

COUNCIL QUESTIONS

No	Received /deadline for response	Question by	Response from	Sent to Cllr	Published
5	30/06/05	<p>Cllr P R Barlow</p> <p>Further to his response to me on the 13th June, could the Leader tell me the result of his meeting with Councillor Bass, Cabinet member [Highways] at Essex County Council, with regard to the Maltings Lane S106 funds and their possible redirection to other highways works in Witham?</p>	<p>By Councillor Butland, Leader of the Council</p> <p>I apologise for the delay in replying due to my absence on leave.</p> <p>I have met with Councillor Rodney Bass on Monday 18th July 2005. We agreed the process for consultation between our respective Councils. A report will be prepared by officers and submitted to the Witham Area Committee for consideration.</p>	18 th July	
4	<p>6/06/05</p> <p>deadline Friday 17th June 200</p>	<p>Cllr Dr Evans</p> <p>On the 31st of May 2005 the Court granted the Council possession of a property in Witham on grounds of the tenant's "neighbour harassment and anti-social behaviour " An appeal against this decision was dismissed.</p> <p>It is the case that over a substantial period the tenant undertook a series of major DIY " changes" in the tenancy's interior which, I understand the Council has very quickly started to "make good".</p>	<p>By Councillor Walsh, Cabinet Member for Housing and Customer Services.</p> <p>The case illustrated refers to a former tenant evicted under Clause 5a of the terms and conditions of tenancy and relates to nuisance and annoyance through activities relating to DIY as well as other anti-social behaviour and criminal incidents.</p> <p>The work to the void property is estimated to cost in the region of £7,800 and part of this cost, £ 2,340 will be re-charged to the former tenant. Works include: Remove laminated flooring and cladding to walls</p>	14 th June 2005	<p>Website - 16/06/05</p> <p>Sent out - 16/06/05</p>

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Could the Cabinet Member please set out the costs for the Council to refurbish this tenancy and what this will include e.g. new kitchen/bathroom etc.? Could he please also say whether given this particular example of tenant behaviour that the procedure for tenancy inspections be re-visited?

Remove artex to internal walls
 Replace 5 internal door linings and 7 doors
 Replace skirting board
 Remove and re-fit 5 radiators
 Replace window surround
 Retile bathroom floor
 Replace bath and wash hand basin
 Remove unsafe electric shower
 Replace sink unit
 Re-wire flat

The property was due to be re-wired this year as part of a planned maintenance programme. The artex removal is as a result of health and safety implications, possibly a reason why the tenant put cladding on the walls.

It is felt that the situation with regard to this particular tenant was unusual. There appeared to be an obsession with constantly changing the internal decoration to a point where once completed, he would start again. The internal decorating was carried out at almost every spare moment through the day into the night and early hours.

The implications for setting up a system of requiring landlord consent to carry out internal decoration inspections would be significant in terms of staffing, onerous on tenants and impossible to enforce.

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			The existing requirement to seek landlord's consent relates to alterations to fixtures and fittings as well as to the structure.		
3	6/06/05 deadline Friday 17 th June 2005	Cllr Dr Evans I would be grateful if the Cabinet Member could confirm that the newly erected landing on the broadly N. Westerly side of the community amenity of Forest Road Pond has in fact received planning permission and is available to all members of the community? Could the Cabinet Member also please state that this landing has been risk assessed and constructed per health and safety standards for a well used and popular public amenity provision which albeit is recognised as being "deep water".	By Councillor Walters, Cabinet Member for Environment (dated Monday 13th June) Having consulted the Cabinet Member for Planning and Rural Affairs I am informed that permission is not required for this use. The landing platform has been erected by a Resident who has extended their back garden to incorporate the pond area. This is an encroachment issue, as no formal permission has been given. The Valuation and Estates Section has written to the Residents asking them to remove the item and to reinstate their garden within their own boundary. Failure to comply will result in formal legal action being taken.	14 th June 2005	Website - 16/06/05 Sent out - 16/06/05
2	6/06/05 deadline Friday 17 th June 2005	Cllr Dr Evans Further to the figures set out in his reply to me on the 20 April 2005 re Court Orders for Possession for breaches in Tenancy Agreements would the Cabinet Member please provide figures showing the split between urban and rural areas of the District to illustrate the differences of how orders for possession for tenancy breaches are enforced district-wide ?	Councillor Walsh, Cabinet Member for Housing and Customer Services The information requested by Cllr Dr Evans is not readily available. Cllr Evans has accepted that it will take a little time for officers to supply accurate and meaningful information. We do not collate information on Possession Orders into rural and urban categories. Following discussions Cllr Evans has accepted that the information he has requested should reach him by 24 th	14 th June 2005	Website - 16/06/05 Sent out - 16/06/05

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		Would the Cabinet Member also please give the number of cases where Tenancy Agreements have been used for action short of Court Orders for Possession such as for obtaining ASBO's, Parenting Contracts, Acceptable Behaviour Agreements/ Contracts, Penalty Notices and Warnings ?	June 2005. The information will not be available in time for the Council meeting on 20th June. Further to the above interim response, the up to date information is attached at Appendix 1.		
1	20/05/05	Cllr E Lynch a What is this Council's definition of fly- posting?	Response by Cabinet Member, Environment & Highways The law on fly-posting is complex. The definitions are found in various legislation including the Town & Country Planning Acts, the Anti-Social Behaviour Act 2003 and the Clean Neighbourhoods and Environment Act 2005. Essentially there are two types of fly-posting:- (i) Commercial e.g. estate agents signs, directional signs for new housing developments, advertisements for circuses, car boot sales, markets, antiques fayres etc. and other commercial enterprises (ii) Domestic e.g. posters to advertise community events, school fetes, people's birthdays/anniversaries etc. The posters may be professionally	E Lynch by email 26/5/05	Website - 27/05/05 Sent out - 02/06/05

