

Subject: Illegal Eviction and Harassment Policy **Status:** Publication

Report to: Overview and Scrutiny Cabinet **Date:** 18th January 2011
17th March 2011

Report of: Head of Health, Housing and Regeneration

Portfolio

Holder: Regeneration

Key Decision: Yes

Forward Plan General Exception Special Urgency

1. PURPOSE OF REPORT

1.1 To consult on the Council's proposed Illegal Eviction and Harassment Policy and seek a recommendation of approval of the Policy.

2. CORPORATE PRIORITIES

2.1 The matters discussed in this report impact directly on the following corporate priorities and associated corporate objectives.

- A healthy and successful Rossendale
- Responsive and Value for Money local services

3. RISK ASSESSMENT IMPLICATIONS

3.1 All the issues raised and the recommendation(s) in this report involve risk considerations as set out below:

- While the Council has a set of working procedures to deal with reported cases of illegal eviction and harassment there is no defined policy. The policy provides a clear and concise statement of the role of the Council when dealing with these circumstances. The Council may be acting "ultra vires" if it took formal action in connection with an illegal eviction or harassment case if there are no formally adopted standards on which to base an action.

4. BACKGROUND AND OPTIONS

4.1 On average the Environmental Health Department receives between three to seven potential cases of eviction/harassment per year. These are dealt with

through informal and formal action comprising negotiation with the Landlord and correspondence etc.

4.2 However, evidence from support agencies within Rossendale including the Council's Housing Options Team (currently within Green Vale Homes) indicate that a number of cases are not reported due to:-

- A lack of uncertainty in the reporting procedure; agencies are unsure who to report potential cases to and when to report them.
- A lack of confidence in resolving the situation both from the tenant and support agency perspective. Through the uncertainty of reporting there is a general apathy that these cases will not be dealt with or generate an effective outcome for the tenant.
- Intimidation of the tenant or perception of intimidation and fear amongst tenants who are unaware of their rights.

4.3 This policy will provide a clear, open, defined statement of the Council's role in dealing with such cases as well as providing clarity to support agencies and tenants around the referral of potential cases.

4.4 Resources to delivery this work will continue to be met through existing staffing structures.

COMMENTS FROM STATUTORY OFFICERS:

5. SECTION 151 OFFICER

5.1 There are no material financial implications.

6. MONITORING OFFICER

6.1 No additional comments.

7. HEAD OF PEOPLE AND POLICY (ON BEHALF OF THE HEAD OF PAID SERVICE)

7.1 No HR implications.

8. CONCLUSION

8.1 This policy provides a clear statement for dealing with cases of illegal eviction and harassment.

8.2 The policy will provide assurance to support providers of the Council's role in dealing with cases.

9. RECOMMENDATION(S)

9.1 That members adopt the Rossendale Illegal Eviction and Harassment Policy.

9.2 That any further minor amendments to the Policy be delegated to the Head of Health, Housing and Regeneration in consultation with the Director of Business and the Portfolio Holder for Regeneration.

10. CONSULTATION CARRIED OUT

- 10.1 Direct consultation with:-
- Portfolio Holder for Regeneration
 - Internal Council Departments
 - Corporate Policy
 - Overview and Scrutiny Policy

11. COMMUNITY IMPACT ASSESSMENT

Is a Community Impact Assessment required Yes

Is a Community Impact Assessment attached Yes

12. BIODIVERSITY IMPACT ASSESSMENT

Is a Biodiversity Impact Assessment required No

Is a Biodiversity Impact Assessment required No

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Background Papers	
Document	Place of Inspection
Illegal Eviction and Harassment Policy	Attached at Appendix A