

OVERVIEW AND SCRUTINY BOARD

A meeting of **Overview and Scrutiny Board** will be held on

Tuesday, 3 July 2012

commencing at **5.30 pm**

The meeting will be held in the Meadfoot Room, Town Hall, Castle Circus,
Torquay, TQ1 3DR

Members of the Committee

Councillor Thomas (J) (Chairman)

| | |
|---------------------------------|----------------------|
| Councillor Barnby | Councillor Kingscote |
| Councillor Bent | Councillor Pentney |
| Councillor Darling (Vice-Chair) | Councillor Stockman |
| Councillor Hill | Councillor Pountney |

Co-opted Members of the Board

Penny Burnside, Diocese of Exeter

Working for a healthy, prosperous and happy Bay

For information relating to this meeting or to request a copy in another format or language please contact:

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01803 207014

Email: scrutiny@torbay.gov.uk

OVERVIEW AND SCRUTINY BOARD AGENDA

1. Apologies

To receive apologies for absence, including notifications of any changes to the membership of the Committee.

2. Minutes

To confirm as a correct record the minutes of the meetings of the Board held on 20 June 2012.

(Pages 1 - 3)

3. Declarations of Interest

(a) To receive declarations of personal interests in respect of items on this agenda.

For reference: Having declared their personal interest members and officers may remain in the meeting and speak (and, in the case of Members, vote on the matter in question). If the Member's interest only arises because they have been appointed to an outside body by the Council (or if the interest is as a member of another public body) then the interest need only be declared if the Member wishes to speak and/or vote on the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(b) To receive declarations of personal prejudicial interests in respect of items on this agenda.

For reference: A Member with a personal interest also has a prejudicial interest in that matter if a member of the public (with knowledge of the relevant facts) would reasonably regard the interest as so significant that it is likely to influence their judgement of the public interest. Where a Member has a personal prejudicial interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(Please Note: If Members and Officers wish to seek advice on any potential interests they may have, they should contact Democratic Services or Legal Services prior to the meeting.)

4. Urgent Items

To consider any other items that the Chairman decides are urgent.

5. Anti-Social Behaviour and the Private Rented Housing Sector - Mayoral Decision (Pages 4 - 31)

The above decision was called-in by Councillors Darling, Parrott, Pentney, Pountney and Cowell on 21 June 2012.

The reasons for the call-in are:

- 1) Members ask why it is that the Mayor's decision does not include any evidence as to how he came to that decision. The Overview and Scrutiny Board review panel took considerable care to receive evidence from both the residents of Torbay, and officers of the partner authorities charged with these matters. Did the Mayor take similar soundings before arriving at his decision?
- 2) Regarding refs 1, 2, 4 and 6 of the Mayor's decision, Members ask for clarification as to why an issue that causes suffering for many of thousands of Torbay residents is seen by him to be a simple matter for the police to deal with. Surely the Council has very great responsibilities to the residents and tax payers who are suffering either directly or indirectly from the consequences of poorly managed private rented accommodation, and wider anti-social behaviour? Members challenge the Mayor's approach whereby he seems to wash his hands of an issue that the panel's report demonstrates is an issue that needs addressing as a matter of urgency.
- 3) Regarding ref 4, the review panel took care to ask expert officers to provide a business case for fast-tracked targeted enforcement to be implemented within the current financial year. This would bring relief to many residents whose lives are blighted by the problems addressed in the report. Why has the Mayor chosen to turn his back on that suffering, by totally ignoring the business case? What work of his own supports his decision to brush aside the advice of Members of all parties represented on the Council?

Supporting Documents

Record of Decision

Issues Paper presented to the Adjourned Annual Meeting of the Council

Report of the Review Panel



Minutes of the Overview and Scrutiny Board

20 June 2012

-: Present :-

Councillors Barnby, Brooksbank, Darling, Hill, Pentney, Stockman,
Pountney and Thomas (J)

Co-opted Members
Penny Burnside, Diocese of Exeter

(Also in attendance: Councillors Cowell, Davies and Tyerman)

1. Election of Chairman

Councillor Thomas (J) was elected Chairman of the Board for the Municipal Year 2012/2013.

Councillor Thomas (J) in the Chair

2. Apologies

An apology for absence was received from Councillor Bent. It was also reported that, in accordance with the wishes of the Conservative Group, the membership of the Board had been amended for this meeting by including Councillor Brooksbank instead of Councillor Kingscote.

3. Appointment of Vice-chairman

Resolved: that Councillor Darling be appointed Vice-chairman of the Board for the Municipal Year.

4. Minutes

The Minutes of the meetings of the Board held on 24 April 2012 were confirmed as a correct record and signed by the Chairman.

5. Revenue Budget Outturn 2011/2012

The Board considered the report on the Revenue Outturn for 2011/2012. It was noted that, despite pressures within Children's Services, Adult Social Care and Spatial Planning, a net surplus of £441,000 had been achieved.

The Executive Lead for Finance and Audit was in attendance to answer the Board's questions.

The Board were reminded that, in previous years, three Reserves had been created to assist the Council in meeting the financial challenges it faced over the period of the Comprehensive Spending Review (CSR). It would be recommended to the Council that these three Reserve now be combined into a single CSR Reserve and that £0.136m of the surplus should be transferred to this Reserve. It would be recommended to the Council that the remaining £0.305m be transferred to an Employment Fund Reserve.

The Board asked for clarification about the delay in charging for rubble at the Civic Amenity Site and requested that further, detailed information on this issue be provided.

The Board also noted that an underspend of £0.431m within Community Safety had been reported. Questions were asked about the impact on frontline services as a result of this underspend and it was noted that a detailed written response would be supplied to members of the Board.

The Board asked that, in future reports, a more detailed explanation of the variances in the budget be provided.

