

Committee Manager: Erica Keegan (Ext. 37547)

9 November 2016

## **HOUSING & CUSTOMER SERVICES WORKING GROUP**

A meeting of the Housing & Customer Services Working Group will be held in Committee Room 1 (the Pink Room) at the Arun Civic Centre, Maltravers Road, Littlehampton on **Thursday, 24 November 2016 at 6.00pm** and you are requested to attend.

Members: Councillors Clayden (Chairman), Mrs Pendleton (Vice-Chairman), Mrs Ayres, Bicknell, Blampied, Mrs Daniells, Edwards, Mrs Harrison-Horn, Oppler, Mrs Porter and Mrs Rapnik.

## **A G E N D A**

### 1. APOLOGIES FOR ABSENCE

Please send your apologies for absence to Erica Keegan – tel:01903 737547 or e-mail: [erica.keegan@arun.gov.uk](mailto:erica.keegan@arun.gov.uk)

### 2. DECLARATIONS OF INTEREST

Members and Officers are reminded to make any declaration of personal and/or prejudicial/pecuniary interests that they may have in relation to items on this agenda.

You should declare your interest by stating:

- a) the item you have the interest in
- b) whether it is a personal interest and the nature of the interest
- c) whether it is also a prejudicial/pecuniary interest

You then need to re-declare your interest and the nature of the interest at the commencement of the item or when the interest becomes apparent

3. MINUTES

To approve as a correct record the Minutes of the meeting of the Housing & Customer Services Working Group held on 15 September 2016 (**attached**).

4. ITEMS NOT ON THE AGENDA THAT THE CHAIRMAN OF THE MEETING IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY BY REASON OF SPECIAL CIRCUMSTANCES.

5. \*CUSTOMER SERVICES UPDATE

The Head of Customer Services & HR will provide the working group with an update on Customer Services Quarterly report from 1 July 2016 to 30 September 2016 is **attached**.

6. \*ENFORCED SALES PROCEDURES

This report seeks approval for the Council to adopt an Enforced Sales procedure in circumstances where there are long term empty residential properties to bring about the sale of the property whilst also recovering outstanding debt.

7. \*ANTI-SOCIAL BEHAVIOUR POLICY

The Council is committed to managing and addressing Anti-Social Behaviour within its own housing stock. This policy applies specifically to Arun District Council tenants, leaseholders and members of their households. This report details the updated policy.

8. \*WORK PROGRAMME 2016/17

To note the attached work programme for 2016/17 and make any necessary amendments (attached)

(Note: \*Indicates report is attached for Members of the Committee only and the Press (excluding exempt items). Copies of reports can be viewed on the Council's web site at [www.arun.gov.uk](http://www.arun.gov.uk) or can be obtained on request from the Committee Manager.)

‘Subject to Approval at the Next Working Group Meeting’

HOUSING & CUSTOMER SERVICES WORKING GROUP

15 September 2016 at 6.00 p.m.

Present: - Councillors Clayden (Chairman) Mrs Pendleton (Vice-Chairman)  
Mrs Ayres, Mrs Harrison-Horn and Mrs Rapnik.

Councillor Bence was also present.

11. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Blampied and Bicknell.

12. DECLARATIONS OF INTEREST

The Monitoring Officer has advised Members of interim arrangements to follow when making declarations of interest. They have been advised that for the reasons explained below, they should make their declarations on the same basis as the former Code of Conduct using the descriptions of Personal and Prejudicial Interests.

Reasons

- The Council has adopted the government’s example for a new local code of conduct, but new policies and procedures relating to the new local code are yet to be considered and adopted.
- Members have not yet been trained on the provisions of the new local code of conduct.
- The definition of Pecuniary Interests is narrower than the definition of Prejudicial Interests, so by declaring a matter as a Prejudicial Interest, that will cover the requirement to declare a Pecuniary Interest in the same matter.

Where a Member declares a “Prejudicial Interest” this will, in the interest of clarity for the public, be recorded in the Minutes as a Prejudicial and Pecuniary Interest.

There were no Declarations of Interest made.

13. MINUTES

The Minutes of the meeting of the Housing & Customer Service Working Group held on 7 July 2016 were approved and signed by the Chairman.

‘Subject to Approval at the Next Working Group Meeting’

#### 14. INTRODUCTORY TENANCY POLICY

The working group received a report from the Rent Arrears Team Leader on the Introductory Tenancy Policy which was a new policy that set out a framework ensuring consistency, a systematic approach and professional clear and firm guidelines. It was explained that the policy would be of particular benefit to staff, allowing them to sensitively deal with individual circumstances within a common understanding and agreement by providing tenants and staff with clear guidelines.

The working group was then asked to endorse the report's recommendation to Full Council that proposed the Council adopted the Introductory Tenancy Policy.

In discussion, Members welcomed the policy with its clear guidance. It was agreed that the firm guidelines would assist the Council in gauging whether or not tenants would be able to maintain their tenancy obligations. Following a question it was noted that, wherever possible, tenancy sustainment would always be the main objective. The Rent Arrears Team Leader informed Members that eviction would only be pursued as a last resort. Assurance was given that, early in the recovery process, the relevant support organisation would be alerted in order to secure assistance for the tenant so that the tenant would be given help to sustain the tenancy.

Following further questions which were responded to at the meeting the Chairman thanked the Rent Arrears Team Leader and her team for their hard work on this topic and referred the working group to the report's recommendation.

The Housing & Customer Service Working Group

RECOMMEND TO FULL COUNCIL

that the Introductory Tenancy Policy be adopted.

#### 15. RENT ARREARS/INCOME RECOVERY POLICY

The Rent Arrears Team Leader presented the report on the Rent Arrears/Income Recovery Policy. Members were informed that as a result of significant welfare changes since April 2011 and amendments to the pre action protocol for possession by social landlords (rent arrears) effective from 6 April 2015, the Council's Rent Arrears Policy had been reviewed and re-drafted. This document outlined Arun District Council's policy for managing current and former tenant arrears and would replace previous policies. The policy would assist the Council in helping promote tenancy sustainability and prevent homelessness.

‘Subject to Approval at the Next Working Group Meeting’

It was explained that the policy would ensure good practice by providing staff with clear guidance on current legislation with respect to how the Council should operate a rent arrears team. Members noted that the Policy aimed to establish an effective service whereby rental income is maximised and rent arrears minimised.

Members welcomed the Rent Arrears/Income Recovery Policy and approved the policy’s aims of:

- Early intervention to prevent arrears arising.
- Helping tenants sustain their tenancies and prevent homelessness.
- Ensuring effective management and control of rent arrears
- Ending a tenancy and evicting as a last resort.
- Ensuring that treatment of all Arun’s tenants is accountable, fair, efficient, effective; and uniform throughout the processes.

The Head of Housing confirmed that the policy could assist the Council from a legal perspective if necessary but clarified that any legal action would only be taken as a last resort.

Following questions which were responded to at the meeting the Chairman thanked the Rent Arrears Team Leader and her team for their hard work on this topic and referred the working group to the report’s recommendation.

The Housing and Customer Services Working Group

RECOMMEND TO FULL COUNCIL

that the Rent Arrears/Income Recovery Policy be adopted.

## 16. HOUSING FRAUD INITIATIVE

The Housing Services Manager presented the report on Housing Fraud Initiative which explained the reasons for the Council’s Housing Fraud Initiative, the success of the initiative since January 2016 and asked Members to note the intention to extend the initiative for a further 12 months.

It was noted that the aims of the initiative was to ensure the Council was making the best use of its housing stock and managing the increase in demand for social housing by making it available to those in greatest need.

In discussing this update, Members welcomed the Housing Fraud Initiative noting some of the benefits including getting properties back into use and financial savings for the Council. It was pointed out that although the Audit Commission had assessed that bringing a social housing property back into legitimate use would give a financial saving of £18,000 per annum Arun District Council’s Housing Fraud Initiative had saved in the region of £300,000

‘Subject to Approval at the Next Working Group Meeting’

based on the Audit Commission’s sum as well as the prevention of Right to Buy, the savings from fraudulent Housing Benefit and Council Tax Benefit.

The working group welcomed this initiative and the fact that it would continue for a further year. It was agreed that Social Housing was a limited resource and should be allocated to genuine cases of need.

The Chairman thanked the Housing Services Manager and her team for their hard work in achieving significant progress with the Housing Fraud Initiative. It was agreed that the Housing Fraud Investigator would be invited to attend a future meeting of the Housing and Customer Services Working Group to provide further update and insight.

#### 17. WORK PROGRAMME 2016/17

In discussing the work programme 2016/17, items were added and allocated dates as follows:

- Draft Anti-Social Behaviour Policy – 24 November 2016
- Presentation from the Housing Fraud Investigator – 26 January 2017
- New Housing & Planning Act – 26 January 2017
- Draft Allocations Scheme – 23 March 2017

The change of date for the November meeting from 10 November to 24 November was noted. The Head of Housing stated that he would ask StonePillow if they were able to attend on the revised date.

The work programme 2016/17 was then noted.

(The meeting concluded at 6.53 pm)

## Customer Services Quarterly Report

**Q1 2016/17 July-  
September**

This Customer Services Quarterly Report is designed to show how each of our channels is performing side by side and so to illustrate the movement of customers between these channels. We will continue to develop the report as the situation changes, particularly in the use of performance indicators and their relationship to both our strategy and our customers' behaviour. A column for Housing face2face has been included responsibility for the Housing Desk at the Civic Centre moved to Customer Services in July 2016.

### Overall transaction totals per channel

Web	eForms	Phone	F2F CC	F2F BR	Email	Housing F2F	Chat	SMS	F'Book	Twitter
Transaction totals for this quarter										
146,432	20,976	29,822	3,067	5,433	776	1820	N/A	N/A	N/A	N/A
Transaction totals for previous quarter										
141,196	21,723	33,921	2,592	5,467	532	1790	N/A	N/A	N/A	N/A
Trend against previous quarter										
+4%	-3.5%	-12%	+18%	-0.1%	+46%	+2%	-	-	-	-
Transaction totals for equivalent quarter last year										
111,807	13,479	29,233	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Trend against previous year										
+31%	+56%	+2%	-	-	-	-	-	-	-	-

### Key Issues

The web total is based on sessions. Sessions are individual customer visits, typically featuring a number of page hits or pages viewed.

Eform reporting is in its infancy. Further work is being planned to separate volumes of external e-forms compared to internal e-forms. A detailed understanding of external e forms will help us understand why customers are not always completing the transaction on line and how we can improve the process.

We continue to work on queue monitoring in both reception areas to obtain greater accuracy on advisor efficiency. Totals for Littlehampton Civic Centre include the pod, but not the other service specific desks which are not controlled by Customer Services. In BRTH, the main reception desk also handles Revenues enquiries, in addition to Benefit enquiries when staff are not available for that particular service.

Housing desk has now been included separately, as customer service has taken responsibility for the reception desk from July 1<sup>st</sup> 2016.

Emails only include those which are handled by Arun Direct, i.e. Cleansing, EH and general info emails. These are now recorded in a more stringent manner. Emails for previous year's quarter are not included as accurate figures are not available.

Created by  
Lisa Emmens ([lisa.emmens@arun.gov.uk](mailto:lisa.emmens@arun.gov.uk))

1

## Customer Services Quarterly Report

**Q1 2016/17 July-  
September**

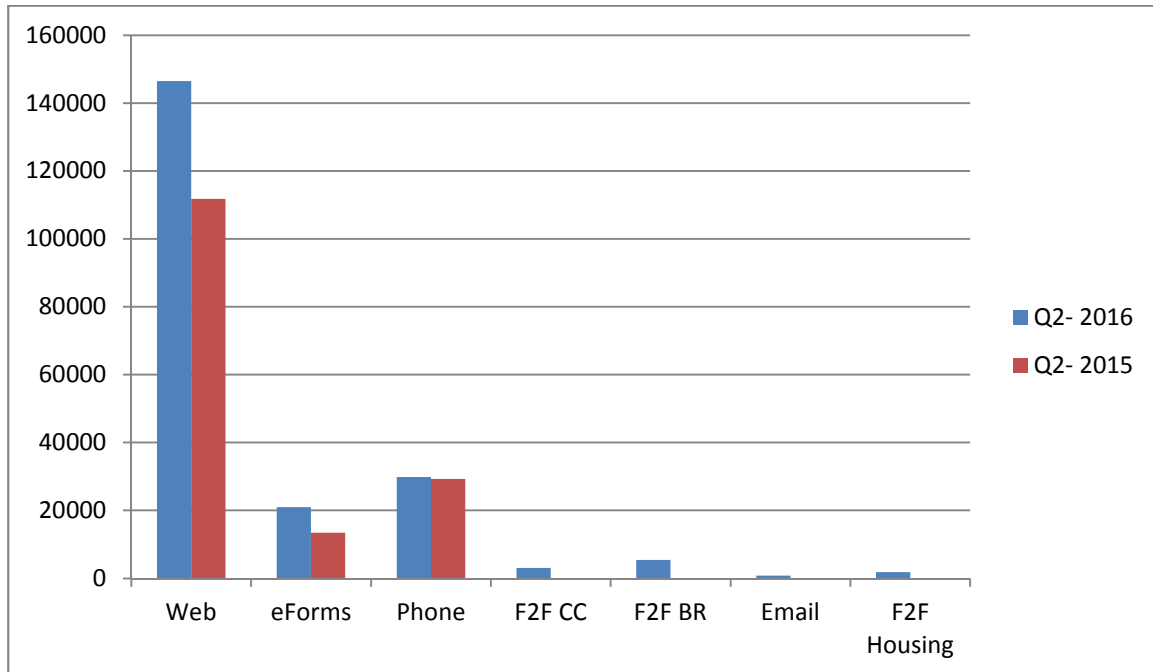


Figure 1

Fig 1 shows **this quarter's** channel statistics compared to **the last quarter's results** where available.

### Headlines

There has been a dip in call volumes between Q1 and Q2 2016, however volumes have remained static in comparison to Q2 2015/16. The high call volumes for Q1 represented the increase for Elections due to the EU Referendum and the council tax annual billing activity.

Since July Customer Services has taken on two new areas. Car parks calls have now been integrated into the contact centre, bringing an estimated further 1000 calls per month. The web site has been developed to allow car park customers to pay fines and appeal online; this should decrease volumes of calls over time. Housing reception is also now under the customer service banner. The role transferred to us in July 2016 with a staff member; however the staff member is no longer with customer services and we are currently finding it challenging to resource the role with existing customer service staff. We will be recruiting a post to enable us to cover this role, however this post will be only temporary due to uncertainties around the future of Shared Services. In addition Housing Repairs have transferred funds to our budget for customer service staff to cover 23 hours a week in housing repairs. This allows greater flexibility across two service areas and increases the knowledge of customer service staff. We are also looking to recruit 0.5 of a post to cover this role, again on a temporary basis.



### Web and eForms

Q2 continues to show an increase in the use of the web platform. There has been a significant increase in the use of Environmental Health pages compared to Q2 2015. A consultation has been running regarding dog control and this has led to significant increased activity on the pages. Pest control has also shown higher activity over the summer months, with wasp's pages showing a significant increase.

Eform use has remained at a steady rate this quarter, following the trend from Q1. There is still a significant increase compared to usage over this period last year-see fig 2. This total contains eforms completed by customers and those completed by Arun staff on the customer's behalf. The continued high usage is not immediately explicable without more detailed analysis of eform types and we will be working on this with the E-support team.

