

**These questions have been sent in by Members of the Committee and will be forwarded to West Kent HA in advance of the meeting at which there will be answers and a short discussion.**

- **How do you deal with tenant's anti-social behaviour?**

This is difficult to give a quick and simple answer as every case has to be dealt with based on its circumstances and severity. In the first instance (unless threat to life or limb) we would expect the person complaining to look to talk to the other party to resolve the issue. Tenants have the same rights as any member of the public to address ASB or issues with another, including talking to each other, reporting to the Police where it is a Police matter, taking their own injunction etc.

Just because someone is a tenant does not mean they have to have a higher standard of behaviour or expectation of behaviour in others, nor does it take away their responsibility to act in the right manner or for sorting out the problem.

Clearly there are times when it is appropriate for us to intervene and when that is the case we have different actions that we can take that respond to the severity and type of case. There is no one typical timescale for us taking action and if it is a life and limb situation we may not go through all the options, but may go straight for an injunction without notice, because we need to deal urgently, other more minor cases (the vast majority of reports are minor and should in the first instance be for the two parties to deal with) will need to go through a range of the options for action listed below.

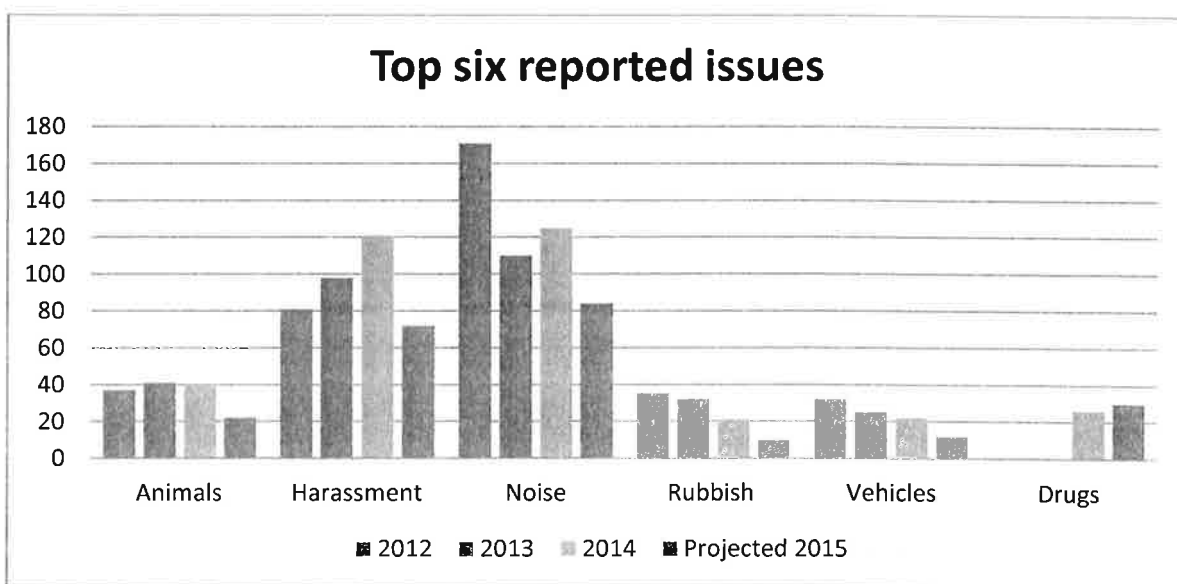
Action can range from:

- No action because it is minor, one off or not our responsibility
- Giving of advice, such as encouraging people to talk to their neighbours
- Asking people to keep diaries of events so we can assess whether the matter is on going, the severity of the ASB, the impact that it is having on people (as this will vary).
- We will discuss with both victim and alleged perpetrator what is happening and what is expected in terms of acceptable behaviours
- We issue warning letters
- We do a risk assessment of both victim and perpetrator to understand if they are vulnerable so appropriate support can be put in place if needed or we can recognise that someone will be adversely impacted more than someone else, so we have to deal differently with them
- We monitor through various methods depending on nature and severity of ASB, such as continued diary, unannounced visits, regular planned visits, regular conversations via telephone or in person, CCTV in the most serious of cases
- Verifying and gather supporting evidence from other neighbours, witnesses to events, other agencies such as Police, Social Services, Community Safety Team
- Develop Acceptable Behaviour Contracts with individuals
- Offer mediation via partnership with West Kent Mediation and Medway Mediation services

- Put in additional support maybe via our Crisis Team or by working with other agencies such as drug and alcohol services
- Serve Notice of Seeking Possession that gives someone 28 days to stop that behaviour and if they don't we can apply to court for a possession hearing – this is on discretionary grounds usually and so the trial judge needs to make sure our actions are reasonable and proportionate and in line with the pre-court protocol that the Ministry of Justice put in place we need to show we have tried every course of action and that all has failed.
- We can now use a new mandatory possession ground that came in this year to go to Court, but our action still has to be reasonable and proportionate and to take into account the vulnerability of the perpetrator
- Injunctions (sometimes with power of arrest) now we can ask for injunction with requirement for positive action if we can put that in place such as attending drug rehabilitation
- We also get involved with restorative justice and peer mediation to try to help people understand the impact of their actions
- We also do a range of pro-active activities to prevent ASB starting, such as responsible dog ownership, the silent disco usually this is with other agencies like your community safety team, Police

As an indication of the work and outcomes we achieve there are some statistics given below

	2012	2013	2014	2015 Jan - Nov
Total Reported Incidents	551	430	470	315



In 2014 there were three evictions due to anti-social behaviour.

