



Minutes of the meeting of the HOUSING IMPROVEMENT TEAM ON NEIGHBOUR NUISANCE AND TENANCY AGREEMENT held on WEDNESDAY 9 FEBRUARY 2000 at 10.00 am in the Training Seminar Suite, Level 3 at the Civic Offices

Present: Councillors Saunders and Woodcock

Officers: D Nickless (Head of Neighbourhood Services - Housing), M Lipscombe (Group Solicitor), R Callow (Community Safety Officer), S Comerford (Senior Housing Officer), B McKay (Lakes Estate Housing Officer), S Williams (Senior Press Officer), C Jones (Tenants Participation Officer) and W Marsden (Senior Committee Manager)

Tenants'

Representatives:

C Allum	(Central Area Housing Board)
J Blake	(Central Area Housing Board)
G Greaves	(Netherfield/Newport Pagnell Area Housing Board)
J Marling	(Bletchley Area Housing Board)
B Moore	(Netherfield/Newport Pagnell Area Housing Board)
P Prop	(Netherfield/Newport Pagnell Area Housing Board)

Also Present:

A Gray	(Thames Valley Police)
D Hunt	(Thames Valley Police)
Serena	(Community Mediation Service)

Apologies: S Aslett (District Housing Manager), N Finney (North British Housing Association), H Taylor (Bradville/Greenleys Area Housing Board) and Councillor Woodcock

1.0 MINUTES

The Minutes of the meeting held on 17 January 2000 were approved as a correct record.

2.0 MEDIA ISSUES

Derek Nickless stated that an updated report had been presented to the Housing Committee on 1 February 2000 and recommendations had been accepted by the Committee. The awareness of media issues needed to be raised, and this was an area that would be discussed with the courts in the next few months.

Sheila Williams said the nature of cases would bring them into the media spotlight.

Derek Nickless suggested the possibility of putting together a media package, for example, a 2 page spread listing relevant issues which could be in the spotlight, or perhaps compiling a library for the senior press officer including interviews with people willing to speak, even anonymously, on cases.

A “spotlight” feature on a particular case study would cover:

- (a) Details regarding the number of successful evictions, costs and impact.
- (b) A proactive approach to a range of measures, for example introductory tenancies.
- (c) The possibility of team members being quoted on policies and judgements.
- (d) The use of photograph opportunities to highlight incidents, for example trashed homes.
- (e) To “name and shame” individuals.
- (f) The confidentiality aspect regarding anonymous quotes and the protection of witnesses.

It must be remembered that any feature would have two audiences, the perpetrators of offences and the general public.

3.0 INTRODUCTORY TENANCIES

John Blake introduced this item and referred to the Manchester Housing Document entitled “Co-operating to Serve the Community”. Manchester City Council had recognised the importance of close and detailed co-operation with Greater Manchester Police, in tackling crime and improving the quality of life for residents. There was special emphasis on winning back communities on estates suffering from anti-social behaviour.

Manchester’s Housing Tenancy Agreement was designed to place maximum responsibility for anti-social and criminal behaviour directly on to the tenant. The City Council holds the tenant directly responsible for the activities of self, family, friends and visitors anywhere on Council property. This will include convictions for drug dealing, prostitution or storing stolen goods. Furthermore, misuse of the Council’s property is grounds for eviction too.

Information on the work undertaken by Manchester City Council is attached at **Annex A** to the Minutes. Information on the nature and purpose of introductory tenancies is attached at **Annex B** to the Minutes.

John referred to a handout attached as **Annex C** to the Minutes, regarding the Housing Act 1996 and a section on Introductory Tenancies which said that Introductory Tenancies (sometimes referred to as Probationary Tenancies) are a new form of tenure available only to Local Authorities. In broad terms Introductory Tenancies enable the landlord, for the first 12 months after the dwelling is let, to regain possession without having to prove any of the grounds normally applying to a secure tenancies, and without having to rely on the discretion of a court.

John said that the concept of Introductory Tenancies (ITs) had been lauded by a consultant and the Tenancy Agreement must be read out to tenants and enforced. Derek Nickless said ITs applied to new tenancies created each year which was between 1200 to 2000 for Milton Keynes. Statistics quoted revealed that 27% of Local Authorities were undecided as to whether to introduce ITs, 46% had said no and 27% had said yes.

Derek Nickless said that if Milton Keynes Council introduced ITs, this would necessitate staff training, and the writing of procedure notes. Councillor Saunders thought that MKC should investigate, and get ITs up and running as quickly as possible.

Pauline Prop mentioned that she had been vetted some 25 years ago as to whether she was a suitable person for a tenancy. Bill McKay said that a problem with ITs was that a new tenant could be given a slap on the wrist, whereas a secure tenant may have been doing the same thing for years, but no action was undertaken; there was a need to try and avoid inconsistencies.

