

## **CABINET**

**7 SEPTEMBER 2010**

### **PRIVATE SECTOR HOUSING: HARASSMENT AND ILLEGAL EVICTION POLICY**

Portfolio Holder: Councillor Howard Doe, Housing and Community Services

Report from: Deborah Upton, Assistant Director, Housing and Corporate Services

Author: Susan Pledger, Private Sector Housing Manager.

#### **Summary**

This report sets out the Private Sector Housing: Harassment and Illegal Eviction Policy for approval. This policy states how the Council will deal with reported incidences of harassment and illegal eviction, including taking legal proceedings against landlords when required. It is also expected, however, that its implementation will deter landlords from undertaking these illegal activities.

#### **1. Budget and Policy Framework**

- 1.1 The policy outlined in this report will be met from within the existing budgets and is within the existing policy framework. Therefore, this is a matter for Cabinet.
- 1.2 The policy will also support compliance with NI 156, number of households living in temporary accommodation, which is a key target under Medway's local area agreement.

#### **2. Background**

- 2.1 Housing Services regularly receives requests for help from private sector tenants who are alleging that their landlords are harassing them or even that they have been forced out of their homes. In most instances tenants will make requests for urgent re-housing or if they have been evicted will make a homelessness application.
- 2.2 Harassment and illegal eviction are both offences under the Protection from Eviction Act 1977. Local housing authorities are specifically authorised to investigate and prosecute offences of harassment and illegal eviction.

- 2.3 The Council's Homelessness Strategy, approved by Cabinet on 27 January 2009, has a clearly stated aim to reduce homelessness as a result of illegal evictions. Through mediation, education and informing landlords about how the Council will deal with reported incidences of harassment and illegal eviction it is expected that landlords will be deterred from carrying out such acts.
- 2.4 The purpose of the policy is to provide clear guidance to landlords on the action the Council will take when it receives a request for help regarding harassment and illegal eviction. The policy also states how it will provide mediation and information on the correct legal processes to evict tenants and the support available from the Council to enable landlords to take the correct courses of action.
- 2.5 A copy of the Council's policy for dealing with harassment and illegal eviction in private sector housing is attached at Appendix 1.

### **3. Advice and analysis**

- 3.1 Accepting the proposed policy would mean that there is an improved and transparent framework for how the Council will deal with harassment and illegal eviction in private sector housing and clearer standards and advice for landlords to help them meet their legal obligations when they require a tenant to vacate their properties.
- 3.2 Acceptance of the proposed policy will also ensure that the Council is complying with the Regulators' Compliance Code when considering any enforcement action required to deal with harassment and illegal eviction.
- 3.3 If the proposed policy is rejected the Council would not be complying with accepted good practice and be leaving itself open to legal challenge by both landlords and tenants.
- 3.4 A Diversity Impact Assessment (DIA) has been completed. The DIA is based on the extensive consultation undertaken during the course of preparing the proposed policy and in particular a request to consultees to advise on any expected or anticipated adverse impacts on the six diversity groups. One response was received and this has been incorporated into the DIA. A copy of the DIA is attached as Appendix 2.

#### 4. Risk management

Risk	Description	Action to avoid or mitigate risk
<p>The Council provides an ineffective response to requests for help from tenants being subject to harassment and illegal eviction.</p> <p>Increased financial and staffing resources in dealing with homelessness if landlords believe that the Council cannot deal with harassment and illegal eviction effectively.</p>	<p>The Prevention from Eviction Act 1977 provides local authorities with a legal power to investigate and prosecute allegations of harassment and illegal eviction. The council would be open to legal challenge from tenants and housing welfare organisations if it did not use its powers appropriately to deal with requests for help regarding harassment and illegal eviction.</p> <p><b>This has been risk assessed as B2</b></p> <p>The Council has a legal responsibility to assess homelessness applications and if accepted provide accommodation. If suitable temporary accommodation is not available this may lead to families and vulnerable households requiring expensive bed and breakfast accommodation.</p> <p><b>This has been risk assessed as B2</b></p>	<p>A proposed policy has been produced that will provide guidance to Members, officers and landlords on how the council will deal with harassment and illegal eviction.</p> <p>The Private Sector Housing Team, through the landlord forums, have undertaken workshops on the proposed policy to raise awareness on the Council's legal powers under the Prevention from Eviction Act 1977.</p> <p>Additional professional training is being provided to landlords, through the Council's accreditation scheme, on the correct legal procedures to require tenants to vacate their properties.</p> <p>As above.</p>

