



SCO-POL-08-01
Anti-Social Behaviour Policy

September 2019

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1. Introduction

1.1 Liverpool Mutual Homes and Torus Housing Groups amalgamated on 1st January 2019 to form a new social housing landlord organisation known as Torus62 Ltd that will operate under the name Torus. Torus housing stock (totalling just under 38,000 dwellings) principally contains properties located within its three heartlands of Warrington, St Helens and Liverpool but also includes properties in Cheshire, Knowsley and West Lancs. As part of its ongoing transformation programme an interim review of its operational service policies has been undertaken with the objective of synthesizing both the former organisation's policies into one composite policy document in order to ensure consistent and equitable service delivery across its three heartlands and to its customers as well as maintain organisational regulatory compliance. The interim operational policies will be operational from April 2019 and will be subject to a comprehensive policy review in 2020/21.

1.2 This statement of policy is intended to be comprehensive, clear and accessible. It outlines our general approach to addressing anti-social behaviour. However our overriding consideration is to consider each situation on its particular facts against the framework and guidance provided by our statement of policy and statement of procedures.

1.3 This statement of policy is published on our websites www.torus.co.uk www.liverpoolmutualhomes.org www.helenahomes.co.uk www.gght.org.uk and is available for inspection at all Torus offices. It is also available on request in printed hard copy form (on receipt of reasonable copying charges) as well as translation and alternative formats including Braille and large print. We will review this statement of policy annually.

1.4 This statement of policy and its delivery are designed to be compatible with statutory commitments:-

- Anti-Social Behaviour Act 2003
 - Crime and Disorder Act 1998
 - General Data Protection Regulations May 2018
 - Equality Act 2010
 - Freedom of Information Act 2000
 - Homelessness Act 2002
 - Housing Act 1988
 - Housing Act 1996
 - Human Rights Act 1998
 - Protection from Harassment Act 1997
 - Race Relations Acts
 - Anti-Social Behaviour, Crime and Policing Act 2014
- Other relevant policies which we operate. Examples include:
 - Diversity and Inclusion Statement of Intent
 - Starter Tenancy Policy (and review policy)
 - Absolute possession review policy / procedure
 - Allocations Policies (LMH, Helena and GGHT)
 - Complaints Policy
 - Domestic Violence policy
 - Respect and Social Responsibility Statement/Good Neighbour Agreement
 - Safeguarding Policies for Adults and Children.

We always welcome feedback on any of our policies, procedures or services. If you have any comments, compliments or complaints about this policy, please let us know.

Feedback may be made in one of the following ways:

- by telephone to:
 - 0800 678 1894 (Liverpool)
 - 01744 637383 (St Helens)
 - 01925 452 452 (Warrington)
- in person to any of our offices (see Appendix 1 for our list of offices)
- via our websites www.torus.co.uk www.liverpoolmutualhomes.org www.helenahomes.co.uk www.gght.org.uk
- in writing to any torus office (see appendix 1)
- by email to enquiries@wearetorus.co.uk or info@liverpoolmh.co.uk

2. Scope

2.1 This policy document contains Torus' Policy for the management of its Anti-Social-Behaviour Services (ASB) across its neighbourhoods and Heartlands. The ASB policy is the responsibility of the Managing Director/ Housing and delivered via Torus housing and neighbourhood management services incorporating a specialist ASB Team. The policy is linked to three of the key corporate plan themes, Influence, Resilience and Intelligence. Delivery of an effective, efficient and responsive ASB Service is a major customer and regulatory priority for the new organisation. In order to meet this priority it is important that Torus maximises its partnership approach working with agencies such as the police, local fire & rescue services and all local authority community safety partnerships and support agencies. In addition, the new organisation will look to develop best practice in service delivery and seek to influence the national regulatory agenda for tackling crime, nuisance and ASB. Finally, the principal risks associated with ASB management focus around potential loss of customer confidence in the organisation and serious reputational risk of services not delivered effectively.

