

You are requested to attend a meeting of the Tenant Services Management Board to be held in The John Meikle Room, The Deane House, Belvedere Road, Taunton on 19 March 2012 at 18:00.

Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Tenant Services Management Board held on 20 February 2012 (attached).
- 3 Public Question Time.
- 4 Declaration of Interests
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 5 Communities and Local Government Consultation - Social Housing Fraud: report of the Tenant Services Development Officer (now attached)
Reporting Officer: Rosie Reed
- 6 Feedback on the Annual Report to Tenants - report of the Tenant Services Development Officer (attached)
Reporting Officer: Rosie Reed
- 7 Communities and Local Government Consultation - Allocation of accommodation: guidance for local housing authorities in England: report of the Housing Services Lead (now attached)
Reporting Officer: Stephen Boland
- 8 Tenant Awards - report of the Tenant Empowerment Manager (now attached)
Reporting Officer: Martin Price
- 9 Tenants' and Leaseholders' Open Day - verbal update from the Tenant Empowerment Manager
Reporting Officer: Martin Price
- 10 Tenant Services Management Board Annual General Meeting - verbal update from the Tenant Empowerment Manager
Reporting Officer: Martin Price

Tonya Meers
Legal and Democratic Services Manager

27 September 2012

Members of the public are welcome to attend the meeting and listen to the discussions.

There is time set aside at the beginning of most meetings to allow the public to ask questions.

Speaking under “Public Question Time” is limited to 4 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chairman will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate.

If a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chairman will normally permit this to occur when that item is reached and before the Councillors or Tenant Services Management Board Members begin to debate the item.

This is more usual at meetings of the Council’s Planning Committee and details of the “rules” which apply at these meetings can be found in the leaflet “Having Your Say on Planning Applications”. A copy can be obtained free of charge from the Planning Reception Desk at The Deane House or by contacting the telephone number or e-mail address below.

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group.

These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room.

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Lift access to the John Meikle Room and the other Committee Rooms on the first floor of The Deane House, is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available off the landing directly outside the Committee Rooms.



An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter.

For further information about the meeting, please contact the Corporate Support Unit on 01823 356414 or email r.bryant@tauntondeane.gov.uk

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Tenant Services Management Board Members:-

Mr D Etherington	(Chairman)
Mr M Edwards	(Vice-Chairman)
Councillor R Bowrah, BEM	
Councillor S Brooks	
Mrs J Bunn	
Mrs E Drage	
Mr D Galpin	
Mrs J Hegarty	
Mr K Hellier	
Mrs P Marshall	
Mrs T Urquhart	

Minutes of the meeting of the Tenant Services Management Board held on Monday 20 February 2012 at 6pm in the John Meikle Room, The Deane House, Belvedere Road, Taunton.

Present: Mr Etherington (Chairman)
Mr Edwards (Vice- Chairman)
Councillor Bowrah, Mrs Bunn, Mrs Drage, Mrs Hegarty, Mr Hellier, Mrs Marshall and Mrs Urquhart.

Officers: Stephen Boland (Housing Services Lead), Tim Burton (Growth and Development Manager), Martin Price (Tenant Empowerment Manager), Phil Webb (Housing Property Services Manager) and Keith Wiggins (Democratic Services Officer).

Others: Councillor A Wedderkopp, Mrs Beryl Edwards and Nigel Stuart-Thorn

(The meeting commenced at 6.05pm)

12. Apologies

Apologies: Councillor Brooks, Mr Galpin

13. Minutes

The minutes of the meeting of the Tenant Services Management Board held on 23 January 2012 were taken as read and signed.

14. Public Question Time

Questions and a statement were received in writing from Mr Martin Aldred, as Chairman of the Halcon North Tenants and Residents Association.

Mr Aldred requested and received advice on who to contact to complain about council employees.

Mr Aldred asked the Board to become more involved in future regeneration projects and in ensuring better communication with tenants.

In response the Chairman confirmed the Board had already requested a closer involvement in all such projects in the future

15. Declaration of Interests

The following members declared a personal interest as a Council house tenant:

- Mrs Bunn
- Mrs Drage
- Mr Edwards
- Mr Etherington

- Mrs Hegarty
- Mr Hellier
- Mrs Marshall
- Mrs Urquhart

Councillor Bowrah declared a personal interest as a family member was a Council house tenant.

