

# KINGSRIDGE CLEDDANS HOUSING ASSOCIATION

## ESTATE MANAGEMENT POLICY



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## 1. **INTRODUCTION**

Kingsridge Cleddans Housing Association (KCHA) owns and manages 292 homes in the Kingsridge Cleddans area of Drumchapel and our stock base is predominately new build properties.

The aim of this policy is to provide the Association with a framework to deal effectively with problems which may occur in the management of our stock.

- Estate Management
- Void Management
- Abandoned properties
- Anti-Social Behaviour
- Satellite dishes

Estate Management is primarily concerned with ensuring that conditions of let are adhered to as defined within the Tenancy Agreement.

The procedures outlined within the policy document are designed to allow Housing Management staff to focus on the aims of Estate Management, specify the management tools available and give general guidance on how and when to apply them.

In developing the policy, KCHA has referred to good practice guidelines such as:-

The Scottish Social Housing Charter – The Scottish Government, through the Scottish Social Housing Charter, sets the outcomes it expects Housing Associations to achieve for its residents. In terms of how Associations manage their estates and neighbourhoods it states that:

Outcome 6: Estate management, anti-social behaviour, neighbour nuisance and tenancy disputes Social landlords, working in partnership with other agencies, help to ensure that:

- Tenants and other customers live in well-maintained neighbourhoods where they feel safe. The policy document covers the following key areas:

### 2.1 **POLICY OBJECTIVES**

- To help and assist tenants to maintain enjoyment of their homes by operating policies/procedures which endeavour to prevent problems occurring.
- To deal promptly and effectively with complaints or problems which are received.
- To ensure that existing and new tenants are made fully aware of their obligations and responsibilities and that of the Association.
- To encourage and promote opportunities for community empowerment and tenant participation.

## **2.2 THE ROLE OF ESTATE MANAGEMENT**

The main focus of Estate Management is about dealing with tenants, their homes, the neighbourhood and the environment. Estate Management is a key area of housing and is essential to ensure that the area is effectively managed, and investment protected.

## **2.3 ESTATE MANAGEMENT**

KCHA manages 292 properties within the Kingsridge Cleddans area of Drumchapel, and we have a combination of 2 storey houses (55.1%), 2 disabled bungalows (0.7%) and cottage flats (28.4%) and tenement flats (15.7%).

In order to ensure standards are maintained, we will carry out weekly Estate Management inspections which will focus on:

- Common closes
- Communal back courts
- Communal bin stores
- Controlled entry systems
- Front/rear gardens
- Common areas
- Front/rear elevations
- Gable ends

The purpose of inspections is to note problems and take appropriate follow up action, for example:

- Issue repair lines
- Write to tenants in respect of condition of common closes, gardens etc
- Any other contractual breach of tenancy agreement

Estate Management inspections will be recorded on a pro forma and a monthly Estate Management report will be presented to the Management Committee highlighting concerns arising from inspections and action taken in response to this.

We will also adopt a proactive role to Estate Management by:

- Emphasising tenancy conditions and responsibilities at sign up stage.
- Encouraging tenant responsibility.
- Providing support and assistance.
- Responding quickly to any problems.
- Carrying out new tenant visits.
- Encouraging and promoting the establishment of an Estate Management focus group to empower tenants to become involved in setting/monitoring standards and performance.

### **2.3.1 Common closes**

In the majority of closes KCHA employs a stair cleaning company to clean and wash the close area and windows, tenants should not store any personal possessions or waste within the common close area. For this service there is a service charge on the rents charged.

Where there is no close cleaning service, tenants are required to clean and wash the common area on a weekly rotation.

### **2.3.2 Communal back courts**

Each of the tenement properties have a back court consisting of a common drying area and a bin housing area. The common drying area is for the use of all the tenants the use of which should be by agreement between neighbours, no tenant is allowed to 'commandeer' the drying area at the expense of others wishing to use the area.

### **2.3.3 Common bin area** will contain both domestic general waste and domestic re-cycling. All waste should be deposited in the bins provided and not left strewn negligently about the area.

Where there is no common bin area, the general and recycling bins should not be left at the front of the property but should be located to the rear of the property. The tenant has the sole responsibility for placing the respective bins on the front kerbside collection area the night before the collection date stipulated by Glasgow City Council Environmental Services, see <https://www.glasgow.gov.uk/recycling> for further information.