3. Policy Statement

- 3.1 As part of the Liverpool/St Helens/Warrington Community Safety Partnerships, we aim to protect our communities, prevent anti-social behaviour and promote a safe living environment. We expect individuals and groups to behave with respect to others and in a manner which does not interfere with the comfort or well-being of other individuals or groups in our communities, whether those individuals or groups live and/or work and/or are lawfully visiting our communities.
- 3.2 We recognise that if left unchallenged anti-social behaviour can have a very significant effect on the quality of life of individuals and groups within our communities and can impact on the welfare of communities as a whole. Accordingly we aim to tackle what are often diverse and complex issues around anti-social behaviour using a range of tools including prevention, support and enforcement with the objective of delivering a proportionate and flexible response to the challenges that anti-social behaviour presents.
- 3.3 We look to address anti-social behaviour as early as possible because this may prevent situations from escalating and may stop the anti-social behaviour. However in some cases, for example where anti-social behaviour is serious or where anti-social behaviour continues notwithstanding our efforts to tackle it, it may be appropriate to use robust and swift enforcement action to meet our objectives of protecting communities and preventing anti-social behaviour.

3.4 The tools and powers introduced by the Anti-Social Behaviour, Crime and Policing Act 2014 (including, but not limited to, civil injunctions, criminal behaviour orders, dispersal powers, community protection notices, public spaces protection orders, closure powers and absolute orders for possession) will form part of the operational delivery of this policy by ourselves and/or in conjunction with our partners, along with existing powers to recover possession of property.

3.5 In order to keep staff up to date with changes to legislation and best practice we make use of in-house training for our staff as well as arranging to host and/or attend training provided by external training providers and other housing providers.

3.6 Ultimately, we aim to:

- Provide a high-quality service to tackle and resolve anti-social behaviour within our communities
- Support complainants and their families and encourage reporting of issues
- Communicate effectively with partners by sharing intelligence and where appropriate use 'joint working' to tackle anti-social behaviour
- Work with communities and partners to find the most appropriate resolution to the issues they face so that communities feel engaged and empowered
- Proactively tackle anti-social behaviour 'hotspots'
- Pay particular attention to protect those most vulnerable from the effects of anti-social behaviour
- Manage those who cause anti-social behaviour using appropriate and proportionate intervention, rehabilitation, support and/or enforcement depending on the facts of the particular case with the aim of preventing anti-social behaviour, promoting community protection and deterring and rehabilitating perpetrators
- Help individuals and groups to reach a common understanding about what does and does not constitute anti-social behaviour and how minor lifestyle differences or everyday living noise may not constitute anti-social behaviour
- Provide safe neighbourhoods and communities in the areas where we own homes
- Provide consistent and clear information to enable customers to understand our policies and procedures, who to contact with any query or report of anti-social behaviour and to help customers to understand how and by whom a report will be investigated and managed
- Direct individuals who contact us with concerns or other enquiries concerning anti-social behaviour or related matters to the correct department
- Ensure that our specialist staff are trained to manage complaints proactively
- Operate and develop tools to measure customer satisfaction

4. What is Anti-Social Behaviour?

4.1 'Anti-Social Behaviour' is a broad term but for the purpose of the obligations imposed by Section 218A Housing Act 1996 ["the 1996 Act"] since the coming into force of the Anti-Social Behaviour, Crime and Policing Act 2014 ["the 2014 Act"] 'Anti-Social Behaviour' has been defined in Schedule 11 Part 1 paragraph 23 of the 2014 Act as:

- conduct that is capable of causing nuisance or annoyance to some person (who need not be a particular identified person) and that directly or indirectly relates to or affects the landlord's housing management functions; or
- conduct that consists of or involves using or threatening to use housing accommodation owned or managed by the landlord for an unlawful purpose.