6. Capital Plan Budget Outturn 2011/2012

The Chief Accountant presented his final Capital Monitoring report for 2011/2012 which provided high level information on the Council's capital expenditure and income for the year. The Executive Lead for Finance and Audit was also in attendance to answer the Board's questions.

The Board asked questions in relation to the expected capital receipts, the re-profiling of projects and the debt profile of the Council.

7. Impact of Welfare Reform in Torbay

The Board considered a briefing note which had been prepared at its request in relation to the impact of Welfare Reform in Torbay. It was noted that the Guardian newspaper had published, on 19 June 2012, an article based on research it had commissioned which placed Torbay at the top of the list of local authorities whose residents were most at risk of slipping into poverty.

With this in mind, the Board gave consideration to the work which was currently underway in preparing a Local Council Tax Support Scheme to replace the current system of Council Tax Benefit. Under the local scheme, it was expected that those on low income would be required to pay a proportion of their Council Tax liability.

Resolved: (i) that further consideration be given to the emerging Local Council Tax Support scheme at a future meeting of the Board; and

(ii) that, in the meantime, the briefing note be shared with the Mayor and/or relevant Executive Lead and that they be asked for their response to the challenges identified within the note especially in light of the research commissioned by the Guardian newspaper.

8. Overview and Scrutiny Work Programme

The Board considered a report on the Overview and Scrutiny Work Programme which had been prepared following a consultation exercise with all Members of the Council, senior officers and health partners.

Resolved: (i) that the Work Programme set out in Appendix 1 and 2 to the report be agreed; and

(ii) that the following Review Panels be established:

Political Governance Review Panel – comprising 4 members of the Conservative Group, 2 members of the Liberal Democrat Group and either 1 member of the Non-Coalition Group or the Labour councillor

Priorities and Resources Review Panel – comprising the councillors who make up the Overview and Scrutiny Board

Value for Money (External Contracts) Review Panel – comprising the councillors who make up the Overview and Scrutiny Board

9. Appointment of Health Scrutiny Board

Resolved: that the Health Scrutiny Board be appointed with terms of reference:

“To consider all matters and issues arising from the Overview and Scrutiny Board’s power of scrutinising local health services in accordance with the Health and Social Care Act 2001”

and the membership:

5 Members of the Conservative Group (Councillors Barnby, Thomas (J), James, McPhail and Bent)

2 Members of the Liberal Democrat Group (Councillors Doggett and Davies)

1 Member of the Non-Coalition Group (Councillor Parrott)

Chairman

Record of Decisions

Anti-Social Behaviour and the Private Rented Housing Sector - Mayoral Decision

Decision Taker

Mayor on 14 June 2012

Decision

That the Mayor's response to the recommendations of the Overview and Scrutiny Board in respect of the Anti-Social Behaviour and the Private Rented Housing Sector review be as per the table set out below:

| Ref. | Overview and Scrutiny Recommendation: | Mayor's Response | Timescale for Implementation: | Responsible Officer: |
|------|--|---|-------------------------------|----------------------|
| 1. | That measures should be taken to address the lack of confidence felt by those immediately affected by anti-social behaviour in the multi-agency work being carried out and that the Police and Crime Commissioner, once elected, be requested to prioritise the issue. | The peninsula Strategic Assessment prepared by all Community Safety Partnerships and the Police includes antisocial behaviour issues as a key priority. This strategic assessment will be provided to the Police & Crime Commissioner as part of a welcome pack. The PACT process is currently being reviewed and a new programme implemented to encourage engagement around reporting and feedback. | Nov 2012 Aug 2012 | Fran Hughes |
| 2. | That, in future rounds of annual budget setting, the impact of anti-social behaviour and poor housing standards on the wellbeing of local residents and the reputation of Torbay as a tourist destination be acknowledged and funded accordingly. | The recommendations from this Overview & Scrutiny report will be considered as part of the internal service review of the Community Safety Business Unit and subsequently part of the overall prioritisation of the budget for this service later in the year. | July 2012 | Fran Hughes |
| 3. | That the Council no longer invest in the Torbay Landlord Accreditation Scheme and that an arms-length partner to run the Scheme on a self-funded basis be vigorously pursued. | The Landlord Accreditation Scheme will no longer be promoted and will be closed to new applicants from July 2012. It will be superseded by Landlord Rent Deposit Scheme. | July 2012 | Fran Hughes |

| | | | | |
|----|--|---|-----------|-------------------------|
| 4. | That immediate consideration be given to the Business Case (appended to this report) on fast-track, targeted enforcement to tackle anti-social behaviour and improve the quality of private rented sector housing with implementation in the current financial year. | The recommendations from this Overview & Scrutiny report will be considered as part of the internal service review of the Community Safety Business Unit and subsequently part of the overall prioritisation of the budget for this service later in the year as additional resources will be required. | July 2012 | Fran Hughes |
| 5. | That there be a continuation of targeted multi-agency intervention to promote a rise in standards of housing accommodation. | The partnership approach to addressing standards of housing accommodation will continue with existing resources. | Ongoing | Tara Fowler/Fran Hughes |
| 6. | That targeted selective and/or additional licensing of houses in multiple occupation be prioritised in the emerging Housing Strategy and that a Business Case for this be prepared as a matter of urgency. | The recommendations from this Overview & Scrutiny report will be considered as part of the internal service review of the Community Safety Business Unit and subsequently part of the overall prioritisation of the budget for this service later in the year as additional resources will be required | July 2012 | Fran Hughes |

Reason for the Decision

To respond to the recommendations of the Overview and Scrutiny Board in respect of the review of Anti-Social Behaviour and the Private Rented Housing Sector having regard to current and emerging budget pressures.

Implementation

This decision will come into force and may be implemented on 15 June 2012.

