2. Drugs and Estate and Housing Management

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Introduction

Drug users reside in housing of all types – rented, private and public sector, owner occupied, and temporarily housed. However, the personal circumstances – exclusion and poverty - associated with problem drug use mean that users are frequently concentrated in the poorest social landlord and private sector rented properties. When these are grouped together in the poorest estates and where deprivation is concentrated, drug use becomes disproportionately problematic as a community issue and a central issue for those developing regeneration strategies to tackle.

The behaviour of drug users may cause no problems whatsoever to other tenants and residents but it is frequently the case that problem drug use and intoxication, and crime and supply related to use, can lead to a wide range of tenancy issues and problems including:

- Problems accessing and keeping accommodation
- Victimisation by other tenants or neighbours
- Crime and anti-social behaviour
- Contribution to neighbourhood decline

Data file

What is the size of the problem?

There is no accurate study of the degree of problem behaviour related to drugs in housing or in estate decline because of the difficulty of precisely defining what the issue of concern is.

Drug use is in itself a factor in leading to significant numbers of people not being able to access suitable public sector housing. Many providers of supported or private sector housing will effectively bar drug users from housing of this type. Even where landlords are quite prepared to offer housing with support, many drug users have had problems with previous tenancies which mean that they are barred from re-housing because of debts owed to landlords. The scale of this has never been quantified.

The number of people receiving support in housing with drug problems has been assessed by the ODPM Supporting People team through the audits required for Supported Housing roll-out completed by local authorities. (See Supported Housing toolkit). Each area is required to assess the level of need in their area on which services will be planned. This counting is likely to have severely under-represented the scale of those with such problems.

The number of people evicted or acted against for drug related anti-social behaviour is not known. However, studies of neighbour disputes suggest that drug use is problematic although numerically less significant than such matters as noise.

Studies of problems in the poorest neighbourhoods suggest that in such environments drugs are regarded by residents as a very significant cause of neighbourhood decline. For example residents in New Deal for Community areas consistently rank drugs as one of the major issues affecting them. This suggests that drugs are disproportionately a problem in the poorest communities. The problems cited are the availability of drugs and their sale, the associated behaviours, the crime that results, and the risk of involvement to young people locally. Drugs are regarded as a crucial factor in accelerating the spiral of decline and the creation of unpopular housing.
Landlords too feel that drugs is a major cause of problems in their housing stock: in a 2003 survey by the social landlords crime and nuisance group drugs was the second largest single cause of housing problems, at 28% of all respondents.

The first ever daily count of anti social behaviour identified 2920 incidents due to drug/substance misuse and drug dealing nationally.  

Whether drugs are causative of initial decline and to what degree is arguable but the weight of opinion across studies internationally, based on research with residents and professionals, would suggest that drug use is a significant factor in increasing the decline of estates (e.g. Page 2000).

How do drugs effect housing and estate management?

The behaviour of drug users can cause no problems whatsoever to other tenants and residents but it is often the case that problem drug use and intoxication can lead to a wide range of tenancy issues and problems including:

- Problems accessing accommodation.  
  Drug users who are identified as being dependent or with a history of problems are likely to be screened out and thus debarred from accessing housing of many types. Even amongst housing providers offering supported housing to vulnerable groups eligibility criteria often exclude those with drug or severe alcohol problems. Drugs users, particularly young people, are seen as being vulnerable and at risk, unlikely to be consistent with rent or other payments, cause disputes with other tenants, or to be involved in other crime, including supply or sex work. Some of this is borne out by experience of housing drug users (often without appropriate support), which often results in a very poor tenancy record including significant rent arrears. This in turn effectively excludes them from being re-housing until arrears are cleared.

- Maintaining tenancies.  
  Problem drug use can result in users falling behind with rent or other payments, neighbour disputes, or involvement in crime. Without appropriate support vulnerable users trying to maintain tenancies often find it difficult to cope with the demands placed upon them.

- Victimisation by other tenants or neighbours.  
  There is no data on this, but there is evidence that vulnerable drug users are at risk from suppliers who take over their properties for supply, from other thieves who target their properties, and from other residents who have negative views on drug users whether causing harm or not. This in itself can be a cause of tenancy breakdown.

- Crime and anti-social behaviour.  
  Drug related crime committed by tenants or visitors can be offensive to other people. Associated behaviour such as sex work can be problematic. Some users may be active at different timeframes to their neighbours – amphetamine users for example, can cause difficulties in this respect. Discarded needles are another problem. Other examples of anti-social behaviour may not be related to drug use at all, but drugs is still often blamed as the cause.