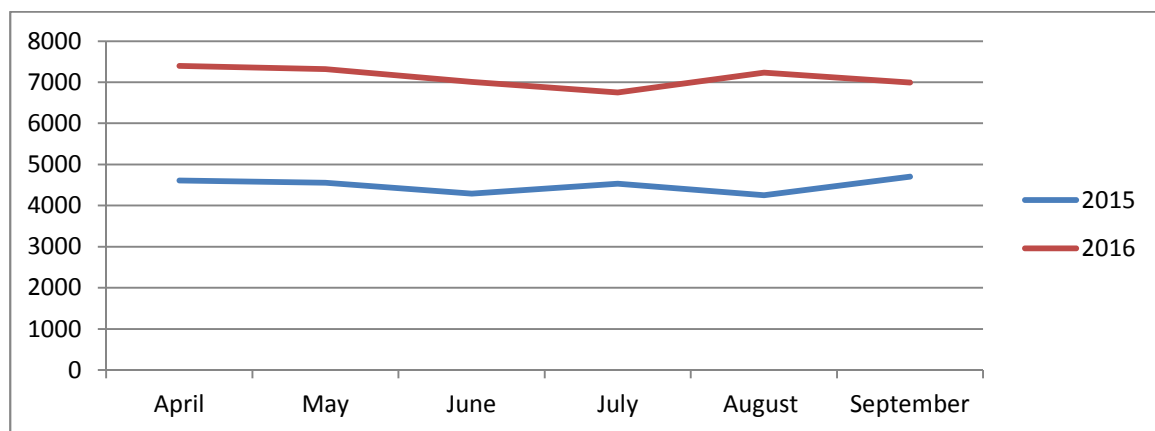


Figure 2

Figure 3, below, shows eForm abandonment as a percentage of all eForms opened. The eForm abandonment rate remains high. Following a fairly significant drop in June 2015 the figures have remained steady since then, at around two thirds of opened eForms not being completed. There was an increase of 2% in abandonment rates in September 2016 and we will have to review this next quarter to analyse any if this holds any further significance.

The high abandonment rate is possibly due to a lot of forms either needing a reference number from the customer (who then has to go away and find it) or the forms themselves being too long. This is something the E-support team is currently investigating.

Currently, it is difficult to get an accurate internal and external figure due to the way the eForm system works. Our supplier has written a programme to allow us to differentiate between internal and externally generated forms, however in order to implement it we need to change details on every eForm in use – a project is planned for next year.

**Customer Services Quarterly Report**

**Q1 2016/17 July-September**

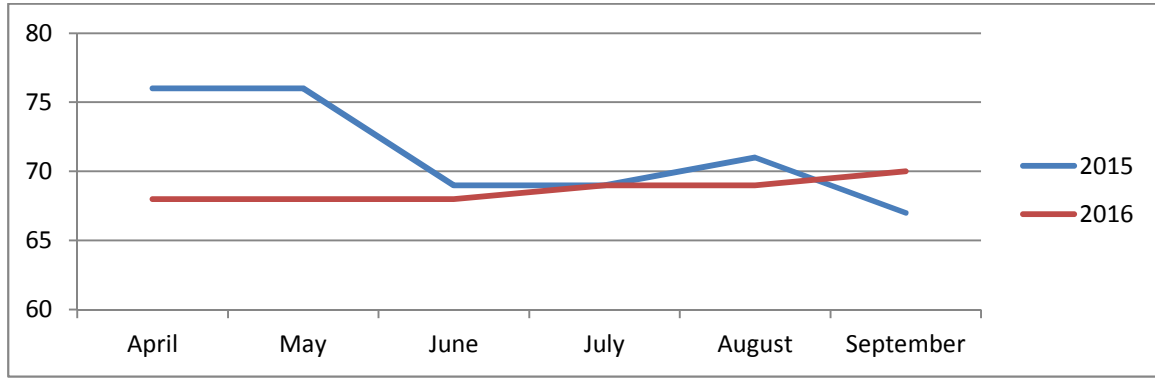


Figure 3

**Phone (Arun Direct)**

As previously stated the large decreases in both Elections and Revenues calls are the consequence of annual billing and the E.U. referendum in the previous quarter. These decreases were slightly offset by small increases in most of the other service areas- notably Cleansing and Environmental Health. These two increases are most likely explained by the seasonal change of weather (e.g. a high level of Wasps nest appointments through EH). Arun Direct has begun taking calls for the car parks service area since Thursday 22/09/2016. The report next quarter will give a better indication of the volumes received but as previously stated this is expected to be around 1000 calls per month.

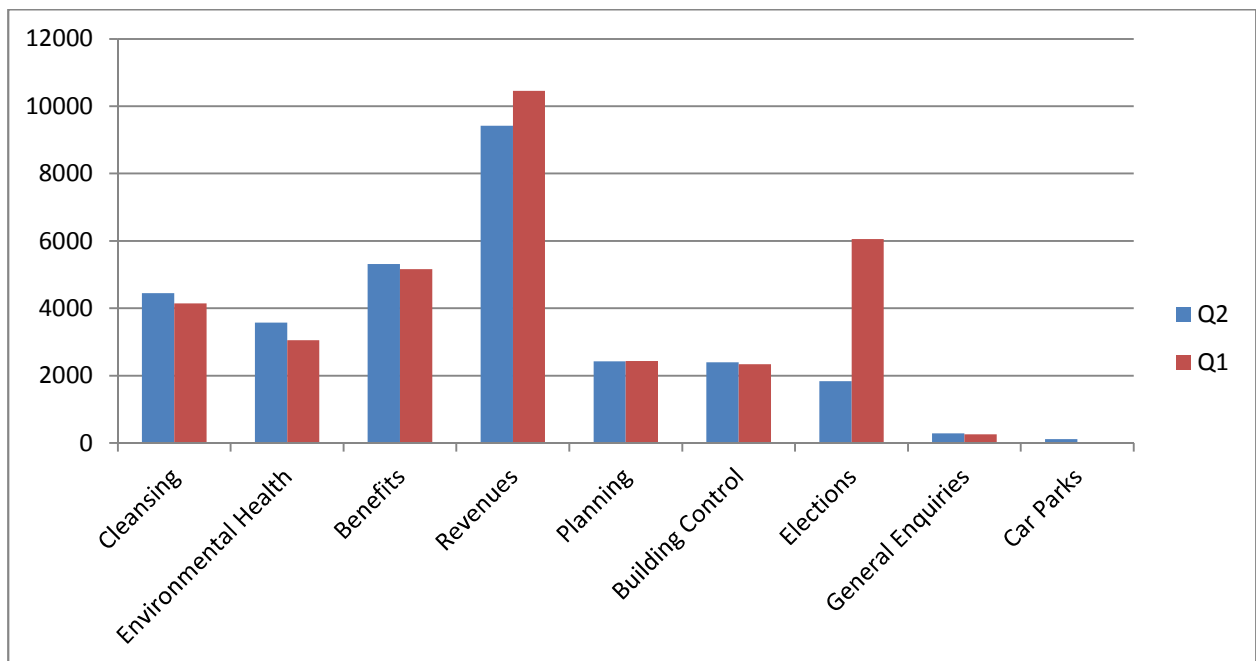


Figure 4

**Customer Services Quarterly Report**

**Q1 2016/17 July-September**

**Face2face**

In Littlehampton 3067 customers visited the central pod during the 65 working days in this period. That’s an average of 47 customers per day. They waited for an average of 3 mins 40 secs and were seen for an average of 3 minutes 10 seconds each. 67 customers across the whole period waited in excess of 10 minutes, including 16 who waited more than 20 minutes.

Fig 5 shows the dispersal of visits across the working day period. There are clear peaks during mid-morning and in the early afternoon.

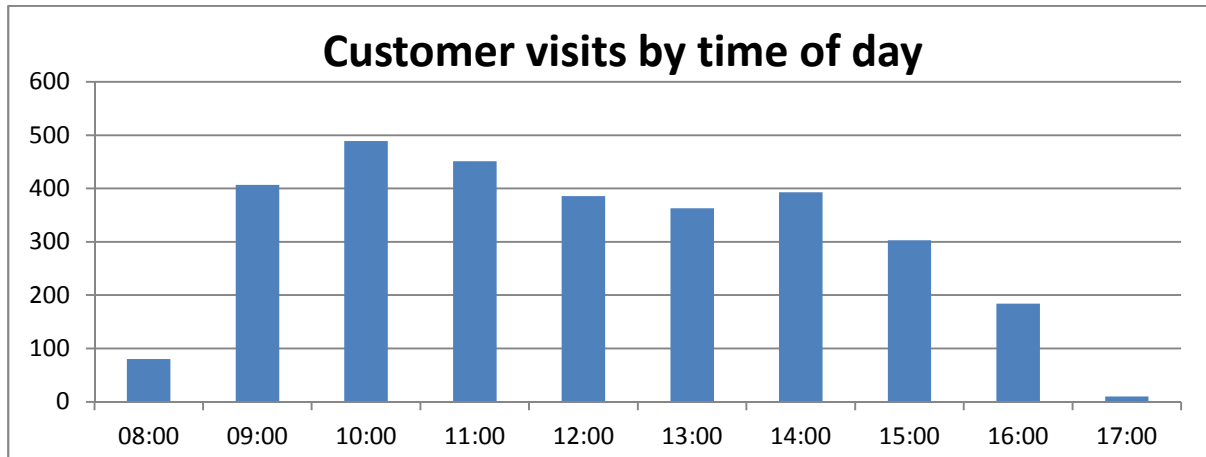


Figure 5

In Bognor Regis Town Hall, 5,433 customers during this quarter waited on average 3 mins and 11 seconds to be seen for an average of 7 minutes and 34 seconds. 15 customers waited for over 30 minutes. This occurred during the lunch time period of 11.00-14.00

Fig 6 shows the dispersal of visits across the working day period.

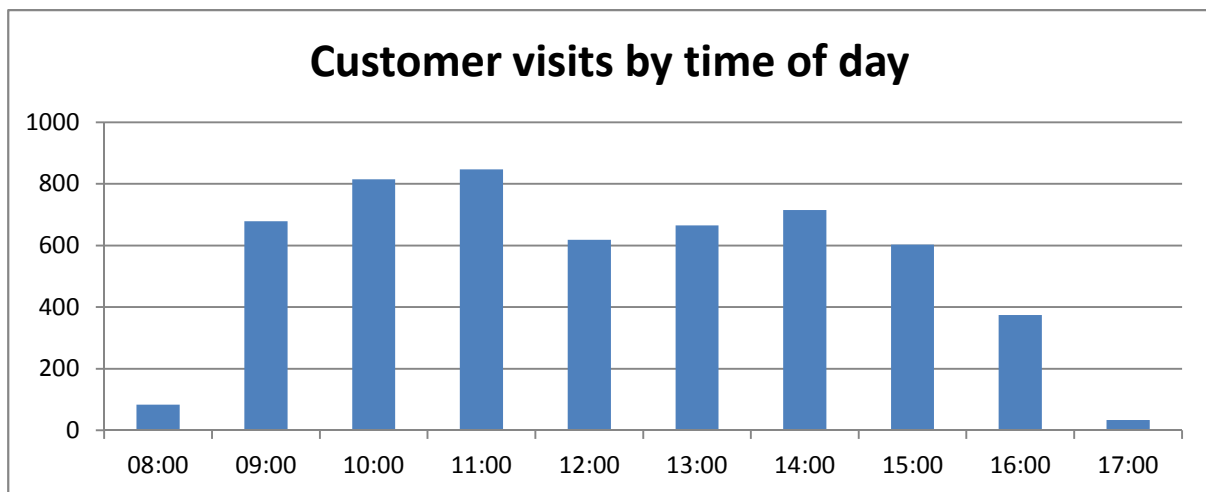


Figure 6

Created by Lisa Emmens ([lisa.emmens@arun.gov.uk](mailto:lisa.emmens@arun.gov.uk))

## Customer Services Quarterly Report

**Q1 2016/17 July-  
September**

### Face2face Housing Reception

This is a new service area recently taken over by the customer service department. It shows a significant need for some of our most vulnerable customers.

The housing desk at Littlehampton was visited by 1820 customers during the 65 working days in this period. That's an average of 28 customers per day. They waited for an average of 5 mins 9 secs and were seen for an average of 7 minutes 42 seconds each. 98 customers across the whole period waited in excess of 20 minutes, including 32 customers who waited more than 30 minutes.

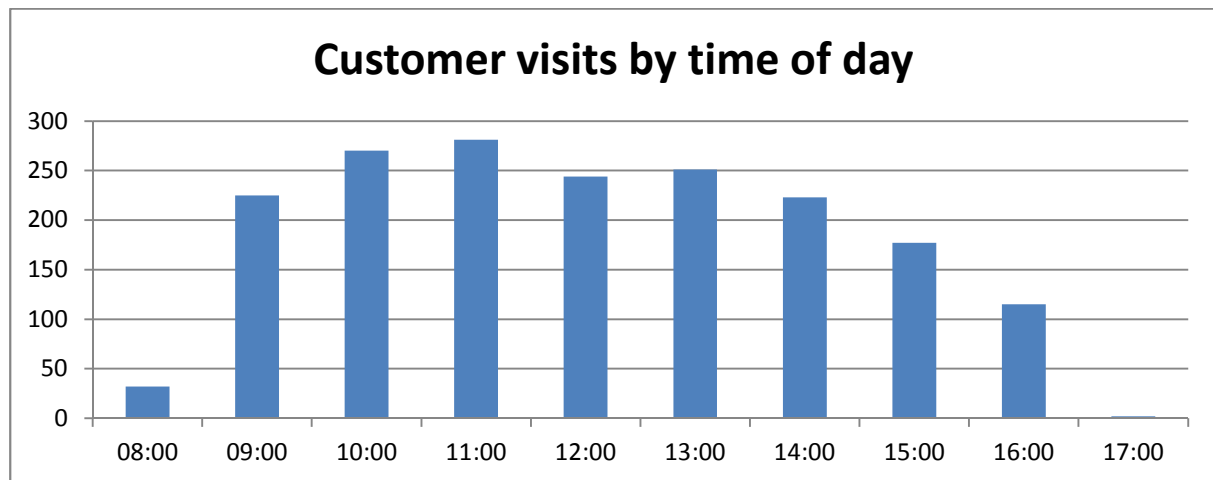


Figure 7

**Customer Services Quarterly Report****Q1 2016/17 July-  
September****Key Performance Indicators for Q2 2016/17**

<b>Performance Indicator</b>	<b>Measure</b>	<b>Comment</b>
C5C073 "Call" - number of customer contacts by telephone to Arun Direct and Switchboard	44,281	This figure includes all calls answered by customer services – The figures for Q1 only showed Service area calls. The total figure for Q1 should have read 48,824
CSC074 "Come In" - number of customer contacts using Civic Centre and Bognor Regis Town Hall reception areas	8066	Volumes remain consistent compared with Q1. Staff are continuing to utilise quieter times by taking service area and switchboard calls. Bognor Regis Town Hall continues to see a high number of customers for Housing. These figures do not include housing reception desk for Civic Centre which responsibility was transferred to Customer Services in July 2016
CSC101 % telephone enquiries resolved at first point of contact in Arun Direct (excl. switchboard)	86.5%	We continue to look at ways to improve resolution rates and to reduce the interaction of back office areas.
CSC104 % of abandoned calls in Arun Direct (incl. switchboard)	5.3%	Abandoned rates were high in August and September; this was due to decreased resourcing levels, the additional work taken into the Contact Centre and delays in recruitment.
CSC105 Average waiting time before call answered (excl. switchboard)	30 seconds	This has increased by 2 seconds over the summer period.
CSC106 Average call waiting time (switchboard)	17 seconds	Again a slight increase, however to be expected over the summer. Calls are more evenly distributed between face to face and contact centre to given a better service to our customers.
CSC107 % of Arun Direct calls answered (switchboard)	94.8%	This is in line with Service Area calls answered, giving the same service to all out customers.
CSC108 % of Arun direct calls answered (excluding switchboard)	92.4%	An increase in answer rate, however lower call volumes would have impacted on this.

