

**THURROCK COUNCIL**

**TENANCY POLICY**

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## Introduction

This document sets out the types of tenancies Thurrock Council (the “Council”) will offer, and the way in which they will be managed by Thurrock Council.

The policy has been developed with due regard to the Housing Strategy, Allocations Scheme and Housing Revenue Account Business Plan (HRA) in addition to the councils overall aims and objectives. The policy has been subject to consultation with existing tenants, potential tenants, council staff, members, partnership organisations and various council departments.

## Context

The Tenancy Policy is needed to clearly define the types of tenancies which will be granted and explain the way they will be used. The types of tenancies issued will relate closely to the behaviour of tenants to ensure they behave responsibly and are considerate to needs of the community.

In addition, the policy will also explain how tenancies will be managed, for example how rent will be paid and how anti-social behaviour will be managed amongst other common tenancy conditions. The common tenancy conditions will apply to all tenants, new and existing.

The policy supports the HRA Business Plan objectives of:

- Meeting acute housing need
- Supporting sustainable and mixed communities.

**Thurrock Council seeks to improve the quality of life in the borough for tenants and to create safe, secure and sustainable communities.**

# Section 1 - Types of Tenancies

Different types of tenancies will be granted, and are dependent on the behaviour and circumstances of the tenant. This section will explain what the aims and objectives of these tenancies are; define the tenant's rights and the council's responsibilities.

## 1. Types of Tenancies

- Existing Secure Tenancies (pre- April 2012)
- New secure Tenancies (post April 2012)
- Introductory Tenancies
- Demoted Tenancies

Other areas covered in this section include

- Succession
- Temporary Decants
- Tenants Right to buy their home
- Providing support to vulnerable tenants

## 2. Existing and New Secure Tenancies

Existing secure tenants and new secure Tenants (post 1<sup>st</sup> April 2012) will continue to be periodic secure tenants with those rights as defined in the Housing Act 1985, before Localism Act 2011 amendments. This is especially true of succession rights and such rights are 'carried over' even if they transfer or swap their home with another council or housing association tenant via a mutual exchange.

Such secure tenants may occupy their home for their lifetime unless the council obtains a Court Order, ordering them to give up their tenancy.

A Court Order can only be obtained if the tenant breaches one of their tenancy obligations, such that there is a ground for possession of the property or the Council needs to move the tenant out for a particular reason. In such circumstances the Council may apply to the Court for a possession order. The court has to agree with the council's application possession order before the council can apply for a warrant to evict a tenant.

This could be for one of the following reasons:

- A condition of the tenancy has been breached
- False information was given on the housing application which resulted in the tenancy being offered when it should not have been. In these cases the tenant will not be able to apply for another council property for 2 years following eviction, in line with the allocations scheme.

- There are special circumstances requiring the council to move tenants temporarily or permanently. Tenants may be offered a suitable alternative home, and they will normally receive compensation or help with moving costs (or both) depending on the circumstances.

Tenants with a secure tenancy must ensure that they adhere to the common conditions of tenancy set in this policy, since they, along with all other secure tenants, have a duty to behave responsibly and be accommodating to the needs of the community. Should they fail to comply with the policies within this document, the Council may apply for a court order to seek possession and evict the tenant. Tenants could be classed as “intentionally homeless” under homeless legislation if this action is taken. If so, there may be no further duty upon the Council to re-house them.

### **Aims of a secure tenancy**

- Balance the needs of individuals with those of the existing community
- Provide a fair and open system setting clear guidelines in relation to the expected behaviour of new tenants
- Promote and encourage clear messages and standards for existing tenants indicating the Council’s commitment to tackling unacceptable behaviour such as anti-social behaviour
- Continue to promote and encourage tenancies that are sustainable in the long term and contribute to stable communities
- Ensure that the policy operates consistently within the law and other policies relating to tenancy management.

### **Objectives of secure tenancies**

- Continue to provide security to existing secure tenants and their families.
- Continue to encourage tenants to behave well, in line with the policies identified in this document
- Continue to encourage tenants to benefit from community involvement and development.

### **Council’s responsibility to secure tenants**

Whilst managing secure tenancies, the Council will

- Support existing tenants to maintain their tenancies
- Provide tenants with opportunities to get involved with community activities and service development through various avenues
- Work proactively to support vulnerable tenants.
- Work with tenants and establish, where necessary, clear action plans to improve the tenant’s behaviour and engage with the appropriate agencies.
- Promptly investigate any breach of the tenancy and assess relevant evidence, implementing an action plan where necessary.

- Take seriously any allegations of anti-social behaviour, domestic violence and illegal activity. Ensure appropriate evidence and corroboration is there to support allegations and action, by talking to all parties, including the police.
- Complete any initial investigations within a reasonable period of time, and ensure ongoing updates are given to both the complainant and where appropriate the accused tenant.
- Act in accordance to other policies as required taking appropriate action.

### **Secure tenants have the right to**

- Live in the property for the rest of their lives providing they comply with the requirements of the tenancy agreement;
- Buy the property after a qualifying period subject to certain conditions;
- Pass on the tenancy upon death to certain qualifying family members, providing that the tenant had not themselves succeeded to the tenancy;
- Take in lodgers and sub-let part of the property subject to written consent;
- Carry out improvements (subject to the written consent);
- Be compensated for certain improvements (subject to written agreement);
- Exchange one property for another one (subject to written agreement);
- Be consulted on housing related matters that affect the tenancy;
- Have urgent repairs done within the specified timeframes;
- Be informed about the councils performance as a landlord;
- Be consulted about service improvement and development projects

### **Ending the Secure Tenancy**

A sole tenant, or either one of the tenants in a joint tenancy, may end a secure tenancy by giving not less than four weeks written notice (to end on a Sunday). In exceptional circumstances the council may agree to the tenancy being surrendered by giving less than four weeks written notice. Only one of the joint tenants need provide a notice to quit, however it must be noted that this will legally end the tenancy on behalf of both joint tenants.

The Council can only end a secure tenancy by serving a Notice of Seeking Possession and obtaining a court order for possession. Grounds for possession are set out in Schedule 2 of the Housing Act 1985.

If a secure tenant does not occupy their home as their only or principal home, sub-lets the whole home, assigns their tenancy unlawfully or dies without a successor (or they themselves were a successor) then security of tenure may be lost.

In these circumstances a Notice to Quit may be served by the Council which may of itself end the tenancy. In such circumstances the Council may decide,

after a full investigation, that it is not necessary to seek a possession order from court.

### **3. Introductory Tenancies**

Introductory Tenancies will be issued to all new tenants as a probationary tool to ascertain whether new tenants can manage their tenancy successfully for the first 12 months.

There is an exception to this for those moving into sheltered accommodation. These tenants will usually be given a secure tenancy due to the type of property and purpose of their move.

Where introductory tenants breach their tenancy conditions, quick and proportionate action can be taken to end the tenancy more quickly than a secure tenancy.

Typical examples of where the council may end an introductory tenancy are;

- The tenant(s) visitors or a member of their household is guilty of anti-social behaviour or carry out illegal activities
- A tenant(s) failing to pay the rent, or consistently paying their rent late
- A breach of one or more of the other conditions of the tenancy agreement.

Introductory Tenancies will only be given to new tenants. Mutual Exchange or Transfer applicants will not be given introductory tenancies since they are already existing tenants of the Council. However former tenants who are offered a new tenancy after the commencement date for the policy would be offered this type of tenancy.

If the tenant had a previous introductory tenancy or held an assured short hold tenancy from a registered social landlord, the length of such a tenancy must be considered as part of the new timeframe, providing there is no break between the two tenancies. This standard will apply for both sole and joint tenancies.

Introductory tenants will become secure tenants when their 'trial period' comes to an end, unless the Council starts possession proceedings.

#### **Aims of Introductory Tenancy**

- Balance the needs of the individuals with those of the existing community and neighbours
- Provide a fair and open system setting clear guidelines in relation to the expected behaviour of new tenants
- Establish clear messages and standards for new and potential tenants that indicate the council's commitment tackling unacceptable behaviour such as anti-social behaviour

- Establish tenancies that are sustainable in the long term and contribute to stable communities
- Ensure that the policy operates consistently within the law and other policies relating to tenancy management.

### **Objectives of Introductory Tenancies**

- Deter new tenants from behaving anti-socially or criminally
- Reduce anti-social behaviour from new tenants.
- Encourage community stability and cohesion
- Reduce the impact of residents who behave anti-socially
- Enable early action for any breach of the tenancy agreement
- Encourage regular payment of rent

### **The Council's responsibility to Introductory Tenants**

Whilst implementing Introductory Tenancy, the council will

- Support new tenants to maintain their tenancies.
- Carry out a home visit to the property on at least 2 occasions during the introductory period in order to complete a tenancy audit
- Work proactively with tenants and prevent the need for possession action by developing clear action plans, supporting the tenants and engaging with appropriate agencies.
- Provide support and help to vulnerable individuals to allow them to improve their quality of life within the community.
- Promptly investigate any breach of the tenancy policy, and assess what evidence there is to support action to terminate the tenancy.
- Take seriously any allegations of anti-social behaviour and illegal activity. Ensure appropriate evidence and corroboration is there to support allegations and action, by talking to all parties, including the police.
- Complete any initial investigations within a reasonable period of time, and ensure ongoing updates are given to both the complainant and where appropriate the accused tenant.
- In the case of anti social behaviour, to act quickly and proportionately, case planning potential future actions.
- Act in accordance with other policies as required and to take appropriate action.
- Adhere to the principles of the Court pre-action protocol
- Ensure action taken is proportionate to the nature of the breach and human rights of the individual.
- Continuously review the behaviour of the tenant, members of the family or visitors, working in partnership with appropriate agencies to ensure that the terms and conditions of the introductory tenancy are being adhered to.



- Advise the tenant of the reason for the decision to proceed with possession, and to inform the tenant of their right to request a review of that decision within 14 days.
- If the tenant requests a review, to conduct this in accordance with the Introductory Tenants (Review) Regulations 1997. This will be conducted by a senior officer of Thurrock Council who was not involved in the original decision to proceed with possession.

### **Introductory Tenants rights**

Introductory Tenancies do not enjoy some of the rights held by secure tenants.

They do not have the right to

- Exchange their property with any other Tenant
- Transfer the tenancy, unless ordered by the court or in other limited circumstances
- Take in lodgers or sublet or part with possession of the property
- Make structural improvements to the property without written consent
- Buy their home (however, the period of Introductory Tenancy may count towards the qualification period of the right to buy).

### **Length of Introductory Tenancy**

Introductory tenancies will usually last for 12 months. However the period can be extended by a further 6 months if the Council decides such an extension is necessary. The Council will serve a Notice of Extension at least 8 weeks prior to the date of the 12 month anniversary of the tenancy, and clear reasons will be provided for such a decision.

The Introductory tenant may request a review of this decision, preferably in writing within 14 days of receiving the Notice of Extension. A senior independent officer, not previously involved with the particular case, will undertake the review and will respond in writing to the tenant highlighting clear reasons for any decisions.

Should the Council be satisfied that the tenant has behaved in accordance with the tenancy agreement – the tenant will automatically become a secure tenant once the initial twelve months has ended. No further information or confirmation of this action will be provided.

### **Ending the Introductory Tenancy**

If a decision is made by the Council to evict the tenant, a Notice of Proceedings for Possession will be served on the introductory tenant, which will set out the reason for the decision and specify a date after which court proceedings may be started. There is normally a timescale of 28 days for the

notice, which must include details of the tenant's right to "request a review of the landlord's decision" and advising they may seek advice independent legal advice

If a review is requested this will be carried out by an independent senior officer, not previously involved with the specific case. If after the review, or in the absence of any request for a review, a decision is made to proceed with the eviction, the Council will make an application to the County Court for a Possession Order. It is the court which has the authority to legally end the tenancy, the outcome being that the Tenant and their family are likely to be required to leave their home.

Introductory Tenancies are not secure and therefore the courts do not have discretion on whether to grant possession, providing the correct procedure has been followed. They can however intervene with regards to the time the tenant has to vacate the property, which can be up to 42 days after the order.

When deciding to end an Introductory Tenancy the Council will consider the level of support they have offered and whether this is deemed reasonable and timely, in accordance to the responsibilities set out in this policy.

A sole tenant, or either one of the tenants in a joint tenancy, may end an introductory tenancy by giving not less than four weeks written notice (to end on a Sunday). In exceptional circumstances the Council may agree to the tenancy being surrendered by giving less than four weeks written notice. Only one of the joint tenants need provide the notice to quit, however it must be noted that this will legally end the tenancy on behalf of both joint tenants.

