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(Tel: 01443 864210 Email: [evansca1@caerphilly.gov.uk](mailto:evansca1@caerphilly.gov.uk))

**Date: 6th December 2017**

Dear Sir/Madam,

A meeting of the **Caerphilly Homes Task Group** will be held in the **Sirhowy Room, Penallta House, Tredomen, Ystrad Mynach** on **Thursday, 14th December, 2017** at **5.00 pm** to consider the matters contained in the following agenda. You are welcome to use Welsh at the meeting, a minimum notice period of 3 working days is required should you wish to do so. A simultaneous translation will be provided if requested.

Yours faithfully,

A handwritten signature in blue ink that reads 'Chris Burns'.

**Chris Burns**  
INTERIM CHIEF EXECUTIVE

## AGENDA

Pages

- 1 To receive apologies for absence.
- 2 Declarations of Interest.

Councillors and Officers are reminded of their personal responsibility to declare any personal and/or prejudicial interest(s) in respect of any item of business on this agenda in accordance with the Local Government Act 2000, the Council's Constitution and the Code of Conduct for both Councillors and Officers.

To approve and sign the following minutes: -

- 3 Caerphilly Homes Task Group held on 2nd November 2017.

**A greener place Man gwyrddach**



To receive and note the following information items: -

- |   |   |         |
|---|---|---------|
| 4 | Review of Local Lettings Policy – Rowan Place.  | 7 - 24  |
| 5 | Allocation of New Homes to Former Tenants Who Have Been Evicted, Tenancy Enforcement Powers and Tenant Obligations. | 25 - 62 |
| 6 | Wellbeing Objective WO5 and WHQS Progress Update - Investment in Council Homes to Transform Lives and Communities.  | 63 - 74 |

*\*If a member of the Caerphilly Homes Task Group wishes for the above information report(s) to be brought forward for discussion at the meeting, please contact Charlotte Evans on 01443 864210, by 10a.m. on Wednesday 13th December 2017.*

- 7 To receive any requests for an item to be included on the next available agenda.

**Circulation:**

Task Group Members: Ms L. Pewtner, Mrs D. Moore, Ms M. James, Ms R. Thompson, Mrs Y. Bryant, M. Davies, Miss E. Forehead, L. Harding, A. Hussey, Ms S. Jones, L. Phipps, Mrs D. Price, L.G. Whittle and Mr C. Davies,

And Appropriate Officers



## **CAERPHILLY HOMES TASK GROUP (WELSH HOUSING QUALITY STANDARD)**

**MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH  
(SIRHOWY ROOM) ON THURSDAY, 2ND NOVEMBER 2017 AT 5.30 P.M.**

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PRESENT:

C. Davies - Chair  
D. Price – Vice Chair

Task Group Members:

Mrs Y. Bryant, M. Davies, A. Hussey, Mrs S. Jones, Mrs D. Moore, Mrs R. Thompson and Mrs L. Phipps.

Officers:

C. Couzens (Chief Housing Officer), D. Morris (Principal Procurement Officer) and C. Evans (Committee Services Officer)

### **1. APOLOGIES**

Apologies for absence were received from Ms M. James, L. Harding, Ms L. Pewtner, and L. G. Whittle.

### **2. DECLARATIONS OF INTEREST**

Tenant Representatives C. Davies, Mrs S. Jones, Mrs D. Moore and Mrs R. Thompson declared a personal but not prejudicial interest in all agenda items as Council Tenants.

### **3. MINUTES – 5TH OCTOBER 2017**

RESOLVED that the minutes of the meeting held on 5th October 2017 be approved as a correct record and signed by the Chair.

### **4. DYNAMIC PURCHASING SYSTEM FOR THE PROVISION OF GENERAL BUILDERS**

The report provided the Task Group with an update in relation to the Council's Dynamic Purchasing System (DPS) for the Provision of General Builders.

The Council established the DPS for the Provision of General Builders in March 2017 in accordance with the EU Procurement Directives 2014, UK Public Contract Regulations 2015 and the Council's Standing Orders for Contracts ('SOFC'). The Council also sought external legal advice and guidance from Blake Morgan LLP during the pre-planning phase of the process.

The purpose of the DPS is to facilitate the Council's general building requirements by running mini competitions with those Contractors established on the DPS. This will allow the Council to identify Contractors to undertake packages of external works to the Council's housing stock in accordance with the Welsh Housing Quality Standard ('WHQS') Programme. Contractors will be required to provide a range of external works linked in general building disciplines. The specific works that maybe procured under the DPS for these external works will be available via the mini competitions and associated documentation.

It was anticipated that the DPS will predominately be used in the Lower Rhymney Valley, however it is also important to note that the Council has reserved the right to utilise the DPS for any internal and external general building requirements covering any Housing, Public Buildings and Learning and Educational establishments located within the County Borough. The decision to establish the DPS will assist the Council in proactively managing any potential capacity issues, which have previously been identified within the WHQS programme when utilising traditional frameworks and other arrangements. The Council published within the associated procurement documentation that Contractors should note that admission onto the DPS is not a guarantee of any award of contracts and there is also no guarantee of volume or value of contracts to be let via the DPS.

The establishment of the DPS also allowed the Council the opportunity to trial the use of a 'passport to trade' process with Contractors. The purpose of the 'passport' process is to streamline and alleviate the need for Contractors frequently submitting repeat qualifying information such as but not limited to Health and Safety and Insurance documentation whilst tendering for various opportunities for works of a similar nature.

A Task Group Member sought further information on the application process for the DPS system, and whether applications are to be submitted entirely electronically. Officers explained that the system is designed to be an online platform; therefore applications are required to be made electronically. However, the Supplier Relationship Officers are available to provide support to contractors, should they require it. In addition, it was noted that work packages are submitted to the platform, in which each of the Contractors are able to apply for the package.

The Caerphilly Homes Task Group thanked the Officer for the detailed report and noted its content.

## **5. WALES AUDIT OFFICE REVIEW OF THE WHQS DELIVERY PROGRAMME**

Having been considered by Cabinet on 1st November 2017, the Caerphilly Homes Task Group requested that the report be presented in full to the Task Group, for information.

The report presented the Task Group with recommendations resulting from the Wales Audit Office (WAO) review of the Welsh Housing Quality Standard (WHQS) delivery programme together with officers' comments, following approval by Cabinet.

It was noted that during March and April 2017, as part of the WAO performance audit plan, the WAO undertook a review of the Council's arrangements to deliver the WHQS by 2020.

At the time of the review, the WAO concluded that the "majority of tenants homes remain below the WHQ Standard due to longstanding inefficient and ineffective programme management and the Council is unlikely to achieve the standard by 2020".

Whilst Officers accept the recommendations within the WAO report, they do not agree with the overall conclusions made, as it does not reflect the current position of the programme and evidence to justify this view is provided throughout the report and specifically addressed within the Conclusion section.

The Task Group thanked the Officer for the report and discussion ensued.

A Task Group Member raised concerns around the stock condition survey, as the WAO report referred to Savill's. Officers assured the Task Group that, whilst the programme was originally based on the stock condition survey and estimated component costs provided by Savill's Consultants, an exercise has been undertaken to establish the full scope of investment needed to meet WHQS by 2020, based on accurate costs. Further reassurances were provided that the programme remains financially viable and that a more detailed overarching programme has been developed, within the existing timescales.

Discussions took place around the Procurement Strategy, which WAO raised within the report and it was noted that this was developed to meet Welsh Government's improvements and efficiency targets. Internal works contracts are predicated on a fixed contract basis using the JCT form of contract and national schedule of rates (reviewed annually) and external works have been developed via various procurement routes in accordance with legislation and in order to manage the supply base, ensure capacity and encourage and grow local contractors. This is managed through a series of arrangements which included the use of the small lots exemption, frameworks and more recently a Dynamic Purchasing System (DPS).

The Task Group discussed the recommendation referring to the requirement to provide clear and transparent information to members and tenants about the current position of the programme and felt that further improvements could be made in this area. Officers outlined that they have also considered this recommendation and accept that the manner in which information is presented can be improved. As part of the exercise, Officers have reviewed information contained within the programme and have already made amendments to ensure it is clear, accurate and meaningful for all stakeholders.

The report raised concerns around programme management, governance and accountability. Officers explained that these responsibilities are defined through the WHQS Board, the Caerphilly Homes Task Group, the Repairs and Improvement Group, Corporate Management Team, Policy and Resources Scrutiny Committee and Cabinet. Officers assured the Task Group that the terms of reference of each of these groups will be reviewed to ensure that the respective groups are clear of their remit and purpose as well as ensuring that any urgent decision making required can be taken at the appropriate level.

Reference was also made to the recommendation in which the council should ensure it has sufficient project management capacity to deliver the Council's WHQS programme effectively by 2020. The Task Group noted that, in order to assist with the project management of such a major investment programme, the use of resources is being maximised through improved integration within Caerphilly Homes following changes in the management structure last year and by also utilising the services of other departments within the Council, including Building Consultancy, Grounds Maintenance, Highways Operations Group and Network Contracting Services.

The Task Group discussed the Community Benefits, which was not reflected within the report. It was noted that a decision was taken at the onset of the programme to ensure that all housing communities benefit from the WHQS works at an earlier stage in the programme rather than focussing on completing all WHQS works in one community at a time. As such the information contained in the report is misleading and the comparable performance data with other authorities, although factual in relation to the number of properties completed, is not an accurate picture of the work completed to date, as both internal and external works have been undertaken across the borough. It was added that, to date, 85% of properties across the county borough have received either internal or external works.

The report outlined view expressed by tenants and tenant satisfaction and discussion ensued around concerns raised to tenant representatives and Councillors, during the works. However, the Task Group were asked to note that given the time constraints, interviews had only been undertaken with 6 tenants that sit on the Caerphilly Homes Task Group, where

concerns were expressed about the quality of work undertaken. It was felt that, at the meeting of Cabinet, this was not a fair representation of the number of tenants throughout the borough, and further research should have been undertaken. Tenant satisfaction surveys are conducted following the completion of works, in which 89% of tenants were very satisfied or satisfied, 5% neither satisfied nor dissatisfied and 6% dissatisfied or very dissatisfied. Therefore, it was noted that the data within WAO report could not be seen as reflecting all views.

The WAO report outlined that because of the fragmented nature of documents setting out the reprofiling programme of works, it did not believe they provide a strategic, comprehensive and integrated approach setting out clearly to tenants, councillors, officers and other stakeholders how it will meet the WHQS by 2020. Officers assured the Task Group that the information contained within reports has also been reviewed to ensure they are presented in a clear and transparent way and contain all relevant details so that the current position of the overall programme is easily communicated to all stakeholders.

The Task Group, in noting the comments on the Tenant Liaison Officers (TLO's), raised concerns over the current workload of staff and noted that some TLO's are undertaking additional roles, which should be undertaken by other staff members, such as Clerk of Works. Officers were concerned by this information, and assured the Task Group that this should not be case, staff are clear on their remit within their role and workloads are monitored, and case loads assigned, in order to ensure fairness. During the discussion, Councillor Phipps, Cabinet Member for Homes and Places, requested that she spend a day with a TLO, in order to have a better understanding of their role.

It was concluded that the WAO recommendations have been accepted and it was agreed that further improvements to the programme were needed. A number of the identified improvements are being delivered in accordance with the action plan as appended to the report and progress would be monitored on a monthly basis by the Caerphilly Homes Project Board. It was accepted that the recommendations were following the review during March/April 2017, however, at that point in time significant changes were already underway. As such, Officers do not agree with the overall conclusion drawn, as it is felt that this statement does not offer a fair assessment of the position of the programme. In addition, it was accepted that completion of the programme by 2020 will be challenging, based on the current position of the programme, it was noted that 75% of the internal works and 40% of the external works are set to be completed by March 2018. In addition, by March 2019 it is projected that 94% of internal works and 80% of external works are set to be completed. In relation to internal works, assurances were offered that, should there be further slippage in the programme, there will be sufficient capacity at the end of the programme to accommodate this. Officers consider that the measures put in place have resulted in a significantly increased and focused rate of completions and are confident that the programme will be completed by 2020.

The Caerphilly Homes Task Group thanked the Officer for the report and noted its content.

**6. TO RECEIVE ANY REQUESTS FOR AN ITEM TO BE INCLUDED ON THE NEXT AVAILABLE AGENDA**

The Task Group requested that the following reports be presented to the next meeting:

1. Acceptable Fails
2. Community Fund
3. Partial/ Full works Completed
4. Training on the Well Being and Future Generations Act.

Officers explained that a number of the reports have been scheduled on the Forward Work Programme for the next meeting.

Finally, the Task Group were asked to consider the times of future meetings, and whether Members would prefer future meetings to begin at 5pm. Following discussion, it was agreed that an email be circulated to the full Membership.

The meeting closed at 7:03 p.m.

Approved as a correct record subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 14th December 2017.

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CHAIR

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## **CAERPHILLY HOMES TASK GROUP - 14TH DECEMBER 2017**

**SUBJECT: REVIEW OF LOCAL LETTINGS POLICY – ROWAN PLACE**

**REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151 OFFICER**

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- 1.1 The attached report was circulated as an information item to the Policy and Resources Scrutiny Committee ahead of their meeting on 14th November 2017.
  - 1.2 The same report is attached as an information item for the Caerphilly Homes Task Group, and Members are asked to note the contents of the report.

Author: R. Barrett, Committee Services Officer, Ext. 4245

Appendices:

Appendix 1 Report to Policy and Resources Scrutiny Committee – Information Item



## **POLICY AND RESOURCES SCRUTINY COMMITTEE – FOR INFORMATION**

**SUBJECT: REVIEW OF LOCAL LETTINGS POLICY – ROWAN PLACE**

**REPORT BY: CORPORATE DIRECTOR - COMMUNITIES**

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### **1. PURPOSE OF REPORT**

- 1.1 To advise Members of the outcome of the 12 month review of the Local Lettings Policy introduced in 2016 for the allocation of two bed flats at Rowan Place, Rhymney.

### **2. SUMMARY**

- 2.1 The Housing Act 1996 enables the introduction of Local Lettings Policies. The procedure required to be followed by Caerphilly Homes in relation to the adoption or review of a Local Lettings Policy is defined in the Common Allocation Policy which was entered into with Housing Association partners in December 2016.
- 2.2 A comprehensive regeneration programme has recently been completed in Rowan Place and, in order to create a sustainable cohesive community and improve its reputation a decision was taken in 2016 to implement a Local Lettings Policy for the void flats on the estate. The report provides details of that Local Lettings Policy together with an assessment of its impact to date.
- 2.3 The report confirms that, in accordance with the Common Allocation Policy, a Local Lettings Policy Panel has considered the proposal submitted by Caerphilly Homes and approved the extension of a revised Rowan Place Local Lettings Policy for a further 12 months.

### **3. LINKS TO STRATEGY**

- 3.1 The Single Integrated Plan 2013-2017 has a priority 'to improve standards of housing and communities, giving appropriate access to services across the County Borough'.
- 3.2 The Authority's Local Housing Strategy 'People, Property and Places' has the following aims:- 'To provide good quality, well managed homes in communities where people want to live and offer people housing choices which meet their needs and aspirations'.
- 3.3 The Wellbeing of Future Generations Act 2015 sets out the following wellbeing goals which link with the aims of this report:-
- A resilient Wales
  - A prosperous Wales
  - A healthier Wales
  - A more equal Wales
  - A Wales of cohesive communities
  - A globally responsible Wales.

## 4. THE REPORT

### **Local Lettings Policies**

- 4.1 The Housing Act 1996 provides the statutory basis for local lettings policies (LLPs). It allows the Council to allocate accommodation in a defined location to people of a particular description provided that, overall, it is able to demonstrate compliance with its statutory obligations in relation to allocations.
- 4.2 Prior to December 2016 decisions on the introduction of LLPs for Caerphilly Homes stock were taken by the Council however, in December 2016 the Council signed up to a Common Housing Register and Common Allocation Policy, developed in partnership with housing associations operating within the County Borough. This partnership ensures that all applicants applying for social housing in the County Borough are provided with a single route of access and assessed using a single policy.
- 4.3 The Common Allocation Policy requires that the Council and all partner landlords agree the locations where a LLP may be appropriate and why. A clear evidence base must be provided to a panel of partners to support the adoption or extension of a LLP.
- 4.4 The panel consider whether a local letting policy is appropriate based on the following test:
- (i) That there is a clear definition of the objective to be achieved by that particular LLP;
  - (ii) That there is a clear evidence base to back up the need for a local lettings policy;
  - (iii) That any potential equality impact has been considered;
  - (iv) How long the LLP is intended to operate; and
  - (v) When the policy should be reviewed.

### **Rowan Place Local Lettings Policy**

- 4.5 Rowan Place is located within the Twyn Carno ward and is part of the Lower Super Output Area (LSOA) known as Twyn Carno 1. It currently comprises 64 Council properties which include 7 x 3 bedroom houses, 40 x 2 bedroom ground and first floor flats and 17 x 1 and 2 bedroom bungalows. 8 flats have recently been demolished as part of the improvement programme. There are also 6 private houses and bungalows and four leasehold flats.
- 4.6 Following the identification of severe damp and external defects to the fabric of the properties in Rowan Place, in 2013 the Council approved a comprehensive refurbishment programme of the Council owned properties which required the occupied flats to be vacated. Subsequently, the Council also approved the demolition of two blocks of flats in recognition of the low demand in the area, to improve the environmental aspect of the estate and to achieve financial savings. The programme, which has recently been completed, was enhanced by funding from the Welsh Government as part of its Vibrant and Viable Places programme which facilitated enhancements to the environment within Rowan Place.
- 4.7 In previous years, the area of Rowan Place in which two bedroom flats are located were plagued by high levels of antisocial behaviour, crime and substance abuse. It was regarded locally as a 'no go zone' and was largely home to transient single people and families with particular challenges, including drug and alcohol issues, criminal and antisocial behaviour issues. The stigma attached to the area led to potential tenants refusing the offer of accommodation in Rowan Place despite the accommodation lending itself to small families, couples and single people who may have been affected by welfare reform. As a consequence, and for the benefit of existing tenants, on 3<sup>rd</sup> February 2016 Cabinet approved the adoption of a LLP for the Rowan Place flats.
- 4.8 The LLP was developed with a focus on supporting the creation and maintenance of a sustainable mixed community within Rowan Place, with a view to contributing to a reduction in levels of antisocial behaviour, crime and substance misuse, thereby increasing demand from

applicants for this accommodation and the wider community. By preventing applicants with a history of such behaviour from automatically being offered housing in the area, it was anticipated that this would support the settlement of existing tenants and residents as well as encouraging prospective tenants to Rowan Place and neighbouring communities, thereby facilitating the development of sustainable communities in which households will want to remain.

