

TOWNS & COMMUNITIES OVERVIEW & SCRUTINY SUB- COMMITTEE

SUPPLEMENTARY AGENDA

18 August 2015

The following report is attached for consideration and is submitted with the agreement of the Chairman as an urgent matter pursuant to Section 100B (4) of the Local Government Act 1972

- 5 HOW ANTI SOCIAL BEHAVIOUR IS DEALT WITH IN THE BOROUGH,
SPECIFICALLY RELATING TO COUNCIL TENANCIES** (Pages 1 - 6)

Report attached

- 6 A REVIEW OF HOW WELL COUNCIL HOUSING MANAGES MAJOR WORKS TO
PEOPLES HOMES** (Pages 7 - 14)

Report attached

**Andrew Beesley
Committee Administration
Manager**

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OVERVIEW AND SCRUTINY COMMITTEE

Subject Heading:	Anti-Social Behaviour and Council Tenancies
CMT Lead:	Isobel Cattermole, Interim Group Director Children, Adults and Housing
Report Author and contact details:	Peter Doherty – Tenant & Leaseholder Services Manager - 01708 434000 P.Doherty@havering.gov.uk
Policy context:	To review the current arrangements

SUMMARY

This report sets out to review the progress of combatting Anti-Social Behaviour (ASB) within the Council's housing stock. It is then only one component of the Council's strategic approach to combatting ASB within the Borough.

RECOMMENDATIONS

1. To note and comment on the contents of the report.

REPORT DETAIL

1. Background

Anti-social behaviour (ASB) is a broad term used to describe the day-to-day incidents of crime, nuisance and disorder, from litter and vandalism, to public drunkenness or aggressive dogs, to noisy or abusive neighbours. Such a wide range of behaviours means that responsibility for dealing with anti-social behaviour is shared between a number of agencies, but particularly the Council and the Police.

Tackling the root causes of ASB has to be the best solution for long-term change. However, there are some difficulties that we face when doing this: In some cases, key stakeholders do not engage at the earliest opportunity to provide the support that is needed, and perpetrators do not always engage with these services. There is also the scenario where some perpetrators are also vulnerable.

However, the needs of residents suffering from ASB are a priority for our service and we use enforcement action where necessary to protect the victims from further ASB.

Another priority for the Housing Service is to introduce initiatives to prevent or divert the potential perpetrators of ASB.

It should also be noted that a review of the current Housing Tenancy Terms & Conditions is being progressed. That project is at a very early stage and will include a full and extensive consultation process. That said any comments resulting from this report will assist to inform that review.

Dealing with ASB within the Council's housing stock is a significant part of the Council's overall ASB strategy but it should not be looked at in isolation. The Council's Crime and Disorder strategy has a number of important inter-dependencies and this, as Members are aware is only one strand of that strategy.

2. Partnership Working and Safeguarding

Our partners on combatting ASB include; the Metropolitan Police Service, Mental Health Services, Mediation Services, Victim Support, External Solicitors, London Fire Brigade.

We also have some notable internal partnerships and collaborations including:

Housing Community Wardens, CCTV and Noise monitoring equipment

The Community Wardens provide visible patrol on our estates and visit victims during the 'out of office hours' and on Saturdays for re-assurance. They act as professional witnesses and have body cameras to assist with evidence. They also engage with young on our estates and encourage them to take up other activities.

Neighbourhood Services Team also works with and utilise CCTV to gather evidence of ASB on estates. We have noise machines which are deployed in victim / complainant's homes to gather evidence of noise nuisance. The Officers analyse the recordings to determine whether the noise is a 'day to day living' noise or statutory noise nuisance. We follow the guidelines set by the Department of Environment and as set out under the Environmental Health Act 1990. In complex cases we always seek second opinion from Environmental Protection Team.

Multi Agency working

Neighbourhood Services attend various multi agency panels and make positive contributions to groups such as the ASB Panel, Multi-Agency Risk Assessment Conference (MARAC), Community MARAC, Vulnerable Persons Panel, Havering Community Safety Partnership (HCSP) and the Multi-Agency Public Protection Arrangements (MAPPA).

MASH (Multi Agency Safeguarding Hub) Link Officer

We have a designated Multi Agency Safeguarding Hub (MASH) Officer attached to the Neighbourhood Services team. The Officer who is embedded within the MASH unit acts a point of contact for both Social Services and Neighbourhood Services. This post has made officers more alert and aware of adults and children safeguarding issues and needs.