**Key channel breakdown by service**

The information below details the volumes of click, call and come in customer enquiries for Q1 (figure 8) and Q2 (figure 9). 'Click' details web sessions, 'Call' are enquiries received by Arun Direct and 'Come in' are enquiries handled by the face2face colleagues across both sites.

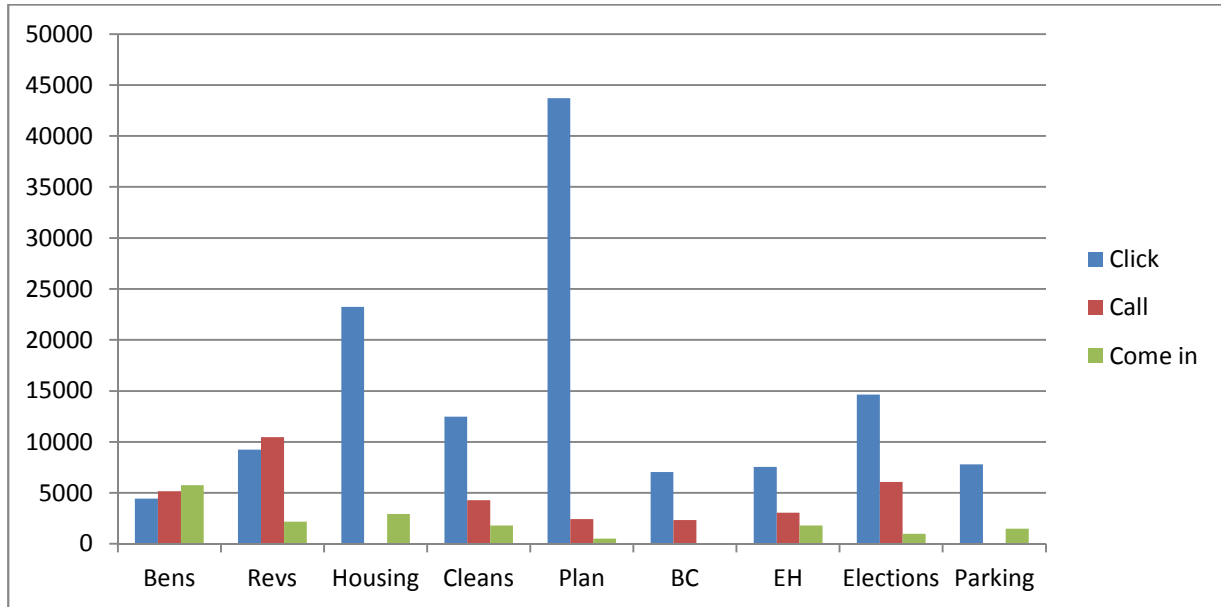


Figure 8

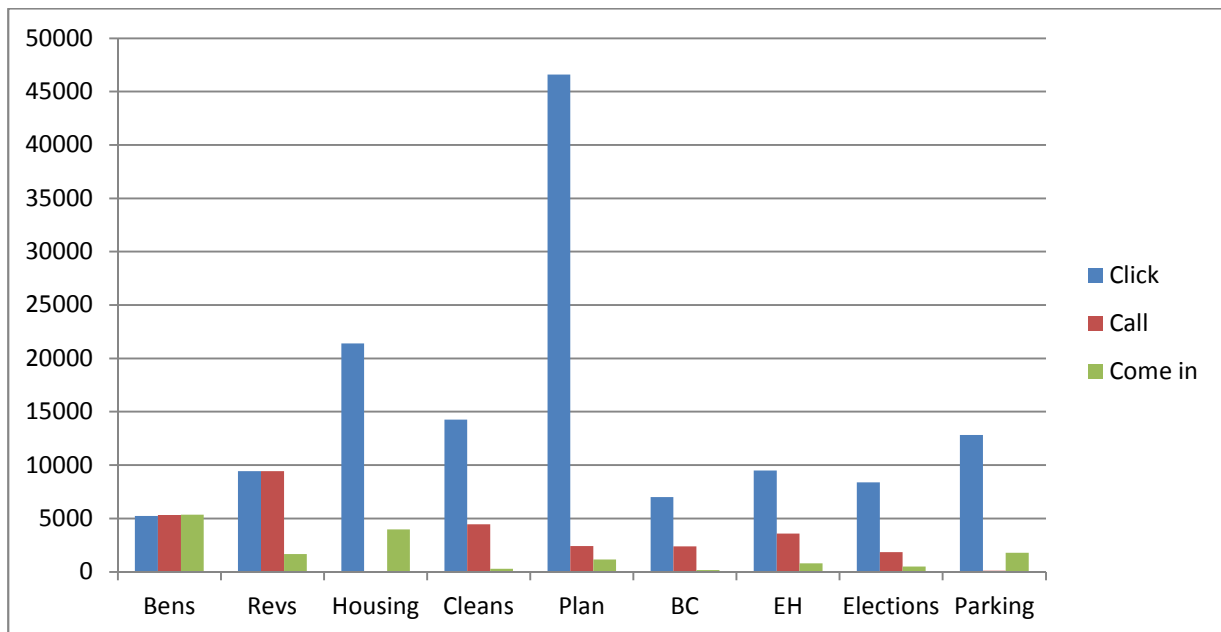


Figure 9

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Lisa Emmens ([lisa.emmens@arun.gov.uk](mailto:lisa.emmens@arun.gov.uk))

**Customer Services Quarterly Report****Q1 2016/17 July-  
September**

As you can see from the above charts, planning remains by far the highest volume on the web and has slightly increased over the last quarter.

Car parks web enquires have increased in excess of 60% over the last quarter. This increase is likely to be due to new capabilities being rolled out onto the website allowing penalty charge notices to be paid and appealed easily online. Of particular note is the ability to view the images recorded by the enforcement officers at the point of issuing a penalty. This is designed to discourage an appeal due to visible evidence being available. A portion of this increase is likely to also be seasonal. During the summer holidays it is more likely for tourist locations to be visited, and therefore car park locations and prices to be checked on the site.

Benefits enquiries remain very evenly distributed between the click, call and come in platforms, each area dealing with virtually identical amounts of queries. Compared to last month the call portion has remained largely static, with a small increase in web, and a small decrease in come in enquiries.

Election enquiries have dropped in all formats as is to be expected due to the E.U. referendum. While the largest percentage drop was on the call platform, all service areas dropped by a minimum of 40% in enquiries received showing the huge impact on all resource such an important national event can have.

Other service areas seem to have performed consistently across the entire 6 months.

The **graphs from the previous format monthly report** are available on SharePoint if required:

<http://sharepoint.in.arun.gov.uk/custservice/arundirect/AD%20Statistic%20Pages/Arun%20Direct%20Overall.aspx>

AGENDA ITEM NO.6ARUN DISTRICT COUNCILHOUSING & CUSTOMER SERVICES WORKING GROUP – 24<sup>th</sup> NOVEMBER 2016

Subject : Enforced Sale Procedure – Tackling long term empty properties

Report by : Louise Crane

Report date: 29<sup>th</sup> September 2016

EXECUTIVE SUMMARY

The report seeks approval for the Council to adopt an Enforced Sales procedure in circumstances where there are long term empty residential properties to bring about the sale of the property whilst also recovering outstanding debt.

RECOMMENDATIONS

Members are requested to recommend to Full Council:

- To approve the Enforced Sales procedure as attached at Appendix 1 to this report;
- To delegate authority for authorising the operation of the enforced sales procedure to the appropriate service Director;
- To request that the Council's Constitution is amended to reflect these changes, and;
- That the attached Equality Impact Assessment is noted

1.0 INTRODUCTION

1.1 Arun District Council is committed to playing its full part in the national campaign to bring empty residential properties back into use. Since 2006 the Council has committed a part time resource in an Empty Homes Officer and has an Empty Homes Strategy 2012-2017 which details the aims and objectives in tackling long term residential properties.

1.2 The aims of the strategy are to engage and encourage property owners to bring their properties back into use, however, if an owner fails to engage then there are a variety of enforcement tools that the Council can use, one of which is an enforced sale.



## 2.0 BACKGROUND AND LEGISLATION

- 2.1 Many statutes allow a Council to serve a Notice on an owner of a property calling on the owner to carry out works, for example, dealing with the dangerous or untidy condition of a property or its garden. Often failure to comply with such a notice provides the Council with a legal right to carry out the works in default and to recover the cost. The cost of carrying out the works in default can lead to a Charge being secured on the property.
- 2.2 Where a Charge has been placed on the property and registered as a Local Land Charge by the Council's Local Land Charges Team, it provides the basis for the Enforced Sales Procedure. The Council has the power of sale of the property, conferred by the Charge, to recover the money it is owed for carrying out the works in default. It is the same power that a bank or building society would rely upon to sell a house, when the owner has defaulted on the mortgage, which is secured as a Charge against the property.
- 2.3 Statutory Notice relating to the works in default and monies owed must be served upon the owner of the property. Provided the Charge has not been paid off and the debt remains outstanding, the Council may write to the owner of the property seeking payment of the outstanding debt and advising that the Enforced Sales Procedure will be instigated if the debt is not paid within the specified time period. Any other body with a registered Charge against the property will also be notified of the Council's proposal to sell the property if the debt remains unpaid, including any mortgagor. If the debt continues to remain unpaid, a Statutory Notice must be served under the Law of Property Act 1925 providing a further three month period for payment of the debt. If the debt is not forthcoming, the Council may then sell the property to recover the money.
- 2.4 The Council owes a duty to the current owner of the property not to sell any property at undervalue.
- 2.5 Where a property is sold using this procedure, the Council can deduct from the sale proceeds the original works in default costs, the legal costs in undertaking the Enforced Sale Procedure, conveyancing costs in connection with the sale, auctioneers or other marketing costs, and other Officer time in relation to the Enforced Sale process. An added benefit is that if there are any debts owed to the Council, these can also be deducted from the sale proceeds. The balance of sale proceeds must be paid over to the former owner of the property, after other Charges are satisfied. If the owner cannot be traced, the remaining sale proceeds must be retained by the Council for a period of 12 years.

## 3.0 RECOMMENDATION

- 3.1 Members are requested to recommend to Cabinet:

- To approve the Enforced Sales procedure as attached at Appendix 1 to this report.  
and
- To delegate authority for authorising the operation of the enforced sales procedure to the appropriate service Group Head.

**Background Papers:** Appendix 1 – Arun District Council’s Enforced Sale Procedure

**Contact:** Louise Crane Ext: 37669

**Appendix 1**

**ARUN DISTRICT COUNCILS'**  
**ENFORCED SALES PROCEDURE**

<b>Contents</b>	<b>Page</b>
Introduction	4
1. Benefits of using the Enforced Sales Procedure	4
• Social Benefits	4
• Financial Benefits	4
• Environmental Benefits	5
2. Legislative Basis for Enforced Sales Procedure	5-6
3. The Legal Process	6
4. Human Rights Act 1998	6
5. The Limitations Act	6-7
6. Authorisation	7
7. Identifying potential properties for ESP	7
8. Action to be taken prior to consideration of ESP	7-8
9. Criteria for Enforcing the Sale of a Long Term Empty Property	8-9
10. Re-service of Notices	9-10
11. When the property is registered at HM Land Registry	10-11
11.1 Registration of charge	11
11.2 Notification of registration of charges	11-12
12 If the property is not registered at HM Land Registry	12-13
13. Methods of selling the property	13
13.1 Contract	13-14
13.2 Title deeds	14
• Registered title	14
• Unregistered property	14
• Prior to auction	14

14. Post sale	14
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### **Appendices**

Appendix 1 - List of relevant statutes under which ESP can be used	15
Appendix 2 - Letter confirming intention to carry out ESP	16
Appendix 3 – Demand for Payment	17
Appendix 4 – Notice under Section 81A EPA 1990	18-19
Appendix 5a – s.103 Notice – Not EPA	20
Appendix 5b – s.103 Notice – EPA	21-22
Appendix 6a - Letter to Owner (requesting deed)	23
Appendix 6b – Letter to first mortgagee	24
Appendix 7 – Draft resolution	25-27
Appendix 8 – Letter to Owner / First Mortgagee advising of Council's intention to sell	28

## **Introduction**

The purpose of this document is to explain Arun District Council's policy on the Enforced Sales Procedure (ESP).

The aim of this policy is to ensure that the Enforced Sales Procedure is used in a consistent and transparent way and proportionately targets long term empty residential properties, and encourages the bringing back of these properties into use, where appropriate.

The ESP is a procedure whereby the Council can recover an outstanding debt, whilst also bringing about the sale of a privately owned property, in circumstances where a debt has created a Land Charge against a property.

## **1. Benefits of using the Enforced Sales Procedure**

### Social Benefits

Empty properties can have an adverse impact on people's quality of life in a number of ways. Where there are derelict or neglected properties in an area, this can negatively affect perceptions of the safeness, cleanliness and quality of that area.

In addition, long term empty properties can become a target for vandalism and other forms of anti-social behaviour and minor crime.

It is hoped that the change of ownership will bring investment in the property and subsequent occupation. It is anticipated that by bringing about a change of ownership, the new owner would be more willing and able to invest in the property and there is a stronger prospect that it would be inhabited again. Alternatively if that property were to be rented out, that would have a positive effect on reducing the numbers on the housing registers.

### Financial Benefits

It is believed that the use, or potential use, of ESP to recover debts owed to the Council will be a more successful method of debt recovery than normal debt recovery processes, as the mere prospect of an enforced sale is likely to encourage some debtors to pay their outstanding debts to the Council.

Failure to effectively manage debts owed to the Council can reduce the level and quality of services the Council are able to offer.

There are also financial benefits to the Council from a reduction in Officer time spent on enforcement and savings from a potential reduction in the use of temporary accommodation.

## Environmental Benefits

The use of this procedure will contribute towards improving the condition of the private sector housing stock within the Arun district.

The re-occupation of long term empty homes will improve the visual appearance of both the empty property and the immediate neighbourhood. This will help to enhance the desirability of an area and assist the local housing market.

## **2. Legislative Basis for Enforced Sales Procedure**

Where there is a financial Charge registered in Part 2 of the Local Land Charges Register, a Local Authority has the power to enforce that Charge via the ESP.

The power to carry out an enforced sale is within the Law of Property Act 1925. This is essentially a method of debt recovery and a measure of last resort; however it can be used as a tool for regeneration in certain circumstances.

Where an Owner has not complied with certain Statutory Notices, the local authority may undertake works in default of a Notice and recharge the cost of the works to the Owner. This debt may be registered as a Local Land Charge. An authority that holds one or more Charges against a property where the debt remains unpaid may register that debt at the Land Registry as a priority legal interest. In effect this gives the local authority the same powers as a mortgagee, including the power of sale. The local authority can therefore enforce their Charge to satisfy the debt.

Attached at **Appendix 1** is a list of statutes which enable a Charge to be placed on a property in the event of works being carried out in default by the Council. This list is not exhaustive and the relevant statute should be checked. If the relevant statute results in a Charge on the property, it confers a power of sale under the Law of Property Act 1925 enabling the ESP to be used.