In 2015 from January to end November we have closed 307 from the 315 cases. The outcomes include:

- 103 were closed due to insufficient evidence and/or source not responding or withdrawing complaint
- 118 were closed due to no further incidents being reported

- 41 reported were closed due to successful interventions, such as mediation and restorative justice, enforcement actions, such as serving Notice of Seeking Possession, Acceptable Behaviour Contracts and referrals to other agencies through our partnership working with others
- 13 cases were logged in error and/or identified to not be anti social behaviour that we would resolve
- 27 cases where one of the households involved moved
- 13 cases have moved to formal legal action – one then closed as a resolution was obtained
  - Five resulted in an ASB Injunction
  - Three resulted in a possession order (suspended on conditions)

Of the four that are current

- One resulted in an outright order for possession (within the last fortnight) – longstanding harassment and nuisance to neighbour, required neighbours willing to go to court to give evidence, involvement of Police, social services and Psychiatric reports. As an example this nuisance has been ongoing for over two years but escalated within the last 8 months and it was only possible to take formal action once neighbours were willing to provide evidence and statements as the Judge needs to be convinced that the action is causing distress/harm to the wider community. In addition, we had to prove to the Judge that we had tried all other actions, including, mediation, mental health services, regular social support, an acceptable behaviour contract and an injunction, before he was willing to give the possession order.
  - One an injunction (last week) and we are now awaiting second eviction hearing (previous court application failed as the court believed that some witnesses had colluded to fabricate evidence or to provoke individual to shout and abuse them)
  - The remaining two are still being managed to try to find a solution, one is due in court in December and one we are finalising statements with a view to taking formal court action
- **Are your responsibilities for dealing with anti-social behaviour detailed in any policies or tenancy agreements?**

Within our tenancy agreement there is a section on use of the property and nuisance and harassment – it states:

#### **‘1. Illegal use**

a. You must not use the property or surrounding area for any illegal or immoral purposes. In particular, you or anyone living in or visiting the property must not be to be involved in possessing, or supplying any prohibited or controlled drug (whether in the property or not). Also you must not allow the property to be used by an illegal broadcasting station.

#### **3. Nuisance and harassment**

a. You must not do anything (in the property, on the estate, or in the neighbourhood it is in), which is likely to cause a nuisance to or may annoy or inconvenience other people in that estate or neighbourhood, or their family or visitors. You must not assault, threaten, harass or obstruct our staff, contractors or agents while they are carrying out their job. Also you must not allow anyone living with you (including children) or visitors to do any of these things. This includes you and your

family and visitors, must not take part in loud and / or abusive and / or disruptive behaviour, including when under the influence of alcohol or drugs.

b. You must not cause any noise, which is seen as unreasonable and is capable of causing a nuisance to neighbours, especially that it can be heard outside the property. Noise can include but is not limited to music, loud television, persistent door slamming and shouting, including loud excessive swearing. Sound can travel easily and you should try and reduce it, especially between the hours of 10pm and 6am.

c. You must not harass or abuse anyone in the property or on the estate or neighbourhood it is in. You must not do anything to harass or abuse people living, visiting or working in the neighbourhood, on the grounds of any of the protected characteristics set out in the Equality Act 2010. This includes race, colour, nationality, sex, sexual orientation, gender assignment, religious belief, age or disability. .Also you must not allow anyone living with you (including children) and / or visitors to do any of these things.

d. You and any person living on the premises, whether permanently or temporarily, and any visitor to the premises, must not cause damage to any of our properties and must not deface or damage any wall, door, fence or other part of any of our premises.

e. You must not allow or encourage any person living on the premises, or any visitor, to commit any act which breaks conditions 3a to 3d above.

f. 'Harassment' includes, but is not limited to:

- violence or threats of violence towards any person;
- abusive or insulting words or behaviour;
- damage or threats of damage to property belonging to another person including damage to any part of a person's home;
- writing threatening, abusive or insulting graffiti; and
- any action aimed at interfering with the peace or comfort or to inconvenience any other person'

In addition we have a Community Safety Strategy that is available on request and on our website we have information for residents about what to do and the services we provide. The link to that area is <http://www.westkent.org/Residents/Community-safety>

- **Do all new tenants have a starter tenancy and can this be extended? How many tenants on average per annum, with starter tenancies are not given assured tenancies?**

All new tenants are given a starter tenancy including our Emerald (over 55 years) except where they are already a tenant of West Kent, another housing association or a local authority.