Special arrangements are made for bulk uplift for which tenants should adhere to local arrangements, check online at <https://www.glasgow.gov.uk/recycling>.

### **2.3.4 Controlled entry system**

All tenement properties have a controlled entry system installed. In order for the system to remain effective tenants should ensure that they and visitors ensure that the door is closed over once entering the common close. At no time should the door be left ajar, by doing so the system will be rendered inoperable and would allow unhindered access into the common close area.

### **2.3.5 Front and Rear Gardens**

Main door properties will have front and rear garden areas, whereas the cottage flats will have either or both. It is the tenant's responsibility to keep clean and maintain the areas. Where grassed, the tenant must cut and maintain the grassed area throughout the year.

Where a garden maintenance service is in operation, the tenant must ensure that the garden area is free from dog fouling and personal items e.g. toys/tools etc. if this is found not to be the case, the service may be withdrawn and the responsibility for the maintenance reverts to the tenant.

### **2.3.6 Front and Rear Elevations & Gable Ends**

Nothing should be attached to or positioned onto the front, rear or gable end elevations of the property without the express permission of KCHA e.g. satellite dishes should be sited in accordance with 6.0. Any item, fixture/structure, cabling etc may be removed by KCHA at the tenant's expense.

### **3.0 VOID MANAGEMENT**

#### **3.1 POLICY OBJECTIVES**

KCHA aims to re-let vacant properties as quickly as practicable and to minimise rent loss as a result of properties being empty (void losses), subject to the properties being in a tenantable condition and to the offers of tenancy being consistent with the Allocations Policy.

Void management can be split into four distinct stages:

- Pre-termination arrangements
- End of tenancy
- Void repairs
- Selection and Allocation

Although these are separate stages of the process, they will usually operate concurrently. For example, lines for void repairs will be raised following the end of tenancy inspection and minor repairs may not be completed prior to allocation.

#### **3.2 PRE-TERMINATION ARRANGEMENTS**

The tenancy agreement requires 28 days' notice to be given, prior to a tenancy formally ending. Notice should be submitted in writing to the Association and to assist in the process standard termination of tenancy forms are available.

The following information must be provided:

- Date of tenancy termination
- Reasons for leaving (for KCHA records)
- Forwarding address

On receipt of the termination notice, confirmation of the end of tenancy date will be sent in the form of a letter which will also make arrangements for a pre-termination inspection to be carried out. Advice to the outgoing tenant will also be given at this time with regard to the procedure for terminating the tenancy and the tenant's responsibility. This includes what to do about clearing the house and returning the keys.

Shorter periods of notice to that stipulated in the tenancy agreement are not accepted apart from in the following circumstances.

- The tenant is moving into residential care, nursing care or hospital
- The tenant has died
- The property is being re-let before the expiry of the termination notice period

In the event of a tenant's death, the tenancy will end on the date of the tenant's death. Where there is no right to succession under the Housing (Scotland) Act 2001 as

amended, family members/estate executors will be given up to 2 weeks after the funeral has taken place to clear the house and return the keys.

### **3.3 PRE-TERMINATION INSPECTIONS**

The purpose of the inspection is to assess:

- The likely level of repairs required
- To identify any repairs that are the tenants responsibility

It also provides the opportunity for clarifying issues relating to end of tenancy procedures.

Repairs will be identified by using our re-let standards as a guide.

### **3.4 END OF TENANCY**

In order to avoid delays in the void repair and re-letting process, the Association will ensure it obtains keys from the outgoing tenant on or before the date the tenancy is due to end.

Where the tenant plans to vacate the property on a weekend or public holiday arrangements will be made to have the keys returned on or before the end of tenancy date.

The Association has specific void rent loss targets and keys returned beyond the tenancies termination date will result in additional rent being charged.

### **3.5 VOID REPAIRS**

A void inspection will be carried out within 1 working day of the keys being handed in.

Void repairs will be assessed and recorded on pro-forma. Repairs will be instructed by the Property Services Administrator who will pass keys to contractors. Contractors will be made aware of void timescales when lines are issued.