- 4.9 The LLP applied to all 2 bedroom flats in Rowan Place. The Caerphilly Homes Allocation Scheme in place at the time allowed for the allocation of families with 1 or 2 children and childless couples. Due to the size of the second bedroom, under the LLP, only families with 1 child, or families with access were considered for the flats and to reduce excessive child density in the area, childless couples took precedence over families with one child.
- 4.10 A strict set of criteria was devised and any applicant that met any of the criteria would not be offered a tenancy for the flats for a period of at least 2 years. In addition, prospective tenants were required to satisfy an income/expenditure assessment of their affordability of the tenancy and where two or more applicants had equal priority, preference would be given to applicants who were in employment or training. The policy was subject to a comprehensive Equalities Impact Assessment.
- 4.11 At the time the LLP was approved there were 22 void flats within Rowan Place. It was unclear, until the Policy was implemented, whether the void levels would increase as a result of the LLP, however it was agreed that a review would be conducted 12 months following implementation to determine its effectiveness. It was anticipated that the Policy would be withdrawn once the flats were fully allocated.

#### **Review of the Rowan Place Local Lettings Policy**

- 4.12 The LLP for Rowan Place became operational in August 2016 (appendix 1). At the time of this first review 12 of the flats in Rowan Place were void, compared with 10 in 2013 and 22 in 2016. The Upper Rhymney Valley Area Housing Office have been operating the LLP for approximately 12 months and makes clear to existing and prospective tenants, the circumstances in which a new tenancy within Rowan Place will be granted. All applicants for Rowan Place are required to complete a supplementary application form in order that their eligibility under the LLP can be considered. In total 12 allocations have been made to the flats since August 2016 with a number of applicants refused as they have been unable to satisfy the LLP criteria. Applicant households who are not offered an allocation of a flat in Rowan Place have been considered for an allocation elsewhere in the County Borough in accordance with the Common Allocation Policy.
- 4.13 Unfortunately, there have been unavoidable delays in completing the extensive environmental and demolition works in Rowan Place and allocation issues associated with the implementation of the new Common Housing Register and Common Allocation Policy, and the associated new IT system with both staff and applicants having to adapt to these changes which, now largely resolved, are considered to have had some impact on allocations across the County Borough. In addition, the Common Allocation Policy restricts the number of offers of accommodation made to an applicant, which are based on preferences they have expressed. In order to minimize the likelihood of their applications being suspended from the Register for 12 months as a result of unreasonable refusals, applicants are increasingly refining their preferences, and there has been a reduction in applicants selecting Rhymney North, the Housing area in which Rowan Place is located, as a preference.
- 4.14 In addition there are wider issues of low demand being experienced by all partner landlords in the north of the Upper Rhymney Valley. These factors are all considered to have had an impact on demand in Rowan Place resulting in fewer applicants being assessed using the LLP than originally anticipated and a number of the flats remain vacant. Following a review of available information and discussions with Police and local Councillors officers concluded that an extension of the LLP is needed to ensure that a stable, cohesive community develops, for the benefit of all local residents and partner landlords operating in the Rhymney area.

- 4.15 Prior to submitting a presentation to the Panel requesting an extension of the LLP the eligibility criteria were reviewed by officers, taking into account their experiences of implementing the original LLP and minor changes were made for the purposes of clarity. In addition, in order to potentially widen the eligibility of applicant households without prejudicing the objective of creating a sustainable community, the LLP was amended to provide all applicant households who may be refused an allocation in the flats due to the criteria imposed, the opportunity to attend a meeting with officers, to consider their individual circumstances, discuss their potential suitability and opportunities for additional support provision, prior to a final decision being taken. The preference given to households working or in training where applicants had equal priority was also removed as it is no longer required, due to the prioritisation system implemented under the Common Allocation Policy. The revised LLP is attached as appendix 2.
- 4.16 Following completion of an Equalities Impact Assessment (appendix 3) an application to extend the Rowan Place LLP was presented to the Local Lettings Policy Panel on 27<sup>th</sup> September 2017, who determined that the revised policy was appropriate and satisfied the relevant criteria. It therefore approved the extension of the revised LLP which will now be reviewed in a further 12 months.

## 5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 This report contributes to the Well-being Goals as set out in Links to Strategy above. It is consistent with the five ways of working as defined within the sustainable development principle in the Act:

**Long Term** – provides cohesive and sustainable communities in affordable housing for tenants, providing a fair and transparent service for tenancy sustainment.

**Prevention** – supports tenants and assists in the prevention of eviction and homelessness.

**Integration** – improved standards of housing and stable community environments.

**Collaboration** – joined up working arrangements within the organisation and with partners to support the provision of cohesive and sustainable communities.

**Involvement** – Engages tenants and support agencies in relation to sustainment of tenancies.

## 6. EQUALITIES IMPLICATIONS

- 6.1 An Equalities Impact Assessment has been completed on the revised LLP which has determined that the proposal will impact positively on the following groups: Older people, disabled persons and those with limited mobility, families, prospective tenants who have not previously been involved in antisocial behaviour and those who may be receiving support to tackle drug / alcohol dependency.
- 6.2 The proposal will impact negatively on the following groups: Those who are known to have been involved in antisocial behaviour in the last two years; prospective tenants who have convictions that could be relevant to housing management e.g. drug dealing, criminal damage, arson; persons who have previously been tenants of the Council and who have excessive outstanding rent arrears or recharges that would deem the rent unaffordable.

## 7. FINANCIAL IMPLICATIONS

- 7.1 There are no direct financial implications for this information report.
- 7.2 Prior to the refurbishment programme there were a number of long term void flats in Rowan Place. The continuing presence of void flats in Rowan Place following their refurbishment and implementation of the LLP results in an ongoing loss of rental income, however, this must be balanced against the ambition to create a sustainable, cohesive community which will, in the longer term, reduce void and management costs associated with Rowan Place.

## **8. PERSONNEL IMPLICATIONS**

8.1 There are no personnel implications arising from this report.

## **9. CONSULTATIONS**

9.1 All responses from consultations have been incorporated in the report.

## **10. RECOMMENDATIONS**

10.1 This report is for information only.

## **11. REASONS FOR THE RECOMMENDATIONS**

11.1 N/A.

## **12. STATUTORY POWER**

12.1 Housing Act 1996.

Author: Fiona Wilkins, Public Sector Housing Manager, [wilkife@caerphilly.gov.uk](mailto:wilkife@caerphilly.gov.uk)

Consultees: Christina Harrhy, Corporate Director, Communities  
Councillor Lisa Phipps, Cabinet Member for Homes and Places  
Councillor Carl Cuss, County Councillor (Twyn Carno)  
Shaun Couzens, Chief Housing Officer  
Debbie Bishop, Area Housing Manager  
Julie Reynolds, Area Housing Manager  
Rachel Thornett, Tenancy Enforcement Manager  
Suzanne Cousins, Principal Housing Officer  
Mark Jennings, Housing Strategy Officer  
Todd Rawson, Solicitor

Appendices:

Appendix 1 Approved Local Lettings Policy 2016

Appendix 2 Revised and approved Rowan Place Local Lettings Policy 2017

Appendix 3 Equalities Impact Assessment. September 2017

**ROWAN PLACE – LOCAL LETTINGS POLICY (Agreed 2016)**

1. The sensitive lettings policy covers all 2 bedroom flats in Rowan Place, Rhymney. Caerphilly Homes Allocations Scheme allows for the allocation of families with 1 or 2 children and childless couples. Due to the size of the second bedroom only families with 1 child, or families with access will be considered and to reduce excessive child density in the area, childless couples may take precedence over families with one child.
2. Any applicant that meets one of the following criteria will be bypassed and not offered a tenancy of the 2 bed flats in Rowan Place for a period of at least two years if the applicant:
  - Is known to have been involved in anti-social behaviour in the last 2 years.
  - Is unable to demonstrate an ability to sustain a tenancy for a minimum period of the last 12 months. References may/will be taken up which will include from private landlords/hostels.
  - Has an unspent criminal conviction
  - Has convictions for drug dealing
  - Has been convicted of, or has been held responsible for criminal damage or arson within the last 12 months
  - Has a history of chaotic behaviour
  - Has drug or alcohol related support needs unless on a rehabilitation programme – continuing on the programme will be an additional condition of tenancy
  - Has high support needs that may affect their ability to sustain a tenancy, and is not engaging with support. If there are high support needs but support is in place, fully engaging with the support will be an additional condition of tenancy.
  - Applicants or members of the household who were former tenants of the council and who have excessive outstanding rent arrears and/or recharges that makes the repayments together with current rent and other charges unaffordable.
3. All prospective tenants will be required to satisfy an income/expenditure assessment of their affordability of the tenancy.
4. Where two or more applicants have equal priority, preference will be given to applicants who are working or in training.
5. The Sensitive Lettings Policy will be reviewed after 12 months.

**Local Lettings Policy – Rowan Place (Approved September 2017)**

The Local Lettings Policy covers all 2 bedroom flats in Rowan Place, Rhymney. In accordance with the Caerphilly Homes Property Lettings Criteria priority will be given to the allocation of these two bed flats to adults or couples with one child or expecting a child, with lesser priority given to couples with no children, or access. Allocations will not be offered to the lower priority groups of single adults or single adults with access.

Prior to any decision being made any applicant household that meets one of the following criteria will be invited to attend a meeting with officers, to consider their individual circumstances and discuss their potential suitability for an allocation of a two bed flat in Rowan Place:

- Is known to have been involved in anti-social behaviour in the last 2 years.
- Is unable to demonstrate an ability to sustain a tenancy for a minimum period of the last 12 months. References may/will be taken up which will include from private landlords/hostels.
- Has an unspent criminal conviction for an offence considered relevant for housing management purposes e.g. drug dealing, criminal damage, harassment, threatening behaviour or arson, or has been convicted of such an offence in the last 2 years.
- Has drug or alcohol related support needs unless on a rehabilitation programme – continuing on the programme will be an additional condition of tenancy
- Has high support needs that may affect their ability to sustain a tenancy, and is not engaging with support. If there are high support needs but support is in place, fully engaging with the support will be an additional condition of tenancy. Assistance in ensuring the provision of such support may be considered in the pre allocation meeting.
- Applicants or members of the household who were former tenants of the council and who have excessive outstanding rent arrears and/or recharges that makes the repayments together with current rent and other charges unaffordable.

All prospective tenants may be required to satisfy an income/expenditure assessment of their affordability of the tenancy.

Applicant households who are not offered an allocation of a flat in Rowan Place will be considered for an allocation elsewhere in the County Borough in accordance with the Common Allocation Policy.

The Local Lettings Policy will be reviewed after 12 months.



# EQUALITY IMPACT ASSESSMENT FORM

APPENDIX 3

## THE COUNCIL'S EQUALITIES STATEMENT

This Council recognises that people have different needs, requirements and goals and we will work actively against all forms of discrimination by promoting good relations and mutual respect within and between our communities, residents, elected members, job applicants and workforce.

We will also work to create equal access for everyone to our services, irrespective of ethnic origin, sex, age, marital status, sexual orientation, disability, gender reassignment, religious beliefs or non-belief, use of Welsh language, BSL or other languages, nationality, responsibility for any dependents or any other reason which cannot be shown to be justified.

NAME OF NEW OR REVISED PROPOSAL*	Rowan Place Local Lettings Policy September 2017
DIRECTORATE	Communities
SERVICE AREA	Caerphilly Homes
CONTACT OFFICER	Deb Bishop, Upper Rhymney Area Housing Manager
DATE FOR NEXT REVIEW OR REVISION	September 2018

\*Throughout this Equalities Impact Assessment Form, 'proposal' is used to refer to what is being assessed, and therefore includes policies, strategies, functions, procedures, practices, initiatives, projects and savings proposals.

## INTRODUCTION

The aim of an Equality Impact Assessment (EIA) is to ensure that Equalities issues have been consciously considered throughout the decision making processes of the work undertaken by every service area in the Council and work done at a corporate level.

The form should be used if you have identified a need for a full EIA following the screening process covered in the Equalities Implications in Committee Reports Guidance document (available on the Equalities and Welsh Language Portal on the intranet).

The EIA should highlight any areas of risk and maximise the benefits of proposals in terms of Equalities. It therefore helps to ensure that the Council has considered everyone who might be affected by the proposal.

It also helps the Council to meet its legal responsibilities under the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011 and the Welsh Language Measure 2011. There is also a requirement under Human Rights legislation for Local Authorities to consider Human Rights in developing proposals.

The Council's work across Equalities, Welsh Language and Human Rights is covered in more detail through the Strategic Equalities Objectives and Action Plan 2012.

This approach strengthens work to promote Equalities by helping to identify and address any potential discriminatory effects before introducing something new or changing working practices, and reduces the risk of potential legal challenges.

When carrying out an EIA you should consider both the positive and negative consequences of your proposals. If a project is designed for a specific group e.g. disabled people, you also need to think about what potential effects it could have on other areas e.g. young people with a disability, BME people with a disability.

There are a number of supporting guidance documents available on the Equalities and Welsh Language Portal (the Committee report guidance mentioned above, the Consultation and Monitoring guidance) and the Council's Equalities and Welsh Language team can offer support as the EIA is being developed - the contact email is [equalities@caerphilly.gov.uk](mailto:equalities@caerphilly.gov.uk).

## PURPOSE OF THE PROPOSAL

**1 What is the proposal intended to achieve?  
(Please give a brief description of the purpose of the new or updated proposal by way of introduction.)**

Rowan Place is an area in the north of Rhymney comprising 64 Council properties, which include 7 x 3 bedroom houses, 40 x 2 bedroom ground and first floor flats and 17 x 1 and 2 bedroom bungalows. 8 flats have recently been demolished as part of the improvement programme. There are also 6 privately owned houses and 4 leasehold flats.

In previous years, Rowan Place has been plagued by high levels of anti-social behaviour, crime and drug and alcohol abuse, which has had a detrimental effect on the long standing tenants and the community as a whole. As a consequence of this and for the benefit of existing and future tenants, the Council proposes to continue to operate a local lettings policy until the flats are fully let, in an effort to ensure the development of a sustainable community.

In October 2013 Cabinet approved a targeted regeneration effort aimed at raising the profile of the area through improvements to housing conditions and subsequently invested around £5 million, refurbishing all the properties in Rowan Place to a standard over and above the WHQS. A programme of selected demolition was also agreed and 2 blocks of 4 flats have now been demolished.

The regeneration scheme also included external and environmental works, including giving each of the flats a designated garden, to make them more desirable for families with young children, the alleyways have been closed and the bin storage areas have been removed to reduce the likelihood of anti-social behaviour.

Current tenants of Rowan Place have been transferred into improved flats within Rowan Place on a permanent basis to facilitate the works programme.

The Area Housing Team has been operating Local Lettings in the area for approximately 12 months and makes clear to existing and prospective tenants, the circumstances in which a new tenancy within Rowan Place will be granted.

The local lettings policy was developed for the flats only with a focus on supporting the creation and maintenance of a sustainable mixed community within Rowan Place, contributing to a reduction in levels of anti-social behaviour, crime and drug and alcohol abuse, thereby increasing demand from applicants for this accommodation in Rowan Place and the wider community. By reducing applicants with a history of such behaviour from being offered housing in the area, it is anticipated that this will support the settlement of existing tenants and residents as well as encouraging prospective tenants to Rowan Place.

The policy should not be viewed in isolation to the multi agency approach that has been adopted and is underway in Rowan Place, which seeks to support tenants with complex needs through improvements in their housing conditions, and facilitating

greater access to support services to help sustain tenancies and reduce anti-social behaviour and crime within the area.

Unfortunately, due in part to delays in completing environmental and demolition works and issues associated with the introduction of the new Common Housing Register and the new IT system, an increase in demand has not yet been evidenced and a number of properties remain vacant. It is, therefore, considered that it is appropriate that the Local Lettings Policy be extended for a further 12 months, with some minor amendments which have since been identified, to ensure that a stable, cohesive community develops, for the benefit of all local residents and partner landlords operating in the Rhymney area.

It is anticipated that with the continuation of the Local Lettings Policy for a further 12 months and improvements to our marketing strategy this will increase interest in these properties to ensure continued stability.

**2 Who are the service users affected by the proposal?  
(Who will be affected by the delivery of this proposal? e.g. staff members, the public generally, or specific sections of the public i.e. youth groups, carers, road users, people using country parks, people on benefits etc.)**

Prospective tenants seeking 2 bedroom accommodation within flats at Rowan Place, Rhymney will be directly affected by the proposal. The proposal will have a positive impact on the community who in the past have experienced anti-social behavior and crime perpetrated by previous tenants.

## IMPACT ON THE PUBLIC AND STAFF

**3 Does the proposal ensure that everyone has an equal access to all the services available or proposed, or benefits equally from the proposed changes, or does not lose out in greater or more severe ways due to the proposals?  
(What has been done to examine whether or not these groups have equal access to the service, or whether they need to receive the service in a different way from other people?)**

The Common Allocation Policy already allows for the assessment of persons with a history of the following in order to determine their suitability for an offer of tenancy:

- Persons who have been charged with or convicted of a serious sexual offence or violent crime
- Persons released from custody having served a sentence for a serious sexual offence or crime of violence (including arson and / or serious criminal damage)
- Persons being discharged from other institutional care whose history includes offences of a violent and / or sexual nature
- Persons with a history of drug, alcohol or other substance misuse who have been convicted of related offences

The proposal to continue the local lettings policy suggests that any applicant household who meets one of the following criteria will be invited to attend a meeting to consider their individual circumstances and discuss their potential suitability for an allocation to Rowan Place prior to a decision being made, and incorporates the opportunity for people who may be considered vulnerable to receive the necessary support and be allocated a home:

- Is known to have been involved in anti-social behaviour in the last 2 years
- Is unable to demonstrate an ability to sustain a tenancy for a minimum period of the last 12 months. References may/will be taken up which will include from private landlords/hostels.
- Has a criminal conviction for an offence considered relevant for housing management purposes e.g. drug dealing, criminal damage, arson, harassment or threatening behaviour, or has been convicted of such an offence in the previous 2 years.
- Has drug or alcohol related support needs unless on a rehabilitation programme – continuing on the programme will be an additional condition of tenancy.
- Has high support needs that may affect their ability to sustain a tenancy and is not engaging with support – if there are high support needs but support is in place, fully engaging with the support will be an additional condition of tenancy. Assistance in the provision of such support may be considered in the pre allocation meeting.
- Applicants or members of the household who were former tenants of the council and who have excessive outstanding rent arrears and/or recharges that makes the repayments together with current rent and other charges unaffordable.