16. Housing Revenue Account Business Plan 2012 – 2042

The Housing Services Lead explained that the HRA Business Plan had now been approved, including the provision of a small Social Housing Development Fund to build new homes each year on existing council land – and retain ownership within the HRA.

The Council was hoping that the Public Works Loan Board interest rate would remain at 3.64%, but this would be dependant on the loan rate at the end of March.

Now that the plan had been approved it was intended that a more easily understandable version would be created for tenants and the wider public.

Resolved to note the approval of the plan.

17. Housing Revenue Account Reform Project Dashboard

Considered project progress dashboard report previously circulated, concerning planned reforms to council housing finance in England and the management of those changes by the Council.

The project overall remained on track and was now moving in to the next phase.

Resolved to note the dashboard report.

18. Housing and Community Development Structural Change proposals

The Housing Services Lead updated the Board on the draft proposals they had seen previously, which were designed to provide the capacity to manage council housing assets and implement the HRA Business Plan.

Following consultation with staff and members there had been modifications to some line management arrangements for administrative staff – and a decision to keep staff working on anti-social behaviour in their existing team.

Resolved to note the structural change proposals.

19. Heating Repairs and Maintenance Contract update

The Housing Property Services Manager had circulated a summary report on the procurement process to select a new provider of heating repairs and maintenance.

The report showed the evaluation process for the five tenders which had resulted in the selection of Alhco – who would take over the contract from 2 April 2012.

During the discussion of this item, members of the board made the following comments and asked questions. Responses are shown in italics:

- Would Alcho have a local office and local contacts? *Alcho had already committed to providing a local office and would be taking on many of the existing engineers – through TUPE arrangements;*
- How would the inspection and repair work be monitored? *The contractor would do their own monitoring as part of the contract but this would be checked through our own Clerk of Works and Property Manager;*
- Who was responsible for safety certificates issued before April? *MJJ.*

The Board heard that Alcho were prepared to start work in two weeks, rather than in six weeks.

Resolved to note the update.

20. Consultation: Somerset Strategic Housing Partnership Interim Tenancy Strategy

Considered report previously circulated, concerning a draft tenancy strategy to satisfy the requirements of the Localism Act 2011.

The report showed twenty different proposals that overall would mean that properties would be available on the Homefinder Somerset Choice Based Lettings scheme - at different rent levels and with different tenures depending on the social landlord arrangements with the HCA and social landlords own tenancy policies. Additional advert symbols (highlighting affordable rent and fixed term tenure) together with applicant guidance notes on affordable rent and fixed term tenure would be made available through the Homefinder Somerset CBL Scheme.

Existing tenants who remain in their existing homes would not be affected by affordable rent/tenure change, and would retain their security of tenure if they moved to another social rented home. Mutual exchange tenants were protected within the Localism Act such that they would retain their security of tenure when they moved.

Following the consultation process the Somerset Strategic Housing Partnership was aiming to issue a final Interim Tenancy Strategy which will be available from April 2012.

Resolved to note the report and support all but two of the suggested proposals.

21. Tenant Service Management Board Elections

Considered report previously circulated, concerning the application and election processes for the Tenant Services Management Board.

The Tenant Services Management Board (TSMB) was convened in April 2010 to represent the interests of all tenants of Taunton Deane Borough Council (TDBC) at strategic and policy levels. Its role was to monitor and review strategic decisions and ensure the best possible standards of housing service delivery to all council tenants. It assessed the housing service of Taunton Deane Borough Council (TDBC) and where and how it could be improved.

The board's Terms of Reference (which were agreed by the board at its June 2010 meeting) include that elections to the Board should be held every two years.

Resolved to note the report, the election process and timetable.

22. Tenants' Open Day

Considered report previously circulated, concerning the next Tenants' Open Day – which gave tenants an opportunity to gain information on and ask questions about topics that are of interest to them.

The first Tenants' Open day was held at the Somerset County Cricket Ground on 18 April 2011. Over 100 tenants had attended the event, with over 20 stalls available including various departments of Taunton Deane Borough Council and representatives from external organisations who were able to answer questions on a wide variety of housing related issues and other matters.

Last year it was agreed to hold the event on the same day as the TSMB Annual General Meeting. It was also agreed by tenants, councillors, staff and external organisations that the Somerset County Cricket Ground was a success as a venue, especially due to its central location and availability of parking spaces.

As the date of the TSMB AGM had been scheduled for 23 April 2012 the Tenant Empowerment Team had booked the County Room of the Somerset County Cricket Ground for the whole day on this date.

