



CAERPHILLY HOMES TASK GROUP – 2ND NOVEMBER 2017

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 2016 to May 2017. During this period 79 cases were considered by the panel.
- 2.2 A recommendation was made to the Chief Housing Officer in 76 of the 79 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 76 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 following Well-being Goals within the Well-being of Future Generations Act (Wales) 2015:**
- A healthier Wales
 - A more equal Wales
 - A Wales of cohesive communities

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 2016 to 31st May 2017 79 cases were considered by the panel, compared with 68 during the same period the previous year. Of the 79 cases 6 tenants were also presented to the panel in the previous year and included in the figure of 68. If an eviction is suspended by the County Court and the tenant continues to default on the court order the case must be presented to the panel again prior to the request of another warrant.
- 4.4 The table below details the reasons for the 79 applications.

| Reason of application for warrant | Number of applications 2014/15 | Number of applications 2015/16 | Number of applications 2016/17 |
|--|---------------------------------------|---------------------------------------|---------------------------------------|
| Rent Arrears | 41 | 54 | 68 |
| No access to carry out gas servicing | 5 | 5 | 6 |
| Anti social behaviour issues | 2 | 4 | 2 |
| Illegal occupant | 2 | 3 | 0 |
| Unsatisfactory garden condition | 1 | 1 | 2 |
| No access to carry out asbestos survey | 0 | 1 | 0 |
| Non occupation | 0 | 0 | 1 |
| Total Number | 51 | 68 | 79 |

- 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 76 of the 79 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 3 cases were adjourned pending further enquiries and to allow further support and explore alternative solutions.
- 4.9 An application to the County Court was made in each of the 76 cases and eviction dates have been received for all 76 cases.
- 4.10 Of the 76 cases where an eviction date has been received only 36 evictions actually progressed and the properties taken back. This is compared with 33 evictions (14/15) and 32 evictions (15/16). When an eviction date is received tenants have the right to apply to the County Court to have the eviction warrant suspended and officers continue to try to work with the tenants to avoid progressing to eviction.
- 4.11 The 40 cases which did not progress to eviction were due to the following reasons:-
- In cases of rent arrears tenants have paid the debt in full or a lump sum to reduce the balance which would result in the eviction being suspended by the court.
 - In the cases of poor garden conditions the tenant improved conditions which resulted in the evictions being suspended by the court.
 - In the case of anti social behaviour the tenant contested on health grounds which resulted in the eviction being suspended by the court.
- 4.12 The table below provides further details on the outcomes of the 76 cases:

| Reason for application of warrant | Outcome – evicted | Outcome – suspended by the court Eviction not carried out | Outcome – withdrawn by the Council | Total |
|--|--------------------------|--|---|--------------|
| Rent Arrears | 31 | 26 | 10 | 67 |
| No access to carry out gas servicing | 3 | 0 | 1 | 4 |
| Non - Occupation | 1 | 0 | 0 | 1 |
| Anti Social Behaviour issues | 1 | 1 | 0 | 2 |
| Unsatisfactory Garden Conditions | 0 | 0 | 2 | 2 |
| Total Number | 36 | 27 | 13 | 76 |

- 4.13 The make-up of the 36 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 | House hold – couple Eviction carried out | Total |
|--|---|---|---|--------------|
| Rent Arrears | 13 | 15 | 3 | 31 |
| No access to carry out gas servicing | 0 | 3 | 0 | 3 |
| Non - Occupation | 0 | 1 | 0 | 1 |
| Anti Social Behaviour issues | 0 | 1 | 0 | 1 |
| Total Number | 13 ** | 20 | 3 | 36 |

*** In 12 of the 13 cases there were dependent children in the household. In 9 of these 12 cases the tenant(s) left the property prior to the eviction being carried out.*

- 4.14 When the evictions were carried out in 75% (27) of cases the tenants were not there having 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 and anti social behaviour. 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 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.
- 4.16 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 only arisen as a direct result of these welfare changes.
- 4.17 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.
- 4.18 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, the DHP allocation was spent in full for 16/17. These payments are principally to provide short term financial support towards long term sustainable solutions. The amount of DHP allocated has increased considerably this financial year to assist with the reduction in Benefit Cap to £20k per household and changes in tax credits for families with more than two children. The welfare reforms will continue to impact in the next financial year with the full Universal Credit programme commencing in the Borough from May 2018. The amount available for DHP in Caerphilly County Borough has increased from £462k in 2016/17 to £611k in 2017/18. As at September 2017 a review of DHP spend has projected that the full £611k will be spent.
- 4.19 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.
- 4.20 As a landlord, the Council has a statutory obligation to ensure that gas/coal/oil fired heating appliances provided in each of its properties is serviced annually and a failure by the tenant to allow access for this service is a breach of tenancy conditions. In an effort to significantly reduce the delays in completing services when access is not provided by the tenant Caerphilly Homes has recently revised its procedure for dealing with such breaches of tenancy. The revised procedure enables Caerphilly Homes to force entry to properties where access has repeatedly not been provided, to enable the servicing to take place, rather than responding to the breach by seeking possession of the property. As a consequence, it is anticipated that, in future years, there will be fewer evictions due to breaches for no access for gas servicing.

5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 This report contributes to the Well-being Goals as set out in Links to Strategy above. The report is also consistent with the five ways of working as defined within the sustainable development principle, as defined in the Act :

Long Term – provides cohesive communities and affordable housing for tenants; providing a fair and transparent service for tenancy sustainment.

Prevention – supports tenants and assists in the prevention of eviction and homelessness.

Integration – improved standards of housing and stable community environments.

Collaboration – joined up working arrangements within the organisation and with outside agencies to provide tenancy support.

Involvement – Engages tenants and support agencies in relation to sustainment of tenancies and involves residents in reporting and monitoring processes.

6. EQUALITIES IMPLICATIONS

6.1 This report is for information purposes only. There are, therefore, no equalities implications arising from the report.

7. FINANCIAL IMPLICATIONS

7.1 The total rent arrears in the 36 cases where eviction warrants were executed amounted to £92,876.45. These are now classed as former tenant arrears and recovery work will continue to collect these outstanding amounts.

8. PERSONNEL IMPLICATIONS

8.1 There are no personal implications associated with this report.

9. CONSULTATIONS

9.1 There are no consultation responses that have not been reflected in this report.

10. RECOMMENDATIONS

10.1 That this report is noted for information.

11. REASONS FOR THE RECOMMENDATIONS

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

12. STATUTORY POWER

12.1 There are no Statutory Powers associated with this report.

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