



NFA Submission to Home Affairs Committee Inquiry into Anti-Social Behaviour

Introduction

1. The National Federation of ALMOs (NFA) is the representative trade body for Arms Length Management Organisations (ALMOs). The NFA is a not-for-profit body that aims to secure a long term financial future for ALMOs, persuade central government to take account of the interests of ALMOs and establish a vibrant and innovative independent ALMO sector that will provide decent homes, raise standards across the public rented housing sector, achieve excellence in service provision, promote tenant empowerment and help to deliver broader national and local policy priorities.
2. ALMOs are bodies set up by councils specifically to manage and improve the local authority housing stock. They are non-profit making local authority owned companies. The stock remains within the ownership of the local authority and the tenants stay secure council tenants. The first ALMOs were established in April 2002. Rounds 1-4 of the ALMO programme encompass 705,000 dwellings, nearly 30% of the council stock, while rounds 5 and 6 will lead to the establishment of more ALMOs in 2005 and 2006.

Power to apply for ASBOs

3. ALMOs are a new and vibrant part of the social housing sector. They are committed to providing the best possible service to their tenants and to helping deliver the key priorities of the local authority. The ability to deal swiftly and effectively with anti-social behaviour is essential to achieving these aims. However, because the sector is so new ALMOs are not listed in the legislation that allows local authorities and housing associations to apply for anti-social behaviour orders (ASBOs). Instead they have to ask the local authority to undertake this work which only adds another level of bureaucracy that serves no purpose and leads to potential delays.
4. ALMOs are subject to strict supervision in order to ensure they deliver high standards of management. In addition to being monitored by the council and ODPM they must also achieve at least 2* in an inspection of their service by the Audit Commission Housing Inspectorate before they can access ALMO funding. This guarantees that only the best deliverers of housing management services enter the programme. Addressing anti-social behaviour is a core housing management function and ALMOs should be given the same powers as other social landlords to enable them to deliver an effective service. In any event the court process itself provides sufficient checks and balances to ensure the power is not abused.

5. ALMOs work closely with their home councils and police forces and are key contributors to local authority corporate anti-social behaviour strategies. However, in order to be able to contribute effectively to local Crime and Disorder Reduction Partnership strategies they need to be given the operational powers appropriate to their role as housing managers. Because the ALMOs' focus is primarily on the management of the housing stock they are able to be more single minded and effective in dealing with anti-social behaviour on council estates. It is the ALMO that has the direct relationship with tenants and this ensures it has a stronger interest in ensuring the distress caused by anti-social behaviour is addressed as speedily as possible.
6. Since it is the ALMO, primarily, that is committing the resources, paying the costs and collecting the evidence required to apply for an ASBO it makes more sense for the ALMO to deal directly with the police and the courts rather than processing the case via the local authority. In most cases the operational staff experienced in these matters have, in any event, been transferred to the ALMO. It is a waste not use their knowledge and skills and this would also free up council officers' time to deal with anti-social behaviour in the wider community.
7. The deterrent effect of ASBOs is also relevant. At present the message to perpetrators is confused since it is not clear which body is generating the ASBO. If tenants know that the ALMO managing their stock has the power to rapidly take action against anti-social behaviour then this will help prevent further transgressions in the future.
8. A number of ALMOs also manage stock on behalf of other landlords, particularly housing associations. It would be sensible to allow ALMOs the power to apply for ASBOs on these properties as well - although it will be for each landlord, when determining the management agreement, to decide whether or not to allow the ALMO to use this power on their stock.

Representation in court

9. In some courts ALMOs are not allowed to represent the landlord without a council solicitor also being present, which adds an unnecessary cost to the process. This applies primarily in cases of eviction for arrears and anti-social behaviour and would also be an issue should the power to apply for ASBOs be extended to ALMOs. Representation in court is an important part of the housing management role and is also often a recommendation in inspection reports. If ALMOs are unable to do this it will add additional expense and bureaucracy and undermine the effective management of the stock.