### **Introductory review requests from tenants**

The following points must be adhered to when requesting and carrying out reviews

- Reviews will only be carried out by the way of hearing, if the tenant has requested this option at the point of making the request
- A request for an oral hearing must be made by the tenant within 14 days after receipt of the Notice of Possession Proceedings
- Reviews must be carried out by a person who was not involved in the original decision to seek possession
- If the review is not to be conducted by an oral hearing, the tenant may make written representations
- If there is an oral hearing, the tenant has a right to;
  - (a) Be heard and accompanied or represented by another person;
  - (b) Call persons to give evidence;
  - (c) Put questions to anyone who gives evidence and
  - (d) Make representations in writing
- The tenant must be notified of the time, date and place of any hearing.
- The hearing must take place not less than five working days after the request for a hearing to enable adequate preparation.

- The tenant must be notified in writing of any decisions, with clear reasons for decisions included.
- The review must be carried out before the date specified as the date after which proceedings may be begun.

### **Role of the review officer**

The review officer will

- Be a senior officer to the original decision maker
- Ensure all of the evidence is provided in a clear manner which enables the facts to be established.
- Ensure the Notice has been correctly served and is appropriate based on the evidence provided and the seriousness and persistency of the breach of the Introductory Tenancy conditions.
- Check that steps have been taken to resolve the breach (unless it is deemed so serious it could not be resolved) and that agreements have been broken.
- Ensure that where counter-allegations have been made these have been investigated and dealt with appropriately.
- Be satisfied that the evidence proves the Introductory Tenant is in breach of the Tenancy Agreement.

If the reviewing officer decides that the original decision to serve the Notice was incorrect, the Introductory Tenancy will be allowed to continue as if no Notice has been served.

If the reviewing officer upholds the original decision to serve the Notice, the matter will proceed to court for eviction. If this course of action is taken an outright order may be granted providing the correct legal proceedings have been followed.

## **4. Demoted Tenancies**

Demoted Tenancies are one of a range of methods that will be used to manage tenants who are found guilty of Anti-social behaviour within the community. Other methods include Good Neighbour Agreements, Anti-social behaviour Orders, Injunctions and Possession proceedings.

The introduction of these tenancies is intended to send out a clear message about Thurrock Council's commitment to combat Anti-social behaviour.

If a secure tenant, a member of their household or a visitor, carries out acts of anti-social behaviour, the Council can apply to the County Court for a Demotion Order. A Demotion Order has the effect of terminating a secure tenancy and replacing it with a demoted tenancy.

To obtain such an order the court must agree with the Council that it is reasonable to demote the tenancy based on the facts of the case. The judge must be satisfied that the tenant or a person residing in or visiting the property has engaged, or has threatened to engage, in anti-social behaviour.

A demoted tenancy provides less security as it replaces the secure tenancy with effect from the date specified in the order. Should the demoted tenant continue to breach the tenancy conditions, or indulge in anti-social behaviour, an eviction may be sought. It is a method of encouraging tenants to discontinue anti-social behaviour and where this is not possible, to speed up possession.

Arrears of rent payable, at the termination of the secure tenancy, will become payable under the demoted tenancy.

It also means a number of rights normally enjoyed by a secure tenant are terminated during the period of demotion, such as the right to buy and mutual exchange.

### **Aims of Demoted Tenancies**

- Provide a fair and open system setting clear guidelines in relation to the expected behaviour of tenants
- Establish clear messages and standards for existing and potential tenants that indicate the councils commitment in tackling unacceptable anti-social behaviour
- Establish tenancies that are sustainable in the long term and contribute to stable communities
- Ensure that the policy operates consistently within the law and other policies relating to tenancy management.

### **Objectives of Demoted Tenancies**

- Deter tenants from behaving anti-socially
- Reduce anti- social behaviour and nuisance among tenants and encourage good behaviour
- Encourage community Stability and cohesion
- Reduce the impact of residents who behave anti-socially
- Enable early action for any serious breach of the tenancy agreement

### **Council's responsibility to Demoted Tenants**

Whilst implementing Demoted Tenancies, the Council will

- Take seriously any allegations and investigate whether they are true and what evidence there is to support action.

- Aim to complete the initial investigation within a reasonable period of time, agreed with the complainant dependent upon the nature of the complaint.
- Act in accordance with other related policies such as the Anti-social behaviour Policy.
- Obtain corroboration of the complaints through other tenants and partner agencies, including the police.
- Ensure the approach taken is proportionate to the allegations and develop clear action plans and engage with appropriate agencies to ensure appropriate levels of support are given.
- Work with perpetrators to prevent the need for litigation wherever possible.
- Provide support and help to vulnerable individuals to allow them to improve their quality of life within the community.
- Act quickly to prevent and deter anti-social behaviour and where it continues, make timely decisions on the next course of action including the use of demoted tenancies.
- Continuously review the behaviour of the tenant, members of the family and visitors, following the granting of a demoted tenancy order, and taking action where it continues.
- Advise the tenant of the reason for its decision to proceed with possession, and also inform the tenant of the right to request a review of that decision within 14 days.
- If a review is requested by the tenant, conduct this in accordance with the Demoted Tenants (Review) Regulations 2004. A senior officer, not involved in the original decision to demote the tenancy will conduct the review.
- Decide each case on its own merits and will apply this policy accordingly. There will be no blanket policy applied to cases or types of cases.
- No demotion of tenancy shall progress unless agreed with the Housing Anti Social Behaviour Panel.

### **Demoted tenant's rights**

Demoted Tenancy rights are similar to the rights of tenants holding an introductory tenancy. Demoted tenants do not have the right to

- Exchange their property with any other Tenant
- Transfer the tenancy, unless ordered by the Court or in other limited circumstances
- Take in lodgers or sublet or part with possession of the property
- Make improvements to the property
- Buy the property (however, the period of Demoted Tenancy does count towards the qualification period of the right to buy).

## **Length of demoted tenancies**

Demoted tenancies will usually last for 12 months; however they can be extended for a further 6 months, if the Council decides this intervention, and ongoing review, is required. Where this is the case, the Council will serve a Notice of Extension at least 8 weeks prior to the date of the 12 month anniversary of the tenancy, and clear reasons will be provided for such a decision.

The demoted tenant may request a review of this decision, preferably in writing, within 14 days of receiving the Notice of Extension. A senior independent officer will undertake the review and write back to the tenant with their decision and reasons for decision.

Should the council be satisfied that the tenant has behaved in accordance to the tenancy agreement – they will automatically be transferred back to a secure tenancy once the twelve months has ended. No further information or confirmation of this action will be provided.

## **Ending the Demoted Tenancy**

If a decision is made by the Council to evict the demoted tenant, the tenant will receive a Notice of Proceedings for Possession, which will set out the reason for the decision as well as specify the date after which proceeding for the possession for the property may begin. The tenant will also have the option to request a review of this decision by an independent senior manager. If after the review, or in the absence of any request for a review, a decision is made to proceed with the eviction, the council will make an application to the County Court for a ProceSSION order. It is the court which has the authority to legally end the tenancy, the outcome being that the tenant and their family are likely to be required to leave their home.

Demoted Tenancies are not secure and therefore the courts do not have discretion on whether to grant possession, providing the correct procedure has been followed. They can however, intervene with regards to the time the tenant has to vacate the property, which can be varied by the Court from immediately to 42 days.

When deciding to end a Demoted Tenancy the Council will consider the level of support that has been offered and whether this is deemed reasonable and timely, in accordance with the responsibilities set out in this policy.

A demoted sole tenant, or either one of the demoted tenants in a joint tenancy, may end a demoted tenancy by giving not less than four weeks written notice (to end on a Sunday). In exceptional circumstances the Council may agree to the tenancy being surrendered by giving less than four weeks written notice. Only one of the joint tenants need provide the notice to quit, however it must be noted that this will legally end the tenancy on behalf of both joint tenants.

## **Demoted Tenants requesting a review of decision to evict**

The following points must be adhered to when requesting and carrying out reviews

- Reviews will only be carried out by the way of hearing, if the tenant has requested this option at the point of making the request.
- A request for a hearing must be made by the tenant within 14 days after receipt of the Notice of Possession Proceedings and must be in writing.
- Reviews must be carried out by a person who was not involved in the original decision to seek possession.
- If the review is not to be conducted by an oral hearing, the tenant may make written representations.
- If there is an oral hearing, the tenant has a right to:
  - (a) Be heard and accompanied or represented by another person;
  - (b) Call persons to give evidence;
  - (c) Put questions to anyone who gives evidence; and
  - (d) Make representations in writing.
- The tenant must be notified of the time, date and place of any hearing.
- The hearing must take place not less than five working days after the request for a hearing to enable adequate preparation.
- The tenant must be notified in writing of any decisions, with clear reasons for decisions included.
- The review must be carried out before the date specified as the date after which proceedings may be begun.

## **Role of the review officer**

- Ensure all of the evidence is provided in a clear manner which enabled the facts to be established.
- Ensure the Notice has been correctly served and is appropriate based on the evidence provided and the seriousness and persistency of the breach of the demoted tenancy conditions.
- Check that steps have been taken to resolve the breach (unless it is deemed so serious it could not be resolved) and that agreements have been broken.
- Ensure that where counter-allegations have been made these have been investigated and dealt with appropriately.
- Be satisfied that the evidence proves that the demoted tenant is in breach of the Tenancy Agreement.

If the reviewing officer decides that the original decision to serve the Notice was incorrect, the demoted tenancy will be allowed to continue as if no Notice has been served. If the reviewing officer upholds the original decision to serve the Notice, the matter will proceed to court for eviction. If this course of action is taken an outright order may be granted, providing the correct legal proceedings have been followed.

## 5. Family Intervention Project (FIP's)

The Family Intervention Project (FIP) was introduced in Thurrock in 2009. It targets families engaging in high levels of anti social behaviour causing disruption in their local communities. This places the security of tenure of their homes at risk if anti social behaviour persists.

There may be many problems which lead to negative outcomes such as children in care, family evictions or family members in prison. FIP provides intensive support and focused challenge to these types of high need families, which can, in some cases, also have an impact on the community in which they live.

The project works with the whole family to bring stability to their lives, prevent homelessness and helps improve opportunities for children and young people.

### Aims of FIP

- Reducing anti-social behaviour and criminal activity
- Preventing homelessness and providing sustainable routes back to settled housing
- Improving outcomes for parents, children and young people
- Increasing school attendance
- Improving health and wellbeing
- Tackling substance misuse
- Improving access to training and employment opportunities
- Increasing parenting capacity
- Improving family relationships
- Reducing the risk of poverty
- Increasing social inclusion
- Increasing the effectiveness of multi-agency working

### Criteria for referral

Any agency or organisation can refer a family to FIP. To be eligible for consideration on the FIP families are required to meet 5 of the following Thurrock indicators:

- Child neglect, poor parenting and family functioning,
- Risk of care / edge of care
- Safeguarding concerns.
- High levels of anti-social behaviour or youth offending (Prolific youth offending / youth Anti-social behaviour)
- Risk of losing family home (Poor quality / overcrowded housing / homelessness)
- Risk of family member losing liberty
- Mental health problems (Mental health issues in adult family members)
- Domestic violence



- Substance misuse
- School exclusion / poor attendance (No school placement, poor school attendance, truancy and attainment)
- Worklessness (No adult in the family in work)

Additional supplemental eligibility indicators include:

- Poverty, debt and low aspirations
- Relationship conflict
- Teenage pregnancy
- Learning disability

### **Possible actions FIP will take**

FIP will work with a variety of organisations and agencies to ensure that the referred family received the appropriate support they need. Collectively they will provide intensive support to families to address their behaviors and challenge their thinking. This will be achieved through the following means:

- Assessment of the needs of the whole family and community
- Specialist support Worker providing one point of contact for family
- Liaison with other agencies to co-ordinate support
- Visits to the family on a regular basis
- Out of hours support
- Contract clearly outlining support to be given and what is expected of the family
- Regular reviews with family and agencies to monitor progress
- Challenge families that fail to comply with the contract

Once FIP has accepted and started working with a troubled family, an officer of the housing department must attend meetings to agree relevant joint action plans, define roles and responsibilities and set timescales for improvement to eliminate the need for drastic housing action such as evictions. However, where necessary, demotion of tenancy or eviction will progress if the families are not adhering to agreed improvement plans and this will be made clear in the contract with the family. FIP must be fully briefed on such actions, to ensure that appropriate support is provided through such a process.

## **6. Temporary Decant (alternative temporary accommodation)**

Decanting is the process moving tenants to alternative temporary accommodation so that the repair or refurbishment of their home can take place.

The Council is committed to the refurbishment and repair of its properties for the benefit of its customers.

Usually, refurbishment and repair will be carried out while the customer is living in their home. Facilities will be provided to minimise any inconvenience caused.

Sometimes customers have to temporarily move home in order that the necessary work can be done.

Occasionally, a temporary move may not be suitable and therefore a permanent move will be necessary. In these cases the customers re-housing needs will be dealt with under the Council's Housing Allocations Scheme.

The council recognise that decanting can be a stressful experience and involves customers in substantial upheaval and inconvenience. Decanting will therefore only be used where there is no alternative or the nature of the work means the health and safety of the customer could be at risk if they do not leave their homes when works are taking place.