## **5. Consultation**

- 5.1 The following forums and external partners have been consulted in the preparation of the proposed policy:
- Medway Council's Homelessness Forum
  - Medway Council's Community Safety Partnership
  - Medway's Private Sector Landlord Focus Group
  - Shelter
  - Medway Citizens Advice Bureau
  - National Landlords Association.
- 5.2 Additionally the proposed policy has been published on the Council's website and comments requested.
- 5.3 Only one response was received, which suggested the use of mediation to stop the harassment and prevent an illegal eviction from taking place. This has now been incorporated into the policy.

## **6. Financial and legal implications**

- 6.1 There are no financial implications attached to the revision of this policy.
- 6.2 The proposed policy will not introduce any additional legal responsibilities on the Council. However it will provide greater clarity on when the Council will use its legal powers to investigate allegations of harassment and illegal eviction by private sector landlords

## **7. Recommendation**

- 7.1 That Cabinet agrees the proposed policy to deal with harassment and illegal eviction in private sector housing as set out in appendix 1 to the report.

## **8. Suggested reasons for decision(s)**

- 8.1 An effective policy for dealing with harassment and illegal eviction will significantly add to the safety of tenants in Medway, deter landlords from taking such actions and consequently reduce applications for re-housing and homelessness. By providing an improved policy framework for dealing with these issues, the Council can ensure that decisions regarding possible enforcement action are made in a consistent, fair, transparent manner and proportionate to any breaches in legislation.

### **Lead officer contact**

Susan Pledger, Private Sector Housing Manager, Gun Wharf, 01634 333009,  
[susan.pledger@medway.gov.uk](mailto:susan.pledger@medway.gov.uk)

### **Background papers**

Homelessness Strategy 2009-11 Copies of which are available on the council's website: [www.medway.gov.uk](http://www.medway.gov.uk)

# Medway Council

## ILLEGAL EVICTION & HARASSMENT POLICY

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## **1. Summary**

There are a small number of private landlords or their agents with properties in Medway who do not conduct themselves within the requirements of the legislation relating to private rented accommodation. These landlords sometimes resort to using illegal eviction and/or harassment to force tenants to leave their properties.

Illegal eviction can normally be prevented through mediation with the landlord, however, there are occasions when the landlord continues to harass or even illegally evict a tenant despite advice and information that they may be committing a criminal offence.

The Council provides a range of assistance to help landlords comply with their legal responsibilities when asking a tenant to vacate their properties including a private sector outreach worker to provide landlords with relevant advice, landlord forums and a landlord accreditation scheme to promote responsible behaviour. Harassment and illegal eviction can cause considerable distress and anxiety to households and may lead to homelessness. The Council will therefore take a proactive stance against illegal eviction and/or harassment and offer support, advice and assistance to residents in this situation including taking appropriate action to help tenants regain occupancy of their home. The Council will also prosecute landlords or their agents where it is deemed appropriate to do so.

The purpose of the Policy is to identify and ensure a fast, clear and co-ordinated response by the Council, in partnership with its customers, landlords and partner agencies to deal with allegations of harassment and illegal eviction.

## **2. Introduction**

Harassment and illegal eviction are not frequently reported to the Council, however when such events occur they will have a severely disruptive effect on the households involved, possibly leading to homelessness. This in turn will have a financial impact on the Council in having to find temporary accommodation such as bed and breakfast.

The law protects people living in residential properties against illegal eviction and/or harassment. It does this in two ways: by making illegal eviction and/or harassment a criminal offence, and by enabling someone who is being illegally evicted and/or harassed to claim damages through the civil courts.

The only way a landlord can force a tenant to leave a property is by following the relevant legislation and procedures in the Housing Acts.

Local Authorities have the power to take criminal proceedings for offences of illegal eviction and/or harassment. If the evidence justifies it, they can carry out investigations and prosecute if they believe an offence has been committed. Where the harassment is as a result of the landlord not undertaking repairs and the property is in poor condition, a local authority also has powers under the Housing Act 2004, by using the Housing Health & Safety Ratings System (HHSRS), to take enforcement action to secure improvements to the condition of the property.