During the discussion of this item it was agreed that the Credit Union should be invited to the Open Day.

Resolved to note the proposals for the Open Day and agreed that the event should be renamed the Tenants and Leaseholders Open Day.

23. Tenant Services Management Board Annual General Meeting

Considered report previously circulated, concerning the date, content and venue of the Board's Annual General Meeting.

Members discussed the arrangements for the meeting at the Somerset County Cricket Ground and concluded it should be held in a different room from the Open Day.

Resolved to hold the meeting at the Somerset County Cricket Ground on 23 April 2012 starting at 4pm.

(The meeting ended at 8.50pm)

Declaration of Interests

Tenant Services Management Board

Taunton Deane Borough Council Housing Tenants – Councillor Brooks,
Mrs Bunn, Mrs Drage, Mr Edwards, Mr Etherington, Mr Galpin, Mrs Hegarty,
Mr Hellier, Mrs Marshall and Mrs Urquhart

Member of Somerset County Council – Councillor Brooks

Family member a Taunton Deane Borough Council Housing Tenant –
Councillor Bowrah and Councillor Brooks

Taunton Deane Borough Council

Tenant Services Management Board– 19 March 2012

Social Housing Fraud Consultation

Report of the Tenant Services Development Officer

(This matter is the responsibility of Executive Councillor Jean Adkins)

1. Executive Summary

This report aims to give the Tenant Services Management Board the opportunity to shape Housing Services' response to the Communities and Local Government (CLG) Social Housing Fraud Consultation. The purpose of the consultation is to invite views on whether existing legislation needs to be strengthened and if so how that might be done to reduce the prevalence of tenancy fraud in social housing. The consultation does not aim to remove social landlords' ability to pursue each case as a civil matter, it is designed to explore if they require a wider range of enforcement tools.

2. Introduction to Social Tenancy Fraud

Information from the CLG shows that there are currently 1.8 million households on the waiting list for social housing and another 250,000 social households that are legally defined as overcrowded. It is also estimated that there are at least 50,000 social homes in England being unlawfully occupied. Of all the social housing stock in London 2.5% is unlawfully occupied with 1% of social housing stock everywhere else being unlawfully occupied. The financial cost of this fraud has been estimated at being around £900 million per year.

The higher frequency of unlawful occupation in London is most likely based on the higher difference in social and market rent. It is easier for a tenant to make a substantial profit whilst continuing to pay the social rent to the landlord. In areas where there is less of a profit to be made, unlawful occupation is often due to tenants helping friends and family to access social housing.

To add to the difficulties of combating tenancy fraud there appears to be no such thing as a typical tenancy fraudster or a typical type of property that is involved. However many social landlords have found that if tenancy fraud is detected there are often other types of fraud occurring as well.

3. Tackling Tenancy Fraud within the Existing Law

Unlawful occupation through tenancy fraud can take a number of forms and is divided into either a civil matter or criminal offence.

3a. Civil Matters:-

Subletting

Currently in certain circumstances, social tenants are allowed to take in lodgers or sublet part of their properties, however subletting of the whole property is not allowed. A tenant who has unlawfully sublet the whole of the property remains a tenant until such time as they leave or are evicted as a result of possession proceedings. If the tenant is no longer in living at the address it makes possession easier to obtain.

As subletting is treated similar to the breach of any contract, landlords can apply to a court to solve the problem for example by a possession order. Landlords can recover damages and costs for cases of subletting although the prospects of recovering any damages that are awarded are not very strong.

Key-Selling

Key- selling is less common than subletting and involves the legal tenant severing all ties with a property in return for a lump sum payment. Key-selling also constitutes a breach of contract and landlords can recover possession through a court.

Unauthorised Assignment (including by mutual exchange)

Assignment is the name for the formal legal transfer of the letting agreement from one tenant to another. Following a valid assignment, the new tenant takes on the rights and responsibilities of the previous tenant. Assignment of a tenancy is only possible in certain circumstances.

Unauthorised assignment occurs in the following circumstances:

- If a tenant goes ahead with an exchange without first obtaining the landlords consent, the exchange will be treated as an invalid assignment.
- If the tenant obtains the landlords consent by deception e.g. providing false information, landlords can take action for possession on the basis that there has been a breach of the tenancy agreement and that the assignment is legally ineffective.