Information

At the adjourned Annual Council meeting held on 16 May 2012 the Mayor deferred consideration of the scrutiny review in respect of Anti-Social Behaviour and the Private Rented Housing Sector to enable further discussion with the Executive Leads. The Overview and Scrutiny Report and Issues Paper (prepared by the Executive Head of Community Safety) was considered at the Senior Leadership Board meeting held on 12 June 2012. Members supported the comments/actions identified in the issues paper as a response to the recommendations of the Overview and Scrutiny Board.

Alternative Options considered and rejected at the time of the decision

None

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None

Published

14 June 2012

Signed: _____
Mayor of Torbay

Date: 14 June 2012



Title: Issues Paper – Anti Social Behaviour and the Private Rented Housing Sector

To: Adjourned Annual Council **On:** 16 May 2012

Contact Officer: Fran Hughes, Executive Head of Community Safety
Telephone: 208002
E-mail: frances.hughes@torbay.gov.uk

| Ref. | Overview and Scrutiny Recommendation: | Comments/Actions: | Timescale for Implementation: | Responsible Officer: | Mayor Agreed: |
|------|--|---|-------------------------------|----------------------|---------------|
| 1. | That measures should be taken to address the lack of confidence felt by those immediately affected by anti-social behaviour in the multi-agency work being carried out and that the Police and Crime Commissioner, once elected, be requested to prioritise the issue. | The peninsula Strategic Assessment prepared by all Community Safety Partnerships and the Police includes antisocial behaviour issues as a key priority. This strategic assessment will be provided to the Police & Crime Commissioner as part of a welcome pack. The PACT process is currently being reviewed and a new programme implemented to encourage engagement around reporting and feedback. | Nov 2012 Aug 2012 | Fran Hughes | |
| 2 | That, in future rounds of annual budget setting, the impact of anti-social behaviour and poor housing standards on the wellbeing of local residents and the reputation of Torbay as a tourist destination be acknowledged and funded accordingly. | The recommendations from this Overview & Scrutiny report will be considered as part of the internal service review of the Community Safety Business Unit and subsequently part of the overall prioritisation of the budget for this service later in the year. | July 2012 | Fran Hughes | |

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Anti-Social Behaviour and the Private Rented Housing Sector

REPORT TO THE MAYOR
MAY 2012



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Further copies of this report can be obtained from :

Kate Spencer, Overview and Scrutiny Lead
01803 207014
kate.spencer@torbay.gov.uk

1. Foreword

I am pleased to present this report of the review by the Overview and Scrutiny Board into Anti Social Behaviour associated with Private Rented Housing Sector in Torbay.

It was clear from the start that incidents of anti social behaviour stretch far and wide across the Bay, so it was important to keep a clear focus on the scope of this review and to restrict it to those issues only associated with private sector housing.

Public perception around the level of anti social behaviour and public confidence in Torbay Council's ability to deal with repeated incidents were key lines of enquiry as were the roles and responsibilities of landlords and the support from the local community.

Successful outcomes can only be achieved by effective partnership working so the input from local community groups, our Safer Communities and Housing Team and Devon and Cornwall Police and others was invaluable.

In the current economic climate, diminishing resources, both in time and money, will put even more pressure on our already stretched services so, to address the findings of this review and in particular to generate some public confidence in the Council's ability to mount effective responses, it will be necessary for there to be some clear re-prioritisation of resources to tackle the issues.

Finally, I would like to thank all those that have contributed and supported this review.

Councillor Neil Bent

Chairman

**Anti Social Behaviour and Private
Sector Housing Review Panel**

2. Executive Summary

- 2.1 The objective of the review was to investigate and establish the perceived correlation between Anti-Social Behaviour (ASB) and private sector housing, whilst also seeking to identify underlying issues and contributing factors.
- 2.2 The review panel was established as, despite overall recorded incidences of ASB falling, ASB, particularly in relation to private sector housing, is an issue of particular concern to members within their communities.
- 2.3 There is an acceptance that there are links between general societal issues and poor quality accommodation – those who live in poor quality accommodation are likely to have poorer health and educational attainment and fewer employment opportunities. There is also an impact on the wider neighbouring environment.
- 2.4 The link between housing conditions and crime, offending and criminal-like behaviour is less well established. The debate about causation (i.e. poor housing conditions cause crime) versus association (i.e. poor housing and crime are both symptoms of wider social problems) is also very open. But it is clear that many regard poor housing conditions as an important causal factor.
- 2.5 The Review Panel found that there is some excellent partnership work ongoing in Torbay to minimise the impact of anti social behaviour on Torbay's communities and to tackle poor quality accommodation. It is recognised that anti-social behaviour is not exclusively within areas of private rented housing or carried out by those living in this sector.
- 2.6 The work being undertaken is both proactive and reactive but a limiting factor is the reducing funding of the Council and all its partners.
- 2.7 The Panel considered several options for the future and has prepared a Business Case for a different way of working within the Private Sector Housing Team to enable targeted enforcement activity. The Business Plan captures an initial view of the scope, investment needed and anticipate payback so that the constituent parts of the proposal can be prioritised, funded and authorised.

3. Introduction

3.1 The objectives of the Review were:

- To gain an understanding of ASB issues associated with private sector housing and its context.
- To identify and report on the underlying issues and contributing factors.
- To examine and report on the range and effectiveness of policies and initiatives aimed at tackling and reducing ASB as well as the underlying issues and contributing factors.
- Having regard to current best practice and the ever growing demand for efficiencies and best value for money, to identify measures to tackle and reduce ASB associated with private sector housing and the underlying issues and contributing factors.

3.2 The Review Panel gathered evidence from council officers and the Police along with community representatives. A representative of Shelter was invited, but unable, to attend.