Prospective tenants may be required to satisfy an income/expenditure assessment of their affordability of the tenancy.

The proposal ensures that everyone has the opportunity to obtain a tenancy providing they do not meet the criteria above. Those that do not meet the criteria will be given the opportunity to discuss their situation and have it considered.

Applicant households that are not offered an allocation of a flat in Rowan Place will be considered for an allocation elsewhere in accordance with the Common Allocation Policy.

The proposal will impact positively on the following groups:  
Older people, disabled persons and those with limited mobility, families, prospective tenants who have not previously been involved in anti-social behaviour and those who may be receiving support to tackle drug / alcohol dependency.

The proposal will impact negatively on the following groups:  
Those who are known to have been involved in anti-social behaviour in the last two years. Prospective tenants who have convictions which could be relevant to housing management e.g. of drug dealing, criminal damage, arson. Persons who have previously been tenants of the Council and who have excessive outstanding rent arrears or recharges that would deem the rent unaffordable.

Actions required

None

4	<p><b>What are the consequences of the above for specific groups? (Has the service delivery been examined to assess if there is any indirect affect on any groups? Could the consequences of the policy or savings proposal differ dependent upon people’s disability, race, gender, sexuality, age, language, religion/belief?)</b></p> <p>The consequences of the policy will not differ according to a disability, race, gender, sexuality, age, language or religion / belief.</p> <p>If a prospective tenant meets one or more of the criteria included within the local lettings policy they will be invited and supported to attend a meeting to determine their suitability. If they are refused a tenancy within Rowan Place, they will be assisted by the Area Housing Office to identify and obtain alternative, appropriate accommodation elsewhere within the county borough via the Common Allocations Policy.</p>
	<p><u>Actions required</u></p> <p>Staff involved in the allocation of properties within Rowan Place will receive training to ensure that the policy is implemented consistently and that its implementation does not differ depending any protected characteristic.</p> <p>We will monitor this process to ensure that it does not discriminate against any person on the basis of a protected characteristic.</p>

## INFORMATION COLLECTION

5	<p><b>Is full information and analysis of users of the service available? (Is this service effectively engaging with all its potential users or is there higher or lower participation of uptake by one or more groups? If so, what has been done to address any difference in take up of the service?)</b></p> <p>The service is available to prospective tenants seeking two bedroom Council flat accommodation in Rowan Place, Rhymney. The service is actively engaging with all potential tenants through the marketing of available flats, promotional events, application process and the area management process.</p>
	<p><u>Actions required</u></p> <p>None</p>

## CONSULTATION

6	<p><b>What consultation has taken place? (What steps have been taken to ensure that people from various groups have been consulted during the development of this proposal? Have the Council's Equalities staff been consulted? Have you referred to the Equalities Consultation and Monitoring Guidance?)</b></p> <p>The refurbishment and redevelopment of Rowan Place is a much wider scheme than housing management, involving a targeted regeneration effort by multiple services. As a result, consultation and engagement with tenants and residents has been ongoing and has been undertaken via face to face contact between the designated Tenant Liaison Officers, questionnaires and events held at the show flat. The initial proposal to implement the local lettings policy in Rowan Place was subject to consultation with tenants and Members through the Caerphilly Homes Task Group (CHTG), Policy and Resources Scrutiny Committee (P&amp;R) and Cabinet.</p> <p>The EIA produced when the local lettings policy was first introduced was fully considered by Equalities staff.</p> <p>Tenants, residents and local Members have indicated on numerous occasions that they do not wish to see a return to the situation that prevailed prior to the Council's investment programme in the area where anti-social behaviour and crime was a common occurrence.</p> <p>Letters of support for the continuation of the Local Letting Policy have been received from local councillors and the Police and a local community action group has recently been established in Rhymney, which has voiced concerns about drug and alcohol abuse and anti-social behaviour they are experiencing locally, urging the Council to take positive action to address their concerns.</p> <p>The proposal has borne these requests in mind and as a result, has been designed specifically to create a cohesive and thriving community in the heart of Rhymney.</p>
	<p><b><u>Actions required</u></b></p> <p>None</p>

## MONITORING AND REVIEW

7	<p><b>How will the proposal be monitored? (What monitoring process has been set up to assess the extent that the service is being used by all sections of the community, or that the savings proposals are achieving the intended outcomes with no adverse impact? Are comments or complaints systems set up to record issues by Equalities category to be able analyse responses from particular groups?)</b></p> <p>The allocations process will be monitored by Caerphilly Homes to ensure compliance with the Common Allocation Policy and Equalities policy. The effects of the proposal will be reviewed and reported to CHTG and P&amp;R after a further 12 month implementation period.</p>
	<p><u>Actions required</u></p> <p>12 month review / report to be drafted</p>
8	<p><b>How will the above be evaluated? (What methods will be used to ensure that the needs of all sections of the community are being met?)</b></p> <p>The allocation of flats within Rowan Place will be monitored by Caerphilly Homes as part of their standard allocation policy monitoring process and reported to CHTG and P&amp;R, as appropriate.</p>
	<p><u>Actions required</u></p> <p>None</p>
9	<p><b>Have any support / guidance / training requirements been identified? (Has the EIA or consultation process shown a need for awareness raising amongst staff, or identified the need for Equality training of some sort?)</b></p> <p>Staff who are directly involved in implementing the policy will receive appropriate training to ensure that the service provided to prospective tenants with a protective characteristic does not differ.</p>
	<p><u>Actions required</u></p> <p>Training to be identified and delivered during 2017/18. Equalities training needs identified will be discussed with the Council's Equalities and Welsh Language Team</p>



10	<p><b>Where you have identified mitigating factors in previous answers that lessen the impact on any particular group in the community, or have identified any elsewhere, please summarise them here.</b></p> <p>Prior to any decision being made any applicant household that meets one of the following criteria will be invited to attend a meeting with officers, to consider their individual circumstances and discuss their potential suitability for an allocation in Rowan Place. This meeting will be used to identify any support needs and make referrals to other agencies.</p>
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11	<p><b>What wider use will you make of this Equality Impact Assessment? (What use will you make of this document i.e. as a consultation response, appendix to approval reports, publicity etc. in addition to the mandatory action shown below?)</b></p> <p>The Equality Impact Assessment will be submitted to P&amp;R as an appendix to the report.</p>
	<p><u><b>Actions required</b></u></p> <p>EIA, when completed, to be returned to <a href="mailto:equalities@caerphilly.gov.uk">equalities@caerphilly.gov.uk</a> for publishing on the Council's website.</p>

Completed By:	Debbie Bishop
Date:	22 September 2017
Position:	Upper Rhymney Valley Area Housing Manager
Name of Head of Service:	Shaun Couzens

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## CAERPHILLY HOMES TASK GROUP - 14TH DECEMBER 2017

**SUBJECT: ALLOCATION OF NEW HOMES TO FORMER TENANTS WHO HAVE BEEN EVICTED, TENANCY ENFORCEMENT POWERS AND TENANT OBLIGATIONS**

**REPORT BY: CORPORATE DIRECTOR - COMMUNITIES**

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### 1. PURPOSE OF REPORT

- 1.1 To provide members of the Caerphilly Homes Task Group (CHTG) with information about the allocation of new properties to former tenants who have previously been evicted, the role of the Tenancy Enforcement Section and the obligations of tenants.

### 2. SUMMARY

- 2.1 At a recent CHTG meeting a report was requested on the allocation of properties to former tenants who have previously been evicted for anti-social behaviour. This report responds to that query by outlining the relevant provisions of the Common Allocation Policy and the rules about treating an applicant as ineligible for an allocation or suspending an application, the powers the Tenancy Enforcement Section have to respond to complaints of anti-social behaviour and also the obligations tenants have to manage their tenancies.

### 3. LINKS TO STRATEGY

- 3.1 The overarching aims of Caerphilly County Borough Council (CCBC) in relation to anti-social behaviour and crime reduction are detailed in **Caerphilly Delivers – The Single Integrated Plan 2013 - 2017**. They are as follows:

Prosperous Caerphilly

P2 – Improve standards of housing and communities, giving appropriate access to services across the county borough.

Safer Caerphilly

S1 – Reduce incidents of anti-social behaviour and reduce fear of becoming a victim of anti-social behaviour for residents.

S2 – Reduce crime and the fear of crime for the residents of the county borough.

S4 – Ensure people are supported to live in their own homes and communities in safety.

The Council's most recent **Local Housing Strategy "People, Property, and Places"** has the following aims:

Aim 6 - To provide good quality, well managed houses in communities where people want to live, and offer people housing choices, which meet their needs and aspirations.

Aim 11 – To promote sustainable and mixed communities that are located in safe and attractive environments.

- 3.2 The Anti-Social Behaviour Act 2003 and the Code of Guidance provided by Welsh Government to assist social landlords in their development of a policy and procedure, encouraged and emphasised a 3-strand strategy for dealing with nuisance and anti-social behaviour – prevention, support and enforcement. The Caerphilly Homes Statement of Policy

and Procedure for Anti-Social Behaviour is consistent with the overarching corporate aims and reflects the 3 strand strategy, emphasises an incremental approach to investigating and dealing with ASB and reflects good practice in this field.

- 3.3 The Council's Strategic Equalities Plan has the following aim:  
Equality Objective 1 – Tackling Identity based hate crime: – To reduce the levels of real or perceived instances of identity based abuse, bullying, harassment and violence, hate crime and hate incidents in the county borough.
- 3.4 This report would link most closely to the following Well-being Goals within the Well-being of Future Generations Act (Wales) 2015:
- *A prosperous Wales\**
  - *A resilient Wales\**
  - *A more equal Wales\**
  - *A Wales of cohesive communities\**
  - *A globally responsible Wales\**

## 4. THE REPORT

### Relevant Legislation and Guidance

- 4.1 Anyone over the age of 16 years may apply to the Council to be rehoused, regardless of their housing need, subject to them meeting eligibility criteria set out in its policy. Section 166 (3) of the Housing Act 1996 obligates the Council to consider all applications for social housing. It must, however, ascertain whether an applicant is eligible for accommodation or excluded from allocation.
- 4.2 Where it is satisfied that an applicant, or a member of their prospective household, is guilty of unacceptable behaviour serious enough to make them unsuitable to be its tenant, the Council may treat them as ineligible for an allocation of housing. However, the only behaviour which can be regarded as unacceptable is behaviour that would, if they had been a Council tenant, have entitled the Council to a possession order under defined discretionary grounds which include non-payment of rent, breach of tenancy conditions, conduct likely to cause nuisance or annoyance and use of the property for immoral or illegal purposes. The applicant has a right of review of this decision.
- 4.3 A policy of treating all those evicted as unsuitable to be a tenant would be considered a blanket approach and would be unlawful. The following three stage test must be applied to prevent a blanket approach:
- **Whether a possession order would have been granted.** A court must have regard to the interests and circumstances of the tenant and their household, the Council and the wider public. If not satisfied that the court would decide it was reasonable to grant a possession order, the applicant cannot be guilty of unacceptable behaviour.
  - **Whether the behaviour is serious enough to make the person unsuitable to be a tenant.** It is the Welsh Government's view that to do this the Council needs to satisfy itself that if a possession order were granted it would have been an outright order. Where the Council believes that the court would have suspended the order, then such behaviour should not normally be considered serious enough to make the applicant unsuitable to be a tenant.
  - **If satisfied that the applicant is unsuitable to be a tenant by reason of unacceptable behaviour, the Council must have regard to the circumstances at the time the application is considered and must satisfy itself that the applicant is still unsuitable at the time of the application.** Previous unacceptable behaviour or even an outright possession order, may not justify a decision to treat the applicant as ineligible where that behaviour can be shown by the applicant to have improved.

- 4.4 Where the Council is satisfied that an applicant is unsuitable to be a tenant, they are not necessarily required to decide that he or she is ineligible for an allocation, they may instead proceed with the application and decide to give the applicant no priority. After a period of ineligibility has elapsed, they may re-apply and their circumstances must be reviewed.
- 4.5 It is the Welsh Government's view (expressed in detail within its statutory guidance "Code of Guidance for Local Authorities on the Allocation of Accommodation and Homelessness 2015") that barriers to social housing should be minimised and that in developing policies on unacceptable behaviour Local Authorities should consider their role as social landlords and brokers of social housing. They consider that social housing is subsidised stock and that it is incumbent on councils to allocate tenancies primarily to meet housing need and keep restricted access measures to a minimum to ensure their statutory responsibilities are being met.
- 4.6 For former tenants with compound issues of high arrears and serious anti-social behaviour, the three stage test is applied by the Council at the point of application and, where circumstances and evidence warrant it, the applicant is classed as 'ineligible for an offer of accommodation'. However, it is not unusual to have insufficient evidence to be satisfied that an applicant is unsuitable to be a tenant as the burden of proof is high. The Council has, therefore, adopted additional criteria that allow for applicants or members of their prospective household to be registered on the Common Housing Register but suspended until such time as they have addressed current or past behavioural issues.

### **Homeless Applicants**

- 4.7 The Council has a legal duty to help secure accommodation for people if they become homeless and are eligible for assistance. Assessments and decisions are carried out under Part 2 of the Housing (Wales) Act 2014. It is, however, possible for the Council to determine an applicant is unintentionally homeless and in priority need but guilty of unacceptable behaviour serious enough to make them unsuitable to be a social housing tenant. The Council can decide to treat them as ineligible for an allocation, or suspend their application until such time that a sustained demonstrable change in behaviour has taken place, such that the suspension can be lifted. The applicant can request a review of this decision.
- 4.8 The Council does, however, still have a statutory duty to secure them accommodation. This need not be in its own stock as the Council now has discretion to accommodate them in the private rented sector or by some other means.

### **Common Allocations Policy**

- 4.9 The Common Allocations Policy was developed by the Council in partnership with six housing associations to ensure that all applicants applying for social housing in the County Borough are provided with a single route of access and assessed using a single policy. It was introduced on 5<sup>th</sup> December 2016 along with the Common Housing Register. In addition to the three stage test of unacceptable behaviour, the policy allows for eligible applicants or members of their prospective household to be registered on the Common Housing Register but suspended until such time as they have addressed current or past behavioural issues.
- 4.10 Where it is determined that the applicant or a member of the applicant's household has failed to maintain their current or any previous social rented or private sector rented property within the terms of their tenancy agreement they are informed of the action(s) that they will need to demonstrate before the suspension will be lifted. Any action is required to be reasonable and proportionate, and to take into account the protected characteristics of the individual.

## The Role of the Tenancy Enforcement Section

- 4.11 The over-riding aim of the Caerphilly Homes' anti-social behaviour policy and procedure is to provide a framework to ensure that it responds to all incidents of anti-social behaviour in a manner, which is consistent and appropriate. The policy and procedure seeks to support the wider aims and objectives of related strategies and plans in order to create safe and cohesive communities and improve the quality of life for Council tenants, leaseholders, and residents within the County Borough. The policy endeavours to complement and support the efforts of the Safer Caerphilly Community Safety Partnership and other local agencies through effective partnership working in order to provide a collaborative response to anti-social behaviour. *The reviewed and updated Anti-Social Behaviour Policy and Procedure is attached at Appendix 1.*
- 4.12 The Tenancy Enforcement Section (TES) aims to effectively tackle anti-social behaviour and enable Council tenants, leaseholders and others to have quiet enjoyment of their homes and live in communities that are safe and cohesive. All complaints of anti-social behaviour made by or about a tenant or leaseholder are referred to the TES. Complaints of a general nature and the less serious incidents of anti-social behaviour are referred on to the Area and Neighbourhood Housing Offices for investigation. The TES investigates all complaints of noise nuisance and the more serious/persistent incidents of anti-social behaviour.
- 4.13 The most common referrals to TES are for verbal abuse/ intimidation/ harassment and noise nuisance. The chart below provides details of the five most frequent complaint reasons for each recorded period, although up to three reasons can be recorded on the referral form. The table also details the total number of referrals received, for the last 5 years:

Case Type	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017 to 31.10.17
Noise	205	213	252	288	244	142
Verbal/ Harassment/ Intimidation	213	170	213	223	188	155
Drugs, Substance Abuse	80	75	88	69	71	47
Vandalism, Property Damage	38	30	36	16	24	11
Alcohol Related	26	26	33	21	12	6
<b>Total Cases</b>	<b>636</b>	<b>602</b>	<b>723</b>	<b>642</b>	<b>628</b>	<b>416</b>

- 4.14 Upon receipt of a referral it is assessed and graded. In order to determine whether actions constitute anti-social behaviour consideration is given to a number of factors, including the frequency and severity of the incidents, the length of time the incidents have been occurring, the effect of the incidents on the victim and the intentions of the perpetrator.
- 4.15 TES seeks to provide a complainant or victim centred approach and endeavours to provide a consistent, reactive and responsive service. All complaints are treated seriously and dealt with fairly without prejudice or preference. All responses to incidents of anti-social behaviour are considered to be proportionate, measured and reasonable and the TES are fully committed to tackling both the causes and the effects in an effective and structured manner.
- 4.16 TES does not just enforce the conditions of tenancy through legal action. In accordance with requirements of Welsh Government guidance and the Caerphilly Homes policy of prevention, support and enforcement, TES provides support and assistance to perpetrators in complaint

cases. The team works with some of the most vulnerable and at risk members of society and recognises that we don't have to just stop the nuisance behaviour but also reduce and/or stop the actual cause of the nuisance behaviour in order to break the cycle. Perpetrators can be victims themselves and need support and assistance. The TES spend a lot of time discussing issues with the perpetrator to try and determine why they are behaving in an anti-social manner. This usually produces details of a raft of issues/ problems. The Officer assesses the information and makes appropriate referrals to different organisations/ agencies to try to assist them to resolve the issues and thus improve their behaviour. *A full list of the Prevention, Support and Enforcement actions available to the Tenancy Enforcement Section are contained in Sections 6, 7 and 8 of the Policy and Procedure attached at Appendix 1.*

4.17 On occasion support and assistance will not prevent anti-social behaviour and legal action is required to be taken to enforce the conditions of tenancy. Over the past 5 years the following legal actions have been taken by TES:

Action	2013-2014	2014-2015	2015-2016	2016-2017	2017 to 31.10.17
<b>Notice Of Seeking Possession</b>	17	21	18	9	11
<b>Undertakings</b>	1	1	0	1	0
<b>Injunctions – with/without power of arrest</b>	0	5	2	5	3
<b>Closure Order</b>	0	1	0	0	1
<b>Suspended Possession Order</b>	3	3	5	3	2
<b>Outright Possession Order</b>	9	6	5	0	1

4.18 The timeframe for the court dealing with a claim for possession can vary and the length of time will largely depend on whether a tenant is defending the proceedings. Where circumstances warrant it, the TES can serve an initial Notice of Seeking Possession and immediately commence possession proceeding without having to wait the usual 28 day period. The first hearing at court occurs generally around 28 days after the claim for possession is filed at court. If the matter is not defended it is usual for the TES to obtain the order that it seeks at the first hearing. If the tenant defends the matter, which is their right, then the court sets out a timetable for actions required before a final contested trial takes place. This timetable (which can on occasion cover an extended period of 6-8 months before the final trial) does not factor in any adjournments requested by either party, which can delay the process further. The TES and the Legal Section do everything they can to ensure that the process is carried out as quickly as possible within the Rules to minimise the timeframe and the distress delays can cause. At times the court will experience delays due to its fluctuating workload and inconsistent standards of administration which will cause delays beyond the control of the TES/Council

4.19 An option open to TES to minimise the distress delays can cause is to consider filing, prior to or at the same time as the claim for possession, an application for a Civil Injunction (which were formerly called an Anti-Social Behaviour Injunction or ABSI). The court can generally look at these applications quicker and the tenant would be obliged to comply with the terms of the Civil Injunction whilst possession proceedings are progressed.