### **3.6 SELECTION AND ALLOCATION**

The Housing Officer will initiate lettings procedures as soon as notification of a termination of tenancy is received. This will involve identification of applicants to be offered the property in accordance with the Common Allocation Policy at the earliest opportunity.

Contact will be made with the applicant/ prospective tenant at an early stage to assess their interest. If they are interested in the property, a house visit will be made to establish the validity of the application. If interest is expressed the Housing Officer will arrange an accompanied viewing with the offer being confirmed in writing.

It is the policy of KCHA to accompany all applicants viewing properties. Applicants will be given up to 24 hours after viewing a property to decide whether to accept the offer. If refused or no response after 24 hours the next applicant on housing list will be selected.

Refusals and reasons for refusals if known will be recorded.

The applicant's signing of the tenancy agreement will be arranged within 1 working day of acceptance (provided all repair work has been completed) and the new tenant visit will be carried out within 6 weeks of tenant moving in. The new tenant will be advised that they are liable for rent payment from the date of signing the Tenancy Agreement and therefore should make a concerted effort to move into and occupy the property as soon as possible thereafter.

### **3.7 PERFORMANCE MONITORING**

KCHA will monitor performance in relation to void management in respect of the following.

- Rent loss: restrict **< 0.5%**
- Number of terminations and reasons for them.
- Average length of time from end of previous tenancy to start of new tenancy: target 10 working days.
- Number of offers and refusals per property.
- Reasons for refusals.
- Number of re-lets within target and number outwith.

Summary reports will be provided and presented to Management Committee on a monthly basis and an annual report will be prepared and presented at the Management Committee meeting in April each year.

## **4.0 REPOSSESSION: ABANDONED PROPERTIES**

### **4.1 INTRODUCTION**

It is a condition of the model Scottish secure Tenancy Agreement used by KCHA that the tenant (and each joint tenant) must live in the accommodation as their only or principal home. This relates to the common law duty to occupy the property and is a standard condition found in the Scottish secure Tenancy Agreement (SST) used by all Registered Social Landlords (RSL's).

For a number of reasons, all staff must be aware that KCHA takes seriously the need to limit the number of properties that have been abandoned – that is, where the tenant has ceased to live in the property as their only or principal home, but has not formally given notice to KCHA to end the tenancy. For example:

- Good quality affordable social housing is a scarce commodity in the local area. Abandoned properties widen the gap between the number of properties available for let and the demand that exists and, effectively, prevent KCHA from making the best use of its stock.
- Abandoned properties can cause estate management problems, such as failure to maintain private or common areas.
- Abandoned properties can result in (former tenant) rent arrears.

The procedure note is meant as a guide for use by staff when deciding whether they consider a property to have been abandoned. It does not attempt to replace the requirement to seek legal advice prior to re-possessing a property – the penalties for re-possessing in error can be significant.

### **4.2 MAIN STAGES**

There are 5 main stages in the abandonment process. These are:

- Becoming aware that a tenancy may have been abandoned.
- Carrying out a range of checks.
- Taking action.
- Taking legal advice.
- Re-possessing the property and doing an inventory of any goods/personal possessions left behind.

### **4.3 BECOMING AWARE THAT A TENANCY HAS BEEN ABANDONED**

A staff member can become aware that a property has been abandoned in a number of ways. For example:

- Mail returned marked “gone away”
- Reports from neighbours or other individuals
- Reports from other agencies
- Failure to respond to letters from the Association

- Rent arrears appearing on the account or payment(s) missed

In the event that one or any combination of the above, the Housing Officer will check the tenancy records both physical (filing cabinet) and electronic (KCHA's housing management system) to confirm whether KCHA has been notified of the tenant's absence, for example, in hospital or on an extended holiday. Where this applies, no further action will be taken with regard to the "abandonment" (although any other work, for example, arrears management will of course proceed as normal).

Where the Association has no prior notification of an absence, the flowchart (*page 11 below*) should be used as a guide for staff to consider whether it may be appropriate to serve a first notice. Where a notice is served, a file note should be typed outlining the reasons for serving notice.

#### **4.4 NOTICE OF PROCEEDINGS FOR RECOVERY OF POSSESSION**

When we are satisfied that the property has been abandoned, the Housing Officer will inform the Housing Manager who will approve the service of the 1<sup>st</sup> notice. This will be served by hand delivery and witnessed.