- 4.2 The term 'housing management function' is a wide one which covers anything undertaken as part of our day to day or strategic management of our housing stock. Matters which 'indirectly affect' our housing management function might relate to housing support, tenancy intervention or other services which promote the efficient operation of our landlord function. Again the definition is wide.
- 4.3 We also consider hate crime and harassment to be capable of being anti-social behaviour and such matters will be considered by Torus within the framework of this policy. We consider that what does and does not amount to anti-social behaviour will frequently turn on the facts of a particular case.
- 4.4 We know that anti-social behaviour can have a disruptive and damaging effect on individuals within our communities and on our communities as a whole. As is made clear in the definition set out above anti-social behaviour can impact upon 'any person'. This wide definition includes, but is not limited to, tenants and owner occupiers but also includes workers and visitors to our communities. It includes adults and children.
- 4.5 Anti-social behaviour may or may not constitute criminal activity. A key determinant in deciding whether particular behaviour is anti-social or not will be the impact of the behaviour on others but it is to be emphasised that this is not the only relevant consideration. We will consider all relevant circumstances when determining whether we consider conduct to be anti-social behaviour. The types of conduct that may amount to anti-social behaviour include (but are not limited to):
- noise nuisance (for example loud parties, shouting, noise from TVs and Hi-fi's);
 - intimidation and harassment;
 - local environmental quality issues (for example litter, dog fouling, graffiti, fly tipping and nuisance vehicles);
 - aggressive and threatening language and behaviour;
 - actual violence against people and property (including domestic violence);
 - hate behaviour that targets members of identified groups because of their perceived differences (for example race and ethnicity, gender, age, religion, sexual orientation, mental health or disability); and
 - using housing accommodation or areas in the locality of housing accommodation to possess, take and/or sell drugs, or for other unlawful purposes; and
 - aggressive begging; and
 - owning and/or keeping animals that are uncontrolled and/or neglected
 - vehicle crime and/or the use of motorised vehicles (including bikes) in a manner which causes or is likely to cause nuisance or annoyance
- 4.6 What is and is not anti-social behaviour in any given situation will require consideration of the circumstances of the case. However not all matters of concern will constitute anti-social behaviour. Examples of issues which may not be considered to be anti-social behaviour include:
- Noise from children playing
 - Disagreements about parking
 - Civil disputes such as boundary issues
 - One-off incidents of noise disturbance
 - Living or domestic noises including ordinary conversation heard through walls or floors, neighbours walking around their home as part of the normal use of their

property, domestic activities such as vacuuming or using washing machines which are being carried out in a reasonable and considerate manner.

5. Expected Standards of Behaviour

- 5.1 We expect our tenants to behave appropriately and in accordance with the terms of their tenancy agreements. The tenancy agreements we use contain a number of conditions relating to the conduct of tenants, those who live with tenants and those who visit tenants. These conditions cover a range of matters including, but not limited to, anti-social behaviour, criminal conduct and matters relating to animals / pets.
- 5.2 Our tenants are not only responsible for their own conduct but are also responsible for the conduct of any person residing at or occupying their property (whether adults or children). Our tenants are also responsible for the conduct of any lawful visitor to their property, whether that visitor is an adult or a child.
- 5.3 We will act in appropriate cases to protect owner-occupiers or those in other tenures from the actions of our tenants, their households and/or visitors. In appropriate cases we will take action against owner occupiers or people in other tenures to protect our tenants, their households and/or visitors.

6. Supporting policies, procedures and/or processes

- 6.1 We utilise a number of supporting policies / procedures and/or processes when dealing with issues of anti-social behaviour. These include:

Supporting complainants and witnesses

- 6.2 We aim to effectively support complainants and witnesses. We aim to boost the confidence of witnesses, partner agencies and the wider community in a context where the safety and well-being of victims and witnesses is a primary consideration. Practical steps to support complainants and witnesses may include:
- Being clear about how incidents of anti-social behaviour may be reported and making reporting channels as simple as possible
 - Dealing with reported complaints promptly and keeping complainants and witnesses informed of relevant developments
 - Referring individuals to support services where necessary (e.g. Victim Support)
 - Agreeing a realistic action plan with individuals where appropriate and communicating with them on a regular basis by an agreed method of communication throughout the investigation and any subsequent action
 - Risk assessing and using physical measures in appropriate cases to reassure complainants or witnesses (e.g. personal alarms or fireproof bags for letterboxes)
 - Providing details of emergency out of hours contacts
 - Informing relevant officers such as caretakers or wardens so that they can keep a 'look out' where appropriate
 - In cases where enforcement action is taken, discussing and explaining the processes involved and supporting complainants and witnesses through the process (e.g. by providing transport to court in appropriate cases and support at court to ensure that complainants and witnesses are adequately safeguarded)
 - Agreeing the provision of ongoing support and/or support referrals following the conclusion of enforcement action or other steps where appropriate.

