds of anti-social behaviour/ other tenancy breach	0	0	0		0	

<b>Income Recovery – Housing Revenue Account Income Team</b>						
	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>YTD</b>	<b>Commentary</b>
Notice of Seeking possession served	0	0	0		0	
Judgement obtained	0	0	0		0	
Warrants issued	2	0	1		3	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		0	
<b>Management of Temporary Accommodation - Housing Options team</b>						
	<b>Quarter1</b>	<b>Quarter2</b>	<b>Quarter3</b>	<b>Quarter4</b>	<b>YTD</b>	<b>Commentary</b>
Evictions from temporary accommodation	6	1	6		13	These cases arose from the need to evict individuals who had threatened staff, caused nuisance to other residents or where the duty to accommodate had ended. Alternatively, where accommodation was not used.

## Annex 2

### Service Delivery - Safeguarding Activities

Neighbourhood & Community Standard – Housing Revenue Account Estates team						
	Quarter1	Quarter2	Quarter3	Quarter4	YTD	Commentary
Domestic abuse cases opened	10	0	10		20	Domestic Violence (DV) cases reported to the Neighbourhood Officers.
Domestic abuse cases referred to Multi-agency Risk Assessment Conference (MARAC)	5	9	5		19	5 x MDDC Cases referred by other agencies. None referred by MDDC Reports provided to MARAC for all cases
Safeguarding referrals made (to all agencies)	4	9	6		19	Q3 2 x cases referred to Adult Safeguarding  Q3 4 x cases referred to General Practitioner (GP)