Section 7 of the Local Land Charges Act 1975 provides that a financial Local Land Charge takes effect as if it had been created by a Deed or Charge within the meaning of the Law of Property Act 1925.

Section 101(1) Law of Property Act 1925 confers on a mortgagee a power of sale. It is important to note that an Order of the Court is not necessary as the legislation itself provides that power.

Section 87(1) Law of Property Act 1925 confers a right of possession. In addition, many of the statutes used by the Council which result in carrying out work in default give the Council a power of sale and a right of priority over other Charges. However this should be checked from the outset as it may not be financially viable to pursue ESP if the Council Charge does not take priority.

If the Statute(s) does not create a Charge then it will be necessary to consider whether Section 7 of the Local Land Charges Act 1975 can be applied. If it can, the procedure may still be used as the Charge will be registered on the Local Land Charge Register but this

may **not** take priority over existing Charges. As previously noted, the existence of any prior Charges is a major consideration when deciding whether to pursue ESP.

If none of the above applies, the ESP cannot be used and consideration should be given to other procedures such as a Compulsory Purchase Order, if appropriate, or continuing to pursue the matter via the authority's normal debt recovery process.

### **3. The Legal Process**

If ESP can be pursued, the first step is to serve a Notice under Section 103(i) Law of Property Act 1925. The Council may not exercise the power of sale unless and until this Notice (requiring payment of the mortgage money) has been given and a default of payment has been made for three months after the service of the Notice.

The Council must write to the Owner(s) stating that it intends to carry out the ESP (**Appendix 2**). The Council must also write to any other Chargees similarly.

**If at any stage prior to the actual sale of the property the outstanding debt is repaid then ESP is no longer an option.**

Once default of payment is apparent, the Council can apply to the Land Registry for registration of the Charge, claiming priority over all other Charges.

The Land Registry will return the Charge Certificate at which point the property can be marketed for sale.

### **4. Human Rights Act 1998**

When deciding whether to use ESP, consideration must be given to the Human Rights Act 1998. In particular, selling property belonging to a third party engages Article 8 of the Act, namely 'the right to respect for .... private and family life ...., home and ..... correspondence.' Also, Article 1 of Protocol 1 is also engaged, namely ' .... the peaceful enjoyment of possessions ....' Therefore, interference is only permitted if such action is considered proportionate. The individual's property rights have to be balanced against the general benefits to the community if the property were to be brought back into use.

A statement detailing the reasons why the power of sale is considered proportionate should be recorded on the file and should be covered by correspondence to the Owners and Chargees. These matters will be dealt with by Legal Services.

### **5. The Limitations Act**

Section 20 of the Limitations Act 1980 states that no action shall be brought to recover the principal sum of money secured by a mortgage, or other charge of property, or the proceeds of the sale of the land, after the expiration of 12 years from the date on which the right to receive the money accrued. Therefore enforces sales action must be taken within 12 years of the right to receive the money arising.



## 6. Authorisations

The appropriate Group Head of the service has the delegated authority to decide to proceed with the ESP in respect of a particular property.

## 7. Identifying potential properties for ESP

The following actions will be carried out by the Empty Properties Officer.

Vacant properties can be identified in a number of ways. For example, information from:

- Council Tax database;
- Neighbours or other residents;
- Council Officers, local Councillors;
- Other bodies such as gas, electric and water companies;
- Electoral Register.

To assess whether a vacant property is potentially one that could be the subject of ESP the following needs to be checked:

- Land Registry registration. This can be done online via <http://www.landreg.gov.uk>
- Debt. The file will contain details of Works in Default and the Sundry Account Number of any Land Charge Debts.

It is important to liaise with all relevant departments to consider whether they have any outstanding debts on the property and to take those into account as well, in particular, Planning, Building Control and Environmental Services.

The Empty Property Officer will identify if there is a Land Charge against the property by contacting the Land Charges Department.

## 8. Action to be taken prior to consideration of ESP

The ESP is only one of the enforcement options available under the Empty Property Strategy and the Environmental Health and Private Sector Housing Enforcement policy. ESP will be used when it is the most appropriate option under the particular circumstances. The file will contain details of what other actions have been considered and why they were not appropriate.

Initially the Owner of the property should be traced and contacted. The following sources may assist:

- Council Tax (last payer);
- Land Registry;
- Neighbours;
- Serving Local Government (Miscellaneous Provisions) Act 1976 Section 16 Notices;
- Other Council departments.

Once an Owner is identified and contacted, the problems regarding the property should be discussed and the Owner should be offered advice and potential solutions should be discussed. They may include:

- offering advice about letting out the property;
- grants and loans available through the Council;
- with the Owner's consent, contacting relatives or others who may be able to assist;
- voluntary sale.

Each case will be assessed individually to ensure the most appropriate action is taken.

ESP can still be used when the Owner cannot be traced.

The use of ESP is available, where the statutory provisions permit, for the recovery of debts subject to four checks being carried out, namely:

- a property must be a residential dwelling;
- the property must be vacant;
- the property must be registered with the Land Registry;
- the property must have financial Local Land Charges registered against it.

If the title is not registered at the Land Registry and the Council is not aware of the identity of the Owner(s), the following enquiries should be completed:

- The Council's electoral register;
- Council Tax records;
- Enquiries with neighbours.

## **9. Criteria for Enforcing the Sale of a Long Term Empty Property**

Once a property has been identified as potentially suitable for ESP, the Empty Properties Officer will prepare a report and instruct Legal Services to review the case and assess whether the criteria is fulfilled.

The criteria to consider whether a property is suitable for ESP within Arun District Council is:

- the property must be a dwelling which has been vacant for more than 6 months;
- a property where the total debt exceeds £1,000;
- the necessary Enforcement Notices and documentation have been served.

However, if there is a derelict property that is causing a problem where the debt is less than £1,000 and the Owner is either refusing to co-operate or cannot be traced, the use of this procedure could be considered. It should be noted that the smaller the debt, the greater the justification for using this policy will be required.

The reasons for using this procedure should be detailed on the file by the Lawyer responsible for the particular case.

Where a debt has been incurred that is not a Charge on the land, but a personal debt such as Council Tax, the Council can apply to County Court to award an interim Charging Order. If this is successful, the Council can subsequently apply for a final Charging Order and ultimately an Order for Sale of the property.

## 10. Re-service of Notices

In order to ensure that the Owner or any other interested party is properly aware of the debt, Legal Services will re-serve copies of each of the original Notices, by the following methods, together with Notices of demand for payment (**Appendix 3**)

- One must be served on the Owner(s) by post, or by hand or by affixing it to the property; and
- One must be posted to any other address(es) shown on the Land Registry;
- Copies must be stamped and signed by the serving Officer;
- A Certificate of Service must be completed for each Notice served by the serving Officer.

However, it is important to check with the relevant statute which method of service is deemed to be adequate.

A photograph must be taken as evidence of any Notices affixed to the property and weekly visits should be made to ensure the Notices are still in place.

Also any Notices that need to be served under Section 81A Environmental Protection Act 1990 are served (**Appendix 4**). These Notices should be served using the same procedure as above.

Note that there is no right to recover interest in relation to Charges arising from action under Environmental Protection Act 1990 until a Notice has been served under Section 81A of that Act.

After a period of 28 days if no appeal is made in respect of the Section 81A Notice or payment then a Notice pursuant to Section 103 Law of Property Act 1925 is served by Legal Services. This Notice allows the Owner three months to pay the debt and the property cannot be sold until the Section 103 Notice has expired.

Separate versions of the Section 103 Notice are served dependent upon whether or not the debt arises from Notices pursuant to the Environmental Protection Act 1990 (**Appendices 5a and 5b**).

The Notice must be served to the Owner of the property on which the previous Default Notice was served. It will also be necessary to serve a copy of the Notice on any other Chargee.

The Notice should be served by the following means:

- left at the Owner's last known place of abode or business in the UK; or
- affixed or left for him on the land or any house or building comprised in the mortgage; or
- sent by registered post to his place of abode or business;
- sent by recorded delivery to his place of abode or business.

A photograph must be taken as evidence of any Notices affixed to the property and weekly visits should be made to replace any Notices that are missing. The Certificate of Service should be completed by the serving Officer.

Following the expiry of the three month period, Legal Services must check with the Debt Recovery Section to ascertain whether or not the debt has been paid.

**If the debt has not been paid, the appropriate service Group Head, will decide whether the ESP should be followed to its conclusion. This will be done in consultation with the relevant Officers.**

Legal Services should send a written instruction to:

- Suspend all legal action regarding the debt;
- Obtain written confirmation that no payment has been received.

## **11. When the property is registered at HM Land Registry**

All work from herein will be undertaken by Legal Services, unless otherwise stipulated.

The first step is to check which of the Default Works Charges remain outstanding. If the debt has been repaid then this process can no longer be used.

If Charges are still outstanding a letter is written to all persons having an interest in the property advising them of the position (**Appendices 6a and 6b**). This will include others who have a Charge registered against the property.

The Owner and any other interested party will be given fair notice of the steps the local authority proposes to take. Every attempt is made to give such persons notice of the proposals and ample opportunity to repay the debt.

The Owner's copy must be:

- delivered to the Owner(s) by post, or by hand or be affixed to the property if the Owner cannot be traced; AND
- must be posted to any other address(es) shown on the Land Registry.

A photograph must be taken as evidence of any Notices affixed to the property and weekly visits should be made to replace any Notices that are missing.

A period of 21days is allowed for responses to the letter.

### **11.1 Registration of Charge**

A Charge must now be registered with the Land Registry. A sealed resolution (**Appendix 7**) must be prepared and record the following:

- the statutory provisions;
- the service of the necessary Notices;
- what work was done and when;
- the registration of the Charges in the register of Local Land Charge and claims priority over all estates and interests;
- a Certificate by the Council that it has all the necessary rights and powers to make the application for registration of the Charge and that it has taken all appropriate steps in accordance with the relevant statute.

The following needs to be submitted to the Land Registry:

- Covering letter;
- Application Form AP1 together with appropriate fee. Form AP1 can be obtained from [www.landregistry.gov.uk](http://www.landregistry.gov.uk);
- Completed Form SC1 in order to claim priority in favour of the Council's Charge over any existing Charge registered against the title. Form SC1 can be obtained from [www.landregistry.gov.uk](http://www.landregistry.gov.uk);
- Sealed and dated resolution together with a certified copy of each resolution;
- The Land/Charge Certificate or copies of the correspondence requesting the same.

## 11.2 Notification of registration of Charges

Confirmation will be received from the Land Registry once they have completed the registration of the Charges. Arrangements can then be put in place for the sale of that property.

First a check is made to ensure that the Charges have not been paid.

A letter is then sent to the Owner(s) and all interested parties advising that the Council's Charges are registered and it is the Council's intention to pursue a sale of the property (**Appendix 8**).

The Owner's copy must be:

- delivered to the Owner(s) by post, or by hand or should be affixed to the property;  
AND
- must be posted to any other address(es) shown on the Land Registry.

If the letter is affixed to the property a photograph should be taken by the Officer who affixes the letter for evidential purposes and weekly visits should be made to ensure the letter is still attached.

## 12. If the property is not registered at HM Land Registry

Assuming the Charges are still outstanding, a search of the Index Map is undertaken at the Land Registry to ensure that the property is not registered. The search must also include adjoining properties. This could reveal what incumbrances affect the property and also the extent / limits of the title of the property in question.

Using any information found during this investigation and any information available as to the name(s) of the Owner, the purported Owner or any other interested party, a Land Charges Act 1972 search must then be carried out against the name of any such person(s) and the property concerned. This may produce clues as to incumbrances affecting the property e.g. easements, covenants and Charges.

Where the Statutory Charges bind all the estates and interests in the property any registered Charges will be of no great significance other than for the purposes of giving notice to any charging as to the Council's intentions.

If the Statutory Charge does not bind all the estates and interests, it would probably be inadvisable to proceed unless it is certain there are no prior Charges affecting the property and the Statutory Charges binds the freehold or a long leasehold.

If the search provides any information as to the identity or whereabouts of the Owner(s) or other interested parties, or such information is already available, a letter is sent to all such parties in a similar way to advise them of the position. This will include others who have a Charge registered against the property. Refer to Appendices 7a and 7b.

The Owner's copy must be:

- delivered to the Owner(s) by post, or by hand or if the Owner cannot be traced, should be affixed to the property; AND
- must be posted to any other address(es) shown on the Land Registry.

If the letter is affixed to the property a photograph should be taken by the serving Officer for evidential purposes and weekly visits should be made to ensure the letter is still attached.

If either:

- no information is found as to the identity or whereabouts of the Owner(s) or other interested parties; or
- there is no reply within 21 days to the letter referred to above

then the property is put forward for sale which is detailed below. The contract for sale will need to contain special conditions and if this situation arises then these will be drafted by the relevant Lawyer within Legal Services.

## 13. Methods of selling the property

The property details will now be passed to the Private Sector Housing and Public Health Team in order to arrange the sale. The property will be sold by obtaining at least three written valuations from local estate agents, who will also give opinions on the sale method that will provide best price.

### 13.1 Contract

#### Registered property

The contract for sale will be the same as any contract for sale by mortgagee.

#### Unregistered property

There will probably be no deeds or details of any incumbrances affecting the property and the contract for sale needs to reflect this. On completion of sale, the Land Registry requires the Council to provide a letter containing a certification that they have the necessary rights and powers to dispose of the property. In such cases the above mentioned resolution (**Appendix 7**) is incorporated into the contract as a recital.

Also in the case of an unregistered property, it will be necessary for the purchaser to apply to the Land Registry for first registration of title. This will cause a problem for the Land Registry if no deeds or details of the incumbrances affecting the property are available. In those circumstances, the Land Registry will have difficulty:

- determining the extent of the land to be registered; and
- identifying the incumbrances affecting the property.

In cases where the boundaries are clearly defined on the ground, there should be no problem in identifying the extent of the land to be registered.

**However, where the boundaries are unclear, the Council's surveyor will be required to investigate and produce a disposal plan.**

So far as incumbrances are concerned, the Land Registry will probably make a 'protective entry' on the register to the effect that the property is subject to such incumbrances as affect the same at the date of the registration, no details having been provided on first registration.

### 13.2 Title deeds

The following action should be borne in mind where the title deeds have not been recovered:

#### Registered title

The Land Registry can provide copies of the document referred to on the title. If they are not available then an appropriate clause in the contract should be included to cover the position.

#### Unregistered property

There will probably be no deeds or details of any incumbrances and the contract for sale needs to reflect that. It will also be necessary for the purchaser to apply for first registration of title to the Land Registry.

#### Prior to auction

Immediately prior to the auction/exchange of contracts Legal Services must make a further check to confirm whether the Charges have been repaid.

### **14. Post Sale**

The position is similar to an ordinary sale by a mortgagee.

The following deductions will be made from the proceeds of sale:

- Auctioneer's fee;
- Legal fees;
- Surveyors fees;
- Outstanding debt;
- Private Sector Housing and Public Health team administration fee.

Where the proceeds of sale do not cover the total costs of the sale and the outstanding debt (including interest), the remaining debt is taken off the property and placed against the Owner after the sale. This then takes the form of a personal debt which may be pursued in the normal manner.

If there are any balance proceeds from the sale and the Council is aware of the whereabouts of the Owner(s), the balance is paid to the Owner in the usual way.