## **Aims**

- Provide a fair and consistent approach to decanting
- Minimise the number of decants
- Ensure that all customers being considered for a decant receive clear and up to date information throughout the process.
  - Minimise stress and disruption to customers who require decanting
  - Ensure customers are appropriately supported
  - Contribute towards achieving a value for money service.

## **Types of decants**

### Decant due to emergency

In the event of an emergency in a council property, such as a fire or flood, it may be necessary for the customer to temporarily move out. Customers will be encouraged and assisted to make their own arrangements for the temporary accommodation with family and friends. If that is not possible, the Council will assist the customer to arrange a temporary move to another council property or, if that is not possible, to a private sector property.

### Decant due to programmed work

The majority of Decent Homes programmed work and planned repairs work can be carried out with the customer remaining in their home. However, it is recognised that there are occasions where the extent of the work required to the property or the customers circumstances make it necessary for them to temporarily move out.

Customers will be encouraged to make their own arrangements for temporary accommodation. If this is not possible, the Council will assist the customer to

arrange a temporary move to another council property or, if that is not possible, to a private sector property.

The following criteria would normally require the tenant be decanted

- Essential facilities such as the bathroom, cooking facilities, water, electricity or gas cannot be used for more than 24 hours; or
- Staying in the property would significantly adversely affect the customer's health or safety; or
- The circumstances of the case require it.

### **Removal and storage of personal possessions**

The council will assist customers with the removal and storage of personal possessions, which are non-essential during the decanted period. Some items may remain in the property as long as they do not interfere with any work being carried out. However, the Council will not accept any liability or responsibility for any damage caused to items whilst they remain in the property.

The following points will clarify the tenant's position with regards to the decant and should be reiterated to tenants when the decant process starts

1. The re-location from the tenant's principal home to the temporary decant property will only last as long as it takes to complete the essential works to their principal home.
2. By way of the secure tenancy agreement between the parties the tenant will at all times remain a secure tenant of Thurrock Council. In practice the term "secure tenant" refers to the property that they occupy at any one time, which while the essential works are being undertaken to their principal home, will be the temporary decant property.
3. Most extra costs as a result of the temporary decant will be covered by the Council, including removal and relocation costs.
4. The temporary decant will not affect any outstanding transfer request that the tenant has made with Thurrock Council.
5. As the temporary decant procedure is designed to allow the Council to complete essential works to the property, following completion of the essential works the tenant will be expected to return to their principal home. If the tenant does not return to the principal home upon request, then the Council may apply to the Court for an order that requires them to return to their principal home.

## **7. Permanent Decants**

Sometimes it may be necessary to decant a tenant permanently, for example where the current accommodation is being refurbished or demolished. This may

involve one tenant or a group of tenants, for example where a block of flats is being refurbished or demolished.

In such circumstances the tenant(s) will be awarded a high priority to bid for a property via the Councils bidding system – Thurrock Choice Homes. More information about this can be found in the Councils Allocations scheme.

## **8. Tenants Right to buy their home**

Under the Right to Buy scheme, tenants can buy their home at a price lower than the full market value. This is because the length of time they have spent as a tenant entitles them to a discount.

Tenants should seek independent legal advice before to buying their home. They should also consider the additional responsibility they will hold following the purchase - for example all costs associated with maintaining the property, which would previously have been the landlord's responsibility.

The document entitled *Your Right to buy your home* is a guide for tenants of councils who are considering this option. Tenants should be encouraged to read this document before pursuing the option of buying their home.

There are guidelines regarding which tenants can buy their home, including the following:

- It must be the tenant's only or main home
- The property must be self-contained
- The tenant must hold a secure tenancy
- The tenant must have held a public sector tenancy (e.g. a Council, Registered Provider or NHS trust tenancy) for 5 years; this does not have to be 5 consecutive years
- The property cannot be within sheltered accommodation.

## **9. Providing support to vulnerable tenants**

Every effort will be made to support all tenants and avoid the route of terminating a tenancy and leaving a tenant without a home. The Vulnerable People Protocol highlights the way in which the Council will identify, manage and provide appropriate support to vulnerable groups of the community.

## **10. Succession**

### **Tenancies granted Pre- April 2012**

If the tenancy was granted before the Localism Act provisions came into force (1<sup>st</sup> April 2012), then the people who would be qualified to succeed are either:

1. The tenants spouse or registered civil partner who was occupying the property as his/her only or principal home at the time of the tenants death

OR

2. A member of the tenants family who was living in the property as their only or principal home at the time of the tenants death and during the twelve months leading up to the death.

If there is more than one person qualified to succeed, a spouse or civil partner will take precedence.

If there is no spouse or civil partner, but there is more than one family member who meets the conditions for succession, the family members should choose between them who will succeed to the tenancy. If they are unable to agree between themselves, the landlord is entitled to make a choice.

There can only be a succession to a sole tenancy – more than one family member could not jointly succeed to a joint tenancy.

### **Tenancies granted Post April 2012**

Under provisions introduced by the Localism Act 2011, the only statutory right of succession regarding secure tenancies granted after April 1st 2012 is to a spouse or civil partner, who had been living in the property at the time of the tenant's death.

In addition to this statutory right, the Council has determined that all new secure tenancies let from the implementation date of this policy, will include a further discretionary right of succession as follows:-

1. To a capable<sup>1</sup>, adult child (biological offspring, step-child or adopted child), who has been living in the home for at least the 5 years preceding the death of the parent where the parent was one of the following:
  - The original sole tenant
  - A sole successor as a previous joint tenant to an original pre April 2012 joint tenancy, (usually having succeeded as a spouse/civil partner)
2. To a capable, adult sibling<sup>2</sup> who has been living in the home for at least the 5 years preceding the death of the original tenant where the tenant was one of the following
  - The original sole tenant

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<sup>1</sup> Capable Adult means someone aged 18 and over, who has capacity within the terms of the Mental Capacity Act

<sup>2</sup> Sibling means biological brother or sister, step brother or step sister or adopted brother or sister

- A sole successor as a previous joint tenant to an original, pre April 2012 joint tenancy, (usually having succeeded as a spouse/civil partner)

A child between 16 and 18 years may be supported by Social Services, and the tenancy placed in trust until they are 18.

However, succession of the property for all adult children, whatever the circumstances of succession, will be limited to an appropriate sized property in line with the bedroom standard incorporated in the Allocations Policy.

These additional rights will only be granted to children or siblings, where the Council have received appropriate notification and evidence of living arrangements, in line with the council's procedures and the tenancy agreement.

When granting these additional rights i.e. to people with no statutory right of succession, the Council will grant an introductory tenancy in line with our usual policy on new tenancies.

If there is more than one person qualified to succeed, a spouse or civil partner will take precedence.

If there is no spouse or civil partner, but there is more than one family member who meets the conditions for succession, the family members should choose between them who will succeed to the tenancy. If they are unable to agree between themselves, the landlord is entitled to make a choice.

There can only be a succession to a sole tenancy – more than one family member could not jointly succeed to a joint tenancy.

### **Tenancies granted post April 2012 but before the implementation of this policy**

Any tenancies granted between the two periods will be subject to the terms of the tenancy agreement. .

### **Decisions regarding succession made outside of these rules**

Any decisions made outside of these rules will be the responsibility of the Re-Housing Panel which will take into account social and medical factors.

Where tenants with a new secure tenancy (post implementation of this policy) transfer or carry out a mutual exchange within the social housing sector in Thurrock, they retain the rights of succession granted in their first tenancy.

Demoted Tenancies, where the deceased was already a successor, can only be succeeded by the spouse or civil partner of the deceased tenant, not the children. The succeeded tenancy will not be a secure or demoted tenancy but a bare contractual tenancy i.e. with no further succession rights.

## Section 2 - Tenancy Conditions

Once a tenancy has been granted it is important that good service levels are maintained and that tenants understand their role in maintaining a healthy tenancy and contributing to the wider community. This section will explain all aspects of common tenancy conditions, as well as define the tenants and councils responsibilities.

### 11. Paying Rent

The Council is responsible for setting the level of rent payable based on how much it needs to spend on services for its tenants. Rents will be published, giving reasonable notice of any changes (usually at least one month). The Council uses a Government recommended method of calculating rent based on the capital value of each property (taking into account property size and area).

In addition to the rent, the total amount charged to tenants may include communal heating/ television licences, water, any caretaking or concierge charges as well as other charges.

Rent must be paid 4 weekly in advance. This ensures that the rent account starts positively and free from debt, encouraging good rent payment. This would also put all tenants on the same footing as private tenants and mortgage payers. It will also help the Council reduce the risks of late payment once Universal Credit is introduced, which will be paid to claimants at the end of the month like a salary.

Tenants can pay their rent in many different ways including online payments via the Councils website, standing order or direct debit, at any post office or pay point outlet, sending a cheque to the council or via the contact centre. Full details are available on the Council's website.

Tenants are responsible for paying their rent on time and notifying the Council if they have problems doing this, as soon as possible. The Council will endeavour to help tenants as much as possible to minimise the rent arrears and assist with maintaining a healthy rent account.

The Council will assist tenants in the following ways;

- Ensuring tenants understand the importance of paying rent/service charge and what will happen if this is not adhered to.
- Offering a choice of how to pay rent, e.g. by standing order, at the Post Office, at Pay-points, online etc.
- Advising of changes to any rent/service charges.
- Informing tenants if their account goes into arrears.
- Helping tenants to obtain advice on debt and managing their money.
- Advising tenants about benefit claims.
- If tenants have any support needs, the team will refer them to an appropriate service and work with them.

- Ensuring that a home visit is carried out within 4 weeks of tenant/s taking up a new tenancy, these are called Post Tenancy Visits.
- Advising tenants about the home content insurance scheme which is designed specifically for council tenants. The insurance is paid with the tenants rent.

## **Rent arrears**

Arrears will be dealt with in the following way before they are progressed to the Arrears Panel

- A reminder letter will be sent after the account falls into two weeks arrears
- A Notice of Seeking Possession is served by the time the account is over six weeks in arrears
- During the time above, the Council will try to meet the tenant, to make an arrangement to bring the account up to date.

The Council has a statutory duty to recover all rents due in order to discharge its financial obligations to manage the Housing Revenue Account (HRA) prudently and avoid a deficit occurring under the Local Government and Housing Act 1989. The Council's policy in connection with the recovery of rent arrears is a combination of tenancy enforcement and welfare support

The Council is able to enforce a tenancy agreement by applying to the County Court for a possession order of a property for non-payment of rent under S84 of the Housing Act 1985. The request for possession is based on Schedule (2) Ground (1) that "Rent lawfully due has not been paid or an obligation of the tenancy has been broken or not performed." The court must be satisfied that the ground is valid and that it must be reasonable to make an order. In deciding what is reasonable it may consider the conduct of both parties and the public interest.

The only purpose of welfare support in relation to the Council's rent recovery responsibilities is to secure a reduction and ultimately clear an individual tenant's arrears. Any support plans must therefore clearly demonstrate how re-payment of debt will be made and over what time.

Effective support, however, will need to tackle the root cause of any debt problem in each case. Thus, support should be tailored to each tenant's needs. This could mean help being required with one or a number of the following applicable vulnerabilities:

- Money management and debt counselling.
- Welfare benefit, and employment and training advice.
- Mental health (ranging from depressive illnesses, disease (Alzheimer's etc) to various psychiatric disorders) and learning difficulties.
- A household crisis, such as a relationship breakdown, bereavement, or a serious illness etc.



- A crime that has had a temporary, but serious and disturbing effect on the ability of a victim to manage day-to-day life.
- A tenant who is an ex-offender and in receipt of on-going support from the Probation Service for whatever reason.

### **Arrears Panel**

The Arrears Panel has delegated authority to make decisions to evict tenants in rent arrears in accordance with the Arrears Recovery Procedure.

The panel meets every two weeks to consider arrears cases where tenants have failed to comply with the terms of a Court Order for possession or where an outright order for possession has been granted. Where an eviction is suspended by the Court on application by the tenant, a new decision to evict must be obtained from the Arrears Panel before a new application for a warrant may be submitted.

No tenant may be evicted for rent arrears without the agreement of the Arrears Panel.

The panel is empowered by the Council's delegated arrangements to make decisions to apply to the County Court for eviction warrants in respect of breached possession orders. In reaching its decision to evict a tenant, the Panel will:

- a) Have regard to whether or not the tenant is likely to be considered intentionally homeless. Advice on this issue will be provided by a Housing Solutions Officer.
- b) Have regard to the financial and social circumstances of the tenant and his/her household and whether sufficient welfare advice and support has been given to enable the arrears to be reduced. Advice on this issue will be provided by both the Rents Officer presenting the cases and/or the relevant Social Worker. Only issues of vulnerability that have a link to a person's capability to pay his or her rent are applicable. A person's age or physical disability does not, by itself, make a person incapable of paying his or her rent on time. By themselves, such issues are not applicable vulnerabilities under this procedure.
- c) Have regard to any Housing Benefit claims or disputes that are on-going that may result in a substantial back-payment of benefit.
- d) Have regard to any report from the Rents Officer as to any recent contact and proposals from the tenant to clear the arrears.