- Contribution to neighbourhood decline.  
  Some social housing and private sector housing is unpopular as a result of its image, its location and the quality of housing stock and services. Those offered tenancies in these areas are frequently desperate for accommodation. However being housed there, often at a distance from support and affected by all the environmental factors, frequently adds to their problems. They are also at increased risk of drug use. Poverty in such neighbourhoods means that drug supply can be an attractive economic opportunity and there is a ready market. Those becoming problem drug users add to the economic inactivity of the area and indeed may then also become involved in local crime including theft from
other residents. Other associated problems such as sex work may also develop. In such circumstances housing in the area becomes even less attractive and harder to let. The only people prepared to move there are even more desperate and vulnerable. Drugs consume the residual income of the estate. Discarded drug paraphernalia and people entering the area to buy drugs adds to the image and negative culture.

The Law

Drug use is regulated by the Misuse of Drugs Act 1971 and other related legislation in any setting. The relationships between tenants and their landlords are regulated primarily by the various Housing Acts. There is an important new power contained in the Anti-social Behaviour Bill 2003.

There are a range of powers available under civil and criminal law to enable landlords to act against drug use being perpetrated by individuals within properties they own or rent. The combination of these powers defines the responses that can be made by civil or police authorities responsible for the regulation of housing.

Entitlement to housing provided by local authorities is also covered by law and the law is currently due to be revised to grant greater entitlement to statutory eligibility for re-housing to some categories of single people. The proposed changes do not specifically include drug users although the extension to eligibility for certain groups, for example young people, will ensure that drug users in that age group will have a statutory right to housing.

Powers of enforcement and control

Civil Powers

Recent convictions for supply of drugs are potentially acceptable grounds for refusing a tenancy. The inclusion of clauses banning use or supply in tenancy agreements are also legal. Breaches of tenancy agreements on these grounds have been supported by the courts with eviction orders although such orders can be suspended to encourage a modification of behaviour. There should be not automatic bar on housing to persons previously convicted for the simple possession of drugs. This conviction may have happened prior to a process of recovery by that person or have prompted rehabilitation. Denial of access to a home to a person on these grounds alone is ill-advised as it may cause relapse and greater criminality.

Eviction is obtained by enacting a notice seeking possession and a court hearing. It is the most extreme power that can be applied by a landlord against a secure tenant. Shorter tenancies and license agreements are useful ways of controlling the behaviour of drug users through restricting security of tenure. New powers are created through emerging legislation such as the ASB bill and forthcoming housing bill (2004)

Housing authorities have a range of other civil powers that can be used short of eviction. These can include injunctions and Anti-social Behaviour Orders although these have been less rarely applied.

Some local authorities have used section 222 of the Local Government Act to bar persons from their properties who are involved in dealing drugs.

Local Authorities can seek a compulsory purchase order to control drug related activity where private landlords are unwilling to apply the powers they have at their disposal. This also is rare but can be valuable.

Criminal Powers
Criminal Powers primarily reside in the Misuse of Drugs Act 1971 which gives powers to the Police to act against the use, manufacture and supply of controlled drugs by individuals in private tenancies. This need not inevitably lead to eviction or removal, particularly where there are dependents.

Landlords can be prosecuted for knowingly allowing their premises to be used for the purpose of selling all controlled drugs and allowing them to be used for the purpose of using cannabis and prepared opium (section 8 of that Act). The potential extension of this power to include use of all controlled drugs by amendment to Section 8 of the Misuse of Drugs Act (as amended by section 38 of the Criminal Justice and Police Act 2001) has been delayed subject to the passing of the powers contained in Clause 1 of the Antisocial Behaviour Bill. This new bill makes provision for closure orders for properties associated with production, use and supply of class A drugs where there is also serious nuisance or disorder. The intention of these powers is to control such properties as crack houses or any premise where drugs and nuisance coincide. The power allows for any property of any tenure to be closed on the order of a court for a period of up to six months. The Home Office will be producing clear guidance on how these provisions will operate.

Local partners and CDRP’s are being encouraged to tackle anti-social behaviour through the measures and support systems contained in the Anti Social Behaviour Action Plan.

http://www.homeoffice.gov.uk/docs2/ASB_Action_Plan.pdf

**Policy and practice implications**

**Housing and Estate Management Practice**

Housing authorities should develop their own polices and practices for managing drug related issues affecting their housing stock.

