

REPORT BY THE DIRECTOR OF HOUSING MANAGEMENT

TMO BOARD – 8TH DECEMBER 2005

EXTENDING ANTI-SOCIAL BEHAVIOUR ORDER POWERS TO ALMOs AND TMOs

1. Purpose of the Report

- 1.1 This report advises of the Government's proposal to enable Local Authorities to contract out their Anti-Social Behaviour Order (ASBO) functions to organisations managing their housing stock.

FOR INFORMATION

2. Background

- 2.1 The Office for the Deputy Prime Minister (ODPM) has issued a consultation paper (attached as Appendix 1) proposing a change in the management of ASBOs.
- 2.2 The paper is clear that the Government understands and supports why it may be more effective to delegate ASBO powers from Local Authorities to those organisations who manage the housing stock on their behalf. Nonetheless the paper recommends that this would still be subject to proper controls, accountability and with the agreement of both parties.
- 2.3 The case for change identifies that housing management organisations, such as ALMOs, have most of the tools in place to tackle anti-social behaviour, for example, demotion orders, injunctions and possession orders. The only exception is the authority to apply for ASBOs which is still a Council responsibility. This potentially limits the effectiveness of an ALMO in tackling serious estate based anti-social behaviour where an ASBO is the most appropriate intervention. The current arrangements can create administrative difficulties and operational inefficiencies, and potentially can in turn create problems particularly where an ASBO is urgently needed and there is a lot of resident pressure to take action.

3. Practical application

- 3.1 The Government's proposed change would be subject to the agreement of both parties involved. Local Authorities would be free to choose whether or not they wish to contract out their powers. If they do, and those delivering housing management services on their behalf, feel it is best for the Authority to continue to make ASBO applications, then they may continue to do so.
- 3.2 Where an authority decides to contract out its ASBO power to an housing management organisation the terms of the arrangement would need to cover the duration of the contract, the process for reviewing it, and the standards of performance which the housing management organisation must achieve.

4. The TMO's response

- 4.1 We welcome the proposals contained in the consultation paper and a number of ALMOs have been campaigning for this change for some time. It would give the TMO the opportunity to apply the full range of sanctions in tackling anti-social behaviour. We recognise applications for ASBOs would need to be carefully applied and would only be used in the most serious of cases where harassment, alarm and distress are caused to a community. It is clear that any delegation of authority would need to be subject to the agreement of the Council, and if approved, a process of monitoring and review would need to be included in the management agreement of both the TMO and the Lancaster West EMB.
- 4.2 As yet no discussions have taken place with the Council on the consultation paper, which was issued in November. However we will be working with the Council's Legal Services and Community Safety team with the aim of providing a joint reply and we will be seeking a positive response from them to this proposal. The closing date for consultation is the 1st February 2006.

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