3. Anti-Social Behaviour, Crime and Policing Act 2014

The recently enacted **Anti-Social Behaviour, Crime and Policing Act 2014** has introduced a series of new powers to assist with combatting ASB.

One of the most powerful is the amendment to the Housing Act 1985 in respect of secure tenancies (i.e. as used by Councils), to provide for absolute possession of a property, where ASB or criminal behaviour has already been proved in another court. This enables social landlords to expedite possession proceedings where another court has proven significant anti-social behaviour or criminality in the locality of the property. This is intended to provide better protection and faster relief for those affected and witnesses.

This includes for example, where a Tenant or their visitor is found to be:

- In breach of a Court Undertaking and / or Civil Injunction;
- In Breach of a Court Ordered Criminal Behaviour Order;
- Convicted of Breaching a Noise Abatement Notice;
- Subject to a breach of a Closure Order.

Other powers introduced by the Act include:

Civil injunctions - Social landlords will be able to seek these injunctions which allow the requirement for positive actions, as well as prohibitions, to tackle anti-social behaviour.

To date we have obtained two such injunctions to remedy threats of violence from tenants, the first against another resident and the second against a member of staff.

Criminal behaviour orders - Enabling action against the anti-social behaviour by persons also convicted of criminal activity. These can also require positive action to address the behaviour.

Dispersal powers - This power can be used by the police to remove people from a locality for 48 hours where contributing to or likely to contribute to harassment, alarm or distress, or the occurrence of crime or disorder.

Community protection notices - A notice that can be issued by social landlords and other parties to prevent a person engaging in on-going or persistent anti-social behaviour that is unreasonable and has a detrimental effect on the lives of others in the community.

- We have served two of these notices to date, both on private businesses who have repeatedly blocked public accesses with commercial vehicles.

Closure powers - These enable the local authority or police to close premises for 48 hours (notices) or up to 6 months, and limit or restrict all access, where disorder or nuisance (serious or criminal in the case of an order) is occurring.

- We have successfully obtained two Closure Orders and subsequent Possession of one property following a breach of the order.

Public spaces protections orders - These orders enable local authorities to prevent individuals or groups committing anti-social behaviour in public spaces.

The act also introduced a 'community trigger' (the ability to trigger a review of management of ASB complaints in certain circumstances, including the actions of registered providers) and a community remedy to tackle the effects of low level anti-social

behaviour (by enabling those affected to influence what actions can be required of the perpetrator).

4. Prevention and Diversionary Strategies

When dealing with Council tenancies we take an intelligence led approach to identify hot spots and to target our resources.

We work closely with partner agencies to both prevent and resolve ASB. The Community Engagement Team for example, has arranged a number of events such as Job Clubs, to help reduce unemployment and to provide diversionary projects to prevent ASB such as, the Football Academy and 'Family Boot Camp' schemes.

We also have a dedicated budget to improve the physical environment of estates to help reduce crime such as, improving communal lighting and fencing.

There is also the preventative work under taken by the highly visible Community Warden Service.

5. Monitoring and Benchmarking

a) The local Havering position -

The Key Performance Indicators for Housing Services when dealing with ASB cases are shown in the table below. For information the table summarises all activity in the last financial year 2014-15.

2014-15 Neighbourhood Services ASB KPI Report			
ASB Category	Annual Target 2014-15	Cumulative figures for 2014-15	RAG
Priority 1: Domestic Violence/Cat 1 ASB to be responded to within 24 hours	100%	100% (Total cases: 60)	GREEN
Priority 2: ASB to be responded to within 5 days	90%	81% (757 cases / Out of a total of 971)	AMBER
Number of ASB cases over 90 days old	40	46 cases (Average per month)	AMBER
ASB satisfaction	90%	Case Handling: 92% Case outcome: 92% Victim kept up to date: 92%	GREEN

b) The national perspective -

The table below shows the Borough's performance compared to national averages provided by *Housemark, a leading social landlord Benchmarking organisation.