Adoption of this policy will make clear that the Council will actively investigate any allegation it receives regarding harassment and/or illegal eviction. It is hoped that landlords/agents will be prompted to ensure that they do not take any action that could constitute harassment or illegal eviction and will be deterred from following such courses of action.

### **3. The problem locally**

There are some private landlords (or their agents) with properties in the Medway Council who do not conduct themselves within the requirements of the legislation relating to private rented accommodation, most notably the 'Protection from Eviction Act, 1977'. These landlords may issue a 'notice to quit' that is not legally valid and/or encourage their tenants to leave through a variety of means (persistent calling at the property, threat to change the locks and in the extreme case physically removing a tenant from a property by force).

Some tenants are not aware of their rights and may end up leaving their home without any support or advice. It is therefore difficult to assess the frequency of tenant harassment and illegal eviction and it is likely that many cases go unreported.

There are no available statistics on the number of cases dealt with by the Council or advice agencies, although Shelter<sup>1</sup> reports that Medway has a higher level of threatened or actual cases of illegal eviction compared with other Kent authorities. Additionally the Private Sector Housing team has experienced numerous instances where landlords will try to evict their tenants when they are contacted by the team following a request for service. It is believed that a number of these may have resulted in harassment or an illegal eviction, but tenants are too frightened to come forward for help.

However, research<sup>2</sup> shows that the types of household most likely to experience harassment and illegal eviction are those dependent on housing benefit and classed as 'priority homeless' (couples with children, lone parents, and elderly households). Evidence suggests that much of this harassment has been as a result of housing benefit delays, of rent officer determinations lower than the contractual rent, and of local authorities attempting to enforce health and safety standards under the Housing Acts.

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<sup>1</sup> Shelter - a charity that works to alleviate the distress caused by homelessness and bad housing.

<sup>2</sup> Joseph Rowntree Foundations Housing Research 169 March 1996

## 4. What is Harassment?

There are two separate offences of harassment, one where the accused is the victim's landlord (or an agent of the landlord) and the other where the accused is some other person. The offence of harassment comprises two elements: Culpable Behaviour "**The Guilty Act**" and Intention "**The Guilty Mind**".

**4.1 The Guilty Act** comprises doing anything to interfere with the peace and comfort of a residential occupier or members of their household and includes: -

- Making threats to persuade a tenant to leave.
- Cutting off services such as gas, electricity or water.
- Preventing access to shared kitchens and bathrooms.
- Entering a tenant's room without permission.
- Not carrying out essential repairs

**4.2 The Guilty Mind** is where the landlord or his agent knows or has reasonable cause to believe that the conduct is likely to cause the residential occupier to:

- Give up their occupancy of part or all of the property,
- Refrain from exercising any right in respect of the whole or part of the premises (e.g. applying for a fair rent), and
- Refrain from pursuing any remedy in respect of the whole or part of the premises (e.g. taking court action to get repairs done).

As well as being an offence under the Protection from Eviction Act 1977 there may also be an offence under the Protection from Harassment Act 1997, where it only has to be shown that an act by somebody pursues a course of conduct which "amounts to harassment of another" and "which he knows or ought to know amounts to harassment of the other".

## 5. What is Illegal Eviction?

A landlord's right to get his or her property back from a residential tenant can normally only be enforced through the courts. Illegal or unlawful eviction is when the landlord, the landlord's agent or someone acting on their behalf, unlawfully deprives a tenant of all or part of the home or where any other person forces or attempts to force a tenant to leave the accommodation without following the correct legal procedure and serving the proper notice(s) under the relevant Housing Acts.

Illegal Eviction and Harassment are Criminal Offences and the maximum penalty in a Crown Court is an unlimited fine and two years' imprisonment.

Medway Council will encourage best practice within the rented sector by working closely with individual landlords, landlord groups and letting agents by providing information and support. This will be done in a variety of means landlord forums, arranging training events for landlords on the right way to evict a tenant, advice and information booklets for landlords and tenants. Additionally a landlord accreditation scheme has been set up for landlords to promote responsible behaviour. Specifically, the code of conduct to which accredited landlords sign up to includes conditions to cover harassment and illegal eviction but this is only effective for dealing with landlords registered with the scheme and is unlikely to have much



impact on those landlords most likely to undertake this type of behaviour, as they are least likely to be members of the scheme

The Council will also take a proactive approach to supporting the rights of residents and tenants in relation to illegal eviction and/or harassment. This will include mediation, taking appropriate action to help the tenant regain entry to their home and the possible prosecution of any person, organisation or agency who are acting illegally.