3.3 The Review Panel was comprised of:

Councillor Addis
Councillor Bent (People Scrutiny Lead) (Chairman)
Councillor Barnby (Health Scrutiny Lead)
Councillor Davies
Councillor Faulkner (J)
Councillor Kingscote (Place Scrutiny Lead)
Councillor Parrott

4. Key Findings

Background

- 4.1 Private rented sector housing is accommodation that is privately owned and that is being rented out by a landlord, normally for some profit. The sector plays an important role in providing housing options for those not wishing or able to consider home ownership, or for those to whom social housing (housing owned by a council or housing association) is not an option.
- 4.2 Through its flexibility and speed of access the private rented sector can contribute to the social and economic well-being of an area but poor housing management and low standards can conversely lead to the failure of the local housing market and poor health.
- 4.3 The private rented sector accounts for almost 22% of the housing stock in Torbay compared to 12% nationally.

| Tenure | Dwellings | Percentage | | | |
|----------------------------|-----------|------------|-------|-------|-------|
| | 2011 | 2011 | 2009 | 2008 | 2006 |
| Owner Occupied | 44,870 | 70.1% | 71.8% | 71.8% | 72% |
| Privately Rented | 13,950 | 21.8% | 19.6% | 19.4% | 19.7% |
| Registered Social Landlord | 5,160 | 8.1% | 8.6% | 8.8% | 8.3% |
| Total | 63,980 | 100% | 100% | 100% | 100% |

Table 1: Proportion of Properties by Tenure in Torbay
(Source: Torbay Private Sector Housing Condition Surveys 2006/2008/2009/2011)

- 4.4 Of the approximately 14,000 private rented properties in Torbay:
- 0.6% (83) are licensable Houses in Multiple Occupation
 - 10.4% (1450) are non-licensed Houses in Multiple Occupation
 - 89% are single household properties
- 4.5 Houses in Multiple Occupation (HMOs) are properties which are let as a main or only home to at least three tenants, who form more than one household and who share a kitchen, bathroom or toilet. A HMO must be licensed if it is three or more storeys and is occupied by five or more tenants who form more than one household.
- 4.6 Anti-Social Behaviour is behaviour that is likely to cause harassment, alarm and distress to members of the public not of the same household. Guidance gives examples of what this might be, but it does not provide a definitive list of offending behaviour. Some examples of anti-social behaviour are begging, criminal damage, harassment and drug and alcohol misuse.

Tackling Anti-Social Behaviour

- 4.7 Reviews of the issues surrounding housing and anti-social behaviour have previously been undertaken by the Overview and Scrutiny Board. Since those reviews, the way that anti-social behaviour is addressed in Torbay has been substantially altered. In 2009/2010 a Neighbourhoods Team was established by the Council within the Community Safety Business Unit which included the transfer of the ASB Team from Safer Communities Torbay. The Neighbourhoods Team deal with enviro-crime issues such as dog-fouling, fly-tipping and public health issues such as drainage and filthy and verminous properties. This was also aligned with the transfer of the Housing Standards Team into the Business Unit later in the year.
- 4.8 The re-organisation enabled the way that ASB was tackled to be delivered more effectively with reduced resources. Due to the definition of ASB and links with criminal activity there is a close working relationship with the Police. Cases are often progressed in partnership, with the Police's legal team taking the lead on criminal activity.
- 4.9 One key improvement has been the establishment of Multi Agency Partnership Tasking (known as Partnership Tasking) where multi agency teams work together across Torbay to resolve issues at an early stage. The aim of Partnership Tasking is to raise the standards of delivery of front line services to communities and ensure a joined up approach to dealing with issues that may involve several agencies.
- 4.10 The objectives of Partnership Tasking are:
- To help reduce crime and disorder in line with the aims and objectives of the Safer Communities Strategic Assessment and the PACT (Partners and Communities Together) priorities.
 - To increase confidence and provide public reassurance.
 - To identify repeat victims, locations and offenders at the earliest opportunity.
- 4.11 There are integrated processes in place with the Police which enables Anti Social Behaviour Orders (ASBOs) to be obtained off the back of a criminal conviction. Closer links have also been formed with the Integrated Offender Management service. The SOS Bus no longer operates as a standalone unit and the Street Pastors now work intensively in Torquay to help manage the night-time economy.
- 4.12 The Family Intervention Project is working successfully with families with complex issues, including those associated with youth crime and anti-social behaviour with excellent results and clear evidence of cost savings.

4.13 The Street Wardens continue to operate in some of the most deprived wards in Torbay working with the local community to take ownership of their own environment and improve community spirit. They provide victim support to those that are experiencing anti-social behaviour.

4.14 As recognition for the work that has taken place to tackle anti-social behaviour, Torquay Town Centre was awarded a Purple Flag. Purple Flag accreditation is similar to the Green and Blue Flag schemes for parks, green spaces and beaches. The accreditation is awarded for the quality of the evening and night time activities that are on offer, and the cooperation between the Council, the Police and businesses in managing the area.

Levels of Anti-Social Behaviour, Reporting Processes and Follow-up

4.15 Since 2007, the number of ASB incidents in Torbay that are recorded by the Police has fallen as shown in the figures below. Since the peak in 2007, there has been a 26% reduction.

