

COMMUNITY & HOUSING OVERVIEW AND SCRUTINY COMMITTEE

Date of Meeting	Wednesday 10 th January 2024
Report Subject	Housing Management and Anti-Social Behaviour Policy
Cabinet Member	Cabinet Member for Housing and Regeneration
Report Author	Chief Officer (Housing and Communities)
Type of Report	Strategic

EXECUTIVE SUMMARY

The Council is committed to providing an effective and efficient housing management service that reflects best practice, complies with legislation and protects the rights of contract holders as well as minimising risk to the Council for not complying with appropriate legislation.

The Renting Homes (Wales) Act 2016, which came into effect from the 1st December 2022, is the biggest change to housing law in Wales for decades. The new legislation has changed the way all landlords in Wales rent their properties.

The Renting Homes (Wales) Act 2016 aims to simplify the process of renting a home in Wales and to provide parties with more information about their rights and obligations. The Act is now partially in force, for the purpose of making regulations and issuing guidance.

The implementation of the significant changes brought about by the Act, has made it necessary to review and draft revised policies and procedures.

The report provides an overview of the changes that have been made to the Housing Management Policy and the Anti-Social Behaviour Policy.

RECOMMENDATIONS

1	To approve the Housing Management and Anti-Social Behaviour policies.
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REPORT DETAILS

1.00	HOUSING MANAGEMENT POLICY (appendix 1)
1.01	The Council is committed to providing an effective and efficient housing management service that reflects best practice, complies with legislation and protects the rights of contract holders as well as minimising risk to the Council for not complying with appropriate legislation.
1.02	The Renting Homes (Wales) Act 2016, which came into effect from the 1 st December 2022 is the biggest change to housing law in Wales for decades. The new legislation has and will change the way all landlords in Wales rent their properties.
1.03	The Renting Homes (Wales) Act 2016 aims to simplify the process of renting a home in Wales and to provide parties with more information about their rights and obligations. The Act is now partially in force, for the purpose of making regulations and issuing guidance.
1.04	<p>Some of the key changes in the Act reflected in the updated policy are changes to tenancy agreements. These have been replaced by occupation contracts and tenants are now referred to as contract holders.</p> <ul style="list-style-type: none"> • Tenancy Agreement > Occupation Contracts • Tenants and Licensees > Contract Holders <p>Contracts will fall into two types - 'Secure' for the social rented sector and 'Standard' for the private rented sector.</p>
1.05	<p>Within occupation contracts there will be four types of terms feature within them:</p> <p>Key matters: The names of the parties and address of the property. These must be inserted in every contract.</p> <p>Fundamental Terms: Cover the most important aspects of the contract, including the possession procedures and the landlord's obligations regarding repair.</p> <p>Supplementary Terms: Deal with the more practical, day to day matters applying to the occupation contract, for example, the requirement for a contract holder to notify the landlord if the property is going to be empty for four weeks or more.</p> <p>Additional Terms: Addresses any other specifically agreed matters, for example a term which relates to the keeping of pets.</p>
1.06	There remains some difference in treatment for private landlords and social landlords, though the distinction between local authority and housing association landlords is largely gone – they are all now 'community landlords' and treated the same. Community landlords will usually have to give secure contracts and private landlords will usually give standard ones.

1.07	<p>Other key changes are in relation to the increased security for contract holders as eviction notice periods have increased from two months to six months, as long as the contract has not been breached.</p> <p>However, for landlords, the changes in law also mean that it will be easier to repossess abandoned properties, without needing a court order.</p> <p>In relation to property safety standards, all landlords should ensure homes are fit for human habitation this includes working smoke alarms, carbon monoxide detectors and electrical safety testing.</p>
1.08	<p>In relation to the Housing Management Policy, a summary of the main changes are as follows:</p>
1.09	<p>Adding and removing contract holders</p> <p>New procedures will now allow for some occupiers to leave without prejudicing the others. This simplifies the process in cases of domestic abuse, or where there is a relationship break down and one person wishes to remain in the property.</p> <p>One contract holder will no longer be able to end the agreement for everyone else without their consent, a notice seeking to do so will only bind themselves.</p> <p>Whilst landlords will still have some control over people being added or removed from the contract, they will have to act reasonably (whether in withholding consent or imposing conditions), and unreasonable actions can be directly challenged in Court.</p>
1.10	<p>Abandonment</p> <p>The process of excluding an absent contract holder is now significantly easier whether against a sole or joint contract holder.</p> <p>A landlord can do so without a Court order and one joint contract holder can exclude another by an application to the Court.</p> <p>There will always be a mandatory investigation period and opportunity to challenge the outcome, but new strict deadlines will ensure that properties are not left unoccupied for lengthy periods.</p>
1.11	<p>Succession rights</p> <p>These are considerably enhanced in many cases. Most notably, survivorship falls outside of the succession rules, which has previously created real difficulties when children have been unable to succeed to a tenancy after the death of both parents.</p> <p>There will also in many cases be two opportunities to succeed to a contract following the death of sole contract holders – first from a spouse, civil partner or similar relation, if there is one, and then to other close family members.</p> <p>As independent living has become increasingly more difficult for many young people still living at home (whether by rising rents or inability to</p>