The Council also recognise the rights as well as the responsibility of landlords and will actively encourage all tenants to observe their legal obligations as tenants.

In all cases the Council will adhere to its 'Service Criteria' in cases of illegal eviction and/or harassment (see section 10.).

At the time of writing this policy there is no accurate data on the incidence of harassment and illegal eviction in Medway, but the housing team has successfully mediated on a number of occasions to help tenants remain in their homes.

## **6. The strategic context**

This Policy and its key components have been developed to reflect local and national housing strategies and policies. The future priorities for Medway are contained in the Corporate Plan 2009-12, which sets out the vision and outcomes for the next three years. This Policy can make a significant contribution to meeting a number of the priorities outlined in the Corporate Plan and in particular: -

### Safer Communities

*"We want people to be safe in Medway, and as important, to feel safe. Medway residents' perceptions of safety lag behind the actual levels of crime and disorder and we want to change that so people feel safe and confident. We will continue to work in partnership with the police, focusing on tackling serious violence, reducing antisocial behaviour and reducing repeat incidences of violent crime, including domestic abuse. We want to build safe, strong and cohesive communities."*

Harassment and illegal eviction are criminal offences. Tenants should feel safe in their homes and not fear either harassment or the threat of an illegal eviction. Adoption of this policy will help remove the fear of harassment and/or illegal eviction.

### **Everyone benefiting from the area's regeneration**

*"We remain committed to developing the area so that all residents, businesses and visitors can benefit from regeneration, with social and economic regeneration and protection of heritage and the environment accompanying physical change."*

If tenants are to benefit from social and economic regeneration they need to feel safe in their homes. If tenants are being harassed and are fearful of being forced from their homes, this will have an impact on their social and economic well-being. Additionally some tenants are afraid to report disrepair in their property for fear of being forced to leave their home. This will mean that tenants remain living in substandard, unhealthy housing. Adoption of this policy will give tenants more confidence to request help from the Council if they are living in sub-standard housing and so bring about improvements in their living conditions.

## **7. Relevant legislation**

There are three main pieces of legislation that deal with illegal eviction and harassment:

### **1) Protection from Eviction Act 1977**

The law makes it an offence to:

- Do acts likely to interfere with the peace or comfort of a tenant or anyone living with him or her; or
- Persistently withdraw or withhold services for which the tenant has a reasonable need to live in the premises as a home.

It is an offence to do any of the things described above intending, knowing, or having reasonable cause to believe, that they would cause the tenant to leave their home, or stop using part of it, or stop doing the things a tenant should normally expect to be able to do. It is also an offence to take someone's home away from them unlawfully. A landlord cannot, except in a few cases, evict a tenant from a property without gaining consent through the Courts. Only on the Court's authority and by means of an official of the Court can a tenant be forced to vacate their home.

### **2) Criminal Law Act 1977**

This act provides that if someone enters a persons home using or threatening to use violence they are committing a criminal offence. Specifically this Act states it is an offence for: -

“any person, who without lawful authority, uses or threatens violence for the purpose of securing entry into any premises ....provided that :

- (a) s/he knows that there is someone on those premises at the time who is opposed to the entry which the violence is intended to secure; and
- (b) the person using or threatening the violence knows that is the case.

This applies even if the person being evicted has no legal right to be there for example a squatter or an excluded tenant or excluded licensee, who right to occupation has ended.

This act therefore supports possible action by the Council to help tenants regain possession of their homes.

### **3) Protection from Harassment Act 1977**

This Act creates four criminal offences, harassment, putting another person in fear of violence, breach of restraining order and breach of an injunction.

## **8. How the policy will operate**

The Council has the legal power to investigate and prosecute under the provisions of the Protection from Eviction Act 1977. Referrals may also be made in certain circumstances to the local Police who may review the circumstances when taking a prosecution for other related factors that might include theft of residential occupier's belongings, criminal damage, assault or protection from harassment.