When there is no contact within the 28 day period specified in the notice then a second notice will be served, and the property re-possessed on the 29<sup>th</sup> day following the service of the 1<sup>st</sup> notice.

When the property is to be repossessed, we will:

- Arrange a change lock or security to be fitted
- Two members of staff to be in attendance
- Take inventory and photographs
- Carry out void inspection
- Instruct void repairs

The tenant, having abandoned the tenancy, may, from time to time, leave personal possessions and/or furnishings in the property. Where this applies, the Housing Officer will assess the value of what has been left behind and seek a decision from the Housing Manager on whether or not the effects should be placed in storage in case the tenant returns.

This decision will be based on whether the value of the possessions exceeds the cost of storage for six months, which is the period that the possessions will be kept. The estimated value of the possessions will be the sum agreed by the Housing Manager and can be backed up by the photographs at a later date if required.

If the estimated value of the possessions is considered less than the cost of storage for six months, the Housing Manager will agree to their disposal. Again, photographs will be available for inspection in the event of a later appeal by the former tenant.

The cost of any repairs required owing to vandalism or wilful neglect by the tenant, member of their household or any visitor will be assessed and this sum will be recharged to the former tenant. This will become a former tenant debt and will be pursued in the usual manner.

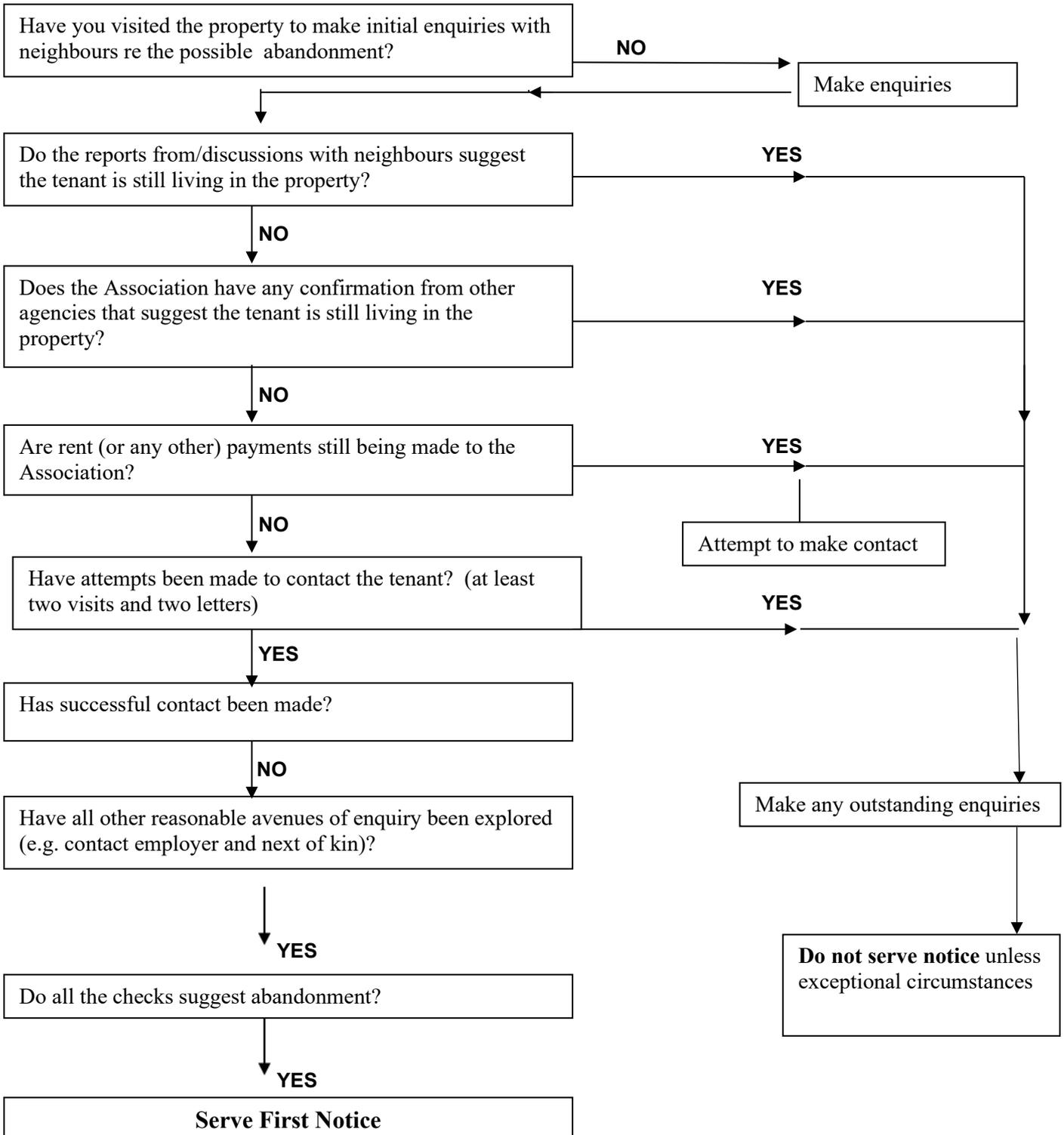
#### **4.5 AUDIT TRAIL**

All actions will be recorded on the SDM Housing Management System and photographs and other documentation will be retained in the former tenant's e file. This will be retained for a period of three years or in the case of a payment decree having been obtained from the Sheriff Court at Glasgow, 20 years.

## Abandoned Property Checklist (To be used Prior to Serving Notice #1)

Please note the reasons why you suspect that this may be an abandoned property. You will probably need to attach another sheet.

The following chart offers guidance to help staff decide whether to serve the first notice.



## **5.0 ANTI SOCIAL BEHAVIOUR**

### **5.1 INTRODUCTION**

Where people live close together there is always scope for friction and disputes. Clashes of lifestyles where people from different age groups, or different cultural backgrounds, or with different working or sleeping patterns, can easily give rise to arguments. The responsibility for common areas, problems of litter, noise, crime, and the behaviour of children can all lead to disputes which can become long running, and at times, lead to harassment.

