



**Housing Services:
Gas Safety Policy**

Introduction

1. Waverley Borough Council is committed to achieving the highest safety standards for its tenants and properties.
2. The aim of the policy is to ensure the safety of people in Council owned homes in relation to gas fired appliances. The Council aim to have Gas Safety Certificates for 100% of properties with gas appliances. The Council aim to protect the health and welfare of all tenants, visitors, staff, contractors and the general public so far as is reasonably practicable.
3. This policy relates to all Council owned homes, communal areas and temporary accommodation. The Council is not responsible for the gas appliances in individual leaseholder properties but are responsible for any gas appliances in communal areas.
4. There is a legal requirement for all Waverley Borough Council's homes to have gas appliances serviced every year and hold a current CP12 gas safety certificate. This is to ensure that the appliances are safe and work to the manufacturer's standards.
5. Waverley Borough Council is aware of its legal obligations as a landlord and has a robust procedure that ensures that all gas appliances owned by and responsible for the Council are maintained to all legislative requirements. The Gas Safety Policy ensures the Council adheres to their legal responsibilities.
6. Failure to comply with gas safety regulations is a criminal offence which could result in:
 - Serious injury or death due to health and safety risks from natural gas or carbon monoxide
 - Financial and legal penalties due to non-compliance with the regulations
 - Loss of reputation with residents and stakeholders due to poor service delivery.

Objectives

7. The objectives of the policy are:
 - to ensure compliance with current legislation and best practice of the Gas Safety (Installation and Use) Regulations 1998 and codes of practice for solid fuel, oil and LPG installations

- to ensure all tenanted properties have a current Landlords Gas Safety Record (known as CP12)
- to ensure all gas fired appliances that are the Council's responsibility are in safe working order.
- to carry out ongoing maintenance on all gas fired appliances owned by the Council
- to identify and manage all risks involved associated with gas fired appliances.
- to ensure all contractors hold required Gas Safe Registration and adhere to regulations as set out in Appendix 1
- to ensure that detailed records are kept and administered
- to provide tenants with annual gas safety certificates (CP12)
- to provide gas safety advice and periodically promote gas safety awareness
- to take action to gain access or stop gas supply where tenants refuse access for annual safety check
- to ensure that leaseholders supply the Council with their gas safety certificates on an annual basis

Method

8. The Council aim is to gain access for servicing and achieve 100% access and compliance rate. Monthly performance indicators are collected to monitor performance. The servicing contract is scheduled through out the year and runs on a ten month cycle so that no property goes over 12 months without enforcement action been taken.
9. In order to reduce the risks associated with the use of appliances and installation's using gas, the Council will ensure:
 - that gas installations and appliances are designed and installed by qualified and competent persons in accordance with the Gas Safety (Installation and Use) Regulations 1998
 - that gas installations are maintained in a safe condition by carrying out annual safety checks and regular maintenance
 - that a Gas Safety Management Procedure is established
 - that a rigorous and robust no access procedure is in place to ensure staff have clear instructions on how to deal with no access cases and only taking legal action as a last resort with appropriate legal advice.
10. All gas work, including servicing and installation will be subject to a 10% quality audit. To review the technical aspect of the servicing and safety check in order to ensure continuous improvement.

Review and Responsibilities

11. The policy will be reviewed an annual basis or in line with best practice, legislative or regulatory changes.
12. The Policy relates to the Council's Corporate Health and Safety Policy.
13. The Head of Service is responsible for ensuring that adequate resources are made available to enable the objectives of the policy to be met.
14. The Property Services Manager is responsible for the operational delivery of this policy and the associated procedures. This includes responsibility for monitoring and review, staff awareness and training, policy development and communication to customers.