- 4.20 Cases are determined on the evidential level of balance of probability. However there are other factors that a District Judge will need to consider in making their judgment. This will include whether the action is proportionate to the behaviour complained of, if it reasonable to grant an order, the likelihood of the behaviour reoccurring and the impact of the behaviour on others.
- 4.21 A further fast developing area for defendant housing lawyers is whether or not the legal proceedings brought are unlawful on account of being discriminatory to a tenant or occupier who has a protected characteristic under the Equality Act 2010. The Council in many cases would have the burden of proof to show that the action taken is not unlawful and no lesser option was available to it other than the steps taken. This area of law touches on all legal proceedings Housing may take against tenants and or occupiers.

### **Obligations of Tenants**

- 4.22 All tenants have a secure tenancy agreement which they sign when accepting the offer of a tenancy. This document lists their rights and responsibilities in the form of terms and conditions of the tenancy and failure to adhere to these may constitute a breach of their tenancy agreement.
- 4.23 Obligations within the tenancy agreement include a number relating to use of the property including:
- Occupation of the property as only or principal home for residential purposes and responsibility for the behaviour of any person residing in or visiting the property.
  - Not using the property for a trade or business or other non-residential purpose without firstly obtaining the Council's written consent.
  - Not doing anything, or permitting anyone residing in or visiting to do anything, that causes or is likely to cause a nuisance, annoyance or disturbance to any person engaging in a lawful activity in the locality. Examples of include but are not restricted to loud music, arguing and door slamming, dog barking, offensive drunkenness and rubbish dumping.
  - Not using the property or the common parts or the locality for illegal or immoral purposes and not permitting any person residing in or visiting the property to use it or its locality for illegal or immoral purposes. Examples include, but are not restricted to: the cultivation or production, possession or supply of a controlled drug, the storage or sale of stolen goods, prostitution and other sexual offences.
  - Not deliberately damaging the property or the common parts nor permitting any person residing in or visiting the property to do so deliberately.
  - Not harassing, nor inviting or inciting any other person to harass any person residing, visiting or otherwise engaging in a lawful activity in the locality, nor permit any other person residing in or visiting the property to do so. Examples of harassment include but are not restricted to: Intimidation on the grounds of a protected characteristic, violence or threats of violence, abusive or insulting words or behaviour, damage or threats of damage to property, writing threatening, abusive or insulting graffiti.

## **5. WELL-BEING OF FUTURE GENERATIONS**

- 5.1 **Long Term** – supports the sustainability of cohesive communities for tenants and residents; providing a fair and transparent service for tenancy sustainment.  
**Prevention** – supports tenants and assists in the prevention of eviction and homelessness. It supports the well-being of tenants and residents.  
**Integration** – improved standards of housing and stable community environments.  
**Collaboration** – joined up working arrangements within the organisation and with outside agencies to support tenancy sustainment.  
**Involvement** – Engages tenants, residents and support agencies in relation to sustainment of tenancies.



## **6. EQUALITIES IMPLICATIONS**

- 6.1 This report is for information purposes only. There are, therefore, no equalities implications arising from the report.

## **7. FINANCIAL IMPLICATIONS**

- 7.1 There are no financial implications arising from this information report.

## **8. PERSONNEL IMPLICATION**

- 8.1 There are no personnel implications arising from this information report.

## **9. CONSULTATIONS**

- 9.1 There are no consultation responses that have not been reflected in this report.

## **10. RECOMMENDATIONS**

- 10.1 It is recommended that Members note the contents of the report.

## **11. REASON FOR RECOMMENDATIONS**

- 11.1 The purpose of the report is for information only.

## **12. STATUTORY POWER**

Housing Act 1996.  
Anti-Social Behaviour Act 1996.  
Housing (Wales) Act 2014.

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Appendices:  
Appendix 1 – Anti-Social Behaviour Policy and Procedure



## **Caerphilly Homes**

# **Statement of Policy and Procedure for Anti-Social Behaviour**

## STATEMENT OF POLICY & PROCEDURE FOR ANTI-SOCIAL BEHAVIOUR

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## **PART 1 - STATEMENT OF POLICY**

### **1. Introduction**

The Housing Act 1996, as amended by the Anti-Social Behaviour Act 2003, places a duty upon the Council as a social landlord to prepare, publish and keep under review policies and procedures on anti-social/ nuisance behaviour. In addition, a summary document must also be produced and made available to the public on request. For the purposes of this document when the term Council is used, it is used to describe Caerphilly County Borough Council (CCBC) in its role as a social landlord. CCBC is used to describe the whole of the Council.

This specific document consists of two parts, Part One being the Statement of Policy and Part Two the Statement of Procedures. This document aims to give a clear picture of what the Council's responsibilities are as a social landlord, what its approach is and how it intends to work in partnership in order to tackle anti-social/ nuisance behaviour effectively. The Council has a duty to enforce its conditions of tenancy; leasehold agreement or restrictive covenants, but it also has a duty to protect its tenants, leaseholders and, in some instances, private residents. Therefore, this policy applies to all Council tenants and leaseholders; residents of the County Borough whose behaviour affects the Council's role as landlord and it can be used to protect staff and agents that carry out the functions of the Council. For the purpose of this document it is assumed that the Policy and Procedure applies to all these persons unless specifically stated otherwise.

In formulating this document the Council has consulted with a number of its stakeholders, in order to ensure the views and the agreed approach to be taken is consistent with and supports the Single Integrated Plan, Caerphilly Delivers, and in particular contributes to the Safer Caerphilly theme.

The Council have adopted a victim centred approach when dealing with complaints of anti-social/ nuisance behaviour and will take action quickly and decisively where possible and will be professional and objective in their investigations.

This document will be made available to members of the public and any other interested party either via the CCBC web site - [www.caerphilly.gov.uk](http://www.caerphilly.gov.uk) and at all of the Council's Housing Offices.

This Policy and Procedure is bilingual and will be provided in any other language or format on request.

If you have any queries regarding this document, or wish to make comments or suggestions for future reviews of the document you can do so by contacting the Tenancy Enforcement Manager on telephone number (01495) 235448; via email at: [tenancyenforcement@caerphilly.gov.uk](mailto:tenancyenforcement@caerphilly.gov.uk) or by writing to the Caerphilly County Borough Council, Public Sector Housing, PO Box 129, Hengoed CF82 9BQ.

### **2 Statement of policy**

Whilst the Anti-Social Behaviour, Crime and Policing Act 2014 gives extended powers to tackle anti-social behaviour, there are a number of other, wider obligations placed on CCBC by other existing legislation:

- Social Services and Well-being (Wales) Act 2014, Children Acts 1989 and 2004
- Crime and Disorder Act 1998
- Data Protection Act 1998
- Equality Act 2010
- Freedom of Information Act 2000
- Housing (Wales) Act 2014
- Human Rights Act 1998
- Regulation of Investigatory Powers Act 2000 / Protection of Freedoms Act 2012
- Serious Crime Act 2015
- Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015
- Well-being of Future Generations Act (Wales) 2015.

CCBC therefore needs to ensure that any policy or procedure it has in place is consistent and compatible with the obligations and requirements placed on it by this legislation. The above list is by no means exhaustive and is intended only to give an indication of the range of legislation governing the way that CCBC carries out its duties.

There are also a number of local strategies and policies that link with this document, which this policy needs to be compatible with. These include:

- Caerphilly Council Single Integrated Plan
- Safer Caerphilly Community Safety Partnership Plan
- Strategic Equality Plan 2016 - 2020
- Housing Service Plan
- All Wales Child Protection Procedures
- Public Sector Housing Policies and Procedures

The over-riding aim of the Council's anti-social behaviour policy and procedure is to provide a framework to ensure that it responds to all incidents of anti-social/ nuisance behaviour in a way, which is consistent and appropriate. The policy and procedure seeks to support the wider aims and objectives of these related strategies and plans in order for residents to have quiet enjoyment of their homes, create safe and cohesive communities and improve the quality of life for Council tenants, leaseholders and residents within the County Borough. The policy endeavours to complement and support the efforts of the Safer Caerphilly Community Safety Partnership and other local agencies through effective partnership working in order to provide a collaborative response to anti-social/ nuisance behaviour.

Complaints of anti-social/ nuisance behaviour will be referred to the Tenancy Enforcement Section (TES). Complaints about estate management aspects of a tenancy will be referred on to the Area and Neighbourhood Housing Offices for investigation. See examples within Section 4 below. The TES will investigate complaints of anti-social/ nuisance behaviour. Complaints that are incorrectly directed to the TES will be redirected accordingly.

The Council, in producing this document, has taken into account its responsibilities under the Equality Act 2010, to eliminate all forms of discrimination by promoting good relations and mutual respect within and between our communities, residents, elected members, job applicants and workforce. We will also work to ensure equal access for everyone to our services, irrespective of

ethnic origin, sex, age, marital status, sexual orientation, disability, gender reassignment, religious beliefs or non-belief, use of Welsh language, BSL and other languages, nationality, responsibility for any dependents or any other reason which cannot be shown to be justified. This aspect of the policy and procedure document has clear links with and will complement the guidance offered in the CCBC's Strategic Equality Plan 2016-2020.

### **3 Definition of anti-social/ nuisance behaviour**

Two definitions will be used to define anti-social/ nuisance behaviour. Both are contained within the Anti-Social Behaviour, Crime & Policing Act 2014 – Part 1. This is to ensure that we encompass anti-social/ nuisance behaviour in a housing and non-housing context.

- 'Where conduct is capable of causing nuisance or annoyance to a person in relation to that persons occupation of residential premises or the conduct is capable of causing housing related nuisance or annoyance to any person'  
*Housing related* means directly or indirectly relating to CCBC's housing management function
- 'Conduct that has caused or is likely to cause harassment, alarm, or distress to any person where the anti-social behaviour has occurred in a public place'

### **4. Categories of anti-social/ nuisance behaviour**

The following are categories and definitions of anti-social and nuisance behaviour. Whilst the list is not exhaustive it can be used for guidance.

#### ***Noise***

Can include noise from loud music/ tv's, regular parties, cars revving, shouting, arguing, doors slamming, dogs barking etc.

This does not include normal household noise such as toilets flushing, babies crying or one off incidents.

#### ***Harassment, intimidation and threatening behaviour***

Can include making threats, menacing gestures, bullying and pestering people – can include when language or behaviour is deliberately used to intimidate a person.

#### ***Verbal and written abuse***

Use of foul and abusive language, written abuse.

#### ***Substance misuse - drugs and alcohol - supply, cultivation, use or misuse***

Can include taking substances, selling/supplying illegal drugs/prescription drugs, presence of users or dealers, cultivation, drug paraphernalia etc.

#### ***Vandalism/ property damage***

Can include criminal damage, vandalism, arson, damage to buildings etc.

#### ***Physical Violence (other than domestic abuse)***

Physical abuse, grievous bodily harm, assault etc.

### **Domestic Abuse**

Can include complaints made by the person directly affected, a member of the household or a neighbour caused distress or disturbance by incidents.

### **Hate related incidents**

Based on colour, ethnic origin, sex, age, marital status, sexual orientation, disability, gender reassignment, religious beliefs or non-belief, language or nationality.

**Hate Crime** - a criminal offence which is perceived, by the victim or any other person to be motivated by a hostility or prejudice based on a person's actual or perceived disability, race, religion and belief, sexual orientation and transgender.

**Hate Incident** – incidents based upon prejudice but non-crime related.

Examples of issues that will **not** be investigated by Tenancy Enforcement are:

- Nuisance caused running a business e.g. buying/ selling cars
- Litter/rubbish/fly tipping
- Pets or animal nuisance (apart from noise related nuisance) e.g. breeding, smells and animal fouling
- Gardens e.g. untidy gardens, rubbish, bonfires
- Misuse of communal areas or public spaces e.g. children's games/playing games, unauthorised parking on grass verges
- Boundary disputes e.g. dispute over height or position of boundary
- Parking disputes

The above type of complaints will be referred to the relevant Housing office as they are estate management issues. This list is not exhaustive.

In order for the Council to determine whether actions constitute anti-social/ nuisance behaviour it will take into consideration a number of factors, including the frequency and severity of the incidents, the length of time the incidents have been occurring, the effect of the incidents on the victim and the intentions of the perpetrator.

Not all acts of anti-social/ nuisance behaviour are considered criminal; however, even where a crime has not been committed the Council will take each report seriously and will work with other agencies where necessary to tackle such issues.

The Council, when looking at the behaviour of individuals in relation to anti-social/nuisance behaviour, will also look at the impact on other family members within the household where the parents of children are the perpetrators of anti-social behaviour.

Anti-social/nuisance behaviour, whilst well documented, can and does have a devastating effect on the community in general. However, the Council is mindful that children of anti-social parents may also be the victims of anti-social behaviour, directly or indirectly and potentially at risk of abuse and/or neglect.

## **5 General policy statement**

The Council takes all reports, complaints and allegations of anti-social/ nuisance behaviour seriously and is fully committed to tackling both the causes and the effects in an effective and structured manner.



The Strategic Aims below are taken from the Local Housing Strategy 2008-2013.

**Strategic Aim 6: Housing Management**

*“Our aim is to provide good quality, well managed homes in communities where people want to live, and offer people housing choices which meet their needs and aspirations.”*

**Strategic Aim 11: Community Regeneration**

*“To promote sustainable and mixed communities that are located in safe attractive environments.”*

**5.1 Tenant’s responsibilities/ expectations**

Existing tenants, leaseholders and former tenants with restrictive covenants have a responsibility to make sure that they, their family and any visitors show consideration to their neighbours and abide by the terms of their tenancy or leasehold agreement. Certain types of behaviour may be perceived by some elements of society to be anti-social/ nuisance, while others may consider it to be normal or acceptable, like the playing of football by young children in the street. In these circumstances the most appropriate approach may well be to find some form of compromise that satisfies all parties. In this type of case, residents will be encouraged to resolve any disputes themselves or to make use of support services such as mediation.

All responses to incidents of anti-social/ nuisance behaviour will be proportionate, measured and reasonable.

The Council will seek to provide a complainant or victim centred approach and will endeavour to provide a consistent, reactive and responsive service. All complaints of anti-social/ nuisance behaviour will be treated seriously and will be dealt with fairly and without prejudice or preference. However without the full cooperation of a complainant it is very difficult for any action to be taken. Complainants/Victims should be assessed using an impact assessment matrix. *See Appendix 1.* The assessment will help to ascertain what support and protection may be required in any given situation. We will work in conjunction with other agencies to provide the necessary support and protection.

Officers are aware of and respect cultural requirements and when necessary and with prior notice, will arrange suitable meeting times and venues, and appropriate translation or interpretation services.

When dealing with juveniles or persons who are vulnerable, whether due to learning difficulties, mental illness or in some other way, due regard will be taken of their vulnerability, to ensure these persons are treated fairly.

In all cases the Council will adopt a strategy involving a combination of prevention, support and enforcement.

**6 Prevention**

Preventative measures are seen by the Council as an important aspect of reducing anti-social/ nuisance behaviour and are considered to be a proactive approach to dealing with these issues. The Council will investigate fully any complaints made and use various investigative methods to substantiate and resolve issues. In addition to the normal investigative process the following

paragraphs outline some of the initiatives which are currently in operation throughout the County Borough.

### **6.1 Mediation**

The Council will consider the use of independent mediators when dealing with neighbour complaints and issues of anti-social/nuisance behaviour. Minor disputes and misunderstandings can often be resolved through simple debate and discussion rather than allowing the situation or misunderstanding to escalate. This service would be offered if the Council felt it was appropriate.

### **6.2 Community Safety Wardens**

CCBC employ a number of Community Safety Wardens who work throughout the County Borough offering a visible, uniformed presence and assistance aimed at reducing and deterring anti-social/ nuisance behaviour. Wardens will patrol and visit areas of concern, as identified, reporting and monitoring issues for further attention and action.