All cases referred to the Arrears Panel must have been dealt with in accordance with the council's Vulnerable People Protocol.

Before being presented to the Panel, every case must have been referred to Social Care inviting an appropriate officer to attend or provide comments. It is the responsibility of Social Care, however, to make representations as

required. In the absence of any other information, a lack of comment or attendance on a case by Social Care will not prevent the Panel from making a decision to evict a tenant for arrears.

Where a tenant has been evicted from a property for rent arrears, they will be able to join the Councils Housing Waiting List, provided they meet the criteria. However, they will be placed in the lowest band until any rent arrears are paid.

### **Housing Benefits**

Financial help with rent payments may be available for. It is sometimes called a rent rebate, and is paid by the local council. Tenants do not have to be on any other benefit to be eligible for housing benefit, but they must apply if they wish to receive it, and it is “means tested” (financial circumstances decide whether they qualify).

### **Death of the tenant**

Where a tenant dies the next of kin, or executor of the deceased tenant’s will, should advise the Council of the death and make arrangements for the property to be returned. Where there are family members who are still living at the property the Council will advise on succession rights in line with the policy on successions in section 10.

Upon receiving the notification, the Council will discuss the arrangements for returning the property with the next of kin or executor. One weeks’ rent free period will be agreed to allow the next of kin or executor time to clear the property, however more time can be agreed if required but the rent would be due from the deceased’s estate.

Upon receiving notification of the tenant’s death the Council will serve a notice to quit on the next of kin or executor, giving 4 weeks notice to end the tenancy. Where there is no next of kin or executor, the notice will be served on the Public Trustee.

## **12. Safety in and around the tenant’s home**

The safety of tenants and staff within the borough is paramount to the council. It is important that everyone plays a part in maintaining a safe environment. This section highlights the majority of safety issues and explains how they should be maintained by tenants, contractors and council staff.

### **Tenants homes and communal areas**

Communal areas include stairs, lifts, landing, entrance halls, paving, shared gardens and pathways, parking areas, drying rooms and the general neighbourhood.

Tenants and the Council are responsible for the maintenance and general upkeep of these areas. For example if a tenant identifies a health and safety hazard, such as an exposed electrical wire, they have a duty to report this to the Council.

Both tenants and the Council must consider these areas and ensure they are safe and clean. The following must be considered

- All social housing properties and communal areas must have annual gas, electrical, and smoke detector tests. Tenants must ensure that officers and contractors have access to the relevant areas in a timely manner.
- All communal hallways, stairwells and lifts must be free from any furniture, mats, decorative items or rubbish bags as these could pose a health and safety hazard.
- Detected gas leaks must be reported without delay to the Gas Emergency Service. Faulty appliances could lead to carbon monoxide poisoning or an explosion.
- No-one should interfere with gas/ water supplies or water mains unless they are contracted to do so by the council. However if tenants feel there is a leak they should turn the supply off if there is a safety hazard. The council will provide tenants with a leaflet on gas safety when they take on a new property.
- Any potential hazards identified must be reported and eliminated or minimised as soon as possible. This includes spillages in communal areas and trip hazards.
- Any accidents must be reported in line with the council's health and safety policy, to ensure that measures are in place to avoid or minimise reoccurrence. Tenants can do this by contacting the council and informing them about the incident.
- Some properties do have anti-social behaviour present within the building; this is common with many properties over a certain age. If there are any concerns about this or tenants would like to carry out work to the property, it is important that a written request is made to the council, to ensure that all safety checks are in place and that any work is evaluated appropriately before it begins. More information regarding Anti-social behaviour must be provided to tenants on request or upon sign up of a new property.
- Written permission to store any item in communal areas must be obtained by the council before items are stored. Upon receipt the council will assess the impact of the item and provide any suitable advice.
- Officers who notice un-authorized items in communal areas should endeavour to find the owner of such items. If they are unable to locate and speak with the owner on the day they are noticed, they should organise to have them removed. This action should be proportionate to the item found and in line with appropriate risk assessments.
- Tenants must be responsible for the Health and safety for them selves, their families and visitors at all times while they are on housing land. For example children should play in a safe environment, therefore it will not be

- suitable for them to play in corridors, lobbies and other space restricted communal areas. Children must be adequately supervised at all times.
- Lifts should not be used in the event of an emergency; if someone becomes stuck in a lift they should follow the displayed advice in the lift.

## **Checking ID**

All officers and contractors visiting tenants must ensure that they have visible photo identification when greeting the tenants. Tenants should refuse officers and contractors entry into their home unless they are satisfied with the identification they have been shown. Where there is doubt the tenant should contact the Council or police and report any suspicions.

Unique passwords can be organised for sight-impaired tenants. Tenants with these requirements should disclose these to the Council when they are arranging specific appointments so that this can be arranged.

## **Care-Line**

An emergency home alarm system called Careline is also a service available to tenants who are old or those with chronic sickness or disability. This system allows tenants to live independently while having easy access to help in an emergency. The service is available 24 hours a day, every day of the year and officers should promote this service to vulnerable tenants who would benefit from this added security.

## **Adaptations**

Properties should be adapted to suit the needs of the tenants, where there are health and safety concerns and restrictions. These are managed in line with the adaptations policy; this includes details of an appeals process.

## **Mobility Scooters**

Residents who use and store mobility scooters and motorised wheelchairs on estates must be competent to do so and must do so without endangering the safety of themselves, other people and property. Due to increasing use of scooters and the limited provision for storage, all existing or future residents must obtain permission in writing from the council before purchasing their scooter. If permission is not sought or granted and the tenant continues with the purchase, they will be asked to remove it immediately.

Permission will only be granted if there is a safe space to charge and store the scooter and it does not pose a health and safety risk. Permission granted or refused must be communicated in writing to the applicant, with a clear reason for refusal included.

What is the difference between mobility scooters and motorised wheelchairs?

Mobility scooters are vehicles with three or four wheels and are steered using bicycle style handlebars. They are primarily intended for outside use.

Motorised wheelchairs usually look more like a traditional wheelchair, with batteries and a motor. They are usually driven using a “joystick” controller system on the arm of the chair. Because of the time spent in them they are more adaptable than scooters and can be modified for the needs of the user. Motorised wheelchairs are only intended for use inside a building or in the immediate vicinity. They are usually stored and charged within the residents own property.

#### Ensuring safety of scooter use and storage

- Mobility scooters/ motorised wheelchairs must not be stored in any part of a corridor or stairwell that might cause an obstruction or fire safety hazard.
- The scooters/ motorised wheelchairs must be electrically safe and it is recommended that both it and the charging equipment be subject to a portable appliance test as part of the annual estate testing programme of equipment used. A small fee will be applicable to this additional service.
- Although there is no legal requirement for tenants to have insurance for their scooter or wheelchair, they must be aware that they will be liable to pay compensation or third party claim if they have an accident or cause damage or personal injury to a third party.

#### Registration and licence requirements

If the following points apply to the type and use of the scooter, then the vehicle is classed a class 3 invalid carriage and must be registered with DVLA;

- Capable of exceeding a speed of 4mph but incapable of exceeding a speed of 8mph;
- Intended for use of roads and highways;
- Designed to support a weight not exceeding 150kgs

#### **Bonfires**

The Environmental Protection Act 1990 enables Environmental Protection Officers to deal with smoke, fumes or gases emitted from premises so as to be prejudicial to health or a nuisance. If a bonfire is witnessed to be causing a Statutory Nuisance then Environmental Protection Officers can serve an abatement notice on those responsible. If the notice is breached then a prosecution could follow. This could amount to a fine of up to £5,000 at domestic premises.

If a bonfire is the most practicable and environmentally friendly way to dispose of dry garden waste (for example, diseased plant material that cannot be composted) tenants should warn their neighbours – they are much less likely

to complain. Tenants should be reminded of the impact bonfires and barbeque parties can have on the environment.

Tenants should be reminded of the following to minimise the impact on neighbours and the surrounding community: -

- If there is no other way to dispose of your garden waste then only burn dry material;
- Never burn household rubbish, rubber tyres, roofing felt or anything containing plastic, foam or paint;
- Never use engine oil, meths, diesel or petrol to light the fire or to encourage it once lit;
- Avoid lighting a fire in unsuitable weather conditions – smoke hangs in the air on damp still days and in the evening. If it is windy, smoke may be blown into neighbours' gardens and across roads;
- Avoid burning at weekends and on bank holidays when people want to be outside and enjoying their gardens;
- A fire should always be closely monitored and tenants should always be mindful of wind direction so as not to cause smoke or odour nuisance.

### **Home contents Insurance**

It is recommended that tenants take appropriate insurance out for their property to protect their belongings, in the event of a fire, theft or natural disaster. Details of the council's Insurance provider must be provided for tenants when they take on a new tenancy or upon request.

### **Combating crime**

Tenants and the council must work together to proactively reduce the risk of crime

Examples of how this might work;

- Tenants may benefit from informing their estates officer when they are going on holiday so that they can monitor the property in a more proactive way.
- Street lights which are not working should be reported to the council as soon as they are noticed, to ensure that the estates are well light and free from dark areas where criminals could hide.
- Tenants should be involved in local neighbourhood watch initiatives, to provide a greater level of security to the residents.
- Suspicious behaviour should be reported to the police or council to ensure it is investigated appropriately.

### **Housing Investigation Team**

Thurrock Council is committed to tackling tenancy fraud within the borough and ensuring its housing stock is protected and fair to all those who require its services. The dedicated Housing Investigation Team is tasked to protect the

housing stock and bring civil action and criminal prosecutions against those committing fraud.

The Housing Investigation Team also proactively seeks out fraud with periodic audits of high risk areas.

Examples of tenancy fraud include

- Subletting
- Abandonment
- Key selling
- Tenants failing to occupy a property as their main home
- False housing applications and false right to buy applications.

Those committing housing fraud may invalidate their secure tenancy and could face civil action from the council to recover their property. They may also be prosecuted for criminal offences contained within the Prevention of Social Housing Fraud Act, Fraud Act and the Housing Act.

### **What action can be taken?**

Tenants committing tenancy fraud may invalidate their secure tenancy and could face civil action from the council to recover their property as well as criminal prosecution for Fraud Act offences.

The Housing Investigation Team's investigators are Accredited Counter Fraud Specialist qualified. They work closely with a variety of internal and external bodies including Rents, Benefits, Police and UKBA and utilise a variety of tools to determine if fraud is occurring. If required, suspects will be interviewed on tape and under caution.

### **Staff responsibilities**

Council staff should be aware that levels of housing fraud are increasing in Thurrock and this is putting increased pressure on housing stock, waiting lists and housing budgets.

Housing staff must be mindful of fraud and be on the lookout for signs of fraud when conducting their duties. Fraud indicators include;

- discrepancies on applications
- rent accounts being high in credit or high in arrears
- no response from the tenant – such as when a gas check is due,
- poor condition of the property,
- lack of repairs requested
- anti-social behaviour occurring at the property

Staff must report any suspicions to the Housing Investigation Team, without taking any action themselves. This ensures that investigations and evidence

gathering is not jeopardised in anyway. All referrals will be investigated and action taken if it is determined there is a case to answer.

Staff should also encourage the public to report any suspicions to the Housing Investigation Team and contact details should be provided when applicable. It is important to note that reporters will not be updated with progress of any investigations due to data protection.

## **13. Maintaining the tenant's home**

Although properties will be let to tenants in a good condition, it is important that they are maintained. This section explains the responsibilities associated with maintaining properties.

### **Repairs**

The Council is legally responsible for keeping its properties in a good state of structural repair; this includes all external painted areas of the home and common areas.

#### **Objectives of the repair policy**

- To provide a prompt, efficient and cost effective response repairs service
- To ensure that tenants have clear information about the operation of the repairs service and that the process of repair reporting is simple
- To achieve high standards of customer care
- To comply with the legislation relating to the repairs duties of the council
- To ensure that homes are warm and dry and in a good state of repair
- To maximise the useful life of the housing stock by achieving a balance in spending on planned maintenance and day to day repairs.
- To minimise damage to properties

#### **Reporting repairs**

The following principles of repairs reporting procedures will apply

- New tenants will be supplied with information regarding how to report repairs to the council.
- Procedures will be simple and accessible for tenants
- Staff who process repair requests will have appropriate technical training
- Tenants will be informed of timescales for completion of repairs
- Some repairs will require inspection before the work is ordered
- An appointment will be made where access to the property is required or that the tenant requests to be present when the repair is carried out.



## **Council responsibilities for repairs**

The Council is responsible for the certain external repairs, in line with legislation.