- Liaising with the police in appropriate cases.

Professional witnesses and covert surveillance

6.3 In appropriate cases we will consider the use of professional witnesses and/or covert surveillance to gather or support evidence of anti-social behaviour. Any such consideration will be based on the facts of the particular case.

Racial and other harassment/Hate Crime

6.4 We take harassment / hate crime in any form against any member of our community extremely seriously. Such conduct can have a very traumatic effect on the victim and a divisive effect on our communities. Racial and other harassment and hate crime may include, but is not limited to, violence, intimidation and/or abuse towards a person or group of people (or damage to their property) because of their race, colour, ethnic or national origin, gender identity, sexual orientation, marital status, disability, age or religion. For recording purposes we define hate crime as behaviour committed against a person or property which is motivated by hostility towards someone based on their race, colour, ethnic or national origin, gender identity, sexual orientation, marital status, disability, age or religion. We will look to involve our partners (e.g. local Police services) in these sorts of cases wherever appropriate. We are committed to:

- Eliminating unlawful discrimination and harassment
- Promoting good relations between people of different backgrounds
- Maximising the reporting of incidents that are 'hate' motivated
- Supporting complainants and their families
- Taking action against perpetrators
- Monitoring the number of racial harassment and other hate crime incidents by type and geographical area
- Monitoring the actions taken in such cases by ourselves and partners and satisfaction levels during and following case completions
- Reporting key monitoring data to Board on a regular basis to give assurance that we are meeting our aims and objectives

Domestic violence

6.5 We want to achieve a community that does not tolerate domestic abuse and that affords effective support to all of its victims (whether adults or children) whilst at the same time holding perpetrators to account. Domestic violence may fall within the definition of anti-social behaviour. Each case must be considered on its facts. We are mindful of the need to ensure that victims are supported in accessing remedies specifically designed to address domestic violence (for example non-molestation orders) whilst other enforcement tools may be used by us and/or other agencies in appropriate cases (e.g. to provide protection to the victim and/or prevent impact on the wider community).

Prevention of anti-social behaviour

6.6 Prevention is an integral part of our approach to anti-social behaviour. We utilise a range of initiatives in appropriate cases which are designed to prevent anti-social behaviour from occurring using a mix of education, engagement, communication and support. The initiatives we use or can access in appropriate cases include:

- Regular estate inspections which enable us to identify any 'hotspot' issues / areas and 'clean up' campaigns on our estates

- Diversionary activities which we arrange and which are arranged through Liverpool, St Helens and Warrington Councils.
- Use of Acceptable Behaviour Contracts and mediation services
- Designing out crime ('secure by design' principles) and the use of CCTV and 'alley gating' in appropriate areas in conjunction with Liverpool, St Helens and Warrington Councils.
- Use of our allocations policy to seek to mitigate the risk of new tenants behaving in a criminal or anti-social manner
- Use of starter tenancies and the Respect and Social Responsibility Sign-Up Statement/Good Neighbour Agreement to emphasise the importance of behaviour and community safety
- Tenancy support schemes
- Multi-agency partnerships
- Education and raising awareness (this includes publicising cases where anti-social behaviour and criminal activity have been identified and publicising campaigns to tackle criminal and anti-social behaviour)