2013-14 London Borough of Havering - ASB BENCH MARKING WITH HOUSE MARK

TYPE OF ASB	HAVERING FIGURES - 2013/14	HOUSE MARK FIGURES - 2013/14
NOISE	28.60%	33.37%
HARASSMENT /THREATS	11.22%	18.75%
GARDEN NUISANCE	8.51%	7.25%
PETS/ANIMAL	12.04%	6.86%
DRUGS	8.24%	6.22%
COMMUNAL AREAS/LOITERING	17.29%	5.31%
RUBBISH	0.00%	4.50%
VANDALISM	4.07%	3.82%
OTHER CRIMINAL BEHAVIOUR	0.72%	3.67%
DOMESTIC VIOLENCE/ABUSE	3.89%	2.60%
VEHICLES	2.08%	2.09%
ALCOHOL RELATED	1.09%	1.95%
OTHER VIOLENCE	1.18%	1.90%
HATE RELATED INCIDENTS	1.09%	1.45%
PROSTITUTION /SEX	0.00%	0.26%
TOTAL NUMBERS RECORDED	100.00%	100.00%

The data provided reveals that in 2013/14 Havering's reported figures are slightly below the national averages for; Noise complaints and General harassment / threats but above the national averages in the areas of Pet / Animal complaints (predominantly dog complaints in Havering), Drugs, Loitering and Domestic Violence.

The issues relating to pet ownership in Havering are being examined and have been highlighted in the formal review of Havering's Tenancy Terms & Conditions.

*For reference, HouseMark is the leading provider of integrated data analysis and benchmarking to the social housing sector. More than 950 housing organisations are HouseMark members and it is jointly owned by the Chartered Institute of Housing and the National Housing Federation. The 2014-15 data has yet to be made available by HouseMark.

IMPLICATIONS AND RISKS

Financial implications and risks:

- All activity to combat ASB is contained within the Housing services budgets set at for 2015/16.
- All risks associated with this area of work are assessed on a case by case basis.

Legal implications and risks:

- The Council utilises the full range of legal remedies available to combat ASB at all levels.

Human Resources implications and risks:

- None specific.

Equalities implications and risks:

- Vulnerable victims and perpetrators of ASB are supported through referrals to relevant support agencies. The use of the 'Victim Risk Assessment Matrix' helps to identify the level of risk to victims. Neighbourhood Services refers high risk cases needing support to the Council's 'ASB & Hate Crime Panel' for partnership working. We have also introduced both victim and perpetrator vulnerability assessments as part of best practice review recommended by Chartered Institute of Housing.

There has been no significant increase of Hate Crime reported in the past year. However Domestic Violence reports have remained consistent. We continue to work in partnership with the Police, Women's Aid, Victim Support, Probation Services, MARAC, Health and other agencies to ensure our residents are safe and supported.

BACKGROUND PAPERS

- None.

TOWN AND COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE

Subject Heading:	A review of how well council housing manages major works to peoples' homes
CMT Lead:	Isobel Cattermole, Interim Group Director Children, Adults and Housing
Report Author and contact details:	Kevin Hazlewood, Housing Services, Property Services Kevin.hazlewood@havering.gov.uk 01708 434091
Policy context:	HRA Policy and budgets

SUMMARY

This paper reports on a review of a sample of cases where problems have occurred during the course of the delivery of major works projects to Council owned stock. The review looked at what measures were undertaken to remedy issues as they arose, what themes were common and lessons learnt as a result of the completed examination. The report will also detail actions being taken to ensure our contractors provide a good service.

RECOMMENDATIONS

Members of the committee note the findings of the case studies and the actions being taken by Housing Services

REPORT DETAIL

1.0 Introduction

- 1.1 The Council has recently completed the major four year investment programme started on the award of Decent Homes Backlog Funding (DHBF) in December 2010. The investment required in the Housing stock

was significant and the level of non-decency within the stock, at the start of the programme, was **64.3%**, the second highest in England. A large proportion of the required investment had been the source of resident dissatisfaction for some considerable time and a culture of “make do and mend” was prevalent.