## Enforced Sales Procedure - Appendix 1

### List of relevant statutes under which the Enforced Sales Policy can be used

This list is not exhaustive

Building Act 1984	S. 59 – Drainage S. 60 – Soil vent pipe S. 76 - Defective premises S. 77/78 – Dangerous buildings S. 84 - Yards
Environmental Protection Act 1990	S. 80 – Statutory Nuisance
Highways Act 1980	S. 154 – Hedges and trees S. 165 – Unfenced land
Housing Act 2004	S. 11 – Improvement notice S. 12 – Improvement Notice S. 40 – Emergency Remedial Notice S. 49 – Enforcement Action S. 50 – Recovery of Charges under S.49
Local Government (Misc. Prov.) Act 1976	S. 33 – Restore service S. 35 – Private sewers
Prevention of Damage by Pests Act 1949	S. 4 – Rats and Mice
Public Health Act 1936	S. 45 – Works to WC closets S. 83 – Filthy and Verminous premises
Public Health Act 1961	S. 17 – Works to drains
Town and Country Planning Act 1990	S. 215 – Untidy state of land S. 172 – Planning breach

## **Enforced Sales Procedure - Appendix 2**

### **Letter confirming intention to carry out Enforced Sales Policy**

Dear

#### **Re: Property at**

According to our records the above property for which I believe you are the Owner is currently unoccupied and has been for a considerable period of time.

As you may appreciate void properties can often lead to social problems in the locality as they can become targets for vandalism and havens for anti-social behaviour. They are also a wasted resource for their Owners and the community.

I am currently reviewing the Council's options for bringing the above property back into use. One option that I am considering is to use the Enforced Sales Procedure. This procedure allows Local Authorities the opportunity to bring empty properties back into use as well as enabling them to recover any debts that may be owed to them. The Law of Property Act 1925 provides Local Authorities the power to sell properties in order to release the money tied up in the value of the property.

I have not as yet made a final decision regarding the above property. I would ask that you contact me as a matter of urgency and in any event within 21 days to advise me what you intend to do to bring the property back into use. My direct dial number is (telephone number)

I look forward to hearing from you.

## **Enforced Sales Procedure - Appendix 3**

### **Demand for payment**

Dear

**Re: Property at  
Notice served under Section (specify Section)**

On (date) Notice was served upon you requiring you to undertake work in order to remedy (detail Works)

As you did not comply with that Notice, the Council arranged for the work to be carried out in default. The cost of the work is £(specify amount) excluding interest. This is now a debt which you owe Arun District Council and one which comprises a Local Land Charge attached to the property.

I would now ask that you pay the amount in full within 28 days from the date of this Notice. If you are unable to do so please contact me on (telephone number).

If the bill is not paid within 28 days, the Council has the following options:

- it may commence proceedings in the County Court without further notice;
- it may arrange for the whole or part of the property to be sold at auction and to recover the debt from the proceeds of sale.

However, prior to seeking to sell the property the Council would be required to serve Notice under Section 103(1) Law of Property Act 1925.

It is important that you contact me urgently and in any event not later than (insert date) to ascertain a settlement figure inclusive of the interest due at the appropriate time and to make arrangements to resolve the matter.

It is important that you contact me rather than trying to make the payment independently.

If you are in any doubt as to the content of this letter I would advise that you obtain legal advice.

## Enforced Sales Procedure - Appendix 4

### Notice under Section 81A Environmental Protection Act 1990

#### Property address:

#### To:

On (insert date) Arun District Council served on you a Notice under Section 80 Environmental Protection Act 1990 (EPA 1990) requiring certain works to be completed and the taking of such other steps in relation to the above property to abate the nuisance or prohibit or restrict its occurrence arising from the defective state of such property.

You failed to comply with this Notice and the Council, in default, carried out such works and took such steps as aforesaid at a total cost to the Council of £(specify amount). This sum is recoverable to the Council pursuant to Section 81(4) EPA 1990 in respect of the above Notice and this Notice is given pursuant to Section 81A of the Act.

I am required by Subsection 81A(2) EPA 1990 to advise you that, pursuant to Section 81A(1), where any expenses are recoverable under Section 81(4) EPA 1990 from a person who is the owner of the said premises and the Local Authority serves a Notice on him under Section 81A EPA 1990 (pursuant to which this Notice is given):

- the expenses shall carry interest, at such reasonable rate as the Local Authority may determine, from the date of service of this Notice until the whole amount is paid;
- subject to the provisions of Section 81A EPA 1990, the expenses and accrued interest shall be a charge on the premises.

The rate of interest payable is determined by the Council as referred to above and varies from time to time.

I am further required to advise you of the provisions of Subsections 81A(4) to (6) EPA 1990 which are as follows:

(4) Subject to any Order under Subsection (7)(b) or (c) below, the amount of any expenses specified in a Notice under this Section and the accrued interest shall be a Charge on the premises:

- (a) as from the end of the period of 21 days beginning with the date of service of the Notice; or
- (b) where an appeal is brought under Subsection (6) below, as from the final determination of the appeal until the expenses and interest are recovered.

(5) For the purposes of Subsection (4) above, the withdrawal of an appeal has the same effect as a final determination of the appeal.

(6) A person served with a Notice or copy of a Notice under this Section may appeal against the Notice to the County Court within a period of 21 days beginning with the date of service.

If you are unsure about any aspect of this Notice you should take legal advice.

Dated:

Signed:

**Enforced Sales Procedure - Appendix 5a  
(For cases other than the Environmental Protection Act)**

**Notice under Section 103(1) Law of Property Act 1925  
Letter before action**

**Property address:**

**To:**

On (insert date) Arun District Council served on you Notice under the provisions of (statute and section under which original notice served) to carry out works to the above property. You failed to comply with that Notice and the Council, in default, carried out works to the cost of  
£(specify amount)

**Repeat above paragraph if more than one charge**

These are now debts due to the Council as well as Local Land Charges registered against the above property. Interest is also accruing on such amount at the current rate.

By virtue of the provisions of the above statute(s), the debts due to the Council are registered against the property from the date of the works to the property being completed and the Council has all the same powers and remedies under the Law of Property Act 1925 as if it were a mortgagee by deed having powers of sale or lease.

The Council now requires you to pay in full the above amount(s) with the interest owing in respect of the debt(s) on the date of payment. If you do not pay the amounts due, the Council can, without further notice:

1. commence proceedings in the County Court if the debt is not paid within 28 date of the service of this Notice;
2. sell the above property if the debt is not paid within three months from the date of the service of this Notice.

The Council is legally obliged to give you Notice in accordance with Section 103(1) Law of Property Act 1925 if it chooses to sell the property. This letter constitutes such Notice.

It is important that you contact me urgently and in any event within 28 days to advise how you intend to proceed.

I would ask that you contact me directly on (telephone number) to discuss this matter.

If you are unsure about any aspect of this Notice you should take legal advice.

Dated:

Signed:

**Enforced Sales Procedure - Appendix 5B**

(For Environmental Protection Act matters)

**Notice under Section 103(1) Law of Property Act 1925  
Letter before action****Property address:****To:**

On (insert date) Arun District Council served on you a Notice under Section 80 of the Environmental Protection Act 1980 (EPA 1980) requiring you to carry out certain works to the above property. You failed to comply with that Notice and the Council, in default, carried out works to the cost of £(specify amount)

This is now a debt due to the Council as well as Local Land Charges registered against the above property. Interest is also accruing on the amount at the current rate.

On the (insert date) the Council gave you Notice under Section 81A of EPA 1980. The period of 21 days referred to in subsections 81(4)(a) and (6) have now elapsed and the Council received no appeal against that Notice. Consequently by virtue of subsection 81A(4) of EPA 1980:

- the expenses incurred in carrying out the works by the Council as referred to above and the accrued interest have become a Charge on the above property; and
- the Council has, by virtue of subsection 81A(8) EPA 1980, for the purposes of enforcing the said Charge, all the same powers and remedies under the Law of Property Act 1925 and, otherwise, as if it were a mortgagee by deed having powers of sale and lease, of accepting surrenders of leases and of appointing a receiver.

The Council now requires you to pay in full the above amount(s) with the interest owing in respect of the debt(s) on the date of payment. If you do not pay the amounts due, the Council can, without further notice:

3. commence proceedings in the County Court if the debt is not paid within 28 date of the service of this Notice;
4. sell the above property if the debt is not paid within three months from the date of the service of this Notice.

The Council is legally obliged to give you Notice in accordance with Section 103(1) Law of Property Act 1925 if it chooses to sell the property. This letter constitutes such Notice.

It is important that you contact me urgently and in any event within 28 days to advise how you intend to proceed.

I would ask that you contact me directly on (telephone number) to discuss this matter.

If you are unsure about any aspect of this Notice you should take legal advice.

Dated:

Signed:



## **Enforced Sales Procedure - Appendix 6a**

### **Letter to Owner requesting Deeds**

Dear

#### **Re: Property at**

The Council has, pursuant to its statutory powers, carried out certain works to the above premises, the cost of which have been registered in Part 2 of the Register of Local Land Charges as financial Charges. Notice(s) detailing the works and the costs have been served, together with Notice(s) of demand for payment of the amount(s) due to the Council in order to satisfy the requirements of Section 103(1) of the Law of Property Act 1925.

The Statutes pursuant to which the Council has carried out such works confer, in favour of the Council, a Charge on the premises and all estates and interests therein and the Council has, for the purposes of enforcing the Charge, all the same powers and remedies under the Law of Property Act 1925 and otherwise as if it were a mortgagee by deed having powers of sale, of lease, of accepting surrenders of leases and of appointing a Receiver.

The Council proposes, pursuant to its statutory powers, to register the said financial Charges against the title to the above premises. Once the Charge(s) have been registered, the Council may then sell the premises and apply the proceeds of sale towards the discharge of the debt. If however the debt is greater than the proceeds of sale on any sale received, the Council has the right to pursue you for any balance owing, if necessary by legal action.

I would therefore be grateful if you would make arrangements through me for the discharge of the outstanding debt. If you are not prepared to do this, then please forward to me all the title deeds in your possession relating to the above property. If they are not in your possession, please notify me and advise me of the whereabouts of the deeds.

If I do not hear from you within 21 days of the date of this letter, namely by the (insert date), I will proceed to register the Council's Charges against your title to the above premises.

If you have any queries please contact me on (telephone number)

**Enforced Sales Procedure - Appendix 6b****Letter to First Mortgagee****Registered Property**

Dear Sirs,

**Property:****Your charge dated:**

I am aware from the contents of the register for title number (specify number), which relates to the above property, that you have a Charge registered against that property. That Charge is dated (specify date) and the owner of the property is shown to be (specify)

The Council has, pursuant to its statutory powers, carried out certain works to the above premises. The costs of those works have been registered in Part 2 of Local Land Charges register as financial Charges.

The statutes pursuant to which the Council has carried out such works confer, in favour of the Council, a Charge on the premises and all estates and interests therein and the Council has, for the purposes of enforcing the Charge, all the same powers and remedies under the Law of Property Act 1925, and otherwise as if it were a mortgagee by deed having powers of sale, of lease, of accepting surrenders of leases and of appointing a Receiver. The said statutes confer a priority on the Council's Charge over your own Charge and therefore when registered the Council will be the first Charge.

The Council proposes, pursuant to its statutory powers, to register the financial Charges against the title to the property. Thereafter the Council may exercise its power of sale over the property and apply the proceeds of sale towards the discharge of the debt due to the Council.

If you wish to repay the outstanding debt due to the Council, I can provide details of the outstanding amount. Otherwise I would be grateful if you could forward all the title deeds and documents in your possession that relate to the above property. If you do not have the deeds and documents in your possession, please notify me and advise me of the whereabouts of the deeds.

If you have any queries, please contact me on (telephone number)

## Enforced Sales Procedure - Appendix 7

### Property:

Arun District Council

1. Whereas Arun District Council ('the Council) is a 'local authority' within the meaning of (section from appropriate statute depending on nature of works).
2. And where a local authority, considers that (detail what works are required and why e.g. prejudicial to health, under what section and statute works were carried out and under what section Notice was served on owner / occupier)
3. And where a Notice under (state statute) is to be served in accordance with (state Section)
4. And where the expense of such works may, by virtue of (state section and statute), be recovered from the Owner or Occupier of the premises and such expense plus interest thereon, by virtue of (state section and statute), from the date of completion of the works shall, until recovered, be a Charge upon the premises and all estates and interests in them and gives a local authority for the purposes of enforcing such a Charge, all the powers and remedies under the Law of Property Act 1925 and otherwise as if they were mortgagees by deed.
5. And where such Charge is by virtue of Section 1(1)(a) of the Local Land Charges Act 1975, registerable as a Local Land Charge.
6. And where, under Section 7 of the Local Land Charges Act 1975, a Local Land Charge falling within Section 1(1)(a) Local Land Charges Act 1975 takes effect as if it had been created by deed of Charge, by way of legal mortgage within the meaning of the Law of Property Act 1925 but without prejudice to the priority of the Charge.
7. And where Section 101 of the Law of Property Act 1925 provides that a mortgagee by deed shall have inter alia the power of sale of the property so mortgaged.
8. And where pursuant to a Notice dated (insert date) the Council gave Notice to the Owner(s) of the property known as (address of property) under (section of relevant Act) by serving Notice in accordance with Section (insert relevant section) of the Act by  
  
(Check statute for service methods and then insert how Notice was served)
9. And where there being no counter-Notice served upon the Council within the period prescribed by (insert section), the Council executed the said works between the (date) and the (date) at a cost to the Council of £xxxx
10. And where on the (date) the Council registered the cost of the works in Part (insert which Part) of Arun District Council's Local Land Charges Register as a specific

financial Charge against the premises, such Charge attracting interest at such a rate from time to time applying.

11. And where pursuant to a Notice dated (insert date) the Council gave Notice to the Owner(s) of the property known as (detail address) under Section (insert section ) of the Act by serving Notice in accordance with Section (insert section) of the Act by:

Look at relevant section and insert how which method of service was used

12. And where there being no counter-Notice served upon the Council within the period prescribed by (insert section), the Council executed the said works between the (date) and the (date) at a cost to the Council of £xxxxx
13. And where on the (insert date) the Council registered the cost of the works in Part xx of Arun District Council's Local Land Charges Register as a specific financial Charge against the premises, such Charge attracting interest at such a rate from time to time applying.
14. And where the said monies continue to remain outstanding.

**ARUN DISTRICT COUNCIL** being now desirous of exercising their aforementioned power of sale over the premises to recover the costs they have incurred in relation thereto

### **HEREBY RESOLVES**

- 1(i) To make application to the District Land Registry for xxxxxxxxxx under the Land Registration Act 1925 to register their Charge against all titles subsisting in the premises.
- 1(ii) To claim, affirm and avow in said application the binding nature of the Council's Charge over all existing and future Charges affecting each and every title in the premises (whether or not they be registered).
- 1(iii) To affix the Council seal hereto.

### **HEREBY CERTIFIES TO HM LAND REGISTRY**

- 2(i) As recited in paragraph 4 of this Resolution, the Act contains provisions conferring a Charge on the premises and on all estates and interests therein.
- 2(ii) As further recited in paragraph 4 of this Resolution, the Act confers on the Council all the powers and remedies under the Law of Property Act 1925 and otherwise as if it is a mortgage by deed.
- 2(iii) The Council has followed the procedure in the Act as to service of Notices and the carrying out of the works.

2(iv) The Charge(s) for which an application for registration is made pursuant to 1(i) above affects the whole of the property known as (insert address) and registered under title number (insert number).

2(v) As recited in paragraphs 10 and 13 of this Resolution, the Charge(s) for which an application for registration is made pursuant to 1(i) hereof was / were registered in Part 2 of Adur District / Worthing Borough Council Register of Local Land Charges on the (insert date) and the (insert date).