## **8.1 Specific principles**

In all cases of illegal eviction and/or harassment of a residential occupier the Council will actively consider a formal caution or prosecution on behalf of the customer. In coming to this decision between the two options, the Council will have regard to the seriousness of the alleged incident of illegal eviction or harassment, and where a formal caution is refused; prosecution will usually commence having regard to the issues outlined in the following section.

## **8.2 Issues to be taken into account**

In deciding whether a case is suitable for the application of a caution or prosecution the authority will take a number of issues into account, and these are outlined below;

-

- Strength of evidence obtained
- The severity of the offence and the circumstances of the case
- Voluntary disclosure
- Social factors

A case will not be deemed unsuitable for a prosecution or caution because either the Council has successfully enable the tenant to regain possession of their home or because the landlord or their agent has allowed or is about to allow a displaced residential occupier back into their home.

## **8.3 Enforcement**

The Council will adhere to its Corporate Enforcement Policy and seek to do so in a firm but fair, open, consistent and helpful way. Any enforcement action will be compliant with relevant legislation and guidelines in line with the principles of good enforcement outlined in the Enforcement Concordat. All investigations into alleged reports of illegal eviction and/or harassment will follow best professional practice and the requirements of:

- The Human Rights Act 1998
- The Regulation of Investigatory Powers Act 2000
- The Police and Criminal Evidence Act 1984 (PACE)
- The Criminal Procedures and Investigations Act
- The Code for Crown Prosecution

The Council will investigate non-compliance with statutory requirements and take firm action, including prosecution where appropriate, against those who breach or fail to fulfil their legal obligations.

## **8.4 Enforcement options**

The Council regards enforcement from a holistic view whilst encompassing all actions that can be taken to achieve compliance with a statutory requirement. It has a staged approach to enforcement wherever possible to ensure solutions are initially sought through education, co-operation and agreement. Where this is not successful, formal action will be necessary, which may ultimately lead to prosecution or other summary action. The following options will be available:

- Mediation & negotiation
- Formal Cautions
- Prosecution

## **8.5 Information to consider for prosecution**

When considering which cases to prosecute consideration will be given to: -

- The merits of each case
- The code of practice for Crown Prosecutors
- The Criminal Procedure and Investigations Act 1996

Any case will need to meet both the Evidential Test and also the Public Interest Test (see appendix one) in that if there is sufficient evidence of a suitable quality to give a realistic prospect of conviction, consideration will also be given as to whether a prosecution will serve the public interest. A prosecution will usually take place unless public interest criteria are against it

## **9. Roles & Responsibilities**

The Council is ultimately responsible for ensuring that any case of illegal eviction and/or harassment will be investigated and where appropriate, will take any necessary action including prosecution.

All staff are responsible for adhering to the policy and for reporting any matters where they suspect illegal eviction and/or harassment may be taking place.

Partner agencies have a responsibility to advise and assist customers and to refer relevant cases to the Council's Private Sector Housing Team. A referral form for this purpose is provided at appendix two.

## **10. Service Criteria**

In dealing with cases of illegal eviction and/or harassment the Council: -

- Aims to mediate and negotiate in cases of serious landlord and tenant disputes in the rented housing sector
- Where mediation fails or is inappropriate the Council may decide to pursue an investigation which may lead to a criminal prosecution under the Protection from Eviction Act 1977

The Council will deal with cases of: -

1. Unlawful eviction of tenants by private and registered social landlords or people acting on their behalf
2. Threatened unlawful evictions of tenants by private and registered social landlord tenants or people acting on their behalf
3. Serious cases of harassment of tenants by their landlord or people acting on their behalf. Serious could be violence, threats of violence, abusive, discriminatory, aggressive or intimidatory behaviour
4. Disconnection of essential services (water, gas, electricity) by the landlord or person acting on their behalf
5. Cases of harassment where the tenant(s) involved may be vulnerable  
E.g. elderly tenants, tenants with mental or physical health problems
6. Cases of racial, sexual or other discriminatory issue

Any enquiries over general terms and conditions of tenancies, tenancy deposits, contracts, rent increases or other related matters will be directed to the Private Sector Outreach worker in the Private Sector Housing Team.