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Council Adopted:

First review date:

Appendix One – Gas Safety Regulation

1. The Gas Safety (Installation and Use) Regulations 1998 deal with the safe installation, maintenance and use of gas systems. This includes gas fittings, appliances and flues in domestic and commercial premises.
2. They supersede the Gas Safety (Installation and Use) Regulations 1994. The regulations generally apply to any gas as defined in the Gas Act 1995. The requirements therefore include both natural gas and LPG.
3. The regulations place responsibilities on people installing, servicing, maintaining or repairing gas appliances and fittings, and the landlord. The regulation aims to prevent injury to consumers and the public from either carbon monoxide (CO) poisoning, fire or explosion.
4. The enforcing authority for the regulations is the Health and Safety Executive (HSE).
5. In the regulations of the Gas Safety (Installation and Use) legislation, a landlord is defined as “the person providing residential accommodation for occupation by others on the basis of a tenancy agreement for a periodic term.



Housing Services Anti Social Behaviour Policy

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1. Introduction

Tenants, Officers and Councillors believe that tenants and their neighbours should treat each other with respect and consideration; with tolerance for each other and different lifestyles and that, everyone has the right to their chosen lifestyle providing this does not spoil the quality of life of others.

This policy describes how the Housing Service [changed from Housing Department] deals with anti social behaviour (ASB) to ensure tenants have their right to safe and peaceful enjoyment of their home and community.

[removed reference to 2004 consultation]

The Policy has been developed within the national and local policy context relating to ASB. The policy, procedures and related activities support the six commitments of the Respect ASB Charter for Housing:

- Accountability, leadership and commitment
- Empowering and reassuring residents
- Early prevention
- Tailored services for residents and the provision of support for victims and witnesses
- Protecting communities through swift enforcement
- Support to tackle the causes of anti social behaviour –Respect ASB Charter for Housing. Thereby enabling the Council to sign up to the Respect ASB Charter for Housing to demonstrate it's commitment to dealing with ASB.

[removed reference to other housing polices]

The Council will publicise through the tenants' newsletter, the Council's website, activities within local communities and the local media how it is dealing with ASB, being responsive to individuals and the community, taking action and being fair to all.

2. Aim

To support a tenants' lawful right to the peaceful and secure enjoyment of their homes and community by being responsive, taking action and being fair.

To achieve this aim our priorities are:-

- to take action to discourage and prevent ASB and harassment
- to respond to ASB complaints quickly and in an effective, efficient, sensitive and consistent manner
- to provide support to the victim(s) and taking action against those responsible
- to consider the vulnerability and/or disability of victims in line with the Equality Act 2010 [new text]
- to work with the Police to deal with racial harassment and other forms of hate crime
- to do everything possible to stop Domestic Violence and support the victim
- to work in partnership with other agencies both directly and through the Community Incident Action Group (CIAG) and the Joint Action Group (JAG) to prevent ASB

- to deliver community development activities to prevent ASB *[new text]*
- to support community involvement to prevent ASB
- to work with other agencies to provide support for tenants and their families to prevent ASB where they refuse to engage and deliver the best outcome for families
- to take enforcement action where engagement has been unsuccessful to stop ASB *[new text]*
- To deal robustly with post eviction and other rehousing applications
- To consider any new legislation changes available *[new text]*

3. What is anti social behaviour (ASB)?

ASB is defined in the Code of Guidance for local housing authorities supporting the Anti Social Behaviour Act 2003 as conduct that:

- is capable of causing nuisance or annoyance to any person
- directly or indirectly relates to or affects the housing management functions of the Council as landlord; or
- consists of or involves using or threatening to use housing accommodation owned or managed by the Council for an unlawful purpose

ASB includes but is not limited to:

- harassment or intimidation of a person or group of people for any reason
- noise nuisance (eg loud parties, shouting, noise from TVs, radios, stereos and burglar alarms)
- local environment quality issues (eg litter, dog fouling, graffiti, fly tipping and nuisance vehicles)
- aggressive or threatening language and behaviour
- actual violence against people and property
- hate behaviour that targets members of identified groups because of their perceived differences (eg race and ethnicity, gender, age, religion, sexual orientation, mental health or disability) and
- using the councils housing accommodation to sell drugs, or for other unlawful purposes

ASB may or may not constitute criminal activity. The key determinant in deciding whether a particular behaviour is anti social or not is the impact of that behaviour on others.