- 1.2 On the award of DHBF a detailed and comprehensive Delivery Strategy was produced to utilise the presence of framework arrangements, a key driver of bidding success, and to continue with the drive towards involving local small and medium sized enterprises (SME) in the borough. At the commencement of the DHBF programme the partnership with Morrison had contractual facility to undertake large parts of the programme, which was exploited, and the Council (formally via the ALMO) had its own frameworks in place for other key elements. The Delivery Strategy, formally adopted by the Council in December 2012, also specified other methods of procurement to be used. The strategy also addressed the issue of the Morrison partnership coming to an end in 2013 and the decision to have service focused contracts for day to day repairs and voids moving forward.
- 1.3 The funding agreed with the GLA had profiled a large proportion of the DHBF grant in the last two years of the scheme. In addition to this members took a decision to increase the HRA contribution to capital for 2013/14 and 2014/15 in order to accelerate the completion of the decent homes programme. The current rate of homes compliant with the decent homes standard is 98.13%

The works undertaken fell into a variety of work streams, these were:

Windows Decent Homes	Major Voids
Kitchens Decent Homes	Structural
Kitchens Completed at Void Stage Decent Homes	Electrical Upgrade - not DH related
Heating Decent Homes	Tower Block Works Beyond Decent Homes
Electrical Decent Homes	Communal Works (Flats Above Shops)
Doors Only Decent Homes	Legionella
Roofs Decent Homes	Fencing / Boundary Walls
Bathrooms Decent Homes	Drainage
Bathrooms Completed at Void Stage Decent Homes	Asbestos Removal
Insulation - Decent Homes	Works to Redundant Garage Sites (Not

	earmarked for housing development)
Non-Traditional Houses Remedial Works - Decent Homes	DDA Fire Protection
Tower Block Refurbishments - All works Decent Homes	Care line equipment
Sheltered Housing & Hostels Decent Homes Works	Sheltered Conversions above Decent Homes
Stock condition surveys	Environmental Improvements
Aids and Adaptations	

- 1.4 The two projects selected for case study were the refurbishment of kitchen and bathrooms in occupied premises in various locations and the retrofit of insulation and associated refurbishment works to non-traditionally constructed houses. Both projects were completed during the 2014/15 DHBF programme.

2.0 Findings

- 2.1 The review revealed that customer experience of the projects varied with the Kitchen and Bathroom project being unsatisfactory and the Insulation to Non Traditional Houses being, in the main, well received. It should be noted both packages of works were delivered by Framework contracts and the contract documents and management arrangements had been identical.
- 2.2 The review revealed in the case of the kitchen and bathroom contract a series of common themes associated with poor performance had been experienced during the project duration, these are listed below.
1. Disruption and inconvenience caused by the works
 2. Failure to adhere to agreed time scales for works
 3. Poor quality of finishing
 4. Lack of respect to residents
 5. Inability to communicate
 6. Failure to keep promises to rectify problems in a timely manner
- 2.3 The review revealed the problematic aspect of the delivery of the Insulation to Non Traditional Housing project was the disruption caused to residents by scaffolding erected to all elevations of the houses in question. This related to traffic management issues associated with delivery of bulk materials and the intrusive nature of the equipment involved.

3.0 Pre contract preparation and control measures.

3.1 In order to comply with the Councils' Contract Procurement Rules (CPR) contractors are selected from the Constructionline data base. Constructionline undertake a pre-registration assessment of a contractor and reviews various aspects relating to technical competence, references, health and safety record etc. The contractors' financial standing is verified as being of suitable capacity to undertake contracts. The value of these works range from £100,000 to in excess of £1m. The award criteria adopted by the Council in its CPR's is to award to the lowest compliant bid. The Delivery Strategy allows the use of the various contractor frameworks. These have been through a rigorous EU procurement compliant procedure. In awarding contracts through the LHC we tender to the contractors who have been awarded the framework via the LHC mini tender procedure.

3.2 All of the tender invitations are created with colleagues in Operational Procurement to ensure the selection criteria comply with the Council's CPR's. The instructions to tenderers have clear procedure statements on the following matters:

- Expected standards of work and conduct
- Working in occupied premises
- Working with vulnerable people
- Contract default protocols – 3 default notices results in determination.
- Use of standard forms of contract – these include damages for late works, contractual obligations etc.

3.3 All of the work streams had a specific delivery mechanism designed and utilised as a "process" of delivery. Both of the case studies had been delivered via a framework contractor following a mini competition inside the selected framework contractors. Both case studies had detailed specifications associated with the relevant work stream which had been developed over the last four years' experience of stock investment and decent homes works. These were also developed with input from a previously constituted steering group and feedback from tenants who had received the service. The detailed instructions included within pre contract directions were:-

- Target duration of works – including specifying a maximum duration and a sequence of operations.
- Target rate of completion related to the duration, known as "run rate". This is to ensure contractors have a clear understanding of labour and materials resourcing required.