Wrongly Claimed Succession

When a social tenant dies, there are certain circumstances in which a spouse or family member can succeed to the tenancy. Some people seek succession to a social home by wrongly claiming to fulfil the necessary criteria. If this occurs a landlord can seek possession as they would against a trespasser after serving a notice to quit.

3b. Criminal Offences:-

Right to buy fraud/right to acquire

This type of fraud involves the tenant providing misleading information when seeking to purchase the property they are renting from their social landlord for example on the length of time they have lived at the property. This type of fraud is illegal and can be dealt with in criminal courts.

Obtaining a Tenancy through False Statement

This is when a tenant knowingly or recklessly made a false statement in order to gain a tenancy. Section 171 of the Housing Act 1996 makes it an offence to provide false information, or knowingly withhold relevant information, in relation to an application for housing accommodation.

3c. Current Penalties:-

For civil matters, the consequences of tenancy fraud are limited to the:

- Loss of the tenancy
- Damages
- Costs

Criminal liability and penalties such as fines or imprisonment are not available within the existing law.

3d. Landlords Method of Detection:-

Landlords currently use a variety of tactics to detect and tackle tenancy fraud. The main ones are:

Dedicated Staff

An increasing number of landlords take the view that employing specialist officers to deal with tenancy fraud is the most effective way of recovering properties.

Tenancy Audits

Many landlords conduct tenancy audits which involves knocking on tenants doors to verify who is living at the property and if it's the right person. Completing a tenancy audit can be very time and resource intensive, so some landlords audit only a proportion of their stock each year or by targeting properties in specific locations.

In order to speed up the audit process, some landlords take a photo of the tenant when the tenancy is issued and keep it on file. When the tenant's home is then audited a simple reference to the file can substantially reduce the amount of time needed to verify that person's identity.

Data Matching

An increasing number of landlords are using data matching to identify fraud. This cross checking of different types of records usually starts by doing an internal match of the various records they keep before going on to use a credit reference agency.

Tip-Offs

Around half of all identified cases of unlawful occupation are said to be detected thanks to information supplied by members of the public. Local residents are often best placed to notice if new neighbours arrive or the old ones move away. While tip offs are an invaluable source of information, they represent only the start of the process that will rely on one of the tools mentioned to verify tenancy fraud and then build a credible case.

Data Sharing Powers

The Data Protection Act 1998 requires organisations to process personal data in a fair and proportionate way and to only share data if strict criteria have been met. Tenancy fraud investigators use a section of the Data Protection Act to obtain data from other organisations, however the act does not force (compel) organisations to supply the personal data when asked. Due to this the tenancy fraud investigators find it difficult to obtain data from organisations and often get an inconsistent or no response.

4. CLG Consultation Questions & TDBC Estate Management Staff Response

When reviewing the questions below please refer to the separate Appendix A to this report.

Q1. Do you agree that a new criminal offence should be created?

Yes, it will be a deterrent for those people considering tenancy fraud and will prompt those committing tenancy fraud to stop.

Q2. What would you consider to be a suitable maximum penalty for a Crown court conviction for tenancy fraud?

6 months imprisonment for Crown court as sentences above this are unlikely to be given for tenancy fraud.

Q3. Do you agree with our core proposal to give a broad definition to 'tenancy fraud'? Which forms should be included?

Yes, a broad definition should be created to include all the forms of tenancy fraud listed in the consultation document.

Q4. Do you agree that restitutionary payments should be introduced and, if so, should they be available in both civil and the criminal court?

Yes and they should be available in both civil and criminal court.

Q5. Should local authorities have the power to prosecute for tenancy fraud?

Yes, but housing associations should be given the power to prosecute as well.

Q6. Do you agree that a mandatory gateway should be introduced?

Yes

Q7. Do you agree that a mandatory gateway should cover banks, building societies and utility companies? Should other data holders be included?

A mandatory gateway should cover those listed above as well as: educational services, social services, council tax departments and Department of Works and Pensions (DWP).

Q8. How should the 'intention to return' be amended? What would be an appropriate period of time for which a tenant could be absent? What would constitute a necessary absence and what would constitute a voluntary absence?

Tenants should not be absent from their property for longer than 8 weeks.

A necessary absence should include: family bereavement, domestic violence, prison, serious illness, and stays in nursing homes.

A voluntary absence should include: extended holidays and living with a partner.

Q9. Should assured tenancies be brought in line with secure tenancies, meaning that status cannot be regained once the whole of the property has been sublet?