Starter tenancies are a fixed term tenancy for the period of 12 months. During that time if there are breaches of the agreement we can serve notice and apply to Court for possession on mandatory grounds (that is the Judge has to give possession if we have met certain criteria). The Court expects us to follow the pre-court protocol and for our action to be proportionate and reasonable.

The tenancies are closely monitored and if there have been issues but the tenant is working with us to address those issues such as clearing a debt or have stopped the behaviour that was causing a breach we can extend the tenancy by another six months, if we have made the decision to do so

prior to the expiry of the 12 months. The intention of starter tenancies is that if they are conducted right it automatically becomes a full assured tenancy.

Looking at the last two years we can see below the number of tenancies and those we extended.

	No. of starter tenancies	No. Extended
2014	216	14
2013	196	20

Table below shows the number of starter tenancies ended over the last three full years and the reasons for this

Starter Tenancies Ended	Arrears only	ASB only	Mix	Other	Total
2014	2	1	1		4
2013	2	1			3
2012	0	1	1		2

- **Will your new business model (rent capping/RTB) include fixed term tenancies of say 5 years?**

West Kent's current tenancy policy (and long term view) is that other than the exceptions below West Kent will offer full assured tenancies. The exceptions are that a five year fixed term tenancy will be granted where: 'Customers are moving into a larger property (4 beds or above) or a 2 bed or above disabled adapted property. This includes existing West Kent or other assured or secure social transferring tenants *if* the home is let at affordable rent. A starter tenancy will be offered first if applicable.'

We review the policy every year. We are aware of the national debate about moving to fixed term tenancies and will review our policy in the context of any decisions from central government or housing regulator.

- **How many are on the Register and what is average waiting time?**

As at end October 2015 there were 710 applicants on the list.

Band A	Band B	Band C	Band D	Band E
14	202	143	220	130

Length of time on the list varies between each priority band and depends on the type of properties that become vacant.

For Emerald homes (those for over 55 years) we have around 150 – 200 vacancies a year and at end of Sept 15 we had 211 people registered and eligible – so in theory everyone could be housed within 14 months.

For general needs homes it can vary considerably because people bid on vacant homes so if they do not see anything they want to bid on they will wait (potentially years) until they do. Also it depends

on how popular areas or homes are. So for instance if we had someone willing to take a vacant three bed flat in Swanley we have currently they could register today and be housed within ten days. Conversely we have people who have been on the list in excess of five years because they want a particular type of property or a particular area and no vacancies have arisen, or if they have their priority is low and they have gone to someone in band A or B.

In theory we have around 120-170 general needs vacancies on average per annum so everyone could be housed in just over three years. However, life is not that simple so it will vary greatly for example:

Band A people are expected to be housed within six months

Band D and E could have years to wait or could be housed within a couple of months of joining the register if they bid on something no one else bids on.

- **How will you manage the new right to buy legislation? And how will you replenish your stock? Due to Planning constraints in the district will this increase the number of future developments outside the district?**

We already have right to buy for those tenants and homes that came over in 1989 at Stock transfer, so we have experience of managing RTB.

For information at transfer on 23 March 1989 we had 6,300 homes of which about 5,300 were eligible for RTB with both the tenant and the property being eligible (1,000 reduction is due to things like sheltered and leaseholders)

- Properties sold under RTB since transfer 1,458
- Properties eligible and tenant eligible for contractual RTB as at 31 October 2015 1,225

The difference in totals are because some tenants will no longer have right if they have moved to a property that was not transferred or have left our homes or the homes were demolished under our regeneration schemes and the new homes are therefore not included.

We have yet to decide on the detail of the voluntary right to buy scheme as not all the government requirements have been finalised. We are currently looking at which properties we may wish to exclude and which we will include, for instance should we exclude all rural or only those on rural exception sites. Should we include or exclude all or only some of our Emerald homes. These decisions have not been made.

We recognise that given land values and planning constraints with Sevenoaks that we will not be able to replace each home sold in Sevenoaks with a new home in Sevenoaks and we are taking that into consideration when thinking how the RTB scheme will work.

The legislation is not yet enacted so we have time to make these decisions. There are five associations that are beginning in January to pilot voluntary RTB and it will be good to see what issues/lessons we can learn from them. The pilots are enabling only those who have been tenants for 10 years or more to buy at this time.

The Government are expecting that for each home sold a replacement is delivered and if we cannot find the opportunities within Sevenoaks it may mean we have to build elsewhere in the County. The

majority of our new homes over the recent years have been outside Sevenoaks, due to the difficulties of building in the district.