Dated:

The COMMON SEAL of  
ARUN DISTRICT COUNCIL  
was hereunto affixed in pursuance  
of an Order of the Council

Authorised Signatory:

**Enforced Sales Procedure - Appendix 8****Letter to Owner / First Mortgagee advising of Council's intention to sell**

Dear

**Re: Property at  
Your Charge dated**

I refer to the above and my letter dated (insert date) requesting the Title Deeds and advising you of the Council's statutory powers in relation to the Charges outstanding in respect of the above property.

In that letter, I advised you that the Council has the power to sell the property, for the purpose of enforcing the Charge and to deduct from the proceeds of sale the debts due to Arun District Council.

The Council's Charge has now been registered at HM Land Registry and it is now the Council's intention to market the property with a view to selling it.

If you have any queries about this matter please contact me on (telephone number)

## ARUN DISTRICT COUNCIL – INITIAL EQUALITY IMPACT ASSESSMENT

### 1. What is the name of the service / policy?

**Enforced Sale Procedure – Tackling Long Term Empty Properties**

### 2. Briefly describe the aims of the service / policy

The aim of the policy is to ensure that the Enforced Sales Procedure is used in a consistent and transparent way and proportionality targets long term residential properties, and encourages the bringing back of these properties into use, where appropriate.

### 3. Are the aims consistent with the Council's Equalities Policy? On what basis?

Yes, as it applies equally to all persons regardless of race, gender or disability.

### 4. Is there any evidence to suggest that this service / policy could have an adverse impact on some groups of people? Use the table to tick:

(a) where you think the service / policy could have a positive impact on any of the groups or contribute to promoting equality, equal opportunities or improving relationships within the target groups.

(b) where you think the service / policy could have a negative impact on any of the equality target groups i.e. it could disadvantage them

	Insufficient data	Positive Impact	Negative Impact	Reason e.g. access / take-up
<b>Gender</b>		✓		
<b>Race</b>		✓		
<b>Disability</b>		✓		
<b>Age</b>		✓		
<b>Belief</b>		✓		
<b>Sexuality</b>		✓		

**5. If, in your judgement, the proposed service / policy does have an adverse impact, can that impact be justified? How do you intend to deal with that impact / or lessen that impact?**

**Name of manager undertaking the assessment: Louise Crane**

**Service Area: Housing**

**Date completed: 29<sup>th</sup> September 2016**

**Requirement for a formal Equalities Impact Assessment: NO**

**If YES, what is your timetable for completing this?**

**Who else will you need to be working with to do this work e.g. partners, contractors etc?**



AGENDA ITEM NO.7ARUN DISTRICT COUNCILHOUSING & CUSTOMER SERVICES WORKING GROUP

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Recommendation Paper

Subject : Anti-Social Behaviour Policy

Report by : Karen McGreal

Report date: 20<sup>th</sup> September 2016

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EXECUTIVE SUMMARY

The Council is committed to managing and addressing Anti-Social Behaviour within its own housing stock. This policy applies specifically to Arun District Council tenants, leaseholders and members of their households. This report details the updated policy.

RECOMMENDATIONS

Members are requested to recommend to Cabinet that the updated Anti-Social Behaviour Policy 2016 is approved.

1.0 INTRODUCTION

- 1.1 The Anti-Social Behaviour Act 2003 requires all social landlords to have an anti-social behaviour policy. The Regulatory Framework for Social Housing in England requires that registered housing providers publish a policy on how they will work with relevant partners to prevent and tackle anti-social behaviour (ASB) in areas where they own properties. The updated policy replaces the Council's current policy which dates from 2012.
- 1.2 This policy relates solely to addressing anti-social behaviour experienced by, or committed by Council tenants, leaseholders and their households. Issues of anti-social behaviour (ASB) experienced in the wider community are dealt with by the Safer Arun Partnership, led in Arun, by the Community Safety Team.

## 2.0 BACKGROUND

2.1 The Anti-Social Behaviour, Crime and Police Act 2014 contained a variety of new measures for tackling anti-social behaviour. The Act replaced Anti-social Behaviour Orders (ASBO's) with Injunctions to Prevent Nuisance and Annoyance (IPNA's). The Act also introduced new powers including the community trigger, behaviour orders and dispersal powers.

## 3.0 BRIEF SUMMARY OF ADDITIONAL POWERS IN REVISED POLICY

Power	Brief Summary
Criminal Behaviour Order	Following a criminal conviction an individual can be banned from certain activities or places, and have to address their behaviour. Maximum penalty for breach is 5 years imprisonment.
Police Dispersal Power	Power to disperse anti-social individuals. Power allows Police to act instantly and confiscate related items.
Community Protection Notice	Allows Council's & Police to deal with environmental ASB like graffiti, noise or rubbish on private land.
Public Spaces Protection Order	Used by Council's to manage dog fouling & restricting alcohol consumption by imposing conditions on the use of an area.
Closure Power	Police & Councils can close premises where ASB has been, or is likely to be committed.
Absolute Ground for Possession	Where criminality has been proven by another court, the possession process can be expedited.
Community Trigger	If they meet a locally agreed threshold victims can request a review of their case and demand action.
Community Remedy	Victims can have a say in out of court punishments when it is low level crime or ASB.

4.0 The policy aims to support the full use of the powers available to the Neighbourhood Housing Team and specifically the Housing Anti-Social Behaviour Caseworker in robustly managing anti-social behaviour relating to Arun District Council tenancies.

**Background Papers: N/A**

**Contact: Karen McGreal - Business Improvement & Policy Manager - 37824**



## ANTI-SOCIAL BEHAVIOUR POLICY

<b>CONTENTS</b>	<b>PAGE NO.</b>
Purpose	2
Policy Statement, Aims and Objectives	3
Strategic Context	3
What is Anti-Social Behaviour	4
Tenants Obligations	6
Responsibilities	6
Responding to Complaints of Anti-Social Behaviour	7
Prioritising Complaints – Service Standards	8
Support Services for Victims and Witnesses	8
Risk Assessment and Support for Vulnerable People	9
Prevention and Early Intervention	10
Enforcement and Legal Powers	11
Community Trigger	15
Partnership Working	16
Data Protection, Confidentiality and Information Sharing	16
Protection of Staff	17
Media Strategy	18
Complaints	18
Training	18
Performance Measures	19
Policy Review	19
Glossary of Terms/Jargon Buster	19

## 1 Purpose

- 1.1 The purpose of this policy is to explain Arun District Council's objectives and guidelines for dealing with anti-social behaviour affecting or caused by its tenants and leaseholders.
- 1.2 The Anti-Social Behaviour Act 2003 requires all social landlords to have an anti-social behaviour policy and clear procedures for dealing with occurrences of anti-social behaviour when they are reported. It further requires that these documents are regularly reviewed. This document updates the Council's current policy, which dates from 2012 and will be supported by revised operational procedures.
- 1.3 This policy also takes into consideration the changes brought about by the Anti-Social Behaviour, Crime and Police Act 2014. The Act contains a variety of measures for tackling ASB, which are intended to provide better protection for communities, act as a deterrent to perpetrators and give victims a say in the way their complaints are dealt with.

The Regulatory Framework for Social Housing in England from April 2012 requires that registered providers publish a policy on how they work with relevant partners to prevent and tackle anti-social behaviour (ASB) in areas where they own properties. It further requires that in their work to prevent and address ASB, registered providers should demonstrate:

- that tenants are made aware of their responsibilities and rights in relation to ASB;
  - strong leadership, commitment and accountability on preventing and tackling ASB that reflects a shared understanding of responsibilities with other local agencies;
  - a strong focus exists on preventative measures tailored towards the needs of tenants and their families;
  - prompt, appropriate and decisive action is taken to deal with ASB before it escalates, which focuses on resolving the problem having regard to the full range of tools and legal powers available;
  - all tenants and residents can easily report ASB, are kept informed about the status of their case where responsibility rests with the organisation and are appropriately signposted where it does not;
  - provision of support to victims and witnesses.
- 1.4 This policy aims to ensure the Council complies with these requirements of the Regulatory Framework. It applies where any complainant or alleged perpetrator is an Arun District Council tenant, leaseholder or member of their household, or where the Council is involved in its role as a landlord.

## **2 Policy statement, aims and objectives**

- 2.1 Arun District Council is committed to working together with Central Government, local agencies, local communities and citizens to build a society in which we respect one another - where anti social behaviour is rare, is tackled effectively and communities can live together in peace.
- 2.2 The aims and objectives of this policy are:
- To ensure that as far as possible the Council's tenants and leaseholders are able to exercise their right to quiet enjoyment of their homes;
  - To ensure that incidents of anti-social behaviour are reported, accurately recorded and monitored;
  - To ensure early and effective action is taken which can prevent anti-social behaviour escalating into a serious situation;
  - To take a victim centred approach to dealing with complaints of anti-social behaviour, offering support and advice to victims and witnesses;
  - To fully investigate complaints of anti-social behaviour and deal with them within agreed timescales;
  - To ensure the perpetrators of anti-social behaviour are aware of the consequences of their actions;
  - To take steps to provide appropriate support to perpetrators who are themselves vulnerable, in partnership with other support agencies;
  - To take appropriate enforcement and legal action using the range of tools available to the Council when there is evidence of anti-social behaviour;
  - To work in partnership with other agencies to ensure effective joint working to address cases of anti-social behaviour;
  - To ensure staff have the necessary training and skills to be able to respond effectively to complaints of anti-social behaviour.

## **3 Strategic Context**

- 3.1 The Council's priority themes as described in 'Your Council' 2013-2017 include a commitment to 'reduce the number of people who commit a further crime after receiving help and support from the Council's anti-social behaviour team to less than 5%'. A safe and protected community is also a goal for the Sustainable Community Strategy for Arun 2008-2026, Our Kind of Place.
- 3.2 These aims have also been reflected in the Housing Revenue Account Business Plan 2012-22 which includes a key objective of "Improving the way anti-social behaviour is tackled, including reviewing policies and procedures, introducing IT systems for case management and monitoring, and evaluating the need for specialist staff to manage

serious cases". This updated policy is one of the steps which the Housing Service is taking to achieve this objective.

- 3.4 The Council is part of the Safer Arun Partnership. This is a multi-agency partnership including Arun District Council, West Sussex County Council, Sussex Police Authority, West Sussex Fire and Rescue Service, Surrey and Sussex Probation Trust and Local NHS Trusts, as well as community representatives. Established following the 1998 Crime and Disorder Act, the partnership fulfils the agencies statutory duty to work together to reduce crime and disorder and improve the environment within Arun. Reducing anti-social behaviour is identified as a priority for the Partnership.

#### **4 What is anti-social behaviour?**

- 4.1 There is no single definition of anti-social behaviour but the Anti-Social, Crime and Policing Act 2014 describes it as;

- a) Conduct that causes or is likely to cause harassment, alarm or distress to any person.
- b) Conduct capable of causing a nuisance or annoyance to a person in relation to that person's occupation of residential premises, or
- c) Conduct capable of causing housing related nuisance or annoyance to any person.

- 4.2 The Housing Act 1996 defines anti-social behaviour as "Engaging in or threatening to engage in conduct causing or likely to cause a nuisance or annoyance to a person residing, visiting or otherwise engaging in a lawful activity in the locality."

- 4.3 Harassment as has a variety of definitions but can be broadly defined as;

Unwanted physical, verbal or non-verbal conduct that has the purpose or effect of violating a person's dignity or creating an intimidating hostile, degrading, humiliating or an offensive environment for them. A person may be harassed even if they are not the intended target, but they find the environment offensive. E.g. Racial harassment of a member of a person's family.

Examples of anti-social behaviour include:

- Noise nuisance
- Intimidation and harassment
- Threatening or aggressive behaviour
- Violence against people or property
- Racial harassment
- Hate behaviour which targets people because of their perceived differences
- Domestic violence

- Using housing accommodation for the possession, distribution or dealing of drugs, or other unlawful activity
- Criminal behaviour
- Overgrown and neglected gardens
- Graffiti
- Nuisance from pets and animals
- Fly tipping, litter and misuse of communal areas
- Motor vehicle nuisance and abandonment
- Serious neighbour disputes

4.4 The Housing Service will take action where appropriate and when there has been a breach of the Tenancy Agreement. Some types of behaviour are unlikely to be considered to be anti-social behaviour. For example:

- Personal disputes;
- Children playing in appropriate areas and at suitable times;
- DIY during daytime hours;
- Usual household noises from daily living and domestic appliances including washing machines, vacuum cleaners, playing music, televisions and radios, when used reasonably during daytime hours.

#### **4.5 Racial harassment**

4.5.1 The Macpherson inquiry into the death of Stephen Lawrence defined a racist incident as “any incident which is perceived to be racist by the victim or any other person.” Racial harassment is defined as:

- A deliberate act or acts of violence (verbal or physical) including attacks on property as well as on the person, suffered by individuals or groups because of their colour, race, ethnic or national origin, when the victim or anyone else involved believes that the perpetrator was acting on racial grounds.

4.5.2 Racial harassment may include:

- Unprovoked assaults including bodily harm
- Vandalism to the home, such as breaking windows
- Racist graffiti on or in the vicinity of the home
- Arson or attempted arson
- Verbal abuse
- Unfounded, excessive and/or trivial complaints targeting someone because of their racial origin.

4.5.3 Arun District Council will not tolerate racial harassment by or against its tenants and will work with the Police and other agencies to use legal and other remedies against anyone found to be racially harassing others.

## **4.6 Domestic violence**

4.6.1 Domestic violence is the physical, emotional, sexual, mental or economic abuse of one person in a relationship where two people are, or have been, partners. It can continue when the partners are no longer living together and in both heterosexual and same sex relationships. Domestic abuse can also occur in other family relationships, for example between people who are siblings, sons, daughters, parents and grandparents. Domestic violence is a breach of Arun's tenancy agreement and the Council will take legal action, where appropriate, to evict a tenant who carries out domestic violence.

## **5 Tenants' Obligations**

5.1 The Council's Tenancy Agreement makes it clear that tenants are responsible for their own behaviour and that of every person (including children) and animals living in or visiting the property. This responsibility includes behaviour on surrounding land, in communal areas and throughout the estate in which their home is situated. Behaviour which is regarded as a breach of the tenancy agreement includes:

- Anti-social behaviour
- Criminal activity
- Domestic violence
- Harassment
- Nuisance
- Violence or threats of violence including against Council staff or agents and against anyone living in or visiting the locality.

## **6 Responsibilities**

6.1 The Housing Services Manager is responsible for:

- Implementation of this policy, including communicating its requirements to staff;
- Ensuring compliance with the policy;
- Ensuring staff receive adequate training to deliver this policy;
- Ensuring effective liaison and joint working with other agencies involved in the delivery of this policy;
- Undertaking periodic reviews of the policy.

6.2 The Senior Neighbourhood Management Officer is responsible for the day to day operation of this policy and for the supervision and support of the Neighbourhood Management Team who carry out its requirements on a day to day basis.



## 7 Responding to complaints of anti-social behaviour

7.1 Anti-social behaviour is a complex problem which has wide-ranging causes and effects upon its victims and therefore requires a flexible range of appropriate, pro-active remedies to achieve effective solutions. The Council will aim to respond promptly to complaints of anti-social behaviour in a way that is sympathetic to the needs of victims. Whenever possible the Council will aim to deal with complaints of anti-social behaviour by negotiation, mediation and agreement between the parties but where this is not possible or appropriate, it will use the full range of legal powers at its disposal to take action against perpetrators.