Derek Nickless stated that ITs reinforced responsibility, there was a need to explain fully and spell out penalties, and to avoid inconsistencies; and no action was taken against secure tenants.

D Hunt said that any vetting procedures should impact upon Housing Associations, otherwise only a minority of housing was being dealt with. J Marling also mentioned that there was a problem with home owners.

Derek Nickless stated that there was a need to look at remedies where Milton Keynes Council was not the landlord, and it was important to be aware of the limitations of ITs. D Hunt mentioned that Anti-Social Behaviour Orders were applicable to everyone and asked what kind of tie up process existed between an Authority and Milton Keynes Council, for example receiving a "neighbour from hell" from another authority.

Derek Nickless said some people were not receiving secure tenancies if they were known trouble makers. The Select Committee on Homelessness was looking at issues of how the Authority managed homeless families. Approximately 50% of people were not eligible for Introductory Tenancies when they moved into a property, this was out of a total figure of 1500 to 2000 per year for Milton Keynes; and Milton Keynes Council has powers to end non-secure tenancies. Derek said the Council has a legal right to consult with people on the waiting list, and Marina Lipscombe said that there were statutory requirements regarding consultation. This needed to be checked under the Housing Act, and the general consensus of the Housing Improvement Team was to support Introductory Tenancies. Derek said a summary leaflet regarding Tenancy Agreements was to be prepared and this could be fed into the consultation process.

4.0

LEGAL ISSUES

(a) Support

Derek Nickless asked whether there were enough legal officers to handle a heavy caseload and referred to the Manchester Model where the Legal Team was actually situated within the Housing Department.

Marina Lipscombe said that with regard to legal support, she was the only qualified lawyer and approximately one third of her time was spent dealing with housing issues. There were limited resources within the Legal Section, Marina was assisted by 3 legal executives who were mostly concerned with working on rent arrears. There was dedicated support but this was contained within the Legal Team and the level of resource available was an issue.

(b) Evidence

Marina Lipscombe stated that often work was undertaken by the Legal Section in gathering evidence that could perhaps be done elsewhere, for example by the housing officers. Housing officers could be trained to collate information and take witness statements. A Neighbour Nuisance Team (North) had been set up as a pilot scheme which would be focusing on a particular area and would be discussing possible cases.

John Blake said that in Manchester, Neighbour Nuisance Officers were employed, and it was stated that Noise Abatement Orders had been issued in Milton Keynes by Environmental Health Officers. What was important was that legal time be freed up.

(c) Professional Witnesses

Marina Lipscombe said that some Local Authorities had used professional witnesses successfully. The evidence presented must be first hand (ie either evidence of something that the professional witness has experienced themselves, or evidence that they have witnessed). Hearsay can be introduced, but the courts weigh it accordingly when considering a case - evidence from the witness box is always more powerful, as it is first hand.

Rob Callow said he thought professional witnesses do not have to be from a specialist agency, and could be police or housing officers etc. Marina Lipscombe was asked whether professional witnesses are viewed as credible, concern was raised by the group that such witnesses may not be seen as independent or unbiased as they are being paid to find evidence. Marina Lipscombe stated that they are generally well regarded, although as onlookers as opposed to victims themselves. Derek Nickless asked the Team how they felt about professional witnesses in unmarked cars, who may be confused with someone with sinister intentions. Also, there may be a civil liberties issue if people are being covertly watched. Tenants representative thought it would be of concern to parents, as they would not know if a person was doing such a job or should be suspect.

(d) Technology

The use of video evidence was discussed, and differing views were expressed as to whether video evidence is admissible in court. It may depend who actually made the video recording.

(e) Crime and Disorder Act

The main issue is the use of the new power developing between the Council and the police, which was outlined by Rob Callow at the last meeting. Milton Keynes has not instigated an Anti-Social Behaviour Order yet, although the Neighbour Nuisance Team is probably close to instigating one. The paperwork does not appear to be complicated - information needed is requested on prescribed forms. The adequacy of the evidence is to be tested by the court. Inspector Neil Coolman is seconded to Milton Keynes Council and is working on protocols and workbook notes when Anti-Social Behaviour Orders are appropriate. The police are not using Anti-Social Behaviour Orders as a substitute for criminal proceedings. The great advantage of Anti-Social Behaviour Orders is that they cover everyone, regardless of tenure.

(f) Court Liaison

There is improved communication with the court. MKC is part of the Court Users Group where officers will endeavour to put across the messages from the Housing Improvement Team.

5.0

DATE OF NEXT MEETING

The date of the next meeting to be arranged.