



CAERPHILLY HOMES TASK GROUP – 7TH SEPTEMBER 2016

SUBJECT: ANNUAL REVIEW OF THE TENANCY REVIEW PANEL

REPORT BY: CORPORATE DIRECTOR COMMUNITIES

1. PURPOSE OF REPORT

- 1.1 To provide an update to The Caerphilly Homes Task Group on the outcomes of cases presented to the Tenancy Review Panel.

2. SUMMARY

- 2.1 The Tenancy Review Panel was set up in June 2014. This report provides information on the cases presented to the panel from June 2015 to May 2016. During this period 68 cases were considered by the panel.
- 2.2 A recommendation was made to the Chief Housing Officer in 63 of the 68 cases that an eviction warrant should be applied for.
- 2.3 The recommendations were agreed by the Chief Housing Officer and eviction warrants were applied for in all 63 cases.
- 2.4 This report provides further information on these cases including reasons for the application for the eviction warrant and outcomes of the execution of these warrants.

3. LINKS TO STRATEGY

- 3.1 **Improving Lives and Communities: Homes in Wales (Welsh Government, 2010)** which sets out the national context on meeting housing need, homelessness, and housing-related support services.
- 3.2 **Caerphilly Delivers (Single Integrated Plan, 2013): P2:** *“Improve standards of housing and communities, giving appropriate access to services across the county borough.”*
- 3.3 **People, Property, Places: A Housing Strategy for Caerphilly County Borough** provides the context for the provision of housing and related services in the county borough.
- 3.4 **The Well-being Goals within the Well-being of Future Generations Act (Wales) 2015** sets out 7 well-being goals:
- A prosperous Wales
 - A resilient Wales
 - A healthier Wales
 - A more equal Wales
 - A Wales of cohesive communities
 - A Wales of vibrant culture and thriving Welsh language

4. THE REPORT

- 4.1 It was agreed at a Council Meeting on 19th November 2013 that a Tenancy Review Panel would be introduced to scrutinise proposed eviction decisions prior to progressing cases to court and make recommendations to the Chief Housing Officer.
- 4.2 It is acknowledged that being evicted from their home will potentially have an extremely negative impact on the well-being of the individuals concerned. This is why every effort is made to support the tenants and to ensure that eviction is the last resort. The establishment of the Tenancy Review Panel enables all the circumstances and issues of each case to be fully explored as part of this decision making process. Where tenants are neglecting or damaging a property or undertaking anti social behaviour or preventing access for essential health and safety inspections, the eviction of these tenants protects the housing stock, improves the well-being of neighbours and the wider community who may have been affected, and allows the property to be allocated to households on the housing register. This contributes to the goal of creating a Wales of cohesive communities.
- 4.3 During the period 1st June 2015 to 31st May 2016 68 cases were considered by the panel, compared with 51 during the same period the previous year.
- 4.4 The table below details the reasons for these applications.

Reason of application for warrant	Number of applications 2014/15	Number of applications 2015/16
Rent Arrears	41	54
No access to carry out gas servicing	5	5
Anti social behaviour issues	2	4
Illegal occupant	2	3
Unsatisfactory garden condition	1	1
No access to carry out asbestos survey	0	1
Total Number	51	68

- 4.5 A substantial amount of support is offered to tenants by our Tenancy Support Officers, Tenancy Enforcement Officers and Estate Management Officers prior to the cases being presented to the panel.
- 4.6 In addition, in many cases additional independent support is also offered by outside agencies such as the Citizens Advice Bureau, Gofal and Shelter. Cases are only referred to the panel when all avenues of support and assistance have been exhausted and the breach of tenancy is still ongoing. Details of each case, as well as all contacts and attempted contacts with the tenant are considered by the panel and included within the report to the Chief Housing Officer for consideration.
- 4.7 The panel recommended in 63 of the 68 cases highlighted above that an application be made to the County Courts for a warrant of eviction of the properties. These recommendations were agreed by the Chief Housing Officer.
- 4.8 The remaining 5 cases were adjourned pending further enquiries.
- 4.9 An application to the County court was made in each of the 63 cases and eviction dates received.

4.10 Eviction dates were obtained on the 63 cases however only 32 evictions actually progressed and the properties taken back. When an eviction date is received tenants have the right to apply to the County Court to have the eviction warrant set aside and officers continue to try to work with the tenants to avoid progressing to eviction.