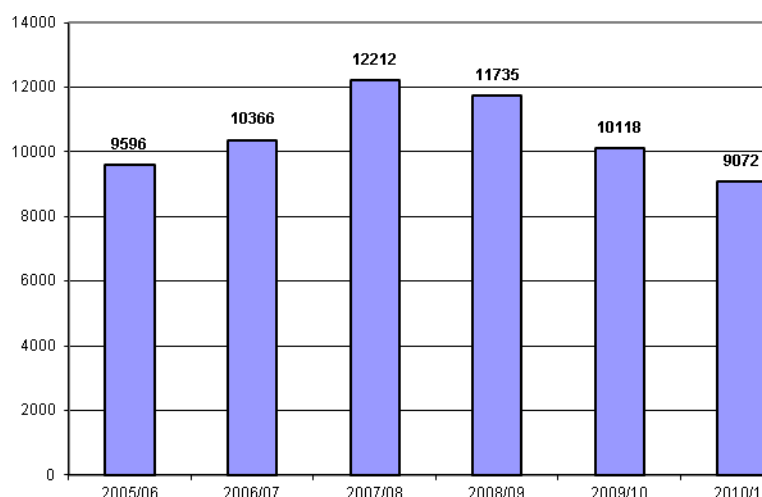


Figure 1: Police Anti-Social Behaviour Data by Year
Source: Devon and Cornwall Police

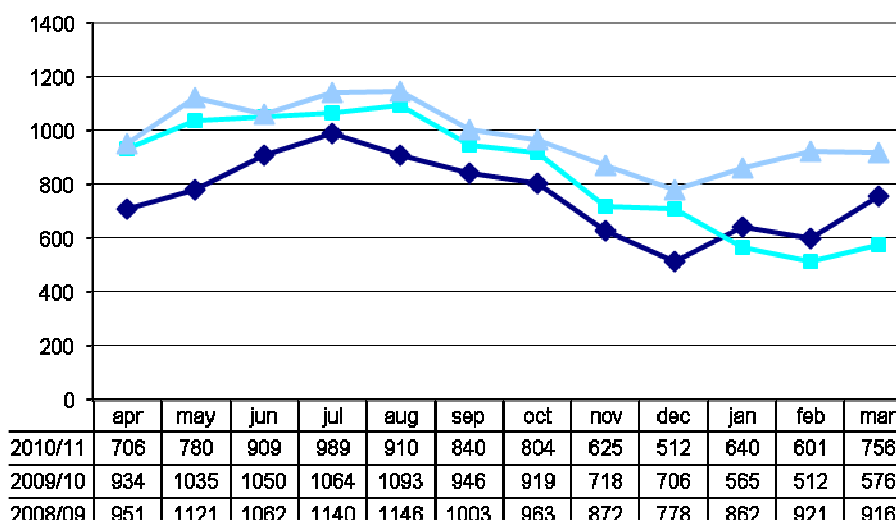


Figure 2: Police ASB Data by Month
Source: Devon and Cornwall Police

- 4.16 Home Office data shows that Torbay performs better than average for reported crime against national statistics. Out of the 334 Community Safety Partnerships in England and Wales, Torbay was 207th in terms of the rate per 1000 population at 39 per 1000. The England and Wales average was 41 per 1000. Of the eight Community Safety Partnerships in the Devon and Cornwall peninsula, Torbay was 7th. From the baseline in 2005/06, there has also been a large reduction in night time assaults as well. Data for 2010/11 to December 2012 indicates that 2011/2012 will be the lowest year since monitoring started.
- 4.17 Despite this data, the Panel believe that the public perception is that anti-social behaviour is still an issue in Torbay. Councillors also have a concern that people are not reporting incidents and the Panel will await with interest to see if the introduction of the 101 Police non-emergency number encourages the reporting of the incidents.
- 4.18 In terms of the Council's ASB Team, in the six months up to March 2012, 128 individuals alleged to have been causing ASB have been dealt with. In general, 25% of these relate to youth ASB with the other 75% being neighbour disputes or incidents involving adults. The majority of serious cases relate to individuals that have substance misuse issues and/or mental health concerns.
- 4.19 60% of referrals to the ASB Team are from members of the public. The Team has a dedicated phone number (with an out-of-hours answering service) and a dedicated email address. Other referrals are from partner agencies such as the Police when incidences are reported to individual officers or, more recently, through the 101 non-emergency number.
- 4.20 Once a report has been received by the ASB Team, a member of the team contacts the person who has made the complaint to let them know who will be dealing with it. Once there is a detailed understanding of the case, a decision is made about what action will be taken. A clear escalation process exists to ensure that a proportionate response is provided to tackle issues.
- 4.21 If appropriate a series of staged letters are sent to evidence the extent of the problem and work undertaken to resolve the issues. Of the 128 cases highlighted in paragraph 4.17, 72 cases were resolved through early intervention with a Stage 1 warning.
- 4.22 If the Stage 1 and 2 warning letters are not adhered to an Acceptable Behaviour Contract (ABC) and a subsequent Anti-Social Behaviour Order (ABSO) may be issued.
- 4.23 Outcomes of the work of the Anti-Social Behaviour Team are reported via the Communities Board which has now taken over the work of the Safer Communities Executive. Community engagement activities have also started through Partnership Tasking to ascertain the views of residents about neighbourhood specific issues and to evaluate the effectiveness of multi-

agency responses. Feedback to individual complainants cannot always be provided due to data protection requirements.

Locations of Anti-Social Behaviour

- 4.24 There is an acceptance that there are links between general societal issues and poor quality accommodation – those who live in poor quality accommodation are likely to have poorer health and education attainment and fewer employment opportunities. There is also an impact on the wider neighbouring environment.
- 4.25 The link between housing conditions and crime, offending and criminal-like behaviour is less well established. The debate about causation (i.e. poor housing conditions cause crime) versus association (i.e. poor housing and crime are both symptoms of wider social problems) is also very open. But it is clear that many regard poor housing conditions as an important causal factor.
- 4.26 Anti-social behaviour is not limited to those who live in private rented sector accommodation. There is no typical profile of who causes anti-social behaviour.
- 4.27 The main ASB hotspots, as reported to the Police, are in Torquay Town Centre which are also the areas of main HMO concentration. However, the types of ASB reported in this beat area are mainly related to rowdy behaviour, rather than the neighbourhood and environmental issues normally associated with HMOs. There are further clusters in Paignton Town Centre. It should also be noted that offenders do not necessarily offend in the immediate vicinity of their place of residence (although the exception to this may be on the larger housing estates). Anti-social behaviour tends to occur in the more deprived wards of Torbay.
- 4.28 Through Partnership Tasking, the Council now has a wider range of data about which landlords have properties which generate anti-social behaviour complaints. This enables a targeted approach to be undertaken as complaints arise.