## **11. Complaints**

If owners/tenants or members of the public indicate that they wish to complain about any aspect of its work, officers will ensure that the mechanisms for doing so are clearly explained. The Council has a two-stage procedure for registering complaints. At stage one, the complaint should be directed to Private Sector Housing Manager [susan.pledger@medway.gov.uk](mailto:susan.pledger@medway.gov.uk) or by telephoning 01634 333009 or by writing to the address below. A response will be made within 10 working days or if this is not possible notification will given on the expected response time.

If the complaint is not resolved at this stage a formal stage two complaint can be made by contacting the Chief Executive's Complaints Officer ([ceco@medway.gov.uk](mailto:ceco@medway.gov.uk)), telephone 01634 332456, or by letter to: -

Customer Services  
Gun Wharf  
Dock Road  
Chatham  
Kent ME4 4TR

The complaint will be fully reviewed and the council will aim to send a full response within 10 working days.

## **12. Review**

This policy will be reviewed every three years to ensure it meets its aims and objectives and compliments the priorities contained within the Council's Corporate Plan. The Housing and Corporate Services Team will be responsible for the implementation and review of this Policy and relevant procedures and any comments on the Policy should be directed to this department at the address below.

A copy of the Policy can be obtained upon request from the address below or by visiting the Council's website at: [www.medway.gov.uk](http://www.medway.gov.uk)

Medway Council  
Private Sector Housing Team  
Second Floor  
Gun Wharf  
Dock Road  
Chatham  
ME4 4TR  
Telephone 01634 333066  
Email: [privatesectorhousing@medway.gov.uk](mailto:privatesectorhousing@medway.gov.uk)

If you require copies of this policy or a copy in large print, in Braille, on tape or in a language other than English, please call 01634 333333

## **13. Agencies involved and consulted in the drafting of the Policy**

Medway Housing Solutions Team  
Medway Council Homelessness forum  
Medway Council Community Safety Partnership  
Medway Citizens Advice Bureau  
Medway Council Landlords' Focus Group  
Medway Housing Strategy and Development Team  
National Landlords Association  
Shelter

**Public Interest Test**

**For Prosecution**

- Violence, actual or threatened, including threatening behaviour.
- Premeditated offence/ongoing harassment, i.e. where landlord has previously received warnings.
- Victim vulnerable/put in considerable fear/suffered personal attack.
- Discriminatory motivation – racial, sexual or disability
- Relevant previous convictions.
- Grounds for believing offence likely to be repeated, i.e. previous complaints received.
- Widespread offence in the area and prosecution likely to act as a disincentive.
- Help ensure person can remain in their home

**Against Prosecution**

- Offence committed due to genuine mistake/misunderstanding.
- Minor loss or harm due to a single incident, especially if caused by misjudgement.
- Long delays between commission and trial unless:
  - serious delay is partly due to defendant
  - complex offence
  - due to prosecuting authority
- Vulnerable defendant
  - unless serious offence/possibility of repetition
- Risk to witness.
- Defendant has put right the loss or harm caused.
- Possible motives of complainant including delay in making complainant

**Report of Illegal Eviction and/or Harassment**

Please complete this form to report any possible cases of illegal eviction and/or harassment for investigation and possible prosecution by the Private Sector Outreach Team [landlords@medway.gov.uk](mailto:landlords@medway.gov.uk), telephone 01634 333580 Private Sector Housing Team, Second Floor, Gun Wharf, Dock Road, Chatham, ME4 4TR

**Details of referring agency**

Contact Name

Address (inc postcode)

Telephone

**Details of aggrieved person(s)**

Contact Name

Tenancy Address (inc postcode)

Current address (if different than above)

Telephone

**Details of Landlord**

Contact Name

Address (inc postcode)

Telephone

Is Landlord/Lady a company? If yes, company name

**Details of Tenancy**

Type of tenancy

Tenancy start date

Type of Notice issued?

Eviction date

Any shared facilities with Landlord/Lady? If yes please state

Any rent arrears?

**Other relevant information**

Reason for harassment, if known

Are there any witnesses?

Is any person's safety at risk? If yes, please give name(s) and reason

Have the Police been informed? If yes, please state any involvement

**Events to date**

Please include what events have taken place, including details of harassment, timescale of events, who is involved etc. Please attach copies of any notices or correspondence to date.

