



Violent Profits

Introduction

We provide a wide range of money and benefit advice services for tenants and other service users either ourselves or in partnership with the Citizen's Advice Bureau. This is part of our general strategy to tackle debt through prevention. We have, though, also established various policies to ensure that debts owed to the council are recovered as quickly and as effectively as possible. For example, we have established a detailed rent arrears policy to ensure that we recover arrears in a fair and responsible manner.

These services are important, too, in meeting objectives to provide quality services. For instance, if we are unable to collect money owed, this affects our ability to provide services effectively; and it may also affect our commitment to provide services that are subject to continuous improvement.

This leaflet explains our policy on violent profits. It is intended as a plain language guide only, not as a precise statement of the law. Orkney Islands Council is referred to as "we" throughout this leaflet.

What are violent profits?

They are a legal concept in Scots law. Violent profits may be due where people occupy council property unlawfully, for example, tenants remaining in council property after their tenancy has been ended.

Violent profits refers to the money that we would have made if there was no unlawful occupier and we had our property back.

Example

A tenant remains in one of our houses unlawfully for two months after the tenancy has ended. During this period, we are losing rental income. We can, therefore, seek damages for this amount to cover our rental losses; these damages are known as violent profits. Violent profits may also include damage caused to the property by an unlawful occupier, for example, disrepair.

Raising action

We may raise actions for violent profits whenever we seek to remove people who are occupying our property unlawfully. We may seek violent profits in respect of unlawful occupation involving:

- Scottish secure tenants remaining in our property after their tenancies are lawfully ended; this may include household members, for example, tenants who stay on despite having given four weeks written notice and we have not agreed to this.
- Tenants occupying temporary accommodation after the contractual period has ended, for example, people living in temporary housing that is used for homeless people.
- People who are squatting in our property, for example, people who force entry to our property without permission to live there.

Exceptions

We do not seek damages (violent profits) whenever we consent to anyone living in our property after the relevant date. For instance, where we allow tenants additional time to move house.

Monitoring

We monitor implementation of this policy through our system of performance indicators. This ensures that we are publicly accountable and meet good practice monitoring standards. We monitor the following issues:

- The number of actions for violent profits.
- The types of properties concerned, for example, accommodation for both general needs and homelessness.
- Levels of violent profits.
- Debt written off.

Consultation and Review

We review this policy in line with our consultation arrangements agreed with tenants and other service users. Consultation arrangements are developed through our tenant participation strategy. For further information on our policy on violent profits, please contact Housing Services, Orkney Islands Council, School Place, Kirkwall, Orkney, KW15 1NY. Telephone: 01856873535.