4.11 The 31 cases which did not progress to eviction were due to the following reasons:-

- In cases of rent arrears tenants may pay the debt in full or a lump sum to reduce the balance which would result in the eviction being set aside.
- In cases of no access the tenant can allow access which would result in the eviction being set aside.
- In the case of poor garden conditions the tenant can improve conditions which would also result in the eviction being set aside.

4.12 The table below provides further details on the outcomes of the 63 cases:

Reason for application of warrant	Outcome – evicted	Outcome – set aside by court Eviction not carried out	Outcome – withdrawn by the Council	Total
Rent arrears	24	20	7	51
Failure to allow access	2		2	4
Illegal occupant	3			3
Anti Social Behaviour breach	3	1		4
Garden Conditions			1	1
Total Number	32	21	10	63

4.13 The make-up of the 32 tenant households evicted from their properties is shown in the table below.

Reason for application of warrant	House hold – family Eviction carried out	House hold – single Eviction carried out	Total
Rent arrears	11	13	24
Failure to allow access	0	2	2
Illegal occupant	0	3	3
Anti Social behaviour breach	1	2	3
Total Number	12 **	20	32

*** In 8 of the 12 cases there were dependent children in the household. In each of these 8 cases the tenant(s) left the property prior to the eviction being carried out.*

4.14 When the evictions were carried out, in 94% (30) of cases the tenants were not there and had either abandoned the property or left prior to the eviction. In many cases property conditions were very poor and showed evidence of other breaches of tenancy i.e. non occupation, anti

social behaviour and unsatisfactory property conditions. When a tenancy ends any wilful damage to the property is assessed and recharged to the responsible tenant and where the location of the tenant is not known this information is held on file in case the tenant submits an application for housing in the future or is otherwise located.

- 4.15 The homelessness legislation covered by part 2 of the Housing (Wales) Act 2014 requires the Council to provide advice and assistance to access alternative accommodation for any homeless household. In the case of households evicted through the Tenancy Review Panel process the Council would have no duty to provide further secure accommodation, even if the household is in one of the priority need categories.
- 4.16 The panel actively investigates the reasons why some tenants are unable to sustain their tenancies, with particular focus given to those that have held the tenancy for less than 12 months prior to eviction.
- 4.17 It is important to note that none of the cases presented to the Tenancy Review Panel involved tenants who were in rent arrears purely because they were affected by the spare room subsidy ("bedroom tax") or the benefits cap. No eviction warrants have been requested for tenants where rent arrears have arisen as a direct result of these welfare changes.
- 4.18 Tenants of Caerphilly Homes who are affected by welfare reform changes receive ongoing support from Tenancy Support Officers. These officers have a specific role created in October 2012. They discuss with tenants the impacts of the benefits changes and choices available to them, also providing them with the relevant support.
- 4.19 Tenants have been assisted by the Tenancy Support Officers to apply for discretionary housing payments (DHP) to help them to meet additional costs relating to welfare reform changes. It must be pointed out however that there are increasing demands on the Discretionary Housing Payment budget with changes to the benefit cap and other welfare charges due to be implemented during 2016/17. The amount available for DHP in Caerphilly County Borough has increased from 382k in 2015/16 to 462k in 2016/17.
- 4.20 A report was presented to Policy and Resources Scrutiny Committee on 2nd June 2015. This report sought approval for a revised policy for administration of the Discretionary Housing Payment fund. The report stressed that these payments are principally short term financial support towards long term sustainable solutions.
- 4.21 It is hoped that we can continue to support tenants and report that no eviction cases have been presented to the panel for tenants whose arrears are a direct result of welfare reform changes, however this will be increasingly challenging in forthcoming years with additional pressures being placed on the Discretionary Housing Payment fund and further changes being rolled out to the welfare system.

5. EQUALITIES IMPLICATIONS

- 5.1 There are no equalities implications associated with this report.

6. FINANCIAL IMPLICATIONS

- 6.1 The total rent arrears in the 32 cases where eviction warrants were executed amounted to £65,860.77. These are now classed as former tenant arrears and recovery work will continue to collect these outstanding amounts.

7. PERSONNEL IMPLICATIONS

- 7.1 There are no personal implications associated with this report.

8. CONSULTATIONS

8.1 All consultation responses have been reflected in this report.

9. RECOMMENDATIONS

9.1 That this report is noted for information.

10. REASONS FOR THE RECOMMENDATIONS

10.1 To ensure members of the Caerphilly Task Group are aware of the work and outcomes of the tenancy review panel.

11. STATUTORY POWER

11.1 There are no Statutory Powers associated with this report.

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