Tackling Poor Quality Accommodation

- 4.29 The Housing Standards Team undertake a range of functions:
- Responding to housing condition complaints across all tenures and take appropriate action based on risk
 - Acting to improve landlord responsibility
 - Working in partnership to tackle ASB
 - Reducing fuel poverty and improve health through energy efficiency measures
 - Administering of Disabled Facilities Grants and Financial Assistance

- Reducing the number of empty properties and the impact on the community
- Licensing caravan sites and houses in multiple occupation
- Managing the Landlord Accreditation Scheme

- 4.30 Launched in October 2007, the Torbay Landlord Accreditation Scheme (TLAS) is a voluntary compliance scheme whereby private landlords abide by a code of practice which covers the condition and management of their properties as well as the landlord's relationship with their tenants. TLAS accredits both the landlord and the property and landlords can choose which properties they wish to accredit. Landlords and properties are checked via the Housing Standards Team linked to their checks on HMOs.
- 4.31 As part of the Council's strategic approach to housing, a review of the Scheme was carried out in November 2011. It concluded that, whilst there is support for landlord accreditation from both landlords and tenants, the overall impact of TLAS has been limited. This is despite the effort of the Housing Standards Team in carrying out inspections and processing applications.
- 4.32 The strengths of the Scheme have been the establishment of a voluntary base of landlords who commit to providing independently verified, better standard accommodation and more responsible housing management. The health and safety standards of the 115 properties accredited by the scheme have been improved.
- 4.33 However, the weaknesses of the Scheme are that it has not met its stated aim of housing those threatened with homelessness and, when viewed in the context of the amount of private rented sector accommodation, has had a limited impact. This is due to three reasons: the lack of resource to fully commit to make the scheme successful (and therefore accredit a large number of properties); the lack of real value incentives for landlords and the lack of publicity and marketing of the scheme that would make it valuable to those looking for accommodation.

Options for the future

- 4.34 There are a range of options to further tackle anti-social behaviour and the quality of private rented sector housing. They are listed below as a hierarchy of options.
- 4.35 Further targeted intervention which could take a more strategic approach of tackling individual landlords that are identified as being "high risk". This would be based on the type and number of complaints received across the Department but is not as simplistic as being based on volume alone.
- 4.36 A strong enforcement stance is required to send out a clear message that landlords need to take responsibility. This type of approach is often resource intensive.

- 4.37 An Article 4 Direction could be made which would remove permitted development rights meaning that planning permission would need to be sought for smaller HMOs to be created. This option has been considered by one of the Council's Policy Development Groups and will be subject to a formal report at Council in May 2012.
- 4.38 As explained earlier in this report, some HMOs are subject to mandatory licensing. The Housing Act 2004 provides the Council with powers to require certain other rented accommodation to be licensed in specified circumstances. In an area subject to licensing, all private rented accommodation within the criteria established by the Council must obtain a licence to operate.
- 4.39 One option would be additional HMO licensing where licences would be required for different classifications of HMOs. This is not a blanket approach to all private sector accommodation, but does extend the criteria to those HMOs that cannot be licensed under the mandatory scheme.
- 4.40 The second option under the Housing Act allows the Council to apply a selective licensing scheme to all privately rented accommodation in its area, or any part of it, providing certain conditions are met.
- 4.41 Landlord Accreditation Schemes are also a mechanism for improving the quality of private rented sector accommodation. The strengths and weaknesses of Torbay's Scheme was discussed earlier in this report.
- 4.42 Interim Management Orders authorise the Council to manage the property in place of the landlord. The aim is to protect the current occupiers of the property and, if applicable, those occupying or owning properties in the vicinity. By taking such direct intervention, the aim is to improve the management of the property so that it can be returned to the landlord.

5. Conclusions

- 5.1 The Review Panel found that there are examples of some excellent partnership work ongoing in Torbay to minimise the impact of anti social behaviour on Torbay's communities and to tackle poor quality accommodation. It is recognised that anti-social behaviour is not exclusively within areas of private rented housing or carried out by those living in this sector. However, the Panel found that there was a lack of confidence, by those immediately affected, in Torbay Council's ability to address anti-social behaviour due to funding constraints.
- 5.2 Tackling anti-social behaviour is not a statutory duty of the Council and therefore the Council's reducing funding is limiting the development of work in this area.
- 5.3 The private sector is housing vulnerable clients with complex needs. Further, the impending changes to the benefits system will encourage increased use of the private sector and, in particular, houses in multiple occupation.
- 5.4 There are currently no incentives for landlords to improve standards. The Torbay Landlord Accreditation Scheme is not a statutory requirement and is not a sustainable way of increasing standards. The Scheme needs further investment or needs to be abolished.
- 5.5 However, the Panel believe that consideration should be given to increasing resources for further targeted enforcement and asked that a Business Case be prepared for consideration.

6. Recommendations

- 6.1 That measures should be taken to address the lack of confidence felt by those immediately affected by anti-social behaviour in the multi-agency work being carried out and that the Police and Crime Commissioner, once elected, be requested to prioritise the issue.
- 6.2 That, in future rounds of annual budget setting, the impact of anti-social behaviour and poor housing standards on the wellbeing of local residents and the reputation of Torbay as a tourist destination be acknowledged and funded accordingly.
- 6.3 That the Council no longer invest in the Torbay Landlord Accreditation Scheme and that an arms-length partner to run the Scheme on a self-funded basis be vigorously pursued.
- 6.4 That immediate consideration be given to the Business Case (appended to this report) on fast-track, targeted enforcement to tackle anti-social behaviour and improve the quality of private rented sector housing with implementation in the current financial year.
- 6.5 That there be a continuation of targeted multi-agency intervention to promote a rise in standards of housing accommodation.
- 6.6 That targeted selective and/or additional licensing of houses in multiple occupation be prioritised in the emerging Housing Strategy and that a Business Case for this be prepared as a matter of urgency.