However, in order to plan and develop effective services alliances with drug agencies and the Drug Action Teams (DATs) are essential.

Broader estate based programmes should be formally linked with the DAT and drug issues should be formally integrated.

<table>
<thead>
<tr>
<th>Possible approach</th>
<th>Implications</th>
<th>Possible funding source</th>
<th>Relevant research evidence</th>
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<tbody>
<tr>
<td>Better housing management</td>
<td>Negative: Risk that drug users will be screened out of tenancies or more likely to be evicted – possibly leading to creation of ghettos in private sector. Positive: Tenancies will be preserved due to action at early stage instead of eviction. Drug related anti-social behaviour acted against.</td>
<td>General housing revenues fund tenancy management; some Home Office or DTLR special allocations</td>
<td>General research on neighbourhood management (e.g. PAT reports); HO/DTLR Housing management guidance (2002).</td>
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**Possible approach**

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<tr>
<td>Clearer policies and practice in tenancy management, including allocation policies, clarity in relation to Police involvement and use of civil powers, neighbourhood wardens etc</td>
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<td>Non drug using community feel safer</td>
<td>Requires extensive housing staff training</td>
<td>Home Office; Housing authority revenue; SRB and regeneration funding</td>
<td>Clear evidence of effect on crime (Linden 1990)</td>
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<td>Design improvements to estates</td>
<td>Reduces fear of crime and practice of crime</td>
<td>Major capital investment programmes funded by revenue of LA/Regeneration funding</td>
<td>Case examples from regeneration practice suggest supply and other problems reduce (DETR 2000, SEU 2000)</td>
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<td>Re-profiling of estate tenant mix</td>
<td>Negative: Drug users may not be allocated new tenancies. Positive: Market for sales of drugs reduces</td>
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<td>tenant mix</td>
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<td>– more family, less tower block, demolition and new build</td>
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<td>Supported tenancies and tenancy breakdown prevention schemes</td>
<td>Drug users accepted as tenants where landlords and other residents are convinced that support will reduce the problems their use may. “Churn” of tenants slows and reduction in voids</td>
<td>DTLR, Charitable funding, Housing Corporation Innovation funds, DAT pooled treatment budgets, Supporting people funds to come</td>
<td>Limited published research evidence for effectiveness of supported housing with drug users (see supported housing chapter)</td>
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<td>(for detail see the supported housing section)</td>
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<td>Housing Plus initiatives – enhanced community facilities as prevention against decline</td>
<td>Useful social measures to prevent spiral of decline starting – particularly useful for poorly planned estates and young people. May be capacity issues for Housing providers and training implications</td>
<td>As above – quite difficult to fund – pressures on RSLs finance great</td>
<td>Evidence that projects make significant improvements to estate life (Fordham 1997)</td>
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<td>Multi-component schemes for comprehensive estate regeneration: include housing management improvements, plus</td>
<td>Positive: Schemes for housing management have results as above, plus additional facilities help users access treatment and divert young people away from entering drug scene. Enhanced police presence creates community support for positive policing in support of community aims. Work with families has long term effect on entry to drug use</td>
<td>As above, plus regeneration funding under New Deal, including New Deal for Communities, SRB or Neighbourhood Renewal funds, funding for specific programmes such as Surestart and OnTrack</td>
<td>HO/DTLR (2002) guidance on Housing management. DPI paper 7 on Community Development suggests effects of some elements (Duke 1996). HO action research project will assess success of this long term.</td>
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<td>Locally accessible treatment,</td>
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<td>Diversionary activity and education for young people,</td>
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<td>Community development,</td>
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<td>Enhanced police activities (local police presence)</td>
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leading to better trust and community support for enforcement work),
Other support programmes for families with children

Negative: Schemes can displace drug problems to private sectors or neighbouring estates.
Enhanced police presence without community support can lead to community tensions and at worst, urban unrest

Care research promises impact from work with families – long term outcome
(Hawkins et al 1992)

A model of service provision

**Model of housing and estate management**
**Best practice in relation to drugs**

Housing managers are active members of DATS and work closely with drug providers to support their estate and housing management, and with Police to handle supply issues.