4. Statutory Obligations

The Council must adhere to a wide range of legislation when dealing with ASB and the main areas of legislation are summarised below:

- **The Housing Acts 1985 and 1996** laid the foundation for much of the current ASB legislation for social landlords. Stating tenants can be evicted for causing nuisance and annoyance and also for certain convictions. The 1996 Act strengthened the grounds for possession and provided additional powers.

- **The Housing Act 2004** further strengthened the powers to deal with anti social behaviour. This includes the extension of introductory tenancies and the withholding of consent to allow for an exchange of tenancies and allowing landlords to suspend the Right to Buy where tenants have caused ASB. [new text]
- **The Equality Act 2010** gives disabled people certain rights of access to services and social housing. The issue of possession proceedings against a disabled tenant(s) and continuation to trial can be discriminatory, if not justified on one of the grounds specified in Section 24(3) DDA, unlawful. The Equality Act replaces all previous equality legislation, including the Race Relations Act and the Disability Discrimination Act. [new text]
- **The Human Rights Act 1998** ensures that action taken by social landlords is a reasonable and appropriate response to the ASB being committed.
- **The Data Protection 1998** imposed a duty on Local Authorities and the Police to work together to reduce crime and disorder. The Safer Waverley Partnership Strategy for 2005 – 2008 includes tackling ASB and addressing substance misuse.
- **The Homelessness Act 2002 places a duty** on the Council to prevent homelessness and to help sustain vulnerable persons in their tenancies. Therefore if a tenancy is put at risk due to ASB by a tenant or a member of their household, then the landlord must demonstrate that all other options have been pursued before possession is sought.
- **The Anti Social Behaviour Act 2003** increased the range of powers available to social landlords to deal with ASB. This includes the landlord to apply for injunctions (with the power of arrest), for secure tenancies to become demoted tenancies and to extend it's powers for child safety orders, parenting orders and reparation orders
- **The Police and Justice Act 2006** amends provisions of the Housing Act 1996 in relation to the ASB injunctions to protect the wider community, including those who don't wish to be identified. It strengthens the Council's powers in relation to ASB injunctions and the obligations of the Local Authority under s.12 of the Crime and Disorder Act to act reasonably to prevent crime and disorder and the misuse of drugs and alcohol.
- **Protection from Harassment Act 1997** protects people from harassment of another person by actions such as physical, verbal or non-verbal conduct. [new text]
- **Environmental Protection Act 1990** gives local authorities powers to tackle noise nuisance [new text]

5. Management of anti social behaviour

The Council's approach makes it clear that ASB is not acceptable and firm action will be taken to deal with it. Tenants are expected to comply with their obligations under Section 5 of the Tenancy Agreement. [section number updated] Through the provision of direct services and a multi agency approach support will be provided to those who

are willing to change their behaviour. Tenant and community involvement supports communities to prevent and deal with ASB.

The Tenancy and Estates Team [updated team name and info]

The Tenancy and Estates Team based at Godalming has five patch based Tenancy and Estates Officers who are responsible for dealing with all ASB matters.