Appendix 1 – Business Case for Targeted Enforcement



DRAFT PROJECT BRIEF

Community Safety

Targeted Enforcement Activity Project -Private Sector Housing

Version: 1
Date: April 2012

Authors: Tara Fowler

Project Sponsor: Fran Hughes/ Councilor Neil Bent

Client: Torbay Council

Version Control

| Ver. | Date | Changed By | Change | Section s |
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PROJECT BRIEF

1. Purpose

This document has been produced to provide a project brief on a different way of working within the Private Sector Housing Team to enable targeted enforcement activity. It captures a 'first cut' view of the scope, investment needed and anticipated payback so that the constituent parts of the Programme can be prioritised, funded and authorised.

2. Background

An Overview and Scrutiny review was instigated in October 2011 looking at anti social behaviour and its links with poor quality accommodation, more specifically from licensable Houses of Multiple Occupation (HMO's). A detailed report has been produced as part of this process detailing the areas of work scrutinised.

The way within which ASB is managed within Torbay has changed considerably over the last 2 years following a restructure within the Community Safety Department, providing closer operational links between ASB, Private Sector Housing and the Police. This has enabled better working practices to be developed and a more co-ordinated approach, so that more effective outcomes are achieved.

There are clear evidenced links between general societal issues and poor quality accommodation. The quality of accommodation within which one lives can affect ones health, employment, academic attainment and impact upon the wider neighbouring environment. The consequences of which have a negative impact on resources across all agencies.

The link between housing conditions and crime, offending, and criminal-like behaviour is less well-established than that between housing and health and housing and education. The debate about causation (that is, poor housing conditions as a cause of crime) versus association (poor housing and crime both as symptoms of wider social ills) is also very open. It is clear however that many regard poor housing conditions as an important causal factor.

Of perhaps equal importance is the role that secure and good quality housing plays in preventing crime, especially among those who have already offended.

As the National Offender Management Service put it..

'...Accommodation can provide the anchor for a previously chaotic life and act as a springboard for other crucial steps such as getting and keeping a job, and accessing health care or drug treatment'

Taking the wider research as a whole, there is powerful evidence that decent housing contributes to the prevention of crime, to stable neighbourhoods that act as deterrents to criminality, and to the role of good housing as a force

preventing reoffending, especially among young people potentially heading down paths of criminality.

There are also a number of emerging issues locally that are and will impact upon the quality and stability of accommodation that individuals receive, these are:

- **Changes to the Housing Benefit System** – It is projected that there will be an addition 400 rooms required in Torbay within shared houses, as changes to the level of housing benefit are implemented and the shape of the accommodation market alters accordingly. This has the potential to have an impact on the wider community in certain areas and an increase in ASB.
- **Continued Economic Pressure** – In the current economic climate there is a decrease in the ability or willingness of landlords to undertake improvement work or manage their properties effectively.
- **Condition of Housing Stock** – The age of the housing stock in Torbay is varied but those properties visited by the Private Sector Housing Team predominantly consists of houses that were built at the turn of the century and have been poorly converted. Without continued investment and maintenance these will decline further.
- **Retaliatory Evictions** – Evidence is emerging that harassment or retaliatory evictions are taking place if tenants complain about the quality of the accommodation; this will potentially place additional pressure on Housing Options to re-house individuals.

3. Objectives

The project aims to address some of the above pressures and improve the quality of private rented accommodation in Torbay and its impact on the wider community through increased tenant and landlord responsibility.

More specifically:

1. The development of a way of prioritising work based on the confidence in management of a property and risk rating. This will target those properties that fall outside mandatory HMO licensing schemes, representing the highest risk.
2. To reduce the time from initial complaint received by the Private Sector Housing Team from a member of the public through to resolution.
3. Mitigation of the risks posed to tenants and Housing Options as a result of retaliatory eviction.
4. Increase in the proportion of properties within the private rented sector that are assessed by Housing. Over the last 3 years the team have received complaints and dealt with issues related to 10% of the private rented stock.
5. Reduction in the number of repeat complaints about individual properties. Last year this represented 17% of the team's case load.
6. Increase in level confidence within the community that 'rogue' landlords are managed effectively.

4. Scope

It is proposed that a phased approach be undertaken in achieving more effective enforcement action. This will be delivered through a dedicated resource targeting identified properties that represent the highest risk.

Phase 1: Fast Track Enforcement

A fast track approach for managing prosecution cases would be put in place to achieve some quick results to encourage landlords to manage their properties appropriately. This will pull on existing cases that are within the current case load of the Housing Standards team and where legal notices have not been complied with and supporting evidence is in existence to proceed with a prosecution case. The additional resource will focus upon these cases and will not have a daily caseload enabling cases to be progressed more rapidly.

Cases to be fast tracked should be risk rated on the level of confidence in management of the property. This should be based on intelligence from the Housing, ASB and wider Neighbourhood team including enviro-crime issues. Pass ported cases where several properties have been identified that are owned by an individual would also be fast tracked in parallel, to facilitate maximum impact and dual listings at Court.

Phase 2: Targeted Enforcement Approach

Properties will be proactively prioritised for enforcement activity across the Bay based on strong robust criteria. This will be assessed on clear criteria from information on complaints and intelligence obtained from the Community Safety Department and wider partnership including Locality Tasking. This will enable a confidence in management score to be obtained in relation to that property and will target those properties that fall outside the mandatory HMO licensing scheme.