- Minimum expectations of disruption to essential facilities and what must be provided in the interim by the contractor.
 - Detailed requirements to protect areas adjacent to works.
 - Detailed health and safety requirements for both works to blocks and individual dwellings.
 - Requirements for contractors to provide resident liaison officers (RLO) to each contract.
 - Detailed instructions on preparation of project relating to asbestos surveys, design, newsletter frequency (blocks), resident profiling etc.
 - Requirement for operatives to either have reasonable command of English or be provide with support to deal with H&S issues and communicating with residents.
- 3.4 Each of the work streams had a dedicated project surveyor supervising from inception to completion. Both of the case study packages were of a dispersed nature several project surveyors appointed looking after a specific work stream. To support the project surveyor a clerk of works was assigned to be responsible for the finished quality of the works and health and safety conduct of the contractor. Furthermore, one of our RLO's supported the interaction between the resident, contractor's RLO and the project surveyor.
- 3.5 Both contracts were subject to pre start meetings where all of the specification, site and resident specific matters were discussed and contact regimes agreed. Both contracts had a regular progress meeting to discuss all aspects of the project and how matters were progressing. In addition periodic inspections were carried out on work in progress by the project surveyor and final sign off of the physical works on completion of all works.

4.0 How did we react to the issues faced by residents?

- 4.1 Where issues of poor performance were experienced action was taken to bring matters to conclusion for residents and to bring contractual pressure on the contractors involved. It should be noted the actions listed below where associated with the Kitchen and Bathroom case study. Issues associated with the Insulation project were positive and the case study revealed a number of "lessons learnt" as reference points of good practice. The key actions taken are listed below. The review found action was taken against contractors promptly.
1. Issued Contract Default Notices to kitchen and bathroom contractor.
 2. Conducted face to face meetings with senior officials of the contractor involved and expressed our dissatisfaction in the strongest terms.
 3. Instructed the provision of corrective action plans from contractor to hold them to account for the actions promised.

4. Increased the levels of supervision associated with the Kitchen and Bathroom contracts by employing an additional Clerk of Works to focus on work in progress inspections.
 5. Directed all our RLO resources onto the issues with Lakehouse and Wates and daily site tours were conducted to locations where correction works were taking place.
 6. Reiterated to residents with issues with any contractor to contact the Capital Works Team if the contractors RLO's failed to keep their undertakings.
 7. Formally requested the framework organisation to suspend the contractor from working on any frameworks for LB Havering.
- 4.2 The administration resource within the Capital Projects Team acted as a "service desk" for aspects associated with progress or other issues with the programmes. All Property Services Teams have a case tracking system which does not conclude a case until a resident confirms matters have been addressed. The review found that residents were kept informed of progress by the team to resolve the issues raised.

5.0 Lessons Learnt

- 5.1 The case studies have revealed lessons learnt from both issues of poor performance and where one of the projects delivered a successful outcome for both residents and the Council.
- 5.2 Areas of good practice derived from the Insulation to non-traditional housing contract shows there was:
- Longer preparation time to engage in supply chain scrutiny – main contractor's sub-contractor selection.
 - Contractual enforcement of terms and conditions in sub-contractors selection
 - Detailed guidance to residents on the disruptive nature of the works and service adjustment arrangements which can be accommodated – shift workers, adjoining owner notices etc.
 - On site presence of contractors site managers in a single locality to allow for residents to access face to face in the event of a problem.
- 5.3 The case study associated with the kitchen and bathroom project showed the issues associated with difficulties were largely attributable to unsatisfactory contractor performance. The points listed in paragraph 5.2 would ensure from the primary conception only contractors prepared to provide services in this manner would be considered as acceptable to work in Council housing.

- 5.4 The case study also showed the issue associated with language barriers to be a real concern, not only from a communication perspective but also from a health and safety view. We shall amend documents to ensure this point is demonstrable and to be wider than just a supervisor or team leader.
- 5.5 The case study further identified a weakness in the pre survey process undertaken by the Council, initially, and later by the contractor. The current processes only focus on potential matters affecting progress and do not cater for issues which impact on the well-being of the resident. The team are amending the pre survey process to have greater emphasis on matters such as safe storage of resident's belongings, working patterns etc.

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