### **6.3 Closed Circuit Television (CCTV)**

CCBC, in its attempt to improve community safety, has located in excess of 140 CCTV cameras throughout the County Borough. These camera units, which are complemented with a mobile camera van, relay information directly to the control centre where trained and experienced staff can and will, when required, call on the assistance of other agencies to deal with issues of concern. The use of CCTV and other methods of monitoring will always comply with RIPA regulations and take full account of the guidance contained within the Data Protection Act 1998 and the Human Rights Act 1998.

Tenancy Enforcement also manages the use of 3 mobile CCTV cameras which can be sited in areas where there is anti-social/ nuisance behaviour. The CCTV cameras will usually only be in place for a maximum of 12 months and will then be moved to another area of concern. The cameras are linked to the CCTV control room. The guidance issued by the Information Commissioner must be complied with in relation to the siting of any of these cameras.

### **6.4 Secure by design**

The Council, in striving to improve community safety, is seeking more innovative and complementary designs when looking at defensible space and environmental changes. We will endeavour to continue to make changes to the design of our existing estates in order to reduce anti- social/ nuisance behaviour and improve the quality of life of our tenants.

### **6.5 Acceptable Behaviour Contracts – see also 8.3**

CCBC sees the use of acceptable behaviour contracts as a more collaborative approach when dealing with anti-social/ nuisance behaviour. Council officers and representatives from other agencies will negotiate and agree set terms and conditions with alleged offenders and, where appropriate, their legal representatives and guardians, in order to reduce anti-social/ nuisance behaviour. An acceptable behaviour contract is a voluntary agreement between the offender, CCBC and the Police.

Acceptable behaviour contracts are not only seen as a preventative mechanism for reducing anti-social/ nuisance behaviour but also an informative process and a

way of offering support and assistance to the alleged offender and their family when the need is identified.

Individuals identified as having support needs will be offered support packages based on the circumstances and their perceived needs. This can include the use of Mentors and support networks.

## **6.6 Diversionary projects/support**

CCBC is fully committed to offering young people activities, diversions and educational platforms to help them feel part of their community. As part of the life long learning policy we will endeavour to tackle anti-social/ nuisance behaviour and street crime by offering alternative activities that promote community ownership, education and a sense of belonging.

A range of projects are offered within the County Borough, with the focus on youth engagement and family engagement.

## **7 Support**

The Council, as part of its tenancy management procedure, provides support to new tenants by operating a structured post-allocation home visit scheme. These visits will be carried out after one month and are intended to assist new tenants with administrative and tenancy issues.

In addition, the Council, through its Area and Neighbourhood Housing Offices offers an accessible support network for its tenants to assist them in maintaining and sustaining their tenancies. This support will be offered initially by Housing staff but can be extended to more specialised staff from within CCBC and its partner agencies should the situation merit it.

### **7.1 Supporting complainants of anti-social behaviour**

The majority of complaints of incidents of anti-social/ nuisance behaviour are reported directly to the Area and Neighbourhood Housing Offices. Other referrals come via many different avenues including the Police, Community Safety Section, Environmental Health and other Council departments.

All officers should be aware of the following agencies that can support the complainant/victim and/or investigate a complaint of nuisance and/or anti-social behaviour:

- Heddlu Gwent Police
- Connect Gwent
- Equality and Human Rights Commission
- Social Services
- Floating Support – CCBC and partner agencies
- Education Welfare
- Safer Caerphilly Community Safety Partnership
- Gwent Police Witness Support Unit
- The Witness Service
- Other voluntary agencies including the Citizens Advice Bureau, Llamau Women's Services Caerphilly, the Law Society, the Lesbian Gay Bisexual and Transgender Excellence Centre Wales, Caerphilly Access Group, Stonewall Cymru, Mencap Cymru, BAWSO.

All complaints are treated confidentially. The Council provides support for all complainants of nuisance and anti-social behaviour that it is investigating. It will make referrals to appropriate support agencies on a case by case basis. All support offered is subject to the availability of the resource/service being offered.

A complainant/victim impact assessment matrix will be completed for the majority of complainants/victims to help us to assess their support needs. The Council can and will make referrals to other agencies to help support the complainant/victim. It can provide target hardening items such as door and window alarms, personal attack alarms, sensor alarms etc. to help a complainant feel safe in their home. For those persons who agree to be witnesses and provide formal statements and attend court on behalf of the Council, Tenancy Enforcement has a comprehensive package of support as detailed below.

## **7.2 Witness Support Scheme**

The Council understands how difficult it can be to agree to attend court and give evidence as a person who has experienced and witnessed anti-social behaviour. There are many different things that need to be considered before agreeing to become a witness. To assist residents through this process the Council has set up a witness support scheme through the Tenancy Enforcement Section.

If a person agrees to provide a formal statement, attend court and give evidence as a witness in a case that the Council is bringing against another person, the Council can:

- Provide target hardening items;
- Arrange a visit to the court before the hearing to familiarise witnesses with the court setting;
- Provide a dispersed alarm unit in a witnesses home so that they can summon help quickly in an emergency (a landline is required for this);
- Reimburse witnesses any costs incurred (up to a set value) by attending court – e.g. loss of earnings, travel expenses, food and drink etc.
- Arrange to collect witnesses from home and take them to court;
- Have a Tenancy Enforcement Officer/ Victim Support representative at Court with witnesses to provide information, support and encouragement during the court hearing.

The Council is continually trying to improve the service it offers to complainants/victims and witnesses. It seeks to enhance the existing service and provide best practice recommendations whenever possible to provide a structured process of support for complainants.

## **7.3 Support for perpetrators of anti-social/ nuisance behaviour**

The Council recognises that it has a community responsibility not only to prevent and reduce anti-social/nuisance behaviour but also to offer support and assistance to those individuals involved in the committing of such behaviour. The provision of appropriate support can address unacceptable behaviour by tackling the underlying causes and unmet support needs. Eviction of anti-social/nuisance tenants often results in the displacement rather than the cessation of the behaviour. The Council is mindful of the need to adequately assess all the factors surrounding the complaint and to ensure that support or assistance is identified and offered where necessary.

All support offered is subject to the availability of the resource/service being offered and is assessed on a case by case basis. The consent of the perpetrator is required before a support referral can be made.

This support for perpetrators is provided by external agencies and at the time of publication is as follows:

### **Valleys Inclusion Project**

This is a project run by Shelter Cymru. It provides support to perpetrators of nuisance and anti-social behaviour who are at risk of homelessness. The project offers support to the perpetrator(s) and any other members of the household who are affected by the behaviour. The project has a dedicated young person's worker to focus on support for children who are causing a nuisance with inappropriate behaviour either in the home or in the wider community. The Project focuses on changing habits and behaviour to remedy the underlying cause(s) of the nuisance behaviour in the long term. There is no time limit on how long the project will work with a family but on average it is about 12 months. Referrals are made via Supporting People.

### **Youth Inclusion Support Panel**

The Youth Inclusion Support Panel (YISP) is part of the Youth Offending Service. It offers support to young people aged 8-15 years who have been referred because of their anti-social/nuisance behaviour. The main focus is on children aged between 8–13 years, however, if a child has a criminal conviction they are excluded from receiving support. The YISP provides a support worker who works with the family as a whole and the young person. However, there are other support mechanisms that YISP provides to offer the young person an alternative incentive to improve their behaviour in the long term. The YISP can support a family for up to 6 months.

### **Social Services**

*Adult Services* provide a wide range of specialist services to members of the community aged eighteen years and over who experience difficulties on a day-to-day basis due to problems ranging from physical or sensory disability to drug and alcohol addiction.

*Children's Services* provides a range of services for children, young people, and their families. The goal is to help children and young people grow up safely and securely, to enable them to lead happy and fulfilled lives, and to help them to achieve their full potential.

### **Floating Support Service**

Floating Support is a flexible support service that helps tenants to manage their affairs and live as independently as possible. It is available to council tenants and members of their household over 55 years of age. The support provided and frequency of visits will be based on individual support plans.

The Council is mindful of the need to adequately assess the factors surrounding the complaint and to ensure that support and/or assistance is offered. Where the alleged offender or their dependants appears to be vulnerable or in need of support, housing staff should ensure the relevant departments or agencies are notified and support offered subject to availability.

Providing support for a perpetrator of nuisance or anti-social behaviour does not prevent enforcement action being taken for breach of tenancy. The purpose of the support is to remedy the long term issues causing the anti-social/ nuisance behaviour. Sometimes support and enforcement need to go hand in hand to be most effective. However, if a person fails to work with, or stops engaging with, the support agency to improve their behaviour then this can be used as evidence of their unwillingness to improve their behaviour in any future enforcement action. There may also be cases where enforcement action is taken before support is offered.

## **8 Enforcement**

In addition to supporting new tenants, the Council has given a clear message to its existing tenants and leaseholders, through its tenancy and leasehold agreements, that it will not tolerate any behaviour which is deemed to be anti-social or likely to cause a nuisance or annoyance to other tenants, residents, their lawful visitors or staff carrying out their duties. This also applies to residents who behave in an unacceptable manner towards Council tenants, leaseholders or staff carrying out the duties of the Council as a landlord. This is designed to signal that the Council takes anti-social/ nuisance behaviour seriously and also to make provision for the Council to act should the anti-social/ nuisance behaviour be perpetrated by its tenants or leaseholders.

Where evidence is obtained regarding incidents of anti-social/nuisance behaviour, then the Council has a number of options with regards to possible actions it may take. Any action taken will be proportionate to the nature and seriousness of the behaviour, however, we have a duty to ensure that tenants, leaseholders, their families and visitors do not breach any of the terms and conditions of their tenancy or leasehold agreement by behaving in a manner, which is likely to cause a nuisance to an individual or the wider community. The Council can also protect the interests of tenants and leaseholders should they become victims of anti-social behaviour. Some private residents can be subject to enforcement action if they commit anti-social/nuisance behaviour towards tenants or leaseholders. Unacceptable behaviour towards Council staff, which can be linked to the Council's role as a social landlord, can also be protected via enforcement action. With regards to continuing incidents of anti-social behaviour the Council will take action based on the circumstances of each case and it will be proportionate to the behaviour exhibited.

Actions can include one or more of the following:

- Tenant support
- Interviewing, visiting and/or writing to the known perpetrator(s)
- Installing noise monitoring equipment
- Mediation
- Acceptable Behaviour Contracts
- Notice of Seeking Possession/ Notice Before Proceedings for a Demotion Order
- Civil injunctions/ Anti-Social Behaviour Injunctions
- Demotion Orders
- Possession Proceedings
- Eviction

### **8.1 Writing to or interviewing the known perpetrator(s)**

Either the Tenancy Enforcement Section or an appropriate officer will normally write to and/or visit the alleged perpetrator, after consultation with the complainant. They will advise them of the complaint made, explain the effect that their behaviour is having and ask them to modify their behaviour if appropriate. It is often the case that counter allegations are made and the officer dealing with the complaint will be required to carry out further inquiries to ascertain the facts.

### **8.2 Use of Noise Monitoring Equipment**

Upon receipt of a noise complaint noise nuisance letters will be sent at the earliest opportunity. The use of the noise monitoring equipment will help to establish the authenticity of a complaint and can lead to the service of a Noise Abatement Notice by the Councils Environmental Health Officers.

### **8.3 Acceptable Behaviour Contracts – see also 6.5**

Acceptable Behaviour Contracts (ABC's) are a useful tool when the perpetrator of the anti-social behaviour is aged 10 years and above and are used following the service of three initial referrals for anti-social behaviour. They are arranged by the Safer Caerphilly Community Safety Partnership via Strike 3 meetings, which are attended by all relevant agencies. ABC's are voluntary.

If the child/person agrees to the contract then all relevant parties that attend the signing sign the contract. The signed contract can cover items such as:

- Areas, streets or property that the individual should not visit
- Specific behaviour that they should not engage in, such as verbal abuse, climbing on roofs etc.
- Offer of support through mentoring, if applicable

The contract will last for 6 months. An ABC is a mechanism of support and enforcement. Breach of an ABC can be used as evidence in an application for an Anti-Social Behaviour Injunction.

### **8.4 Anti-Social Behaviour Injunction**

An Anti-Social Behaviour Injunction (ASBI) would normally only be used in cases of persistent and/or high level ASB and after being considered by the multi-agency Safer Caerphilly Strike 4 meeting. The order is issued by the civil courts or Youth court and, like the ABC; it will normally contain a list of prescribed behaviours for the individual, including areas that they may not be allowed to visit. It may also contain 'positive requirements' which will try to get the individual to address the cause of their anti-social behaviour. Where there is a breach of the ASBI the court may consider a number of options ranging from a fine to imprisonment. An ASBI can be applied for against anyone over 10 years of age.

### **8.5 Criminal Behaviour Order**

A Criminal Behaviour Order (CBO) is issued by the criminal court against a person who has been convicted of a criminal offence. In most cases the application will be made by the Crown Prosecution Service either on its own initiative or at the request of the Police or Council. In nature the CBO is very similar to an ASBI (see above). It can contain both prescriptive behaviours and positive requirements. If a CBO is breached the court can consider a number of options ranging from a fine to imprisonment.

## **8.6 Community Protection Notices**

A Community Protection Notice (CPN) is intended to deal with particular on-going problems or nuisance which negatively affects a community's quality of life by targeting those responsible. A written warning is issued informing the person/business what the problem is and requesting them to stop/ rectify the issue. If they fail to stop/rectify the problem then a CPN will be issued listing prohibitions, positive requirements or specifications necessary to remedy the problem which must be completed within a specified time. Failure to comply with the CPN is a criminal offence.

## **8.7 Closure Orders**

A Closure Order (CO) is a fast, flexible power that can be used to protect communities by quickly closing premises that are causing nuisance or disorder. This can be both business premises and residential premises. The CO is granted by the Magistrates Court and can be for up to 3 months.

## **8.8 Civil Injunctions**

Civil Injunctions can be obtained through the County Court or Youth Court and can be used either against a Council tenant or any other person over 10 years of age to prevent conduct which:

- Is capable of causing nuisance or annoyance to any person in relation to that persons occupation of residential premises;
- Directly or indirectly relates to or affects the housing management functions of CCBC

The Council will consider the use of a Civil Injunction in order to prevent the unlawful/nuisance use of its properties and ensure its housing management functions may be carried out effectively.

Where there has been or there is likely to be a threat of violence or a threat of serious harm, the Council may seek a Civil Injunction without notice to the perpetrator if they believe that such a measure is reasonably necessary to protect the safety and welfare of victims or potential victims.

The Council may consider seeking an injunction restricting access to specific properties and locations. In exceptional circumstances the Council may seek that the Civil Injunction excludes an adult perpetrator from their home.

The Court can, where appropriate, attach a power of arrest to a Civil Injunction and should the terms be broken then a fine or a term of imprisonment may be considered.

If the Council believe that a term of a Civil Injunction has been breached by a CCBC tenant, then it may seek to take alternative enforcement actions, for example commencing or furthering possession proceedings.

CCBC Housing will work with Safer Caerphilly Community Safety Partnership on any Civil Injunctions against anyone aged 10 – 16 years. CCBC Housing reserves the right to use this power in relation to persons older than 16 years to resolve issues that are relevant to CCBC Housing.



## **8.9 Demotion Orders**

Where a secure tenant persistently acts in a manner which is deemed anti-social, the Council can apply to the County Court for a Demotion Order, which will have the effect of ending the security of tenure of the existing tenancy. A Demotion Order is in force for a period of twelve months from date of issue. If no further acts of anti-social behaviour are perpetrated, after 12 months it will revert back to a secure tenancy. Should anti-social behaviour continue during the twelve-month period then the Council can seek to evict the perpetrator. It should be noted that where a Demotion Order is in place the occupant loses his or her right to assign/succeed their tenancy or to purchase their property.

## **8.10 Possession Proceedings**

The Council can apply to the County Court for a Possession Order if they believe the seriousness and or persistence of the anti-social/nuisance behaviour warrants such a course of action. Possession Orders can either be outright or suspended and this will be the decision of the County Court. The Council sees the use of possession proceedings as serious and will endeavour to resolve issues by other means before this course of action is taken, however action will be decided on the circumstances of each individual case and will be proportionate to the behaviour exhibited.

## **8.11 Eviction**

If a Possession Order is granted, the Council may apply for a Warrant of Eviction that will be executed by the County Court Bailiff. CCBC tenants who are evicted on the grounds of anti-social behaviour will not, in normal circumstances, be considered by the Council for rehousing, and they should be mindful that other Social Landlords might not actively consider any request for housing assistance. The Council recognises that possession proceedings and subsequent evictions are very serious and any action will be decided on the circumstances of each individual case and will be proportionate to the behaviour exhibited.

## **9 Multi-agency partnership working**

It is recognised that the problems of anti-social/nuisance behaviour are complex and wide reaching and that CCBC is unable to work in isolation in tackling this issue. CCBC is committed to taking a multi-agency approach to anti-social/nuisance behaviour in order to seek the most appropriate solution.

The Safer Caerphilly Community Safety Partnership is made up of six main organisations: CCBC, Heddlu Gwent Police, Gwent Police Authority, South Wales Fire and Rescue Service, Wales Probation Trust and Aneurin Bevan Local Health Board. These organisations work together with other agencies, including voluntary and community groups, to reduce crime and the fear of crime within the County Borough.

CCBC is also mindful that whilst it must provide support and reassurance for the victims of anti-social/ nuisance behaviour, it is also committed to working with partners to investigate possible support interventions and rehabilitation options for the perpetrators of this behaviour. To this end there is close joint working with community workers, Social Services staff, Youth Offending Service, community drug agencies and a number of other support groups such as the Valleys Inclusion Project. See also Section 7.3.

## **Social Services**

It is recognised that the majority of people who may be vulnerable due to their circumstances are not perpetrators of anti-social/nuisance behaviour and may be more likely to be the victims of such behaviour. Examples are young children and vulnerable adults whose safety and welfare may be affected by the behaviour of their parents, carers or visitors. CCBC, in adopting a multi-agency approach to anti-social/nuisance behaviour, will ensure that in such instances the necessary referrals are made to both Adult and Children's Services in accordance with the established processes. It is also recognised that some vulnerable persons can be both perpetrators and victims of anti-social behaviour.