The Council is responsible for the repair and proper working order of installations for water, gas and electricity for sanitation, space heating and heating water.

## **Right to repair**

Tenants have the right to have repairs completed within a reasonable timeframe. Tenants are entitled to have repairs that come under the right to repair category carried out by another contractor, if the Council fails to carry out the repair within a reasonable timeframe and unless they cannot gain access to the property or need to order parts.

## **Tenant responsibilities for repairs**

Tenants are required, under the terms of their tenancy agreement, to immediately report damage, faults or disrepair to the Council.

Tenants are responsible for carrying out minor repairs and replacements to their property. Further information regarding the types of repairs can be obtained from the tenant's handbook.

## **Categories of repairs**

All types of repairs are categorised and prioritised accordingly. Further information regarding the classifications can be obtained from the tenant's handbook.

## **Rechargeable Guidance**

The council defines a rechargeable repair as a repair for which the cost is to be charged to the tenant. This is when the repair is due to wilful damage, neglect or accident caused by the tenant, by any member of the tenant's household or by visitors to the property.

The Council considers a repair to be rechargeable in any one of the following circumstances

- Where damage is caused to a property accidentally by the tenant, by any member of the tenant's household or by visitors to the property.
- Where damage is caused to the property through wilful negligence of the tenant, any member of the tenants household or by visitors to the property.
- Where the damage is caused by vandalism to the property by the tenant, any member of the tenants household or by visitors to the property.

- Where the damage is caused to the property by the tenant or a member of the tenants household through an unauthorised alterations or addition to the property.
- Repairs which are specifically the tenant's responsibility.
- Where damage is caused by unrecorded burglary or unrecorded attempted burglary. If the incident is reported to the police and a crime number is obtained then damage to the property will normally be repaired by the council. However in cases of where repeated burglary may be a result of illegal or inappropriate tenant behaviour the Head of Housing will have discretion to insist on a recharge being applied.

### **Exemptions of rechargeable repairs**

There is discretion to exclude certain tenants from the above charge such as the elderly or people with disabilities in certain circumstances.

### **Decorating Allowance**

The council has a decoration allowance scheme, which operates as follows

- The tenant, subject to the following expectations, will carry out all decoration including stripping of wallpaper;
  - Sheltered houses where redecoration will be carried out by the council if this is required;
  - Houses fully adapted for wheelchair use where redecoration will be carries out by the council if this is required;
  - Exceptional individual cases at the discretion of the Head of Housing. This will include houses that are in a very bad decorative condition and where the maximum decoration allowance will not cover the cost of redecoration. In these cases the outgoing tenant will be billed for the cost of the work.
- Where decoration is carried out by the council it will be to an agreed common standard;
- As part of the post termination inspection, an assessment will be made of the decoration allowance to be paid in accordance to the number of rooms and extent of work required.
- In the case of transfers, if redecoration requirements are only revealed at the post termination inspection, the estimated cost of the work will be deducted from any decoration allowance payable for the new tenancy.
- The decoration allowance will normally be paid by cheque in two stages, before and after the work has been carried out.

### **Allowable repairs when a right to buy exists**

Until the purchase is completed, the Council must keep in good repair the structure and exterior of the property and keep in good repair and proper working order, the installations in the house for the supply of water, gas and electricity and for sanitation. Additionally, the council is obliged to carry out all

qualifying repairs under the tenant's right to repair. Repairs will continue to be re-charged if the tenants have caused damage to the property or fittings.

The Council also has an obligation to carry out gas servicing on an annual basis until the date that the house is sold to the tenant.

### **Programmed Maintenance and major works**

In addition to a repairs budget, Housing also manages cyclical maintenance and major repairs and improvements to the stock. Further information regarding this is within the tenant's handbook.

### **Access to property**

Tenants are required under the terms of their tenancy agreement, to allow the Council officer access into their homes to inspect, carry out repairs, or to do other works that are necessary to their property or adjoining properties. Where it is deemed necessary, such as a health and safety risk, in the case of an emergency the council retains the right to force entry.

Tenants are also responsible for moving furniture and lifting carpets to allow repairs to be done. If carpets have been lifted to carry out a repair the Council cannot be held responsible for any damage.

### **Home Improvements**

Tenants are permitted to carry out simple DIY in their properties. However, written agreement must be obtained by the tenant from the council for any alterations and structural changes inside and outside of the property. These include new kitchens/ bathrooms, adding room partitions, type of flooring (including adding or removal of a type of flooring) used and any structural additions or alterations (greenhouses, sheds, extensions).

The Council will always provide a written explanation for their decision.

Tenants who carry out alterations without obtaining written permission may be charged the cost of reinstating the properties to the same state it was let in.

### **Satellite dishes**

Written permission must be obtained by the Tenant from the Council if they wish to install a satellite dish. Decisions on this request will be made in relation to health and safety, the number of satellite dishes already in place, planning regulations, aesthetics of the building and if there are any other possible options open to the tenant which could assist with this request. The Council will always provide a written explanation for their decision.

## **14. Looking after the Community**

It is essential that tenants take responsibility for looking after their community, and Council officers must encourage this to embed a sense of community spirit and encourage a safe environment.

### **Refuse collection**

Tenants will be provided with refuse and recycling bins when their tenancy begins and these are the tenant's responsibility. The bins will be for recyclable items, kitchen and garden waste and non-recyclable waste. In line with the Council's policy, the refuse bins will need to be replaced by the tenant if they are stolen or damaged. The replacement bins can be ordered via the contact centre, however the tenant will need to pay for any replacement.

Details of when refuse will be collected will be posted on the Council website, including any changes in service due to bad weather or bank holidays. Other details such as what can be included in the bins and what to do if a collection is missed is available online for tenants and staff. Tenants should speak to the Council if they have any large/ bulky items of rubbish to obtain details of any local arrangements in place.

Waste must be placed in the correct bins - failure to do so will result in the refuse not being collected. It is the tenants responsibility to ensure that areas where bins are stored are clear and free from obstruction. Tenants must also report any potential hazards without delay to ensure they are minimised as soon as possible.

### **Communal rubbish storage**

Details for specific sheltered complex arrangements can be obtained from the Council, upon request.

Refuse should be placed by tenants in the allocated areas straight away, and not stored in any other communal area for any length of time. It must be securely bagged and be of size to fit in the bins or travel down a chute.

Communal areas must be left clean and free from hazards, ready to be used by the next tenant. Tenants must also report any potential hazards without delay to ensure they are dealt with as soon as possible.

### **Car Parking**

Car parks or parking areas can only be used by tenants, residents and visitors for parking a private or light commercial vehicle. Any commercial vehicle, with an un-laden weight of more than 2.5 tonnes cannot be parked on Council land.

Tenants and the Council officers have a duty to keep all car parks and parking areas clean, tidy and safe.

Tenants are allowed to park a roadworthy, private car in the garden of their property, as long as the following guidelines are followed;

- Tenants must meet all costs of installation and maintenance of any work undertaken.
- Tenants must have written consent from the Council to install a dropped kerb and car crossover and ensure that this is installed in accordance with Council policy.
- Tenants must have written consent from the Council to install hard-standing driveways and gates; these must open inwards to the property.
- Parked vehicles must not overhang onto a public pathway or obstruct any access ways.
- Tenants must obtain written consent from the Council to park a vehicle other than a motorbike or car on Housing land.
- No cars should be driven or parked on grass areas, any tenants or visitors found to be doing so will be recharged for any work required.

### **Car repairs**

Tenants are able to carry out basic car repairs and maintenance to their vehicles on housing land; however this should only be repairs which can be completed on the same day they are started. Any repairs, maintenance or improvement work which will take longer than one day will need to be carried out elsewhere unless written permission has been granted by the Council.

Major repairs such as engine replacement, brake and panel replacement and body spraying are strictly prohibited.

### **Abandoned Vehicles**

Tenants and Council officers should report any abandoned and untaxed vehicles they see to the Council, to ensure they are dealt with in the appropriate way. The reporter should make a note of the vehicle, make, model colour and registration number to ensure action is as swift as possible.

### **Garden upkeep – trees, grounds maintenance**

Tenants are responsible for keeping their gardens tidy by cutting the lawn and trimming hedges, trees and bushes to ensure they do not overhang or cause obstruction in any way.

Tenants can arrange for the Council to do this; however there will be a charge incurred for this additional service.

The following areas are the responsibility of the Council. These works will be instigated by either an officer noticing the need for maintenance or by the tenant bringing it to the Councils attention;

- Paths and Patios

Where these exist at the start of the tenancy, the Council will continue to repair or replace them, although not necessarily with the same material.

- Walls and fences

Where Council's boundary walls exist, the Council will continue to repair or replace the fence as deemed appropriate and most cost effective. Further information regarding the type of fencing used is available from the Client Contract Team.

- Gardens sheds, sunhouses and outbuildings

If these have been provided at the start of the tenancy, the council will continue to repair or remove them as deemed appropriate and most cost effective.

Tenants who wish to add any structures to their property must seek written consent from the council before doing so.

## **Fishponds**

These are not usually allowed in Council properties, as they are costly to maintain, repair or remove once the tenancy has ended. However, tenants can apply for permission which may be granted where an undertaking is given to maintain the pond and to remove the pond should the tenant move.

Should the tenant move out of the property but fail to carry out the removal of the fishpond, then the work will be carried out by the Council and re-charged to the former tenant

## **Trees**

Tenants must have written agreement from the Council to plant trees. The Housing department will liaise with the Horticultural department to give advice.

Leylandii conifers must not be planted, due to their vigorous growth and high maintenance demands; neighbour disputes can be caused with large trees and hedges. Other species are not suitable including Poplars, Eucalyptus and Tree of Heaven due to extreme growth or their invasive nature.

Care and consideration must be taken when selecting any trees for planting in domestic situations, paying particular attention to a tree's potential size and planting locations in terms of boundaries and adjacent property.

Tenants are responsible for the maintenance of their gardens including the trees, except those older or disabled tenants who may require assistance. Occasionally trees in tenant's gardens may have Tree Preservation Orders and where this is the case, tenants need to check maintenance needs with the Council.

British Birds and their nest are protected by Law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 again the Council will be able to give specific advice to tenants when requested.

The Council do not normally carry out earth moving, re-turfing or tree and shrub maintenance in tenants gardens. Any work will be recharged to the tenant.

Invasive plants including those in ponds must not be planted. Legal constraints are on the encouragement of growth and the means of removal with some plants; for example Japanese Knotweed. The Council will be able to advise where necessary.

### **Assisted gardening**

Tenants should inform the Council if they are above state retirement age and have no one of pre-retirement age living with them, or are disabled and do not have any able-bodied person living with them. If they fall into these categories, they may be eligible for assisted gardening services. Tenants who are eligible will have their grass cut six times a year and hedges trimmed once a year.

### **Temporary Fixtures to communal areas**

Temporary fixtures to communal areas such as trampolines, swimming pools, bouncy castles and slides are strictly prohibited as they pose a health and safety hazard.

### **Smoking**

The Council recognises its responsibility to protect its tenants and employees from smoking related diseases and disabilities by creating a smoke free environment.

For the purpose of this policy, smoking is defined as the burning of any type of cigarette, pipe or cigar, or the consumption of any other product which contains tobacco or similar substance.

In line with the Councils Smoke Free Policy, local authorities are responsible for enforcing the smoke free legislation within the borough.

Tenants must not smoke in any public access area on Council land, this includes, lobby's, stairwells, corridors, walk ways and lifts. Smoking is only permitted in tenant's private dwellings and gardens (including communal gardens).

There will be times when a Council officer or contractor will need to visit a tenant's property; in these circumstances the tenant must refrain from smoking whilst staff are in their homes. Although the tenants have every right

to smoke within their homes, the Council also has a duty to protect staff and contractors by providing a smoke free environment wherever possible.

Tenants should refrain from smoking for at least half an hour before staff/contractors visit their home and for the duration of the visit. If this request is not maintained it may delay or stop service delivery.

Any member of the public in breach of the policy should be politely informed about the policy by the Council's employee who notices the breach and asked to either stop smoking or leave Council premises or land.

If the individual refuses to comply or causes intimidation, further action will be taken and the tenancy could be terminated due to non compliance of Tenancy Agreement and Council Policy.

### **Keeping pets in Council properties**

Tenants are normally allowed to keep pets in their Council home, as long as they are well cared for and responsibly kept. The home must be suitable for their needs.

If the tenant fails to adhere to this policy, in accordance with the Tenancy Agreement, or they do not keep the animals in a responsible manner, the relevant tenancy will be terminated due to non-compliance.

Guide dogs and other support dogs will always be allowed.

### **Permission**

Tenants must ask for written permission from the Council if they wish to obtain a pet, indicating the number and breed of animal they would like. The Council will need to know about how many pets tenants have in case there is an emergency, such as a fire or a flood. In addition, this information is important for the general management of the tenancy and estates.

The Council will not refuse permission unless there is a good reason and any reason will be explained clearly to the tenant.