### **5.2 DEFINITION OF ANTI SOCIAL BEHAVIOUR**

The phrase “anti-social behaviour” has strong negative connotations. The term clearly implies that the behaviour is deemed to be undesirable, and generally also implies that the behaviour is blameworthy. The phrase “neighbour nuisance” does not carry such strong negative connotations but does seem to imply that the neighbours might reasonably be annoyed or discomforted by the behaviour in question. “Neighbour disputes” appears to focus on the existence of conflict without necessarily implying that it is appropriate to apportion blame.

There is also the issue of the types of anti-social behaviour that would cause offence to neighbours and local residents, which is problematic in that such behaviour takes many different forms with varying levels of intensity and personal tolerance. It can include for example, vandalism, noise, verbal and physical abuse, threats of violence, racial harassment, damage to property, trespass, nuisance from dogs, joy riding, domestic violence, children playing games in unauthorised areas, drugs and other criminal activities such as house-breaking.

In prescriptive terms, anti-social behaviour can be defined as a person(s) acting in an anti-social manner, that is to say, in a manner that caused or was likely to cause harassment, alarm or distress, to one or more persons not of the same household as himself. This is the provision used to obtain an anti-social behaviour order under the Crime and Disorder Act 1998.

### **5.3 PREVENTATIVE ACTION**

The tenancy agreement allows KCHA to raise an action for breach of tenancy based on one or more of the statutory grounds for repossession. As well as the basis for legal action, it is also a means of communicating the expected standards of behaviour to the tenant.

At sign up stage, new tenants will be advised of what can constitute anti-social behaviour and the Housing Officer will explain the clauses in the tenancy agreement noting the anti-social behaviour and will explain the respective responsibilities of tenant and landlord.

KCHA has a standard new tenancy pack and pro-forma are used to confirm receipt of information and explanation of tenancy agreement.

KCHA has an information leaflet on neighbour complaints and information on KCHA's website [www.kc-ha.com](http://www.kc-ha.com) and will also make ongoing reference to anti-social problems in newsletters etc.

#### **5.4 RESPONDING TO ANTI SOCIAL COMPLAINTS**

Eviction action should only be an option of last resort and should not be taken until all other remedies have been exhausted. There are of course different levels of anti-social behaviour that span across the serious to less serious spectrum, but whatever the nature of the behaviour, efforts should be made to resolve problems without resorting to legal action.