In relation to referrals for children, the All Wales Child Protection Procedure and the protocols and procedures determined by the South East Wales Safeguarding Children Board will be followed and all necessary steps taken to safeguard and protect children from abuse, neglect and exploitation, whether they have caused the anti-social/nuisance behaviour or are the victims of such behaviour.

Similarly for older vulnerable adults, the protocols and procedures determined by the Gwent-wide Adult Safeguarding Board will be followed and relevant referrals made for support for those persons requiring care and/or support and/or are at risk of harm from abuse or neglect and cannot protect themselves.

Tenancy Enforcement is willing to work with any other recognised agency in order to help resolve complaints of anti-social/ nuisance behaviour.

## **10 Domestic abuse policies**

CCBC will not tolerate any form of domestic abuse and has embraced the aims of the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015.

### **10.1 Definitions**

CCBC, in order to build a shared understanding of different types of domestic abuse and for the purposes of this policy, recognises the Home Office definition of **domestic abuse**:

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

*Psychological*

*Physical*

*Sexual*

*Financial*

*Emotional*

Within this definition **controlling behaviour** is a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour. **Coercive behaviour** is an act or a pattern of acts of assault,

threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.'

CCBC recognises that domestic abuse is rarely confined to a single incident and typically forms a pattern of coercive or controlling behaviour.

**Gender-based violence** is directed against a person on the basis of gender. It is defined in the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 as:

- 'Violence, threats of violence or harassment arising directly or indirectly from values, beliefs or customs relating to gender or sexual orientation.'
- Female genital mutilation;
- Forcing a person (whether by physical force or coercion by threats or other psychological means) to enter into a religious or civil ceremony or marriage (whether or not legally binding)'

The Equality and Human Rights Commission defines **sexual violence** as:

'Any behaviour perceived to be of a sexual nature which is unwanted and takes place without consent or understanding. Sexual assault covers any other sort of sexual contact and behaviour that is unwanted, ranging from touching to any other activity if it is sexual'.

For the purposes of this Policy the term abuse is used to cover all the forms of abuse defined above.

## 10.2 Impact of Domestic Abuse and Violence

Some of the effects of domestic abuse and sexual violence that individuals may experience include physical injury, homelessness, low self-esteem, post-traumatic stress disorder, anxiety and other psychological disorders, social exclusion and depression.

CCBC has a Domestic Abuse, Gender-based Violence and Sexual Violence Policy for employees of CCBC.

## 10.3 Agencies

CCBC is a member of the Gwent Violence against Women, Domestic Abuse and Sexual Violence (VAWDASV) Regional Team. The Gwent VAWDASV Region is a pilot area for the implementation of the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015. There are 2 pilot areas in Wales selected by Welsh Government. The pilot project will last for 3 years. As part of the pilot area CCBC has a representative on the Gwent VAWDASV Board and also has a Housing representative on the operational group. CCBC Housing has undertaken training to participate in assessing the implementation of the national training framework as set out in the VAWASV (Wales) Act 2015.

The Council provides support and advice for those who are victims of domestic abuse with assistance from its partners Llamau Womens Services Caerphilly, the Police, Victim Support and other dedicated services. CCBC will also make referrals to the Safer Caerphilly Multi Agency Centre (Caerphilly MAC) where front line agencies provide a vital service to victims of domestic abuse. The centre is

based on the principle of a One Stop Shop and aims to provide a swift and safe response for victims and their children.

The Council are active partners in the Multi-Agency Risk Assessment Conference (MARAC). The purpose of MARAC is to reduce the risk of serious harm or homicide for a domestic abuse victim and to increase the safety, health and well being of other victims, both adults and children. In a MARAC local agencies will meet to discuss the highest risk victims of domestic abuse in their area. Information about the risks faced by those victims, the actions needed to ensure safety, and the resources available locally are shared and used to create a risk management plan involving all agencies. The MARAC will seek to protect those who disclose domestic abuse and are at high risk of being seriously injured or killed from further abuse, through a coordinated response from all agencies. The MARAC is part of a multi-agency strategy to tackle domestic abuse in partnership with other agencies.

The Council are active partners in the daily Domestic Abuse Conference Call with Gwent Police. Housing, Social Services, Probation, Health and Llamau are active participants. Domestic abuse calls to Gwent Police are detailed daily and each agency is responsible for accessing the information and taking appropriate action to assist, support, ensure the safety of the victim, and reduce the risk of further harm and escalation of incidents. When appropriate Housing staff will conduct welfare checks on their tenants and also provide target hardening equipment to reduce their risk of further harm. It should be noted that it is very difficult for any service to work with or offer support to a victim when the perpetrator still lives in the same property, or frequents the family home. This can often put the victim and other family members, such as children, at more risk of harm and every care must be taken to prevent this. Sometimes support can be arranged through a third party such as a doctor, friend or family member, but this is often difficult.

Any individual who approaches the Housing Service and requests rehousing for reasons of domestic violence and/or abuse will be signposted to the Housing Solutions Service. The Housing Solutions Service will consider the individual circumstances of each case and may provide appropriate advice and/or assistance under the Housing (Wales) Act 2014 or the Common Allocations Policy for Caerphilly County Borough Council.

In some exceptional cases where it is not safe for a tenant to remain at their home due to a high risk of imminent harm and this is supported by appropriate professionals, it may be necessary for an emergency temporary placement to be provided and consideration given to an emergency transfer. Requests of this nature will be thoroughly investigated and considered on a case by case basis, in accordance with the Caerphilly Homes Management Cases Discretionary Report Procedure.

All other cases of domestic violence and/or /abuse where rehousing is not requested will be looked at sympathetically and any appropriate action or support deemed necessary taken and/or offered. This could include referral and signposting to appropriate agencies, changing the locks, providing target hardening, waiving charges for damage to the property etc.

If there are children whose safety and welfare may be compromised as a consequence of domestic abuse, CCBC will adhere to the All Wales Child

## **11 Hate related incidents**

Hate related incidents are considered to be any activity which has the intention or effect of depriving any person or group of persons of the peaceful enjoyment of their homes, or access to local facilities/ services by virtue of their ethnic origin, sex, age, marital status, sexual orientation, disability, gender reassignment, religion or belief, use of Welsh language, BSL and other languages, nationality, responsibility for dependants or any other reason which cannot be shown to be justified.

The Council will not tolerate any form of hate incident and will take action against any tenant, leaseholder or owner occupier causing distress to a person because of any of the protected characteristics listed above. The Council will work closely with the police and other recognised groups to combat such behaviour.

In addition, the Council will, when it receives complaints of any hate incidents, with the consent of the complainant, make a referral via [www.reporthate.victimsupport.org.uk](http://www.reporthate.victimsupport.org.uk), and/or contact the Hate Crime Team or any other agency which can provide specialist services for consideration and advice.

Hate related incidents can take many forms and include but are not limited to:

- Abusive, threatening or insulting behaviour
- Threats of violence
- Physical assault
- Discriminatory graffiti
- Abusive telephone calls
- Arson and attempted arson
- Vandalism
- Repeated and unfounded complaints against a tenant or group of tenants
- Actions or activities intended to deter a person from occupying a particular property
- Placing rubbish, excrement or offensive materials near or in the complainant's home

The above policy demonstrates the Council's commitment and approach to all aspects of Equalities and complements the Strategic Equality Plan that is driven by the Equality Act 2010 and other preceding Equalities legislation.

## **12 Information sharing**

The Council is mindful that for any anti-social behaviour policy to be successful there has to be an effective information sharing protocol between all partner agencies. The Council and its officers are aware of the statutory provisions as covered by Section 115 of the Crime & Disorder Act 1998 and the Data Protection Act 1998.

Section 115 provides that any person (whether a private individual or member of a public body) can lawfully disclose information, where necessary, or expedient, for the purposes of any provision of the Act, to a relevant Authority or person acting

on behalf of such an Authority, even if he or she would not otherwise have this power. Under the Act 'relevant Authority' means the Chief Officers of the Police area, the Local Authority, the Probation Service and the Local Health Board.

The Council has a formal information sharing protocol with Heddlu Gwent Police and uses this to obtain personal or conviction information. Information is requested from Heddlu Gwent Police where a tenant, resident or leaseholder's anti-social/nuisance actions can be linked to the Housing Management function of the Council.

TES will only share information with another agency if we have permission to do so; if we are legally required to do so; it is necessary to prevent harm to another or prevent crime and disorder.

### **13 Confidentiality**

Complaints of anti-social behaviour should be treated in the strictest confidence. However there may be occasions when cases cannot be progressed without compromising the identity of the complainant. In cases such as this, permission from the complainant should normally be sought before action is taken.

In order to protect the confidentiality of a complainant the TES use a secure database to record and store information about the complaint. Once a complaint file is closed (paper copy) it is scanned and a computer file created. The paper file is held for a specific time period for auditing of scanned documents before being destroyed. The scanned file is held on a secure database. The CCBC Records Retention Policy stipulates that TES files are to be kept for a period of 6 years.

### **14 Telephone Call Recording**

The Tenancy Enforcement Section records all telephone calls. Calls are stored on a secure system that can only be accessed by Tenancy Enforcement staff. Calls are recorded for the following purposes:

- Monitor the quality of call handling and customer service
- Facilitate staff training
- Verify what was said if there is a dispute or complaint
- Protect staff from abusive behaviour
- Verify customer agreements during certain service requests

All recordings will be retained for a minimum period of 12 months and will be deleted after 24 months.

### **15 Anti-social behaviour staff training**

The Council is committed to the training and continual development of its staff. Tenancy Enforcement Officers will receive updates on the latest legal developments from case law and new legislation. They will also receive update training from the in-house Solicitor as and when necessary. TES staff will also attend any training that is appropriate to their role e.g. changes to support mechanisms, legislative changes to support services, awareness of new services available, awareness raising of incapacities affecting lifestyles etc.

## **16 Monitoring anti-social behaviour**

All reported complaints of anti-social behaviour or neighbour nuisance will be logged, issued a unique reference number and dealt with in accordance with the Council's Anti-Social Behaviour Policy and Procedure. Each complaint will be acknowledged, graded and investigated. Where a complainant or alleged perpetrator is unhappy or dissatisfied with the action that is taken, then they may make a complaint to the Senior Housing Officer (Customer Services), or use the Caerphilly County Borough Council's Corporate Complaints Procedure or make a referral to the Local Government Ombudsman.

Tenancy Enforcement Officers will have regular case reviews with their manager to review their work and manage their caseload.

Satisfaction Surveys are sent out to the majority of complainants (excluding agency referrals) and responses are analysed on a quarterly and annual basis.

### **16.1 Performance Indicators**

The Tenancy Enforcement section is currently monitored on the following indicators:

- Legal action taken that has resulted in a Court Order. This will be reasonable and proportionate to the number of referrals received and will not exceed 2% of all referrals.
- Maximise the use of referrals to support services.
- Satisfaction with the way complaints are handled by the Tenancy Enforcement Section will be maintained to a high standard and will exceed 90%.

Other factors also monitored are the number and type of referrals received each year and acknowledging referrals and making contact within the timeframes stated in the procedure.

Performance indicators may be altered to reflect the changing nature of the service.

## **17 Review**

This document will be reviewed where changes in legislation, guidance and good practice dictate.

## **PART 2 - STATEMENT OF PROCEDURES**

### **1 Operational aims and objectives**

The Council's objectives in relation to these procedures are:

- To ensure that the complainant and perpetrator have a complete understanding of the processes to be followed in relation to complaints of anti-social behaviour.
- To ensure the complainant, whether a secure tenant, lease holder or otherwise, understands that the Council as landlord will take all complaints of anti-social/nuisance behaviour seriously.
- To ensure that the complainant has been fully advised of the assistance the Council can provide to protect and support them and their family during the process.
- To ensure that the complainant, if a tenant, understands their tenant obligations and the role of the Council as landlord.
- To ensure that the complainant and perpetrator are provided with details of the named officer or point of contact dealing with the complaint.
- To ensure that the perpetrator is given appropriate support to address unacceptable behaviour by tackling underlying causes and unmet support needs.
- To ensure that the perpetrator understands the consequences of their behaviour and the action that the Council can take to remedy the problem.

### **2 Confidentiality**

Complaints of anti-social/nuisance behaviour should be treated in the strictest confidence. However there will be occasions when cases cannot be progressed without compromising the identity of the complainant. In cases such as this, permission from the complainant should normally be sought before action is taken.

Complainants will be advised that any information which is received by the Council in relation to anti-social/nuisance behaviour and a third party perpetrator might be subject to disclosure under the Freedom of Information Act 2000. However, where a request for disclosure is made the Council as lawful holder of that information will consider each case on its merit and in compliance with the Data Protection Act 1998 will ensure that the interests of the complainant are foremost.

In circumstances where the Council has dealt with cases of anti-social/nuisance behaviour via the legal process then a decision will be made as to whether the matters involved will be disclosed to the media for public interest. In such instances each case will be decided on its merit taking all factors into consideration.

### **3 Making a complaint of anti-social behaviour**

Complaints of anti-social behaviour may be made either in writing or verbally by either the complainant directly, their representative or family member depending on their circumstances.



Complaints of anti-social behaviour involving existing Council tenants, leaseholders, former tenants with restrictive covenants and private renters/owners can be reported at any of the Council's Area or Neighbourhood Housing Offices or directly to the TES. Complaints can be made in person, in writing, by telephone or via the CCBC web site [www.caerphilly.gov.uk](http://www.caerphilly.gov.uk) A full list of contact details can be found in Part 2 - Section 9.

Council tenants should be aware that if their complaint is against another tenant, a member of their family and/or visitor to their property or the area, they should direct their complaint in the first instance to their local housing office.

All complaints of anti-social/ nuisance behaviour will be referred to the TES for Performance Monitoring/Information purposes. Complaints of a general nature and the less serious incidents of anti-social behaviour will be referred back to the Area and Neighbourhood Housing Offices for investigation. See page 5 for examples. The TES will investigate complaints of more serious incidents of anti-social behaviour. Complaints that are incorrectly directed to the TES will be redirected accordingly.

Complaints between owner-occupiers should be reported to CCBC's Community Safety Officer who will arrange, where appropriate, to coordinate a response on behalf of CCBC.

Complainants, when reporting acts and issues relating to alleged anti-social/nuisance behaviour, are likely to be asked to provide a number of details to assist the investigating officer in dealing with their complaint. The following are examples of some of the questions asked:

- What has happened?
- Where it happened?
- When it happened?
- Who was involved?

Whilst it is not essential for complainants to have all the above information at hand it will help the Council deal with complaints more effectively. Diary sheets or photographs that record incidents should be kept for information and could be used as evidence in any legal action.

Complaints that are submitted anonymously to the Council are referred to the Internal Audit Section for recording and then passed on to the relevant departments. If such cases allege anti-social behaviour involving tenants, leaseholders and private renters/owners whose behaviour can be linked to the Council's role as a social landlord, they will be passed to the Tenancy Enforcement Section (TES) who will investigate where it is practical to do so. This may include speaking to other agencies to see if they have any details of incidents.

#### **4 Grading and assessing a complaint**

Upon receipt of an anti-social/nuisance referral in the Tenancy Enforcement Section, it will be assessed and graded using the information provided, considering the circumstances and severity of the situation. This process should take place within 5 working days of receipt of the initial complaint referral.

The following is a guide of how complaints of anti-social/nuisance behaviour may be graded. Each complaint will initially be graded on the information provided.

#### **GRADE 1 COMPLAINT**

- Physical violence
- Hate related incidents
- Domestic violence

#### **GRADE 2 COMPLAINT**

- Verbal and written abuse
- Harassment, intimidation and threatening behaviour
- Vandalism and damage to property
- Substance misuse – drugs and alcohol

#### **GRADE 3 COMPLAINT**

- Noise

#### **GRADE 4 COMPLAINT**

Minor acts that are not considered to represent a serious breach of the tenancy agreement or where legal action is likely to be inappropriate. These include:

- Pets and animal nuisance (apart from noise related nuisance) e.g. breeding, smells and animal fouling
- Litter, rubbish and fly tipping
- Gardens e.g. untidy gardens, rubbish, bonfires
- Misuse of communal areas or public spaces e.g. children's games/playing games, unauthorised parking on grass verges
- Nuisance caused by running a business e.g. buying/selling/repairing cars
- Boundary disputes
- Parking disputes

These issues will not be investigated by The Tenancy Enforcement Section – see Statement of Policy – section 4.0.

#### **GRADE 5 COMPLAINT**

Issues of anti-social behaviour which are not directly related to housing management but which require the involvement of other departments or agencies. This could relate to cross tenure complaints.

- Criminal behaviour

Whilst initially each complaint will be graded on the information provided, circumstances of the case and the severity of the anti-social behaviour, all cases can and will be subject to ongoing review and where necessary regraded to reflect the current situation, the severity of the problem (if applicable) and the changing needs of the complainant.

Cases that are graded higher will be given priority and responded to more quickly if cases have to be prioritised.

## **5 Investigating a complaint of anti-social behaviour**

All responses to incidents of anti-social/ nuisance behaviour will be proportionate, measured and reasonable. TES use an incremental approach, where

appropriate, to resolve complaints by offering advice, support and, if necessary, referrals to the appropriate support agencies with the aim of reducing the nuisance behaviour. However if this is not appropriate then legal remedies may/will be used.

## **5.1 Interviewing the Complainant**

On acceptance of the initial complaint of anti-social behaviour by TES, an Officer will contact the complainant within five working days to arrange to carry out an assessment interview. Cases that are graded higher will be given priority and contacted more quickly. Contact can be made by telephone, home visit or e-mail.

This initial interview will allow the Officer to:

- Explain the procedure to the complainant
- Confirm the grade of the complaint, according to its severity
- Identify appropriate means of communication
- Identify support packages, if appropriate
- Agree an action plan
- Set realistic timescales and targets to complete the process
- Complete an impact assessment - see Appendix 1

During the initial interview, the complainant will be requested to provide information on the facts of the complaint and provide any supporting evidence that is available. The initial contact can take place at the complainants home, elsewhere if preferred, on the telephone or by e-mail. No actions will be taken until the complainant has been spoken to, unless the seriousness of the situation overrides this. All complaints are confidential and in the majority of cases the identity of the complainant will not be disclosed to the perpetrator unless the complainant has agreed. There are situations where it is very difficult to keep the complainants details confidential due to the nature of the complaint and this will be explained to the complainant. If legal proceedings are commenced it is very difficult to keep the complainants identity confidential.