Signed (Referring Officer).....

Date .....

**Customer's authority for disclosure of information**

I hereby give permission for the agency named above to disclose details and information on my behalf in relation to the matter of illegal eviction/harassment

Signed .....

Date .....

Thank you for bringing this matter to our attention. Please submit the completed form to the Council's Private Sector Housing Team at the following address – Second Floor, Gun Wharf, Dock Road, Chatham, ME4 4TR



## Diversity Impact Assessment: Screening Form

<b>Directorate Business Support</b>	<b>Medway Policy for Dealing with Harassment and Illegal Eviction in Private Sector Housing</b>	
Officer responsible for assessment  Susan Pledger	Date of assessment  4 <sup>th</sup> August 2010	New or existing?  New
<b>Defining what is being assessed</b>		
<b>1. Briefly describe the purpose and objectives</b>	The aim of the policy is to protect private sector housing tenants from being subject to harassment and illegal eviction by their landlords or persons acting on behalf of their landlords. The policy states the Council's aim to take positive action to prevent harassment and illegal eviction, including any necessary enforcement action, but also to provide information and help landlords so that they follow the correct legal procedures if they require tenants to vacate their properties	
<b>2. Who is intended to benefit, and in what way?</b>	Research undertaken for this policy indicates that the types of household most likely to experience harassment and illegal eviction are those dependent on housing benefit and classed as 'priority homeless' (couples with children, lone parents, and elderly households) All tenants in privately let accommodation will be covered by this policy. By adopting of this policy all tenants will be protected from the risk of living in substandard housing and homelessness resulting from landlords undertaking harassment and illegal eviction.	
<b>3. What outcomes are wanted?</b>	Tenants to be aware of their rights and assistance available from the Council if they are subject to the issues detailed in the policy. All landlords to be aware of their responsibilities and the action the Council will take if they subject their tenants to harassment or try to illegally evict them. Additionally that landlords are aware that the Council will help them undertake their responsibilities within the legislative framework.	
<b>4. What factors/forces could contribute/detract from the outcomes?</b>	<b>Contribute</b> Confidence in the Council by tenants and other stakeholders that it will take reports of harassment and illegal eviction seriously and will take appropriate action to stop the harassment and help tenants regain their homes if they have been illegally evicted	<b>Detract</b> Lack of awareness by tenants on the assistance available from the Council and therefore not accessing this service Partner organisations who may receive referrals not being aware of the assistance available from the Council and therefore not accessing this service
<b>5. Who are the main stakeholders?</b>	The Council's Housing Services team, tenants, housing welfare organisations e.g. Citizens Advice Bureau and West Kent Lifeways, landlords, landlord organisations.	

<b>6. Who implements this and who is responsible?</b>	The Council's Housing Service team who will provide advice to tenants and landlords and take referrals and requests for assistance. The Private Sector Housing Team which will investigate referrals and requests for service
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<b>Assessing impact</b>		
<b>7. Are there concerns that there <u>could</u> be a differential impact due to <i>racial groups</i>?</b>	NO	Newly arrived Eastern European groups may not speak English and likely to be unaware of their rights when living in privately let accommodation and their landlords' responsibilities
<b>What evidence exists for this?</b>	<p>The Housing Services team has recruited two team members with the requisite language skills to communicate with the newly arrived Eastern European groups. They undertake regular surgeries to provide migrant households with housing advice including information relevant to tenants and have extensive links with other community groups to provide housing advice.</p> <p>Additionally extensive consultation has been undertaken in preparing the policy. Specifically consultees were requested to indicate if they considered that the policy would have an adverse impact on any of the six main diversity groups. No indications were received. Diversity monitoring undertaken indicates that all racial groups are able to access the service provided by Housing Service.</p>	
<b>8. Are there concerns that there <u>could</u> be a differential impact due to <i>disability</i>?</b>	NO	Brief statement of main issue
<b>What evidence exists for this?</b>	<p>Extensive consultation has been undertaken in preparing the policy. Specifically consultees were requested to indicate if they considered that the policy would have an adverse impact on any of the six main diversity groups. No indications were received. Diversity monitoring undertaken indicates that all diversity groups are able to access the service provided by Housing Service.</p>	
<b>9. Are there concerns that there <u>could</u> be a differential impact due to <i>gender</i>?</b>	NO	
<b>What evidence exists for this?</b>	<p>Extensive consultation has been undertaken in preparing the policy. Specifically consultees were requested to indicate if they considered that the policy would have an adverse impact on any of the six main diversity groups. No indications were</p>	