### **How pets should be kept**

Some properties are not suitable for keeping certain types of animals. Tenants should keep dogs or any other animal, except cats, which need outdoor exercise on a lead at all times when they are in a public area on Council land.

Tenants should keep rabbits and guinea pigs in gardens, so a property without a private garden may not be suitable.

If the property is suitable, tenants may keep most domestic animals including cats, dogs, rabbits, rodents, fish, caged birds such as budgies and parrots,



and reptiles such as lizards. Pets should be kept securely where they cannot escape, and should have enough room for exercise.

All dogs and cats should be micro chipped and the relevant evidence must be presented to the council with an application to obtain a pet.

Existing tenants must also arrange for their pets to be micro chipped and can liaise with the Council for further information regarding local schemes which may be running.

### **Pets not allowed**

Any animals prohibited by Section 1 of the Dangerous Dogs Act 1991 must not be kept. Any prohibited animals found, will need to be re-homed immediately, tenants failing to take immediate action will also be at risk of prosecution.

There are four breeds of dangerous dogs which are illegal – pit bull terriers, Japanese Tosas, the Dogo Argentinos and the Fila Brasileiros. Cross breeds of these dogs are also illegal. Dogs of other breeds, such as Rottweiler's, which have ever attacked a person in public are deemed dangerous dogs and are also illegal.

If a tenant's dog has attacked someone, the dog must be put down without delay. Similarly, if a dog attacks another dog in a public area, the dog must be re-housed immediately since the Council would deem this as a dangerous dog.

Tenants must not keep any wild or dangerous animals such as big cats, wolves, poisonous snakes and spiders etc.

Other animals which must not be kept in tenant's property or communal areas include livestock, horses and poultry.

### **Barking dogs**

The Council receives a large number of complaints regarding barking dogs. Barking comes naturally to dogs, but constant barking or whining of a dog can be disturbing or annoying for those around them.

By law, a barking dog can be a noise nuisance; therefore the Council will always try to work with the tenants in reducing the noise problem. The main reasons dogs bark are due to loneliness, boredom, attention seeking and defending their territory.

Simple measures to assist with this problem are

- Training the dog sufficiently
- Regular routine, including regular walks
- Leaving the radio on whilst the house is empty

- Not leaving the dog alone for long periods of time

### **Number of pets**

Tenants should not keep more than two cats, dogs or rabbits. They may keep more small animals such as gerbils, mice, guinea pigs, fish, birds and reptiles as long as they are kept in tanks/ cages which are big enough for them and have enough room for exercise. In addition, they must also not cause a statutory or environmental noise nuisance.

### **Breeding animals**

Tenants must not breed animals within their Council property. Council properties are unsuitable for commercial breeding. All pets should be neutered to help reduce the number of unwanted animals.

Small pets such as guinea pigs and gerbils can breed very quickly, so it is important to have them neutered as soon as they are purchased, or only keep pairs of the same sex.

### **Tenants responsibilities when keeping a pet**

- Seek written permission from the council
- Adequately feed and provide clean fresh water to the pets
- Keep the pets safe and warm enough at all times
- Take pets to the vets whenever they are ill, or need any other attention, e.g. for fleas
- Give pets enough exercise, and keep dogs on leads when walking them in public
- Ensure pets are adequately groomed within private areas of the tenant's property. For example brushing dog hairs to minimise them falling within communal areas
- Ensure appropriate arrangements are in place if they are away from their home, and have a nominated person to care for the animal in the case of an emergency
- Make sure all pets in tanks or cages have enough room and are not overcrowded
- Ensure pets are chipped and neutered in line with the policy
- Clean any mess that dogs/ cats make in public or private areas, any fouling must be cleared immediately
- Keep pets under control at all times
- Take into account the pets individual needs. For example very timid animals may need to be kept away from other animals or from children

### **Tenants must not**

- Allow pets to roam or stray, (except cats)
- Allow pets to annoy or frighten anybody else
- Allow pets to cause nuisance to anybody else, e.g. by making too much noise

- Allow pets to damage anybody's property, including their own council property
- Neglect or mistreat pets in any way.

Cruelty to animals is a criminal offence.

### **Tenants unable to afford/ care for their pets**

Organisations which can assist in giving discount for tenants who are on benefits or providing pet care include the RSPCA and the PDSA. The tenant should contact them for further advice.

The tenant is responsible for finding the pet a new home if they can no longer care for them or if they have been asked to have them re-housed or removed by the Council.

### **Problems with other people's pets**

If a tenant reports an illegal dog to the Council, the Council will always investigate the allegation to ensure the safety of all residents.

If a tenant reports their neighbour's dog is causing a nuisance, they should try and discuss this with their neighbour to resolve the matter. If the matter persists, they should contact the Council.

Alternatively if a tenant is aware of a neighbour neglecting their animal, they should report the concern to the RSPCA or the police.

The Environmental Protection Team can take enforcement action against tenants who are responsible for 'any animal kept in such a place or manner as to be prejudicial to health or a nuisance' (Environmental Protection Act 1990 Section 79(1)(f)).

### **Noise**

Noise is inevitable in any type of property within reason. Tenants must be responsible about the level of noise coming from their property and be considerate to the needs of their neighbours. For example the consistency of noise, level of noise and time of the noise must be taken into account by each tenant and every effort must be made to avoid excessively loud noise at any time of the day and night.

In return tenants must also be tolerant of noise and accept that it is a part of everyday life and cannot be avoided. This can be a particular issue in flats and high rise blocks. For example children will make noise and will be allowed to play in safe open spaces as they are entitled to enjoy their home environment as much as everyone else and should not be confined to their homes. However, they should always be sufficiently supervised to ensure safety.

Further information regarding noise related anti-social behaviour is highlighted in the anti-social behaviour section of this document.

### **Operating a business within a council property**

Any tenant or member of the household wanting to operate a business from their council property must ask for written permission from the Council. Any decision made will be confirmed in writing, including an explanation or terms of the agreement.

### **Caretaking Services and Grounds Maintenance**

Open spaces on housing land must be kept clean, tidy and free of excessive growth of grass and weeds. The Council employs a grounds maintenance contractor to carry out grass cutting, weeding and maintenance of open spaces.

Tenants can request details of caretaking and street cleaning rotas from the Council. If tenants feel that certain areas require more attention, they should make the Council aware of this to ensure that adequate services are in place.

Tenants are also responsible for the general maintenance of Council land. Acts such as littering and fly-tipping, dog fouling are strictly un-prohibited and will not be tolerated and such action may result in a fine or further action being taken.

Tenants are also responsible for reporting areas which require maintenance, such as lighting in communal areas or streetlights, to ensure that action is taken as soon as possible and that these issues are not compromising health and safety.

## **15. Stamping out bad behaviour**

Thurrock Council is committed to taking positive action in conjunction with our partners, to deal with all forms of anti-social behaviour to ensure that residents are able to enjoy peace, quiet and security in and around their homes, whilst remaining tolerant of the reasonable behaviour of others.

The Council will work proactively in tackling anti-social behaviour in the interests of individual residents and communities, recognising that such actions have a direct impact on the sustainability of communities and neighbourhoods.

### **What is Anti-social behaviour?**

Anti- social behaviour is defined by the Crime and Disorder Act 1998 as

*“Acting in a manner that caused, or was likely to cause, harassment, alarm or distress to one or more persons not of the same household as the perpetrator”*

Examples of anti-social behaviour include but are not confined to

- Hate –related incidents (based on race, sexual orientation, gender, disability, religion, or age)
- Violence against women and girls, including sexual violence and domestic abuse
- Physical violence (other than domestic)
- Drugs/substance misuse/drug dealing
- Criminal behaviour/crime (other than recorded elsewhere)
- Vandalism and damage to property
- Verbal abuse/harassment/intimidation/threatening behaviour – to staff, contractors, tenants or any other member of the community)
- Alcohol related
- Litter/rubbish/fly-tipping
- Misuse of communal areas/public space or loitering
- Noise
- Pets and animal nuisance
- Nuisance from vehicles
- Garden nuisance
- Prostitution/sexual acts/kerb crawling

This policy has already covered some of the areas above, however it should be noted that they do fall under the umbrella of anti-social behaviour, such as noise, dependent on the severity.

For the purposes of seeking a housing injunction or a tenancy demotion order, the Housing Act 1996 defines behaviour, which can result in an injunction (under the Housing Act 1996) or a demotion order (under the Anti-social behaviour Act 2003) as:

*“Conduct which is capable of causing nuisance or annoyance to any person AND directly or indirectly relates to or affects the housing management functions of a relevant landlord; OR consists of, or involves using or threatening to use, housing accommodation owned or managed by a relevant landlord for an unlawful purpose”.*

Housing management functions include all the usual landlord functions such as income management; property management; tenancy and estate management; resident involvement etc. It also includes other ancillary functions such as social care and housing support; environmental services e.g. refuse collection; and other services that enable the efficient operation of the landlord.

For the purposes of repossessing a tenant's home, the Housing Act 1996 defines the grounds for repossession on the grounds of nuisance or annoyance as:

The tenant or a person residing in or visiting the dwelling-house

(a) Has been guilty of conduct causing or likely to cause a nuisance or annoyance to a person residing, visiting or otherwise engaging in a lawful activity in the locality, or

(b) Has been convicted of

- Using the dwelling-house or allowing it to be used for immoral or illegal purposes, or
- An arrestable offence committed in, or in the locality of, the dwelling house.

### **Hate Crime**

Hate crime covers five areas: race, sexual orientation, gender, disability, religion, or age and includes any incident, which may or may not constitute a criminal offence, which is perceived by the victim or any other person, as being motivated by prejudice or hate.

The Council will seek to

1. Encourage reporting of hate crime, including bullying in all forms and community tension monitoring
2. Reduce repeat victims of hate crime
3. Safeguard vulnerable adults and children against hate crime including arson
4. Improve victim satisfaction with response

A victim of Hate Crime does not have to be either a member of a minority group or someone who is for some reason considered vulnerable. It is largely based on ignorance and motivated by prejudice and hostility, rather than personal gain.

Hate Crime can consist of either verbal or physical abuse, harassment – including through texts, emails, and mail, graffiti, damage to property.

### **Violence against women and girls (VAWAG)**

The most widely used definition of VAWAG is:

*"Violence that is directed against a woman because she is a woman, or that affects women disproportionately" and includes:*

*"...any act of gender-based violence that results in, or is likely to result in, physical, sexual psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life."*

The government definition of domestic abuse is:

*'Any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults, who are or have been intimate partners or family members, regardless of gender or sexuality.'*

This incorporates issues such as so-called "honour based abuse", forced marriage and female genital mutilation.

Family members are defined as mother, father, son, daughter, brother, sister and grandparents, whether directly related, in laws or step-family.

An adult is defined as any person aged 18 years or over.

The Council will work in line with the "*violence against women strategy*", to manage this area.

### **Domestic Abuse**

Domestic abuse is any form of physical, financial, sexual or emotional abuse between people in a close relationship. This may be intimidation through degradation, mental or verbal abuse, humiliation, deprecation, systematic criticism and belittling. It may also be physical assault, sexual assault or rape.

There has been a consistently low level of reporting of these offences, although initiatives in recent years, at national and local level have succeeded in increasing the proportion that is brought to notice. One emerging area of concern related to the victims amongst the older population, either suffering at the hands of their partner or increasingly their children and other relatives.

### **Honour Based Abuse**

Honour Based Abuse is an international term used by many cultures for justification of abuse and violence. It is a crime or incident committed in order to protect or defend the family or community "honour". Honour based abuse will often go hand in hand with forced marriages, although this is not always the case. Honour crimes and forced marriages are already covered by the law, and can involve a range of criminal offences.

### **Forced marriages**

A forced marriage is when either one or both parties to the marriage do not freely consent to the marriage, and are forced into the marriage against their will. This could involve both physical and emotional abuse. Forced marriage is an abuse of human rights.

This is not the same as an arranged marriage, where the parties have a choice to accept the arrangement or not. The tradition of arranged marriages has operated successfully within many communities and countries for a very long time.

Warning Signs of someone being at risk of a forced marriage;

- Extended absence from school/college, truancy, a drop in performance, low motivation, excessive parental restriction and control of movements, a history of brothers/sisters leaving education early to marry.
- Poor attendance in the workplace, poor performance, parental control of income and limited career choices.
- Evidence of self-harm, treatment for depression, attempted suicide, social isolation, eating disorders or substance abuse.
- Evidence of family disputes/conflict, domestic violence/abuse or running away from home.

**Who responds to Anti Social Behaviour?**

The Council, as a member of the Thurrock Community Safety Partnership, takes an active role in responding to the wider issues of anti-social behaviour in the borough.

Cases of anti- social behaviour involving Council tenants or Council housing stock will be dealt with by Housing Officers.

All other cases will be dealt with by the police.