However, in the cases that require in-depth case work or legal action because there has been more serious ASB and/or persistent ASB then the Tenancy and Estates Officers will take a multiagency approach. Working with the following professional and specialist groups to address ASB;

- Community Incident Action Group (CIAG)
- Nuisance Action Team (NAT)
- Community Safety Team
- Waverley Family Support Team
- SADAS (drug and alcohol)
- CMHT (mental health)
- LINKS housing support service
- Riverside housing support service
- Waverley's Community Development worker
- Supported People funded WBC Housing Support Worker

The Tenancy and Estates Officers will liaise closely with the police and other partnership groups on a day to day basis with joint visits and play a key role through the Community Incident Action Group (CIAG) to prevent ASB and harassment in the community. This may include carrying out joint visits and actions with Surrey Police. [deletion of Anti Social Behaviour Officer role]

The following cases are considered a priority for action by the Tenancy and Estates Officers and will receive attention ahead of other cases:-

- Safeguarding of children and vulnerable adults
- Serious risk to person or property
- Serious criminal activity in Council properties
- Domestic Violence
- Racial Harassment
- Other hate crime/harassment
- Serious disruption to the community
- Breaches of Injunctions/ASBO/Suspended Possession Orders/Demoted tenancies

All open cases are monitored and reviewed regularly and are case managed with the addition of specialist ASB software.

In possession cases all evictions have to be approved by the Head of Housing (Operations) and Portfolio Holder before being implemented. [update Head of Housing title]

6. Service Standards

The Council makes a commitment to investigate all complaints of ASB and will prioritise the case according to its severity.

When very serious complaints are made (for example harassment, actual violence or threats of violence (including Domestic Violence), or any other serious criminal activity), officers will arrange an immediate response. An appointment will be made at a safe place within one working day

For all other complaints, officers will arrange a mutually convenient time for an appointment.

[deletion of case categories A,B and C]

Any information given will be treated in confidence and will not be discussed with any other tenant or neighbour information unless those involved have agreed to this. However information may be shared with relevant partner agencies where it is felt necessary to take the case forward.

Complainants will be advised of what support/protection is available to them.

In all cases, an action plan will be agreed with complainants to decide the best way of resolving the problem. This would include what the Council agrees to do and what the complainant is asked to do e.g. completion of evidence sheets. The action plan will also detail what agencies may be contacted.

All complainants will be kept informed of what is happening throughout the process of dealing with the complaint on a regular basis. An appropriate level of contact will be agreed with the complainant at the action plan stage.

When a case is closed, a letter will be written to the complainant and alleged perpetrator advising them of the reasons. Customer feedback will be sought by sending a questionnaire to help the service improve and to listen to the views of people who have used the service. *[additional text re customer feedback]*

7. How anti social behaviour is dealt with when vulnerable people or people with a disability are involved *[section brought forward]*

In dealing with ASB which involves people with the following categories of vulnerability the Council must ensure that the people involved are properly assessed and assisted by the appropriate professional service.

- young people leaving care
- children at risk
- vulnerable adults
- people at high risk through unsanitary living conditions

Where the perpetrators of ASB are vulnerable or have a disability, officers will involve other agencies to assess the situation and to seek support for the tenant to deal with the problems.

If the vulnerable individual is assessed by the professional services to have the understanding to stop their ASB the Council will use legal action which could lead to the individual losing their home. The Court will need to be convinced that the Council has taken all steps to manage these situations before resorting to legal action.

The Council may arrange a permanent move in conjunction with the Housing Options team if such a move is fully supported by the professionals providing support to the vulnerable individual and the Council is convinced that such a move will be successful in stopping the ASB. An acceptable behaviour contract (ABC) can be agreed as a condition of such a move.

Risk Assessment tools are used to quickly identify the most vulnerable victims to ensure they receive a higher level of support. Both the Council and Surrey Police can make a referral to the Victim Support service. The Council is committed to the safeguarding of children and vulnerable adults and will work with its partners to help the most vulnerable members of the community to be safe and stay safe.

Where the victim is a vulnerable adult the case will be referred where necessary through the Surrey Safeguarding Adults procedure for protecting vulnerable adults for support and investigation through other agencies. Concerns about the welfare of a child will be reported to Children's Services by making a child protection referral.