The complainant will also be asked to keep a record of any further incidents. The Officer will provide the complainant with nuisance diary sheets on which to record new incidents. The nuisance diary sheets are very important in assessing changes in the alleged perpetrators behaviour and provide essential information in the event of a court case. If a person is unable to complete nuisance diary sheets, arrangements can be made for them to contact TES who will record the information on their behalf, or other arrangements can be agreed such as a family member recording the information for them. It is important that while investigating a complaint TES have the full cooperation of complainants and work together to resolve the complaint. It is often impossible to resolve a complaint without the cooperation of a complainant, who is vital in resolving the issues they have complained of. The Officer will at all times ensure that the complainant and any witnesses are made to feel part of the complaints process and offered any support or assistance they require to help them through what can be a very stressful time. The Officer will maintain regular contact for updates.

If the complainant wishes for no further action to be taken, the alleged perpetrator, in most circumstances, will be advised of the complaint. The details of who has complained will be withheld.

## **5.2 Wider Investigations**

Checks will be made of Housing records to determine if either party is previously known to TES. This can also provide information on actions by other sections within Housing, previous contacts, support/vulnerability of either party, potential to combine actions etc. Information on both the victim and the perpetrator can be useful in developing a course of action to help resolve the situation. Current or preceding actions by other Housing sections can assist in speeding up the process and actions may be combined.

The TES may make wider investigations depending upon the nature of the complaint. This may include contacting other agencies such as the Police, Social Services, and Safer Caerphilly etc. for information that is or may be relevant to the investigation. This would assist in helping to understand the needs/ vulnerabilities, previous behaviour (criminal or otherwise) of either party, to help develop a course of action, which may involve multi-agency working to reduce/ resolve the situation being experienced.

## **5.3 Interviewing the alleged perpetrator**

In most instances the Officer will visit the alleged perpetrator to discuss the complaint. Where and when an interview takes place will be determined by the nature of the complaint. The perpetrator will be given the opportunity to provide their account of the incident that has led to a complaint and any factors that they think are relevant to the investigation.

The approach followed to resolve the complaint will vary but may include:

- regular contact with and/or visits to the alleged perpetrator
- letters
- mediation
- referral to support agencies
- multi agency work
- final warning
- if the issues cannot be resolved satisfactorily, legal action will be considered.
- case closure

See Part 1 Statement of Policy - Sections 6, 7 and 8 for a list of actions that may be available.

## **5.4 Evidence**

Any action taken must be deemed reasonable, proportionate and in keeping with the severity of the complaint. There must be evidence of the behaviour complained of for any action to be taken.

In order to take legal action the evidence must meet the threshold of the civil burden of proof – balance of probability. This is not the only factor to be considered. Reasonableness, proportionality, severity of the incident(s) and likelihood of recurrence also need to be considered before legal action is commenced. These issues will be discussed in full with Legal Services, the investigating officer and the Tenancy Enforcement Manager. In some instances legal action may be the first course of action taken due to the seriousness of the incident reported.

Reasons why action might not be taken include:

- Establishing that the incident did not happen
- Not enough evidence to meet the civil standard of proof
- The issues reported are not anti-social behaviour
- The non-cooperation of the complainant and/or witnesses has prevented a thorough investigation

In cases where the possible neglect or abuse of children is identified, the Officer will, in accordance with the All Wales Child Protection Procedures, make a referral to the Information, Advice and Assistance Section of Social Services where the referral will be assessed. In relation to adult safeguarding a referral will be made to the Information, Advice and Assistance Section where the referral will be assessed and referred to the appropriate service such as POVA, Older Persons, Drug and Alcohol etc.

## **6 Supporting Complainants**

Throughout the complaint process the Officer will support the complainant in various ways, from making referrals to support agencies to keeping in regular contact to provide reassurance.

Sometimes it becomes necessary to take legal action against a person, as other interventions have not remedied the problem or the situation warrants this approach. If court action is necessary, complainants will be offered help and support during what can be a very stressful time. For any action to be successful we would normally require statements from independent witnesses and for complainants to be willing to go to court, if necessary, to confirm what they have seen or heard or what has happened. The Council will offer support and assistance at every point of the process. In extreme circumstances, and if the situation merits it, the Council will consider re-housing the complainant. All complainants are offered support and assistance by the investigating officer and those who agree to provide formal statements and attend county court as witnesses will be offered the services of the Witness Support Scheme as described in Part One – Statement of Policy - Section 7.2.

Tenancy Enforcement Officers will work towards gathering independent evidence and will act as professional witnesses to support hearsay evidence in cases where complainants feel threatened or intimidated by the complaints process. This is designed to prevent undue pressure or stress being brought to bear on the complainant. However it is recognised that hearsay evidence is given much less weight by a District Judge than that of a direct witness and the significance of this will be fully explained to the complainant.

## **7 Monitoring complaints of anti-social behaviour**

A separate case file will be opened to record and administer each case of anti-social behaviour. Each document/file is allocated a reference number and is used to maintain a detailed record of all visits, telephone conversations, letters and interview notes.

For each complaint of anti-social behaviour there will be:

- A chronological record of all actions taken by the investigating officer. This may be required for court.
- Notes of all visits, phone calls, interviews, copies of e-mails etc. This will ensure that in the absence of the Officer dealing with the case, another officer can progress the case.
- All relevant forms and diary sheets completed.

A case will remain open until the investigating officer determines that the file can be closed. This may or may not be with the agreement of the complainant. A case will not be closed immediately after action has been taken but will be monitored for a period of time (minimum of 4 weeks) to ensure that the problem has sufficiently reduced or been resolved. The length of time a file is monitored will vary from case to case depending on factors such as the seriousness of the incident, vulnerability of the complainant, action taken, ongoing investigations etc.

If there are further incidents during this period the complainant will need to record those incidents and a review of the complaint will be undertaken with the investigating officer to determine the next course of action. The method of contact during the monitoring period will vary from case to case but will always be agreed between the officer and the complainant. The action to be taken will continue to follow the incremental process (if that is still appropriate) and further action taken as deemed suitable by the investigating officer in consultation with the complainant. Sometimes the officer may have to take action that the complainant does not agree with or will not take action that the complainant wants. At all times the officer will manage the expectations of the complainant against the reasonableness and proportionality of the action to be taken.

## 8. Case Closure

All cases will be closed using the following reasons:

- Resolved
- Resolved – no contact from complainant
- Unresolved
- Unresolved – no contact from complainant
- Closed at complainants request
- Duplicate
- Wrong details of complainant or perpetrator provided
- Not housing complaint
- Created in error

‘No contact’ refers to the complainant not responding to calling cards, visits or a letter advising them if they do not contact the investigating officer within 7 days the file will be closed.

The investigating officer will determine what category a case will be closed under. A case will be closed in consultation with the complainant (if possible) but it may be closed without their full agreement. This type of case will be closed as **unresolved**. An example of this is when there is nothing further that CCBC as an organisation can do but the complainant wants to keep the file open or is requesting action be taken that is not appropriate or proportionate.

Letters may be sent to either party at the close of a case advising them that their file is now closed and no further action will be taken. This is at the discretion of the investigating officer. Reasons for not sending letters can include that the complaint and closure have been fully discussed with the complainant at a final visit and there is no need to send a letter, or that the situation is now resolved and a letter is likely to reignite issues. Reasons for not sending a case closure letter will be recorded on the file by the investigating officer.

Satisfaction Surveys are sent out to the majority of complainants (excluding agency referrals) and responses are analysed on a quarterly and annual basis. The questionnaires are anonymous and are printed on the back of pre-paid postage cards so only need to be completed and posted.

Once a complaint file is closed (paper copy) it is scanned and a computer file created. The paper file is held for a specific time period for auditing of scanned documents before being destroyed. The scanned file is held on a secure database. The CCBC Records Retention Policy stipulates that TES files are to be kept for a period of 6 years.

## **9 Contact Details**

The Area/ Neighbourhood Housing Offices are:

Upper Rhymney Valley Area Housing Office

Gilfach House

William Street

Gilfach

Bargoed

CF81 8ND

Tel: 01443 873535

E-mail: [urvaho@caerphilly.gov.uk](mailto:urvaho@caerphilly.gov.uk)

Eastern Valleys Area Housing Office

5 The Market Place

High Street

Blackwood NP12 1AU

Tel: 01495 235229

E-mail: [eastvalleyaho@caerphilly.gov.uk](mailto:eastvalleyaho@caerphilly.gov.uk)

Lansbury Park Neighbourhood Housing Office

45 Attlee Court

Lansbury Park

Caerphilly

CF83 1QU

Tel: 02920 860917

E-mail: [lansburyparknho@caerphilly.gov.uk](mailto:lansburyparknho@caerphilly.gov.uk)

Graig-y-Rhacca Neighbourhood Housing Office

Grays Garden

Graig-y-Rhacca

Machen

CF83 8TW

Tel: 02920 853050

E-mail: [graiyghaccanho@caerphilly.gov.uk](mailto:graiyghaccanho@caerphilly.gov.uk)

**10. Availability of the policy and procedure**

Copies of the Council's Statement of Anti-Social Behaviour Policy and Procedure and Summary are available on request or can be viewed on the Council's website [www.caerphilly.gov.uk](http://www.caerphilly.gov.uk) at the office of the TES or at a Local Housing Office

**This publication is available in Welsh and in other languages and formats on request.**

**Mae'r cyhoeddiad hwn ar gael yn Gymraeg, ac mewn ieithoedd a fformatau eraill ar gais.**





## CAERPHILLY HOMES TASK GROUP - 14TH DECEMBER 2017

**SUBJECT: WELLBEING OBJECTIVE WO5 & WHQS PROGRESS UPDATE – INVESTMENT IN COUNCIL HOMES TO TRANSFORM LIVES AND COMMUNITIES**

**REPORT BY: CORPORATE DIRECTOR - COMMUNITIES**

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### 1. PURPOSE OF REPORT

- 1.1 To update progress against Wellbeing Objective (WO5) and provide an update on progress made to deliver the Welsh Housing Quality Standard (WHQS) programme – Investment in Council homes to transform lives and communities for the first six months of 2017/18.

### 2. SUMMARY

- 2.1 It is acknowledged that good quality, well managed homes in safe and attractive communities contributes to tenants' health, education and wellbeing. This report covers the period April 2017 to September 2017 and looks at the contribution that Caerphilly Homes has made to WO5 as part of its major investment programme to bring the council's housing stock up the Welsh Housing Quality Standard by 2020. Such an investment has also been used to target support for local businesses, training, employment and the local economy as a whole, as well as improving standards within our tenants' homes.
- 2.2 Members will be aware of the Wales Audit Office report which was recently presented following a review that was undertaken in March/April 2017. This report concluded that the Council was unlikely to achieve WHQS by 2020 and made a number of recommendations aimed at delivering improvements.
- 2.3 A number of the issues highlighted in the WAO report were already being progressed by officers at the time of the review and improvements have been realised which have resulted in significant progress having been made during 2017/18.
- 2.4 The internal works have achieved 1039 completions against a whole year target of 2618 (40% at the half way point through the year). Overall, since the commencement of the programme a total of 7,096 properties have benefitted from internal improvements (65% of the housing stock). The external completions have achieved 1302 completions against a whole year target of 4675 which equates to 28% at the half way point through the year). Overall the total number of external completions now stands at 2,602 (24% of the housing stock). The total number of properties that were fully compliant with WHQS for 2016/17 was 252 and the current compliance for 2017/18 stands at 1103 (10.2%). (See Appendix 2).
- 2.5 Although good progress has been made in relation to the completion of external works, during the first half of 2017/18 this remains significantly behind programme and requires further improvements to be made, however significant numbers of contracts are progressing well.
- 2.6 Works in relation to energy efficiency have progressed well during the year.
- 2.7 A number of 'core' community benefits have been delivered.

- 2.8 There has been good progress made in relation to the consultation process to support the delivery of the environmental programme, with a number of projects now underway.
- 2.9 Tenant satisfaction levels remain high with extremely low levels of complaints.
- 2.10 Significant support and adaptations have been provided to sustain tenancies and to meet tenants' individual needs
- 2.11 The programme continues to be financially viable and no borrowing has been required to date, as the Major Repairs Allowance (MRA) and Housing Revenue Account (HRA) have provided the required financial support, together with grant funding.
- 2.12 The programme remains challenging, but improved progress has been made and new arrangements introduced to ensure momentum is improved to deliver the standard by 2020. During the period covered by this report it is assessed that achievement against the Wellbeing Objective WO5 is deemed to be partially successful.

### **3. LINKS TO STRATEGY**

- 3.1 The delivery of the Welsh Housing Quality Standard (WHQS) programme is coterminous with the aims of the Wellbeing of Future Generations (Wales) Act 2015 which requires public bodies to work towards a shared vision comprising 7 goals and adopt 5 "Ways of Working". The 7 goals and the 5 Ways of Working will underpin the delivery of the programme and include planning and acting for the long term, integration, involvement, collaboration and prevention.
- 3.2 The Welsh Housing Quality Standard (WHQS) is intended to ensure that all local authority and housing association homes are improved and maintained to achieve specified standards. It is a Welsh Government requirement that the WHQS is achieved by 2020. The WHQS identifies 7 specific aims (Welsh Assembly) Government – Revised Guidance for Social Landlords – July 2008).
- 3.3 The Caerphilly Delivers - Single Integrated Plan 2013-2017 has a priority to "improve standards of housing and communities, giving appropriate access to services across the County Borough".

### **4. THE REPORT**

#### **Overall Position**

- 4.1 The Council has a housing stock of 10,822 properties and is investing approximately £220m in bringing all homes up to the Welsh Housing Quality Standard by 2020. Since embarking on the delivery of the programme, it has always been our intention to utilise this investment, not just to improve homes, but to also transform people's lives and the communities in which they live.
- 4.2 The WAO Review resulted in a number of key recommendations which are set out below:-

#### **WAO Recommendations**

- 4.3 *R1: By September 2017, develop a comprehensive, overarching, financial and operational programme, setting out how the Council will achieve WHQS by 2020. This programme should:-*
  - i) *Establish the full scope of investment needed in the Council's housing stock based on accurate, comprehensive and up-to-date stock condition information.*

- ii) *Set out how the Council, by March 2018 will:-*
  - (a) *Review its procurement arrangements to ensure value for money.*
  - (b) *Provide clear and transparent information to members and tenants about the current position of the programme and a commitment to stakeholders with accurate projected completion dates, and*
  - (c) *Secure the resources needed to deliver the programme by 2020.*
- iii) *contain clear and measurable milestones and relevant performance measures for delivering the programme up to 2020*
- iv) *set out the programme management, governance and accountability responsibilities and arrangements so that urgent remedial action can be taken if further slippage occurs and those tasked with delivering the programme can be held to account at appropriate decision making levels*

4.4 *R2: Assure itself that it is meeting its statutory landlord responsibilities by ensuring that:*

- (i) *All properties have a valid gas safety certificate in place, or are having the Council's non-compliance arrangements applied to them fully*
- (ii) *Arrangements for undertaking asbestos surveys and recording the results of these surveys are robust.*

4.5 *R3: Ensure it has sufficient project management capacity to deliver the Council's WHQS programme effectively by 20210.*

4.6 In relation to "Recommendation 1" a review of the overarching programme has been undertaken using up to date surveys and financial information and taken into account previous completions and current performance. The revised programme has not resulted in any changes to the overall timelines and is still based on achieving WHQS by 2020.

4.7 The information contained within the programme will be reviewed further to ensure it provides clear and transparent information to members and tenants on the current position and projected commitments.

4.8 Procurement arrangements are being reviewed to ensure value for money, which will include benchmarking against other comparators. Procurement arrangements are progressed in line with relevant legislation and Council standing Orders to ensure compliance.

4.9 There are already significant programme management, governance and accountability responsibilities defined through various working groups, committees and Cabinet, although the terms of reference for some groups will be reviewed.

4.10 Additional resources are being secured to support and deliver the programme through internal recruitments and the implementation of the Dynamic Purchasing System (DPS). Eleven new contracts have already been awarded via the D.P.S. and more are being progressed in this way with a particular emphasis on increasing the momentum of the external works.

4.11 Significant progress has again been made to address "Recommendation 2" with a new no access procedure having been implemented with the aim of improving, in particular, the performance of gas servicing. At the time of the review our performance in Wales was average at 98%, however since the introduction of forced entries, our performance increased to 99% and continues to climb.