Officers in Housing work with a range of other partners to tackle anti-social behaviour. These include

- Essex Police
- Neighbourhood Policing Teams
- Thurrock Community Safety Partnership (CSP)  
The Thurrock CSP is a multi-agency group with representatives from statutory, voluntary, community and business organisations from the Thurrock District, including: Thurrock Council; the police; Essex Fire Service; Essex Probation; the Youth Offending Team and Lakeside Shopping Centre. All these partners are fully committed to working together to reduce the harmful effects of crime, disorder and anti-social behaviour.
- Drug and Alcohol Action Team (DAAT)  
The DAAT is responsible for tackling substance misuse issues within Thurrock and can receive referrals from Thurrock Council for those residents in need
- Youth Offending Team (YOT)  
The role of YOT is to challenge offending behaviour. Its staff members supervise young offenders and those at risk of offending; support victims; support young people on court orders or those released from custodial



sentences; and assist parents through voluntary support or Parenting Orders.

Officers work closely with the YOT to ensure that young people involved in anti-social behaviour receive the support they need, to help them change their behaviour and to prevent them re-offending

- **Essex Probation Service**

The Essex Probation Service works with other criminal justice agencies to help to reduce crime and create safer communities. The aims of the service is to protecting the public, reducing re-offending, ensure the proper punishment of offenders in the community, ensuring offenders' awareness of the effects of crime on the victims of crime and the public and to rehabilitate offenders.

Thurrock Council refers bids to Essex Probation Service for unpaid work by offenders under the Community Payback Scheme. This can include supervised clean- ups of fly-tips, litter and graffiti, as well a minor maintenance work across the District.

### **What will the Council do?**

As part of the Council's continued commitment to address anti-social behaviour and the perceptions of anti-social behaviour in Thurrock, in partnership the Council will

- Work to ensure reporting anti-social behaviour is as easy as possible.
- Take all reports seriously, by recording and investigating all cases, and keep victims informed of action taken.
- Ensure that all victims and witnesses are treated fairly, with dignity and respect; listen to victims and provide ongoing support where appropriate, particularly to those victims considered vulnerable.
- Provide practical support in partnership with victim support agencies to address victim's needs.
- Share relevant information and intelligence on anti-social behaviour with partners; analyse information to identify repeat victimisation, known perpetrators and effected parties and respond speedily to such intelligence.
- Tell the public what we are doing to tackle anti-social behaviour so they have the confidence to report issues, offer the community feedback through community forums and encourage residents to play their part to reduce anti-social behaviour.
- Ensure that the Thurrock Community Safety Partnership provides suitable routes via which communities or individuals can raise concerns where it is considered that anti-social behaviour is not being tackled positively.
- Through education and early intervention, work to reduce anti-social behaviour and the perception that anti-social behaviour is a problem in our communities.
- Respond in a timely manner to reports of breaches of anti-social behaviour enforcement measures.

In order to deliver these minimum standards locally, and to confirm how seriously Thurrock Council takes reports of anti-social behavior, the council will undertake the following specific actions:

- Staff will acknowledge and record initial reporting of anti-social behavior onto the dedicated system UNIFORM.
- The council will keep details and any information given by the reporter confidential and in accordance with legal requirements, unless permission is given to use such information in the course of any Criminal or Civil action that is decided upon. However, due to the nature of some cases it may not always be possible to preserve the anonymity of victims.
- The council will allocate a Housing Officer to conduct a full investigation into allegations. The reporter will be given the contact details for that officer and he or she will be responsible for keeping in contact with them on a regular basis and at least once a fortnight, to update them on progress of the investigation and any subsequent actions or proceedings;
- To keep communication as easy as possible, the reporter will be offered a choice of contact methods, such as personal visits (at an agreed location if appropriate), telephone calls, e-mails, texts or letters;
- The Officer will discuss with the reporter what realistic outcomes they would like to have or are expecting and what options are open to us to deal with their case in order to help deliver these outcomes;
- At this early stage the Officer will undertake and record an initial risk assessment with the reporter. The officer will provide appropriate support throughout the case working with our partners and other service providers where required;
- Where appropriate he/she will offer the reporter the use of either incident report books, or other method(s) to record details of further incidents. Once any evidence of anti-social behaviour has been gathered a decision on any further action will be taken, which may include preventative or enforcement action;
- The Officer will then explain to the reporter what further action is to be taken, if any, and the reasons why;
- At the end of the case, the council will seek to evaluate the effectiveness of actions with the reporter if the outcome has met the initial expectations.
- If the reporter remains dissatisfied with the way the matter has been dealt with, there complaint should be forwarded to the complaints department without delay.

## **Noise Nuisance**

The Environmental Protection Act gives Local Authorities powers to deal with certain types of noise nuisances. A noise nuisance can occur at any time of the day and if witnessed by Environmental Protection (EP) Officers may lead to the service of an Abatement Notice. It is a criminal offence to fail to comply with an Abatement Notice and offenders can be taken to court and fined up to £5,000 at domestic premises. If the nuisance continues then EP Officers can enter

property under warrant and seize any noise making equipment believed to have been used to breach the notice. Often the equipment is never returned and is disposed of appropriately.

EP Officers operate an Out of Hours (OOH) noise service to address noise nuisance complaints from members of the public at night where it involves sound created by amplified means. Duty Officers will respond to noise problems coming from both domestic and commercial property regardless of whether it is privately or council owned. Routine noise monitoring visits are made by duty officers to gather evidence against allegations of noise from persistent offenders.

## **Enforcement**

Enforcement action is legal action taken by landlords and other agencies to tackle anti-social behaviour in the belief that taking action against perpetrators sends a clear message to other tenants that such behaviour will not be tolerated. This may include any of the following:-

### **Tenancy Agreement**

Breach of tenancy can lead to eviction (under Ground 1 and/or 2 of Schedule 2 of the Housing Act 1985) or to an injunction requiring compliance with the terms of the agreement.

### **Possession Proceedings**

If the terms of the tenancy agreement are breached, possession proceedings can be initiated against the tenant. A breach of the tenancy agreement is a ground for possession and there is also a statutory ground relating to nuisance and annoyance. Possession proceedings may lead to eviction of the tenant although this will always be a last resort.

Where a tenant is evicted for anti-social behaviour it is unlikely that they will be eligible to join the Councils' Housing Waiting list for at least two years, since there is a disqualification criteria for perpetrators of anti-social behaviour.

### **Demotion of Tenancy**

This power, introduced under the Anti-social behaviour Act 2003 has the effect of terminating the existing secure tenancy and replacing it with a less secure demoted tenancy with effect from the date specified in the Order. Further details are included in section one of this policy.

### **Injunctions**

An injunction is an Order of the court requiring a person to do or refrain from doing a particular act. They are sought in cases where there has been use of or threat of violence.

Breach of an injunction is contempt of court that may be punishable by a custodial sentence. There are a number of different types of injunction that can be used depending on the specific circumstances.

## **Undertakings**

During proceedings for an injunction, the perpetrator may agree to give an undertaking rather than go through the full injunction procedure. Again, breach of an undertaking is contempt of court that may be punishable by a custodial sentence.

## **Anti-social behaviour Orders (ASBOs)**

ASBOs are Civil Orders that exist to protect the public from behaviour that causes or is likely to cause harassment, alarm or distress. An Order contains conditions prohibiting the offender from specific anti-social acts or entering areas and is effective for a minimum of two (2) years. The Council will also work closely with the Police in obtaining post conviction ASBOs. Breach of an ASBO can result in a custodial sentence.

## **Parenting Orders**

If parents fail to comply with the terms of a parenting contract, a voluntary agreement, then Parenting Orders can be used to make the terms of the contract compulsory. Parenting orders can be made for children and young people up to 17 years old and can be imposed by a criminal court, family court or a county court.

The Order can consist of a parenting programme designed to meet the parents' individual needs to help them address their child or children's mis-behaviour and a second element specifies ways in which parents are required to exercise control over their children's behaviour to address particular factors associated with their behaviour or offending.

Parenting Orders are available in a variety of circumstances and are designed to encourage parents to take responsibility for and help improve their child's behaviour. Parenting orders last up to a maximum of 1 year. Parents who breach the order may be fined up to £1000.

## **Right to Buy Suspension Order**

Landlords of secure tenants may seek an order from the court, to suspend the right to buy for a specified period under Section 192 of the Housing Act 2004.

The court may only grant such an order if it is satisfied that the tenant or a person residing in or visiting the property has engaged or threatened to engage

in anti-social behaviour(which includes using the premises for unlawful purposes), and that it is reasonable to make the order.

## **Dispersal Orders**

The Anti-social behaviour Act 2003 gives the police, working with local authorities, powers to target action in problem areas to help communities remove intimidation and anti-social behaviour from their streets.

The powers enable a senior police officer to designate an area where there is persistent anti-social behaviour and a problem with groups causing intimidation. This area could be as small as a cash point, or a shopping arcade, where groups often gather, or it could be as wide as a whole local authority area, as long as there is evidence of anti-social behaviour. The local authority must also agree to the designation. The decision to designate an area must be published in a local newspaper or by notices in the local area; the designation can then last for up to six months and can be renewed if necessary. The designated area must be clearly defined, usually by a description of the streets or roads bordering the area.

## **Crack House Closure**

The Anti-social behaviour Act 2003 introduced a new range of powers that are available to the police in consultation with local authorities, to enable the swift closure of properties taken over by drug dealers and users of Class A drugs, which cause disorder or serious nuisance to the local community.

A senior police officer can issue a closure notice on premises that they have reason to believe are being used for the production, supply or use of class A drugs and are causing a serious nuisance or disorder. They can fix the notice to a prominent place on the building and may enter the premises in question, using reasonable force if necessary, for the purpose of serving the notice. The police must then apply to the magistrates' court within 48 hours for a closure order.

To issue a closure order the court must be satisfied that

- The premises have been used in connection with the production, supply or use of class A drugs;
- The activity associated with class A drugs must be evident during the 3 months preceding the closure notice;
- The premises are associated with disorder or serious nuisance;
- An order is necessary to prevent further disorder or serious nuisance.

The closure order can last for up to three months and can be extended to six months. During the period of closure it is an offence to enter or remain in the property and the premises will be sealed.

### **Support of victims and witnesses**

Victims and/or witnesses of anti-social behaviour, particularly where there is violence, or a perceived threat of violence, may need practicable and emotional support. Thurrock Council will work with partner agencies to support victims and witnesses of anti-social behaviour.

Thurrock Council will carry out emergency repairs to damaged Council property where major incidents of anti-social behaviour or harassment have occurred (i.e. where there is a danger to life or limb, major damage to the property or if the property is insecure). The anti-social behaviour Officer may ask the tenant to provide a police crime reference number before ordering urgent or normal repairs as a result of anti-social behaviour.

Offensive or hate crime motivated graffiti on Council property will be removed within 24 hours of the order being raised.

Where the victim or witness is a tenant they should be encouraged and supported to stay in their home if at all possible. If the victim or witness feels that there is a risk to life, they will be given the opportunity to approach Thurrock Borough Council's homelessness section to request emergency accommodation. The council will liaise with the relevant homelessness officer to ensure that consistent support is provided to the victim.

Where the victim or witness is a private resident the council will ensure that they work with partner agencies to offer the best possible support. Under homelessness and housing legislation, Thurrock Council has a duty of care to those who are fleeing violence regardless of tenure. Management moves will be considered in exceptional circumstances.

All victims and witnesses will be advised of the options available to them. The Council recognise that the ultimate choice lies with the victim and/or witness and will fully support their decision. During an investigation into anti-social behaviour we will use a range of measures to protect and support victims and witnesses including:

- providing a list of emergency and out-of-hours contact numbers including the police and emergency repairs;
- advising and updating on developments in the investigation;
- agreeing an action plan to jointly decide on a way forward; this action plan must be signed by the complainant, if it is not, action may not be taken in order to progress the case.
- Where necessary, carry out a risk assessment on their property to implement target hardening measures, including door safety chains and/or door viewers and secure letter boxes;

- Installing surveillance cameras in or around the property, in compliance with relevant legislation (Regulation of Investigatory Powers Act 2000). Cameras may be used to gather evidence in certain circumstances but the legislation requires that directed surveillance is a last resort and that all other means of gathering evidence should be attempted first. The CPT has access to cameras when required;
- Offering the use of a panic alarm where appropriate;
- Offering a sanctuary scheme;
- Accessing resources available from the local police and/or other agencies.
- Arranging access to translation/interpreters in the appropriate language as required and welcoming the use of advocates by victims of anti-social behaviour.

### **Protection of Staff**

The Council will not tolerate threats or violence against a member of staff or partners. The Council will work with the police and other agencies to use legal remedies against any person using or threatening violence.

If that person is a tenant, there are specific powers in the Conditions of Tenancy to deal with threats or violence against employees of Thurrock Council or its contractors.

Where such behaviour can be proved to the satisfaction of the County Court then an injunction and/or a possession order will be obtained, which could lead to the tenant being evicted.