Specialist support

- 6.7 When looking at issues of community protection, including the protection of actual or potential victims of anti-social behaviour, we consider the positive impact that support might have on victims of anti-social behaviour. We also consider the positive impact that support might have on perpetrators who might themselves be vulnerable. By way of example there may be scope for support in cases including, but not limited to, those directly or indirectly caused by drug use, alcohol use, mental health, learning difficulties, relationship breakdown and/or disability.
- 6.8 Where appropriate we will engage the services of our in house tenancy support which provides support and practical help to enable people to manage their tenancies and/or access specific support if appropriate. The team accept referrals from officers and can make an assessment of needs.
- 6.9 Often the process of support will involve the engagement of specialist agencies external to Torus. We will attend multi-agency meetings where stakeholder agencies meet to discuss complex cases which may require intervention from a number of agencies at the same time.
- 6.10 Support may take many forms. For example it may assist tenants who are responsible for causing anti-social behaviour to sustain their tenancies. Supporting victims may involve looking at ways to mitigate the effects of anti-social behaviour whilst steps are taken to tackle the perpetrator(s) of the anti-social behaviour.
- 6.11 Effective interventions by specialist agencies can help ensure that key professionals are involved at an early stage to prevent or manage issues as they arise. Specialist agencies may include, but are not limited to, the local community mental health team, drug action teams, local drug and/or alcohol support organisations and local mental health services.
- 6.12 In cases involving young perpetrators there are often, although not always, problems with their family and/or school. In such cases we will try and identify the cause or causes of the young person's anti-social behaviour and we will consider involving their parent(s) or guardian(s) and/or school if appropriate.
- 6.13 We can also refer cases to the relevant local authority "family intervention support service. We will consider seeking information from other agencies such as The Youth Offending Service and/or Restorative Solutions. We can refer suitable cases to Children and Younger People's Services at the

relevant local authority. We look to use acceptable behaviour contracts with young perpetrators where we feel these are likely to be effective. Whether perpetrators are adults or children we look to achieve long term changes in their behaviour and seek to prevent displacement of anti-social behaviour.

Multi-agency partnerships

6.14 We are committed to partnership working. We are part of the wider community and share the problems and challenges of our community. Often the causes of anti-social behaviour and the solutions to anti-social behaviour do not lie within the remit of a single organisation. Partnership working is vital if we are to deal effectively with the incidence of, causes of and consequences of anti-social behaviour within our communities. Working in conjunction with other agencies and organisations gives us the best chance of swiftly and robustly targeting resources effectively with the aim of preventing anti-social behaviour and protecting our communities. Multi-agency partnerships provide a co-ordinated approach driven by specialist agencies which can help perpetrators to get assistance they need to support their rehabilitation whilst at the same time assisting victims to obtain support. We work with a variety of partners, for example:

Merseyside & Cheshire Police	Investigate crime. Lead agency on crime reduction, prevention and enforcement by way of prosecution.
St Helens/Warrington / Liverpool City Council	We work with numerous departments including social care, education and The Youth Offending Service. We are also involved with groups relating to anti-social behaviour, hate crime, domestic violence, violent crime and youth offending as part of the anti-social behaviour strategy for each Borough & City.
Neighbourhood Action & PTAC Groups	These multi-agency groups are chaired by the Safer Communities (St Helens/Warrington Councils), co-ordinated by them and meet once per month across the neighbourhood policing areas in St Helens/Warrington. The groups aim to tackle localised crime and anti-social behaviour. A Torus representative sits on each group.
St Helens/Warrington / Liverpool Community Safety Partnerships	A Torus representative attends these strategic service partnerships whose function is to monitor and oversee community safety for the Borough/City.
Merseyside & Cheshire Fire & Rescue service	Undertake a range of programmes to prevent children and young people becoming involved in fire related crime and anti-social behaviour.
Victim Support	Provide emotional and practical help, information and support for victims. Provide help and support for witnesses involved in the court process (e.g. support to witnesses who are attending court to give evidence)
Riverside H/A, Regenda, Your Housing, Knowsley Housing Trust, Symphony H/A & Affinity Sutton H/A.	Examples of Private registered providers of social housing

7. Confidentiality, Data Protection and Information Exchange

7.1 Whilst we respect privacy and confidentiality and are mindful of our legal obligations under the Data Protection Act 1988, (GDPR from May 2018), tackling anti-social behaviour requires robust information exchange between statutory and non-statutory agencies. We have agreed specific protocols for information sharing with St Helens/Warrington / Liverpool Councils and Merseyside & Cheshire Police. We will share information with other agencies where it is lawful to do in order to help us to detect and prevent anti-social behaviour and to protect our communities. The type of information which might be shared includes, but is not limited to:

- The nature and location of incidents of anti-social behaviour
- Personal information as to complainants and witnesses
- Details of relevant visits to the property by agencies including the police
- Convictions, cautions, reprimands, bail conditions, progress of criminal cases

7.2 Complainants may seek to provide information confidentially. This may be for a variety of reasons, for example because they are fearful of retaliation by the perpetrator if they are identified. Our policy is to seek permission before disclosing the identity of complainants and witnesses to perpetrators, their legal representatives or other interested parties. Where anonymous evidence may by virtue of its content necessarily reveal the identity of the maker of the statement we will discuss this with the maker of the statement. Notwithstanding any request for anonymity information relating to complainants and perpetrators may however have to be shared with other agencies for lawful purposes such as the purpose of preventing crime.