8. Who legal action for anti social behaviour can be taken against

The Council can take legal action against anyone who:

- lives in or visits accommodation owned or managed by the Council
- has a right (of whatever description) to reside in or occupy other housing accommodation in the neighbourhood
- has engaged in unlawful activity within the neighbourhood of accommodation owned or managed by the Council
- made threats or caused harassment to Council employees
- causes a nuisance or annoyance where the home is owned or managed by the Council
- affects its landlord function

9. Preventing anti social behaviour [text summarised and bullet list included]

One of the most important areas of the Council's work is in trying to prevent ASB from occurring and also trying to prevent re-occurrence of similar incidents.

The tenancy conditions state clearly what behaviour is not acceptable. These are explained to all new tenants at the start of their tenancy in an interview with the Tenancy and Estates Officer. A follow up visit by the Tenancy and Estates Officer within the first six weeks will identify if there could be problems that need to be addressed or the tenant needs referral to a support service.

Preventative measures include:

- Referrals to other agencies for assistance with drug and alcohol addictions
- Referrals to Waverley Families Project

- Community Development activities and community meetings
- Tenant Support referrals , where necessary, to help people maintain their tenancy
- Warning letters sent to the perpetrator
- Joint visits with local Police Officers
- Early referral to Mediation services

The Council's allocation policy has the provision to operate lettings plans that can help tackle anti-social behaviour and support local communities.

The allocation policy also allows for applicants to be excluded from bidding if they have been served with a Notice of Seeking Possession or have a demoted tenancy as a result of ASB. If a person has been evicted for taking part in ASB then they can be excluded from Waverley's Housing Register for a period of up to 12 months.

10. Solutions for dealing with anti social behaviour and harassment

A broad range of solutions are available to deal with ASB. Examples are listed below:

- **Warning letters** – can be issued highlighting breaches of tenancy and request cease behaviour.
- **Home visits** – can be a useful tool for raising awareness of a particular problem and helps officers to assess local circumstances. Where appropriate joint visits with a local police officer are often effective in preventing the escalation of a problem.
- **Mediation Service** – tenants and neighbours with disputes are encouraged to use Waverley Community Mediation Service at an early stage to help the people involved to reach an agreement that satisfies everyone.
- **Tenant Support** – tenants can be referred directly to specialist alcohol and drug support services.
- **Acceptable Behaviour Contracts (ABC's)** - a written agreement with a young person and his or her parent/guardian, or adults with a history of ASB, the Council and the local police not to carry out certain identifiable acts which could be construed as ASB.
- **Anti Social Behaviour Orders (ASBO's)** – the Police take the lead role in the case building for ASBO's to prevent a person behaving in a particular way. Breaches in the order can result in a custodial sentence.
- **Anti Social Behaviour Injunctions/ASBI's** – the Council can apply for an ASB Injunction in the County Court. An injunction can either compel a person to do something or forbid them to carry out certain specific identifiable acts. Where there has been a threat of violence or use of violence or there is a significant risk of harm then the power of arrest can be attached to an injunction.
- **CCTV and noise gathering equipment** – the Council has CCTV and noise monitoring equipment which can be used to gather evidence.
- **Tenancy demotion** – a secure tenant can be demoted through Court action. The demotion reduces the rights and security of the tenure for a period of up to 12 months.
- **Possession proceedings** – where there are serious breaches of tenancies the Council can apply to the Court for possession of a property. This could lead to the person or family being evicted from their home. This type of action requires detailed evidence and complainants will be asked to keep detailed evidence sheets of incidents.

