

Minutes



Tenancy and Estate Management Forum meeting held on 4 October 2011 at Boardroom, Hounds Gate

Present:

Ennis Peck	EP	(Chair)	Lilian Bird	LB
Phil England	PE	(Vice-Chair)	Maria Hemphill	MH
Jean England	JE		Robert Morrell	RM
Elisabette Tiso	ET		Kath Biddle	KBi
Jackie Brown	JB		Jacinth Williams	JW
John Riley	JR		Kevin Butt	KB
Sue Stevenson	SSt			

Nottingham City Homes:

Andrew Filer	AF	Involvement Officer
Kim De Vergori	KDV	Assistant Director for Housing
Stuart Smith	SSm	Policy and Partnership Officer

Apologies:

Sheila Thwaites, Ruth Haywood, Frank Griffiths, Dawn Johnson (NCH)

The meeting was opened at 17.30 by the Chair Ennis Peck.

Item	Commentary	Action
1	EP Welcome, apologies and introductions.	
1.1	EP welcomed everyone to the meeting.	
1.2	He apologised for having had to cancel the last meeting due to the nationwide disturbances.	
2	EP Minutes from the last meeting and matters arising	
2.1	The minutes of the last meeting were agreed as an accurate record.	
2.2	2.3: Post from previous tenants would still be found on occasions. It was confirmed any post that was found at empty properties was dealt with by the Lettings Team.	

Tenancy and Estate Management Forum

Item	Commentary	Action
2.3	AF 4.3: AF to invite Paul Martin to the next meeting and pass on the relevant information for his Family Intervention Project presentation.	AF
2.4	5.3: There was no further update on the Supporting People budget and all services would remain until further notice.	
2.5	EP 7.1: Nobody had used the new form and EP was still receiving enquiries through the previous channels.	
2.6	7.1: AF would invite Mark Sheldon to the next meeting.	AF
2.7	7.3: RHo spoke with RH after the last meeting and the issue was now resolved.	
2.8	There was concern that the issue would be made public but PE confirmed that it would fall under the Data Protection Act and NCH would only publicise 'generalised information'.	
3.0	SSm ASB consultation follow-up	
3.1	SSm circulated a Consultation Paper on the Government's proposal to introduce a new mandatory power of possession for serious anti-social behaviour. He would explain in more detail and receive comments as part of NCH's formal response to the government, which is due on 7 November 2011.	
3.2	SS said that the 1985 Housing Act defines the legal status of 'secure tenants'. It specifies the reasons for which a local authority – or an ALMO such as NCH – can ask the court for a possession order. These reasons include anti-social behaviour. However, the Judge has the final discretion of whether or not to award possession.	
3.3	The government's two main proposals are: <ol style="list-style-type: none">1. To extend the circumstances for certain offences for which possession could be sought under the existing process where a judge would continue to have discretion.2. To introduce a new procedure where, if certain criteria are met, it would be mandatory for a judge to agree to a request for a possession order.	
	<u>Proposal 1</u>	
3.4	Currently we can only seek to evict a secure tenant for anti-social behaviour if it is happening in or near their home – in the "locality". Instead the government is proposing that possession could be granted, at the discretion of the court, where a tenant or member of their household has been convicted for the following types of offences committed anywhere in the UK : <ul style="list-style-type: none">o Violence against the property e.g. criminal damage, arson;o Violence against persons at a scene of violent disorder.	
	<u>Proposal 2</u>	

Tenancy and Estate Management Forum

Item	Commentary	Action
3.5	This proposal introduces a mandatory ground for possession. The procedure is the same as the one we use for introductory tenants. The judge would have to act quickly to grant our request for eviction as long as we can show we have followed the correct procedures.	
3.6	The government says that the two key principles for this mandatory power would be: <ol style="list-style-type: none">1. The need to ensure the landlord can easily demonstrate that the criteria for possession are met.2. It can simply be established that the ASB is serious and housing related.	
3.7	The basis for the mandatory power for possession would be that serious housing related ASB had already been proven to a court during other proceedings: <ol style="list-style-type: none">1. Conviction for a serious housing related offence e.g. violence against neighbours;2. Breach of an injunction for anti-social behaviour;3. Premises closure order e.g. a “crack house”.	
3.8	KBi added that harassment on grounds of race and age should be included in the above.	
3.9	SS said that the process leading up to it would not change – the changes only came into effect once a case got to court.	
3.10	If there was a complaint regarding a teenager, it was best to report that to the Patch Manager in the first instance.	
3.11	The government says that it believes many tenants who know they are likely to be evicted will improve their behaviour and stop the ASB. Evictions could actually be fewer. Also, the procedure would be simpler, saving on the landlord’s costs and freeing up the court’s time. Most importantly it would bring faster relief from ASB for victims, witnesses and communities.	
3.12	SS said that it was reasonable for a tenant to be moved away while proceedings were ongoing, even if they had children. However, once they were evicted, they could apply to stay. Alternatively, they could try and find private rented accommodation, in which case, however, they would not receive housing benefit.	
3.13	If there was fear that a previously evicted tenant would re-offend, NCH had the right to apply for that tenant <u>not</u> to house them for up to two years.	
3.14	With regards to usage of the mandatory power, the Government states its proposals would: <ul style="list-style-type: none">• Reduce pressure on court resources;• Lower landlords’ costs;• Bring faster relief for communities.	