	buy), this will be a welcome development in creating secure long-term living conditions for families in the rental sector.
ANTI-SOCIAL BEHAVIOUR POLICY (appendix 2)	
1.12	<p>The Council is committed to tackling anti-social behaviour as we know it has a devastating impact on the lives of our customers. The policy needs to reflect best practice and protect the rights of contract holders as well as minimising risk to the Council for not complying with appropriate legislation.</p> <p>The aim of the policy is to ensure that effective systems are adopted to prevent and minimise instances of anti-social behaviour and to resolve them as early as possible through timely and appropriate intervention.</p>
1.13	Anti-social behaviour covers the range of behaviours from low-level nuisance to serious harassment, which can damage the quality of life and interfere with the ability of people to use and enjoy their home and/or community.
1.14	All low-level anti-social behaviour, general neighbour disputes, noise etc., are dealt with by Neighbourhood Housing Officers, however, should a breach of tenancy be determined the case is escalated to Tenancy Enforcement Officers for enforcement action. A dedicated Tenancy Enforcement team deal with all high-level cases. This includes drugs, assault, anything deemed to be personal harm following a risk assessment and other tenancy breaches which cannot be resolved by the relevant neighbourhood officer.
1.15	Flintshire County Council is committed to preventing incidents of anti-social behaviour occurring in the first instance and will use a range of preventative actions to achieve this. Where incidents have occurred, we recognise that early intervention is the key to avoid escalation. However, we will take legal action to resolve the situation if it is deemed necessary and appropriate.
1.16	The occupation contract clearly sets out the obligations of contract holders and contains a number of clauses which can be relied upon when dealing with complaints of anti-social behaviour. The contracts make it clear that contract holders are responsible for the behaviour of everyone (including children) living in or visiting their home.
1.17	The Council will take a victim centred approach, taking action quickly, decisively and using a harm/risk-based approach. Dealing with all matters professionally and sensitively placing a strong emphasis on early intervention and positive communication. As a landlord we may work with other agencies, such as the police to take any appropriate action.
1.18	<p>The Anti-Social Behaviour Policy contains a number of sections which explain the following:</p> <ul style="list-style-type: none"> • Definition of anti-social behaviour • General Policy Statement on Anti-Social Behaviour

	<ul style="list-style-type: none"> • Strategic and Legislative Context • Preventing Anti-Social Behaviour and Nuisance • Tenant and Landlord Responsibilities • Tackling Anti-Social Behaviour • Victim Centred Approach
1.19	<p>Definition of Anti-Social Behaviour</p> <p>Chapters 7, Section 55 of the Renting Homes Wales Act [2016] covers anti-social behaviour and other prohibited conduct and states clearly what is prohibited conduct.</p> <p><i>Additionally, Section 2 of the Anti-Social Behaviour, Crime and Policing Act 2014 defines anti-social behaviour as:</i></p> <p><i>(a) Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person,</i></p> <p><i>(b) Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or</i></p> <p><i>(c) Conduct capable of causing housing-related nuisance or annoyance to any person.</i></p> <p>In simple terms, it can be defined as behaviour causing harassment, alarm or distress to members or any member of the public.</p>
1.20	<p>Anti-Social behaviour can include the following examples:</p> <ul style="list-style-type: none"> • Drug related offences. • Violence or threats of violence and actual assault. • Intimidation and harassment. • Aggressive and threatening language and behaviour. • Hate crime or behaviour. • Noise and other neighbour nuisance. • Local environmental quality issues such as fly-tipping, vandalism and graffiti. • Illegal or immoral use of residential premises.
1.21	<p>The Council recognises that the term anti-social behaviour can and does mean different things to different people, and what might appear to be acceptable behaviour for one resident, may not be acceptable to another.</p>
1.22	<p>It is also recognised that such behaviour may happen over a sustained and/or long period of time, making life very difficult for residents, or there might be one very serious incident of anti-social behaviour which requires immediate intervention.</p>
1.23	<p>Not every complaint received will constitute anti-social behaviour and where this is the case no further action will be taken but appropriate advice and guidance will be given to the person reporting. This can be subject to review if there is a change or escalation in the circumstances.</p> <p>Anti-social behaviour is not:</p> <ul style="list-style-type: none"> • Children playing in the street or local parks.