All work undertaken will be accompanied by a communications strategy detailing the targeted work the local authority is planning and has undertaken and why.

Any cases where retaliatory evictions are evident or suspected as a result of the work undertaken will be investigated and perused where appropriate. Close links will be maintained with the Housing Options team to ensure that any enforcement activity does not have a negative impact on other areas of service delivery within the Council.

5. Constraints

Extra resources are required to undertake this project. This will also include the ability of legal services to undertake the additional case load that will be generated through the enhanced enforcement activity. As the team are already at capacity this may impact on other enforcement activity undertaken by the Community Safety Department. The ability to progress cases through

to prosecution either initially via the fast track process or through targeted activity is paramount to the success of the programme.

As part of the Government Red Tape Challenge there are some proposed changes to Housing Legislation. A consultation was also undertaken by Central Government in 2011 with regards to proposed changes to ASB legislation. The outcomes of both are still awaited, but it is anticipated that these will not significantly affect the viability of the programme. It is therefore assumed that there will be no other significant changes to either Housing or ASB legislation.

Due to the length of time required to investigate, prepare and then prosecute a case even if undertaken expediently, a non recurrent funding stream of 18 months to 2 year is required to progress a significant and prominent number of cases through to completion.

6. Assumptions

It is assumed that the post will be filled expediently with the appropriate skills set to enable effect enforcement activity to be undertaken with immediate effect.

It is also assumed that the proposed programme will not be affected by any other internal structural changes as a result of further budget constraints.

7. Outline Business Case/ Business Benefits

The Impact of poor quality and badly managed accommodation can be measured in terms of its financial impact upon services. With regard to the wider community it can be measured in terms of their perception of crime and disorder and our confidence to manage such issues.

Research undertaken by Shelter assessed the costs upon services related to poor housing conditions:

- for a basic police response to crimes related to poor housing conditions, plus the costs of burglary and criminal damage in these cases amount to **£200M per annum for public sector stock, and rises to £1.8B if private sector stock is included**. These costs exclude numerous other activities that stem from the initial crime: for example, costs of the court, prison and probation service; and physical and health costs resulting from the trauma of being a victim of crime.
- There is strong evidence that poor housing conditions result in educational under achievement, with children in better quality homes gaining greater numbers of GCSEs, 'A'levels and degrees, and therefore having greater earning power. Purely based on differences in GCSE results, **they calculate the bill amounts to £14.8 billion pounds in lost earnings forecast for this generation in poor housing**.

- Based on estimates of costs of GP consultations, associated treatments, hospital in-days and hospital out-day referrals where it was assessed that a prime causative factor for the ailment was housing related. It excludes loss of earnings and any other related forms of treatment or therapy (e.g. treatment at drug or alcohol rehabilitation schemes). **It is estimated it costs nearly £2.5 billion per annum.**

Although these figures are represented as national assessments, Torbay has a private rented housing stock that is higher than the national average and also has areas of extreme deprivation.

It is likely that the number of complaints received by the Private Sector Housing team is likely to increase over the next 12 months without some form of additional intervention. This is against a backdrop of potentially decreased resources across the business unit.

It is proposed that the time bound investment enables new working practices to be embedded within the team and a risk based prioritisation model to be implemented to enable efficiencies in the future. The positive publicity received from the programme will also allow cases to be resolved more efficiently as landlords will be more responsive to the requirements of legal notices.

8. Preliminary Risk Assessment

The programme is dependent on effective enforcement activity being undertaken. This is at risk if either there is limited capacity within legal services to take such action or prosecution files are not robust enough when presented.

At present all cases that are presented for prosecution are assessed through the departments Enforcement Panel to ensure that it is in the public's interest to peruse such action. All such cases will follow this level of scrutiny.

9. Project Tolerances

A minimum of an 18 month contract is required to ensure that a significant number of cases are progressed through to completion. This would cover the remainder of 2012/13 and 2013/14 financial years. A 12 month period would significantly reduce the impact of the project due to the time required to get cases listed at court and heard.

10. Acceptance Criteria

That all the customer expectations are met and project is delivered within budget and scope.

11. Outline Project Deliverable (Final Product)

1. A targeted programme of work has been delivered tackling those properties that have been identified as being of the worst quality in Torbay and that are being managed inappropriately.
2. That the risks posed to tenants through harassment or retaliatory evictions have been mitigated and their impacts upon other services limited.
3. That a higher proportion of the accommodation within Private Rented Sector has been assessed above the current based line of 10%.
4. A reduction in the number of repeat complaints about individual properties from the current base line in 2011/12 of 17%.
5. An increased in the level of confidence by the community on how ASB from private rented accommodation is managed and what is being done to tackle ineffective management. This will be assed through PACT surveys.

12. Outline Project Plan

The project would commence once a suitable person has been appointed. It is anticipated that this would take a minimum of three months if current redeployment practices are in place.

The first phase approach would commence immediately while analysis was undertaken to develop the second phase of the project in establishing the confidence in management assessment criteria. This would give the ability to prioritise and identify properties.

13. Review and Reporting

Robust performance criteria are required to ensure that the project is on track, with clearly identifiable milestones. Theses will be reported to the Community Safety Performance Board.

14. Financial/ Budget Requirements

One FTE equivalent would be required to undertake the targeted enforcement activity. This is costed at £44,000 including on costs per annum. It is requested that this would be none recurrent funding for the remainder of 2012/13 and 213/14.

| Financial Year | Salary Cost | Support Costs (For either barrister or legal support if required) |
|-----------------------|---------------------|---|
| 2012/13 | £26,000 (7 months) | £10,000 |
| 2013/14 | £44,000 (12 months) | £15,000 |

15. Timing

The project would commence as soon as a suitable candidate had been appointed.

16. Additional Comment

Additional Information contained within Overview and Scrutiny Report, April 2012.