Tenancy and Estate Management Forum

Item	Commentary	Action
	<u>Comments</u>	
3.15	There was a mixed response to some of the proposals.	
3.16	JB and KBi asked about responsibilities of tenants and SS confirmed that a tenant was responsible for their complete household, ie if a member of their family got into trouble in relation with any of the above legislation, it would affect the whole family, ie they could be moved.	
3.17	JE asked whether the new legislation would apply to a private landlord or homeowner who complained about a tenant and SS confirmed that that could also lead to possessions proceedings.	
3.18	KBu felt that there already was enough legislation available and he could not understand why there had to be even more yet.	
3.19	Some could not understand why tenants had to be responsible for other members of their household. For example, a family should not be moved if one of their teenage children got into serious trouble so as to prevent siblings of that person to join a school in a different area.	
3.20	SS said that there was no formal vetting process for new tenants, however, applicants were asked to declare any convictions, including any that were pending. If they were housed and it was found out later that they did not tell the truth, they could face evictions proceedings.	
3.21	If we knew that an applicant had a history of ASB, NCH could suspend the application for three years.	
3.22	SS said that comments on the Government's Proposals could be taken after the meeting.	
3.23	He added that NCH were generally doing well in regards to dealing with ASB and Patch Managers were doing a 'good job'.	
3.24	The percentage of ASB related crime and evictions was very small in comparison with other housing agencies, and in Nottingham, problems were predominantly in the city centre and with private tenants.	
3.25	EP thanked SS for his presentation.	
4.0	AF Home Swap / Pathfinder	
	<u>Home Swap</u>	
4.1	AF circulated a leaflet and application form for information.	
4.2	AF explained that the scheme was for social landlords only, and both landlords and tenants had to register if they wanted to use the service, which was nationwide.	
4.3	He stressed that the scheme was only for people who	

Tenancy and Estate Management Forum

Item	Commentary	Action
	wanted to move – nobody was forced out of their home if it was underoccupied. <u>Pathfinder</u>	
4.4	AF said that the Nottingham City Council project had been running since November 2009, and was managed by Dawn Johnson and Karen Page.	
4.5	AF gave an overview of the project and circulated a recent report with more detailed information.	
4.6	AF pointed out that Nottingham was one of only a few areas that needed minimal funding (average £550 per move), and placed high priority on its support services.	
5.0	KDV Performance update	
5.1	KDV circulated a report on Housing Services performance, dated August 2011.	
5.2	She said NCH was generally doing 'very well' and pointed out a few specific items: <ul style="list-style-type: none">• 10 out of 13 performance measures exceeded the target• 26 out of 42 estates were of a three-star standard, incl three estates that had recently risen from a two star.• No estates were deemed of a one-star or below.• 477 out of 487 new-tenancy visits were carried out• ASB cases were currently resolved above target• Only 2.64% of ASB were unresolved, which remained at top performance amongst other housing associations, with all landlords living in the UK.	
5.3	KDV pointed out that customer care was very important for her and she tried to improve on the current performances.	
5.4	Housing income management during the last financial year was 'excellent' with a collection rate of 104.53 in August.	
5.5	Most of the performance measures were 'well above target' with only 'lettable voids' being under target. However, KDV explained that that was a 'very challenging' target and the team was working hard to improve that.	
5.6	EP thanked KDV for her report.	
6.0	TEM sub-group updates	
	<u>ASB Panel</u>	
6.1	SSt read out the report and pointed out that a meeting to prepare the 'Victim Care' leaflet had been set for 6 October.	
	<u>Rents Panel</u>	
6.2	AF reported that the meeting in August was not well attended. The Finance Director was invited for the next	

Tenancy and Estate Management Forum

Item	Commentary	Action
	meeting on 28 November 2011. <u>Allocations</u>	
6.3	KBi read out the report <u>Leaseholder</u>	
6.4	AF read out the report.	
7.0	Any other business	
7.1	A sheet of charges for pest control services was circulated for information. <u>Agenda items for next meeting</u> <ul style="list-style-type: none">• Age restrictions in sheltered accommodation• Lettings policy	

The meeting was closed at 19.30.

Next meeting

Tuesday 13 December 2011
5.30pm
Boardroom, 14 Hounds Gate

Tenancy & Estate Management Forum

Meeting date 4 October 2011

Agenda Item	Page	Action	Responsible	By when?
2.3	2	4.3: AF would invite Paul Martin to the next meeting and pass on the relevant information.	AF	13 Dec 2011
2.6	2	7.1: AF would invite Mark Sheldon to the next meeting.	AF	13 Dec 2011