- 4.12 Arrangements for undertaking and recording asbestos surveys has been reviewed and changes implemented. This has resulted in the appointment of a dedicated resource and information being recorded and accessible on one common system to improve efficiency and avoid duplication.
- 4.13 Structural changes have been made within Caerphilly Homes service to improve integration with the aim of maximising the efficient and effective use of resources across the service area to contribute towards the delivery of WHQS and address "Recommendation 3". In addition the resources within other services across the council are also being utilised including Building Consultancy, Grounds Maintenance, Highways Operations Group and Network Contracting Services.
- 4.14 The approach taken was in accordance with W.G. guidance and included consultation with tenants, which resulted in the programme being delivered by undertaking internal and external works separately and in different communities. The programme set out the number of properties that were required to be completed within each community for each year, in order to achieve the standard by 2020. Due to various reasons, the programme has changed and been subsequently reprofiled on an annual basis
- 4.15 Due to the scale of the project, work was to be undertaken by both the in-house workforce and external contractors and was structured to provide opportunities for local businesses in order to maximise support for the local economy. In addition, the contracts included core requirements for the contractors to provide community benefits, particularly in relation to providing opportunities for work placements, training, apprenticeships and jobs as well as providing various projects within the communities.
- 4.16 An environmental programme was also agreed in order to meet the WHQS requirements that properties be located in attractive and safe environments. This is programmed to be delivered over the next two and a half years, with the work predominantly being undertaken by various in-house services including Housing Repair Operations Team, Highways Operations Group and Grounds Maintenance. Resources are also being used across Caerphilly Homes to assist in identifying projects through local knowledge, tenant and member enquiries, as well as consultation with various community groups.
- 4.17 The WHQS requires properties to meet the specific needs of the household which aims to not only assist with individuals' health and wellbeing, but also helps to reduce accidents within the home. To deliver on this requirement a number of Occupational Therapists have been appointed and work alongside our surveyors to provide a needs assessment.
- 4.18 To date the WHQS Team have delivered internal improvements to 7,096 properties, which leaves a total of 3,726 required to be completed over the next two and a half years, which have been broken down as follows:-
- |         |   |       |
|---------|---|-------|
| 2017/18 | - | 1,276 |
| 2018/19 | - | 1,754 |
| 2019/20 | - | 696   |
- 4.19 With regards to external works, a total of 2,602 properties have been completed since the commencement of the programme. Whilst this is behind the numbers initially programmed, there has been a significant improvement recently following the introduction of new contractual arrangements. In order to deliver the standard over the remaining years, the following profile has been established:-
- |         |   |       |
|---------|---|-------|
| 2017/18 | - | 3,640 |
| 2018/19 | - | 2,579 |
| 2019/20 | - | 2,001 |

- 4.20 It is accepted that the external works programme is challenging, but with changes to the contractual arrangements, improvements made in surveying, efficiencies introduced through mobile working and increased capacity, meeting the target by 2020 is still considered to be deliverable.

### **Current Position 2017/18**

- 4.21 Work has progressed well during 2017/18 based around the amended WHQS programme approved by Cabinet in March 2017.
- 4.22 Internal works completions to the end of Q2 was 1039 properties against a target of 1309. This provides a completion rate of 79% against target for the first six months of the financial year. There are a number of reasons why there is currently a slight under achievement. Some of this slippage is as a result of “no access”. This is where staff and/or contractors have failed to gain access to properties to undertake works. There are numerous reasons why this may result such as ill health of tenants, tenants not prepared to engage, programme time slot does not suit tenant. In order to improve access, tenants are offered appointments and these are now confirmed with a letter and text messages, with a further message sent nearer the appointment date as a reminder. As tenants are able to ‘opt-out’ of the WHQS works unless health and safety is an issue, continued no access is recorded as an acceptable fail. The property will then benefit from the WHQS works when there is a change of tenancy or if there is a change in other circumstances. There have also been some issues with external contractors’ performance where they have not achieved the targets set and this is currently being managed through tighter contractual control and increased resources being provided by the contractors concerned. Of particular note and influence on the under-performance is one of the main contractors, Contract Services, who ceased trading during August 2017. Options around the re-profiling and procurement of this work are currently still under review. However, the WHQS team are committed to ensuring that delivery of the internal programme can be achieved by March 2020 due to the contingency measures that have recently been built into the programme. It should be noted that the in-house workforce are continuing to perform exceptionally well and are slightly ahead of their required 2017/18 programme.
- 4.23 External works completions are currently lagging behind target although very good progress has been made in the first 6 months of 2017/18. To the end of Q2 1302 properties have been completed against a target of 2337. There is also work ongoing to progress the completion of another 2583 properties. The main reason for the previous low level of performance has been that the Lower Rhymney Valley (LRV) did not have contractual arrangements in place to undertake external works. It was originally envisaged that this work would be undertaken by the in-house workforce. However, resources were reallocated to Rowan Place and are now being targeted at the sheltered housing schemes. Alternate contract arrangements are now in place and were available to utilise from April 2017.
- 4.24 In the Eastern Valley (EV) and Upper Rhymney Valley (URV) area external works contracts have not progressed as quickly as anticipated. This has predominantly been the result of limited contractor availability within the small lots process in the East and the framework arrangement in the North. The arrangement now in place for the Lower Rhymney Valley (LRV) is a more flexible process with contingency built in to allow its use in the other areas if needed. It has already been utilised successfully as an alternate procurement mechanism in the first 6 months of 2017/18. It is anticipated that this will continue to assist in addressing the backlog moving forward as it will provide a larger pool of contractors. Works across all areas are now progressing well with the aim of ensuring that the March 2020 deadline can be achieved for the external works programme.
- 4.25 It should be noted that there have been significant works undertaken in relation to external wall insulation (EWI) to the vast majority of the Council’s non-traditional housing stock. During 2017/18 to date a further 315 properties have benefited from installation of EWI at Lansbury Park. These works transform the appearance of properties as well as assisting to address fuel poverty and reduce tenants’ energy bills. The initial phase 1 work in Lansbury Park has

targeted 320 council owned properties with phase 2 intended to follow on improving the remainder of the 210 council owned properties at Lansbury Park. Other energy efficiency measures include the provision of new heating systems, upgraded loft insulation, heating controls and energy advice.

- 4.26 Whilst the slippage situation needs to be minimised it is unlikely to be completely eradicated as there will inevitably be issues affecting individual properties. The slippage in relation to the internal works is primarily due to access issues and the productivity of the contractors, but this has been estimated and projected forward and there is capacity within the programme to accommodate this. Slippage in relation to external works is mainly due to capacity and arrangements have now been put in place to address this also.
- 4.27 The Housing Revenue Account (HRA) garage programme was planned to be complete by April 2017. Unfortunately in order to comply with procurement legislation, new contract arrangements have had to be put in place to avoid potential claims of disaggregating the contract, which have delayed completion until March 2019 which is well within the overall programme timeline. The programme is currently approximately 50% complete.
- 4.28 Construction work has commenced in relation to sheltered housing schemes. Good progress has been made in this area since the decision was made to undertake these works in-house utilising a full property approach with six schemes nearing completion and two planned for completion prior to year end. A programme of works has been agreed and issued to the tenants within the schemes and individual scheme meetings have been held with those included within the 2017/18 programme to raise awareness of the extent of works and provide tenants with the opportunity to raise any concerns they may have. Physical works to the first two schemes commenced in April 2017. Members will be aware that agreement was reached to look at the potential remodelling of 6 sheltered schemes which may be completed after the 2020 deadline, due to the fact that they are deemed not to be fit for purpose and cannot be made WHQS compliant.
- 4.29 The Environmental Programme has now made some further progress with over 200 small local schemes spread across the borough having been identified. A number have already been completed with many more in progress. Tenant consultations are ongoing to identify further schemes which include various tenant & resident groups, community groups and partnerships. Community consultations have been undertaken recently in Fochriw, Panside and Penyrheol. Project ideas are being assembled and prioritised for consideration by the WHQS Project Board. The programme has been developed to deliver the environmental improvements over the next two and a half years.
- 4.30 Customer satisfaction levels remain high with an average of 89% of tenants being satisfied with the completed works undertaken to their homes against a target of 80%. In relation to standards met this is still high at 85% although it is slightly below the target of 90%. Overall performance can be considered good. This performance has been achieved despite the issues arising from one of the main internal works contractors ceasing to trade in August 2017.
- 4.31 Compliments/complaints are being regularly monitored and addressed in line with the Council's Corporate Complaints Procedure. During the first half of 2017/18 the WHQS team have received 6 stage 1 complaints and 4 stage 2 complaints. In addition there have also been 8 cases of compliments/praise received in writing from tenants. This identifies that there is a balance between views and it should be noted that generally tenants are more likely to raise a concern than provide written praise. This all needs to be balanced against the number of property completions and works in progress so far during 2017/18 which stands at almost 5000 properties for internal and external works. Given this volume of work the number of complaints received is considered to be extremely low.
- 4.32 The Council made a commitment in 2012 at the outset of the programme to ensure that its investment in homes delivered more than simply new kitchens and bathrooms. Its ambition to transform homes, lives and communities has been realised through adaptations to meet the

specific needs of tenants and by incorporating a community benefit requirement into all internal works contracts and its supply partner contract. This has resulted in 419 specific adaptations being made to tenants' homes to help with any medical or physical conditions they may have, during the first six months of 2017/18. In addition, our front line staff have received awareness training in relation to safeguarding, domestic abuse and can provide tenants with energy advice and financial advice in order to sustain tenancies, improve household income and thereby contribute to improving health and wellbeing.

- 4.33 At the halfway point of 2017/18 the following community benefits have been realised; a cumulative total of 71 permanent full time roles have been created as a result of opportunities created by the Council's internal works and supply partner contracts. Within Caerphilly Homes, 106 new opportunities have been created since the start of the programme to date. Additional work awarded to the Council's in house team is likely to increase the opportunities available within the Council. However, this is likely to be mirrored by a decrease in the opportunities made available by the Contractors as one has recently ceased trading. Particular success has been obtained as a result of linking the WHQS programme with the Welsh Governments' LIFT programme. A total of 11 people from workless households within the county borough have benefited from the relationship between the two programmes and the opportunities offered by the Council's contractors and supply partner. Moving forward, the new Communities First arrangements including Communities4work and the new Legacy Fund will be utilised to deliver similar, if not improved outcomes for those people within the county borough who need the opportunities the most. The Council is supporting the delivery of WG employment support programmes through a contribution of £50,000 that is utilised to help support the most vulnerable tenants back into work.
- 4.34 The internal works contractors have created a total of 20 apprenticeships and the Council via it's in house team 43, resulting in a total of 63 apprenticeships.
- 4.35 Additional benefits including the donation of materials to local community groups, the sponsorship of local events, support for the council's foodbank initiative and partnerships with key schools within the county borough are ongoing.

## 5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 The delivery of the WHQS improvement programme is coterminous with the aims of the Wellbeing of Future Generations (Wales) act 2015, in particular the 5 ways of working:-
- **Long Term:** the report includes continued investment and performance to achieve WHQS by 2020. This investment provides long term improvements to the property, community and to the tenants' health and wellbeing.
  - **Integration:** The programme looks to integrate property and environmental improvements that will benefit and transform lives and communities throughout the county borough. It further brings together a variety of stakeholders to deliver long term sustainable benefits for lives and communities.
  - **Involvement:** Tenants and local residents are being consulted on the proposed property improvements and environmental works along with various initiatives that are part of the WHQS programme delivery.
  - **Collaboration:** The programme delivery is focused on internal collaboration, wider partnership arrangements with suppliers and contractors, joint working with the community and various other groups. The delivery of community benefits and tenant engagement by all involved with the WHQS programme is a key focus and is clearly demonstrable within its delivery.
  - **Prevention:** The works to improve lives and communities will help tackle local unemployment. It will further improve the look and feel of the environment and help prevent anti-social behaviour. Improving standards and quality, will aid future programmed maintenance and potentially reduce reactive maintenance schedules.

## **6. EQUALITIES IMPLICATIONS**

- 6.1 An Equalities Impact Assessment is not required as the report is for information.

## **7. FINANCIAL IMPLICATIONS**

- 7.1 The Capital Programme for 2016/17 was £38.6M. The outturn capital expenditure was £31.4M resulting in an under-spend of approximately £7M. The under-spend is being utilised to fund the future years programme. The Capital programme for 2017/18 is anticipated to reach £35m which is within the budget originally accounted for.
- 7.2 Officers will continue to seek alternative funding to support energy efficiency schemes for the Council's housing stock, as this will supplement the current investment being utilised to bring the stock up to the WHQS.

## **8. PERSONNEL IMPLICATIONS**

- 8.1 The timetable pressure is increasing and there has to be the capacity within the staff resources to cope with the volume of work. Staff movement and recruitment difficulties remain a risk to the programme and have continued to be an issue during 2017/18.
- 8.2 Continued close management and monitoring of performance of the programme is essential to ensure that its delivery is not compromised in any way. There will be an increase in workload for the in-house team due to the sheltered housing schemes commencing along with the possibility of undertaking some of the work previously planned for Contract Services. Additional resources will be required to ensure performance in achieving the objective is maintained.

## **9. CONSULTATIONS**

- 9.1 All responses from consultations have been incorporated in the report

## **10. RECOMMENDATIONS**

- 10.1 Members are asked to note the content of the report and to agree or challenge the judgement of partially successful at the 6 month point of 2017/18.

## **11. REASONS FOR THE RECOMMENDATIONS**

- 11.1 To advise Members of the progress made in 2017/18, in delivering the improvement objective and to gain agreement on the judgement of the service as to progress made.

## **12. STATUTORY POWER**

- 12.1 Housing Acts 1985, 1996, 2004, Local Government Measures 2009 and the Well-being of Future Generations (Wales) Act 2015.

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Consultees: Cllr L Phipps - Cabinet Member for Homes and Places

Cllr B Jones - Deputy Leader and Cabinet Member for Finance, Performance and Governance



Christina Harrhy - Corporate Director – Communities  
Nicole Scammell - Acting Director of Corporate Services & S151 Officer  
Shaun Couzens - Chief Housing Officer  
Jane Roberts-Waite - Housing Strategy Co-ordination Manager  
Fiona Wilkins - Public Sector Housing Manager  
Lesley Allen - Group Accountant  
Rhys Lewis - Performance and Systems Manager  
Ros Roberts - Performance Manager  
Ian Raymond - Performance Management Officer

Background Papers:

Welsh Housing Quality Standard (WHQS)

The Council's Local Housing Strategy

The Caerphilly Delivers - Single Integrated Plan 2013-2017

Caerphilly County Borough Council 2017/18 – Wellbeing Objectives

Appendices:

Appendix 1 - WO5 Investment in Council homes to transform lives and communities (publication extract).

Appendix 2 – 2017 – WHQS Scorecard – Completions Q2 (To be circulated at Meeting).

## 5. Investment in Council homes to transform lives and communities

Our Well-being Objective is, **to take steps to ensure the physical standard and condition of our housing stock, be improved and maintained to the Welsh Housing Quality Standard (WHQS), helping to improve the quality of life for the people who live in those homes.**

### Why we chose this

The long-term affordability of housing, effects of low incomes, fuel poverty and improving the quality of housing in the social sectors, are some of the main challenges facing the county borough. Council homes across our county borough will require over £200 million investment to meet the Welsh Housing Quality Standard (WHQS) programme by 2020. In 2012 Council tenants took part in a ballot to have their say about the future management of their homes and they voted to remain with the Council as their landlord.

We are taking an **involved, integrated and collaborative approach** by delivering this improvement programme on a community by community basis. Every Council home is surveyed to establish the extent of internal and external work required, type of works to be delivered, products and workforce used, and timeliness of delivery. We have established a 'Caerphilly Homes Task Group' with 7 councillors and 7 tenant representatives, who periodically meet and discuss progress within the WHQS and the improvements to the housing service. The Task Group, is informed by a 'Tenant's Repairs and Improvements Group'.

Due to the scale of this programme, it will be a substantial boost to the local economy. The money spent improving homes, should be a catalyst to wider regeneration, improving lives and communities. The main intention, other than improving homes, is to prevent further deterioration in the housing stock, which can adversely affect the health and quality of life of the tenants.

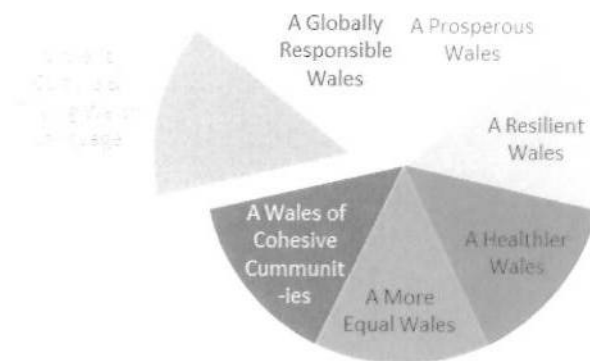
This objective also contributes to the Welsh Government's own current objectives:  
**7. Connect Communities through sustainable and resilient infrastructure and**  
**9. Improve access to secure, safe, efficient and affordable homes.**

## Links to the Well-being of Future Generations (Wales) Act 2015 –Well-being Goals

Between now and 2020 (the Welsh Government target) we want our communities to know:

- We delivered the best quality home improvements to our tenants.
- We did it with them and not to them.
- Their homes created real jobs in our communities.
- We delivered the whole project on time and in budget.

By addressing each of these items, we are able to show contributions to the following wider Well-being Goals:



### ***To deliver this objective our actions for this year are:***

Through continued delivery of a capital investment programme, pursuit of external funding to support energy improvement opportunities, delivery of sensitive adaptations, adhering to standards, working closely with our tenants, working groups, contractors and suppliers, we will strive to make Caerphilly Homes be;

- ✚ In a good state of repair.
- ✚ Safe and secure.
- ✚ Adequately heated, fuel efficient and well insulated.
- ✚ Fitted with up-to-date kitchens and bathrooms.
- ✚ Well managed (for rented housing).
- ✚ Located in attractive and safe environments.
- ✚ Suitable to meet the specific requirements of the household (as far as reasonable and practicably possible). For example, catering for specific disabilities.

### ***How we will review our progress***

The overall governance, monitoring and control will be through our Cabinet, Scrutiny and the Corporate Management Team. Progress will be reported routinely to our Members in their formal scrutiny capacity which is made publically available, and at the end of the year in our Annual Performance Report.

Progress is constantly monitored by a dedicated internal workforce, as well as by our contractors, the 'Caerphilly Homes Task Group', and 'Tenant's Repairs and Improvements Group'.

There are three key measures that will be used to review progress are

- How quickly we do internal home improvements
- How quickly we carry out external home improvements
- The tenant satisfaction levels of works done.

### ***Resources to deliver***

The Welsh Government and the Council has committed to an investment programme of £200 million to meet the WHQS standards by 2020. We also monitor the wider market place in pursuit of external funding to support energy improvement opportunities (for example through the Utility Suppliers).

The capacity to meet commitment is under constant review in order to respond to ever changing circumstances and the delivery of the necessary changes and improvements are, and will be, subject to certain physical resource constraints and at the mercy of wider market influences, such as the availability of high quality efficient tradesmen and contractors, access to homes, delivery of quality installation and repair products and technologies.

Further information regarding "The Welsh Housing Quality Standard" can be found in the revised guidance for the social landlords on interpretation and achievement of WHQS July 2008, or by access to the Welsh Government website: Welsh Government, Welsh Housing Quality Standard.

<http://wales.gov.uk/topics/housing-and-regeneration/housing-quality/welsh-standard/?lang=en>