All complaints should be treated sympathetically and investigated promptly, and complainants should usually be kept informed of developments and outcomes. If the complaint involves an allegation of criminality, KCHA will immediately involve the Police. There should also be care in not pre-judging the matter, and receipt of complaints does not necessarily mean that the complaint is justified or that the allegations are correct.

All complaints relating to anti-social behaviour will be recorded on the SDM Housing Management system, within the tenant diary.

As well as categorising the type of complaint, the records will also highlight what action was taken to resolve the complaint.

#### **5.5 CATEGORISATION OF COMPLAINTS**

All complaints of anti-social behaviour will be categorised as (A), (B) & (C).

Category (A): Very serious complaints relating to extreme behaviour such as drug dealing, violence. Such cases will be investigated as a priority and we will attempt to respond within 24 hours.

Category (B): Serious complaints relating to threatening/abusive behaviour, frequent/serious disturbance including vandalism and damage to property. These cases will be responded to within 3 working days.

Category (C): Covers less serious nuisance including involving minor neighbour disputes, infrequent disturbances, complaints about pets, stair cleaning or garden upkeep. Such complaints will be responded to within 10 working days.

The Association has a separate policy on Racial Harassment.

## **5.6 COMPLAINT MANAGEMENT**

KCHA's approach to complaint management will focus on resolving the problem as quickly and harmoniously as possible and we will explore all means of seeking informal and formal non legal remedies in the first instance.

There will however be cases involving very serious anti-social behaviour where non legal remedies will be by-passed and in particular cases involving serious criminal behaviour where the Police are or have to be involved.

## **5.7 INTERVIEWS**

In the initial stages of the investigation we will ensure that no blame is apportioned, simply that the person's views are sought. It is important to avoid being judgmental as some complaints may be unfounded or malicious.

Where formal interviews are held, the interview will be accurately recorded, and no assumption will be made until all the facts are examined.

### **The Complainant**

When interviewing the complainant, the Housing Officer will advise of the options open to KCHA in the investigation process, likely outcomes and court/legal remedies which may be applied.

Complainants will be advised to keep a diary of incidents, to notify KCHA of all such incidents and to contact the Police if they believe that criminal behaviour has been committed.

### **The Alleged Perpetrator**

The Housing Officer will advise what steps KCHA will take to establish if a breach of tenancy has been committed and will also indicate what options are open to KCHA

Where a breach of tenancy is established and corroborated, the Housing Officer will take appropriate action which may include:

- Verbal warning
- Written warning
- Final written warning

Any action will be determined by the seriousness of the breach of the tenancy agreement.

Where a complaint cannot be corroborated it may be difficult to give a warning without appearing judgmental and in such instances it may be more appropriate to emphasise the tenancy conditions and to advise that the situation will be monitored.

In all cases, we will write to the tenant to confirm what was covered in the interview including any action taken. All letters will include a statement such as “if you don’t respond to this letter within 7 days of receipt the Association will regard that you have agreed to its contents”.

## **5.8 COMMUNICATION**

In accordance with good practice, KCHA will keep in contact with the parties involved in the dispute to ensure they are kept informed with what is happening at all stages. This in itself may affect an improvement in behaviour as both parties will know that the matter is being taken seriously.

## **5.9 MEDIATION**

Community Mediation specialises in neighbour/neighbourhood disputes. It can be particularly useful for low level disputes relating to noise pollution, children, pets, parking, stair cleaning, gardens and boundary issues etc.

Mediation will not be appropriate for serious anti-social behaviour involving criminal activity or where the Police are involved.

KCHA can refer cases to the Glasgow Mediation Service where both parties are in agreement. This service is promoted by Glasgow City Council.

## **5.10 INTER AGENCY WORKING**

Multi Agency Working is an example of good practice in terms of dealing with anti-social behaviour with a focus on having a co-ordinated approach to problem solving and to have an information sharing protocol in place.

KCHA are represented on the Wider Drumchapel Anti-Social Behaviour Focus Group a multi-agency group consisting of Local RSL’s, Community Safety Forum, Glasgow City Council and Police Scotland (Poileas Alba). The focus of the group is on defining anti-social behaviour, information exchange and local planning/action.