	<ul style="list-style-type: none"> • Young people gathering socially. • Being unable to park outside your home. • One off parties / celebrations • DIY works at reasonable hours etc.
1.24	The policy focuses on tackling anti-social behaviour that either affects, or is carried out by, people living within our properties and our neighbourhoods. This includes contract holders and complainants, their family members (including children) or friends, owner-occupiers, lodgers or private contract holders.
1.25	The intentions of the person/s carrying out the behaviour will also be taken into account, as well as any disability and/or support needs they may have. It is important to state that anti-social behaviour will not be tolerated.

2.00	RESOURCE IMPLICATIONS
2.01	None.

3.00	IMPACT ASSESSMENT AND RISK MANAGEMENT						
3.01	<p>If the Council does not provide a robust and efficient service in managing its estates, then the housing service will be at risk of:</p> <ul style="list-style-type: none"> • Long term voids. • Increase in anti-social behaviour. • An increase in litigation. • Poor reputation. • Having inadequate resources. <p>Anti-social behaviour can be a destructive force within communities and the lives of a significant number of people within those communities can be negatively affected by the behaviour of an unreasonable minority.</p> <p>Anti-social behaviour can also damage the sustainability of communities and adversely affect the Council's ability to let our properties.</p> <p>Ways of Working (Sustainable Development) Principles Impact</p> <table border="1"> <tr> <td>Long-term</td> <td>Positive – Providing sustainable tenancies in safer, cleaner neighbourhoods.</td> </tr> <tr> <td>Prevention</td> <td>Positive - Preventing homelessness through ensuring there is adequate support and accommodation to cater for a range of needs.</td> </tr> <tr> <td>Integration</td> <td>Positive – Increased integration between services and partner organisations.</td> </tr> </table>	Long-term	Positive – Providing sustainable tenancies in safer, cleaner neighbourhoods.	Prevention	Positive - Preventing homelessness through ensuring there is adequate support and accommodation to cater for a range of needs.	Integration	Positive – Increased integration between services and partner organisations.
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Prevention	Positive - Preventing homelessness through ensuring there is adequate support and accommodation to cater for a range of needs.						
Integration	Positive – Increased integration between services and partner organisations.						

	Collaboration	Positive – Increased collaboration between services and partner organisations.
	Involvement	Positive – Customer involvement to help shape effective services so that support is timely and person centred
Well-being Goals Impact		
	Prosperous Wales	Positive – providing good quality and affordable homes
	Resilient Wales	Positive – Creating services that are prevention focused and build resilience to avoid households becoming homeless specifically vulnerable persons
	Healthier Wales	Positive – Reduction in homelessness and increase in targeted support for mental health
	More equal Wales	Housing service is delivered in a way that is inclusive for all
	Cohesive Wales	Positive – Safer and well-connected neighbourhoods
	Vibrant Wales	Positive – encourages residents to be more involved in their community
	Globally responsible Wales	Neutral

4.00	CONSULTATIONS REQUIRED/CARRIED OUT
4.01	<p>Consultation has been completed and included:</p> <ul style="list-style-type: none"> • Draft policy shared with residents' groups and the Tenants Federation. • Attendance at resident group meetings. • Other groups as identified following the first stage Integrated Impact Assessment. • Cabinet and Communities and Housing Overview and Scrutiny Committee.

5.00	APPENDICES
5.01	<p>Appendix 1 – Housing Management Policy 2023. Appendix 2 – Anti-Social Behaviour Policy 2023.</p>

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	https://www.gov.wales/housing-law-changed-renting-homes

7.00	CONTACT OFFICER DETAILS
7.01	<p>Contact Officer: Jen Griffiths – Service Manager, Housing; Welfare and Communities</p> <p>Telephone: 01352 702929</p> <p>E-mail: jen.griffiths@flintshire.gov.uk</p>

8.00	GLOSSARY OF TERMS
8.01	Anti-Social Behaviour - behaviour causing harassment, alarm or distress to members or any member of the public.