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			their normal litter clearance activities. So far this practice appears to be effective.		
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Last Updated 30th June 2005

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APPENDIX 1

Housing Services

Overview of tenancy enforcement

Background

Cllr Evans has requested the following information by raising a question to full Council on the 20th June 05 as follows:

Further to the figures set out in his reply to me on the 20th April 2005 re: Court Orders for Possession for breaches in Tenancy Agreements, would the Cabinet Member please provide figures showing the split between urban and rural areas of the District to illustrate the differences of how orders for possession for tenancy breaches are enforced district wide

Previously a question had been raised as to the number of Orders for Possession across the District. The response was as follows:

The Housing Service has obtained a total of 196 Court Orders for Possession for breaches in terms and conditions of tenancy agreement over the period 1st April 2004 – 1st April 2005. The Orders relate to a number of different clauses in the terms and conditions of tenancy.

The time taken to take a case to Court will vary. From the date when the breach has been identified to the date when an order is made, could vary from between 16 weeks to 12 months. The variance is as a result of the severity of the breach, evidence gathering and the legal representation available to the tenant when defending the claim.

The Housing Service has a number of performance indicators relating to tenancy enforcement as follows:

Best Value performance Indicators

66a the proportion of rent roll collected – Target 98.6%

66b Tenants in 7 weeks or more arrears as a % of total tenants

66c % of tenants served with NSPs for rent arrears

66d % of tenants evicted for rent arrears

Local Performance Indicators

No of NSP's served for rent arrears – Target under 900

Gross rent arrears of current tenants as a % of rent due – Target 1.5%

Rent written off as a % of the debt – No Target

Service standards

Noise and Nuisance complaints investigated within timescale for category

Number of ABC's signed

Number of ASBO's granted

These indicators are monitored on a monthly/quarterly basis.

The process for rent arrear recovery is documented within the Quality Procedure BDC/HSG/MNGT/RARR/ 001. This process is profiled on OHMS, the management system used by Housing. This system tracks an individual rent account and generates standard letters in the early stages of an arrear. Stages such as service of NSP and pass to court are known as

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statuses and accounts progress through a numbers of stages until the arrears are cleared. The process is a combination of automatic and manual function.

The process for breaches of tenancy for non-arrears is currently a manual process. However, breaches of tenancy conditions relating to anti-social behaviour will be processed and profiled on OHMS from the Autumn 05. Reports of anti-social behaviour are captured into categories based on the severity of the incident. Our timed response varies according to the category. The categories are specified in the Councils Anti-Social Behaviour Policy. Housing are currently in the final draft stages of a Policy that dovetails with the Corporate Policy.

We do not collect information for monitoring purposes based on urban and rural activity. Information is gathered on an Area basis from the 3 Area offices.

The Question seeks statistical information by rural and urban classification that will illustrate the differences in how orders for Possession are enforced district wide. Whilst, some activity can be classified into a rural and urban category it will not demonstrate any differences in the way that Possession Orders are enforced. All Possession orders are enforced in the same way using a process defined in law. Possession Orders must be enforced by a Court Bailiff in every instance.

Statistical Information

Where possible, information has been converted into a rural/urban category

1. From Legal Services manual records

Instructions from Housing to Legal to enforce NSP since October 2003

580 instructions from Housing to enforce or seek a Possession Order.

129 relate to addresses in the **rural** areas

451 in the **urban** areas.

Note: Not all of these instructions resulted in a Possession Order. Summons may be dismissed or adjourned. Some of these instructions will relate to applications for warrants to evict and previously obtained suspended Possession Orders.

For the year 04/05

135 hearings resulted in Possession Orders. Split as follows:

105 urban addresses

30 rural addresses

Note: The figure of 196 previously reported includes Summons' that were adjourned or dismissed and is the number of Court hearings for possession during the period.

2. From manually maintained records in Housing

For the period 04/05

881 NSP's were served during 04/05. Unable to classify into a rural/urban category

364 – Braintree Area

301 – Halstead Area

216 – Witham Area

8 Possession Orders for breaches ranging from conditions 5,9,10,11,15,16 and 18

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For the period 10.03 – to date

18 ABC's, **15** urban and **3** rural addresses

6 ASBO's, **5** urban and **1** rural address

2 interim ASBO's, both urban addresses

1 parenting agreement, urban address

3. From OHMS database

Accounts with Court hearings for the period 11.04.04 - 31.03.05

137 accounts in total

103 urban addresses

34 rural addresses

Note: Whilst all Possession Orders are recorded onto OHMS , the reporting functionality will not identify Orders that are no longer current as a result of the arrears being cleared. Outcomes from hearings would be a combination of Possession Orders both outright and suspended, adjournments and dismissals and applications to suspend warrants. The cases that comprise the 137 accounts will not all be the same cases referred to in the Legal section statistics, in particular the number of Possession Orders, although the numbers appear close.

Number of Council properties

Halstead - 1986

Witham - 2904

Braintree - 3453

5414 urban addresses

2929 rural addresses

Officers dealing with caseload on tenancy enforcement

Halstead Area Office

3X Estate Managers

1X Estate Ranger

Braintree Area Office

5X Estate Managers

1X Estate Ranger

Witham Area Office

4X Estate Managers

1X Estate Ranger

Maureen Lodge

Area Manager