



**Environmental Health
& Housing Services**

**Gibson Building, Gibson Drive ANNEX 2
Kings Hill, West Malling
Kent ME19 4LZ**

Switchboard 01732 844522
DX 92865 West Malling
Minicom 01732 874958 (text only)
Web Site <http://www.tmbc.gov.uk>
Email envhlthhsg.services@tmbc.gov.uk

DRAFT RESPONSE

By Email

ASB Consultation
Department for Communities and Local
Government
Zone 1/J9
Eland House
Bressenden Place
London SW1E 5DU

Contact Janet Walton
Direct line 01732 876207
Email janet.walton@tmbc.gov.uk
Fax 01732 876202
Your ref
Our ref
Date

Dear Sir/Madam

A new mandatory power of possession for anti-social behaviour

Thank you for providing us with the opportunity to respond to this consultation.

The borough of Tonbridge and Malling lies in the heart of Kent and is largely rural. Tonbridge is the largest settlement and is situated in the south of the borough with the remainder comprising smaller towns and villages. Although the borough is generally affluent, there are also pockets of significant deprivation that contrast starkly with the more affluent neighbourhoods.

The Council transferred its housing stock to Tonbridge and Malling Housing Association (now Russet Homes, part of the Circle Group) in 1991. Overall, there are currently in excess of 7,000 socially rented homes in the borough.

The consultation document has been considered in detail by this Council's Cabinet. Whilst we fully support the need to ensure that there are effective measures to tackle anti-social behaviour, we do not feel that these proposals are best-placed to achieve this. We are concerned about the potential ongoing demands on local authority homelessness services and would also suggest that there is a real risk of a two-tier system emerging between owner-occupiers and tenants in social housing.

Our response to the individual consultation questions is set out below.

1. Do you agree that we should extend the scope of the current discretionary ground for possession for anti-social behaviour and criminality in this way?

Director of Health & Housing: John Batty BA MSocSc MCIEH MCMI



There can be no doubting the need to improve measures to effectively tackle anti-social behaviour. However, is the displacement of an entire household on the basis of the anti-social behaviour of one member, anywhere in the United Kingdom, really the most appropriate way forward? We suspect not. Take for example the scenario of elderly tenants with adult children who remain in the family home. Where is the sense in terminating their tenancy on the basis of the behaviour of their children away from the home, which as tenants they could inevitably do nothing to prevent? What potential impact will this have on them and how could that be justified?

2. Do you agree that we should construct a new mandatory power of possession in this way?

We understand the benefit in a new mandatory power. However, what provision will be made to support the households who are evicted? How can the cycle of continuous anti-social behaviour be broken? Once evicted from social housing a family will be intentionally homeless. The private rented sector will be their best chance of securing alternative accommodation, but it must be accepted that unless resources are targeted at the agencies that are best placed to support them, many will re-offend and risk losing their accommodation time and time again.

3. Are these the right principles which should underpin a mandatory power of possession for anti-social behaviour?

We do not believe that this power should be extended beyond the confines of the home or its immediate environs. Also, this seems to be at odds with paragraph 2.14, which refers to “housing-related” anti-social behaviour.

4. Have we defined the basis for the new mandatory power correctly? If not, how could we improve the definition?

We see the logic in the “triggers” that are identified, and recognise that landlords will still need to ensure that they have taken all the facts into consideration as well as provide the tenant with a review of the decision, should this be requested.

5. As a landlord, would you anticipate seeking possession using the mandatory power in some or all of the instances where this would be available?

This Council is not a landlord however we would expect that landlords would seek possession using the mandatory power in some rather than all of the available instances.

6. Are there other issues related to the introduction of a mandatory power for possession for anti-social behaviour that we should consider?

We are concerned about the potential pressure that these provisions will place on local authority housing options services in the assessment of homelessness applications and the provision of advice and guidance to families that are evicted. Although the Kent authorities do have a joint protocol with social services to address the needs of intentionally homeless families with children, the Council will also have a duty to provide accommodation to families pending a decision on a homelessness application and there will be a cost incurred in doing this.

It is also not clear from the consultation guidance whether there is a role for the Family Intervention Projects in supporting families with complex needs.

Finally, what action will be proposed where an evicted household moves in with friends and family locally and reverts to their original behaviour?

Yours faithfully

Janet Walton
Chief Housing Officer