## **5.11 EVIDENCE**

RSL’s must prove facts that are sufficient in law to establish grounds for possession. Primary evidence from victims or witnesses will always hold more weight than secondary or hearsay evidence. Where court action is being considered, KCHA will look for corroboration and present oral testimony in court.

When gathering evidence, KCHA will attempt to make use of:

- Local CCTV
- Professional witnesses through Glasgow City Council Anti-Social Behaviour task force as the ability to present to court, records which provide clear details of incidents is very important.

## **5.12 LEGAL REMEDIES**

We will attempt to rectify all anti-social problems before they get to this stage as this can be a costly and time consuming process where there are no guarantees of a satisfactory outcome. However, where all else fails or where the problem is serious, long standing and shows no sign of improvement, KCHA may consider the following.

- Instigating legal proceedings to recover possession
- Anti-Social Behaviour Order (ASBO)
- Interim Interdict
- Management Transfer
- Action of specific implement

Apart from a Management Transfer, all other remedies should only be pursued following legal advice. Where cases are pursued, good record keeping and audit trails throughout the case will be essential.

### **5.12.1 Anti-social behaviour order (ASBO)**

Within the terms of the Housing (Scotland) Act 2014 the Association can convert a Scottish secure tenancy (SST) to a short Scottish secure tenancy (SSST) where an ASBO has been granted, this has the effect of reducing the tenant's rights in relation to the property and in appropriate circumstances could lead to the tenancy being ended and the tenant losing their home.

### **5.12.2 Interim Interdict/Interdict**

This is another legal remedy to prevent a specific action and can be obtained at short notice (interim) interdict but may not be appropriate depending upon the circumstances, legal advice would have to be sought in all cases.

### **5.12.3 Instigating legal proceedings to recover possession**

In all cases in order to instigate legal proceedings the tenant must be served with a Notice of Proceedings within the terms of the Housing (Scotland) Act 2001, as amended, the notice must inform the tenant of the ground(s) for the action and how those ground(s) arose. Legal advice will be sought in all cases where legal action is deemed appropriate.

### **5.12.4 Act of specific implement**

This is a further legal remedy which is used for a specific purpose e.g. to compel a tenant to maintain their garden area. It is a judgement by the Sheriff Court compelling the tenant to do something, as with the above, legal advice would be sought to consider whether this form of action would be appropriate.

### **5.12.5 Management Transfer**

This is where it is deemed necessary and appropriate to remove one tenant from the immediate location to another and can be voluntary or enforced by order of the court.

## **5.13 MONITORING AND REVIEW**

Anti-social behaviour has not been a major issue for KCHA, but we cannot afford to become complacent in this respect.

All complaints will be logged on the SDM housing management system, progress monitored on an ongoing basis until conclusion and monthly reports provided to the Management Committee.

#### **5.14 PERFORMANCE MONITORING**

The Association will monitor performance in relation to anti-social complaints in respect of the following.

- Number of anti-social behaviour complaints received by category and response time against timescales
- Number of verbal warning issued
- Number of written warning issued
- Number of final warning issued
- Number of NPRP's issued
- Number of actions which resulted in court action
- Number of decrees granted
- Number of ASBO's applied for
- Number of ASBO's granted
- Number of cases referred to mediation

Summary reports will be presented to the Management Committee monthly and an annual report prepared and presented at the April Management Committee meeting.

#### **6.0 SATELLITE DISHES**

- 6.1** KCHA has adopted guidelines issued by Glasgow City Council's Department of Development and Regeneration Services (DRS) relating to the installation of satellite dishes on residential property.

These guidelines are adopted and approved in local plan documents.

Should a tenant wish to erect a satellite dish, permission must be sought from KCHA although permission will not be refused unreasonably, the following will apply:

- When requesting permission to install a satellite dish, tenants will be issued with the relevant form and copy of the guide.
- Properties will be inspected on completion of installation in order to ensure it complies with policy guidelines.
- Where it does, permission approval will be confirmed in writing and copy will be retained in tenants file and recorded on the SDM housing management system..

Where installation does not comply with policy guidelines then the tenant will be told to remove it and legal remedies may be applied if they fail to do so.