8. Publicity

8.1 Torus will consider the use of publicity in order to pursue legitimate aims including, but not limited to, supporting and reassuring communities, informing communities of methods of reporting anti-social behaviour, informing communities of successful efforts to protect them and the prevention of anti-social behaviour by providing a deterrent effect to known and/or potential perpetrators of anti-social behaviour. Publicity may take many forms including, but not limited to, media coverage, targeted leafleting or use of the internet including, but not limited to, the Helena Partnerships/GGHT websites and/or social media. When considering whether to publicise and, if so, when, by what means and over what time period, we take account of the particular circumstances of each case and ultimately ask, in light of those circumstances, whether the proposed publicity is necessary and proportionate having regard to the identified aims of the publicity.

9. Protection of staff

9.1 We will not tolerate anti-social behaviour directed towards staff or our contractors or anti-social behaviour committed in the presence of our staff or contractors. We will take a very robust approach to such incidents and will look to take enforcement action against perpetrators in such circumstances to protect our staff and contractors wherever appropriate. This may include, but is not limited to, the use of injunctions (with or without powers of arrest) and/or possession proceedings and/or referral of conduct to the police for investigation.

10. Consultation & Resident involvement

10.1 Torus is committed to promoting customer engagement and participation at all levels of its business and governance arrangements including policy development. This interim policy will be considered by Torus' Landlord Operation's Committee that contains a

majority of tenant members. In addition, the draft policy will be posted to the Torus website and comments invited from Torus customers including its social media customer engagement forum 'Torus Talk'.

11. Performance Monitoring & Review

11.1 It is important that we carry out effective monitoring of complaints of anti-social behaviour and the services we provide in an effort to protect people and prevent anti-social behaviour. Effective monitoring will enable us to:

- Distinguish between different types of ASB in our area
- Identify the areas where ASB is prevalent and gain an understanding of the nature and location of these areas
- Identify and develop action plans to tackle key priorities and issues
- Evaluate the effectiveness of initiatives intended to tackle ASB.

Effective monitoring will be carried out by ensuring that:

- All reports of ASB are recorded onto our case management system
- All reported incidents are categorised and actioned appropriately
- All incidents, actions, interviews etc. are recorded and inputted onto our case management system
- Investigating officers complete monthly progress reviews on their cases and review their caseload regularly with their line manager
- Complainants and witnesses are asked to complete a satisfaction questionnaire at the end of a case and results are reviewed and analysed
- Complaints, compliments and comments about the service are recorded onto the case management system, responded to and used to inform future policy, procedure and service delivery

The data we collect will be used to:

- Analyse the type and nature of ASB across particular locations and measure this against the local and national picture
- Identify areas of concern and 'hot spots' of ASB and develop strategies and initiatives to tackle these
- Measure the success of these by measuring the impact on the levels and types of reported incidents.
- Measure our performance against our strategic aims and timescales
- Measure our performance against best practice regionally and nationally.
- Report on the above matters to the Board as and when required.

Torus' Registered Office

Helena Central, 4 Corporation Street, St Helens, WA9 1LD
Open Monday to Friday 9am to 5pm.

Torus' Head Office

The Observatory, 1 Old Haymarket, Liverpool L1 6RA
Open Monday to Friday 8.30am to 5.30pm

Area Housing Offices

Bank Park House, Kendrick Street, Warrington WA1 1UZ
Open Monday to Friday 9am to 5pm.

Clubmoor Housing Office, Townsend Lane, Liverpool, L13 9DY
Open Monday to Friday 9am to 5pm
Please note: This office is closed on Wednesdays from 9am to 10.30am