- **Evictions** –is the last resort and the Courts are unlikely to give the Council possession unless the other actions outlined above have been followed first. All evictions are approved by the Head of Housing (Operations) and Portfolio Holder.
- **Good Neighbour Agreements** – where there is a need to address local concerns around ASB and disorder the Council and the police may consider using Good Neighbour Agreements.
- **Undertakings** - this is an agreement through the Courts to be responsible for something. i.e. not to harass or frequent a certain address [new text]
- **Waverley Families referral** – The Waverley Family Support project works to turn around the behaviour of families and reduce their impact on their community. In so doing, they also bring stability to families lives, prevent homelessness and improve opportunities for children. [new text]
- **Safeguarding children and vulnerable adults** – through close partnership working [new text]

11. Partnership Working

The Council recognises that it can't deal with ASB effectively on its own. The multi agency Community Incident Action Group (CIAG) has been set up locally through the Crime and Disorder Reduction Partnership Community Safety Strategy to enable partnership working where an individual or location creates a significant risk to public safety or public disorder, or a nominee is considered vulnerable and referral to CIAG or JAG can reduce the risk. The Council is a signed up partner to this group.

This group meets monthly and includes the following agencies:

- Housing (both the Council and local Housing Associations)
- Waverley Police
- Probation
- Youth offending teams (YOT's)
- Childrens services (Education)
- Community Mental Health Team (CMHT's)
- Drug & Alcohol support services
- Adults Services and Community Care

The meeting reviews all cases referred to it in the Borough including those from owner occupiers and other social landlords.

12. Supporting complainants and witnesses [bullet list included]

The Council recognises the importance of supporting people affected by ASB. In many cases without the help of people continuing to report ASB action could not be taken. Therefore a commitment has been made to support those who make complaints, by ensuring that all complainants are dealt with promptly and that complainants are kept informed of what action can or cannot be taken

In more serious cases, risk assessments will be carried out. The Council can:

- make arrangements for emergency alarms/phone
- fit extra security measures to properties

- arrange temporary or permanent moves and in very rare circumstances arrange a move out of the area

13. Dealing with racial harassment and other forms of hate crime [text revised and bullet lists included]

The Council considers that ASB motivated by hate (e.g. an attitude that is based on a person's age, disability, gender, race, religion, sex or sexual orientation) is totally unacceptable.

For racist incidents, the following definition is used: '*Any incident, which is perceived to be racist by the victim or any other person*'. Committing an act of racial harassment or other form of hate crime is a breach of tenancy and the Council will take action against those that perpetrate such acts and always involve the police in dealing with such cases.

Racial harassment and hate crime will not be tolerated and all cases will be dealt with very seriously. Where there is a threat to a person or property an officer will contact the complainant and an interview will be arranged within one working day to establish details about the incident.

The Council will always consider the safety of the victims and witnesses and where necessary:

- arrange a temporary or permanent move through Victim Support
- fit extra security measures in the home
- liaise with other agencies to give extra support and advice
- arrange for any racist or offensive graffiti to be removed within 24 hours
- arrange for a translator to be present during interviews,
- arrange a safe and convenient location for an interview to take place
- take into account any child protection issues

Where cases are dealt with at Court, the Council can:

- arrange for someone to accompany the victim and witnesses
- arrange transportation

In ASB cases of a racist nature Waverley's Racist Incident Procedure will be followed for every incident reported to the housing service.

Most importantly, any action taken will always be discussed with the complainant and will only be carried out with their agreement.

The Council will use ASB injunctions to protect tenants from the perpetrators of racial and other forms of harassment and hate crime.

14. Dealing with Domestic Violence

Domestic Violence occurs across society regardless of age, gender, race income or ethnic origin. The Council considers that a domestic violence incident is any that is perceived as such by the victim or any other person. This may be from a partner, other family relative or visitor to a property.

The Tenancy and Estates team will work closely, where appropriate, with the Domestic Violence Outreach Officer. Any such cases of Domestic Violence will initially be dealt with through the Council's Housing Options team.

15. Supporting perpetrators to rehabilitate [deletion of ASB Officer]

The Tenancy and Estates Officer will assess the perpetrator/s and identify how they could be supported to change their behaviour. The Tenancy and Estates Officer will signpost the perpetrator to support for tenants and their families who are prepared to work with the Council to change their behaviour to maintain their tenancy.