Broader estate based partnerships work strategically with DATs to include drug issues in estate or regeneration action

Both sets of bodies consult widely with local communities about drug issues

Housing providers produce a drugs housing plan detailing how in relation to drugs they will allocate tenancies, manage housing stock, handle anti-social behaviour and support drug users; local authorities specify how they will work with private landlords on these matters

Estate action groups, as well as producing housing plans, will assess needs, and, with partners, plan additional services to provide diversionary activity with young people and locally accessible treatment, and tackle more entrenched supply

Local residents contribute to the direction and evaluation of local services, if not directly managing provision

Core staff will receive appropriate and adequate training

Appropriate services will be commissioned as required in the areas identified

Services will be evaluated according to best practice guidance and reported locally and to central Government
Key organisations

Government:

The key Government department with responsibility for housing and neighbourhood renewal is the Office of the Deputy Prime Minister (ODPM). The Department has a number of Directorates that have responsibility for different aspects of housing practice. It makes policy, influences local practice and undertakes research. It regulates Local Authorities via the regional Government Offices, who conduct annual reviews, approve investment plans and produce a regional housing statement.

The Neighbourhood Renewal Unit is based in ODPM and has responsibility for driving forward progress across Government. It provides leadership and oversight at a national level for implementing the Government’s strategy “A new commitment to neighbourhood renewal: National Strategy Action Plan”. The strategy focuses on tackling the core problems of deprived areas. The action plan aims to deliver economic prosperity, safe communities, high quality schools, decent housing and better health to the poorest part of the country.

http://www.odpm.gov.uk/
http://www.housing.odpm.gov.uk/index.htm
http://www.neighbourhood.gov.uk/

The Drugs Strategy Directorate coordinates drug policy within the Home Office. Drug Teams in the Government Offices (formerly DPAS) monitor the effectiveness of local delivery by DATs through support and advice to ensure consistency of approach and high quality http://www.drugs.gov.uk/NationalStrategy

Government Agencies

The Housing Corporation funds and regulates and sets quality standards for Registered Social Landlords (housing associations) for the ODPM. It has a London HQ and a regional structure that mirrors the Government office regions:
http://www.housingcorp.gov.uk/

The Local Government Association (LGA) is a federated body for local authorities of all types and represents them to Government. It also influences and shapes local practice through guidance. It has a regional structure and supports the shadow regional assemblies. It maintains specialist working groups on key issues such as housing.
http://www.lga.gov.uk

Non-Government Organisations

The National Housing Federation is the association for Registered Social Landlords and advises on policy and member issues.
http://www.housing.org.uk

The Chartered Institute of Housing is the professional body for housing workers. It issues guidance on good practice
http://www.cih.org

The Social Landlords Crime and Nuisance Group is an association of social landlords who offer advice, guidance and training on anti-social behaviour
Contact: Tim Winter 024 7683 2699
Who is responsible locally?

The Local Authority (a District or Borough within Shire Counties, or the Unitary authority) has responsibility for housing and housing management’s contribution to regeneration. There may be a nominated officer responsible for social housing or housing in regeneration areas, or responsibilities for drugs in housing may be held with the Chief Housing Officer. They should be working closely with the DAT and drug providers.

Housing provision may be managed directly by the Local Authority or contracted to a housing company, a management body or a social landlord. The Local Authority retains overall oversight. Local Authority Housing Departments work closely with local Registered Social Landlords (Housing Associations). To identify who takes the lead, approach the local authority housing department who will direct on to individual housing bodies.

Neighbourhood renewal at a local level is delivered through Local Strategic Partnerships. These partnerships bring together different parts of the public sector, as well as the private, business, community and voluntary sectors so that different initiatives and services support each other and work together to ensure that public services meet the needs of local people. The Government’s intention is that such partnerships will play an increasingly important role in co-ordinating national and local initiatives to improve communities’ quality of life.

Regeneration activity will be managed by a partnership or partnerships set up for that purpose by the local authority. Each Local Authority is different but regeneration is usually managed by a specialist team working to the Chief Executive’s department. Housing provider practice will be shaped strongly though engagement with its own residents organised into residents associations. There is an increasing emphasis on local management and tenant participation in the running of social housing.

Reading and resources

Identifying the scale of the problem

Wincup E, Buckland G and Bayliss R (2003) Youth homelessness and substance use: report to the drugs and alcohol research unit, Home Office Research Study 258

**Housing management policy and practice guidance**


**Legal powers available to landlords:**


**Acronyms**

DAT: Drug Action Team
ECHR: European Court of Human Rights
LGA: Local Government Association
ODPM: Office of the Deputy Prime Minister
PAT: Policy Action Team
RSL: Registered Social Landlords
SEU: Social Exclusion Unit
NRU: Neighbourhood Renewal Unit