10. ALMO staff are simply carrying out the management function which has been delegated to the ALMO by the local authority. However, the approach of the courts has varied, primarily because ALMOs are so new and courts have little knowledge of the S27 delegation powers. Court rules on who can represent the council are not applied in a consistent fashion and this has led to delays and extra costs in some cases. It would be helpful if the government could do more to clarify the role of ALMOs to courts and other agencies and resolve this issue.

Effectiveness of current powers

11. Under the Regulation of Investigatory Powers Act 2000 (RIPA) the council still needs to authorise any surveillance activities undertaken by the ALMO. This can lead to delays and problems similar to those with ASBOs. Provided the same controls are put in place as apply in a council the powers to authorise this activity should be extended to the ALMO in order to streamline the process.
12. However, subject to the caveat that ALMOs should enjoy the same legal powers as housing associations and local authorities the NFA believes that the appropriate legal tools to address anti-social behaviour are now broadly in place. There are a range of measures that ALMOs can apply directly including mediation, Acceptable Behaviour Contracts (ABCs), injunctions and serving notices.
13. The issue now is the extent to which the available tools are being used effectively. It can take a long time to obtain a court hearing for an ASBO application and defendants frequently delay the process as long as possible while the system for applying Legal Aid only encourages this. Since ASBOs are only applied for in the most serious cases this can mean that tenants on estates are victimised and intimidated for many months before any hope of redress. Such cases should be heard within three months of application. Enforcement of ASBOs and effective action when the order is breached is another area of concern. It completely undermines local strategies for addressing anti-social behaviour if those who break the order go unpunished.

Environmental issues

14. As the primary point of contact for residents ALMOs are well placed within the community to offer a range of services beyond core housing management functions. This could include providing services to other tenures and performing environmental functions such as imposing fines for littering or dog fouling. However, clarification is needed that local authorities do have the power to delegate such activities to ALMOs where it is their wish to do so. This would enable ALMOs to take a more holistic approach to the management of their estates and to take on a wider neighbourhood management role where this is locally appropriate.

15. Abandoned vehicles on estates can often be the focus of anti-social behaviour and the start of a general decline in the overall environment. It is a key concern for tenants and action needs to be taken swiftly to remove this blight. However, ALMOs do not have the power to apply directly to the DVLA for details of owners of abandoned cars – a letter of authorisation has to be sent by the local authority for each enquiry – nor do they have the power to remove the vehicles. This leads to unnecessary delays in addressing the problem.

Alternatives to legal action

16. Possession orders and ASBOs are very much a last resort for cases of extreme misbehaviour. However, there is an increasing lack of tolerance for less serious instances. For example many residents view playing football in common areas as anti-social and even intimidating and expect the landlord or its managing agent to stop it. This can cause friction between different age groups. ALMOs have a strong community focus that goes beyond the landlord role. This includes the promotion of training and employment opportunities for the local unemployed that is a feature of many ALMO programmes. The government needs to make available more resources to a wider group of potential agencies to develop youth diversion projects that will tackle the problem of young people with limited access to facilities.
17. More partnership working across agencies and tenures is essential. Whereas one can understand why schools exclude disruptive pupils in many cases this simply transfers the problem to another area, such as an estate. All housing managers are frequently faced with the difficult choice between the support needs of vulnerable tenants and the right to quiet enjoyment of other residents who may be adversely affected by their behaviour. The homelessness legislation ensures that many vulnerable residents are housed in local authority stock and not always with an adequate support package in place. Proactive tenancy sustainment should now be viewed as a mainstream activity rather than an add on to the traditional housing management approach. However, this does lead to higher costs and the housing subsidy system should reflect this in its assessment of housing management costs.
18. More support is also needed for the victims of anti-social behaviour and judges should be more sympathetic to the fears of victims. In a recent case a judge insisted on sworn affidavits from residents rather than accepting evidence from the housing officer. This can be a real problem in some cases, especially where the tenant is vulnerable or residents are afraid of the perpetrator(s). A balance needs to be set between the rights of defendants to a fair hearing and the rights of those affected by the anti-social behaviour.