The Housing Service will work with the Police and Probation Service to rehabilitate and resettle those who have an offending history and will closely monitor their behaviour if they become council tenants.

Where every effort has been made to rehabilitate perpetrators has failed and the ASB continues, the Council will proceed to Court for the eviction of tenants.

16. Working in line with data protection and sharing information

The Council is signed up to the Surrey Information Sharing Protocol (ISP). This is used as the basis for the legitimate gathering, processing and sharing of information in accordance with the Data Protection Act 1998. Information sharing between agencies is critical in dealing effectively with ASB as in many cases each agency has a significant role to play whether this is in support or enforcement. It is also essential to consider any child protection and safeguarding issues.

All information given to the Council will be treated in confidence and will not be discussed with any other tenant or neighbour unless those involved have agreed to this. However some information may be shared with other agencies that are part of the ISP and through all multi agency meetings, if this is for the purpose of reducing crime and disorder.

Cases that go to Court may be covered by the local media and wherever possible the Council will give a media response. In many cases the Court will allow for the naming of perpetrators. The Council will strive to produce positive coverage of nuisance cases to demonstrate to the community the effective action can be taken against those that commit ASB.

17. Monitoring of anti social behaviour and performance management

The use of effective monitoring is important not only to monitor staff performance but also to assess whether ASB is being dealt with effectively. The Council has adopted the national standard for Housing ASB incident reporting. Housing ASB data is collected by categories of ASB rather than just number of ASB cases reported. The number of cases is still recorded, but data analysis revolves around ASB categories reported in postcode areas.

Previously, the number of ASB cases was recorded and allocated a single ASB description e.g. noise. Now a single case can be allocated a number of ASB categories. This better represents the impact of a household on the local community, thus enabling a more targeted intervention.

Preventative measures and interventions are recorded when a case is closed or resolved, along with enforcement actions taken.

When ASB cases are closed the victim and witnesses are issued with a satisfaction survey. The results are assessed and recurring issues are identified enabling improvements in the process to be made.

Regular articles and special editions of the tenants' newsletter are used to inform and workshops organised to discuss ASB and harassment issues with tenants.

The Housing ASB Performance Indicators will be reported on a six monthly basis to Committee.

18. Review of the Policy

This document is subject to review on an annual basis or earlier if required because of changes in good practice, legislation, regulation or significant ASB problems that the Policy does not address.

19. Complaints

Any complaint about the ASB service will be considered under the Council's complaints policy which is available on request or can be found on the website www.waverley.gov.uk/complaints.

Policy when requiring tenants to move home (Decant)

1. Purpose

- 1.1 The purpose of this policy is to clarify what the Council will do when it is necessary for a tenant to move home due to major works or redevelopment on their current home. This process is known as a Decant.
- 1.2 Decants are necessary if:
 - The property cannot be secured overnight as a result of work being carried out
 - There are health and safety reasons why the tenant cannot be in the property while work is being carried out
 - Vital facilities such as heating and hot water will not be available for a prolonged period of time
 - The property is being demolished or sold, in which case permanent re-housing will be required
 - The property is due for major refurbishment work that cannot be carried out while the tenant remains living there
- 1.3 The Council will ensure that full liaison takes place with tenants at every stage of the process and suitable arrangements are agreed for moving into appropriate alternative accommodation whether permanent or temporary.
- 1.4 The Council will ensure fair recompense is paid on time where applicable.

2. Our Commitment

- 2.1 The Council recognise to move away from your home may be stressful, especially when you haven't chosen to move.
- 2.2 The Council will provide tenants with clear choices, respond to any diverse needs and minimise any health and safety risks.
- 2.3 The Council will ensure that tenants are kept informed and updated about the proposed plans at all stages.
- 2.4 The Council will try to ensure that a positive relationship is kept between the tenant and the Council and will provide support where needed, answer any queries promptly and minimise the amount of disruption caused by the decant process.
- 2.5 Offers of rehousing will meet the needs of the household or individual and reasonable preferences for housing will be taken into account.

