

CYNGOR SIR POWYS COUNTY COUNCIL

County Council
13th July 2017

REPORT AUTHOR: County Councillor Jonathan Wilkinson, Portfolio Holder for Housing and Countryside Services

SUBJECT: Question from County Councillor Graham Breeze

Question

Some residential properties in the ownership of Powys County Council appear to be treated with little respect by the tenant and as a result are being allowed to deteriorate at a long-term cost to the council , while at the same time causing problems for adjoining tenants.

Could the Portfolio Holder outline the council procedures for:

- a. Identifying problem properties.
- b. Whether there are scheduled inspection processes in place.
- c. What action has been taken against problem tenants in the last 12 months?

Answer

The issue of nuisance neighbours is something which all landlords (including social landlords like the council) have had to manage for a significant period of time and over the last few decades UK Governments have introduced legislation to enable social landlords to take action against such tenants. Much of the attention and legislation has focussed on tenants who are responsible for criminal acts and anti-social behaviour which adversely affects their neighbours. As a local housing authority we have responsibilities to:

- our tenants who rent their homes from the council and those who live on our estates
- to people who are homeless or threatened with homelessness.

In addition, as a corporate body we also have responsibilities to protect vulnerable adults and children, and all of these responsibilities colour the response that we take as a landlord to each instance of anti-social behaviour.

In terms of each of the questions posed

- a. Each Housing Management & Options Officer (HMOO) manages a patch of approximately 300 homes and they each inspect their patches regularly, either as part of a formal estate inspection, or in the course of their duties when they

visit the estate. Problems are also reported to us by our contractors, other departments, Councillors and, of course, neighbours.

b. There is not a scheduled inspection regime, as different housing areas need different levels of input at different times but we aim to inspect all of our housing areas on a regular basis. Where we are aware of tenants who are not complying with the conditions of their tenancy, in particular to keep the property in good order, such tenants will be subject to more frequent visits and inspections when compared to tenants who comply with the conditions of tenancy.

c. We are unable to provide a figure for the actions we have taken against “problem tenants” as we do not use the term “problem tenants” and this is not something that we routinely collect data on. Generally there are a range of actions that we are able to take against tenants who breach the conditions of their tenancy agreement and cause nuisance and annoyance to others, this varies from warnings, the provision of support, multi-agency working to address the tenants difficulties, securing undertakings and/or injunctions to compel the tenant to undertake an action or stop them undertaking an action and finally action to recover possession of the home.

Some tenants do presents difficulties within the local community and our approach is to attempt to work with these tenants to assist them address the difficulties they are experiencing, which have led to the problems experienced by their neighbours. In a number of these cases we find the tenant and or their family members require support as the household suffers a range of challenges. When faced with a tenant who is causing problems for their neighbours we typically follow the approach shown below, the emphasis is on balancing enforcement and support:

- Talk to the tenant, make them understand what is expected of them, what our concerns are and what they need to do to rectify the situation.
- Understand from them if there are any difficulties or barriers stopping them managing the tenancy in a way that is acceptable
- Work with support agencies as appropriate to enable them to meet the standards expected (not every case requires support)
- Warn them that the tenancy is under threat if they do not comply – this is done verbally and in writing
- Follow up visits to ensure compliance
- Threaten legal action (this is typically eviction action or an injunction)

The difficulty of taking possession action against a tenant who is allowing their home to fall into disrepair is that the Ground for Possession (Ground 3), as set out in Schedule 2 to the Housing Act 1985, is a discretionary ground and it is unlikely that a County Court Judge will grant a possession order to the landlord, particularly where the tenant has difficulties, such as mental health problems or where the tenant has dependent children living in their household.