The Council will ensure:

- that perpetrators of threats, intimidation or violence against staff will be prosecuted and action will be taken against them under the terms of their tenancy agreement, where applicable and under the relevant civil or criminal legislation;
- injunctions will be obtained where necessary banning the person from contacting the officer threatened and/or banning them from the office or a specific area;
- that Health and Safety risk assessments are undertaken as it is recognised that the management of anti-social behaviour can pose an additional risk to staff;
- that staff report all incidents of verbal abuse, threats and assaults and appropriate action will be taken by line managers and/or the Anti-social behaviour Team;
- that staff have access to protective equipment and clothing where necessary;

- that they work closely with the local police and ensure a police presence on visits, especially evictions, where the perpetrator is known to be violent or a risk of violence is perceived.

### **Confidentiality**

Complainants may be concerned that their complaint could lead to retaliation by the perpetrator and any information provided will be treated as confidential. Thurrock Council will not disclose the identity of the complainant or any other confidential information to the perpetrator, legal representative or other interested parties without the prior consent of the complainant. The council may lawfully share information relating to complainants and perpetrators with other agencies for the purpose of preventing anti-social behaviour crime.

## **16. Customer Service**

The Council encourage tenants to live as independently as possible, however appropriate levels of support will always be provided. The Council updates its website with much of the information which can be obtained by the contact centre or by the staff themselves to ensure that consistent messages are given to customers. If officers or customer feel that there is a gap of information on the website, they are encouraged to raise this with the council, to ensure that these areas are investigated. In addition, the website is available all the time, and therefore customers are not restricted to visiting or calling during certain times of the day, this is much more customer friendly in such a diverse community.

### **Complaints**

Every effort must be made by officers to resolve complaints or service requests as soon as they are raised.

This includes, listening and talking to the customer, agreeing next steps with them and following through any agreed actions, the customer should be kept up to date with progress to ensure they are aware of the current position.

If the customer remains dissatisfied or does not agree the course of action they should be directed to the formal complaints process without delay.

Information regarding the complaints process must be given, including whom to contact, and when their complaint will be acknowledged (within 5 working days of receipt). Complaint details can be taken by any officer and then forwarded to the complaints team to progress through the correct route.

The council has four different Complaints processes in place:

- 1, Corporate services (where there is no tenant/ landlord issue)
2. Housing Services (where there is a tenant / landlord issue)
3. Statutory social care complaints for children.



#### 4. Statutory social care complaints for adults

When a complaint is made the complaints team will decide the best route for the complaint to progress. Details of the complaints process will be given within the written acknowledgment so that the customer is clear of timescales, various stages and contact details.

When taking a complaint officers should obtain the following details;

- Name of complainant
- Contact details including telephone number and address
- What the complaint is about
- Any named officers who have already been involved with the matter

This information should then be forwarded by email to:

[Complaints@thurrock.gov.uk](mailto:Complaints@thurrock.gov.uk)

Alternatively they can:

Tel: 0845 3005 263

or

Write to: Customer Liaison Team  
Thurrock Council, FREEPOST ANG1919,  
4th Floor Civic Offices, New Road, Grays,  
Essex RM17 6ZZ

#### **What happens next?**

All complaints taken will be screened by the complaints team and then allocated to an investigating officer within the department concerned. A formal response will be issued to the customer within the specified timeframes with details of who to contact should the complainant remain dissatisfied. It is important that all complaints are taken seriously and investigated without delay.

All complaints are recorded on a central complaints system called RESPOND. This allows for accurate tracking of complaints, provides audit trails and stores all information in a central location. The Council value complaints and want to continuously improve services, therefore where complaints are upheld, officers will be tasked with reviewing practices and service delivery with a view to improving the customer experience.

In addition to this continuous learning, the Tenants Participation Subgroup which concentrates on complaints looks at a wide range of issues relating to complaints and customer service including mystery shopping, case study reviews and trend analysis of complaints.

#### **Compliments**

Compliments are greatly appreciated by officers, and officers should acknowledge them as such when they are made.

All compliments should then be forwarded to the email address [compliments@thurrock.gov.uk](mailto:compliments@thurrock.gov.uk) to ensure they are also recorded on the RESPOND system.

### **Suggestions for improvement**

Customers and officers suggestions for improvement should be discussed during team meetings of the department involved as this is crucial to maintain a culture of continuous development and improvement.

Where possible the outcomes of such discussions should be fed back to the person who raised the suggestion, to demonstrate how the council has acted upon this and to show its appreciation.

## **17. Getting involved**

The Council is required by law to consult with residents on decisions which are likely to affect them.

Thurrock Council is committed to involving tenants in shaping housing services to meet the needs of current and future customers. All tenants and leaseholders have the right to participate in activities that enable them to influence the delivery of the housing services they receive.

Residents have the right to decide their own level of involvement. Further information regarding the various groups and panels are highlighted on the council website. Residents who feel that they have more time to give the Council should discuss the various options with the council.

### **Customer Care Charter**

The council aim to provide high quality, value for money services and to ensure that services are easy to use and that customers have a choice about how they contact us.

The Council has introduced a Customer Care Charter which sets out its commitment to customers;

The council will:

- Aim to get things right first time
- Make services easy to use
- Treat customers with respect and courtesy
- Let customers know the name of the person they are dealing with
- Be open and honest and explain decisions
- Deal with enquiries promptly or explain the reason for any delay
- Apologies when they get things wrong and put things right
- Train staff to do their job well

- Regularly talk to customers about the improvement of services
- Recognise the diversity of our customers and communities and adapt our services to meet customer needs

The council will not

- Accept any form of abuse or discriminatory behavior of any kind against staff, customers and communities
- Always be able to give customers what they want. If the council cannot, they will explain why and try to offer another option or alternatives
- Use jargon or unnecessary technical terms when explaining things to customers

## **18. Changing home**

Tenants should be encouraged to speak with the Council if their housing need changes; this could be related to the size of the property, type of property, area of property as well as other factors. Officers should proactively speak with tenants about other housing options which are available if they feel that a tenant may benefit from a change in home.

Further information regarding available options is highlighted within the Allocations Scheme. Alternatively tenants should speak with the Housing Solutions team to explore any options which may be available to them, the team will also be able to provide a realistic evaluation of the likelihood of tenants requests being fulfilled, to avoid unnecessary disappointment.

Tenants may join the Council's transfer list even where they are adequately housed – more details are available in the Council's Allocations Policy.

Where tenants transfer to another Council property they will be given a period of at least 6 calendar days between the viewing of the new property and the start of the new tenancy, to move out of the old property and into the new one. The rent will be due on the new property from the tenancy start date and therefore if tenants do not move out within the period given, they will be liable for the rent on both properties. No rent free period will be given and Housing Benefit will not be payable on two properties.

## **19. Sheltered Housing**

Sheltered Housing is designed and built with the needs of older people in mind. Most of the council's sheltered housing complexes are made up of one bedroom flats or bungalows, though there are a few two bedroom properties.

Sheltered Housing enables older people to live independently with security and peace of mind. It means that tenants can still have their own property and all the privacy that comes with it and also have security of a sheltered housing officer in case tenants need any help.

## **Allocation of property**

In order to be eligible for these complexes applicants must meet all of the following criteria

- 60 years and over or aged 55 to 59 years and in receipt of Higher Rate Disability Living Allowance (Mobility or Care element)
- Single or joint applicants with no children
- In need of the housing support provided by the complexes  
Applicants for this type of housing will need to complete a Sheltered Self Assessment form indicating the type of support that is required, and provide evidence of their Disability Living Allowance where appropriate.

Exceptionally, it may be possible to allocate a sheltered property to an applicant below the age range described above, but this is usually due to a severe disability. The Council's Re-Housing panel will agree such a move.

Further information regarding the allocations of sheltered Housing properties is included in the allocations scheme.

## **Safety**

Each property has an alarm system that you can activate to speak to the sheltered housing officer (or careline if the officer is not on duty). In addition, there is a pull cord in every room of the properties, to raise alarm in the event of an emergency.

The onsite Sheltered Housing Officer has a number of roles to carry out whilst of duty;

- Make daily contact with the residents either via the intercom system, or in person.
- Deal initially with neighbour complaints, breach of tenancy conditions and reporting of repairs to communal areas.
- Liaise with contractors on behalf of tenants regarding access to individual properties or communal areas for repairs, maintenance or improvements.
- Promote a sense of community through social activities for residents and non residents.
- Take responsibility for organising other on-site facilities, such as visiting care services and hairdressers.
- Liaise with care agencies, such as social services, health workers with regards to specific needs and developing services for the complex generally.
- Regular inspections of communal areas, such as halls, laundry rooms, lobbies and gardens will be carried out. Ensure that all health and safety issues identified are actioned and recorded effectively.

- Support service users, to encourage and maintain independence and quality of life.
- Respond to emergencies when on-site, contacting relatives, and other agencies as appropriate
- Help new tenants to settle into their new home, by giving advice and support

### **Sheltered property rent**

All rent accounts include the actual gross rent and water rates for the property. All other issues relating to rent collection in highlighted in the rent section of this document.

### **Sheltered property service charges**

A standard service charge is paid by tenants to include the following additional services;

- On site warden
- Community Alarm System

The rates are proportionate to the cost associated with running these services, to add value and security for tenants of sheltered accommodation.

### **Adaptations**

An adapted home is one with things specially fitted to the property itself, from minor to major installations. The adaptations usually stay in the home as long as a person needs them. Further information regarding this can be obtained from the Adaptations Policy.

### **Extra Care Housing**

Extra Care Schemes are designed to meet the needs of older people who wish to live independently but need extra support. A separate eligibility criteria and process applies for this type of scheme, further information regarding this is included in Allocations Scheme.

### **Getting involved**

In addition to the ways to get involved, already noted in this policy, most of the complexes have a communal hall, where activities take place daily, so there is always the opportunity to socialise with others.

## **20. Mutual exchange**

Mutual exchanges between secure tenants are carried out via a deed of assignment; neither tenancy in the exchange ends, each one merely passes over to the new tenant. However, where a secure tenant exchanges tenancies with an assured short-hold (Housing Association fixed-term tenant), the

tenancies are required to be terminated in law and new tenancies created. The implications of this are that the original secure tenant to the exchange will be granted a new assured periodic tenancy by his/her Housing Association landlord which will not necessarily have the same succession rights as his/her original Council secure tenancy. It is important that clear information is given to all tenants and housing applicants about the implications of the different tenancy types available under the Council's new Strategic Tenancy Policy.

Mutual Exchange will be managed in line with the allocations process within the Allocations Scheme document. More information on the procedures and reasons for refusal will be available in the tenant's handbook.

## **21. Allocating Properties**

Thurrock Council uses a process known as Choice Based Lettings for allocating properties, where the applicant chooses which property s/he is interested in and registers that interest via a "bid". Because applicants are allowed to choose the areas and types of properties that they can bid for, this leads to more sustainable communities.

The "bidding" system does not involve a payment for property – placing a bid merely indicates that an applicant would like to be considered for that property.

The allocation scheme used is called *Thurrock Choice Homes* and the *Thurrock Choice Homes* team are responsible for administering it. Further information regarding allocating properties is highlighted within the Allocations Scheme.

### **Prioritisation of properties via Banding**

The Council has five bands for prioritising applicants on the Housing Waiting:

- Band 1
- Band 2
- Band 3
- Band 4
- Band 5

Priorities will be assessed under a number of headings, which reflect the Reasonable, and Additional Preference groups, and depending on their urgency, will determine which band an applicant is placed in.

Applicants in Band 1 will have the highest priority whilst applicants in Band 5 will have the lowest priority.

Once placed in a band, the applicant will be able to bid using the designated banding priority. Once an applicant is registered s/he will be advised in writing of their bidding reference number, their band and the types and size of

properties that they can bid for. An applicant has the right to request a review of their banding at the point of registration, and also at any point prior to an offer of accommodation, where their circumstances have changed. Further information regarding banding is highlighted in the Allocations Scheme.

## **22. Homelessness**

Homeless applicants fall into the reasonable preference group but Local Authorities may distinguish between groups of homeless applicants when determining whom they prioritise within their housing allocation scheme. Thurrock Council has decided to make a distinction between those homeless people who are owed the main housing duty under the Housing Act 1996 and those who are not.

This priority only applies to applicants who have been assessed by a Homeless Officer and meet the criteria for the main housing duty by the Council, i.e. for applicants to whom a homeless duty has been accepted under s193 or s195 Housing Act 1996. Therefore this priority will not be awarded to every homeless applicant.

Where an applicant qualifies for the homeless duty but only because of a restricted person within their household – i.e. someone who is subject to immigration control and not eligible for assistance in their own right – this homeless priority cannot be awarded.

The Council intends to use the full range of housing options available to it in order to discharge its homeless duty and this includes making use of private housing instead of social housing where the relevant conditions are met. Further information regarding homelessness is included in the Allocations Scheme.