3. Policy

- 3.1 The Decant Policy only relates to tenants and **not** leaseholders.
- 3.2 All decants require particular care and sensitivity, especially the decanting of a Sheltered Scheme.

- 3.3 Where major works/redevelopment have been identified a programme of timescales, works etc will be developed and talked through with the tenant.
- 3.4 Each move will be treated on an individual basis.
- 3.5 A designated member of staff will be identified as the key person for the tenant to contact with any queries or support issues.
- 3.6 The designated officer will consult with the tenant/householder/s. They will clearly explain the process, tenants choices, housing options, legal rights and responsibilities and any support needs will be identified and considered.
- 3.7 The Council will be clear about what compensation or financial assistance a tenant is entitled to. The Council will discuss and agree a disturbance package.
- 3.8 A Disturbance Allowance budget is available to recompense a tenant who has to move which will include costs for removal, altering of soft furnishings e.g. carpets, curtains, blinds and curtain rails.
- 3.9 A Home Loss Payment budget is available to recompense a tenant who has to move permanently.
- 3.10 Where a refurbishment or redevelopment has occurred, the Council will liaise with the tenant on the layout of the property (where possible) in relation to decoration, fixtures and fittings.
- 3.11 Where it is essential for major or redevelopment works to be carried out we reserve the right to carry out legal action where the tenant/household refuses to be accommodated elsewhere.
- 3.12 The Council reserves the right to off set payments against any debt to the Council.

4. Disturbance Allowance

- 4.1 A disturbance payment is to compensate a displaced tenant for the actual cost of moving from their home and unlike Home Loss Payments, it is not paid at a fixed level. The Disturbance Allowance guidance is set out in the Land Compensation Act 1973 (Section 37 and 38). The aim is to compensate displaced occupiers for the actual cost of moving from their home.
- 4.2 To qualify for a Disturbance Allowance the tenant does not need to have lived in their home for a year but has to be the lawful tenant at the time of the decision to decant.
- 4.3 Associated costs under the Disturbance Allowance may include:
- Actual cost of removal
 - Costs for altering soft furnishings including re-fitting and altering carpets, curtains, blinds and re-fixing curtain rails
 - Cost of new curtains and carpets, provided the current ones cannot be adapted to fit in the new home
 - Disconnection and reconnection costs for telephones, cookers, redirection of mail

- 4.4 If the tenant is moved on a temporary basis, a further Disturbance Allowance will be payable when the tenant moves back into their original home.
- 4.5 The Council requests that at least two quotes are obtained for the purpose of removals and cost of carpets.
- 4.6 The Council reserve the right to offset the costs against any debt to the Council.

5. Home Loss Payments

- 5.1 The statutory guidance for Home Loss Payments are set out in the Land Compensation Act 1973 Section 30. This is applicable to tenants who have lived in their property for **at least one year** as their only/main residence and has to relocate permanently due to major or redevelopment works.
- 5.2 To qualify for the Home Loss Payment the tenant must show that displacement from the home has been as a direct result of the works needed. If a tenant moves voluntarily, they will not be entitled to the Home Loss Payment.
- 5.3 Where a Home Loss Payment is made in respect of a joint tenancy, the payment is expected to be shared between tenants.
- 5.4 Tenants may also be entitled to the Home Loss Payment if, instead of waiting for the formal decant process to take place, they take their own steps to find suitable accommodation.
- 5.5 The Council will adhere to the prescribed amount for Home Loss Payments currently £4,700.
- 5.6 If there is an intention by the tenant to return to the home where the works have been carried out then the Home Loss Payment will **not** be applicable.

6. Legal Framework and Provisions

[Land Compensation Act 1973](#) (Section 30, 37 and 38)
Landlord and Tenant Act 1985
Home Loss Payments Regulations 2008
Housing Act 1996 Part VI
Homelessness Act 2002