		received. Diversity monitoring undertaken indicates that all diversity groups are able to access the service provided by Housing Service.
<b>10. Are there concerns there <u>could</u> be a differential impact due to <i>sexual orientation</i>?</b>		
	NO	
<b>What evidence exists for this?</b>		Extensive consultation has been undertaken in preparing the policy. Specifically consultees were requested to indicate if they considered that the policy would have an adverse impact on any of the six main diversity groups. No indications were received. Diversity monitoring undertaken indicates that all diversity groups are able to access the service provided by Housing Service.
<b>11. Are there concerns there <u>could</u> be a have a differential impact due to <i>religion or belief</i>?</b>		
	NO	
<b>What evidence exists for this?</b>		Extensive consultation has been undertaken in preparing the policy. Specifically consultees were requested to indicate if they considered that the policy would have an adverse impact on any of the six main diversity groups. No indications were received. Diversity monitoring undertaken indicates that all diversity groups are able to access the service provided by Housing Service.
<b>12. Are there concerns there <u>could</u> be a differential impact due to people's age?</b>		
	NO	
<b>What evidence exists for this?</b>		Extensive consultation has been undertaken in preparing the policy. Specifically consultees were requested to indicate if they considered that the policy would have an adverse impact on any of the six main diversity groups. No indications were received. Diversity monitoring undertaken indicates that all diversity groups are able to access the service provided by Housing Service.
<b>13. Are there concerns that there <u>could</u> be a differential impact due to <i>being transgendered or transsexual</i>?</b>	YES	
	NO	
<b>What evidence exists for this?</b>		Extensive consultation has been undertaken in preparing the policy. Specifically consultees were requested to indicate if they considered that the policy would have an adverse impact on any of the six main diversity groups. No indications were received. Diversity monitoring undertaken indicates that all diversity groups are able to access the service provided by Housing Service.

14. Are there any <i>other</i> groups that would find it difficult to access/make use of the function (e.g. young parents, commuters, people with caring responsibilities or dependants, young carers, or people living in rural areas)?	YES	Groups with mental health problems (including dual diagnosis, mental health and substance misuse problems) and learning disabilities.
	NO	
What evidence exists for this?	During the consultation the above groups were highlighted as other groups that could face a differential impact. However through the consultation process organisations acting behalf of these groups, and landlords, have been made aware of the policy and services being provided to deal with harassment and illegal eviction. Further presentations have now been given to support organisations and more will be undertaken to awareness of the policy remains high.	
15. Are there concerns there <u>could</u> have a differential impact due to <i>multiple discriminations</i> (e.g. <u>disability and age</u> )?		
	NO	
What evidence exists for this?	Extensive consultation has been undertaken in preparing the policy. Specifically consultees were requested to indicate if they considered that the policy would have an adverse impact on any of the six main diversity groups. No indications were received. Diversity monitoring undertaken indicates that all diversity groups are able to access the service provided by Housing Service	

**Conclusions & recommendation**

16. Could the differential impacts identified in questions 7-15 amount to there being the potential for adverse impact?		
	NO	
17. Can the adverse impact be justified on the grounds of promoting equality of opportunity for one group? Or another reason?	YES	N/A
	NO	
Recommendation to proceed to a full impact assessment?		
NO	This function/ policy/ service change complies with the requirements of the legislation and there is evidence to show this is the case.	

<b>Planning ahead: Reminders for the next review</b>		
<b>Date of next review</b>	August 2013	
<b>Areas to check at next review (e.g. new census information, new legislation due)</b>	None identified at present, but this will be reassessed when the above review is undertaken and if new relevant legislation is enacted before the expected review date.	
<b>Is there <i>another</i> group (e.g. new communities) that is relevant and ought to be considered next time?</b>	None identified at present.	
<b>Signed (completing officer/service manager)</b>	<b>Date</b> 4 August 2010	
<b>Signed (service manager/Assistant Director)</b>	<b>Date</b>	