7.2 Arun District Council will take the following actions in response to new cases of anti-social behaviour:

- Accept complaints of anti-social behaviour from tenants, leaseholders, residents and their advocates, including family members, local councillors, MP's, the police and other agencies. Complaints may be made by letter, e-mail, telephone and in person at the Council's offices;
- Ensure all complaints are recorded and acknowledged within 1 working day;
- Discuss the complaint with the victim within the stated timescales outlined in section 8 of this policy and agree a proposed action plan. This will be recorded on the Council's I.T. system.
- Intervene at an early stage to provide advice and support to victims and witnesses as required by the risk assessment, in accordance with the service standards outlined in sections 8, 9 and 10 of this policy;
- Intervene at an early stage in complaints of anti-social behaviour and undertake appropriate action to prevent their escalation as far as possible;
- When necessary, to remedy a breach of the tenancy agreement, initiate prompt legal and enforcement action on behalf of the victim. Use appropriate tools, including possession proceedings, injunctions, Acceptable Behaviour Contracts, demoted tenancies and any other powers which may be introduced by future legislation;
- Monitor incidences of anti-social behaviour and keep appropriate records and statistics;
- Keep comprehensive and up to date records of complaints and contact with the victim, perpetrator, witnesses and other agencies;
- Ensure prompt repair of any property damage, seeking to recover costs from the perpetrator whenever possible;
- Ensure compliance with the Council's policies for confidentiality and data protection;

- Work in partnership with other agencies to ensure effective joint working and a multi-agency approach to problem solving;
- Ensure staff have the necessary training, skills and resources to deliver an effective and timely response to complaints of anti-social behaviour.

## **8 Prioritising complaints – service standards**

8.1 The Council aims to provide a timely response to complaints of anti-social behaviour. We will respond in accordance with the following service standards:

1. High Category Complaints – for example complaints involving threats of, or actual violence against persons, including racial or other serious harassment and hate crime or criminal activity including drug dealing, we will respond within 2 working days. Cases involving high risk vulnerable victims will also be treated as high category complaints. Whenever possible where there has been actual violence, we will aim to respond within 1 working day. Complainants will also be encouraged to report the matter to the police. The response will include speaking to the complainant by telephone or in person, taking details of the incident, making an initial assessment of the next actions required and advising the complainant of the proposed next steps.
2. Medium Category Complaints – for example complaints about loud and frequent noise nuisance, vandalism and other damage to property, we will respond within 5 working days.
3. Standard Category Complaints – for example one-off incidents of noise and other nuisance, car repairs and other minor incidents will receive a response within 10 working days.
4. Complaints not assessed as anti-social behaviour - when the behaviour involved is not considered to be anti-social behaviour falling within the scope of this policy, we will notify the complainant of that decision within 10 working days, including advising them about other remedies which may be open to them.

## **9 Support services for victims and witnesses**

9.1 The Council acknowledges that anti-social behaviour can have a severe impact upon its victims and is therefore committed to providing a prompt, effective, sympathetic and appropriate response to complaints. Victims and witnesses of anti-social behaviour can expect the following support:

- We will ensure victims and witnesses are dealt with sympathetically and treated in confidence;
- We will speak to the victim about their complaints within the timescales in Section 8 of this policy. We will agree a proposed action plan to address the anti-social behaviour;

9.2 In cases where legal action is appropriate, it will be important that victims and witnesses give evidence of what they have experienced and seen. However, witnesses may be reluctant to give evidence in court due to fear of intimidation or reprisals. The Council will therefore take steps to support and protect witnesses, including:

- Offering information, advice and support from staff throughout the legal process;
- Liaison with the Court to minimise the amount of time witnesses have to spend face-to-face with perpetrators of anti-social behaviour;
- Using our own staff or those of other agencies to give evidence where they have witnessed the anti-social behaviour;
- Offering additional support to witnesses including security measures, such as fitting additional locks, lighting or alarms at their home; referral to other counselling and support services in the area (where available); transport or travelling expenses to attend court hearings; or translation services as appropriate;
- In the most serious cases, considering whether a move to alternative accommodation is appropriate. We will not normally respond to anti-social behaviour by moving either the victim or the perpetrator as this does not usually resolve the problem. However, in exceptional cases where there is an identified risk of violence or aggression to the victim, a permanent or temporary move may be considered.

## **10 Risk assessment and support for vulnerable people**

10.1 There are circumstances where the Council has a statutory duty to house people in housing need who may be vulnerable, for example due to mental health problems, learning disabilities or substance misuse. Vulnerable tenants may be both victims and perpetrators of anti-social behaviour and the Council will have regard to their needs in its response to complaints of anti-social behaviour. An assessment will be undertaken to identify high risk, vulnerable and repeat victims.

10.2 The assessment will include consideration of the potential risks to both the victim and perpetrator, as part of developing an action plan in response to the complaint. The action plan will include proposals to address the support needs of a vulnerable victim or perpetrator, with the aim of harm reduction and tenancy sustainment. This might include partnership working with other agencies, tenancy support and referrals to other specialist support services.

10.3 Disabled people are sometimes the target of ASB. Victims of ASB have at times been specifically targeted because they have a disability such as learning difficulties. In some case the perpetrator takes advantage of the person or targets them because of their disability. Disabled victims of ASB are often less able to cope and in greater need of support

because of this. The Council must have regard to those who have a disability. This is called the Public Sector Equality Duty.

The Council will also have regard to perpetrators who may have mental health or behaviour disorders which may be linked in some way to their conduct. The Council may ask for expert evidence to support a person's claim that their disability causes them to act in an anti-social manner. Having a disability does not stop the Council taking action to deal with ASB, nor does it prevent the Court from making orders, but it seeks to ensure that when they do, they are justified in doing so, and the action is proportionate. When deciding on a certain course of action the Council will also look at whether there are any alternate methods of dealing with the ASB.

#### 10.4 **Hate Crime**

A hate crime is any criminal offence which is perceived by the victim or any other person to be motivated by hostility or prejudice based on a personal characteristic. Incidents can range from harassment, abusive language threats to the person or their property. Often these manifest themselves as anti-social behaviour. Even though these may seem minor they can have a dramatic effect on the victim and their families. Hate crime can have a negative effect on how well sections of the community get along. There are a number of laws that deal with hate crime and the Courts have additional powers to increase the sentences of any offence aggravated by a hate crime.

### 11 **Prevention and early intervention**

- 11.1 The Council will use Introductory Tenancies for all new tenants. This will provide a 12 month probationary period during which any potential problems with the behaviour of the tenant can be identified and acted upon. This includes using possession proceedings to bring an end to the tenancy if the tenant fails to keep to the terms of the tenancy agreement.
- 11.2 The Council's Tenancy Agreement outlines the tenant's obligations not to commit anti-social behaviour, criminal activity, domestic violence, harassment, nuisance or violence. These obligations and the consequences of failing to keep them will be explained to all tenants when they sign their tenancy agreement.
- 11.3 When a tenant is identified as needing support in order to sustain their tenancy, the Council will work with the tenant and with other agencies and support providers to implement appropriate support plans.
- 11.4 The Council will exclude an applicant from its Housing Register where the applicant, or a member of the household, has been guilty of unacceptable behaviour in the last 5 years.

Unacceptable behaviour can include:

- Serious breach of tenancy conditions including serious nuisance or annoyance to neighbours;
- Conviction of using the accommodation or allowing its use for immoral or illegal purposes;
- Allowing the property to be seriously damaged by the tenant or other residents;
- Conviction of an arrestable offence committed in the locality relating to violence or threats of violence;
- Conviction of an arrestable offence relating to violence or threats of violence against Council staff;
- Eviction from social housing for nuisance or harassment (racial or otherwise) where this behaviour is apparent at the time of application.

11.5 The Council is committed to ensuring that anti-social behaviour is managed as part of a comprehensive service for residents. This includes initiatives to improve neighbourhood management, such as Action Planning for Neighbourhoods in areas identified as a priority and funding neighbourhood improvements in consultation with residents, for example, to improve safety and security, lighting or to tackle estate problems, such as fly-tipping. We will also work with other agencies to implement multi-agency community initiatives and diversionary projects, for example for young people.

11.6 Whenever possible, the Council will endeavour to resolve complaints of anti-social behaviour without recourse to legal action by talking to the alleged perpetrator about the impact of their behaviour or encouraging the victim to talk directly to their neighbour.

## 12 Enforcement and legal powers

12.1 If discussion and mediation have failed to resolve the anti-social behaviour, the Council will consider the use of a range of enforcement measures and legal powers, as detailed below. Which powers, or combination of powers, are most appropriate will be assessed on a case by case basis, in consultation with other agencies involved in managing the case.

12.2 **Abatement Notices** – these can be served by the Environmental Health Department and may be appropriate when the problem is mainly noise nuisance. Failure to comply with an Abatement Notice is a criminal offence and prosecution can result in fine or imprisonment.

12.3 **Acceptable Behaviour Contracts** – these are not legally binding but can be drawn up by Council staff and the Police together with the perpetrator to define acceptable behaviour, such as times when a person is required to be at home, limits on the volume or timing of playing music, stopping offensive language or behaviour, or keeping

away from particular people or places. They can be particularly useful for managing anti-social behaviour by young people.

Anti-Social Behaviour Orders (ASBO'S) are no longer in force. These have been replaced by a Civil Injunctions. The following are the new or amended provisions brought in by the Anti-Social, Crime and Policing Act 2014. They are as follows;

#### 12.4 Civil Injunction Orders

This is a civil Court Order designed to prevent a person engaging in anti-social behaviour where they have engaged or threatened to engage in anti-social behaviour. The Order can also be used to deal with housing related anti-social behaviour including; excluding a person from their home, place limitations on a person's ability to associate with others, and leave or remain in their home as a result of a curfew or restrict access to public places. The Court can attach a power of arrest to these orders in circumstances where there has been the use of violence or threats of violence. Failure to comply with an injunction can result in a fine, imprisonment or both. The Court also has the power to amend these orders to add or remove conditions.

#### 12.5 Closure Orders

A Closure Order prohibits access to the premises by anyone other than people specifically allowed to do so. This can include other parts of a building and or structures. E.g. communal areas and gardens. This includes the tenant, their families, friends and associates. The purpose of these orders is to create fast, flexible power that can be used to protect victims and communities from premises which are causing nuisance or annoyance. The Court can make the Order for 3 months, and extend it for a further 3 months.

#### 12.6 **Criminal Behaviour Order**

This is a post-conviction order that can be made when a person has been convicted of an offence or the Court makes an order discharging the offender conditionally. The Court will make this order if it considers that the offender has engaged in conduct that caused, or was likely to cause harassment, alarm of distress to any person, and that in making the Order it will help in preventing the offender from engaging in such behaviour in the future. Failure to comply with the terms of the Order can result in imprisonment for up to 6 months, a fine or both.

#### 12.6 **Parenting Orders**

These are orders that are primarily designed to help parents address their child's behaviour. They require a parent to comply with requirements in an order for not more than 12 months and to attend counselling sessions for up to 3 months. They can be made by the Court if the child or young person is convicted of an offence, made subject to a criminal behaviour order, or a civil injunction. Failure to comply with the Order is a criminal offence punishable by a fine.

### 12.7 **Public Spaces Protection Orders (PSPO)**

These orders prohibit activities carried out in a public place within the authority's area which have a detrimental effect on the quality of life of those in the locality, or that it is likely that the activities will be carried out and that it is likely to have such an effect. The Order can remain in effect for up to 3 years in total. E.g. restricting the use of public land at certain times for certain activities such as the consumption of alcohol or use of drugs. A Fixed Penalty Notice can be issued for failure to abide by the Order, or in the case of alcohol, surrender to a Police Community Support Officer. In addition failure to comply with the order can be a criminal offence which on conviction can result in a fine.

### 12.8 **Community Protection Orders**

This is a Notice which imposes requirements upon an individual or body to whom it is issued. These notices can be to stop doing something, or to specifically do something, or take reasonable steps to achieve a specific result. This remedy is designed to deal with particular ongoing problems or nuisance which has a negative effect on the community's quality of life. It is intended to target the individuals responsible. The Notice can apply to an individual as well as businesses. E.g. a person who allows their dog to foul a communal garden or a takeaway shop that allows its customers to eat their food outside the shop and then drop litter on the pavement which causes a nuisance to local residents.

If the Order is not adhered to the Council can undertake the work and charge the person or business for doing so, or issue a notice requiring further action be taken. It is also a criminal offence to fail to comply with the Order and could result in a fine of up to £2,500, or for business and other bodies, a fine up to £20,000. The Court can also make an additional Order to ensure the original Order is complied with e.g. carry out certain repair work. In addition, the Court has the power to order a person convicted of an offence to give up an item used to carry out the offence and that the item be destroyed. Eg. A music system.

### 12.9 **Mandatory Possession**

The Council now has additional powers to gain possession of properties where the tenant or, a member of their household or visitor has been convicted of a serious offence, proved to have breached a Civil Injunction and/or been convicted of a breach of a Criminal Behaviour Order, a Noise Abatement Notice or Order. If a Closure Order is made in respect of premises, this automatically gives the Council the power to seek possession. In this case the Court must make the possession order.

### 12.10 **Ending the Tenancy**

Where a council tenant has broken the terms of their tenancy agreement by engaging in ASB, or allowing their family or visitors to engage in ASB, the Council can, in appropriate cases, take action to evict them. The process the Council follows is different depending on whether the tenancy is Introductory, Secure, Flexible or Demoted.

12.11 The first step in possession proceedings relating to secure tenancies is for the Council to send the tenant a formal notice which sets out clearly the behaviour the Council says breaks the terms of the tenancy, and informs the tenant of the date after which the court proceedings can be started as required by the Housing Act 1985 (as amended). The order can be outright or suspended on terms. In the event of an outright order or further anti-social behaviour which breaches the terms of a suspended order, the Council will apply to the Court for a warrant of execution to evict the tenant.

There are some circumstances where the Court will grant the Council immediate possession as long as it has followed the correct procedure or relies on a ground that empowers the Court to do so. E.g. a closure order has been made in respect of a property or the tenancy is an introductory one.

12.12 **Community Harm Statements** – these have been developed by the Chartered Institute of Housing working with the Social Landlords Crime and Nuisance Group for the Department of Communities and Local Government. It is a tool for social landlords to use to highlight the impact of anti-social behaviour on a community for 3 main purposes - to assist in preparing evidence for legal proceedings; to support evidence based decision making and case management; and to contribute to developing a multi-agency response.

12.13 **Demoted Tenancies** – where a secure tenant, or a member of their household, is carrying out anti-social behaviour, the Council can apply for a Demotion Order. This has the effect of making the tenancy similar to an Introductory Tenancy. At the end of the demoted tenancy period of 12 months, if there have been no further incidents of anti-social behaviour, the tenancy becomes secure again. However, in the event of further anti-social behaviour in the 12 month demotion period, the Council can end the tenancy and apply to the County Court for possession using a similar procedure to that used for Introductory Tenancies.

12.14 **Parenting Orders** – these may be issued by the Court to order a person to attend parenting classes, undergo family mediation or other rehabilitation.

#### 12.15 **Police Powers**

The Police have available to them additional powers which can be used. They include;

1. Power of Arrest attached to an injunction order. This gives a police constable power to arrest the person subject to the order without a warrant if he has reasonable cause to believe that a breach of the injunction has occurred.
2. The Magistrates Court can issue a warrant to a constable or designated person such as council officer, to enter premises



within 14 days of the warrant being issued in order to seize an item used in the commission of an offence of failing to comply with a public spaces protection order (PSPO).

3. If a person is convicted of an offence of breaching the PSPO, the Court can also order that items be destroyed or disposed of. E.g. a music system that has been used to create a noise nuisance.
4. Dispersal powers allow the police and authorised PCSOs to exclude a person from a particular place for a maximum of 48 hours. It can be used to stop members of the public being harassed, alarmed or distressed. Or in the locality of crime or disorder, and it is likely to reduce the above occurring. The police also have the power to direct a person to surrender an item in their possession or control that the officer reasonably believes has been used, or is likely to be used in anti-social behaviour. E.g. a moped that is being ridden around on the play area of an estate causing a nuisance.

#### 12.16 Young People

Where a person is under the age of 18 years there are specific provisions in place within the Anti-Social Behaviour, Policing and Crime Act 2014 with regard to the above measures. Officers are advised to seek guidance from the Council's legal department before commencing court action against a person under 18.

### 13 Community Trigger

There is provision for a tenant to ask the council for a case of ASB to be reviewed. To complain the person must be a qualifying complainant. They must have made a complaint within one month from the date the ASB occurred and ask for a review within 6 months of the complaint being made and there have been three qualifying complaints.

The review criteria acts as a filter to ensure that appropriate cases are put forward for a full ASB review. An ASB case review can be requested by the victim or by someone acting on behalf of the victim such as a family member or friend, a carer or MP.

- 13.1 The Human Rights Act 1998, The Equality Act 2010 and Disability Rights are protected under the Human Rights Act 1998 are incorporated into the law of England and Wales and impacts on the powers councils have in dealing with ASB.

It is unlawful for the council to act in a way that that is incompatible with a Convention right. Interference with a person's human rights must be proportionate to their rights. This means balancing the rights of individuals against the interest of the wider community. When making decisions about what action to take to tackle ASB, the Council must be

aware of the implications of its decisions and will demonstrate that it has assessed how a proposed action is affected by human rights and is proportionate. The Articles that are most likely to apply in these cases are Article 8 - the right to respect for family life, Article 10 – freedom of expression and Article 11 – freedom of assembly and association.

These are qualified rights in that there are circumstances in which these rights can be lawfully curtailed. There must be a rule or regime that permits the interference. The Convention recognises that there are legitimate aims for interfering in these rights, such as it is lawful, in the interest of national security, public safety, the economic well-being of the county, for the prevention of crime and desired, or the protection of health or morals or for the protection of the right and freedoms of others. The interference must also be necessary. The Council is responsible for showing that the actions it takes are necessary. In other words they are proportionate. Thus, the principles are directly relevant to the day to day decision making of officers.

## **14 Partnership working**

14.1 The Housing Service is committed to working in partnership with other services and agencies to develop multi-agency responses to managing cases of anti-social behaviour. This includes:

- Ensuring effective partnerships with other Council services (including Environmental Health, Community Safety and Legal Services) and with the Police to deliver a joined up response to complaints of anti-social behaviour;
- Contributing to achieving the aims of the Safer Arun Partnership to:
  - Make communities safer
  - Reduce anti-social behaviour
  - Provide high quality services for victims of anti-social behaviour
  - Work with local communities to determine their priorities and find solutions
  - Ensure that we all work together effectively;
- Participating in ASBAG (the ASB Action Group), which meets monthly to agree a multi-agency approach to individual cases of anti-social behaviour;
- Contributing to the development and implementation of protocols for joint working and information sharing between agencies with the aim of improving communication and case management.

## **15 Data protection, confidentiality and information sharing**

15.1 The Council will ensure it complies with the requirements of the Data Protection Act 1998 and its own Data Protection Policies when managing information it holds about its tenants and leaseholders.

15.2 All complaints about anti-social behaviour will be treated confidentially. The name and address of the complainant will not be disclosed to the alleged perpetrator unless the prior approval of the complainant is received.

15.3 The Council will work with partner agencies to agree and comply with information sharing protocols including the West Sussex Data Sharing Protocol, in accordance with the Crime and Disorder Act 1998 and the Data Protection Act 1998. Personal data regarding individuals may be disclosed for one or more of the following purposes:

- Preventing Crime and Disorder;
- Preventing anti-social behaviour;
- Detecting offences;
- Apprehending offenders;
- Providing support for the victims of crime;
- Making our communities safer
- Assisting in the prosecution of offenders and obtaining order in the civil court

**15.4 The Equality Act 2010 and Disability**

The Equality Act 2010 identifies those characteristics in respect of which it is unlawful to discriminate (“protected characteristics”). Examples of these characteristics are; age, disability, race, sex, religion or belief, sexual orientation.

The Act protects a person from discrimination if they are associated with someone who has a protected characteristic e.g. a family member or friend.

**16 Protection of Staff**

16.1 Dealing with complaints of anti-social behaviour can result in confrontation, verbal abuse and threats of physical violence. The Council has a duty to provide its staff with a safe and healthy working environment and will therefore take appropriate steps to minimise the risk to its staff.

16.2. The Tenancy Agreement is a legal agreement between the tenant and the landlord which defines the rights and responsibilities of both parties. The agreement prohibits the use of, or threat of violence, harassment or intimidation against any Council Staff or Agents by tenants, members of their household and visitors. The Council will take appropriate legal action against perpetrators.

16.3 The Council will also:

- Provide training for staff to help them deal with potentially confrontational situations;

- Undertake risk assessments and devise safe systems of work to manage any identified risks;
- Keep appropriate records of tenants whose behaviour may pose a threat to staff and administer a system for notifying staff;
- Provide appropriate support for staff following any incidents involving violence or aggression.

## 17 **Media Strategy**

The Council will where appropriate publicise its work, to promote positive case outcomes and provide reassurance to residents of its ability to tackle and prevent anti-social behaviour. When appropriate it will also liaise with other agencies such as the police. Normally this will be through the Council's Public Relations Department, but it may liaise with other agency public relations departments to issue joint statements or publicity.

## 18 **Complaints**

The Council is committed to providing the best possible service at all times with the resources available. Sometimes things do go wrong and we would always prefer to put things right straight away if at all possible. If a complaint cannot be resolved by speaking to the person involved, the section or department who handled the matter in the first place, we have a procedure for dealing with complaints from members of the public. This enables complaints to be dealt with in a fair and consistent way. Details of this can be found on the Council's website at [www.arun.gov.uk](http://www.arun.gov.uk) or you can telephone us on 01903 737709.

## 19 **Training**

The Council recognises that training for staff is essential to assist them in responding effectively with complaints of anti-social behaviour. Training will be provided at regular intervals to ensure staff have the necessary skills and knowledge to use the full range of tools available to them. This will include:

- Up to date knowledge of the law and good practice;
- Interviewing and investigation techniques;
- Problem solving and case management;
- Good communication skills to enable them to liaise effectively with both members of the public and staff from other agencies;
- Time management techniques to improve case load management.

## 20 **Performance measures**

20.1 The Council will put systems in place to monitor and record complaints of anti-social behaviour affecting its tenants and leaseholders. This will include monitoring:

- The number of new complaints received each month;
- The category of anti-social behaviour alleged;

- The number of cases closed during the month;
- Legal and enforcement action taken;
- The number of cases dealt with in partnership with other agencies;

20.1 These statistics will be included in an annual report on the management of anti-social behaviour that will be made to the Council.

## 21 Policy Review

This policy will be reviewed every 3 years. The next review is due in April 2019.

### Glossary of terms/Jargon buster

Term used	Definition
Abatement Notice	A legal notice served by an Environmental Health Officer requiring someone to stop the nuisance they are causing. It is often used in cases of noise nuisance. Failure to comply with an Abatement Notice is a criminal offence and prosecution can result in fine or imprisonment.
Acceptable Behaviour Contract (ABC)	This is an agreement between an individual and an agency or agencies about how the individual will behave in the future. It is not legally binding but seeks to encourage an improvement in behaviour.
Action Planning for Neighbourhoods	A plan developed in partnership between the Council, other agencies and local residents to identify how the area they live in will be managed and any specific initiatives that will be undertaken to improve the area.
Anti-Social Behaviour (ASB)	Engaging in or threatening to engage in conduct causing or likely to cause a nuisance or annoyance to a person residing, visiting or otherwise engaging in a lawful activity in the locality.
ASBAG	Anti-Social Behaviour Action Group, a multi-agency meeting to discuss individual cases of anti-social behaviour and agree actions to be taken.
Community Harm Statement	A statement of the impact and harm anti-social behaviour is having on a specific community.
Demoted Tenancy	A court order against a secure tenant who has committed anti-social behaviour which reduces their security of tenure for a 12 month period.
Housing Register	The register of people in housing need in the

	District who are waiting to be housed by the Council or another social landlord.
Housing Revenue Account Business Plan	The Housing Revenue Account is a financial record of the income and expenditure of the Council spent on managing its housing stock. The Business Plan sets out the Council's expenditure priorities for the next 10 years.
Injunction	A court order instructing a person not to behave in a certain way, or visit a certain area or person.

Introductory Tenancy	A non secure tenancy offered to a new tenant of the Council for a probationary period of 12 months.
Key Performance Indicators	A set of statistics which monitor the performance of the Council against its targets and is published monthly.
Leaseholder	Someone who has bought their home (normally a flat) from the Council on a long lease under the Right to Buy.
Parenting Orders	Orders that may be issued by the court to order a person to attend parenting classes, undergo family mediation or other rehabilitation.
Possession Order	A Court order bringing to an end a tenancy and permits the landlord to then seek to evict the tenant by applying to the Court for the possession order to be enforced by the court bailiff.
Registered Provider	A social landlord, either a Council or a housing association.
Regulatory Framework	The rules which registered providers of social housing in England are required to follow from April 2012.
Respect ASB Charter	A voluntary charter for social landlords which aims to improve the management of anti-social behaviour.
Risk Assessment	An assessment of the risks involved in a specific activity or situation and the steps that can be taken to manage the risks.
Safer Arun Partnership	A multi-agency partnership established following the 1998 Crime and Disorder Act to fulfil the agencies statutory duty to work together to reduce crime and disorder within Arun.
Social Landlord	A registered provider of social housing, either a Council or a housing association.
Tenancy Agreement	"A legal agreement between the tenant and the landlord which defines the rights and responsibilities of both parties".
Tenant	The person(s) named on the tenancy agreement who rent their home from the Council.

Legislation, Regulation, Guidance and Policy considered in the writing of this policy.

#### Legislation and Guidance

1. Anti-Social Behaviour, Crime and Policing Act 2014.
2. Anti-Social behaviour, Crime and policing Act : Reform of anti-social behaviour powers. Statutory guidance for frontline professionals. July 2014.
3. Equality Act 2010.
4. Criminal Justice Act 2003
5. Crime and Disorder Act 1998
6. Human Rights Act 1998
7. The Housing Act 1996
8. The Housing Act 1985

#### Policy

1. Discharge of Homelessness Policy 2015
2. Equality & Diversity Policy 2014.
3. Housing Allocations Scheme 2014.
4. Homelessness Strategy 2012.
5. Housing Service Standards 2011
6. Tenant Policy 2010.
7. Tenancy Agreement 2010
8. ASB Safer Arun Partnership 2015

#### Other.

1. Tenants Handbook 2010.

## ARUN DISTRICT COUNCIL – INITIAL EQUALITY IMPACT ASSESSMENT

## 1. What is the name of the service / policy?

Anti-Social Behaviour Policy

## 2. Briefly describe the aims of the service/policy

The anti-social behaviour policy sets out Arun Housing Services approach to dealing with anti-social behaviour and the range of actions that may be taken. The policy aims to ensure that the housing service provides an effective response to anti-social behaviour and complies with legal and regulatory requirements.

The policy applies to where any complainant or alleged perpetrator is an Arun District Council tenant, leaseholder or member of their household, or where Arun District Council is involved in its role as a landlord.

## 3. Are the aims consistent with the Council's Equalities Policy? On what basis?

Yes. The types of action for dealing with anti-social behaviour outlined in the policy strive to ensure equality of treatment for all individuals and groups.

## 4. Is there any evidence to suggest that this service / policy could have an adverse impact on some groups of people? Use the table to tick:

(a) where you think the service / policy could have a positive impact on any of the groups or contribute to promoting equality, equal opportunities or improving relationships within the target groups.

(b) where you think the service / policy could have a negative impact on any of the equality target groups i.e. it could disadvantage them

	Insufficient data	Positive Impact	Negative Impact	Reason e.g. access / take-up
Gender	✓			
Race		✓		
Disability		✓		
Age		✓		



<b>Belief</b>		✓		
<b>Sexuality</b>		✓		

**5. If, in your judgement, the proposed service / policy does have an adverse impact, can that impact be justified? How do you intend to deal with that impact / or lessen that impact?**

**Name of manager undertaking the assessment: Karen McGreal**

**Service Area: Housing Services**

**Date completed: 22 September 2016**

**Requirement for a formal Equalities Impact Assessment: ~~YES~~/ NO**

**If YES, what is your timetable for completing this?**

**Who else will you need to be working with to do this work e.g. partners, contractors etc?**

<b>Housing &amp; Customer Services Working Group - 2016/17</b>						
<b>Meeting Date</b>			<b>07-Jul-16</b>	<b>15-Sep-16</b>	<b>24-Nov-16</b>	<b>26-Jan-17</b>
<b>Item</b>	<b>Lead</b>	<b>Origin</b>				
Election of Chairman & Vice-Chairman		ToR	*			
Terms of Reference		ToR	*			
Work programme - set and review 2016/17		ToR	*			
Empty Homes Report	LC	LC	*			
Digital Customer Services Update	JF	JF				
Appeals & Review Paper	JK	JK	*			
Customer Services Shared Services Project	JF	JF	*			
Draft Rent Arrears Policy		BP		*		
Draft Introductory Tenancy Policy		BP		*		
Housing Fraud		PW		*		
Update from StonePillow		BP				*
Enforced Sales Procedures	LC				*	
Update from the Housing Fraud Investigator	JM	WG				*
Draft Anti-Social Behaviour Policy	KM	BP			*	
New Housing & Planning Act		BP				*
Customer Services Update (with presentation)	JF				*	
Draft Allocations Scheme		BP				
<b>Agenda Prep Timetable</b>						
Send for CMT by 2pm Thurs			02-Jun-16	11-Aug-16	13-Oct-16	15-Dec-16
CMT Tues			07-Jun-16	16-Aug-16	18-Oct-16	20-Dec-16
Draft Reports to Erica by 11am Thurs			09-Jun-16	18-Aug-16	27-Oct-16	22-Dec-16
<b>Agenda Prep Date 3pm</b>			<b>14-Jun-16</b>	<b>23-Aug-16</b>	<b>02-Nov-16</b>	<b>03-Jan-17</b>
<b>Room</b>			<b>CR2</b>	<b>CR2</b>	<b>Ash</b>	<b>CR2</b>
Final Reports to Erica by 11am Mon			20-Jun-16	29-Aug-16	07-Nov-16	09-Jan-17
Despatch Agendas by 2pm Thurs			23-Jun-16	01-Sep-16	10-Nov-16	12-Jan-17
<b>Date of Meeting 6pm</b>			<b>07-Jul-16</b>	<b>15-Sep-16</b>	<b>24-Nov-16</b>	<b>26-Jan-17</b>
<b>Room</b>			<b>CR1</b>	<b>CR1</b>	<b>CR1</b>	<b>CR1</b>
OSC Meeting Dates			26-Jul-16	27-Sep-16	22-Nov-16	21-Mar-17
Cabinet Meeting Dates			25-Jul-16	17-Oct-16	12-Dec-16	13-Mar-17
Full Council Meeting Dates			20-Jul-16	09-Nov-16	11-Jan-17	08-Mar-17