Yes, it should be the same for both secure and assured tenancies.

Q10. As a social landlord, which factors would you consider when deciding whether to pursue a case using the criminal rather than civil route, e.g. strength of evidence, length of time the home had been unlawfully occupied, amount of money involved, history of tenant, etc?

All factors would be taken into consideration, however strength of evidence and if other types of fraud are also being committed would be key factors in making a decision.

Q11. As a social landlord, how would the creation of a new criminal offence influence the likelihood of you taking cases of tenancy fraud to court rather than simply accepting a tenant's voluntary termination of their tenancy?

There was a mixed response amongst staff in estate management:

Some staff would be happy with the voluntary termination of the tenancy as the property would be back under TDBC control.

Others would still take the case of tenancy fraud to court to act as a further deterrent and to show that TDBC takes tenancy fraud seriously.

5. Finance Comments

Even though this proposal is only at the consultation stage, there is a potential that TDBC may have to provide extra resources to implement these changes.

6. Legal Comments

This issue has legal implications as it involves criminal and civil proceedings.

7. Community Safety Implications

There are no community safety implications.

8. Partnership Implications

There is a potential for a wide range of partners to be compelled to share information with TDBC.

9. Recommendations

The Tenant Services Management Board is asked to:

- Note the proposals on social housing fraud consultation; and
- Provide their comments on the proposals to shape housing services response to the CLG due on the 4th April 2012.

Contact:	Officer Name	Rosie Reed
	Direct Dial No	01823 356 327
	e-mail address	r.reed@tauntondeane.gov.uk

Social Housing Fraud Consultation

APPENDIX A

Tenant Services Management Board
19th March 2012

Strengthening Landlords' Powers to Tackle Tenancy Fraud

- Landlords investigating tenancy fraud make two points:
 - The potential legal consequences for a tenant who commits tenancy fraud are inadequate and do not act as a meaningful deterrent; and
 - The lack of access they have to data means that their powers of detection and prosecution are severely limited.
- The Government is concerned that these points contribute to the fact that tens of thousands of social homes are being misused.

Criminal Enforcement

- The Government is considering whether making social housing tenancy fraud a criminal offence is necessary and reasonable.
- Criminal penalties could take the form of a fine, a custodial sentence or both.
- Measures could also be introduced to allow any profits to be confiscated and to be repaid to the landlord (restitutionary payments).
- If created the new criminal offence should be able to be tried in either a Magistrates or a Crown Court with the proposed **maximum** sentences below:
 - Magistrates Court – 6 months imprisonment & a fine of up to £5,000
 - Crown Court – 2 years imprisonment & a fine of up to £50,000

Questions....

- Do you agree that a new criminal offence should be created?
- What would you consider to be a suitable **maximum** penalty for a Crown Court conviction for tenancy fraud?

The Definition of 'Tenancy Fraud'

- o It is being questioned whether a broad definition of tenancy fraud would be appropriate, including at least the main forms listed in the report which are:
 - o subletting the whole property
 - o key selling
 - o unauthorised assignment
 - o wrongly claimed succession

Questions....

- o Do you agree with the core proposal to give a broad definition to 'tenancy fraud?'
- o Which forms should be included?

Allowing Restitutionary Payments to be made to Social Landlords

- The Proceeds of Crime Act can be used to confiscate money made from certain kinds of criminal activity; however this money is given to the state not the person/organisation that was subjected to the criminal activity.
- It is proposed to allow restitutionary payments to be made to the social landlord in whose stock tenancy fraud was committed.
- These payments would allow a landlord to recoup in both civil and criminal cases any money the tenant made misusing the landlord's property.

Questions....

- Do you agree that restitutionary payments should be introduced and;
- If so, should they be available in both civil and criminal court?

Extending Powers of Prosecution

- Local authorities already have the power to bring criminal prosecutions for some activities set out in law and committed in their area such as housing benefit fraud.
- The proposal to extend local authorities' powers would add tenancy fraud to the list of offences.
- It is not proposed to extend this power to housing associations as they are not classified as public sector bodies.

Questions....

- Do you agree that powers of prosecution should be extended in this way?

Compelling Organisations to Share Data with Local Authorities

- Social landlords currently have few powers to obtain the data necessary to detect and tackle tenancy fraud effectively.
- Making tenancy fraud a criminal offence would **not** oblige dataholders to share information.
- Some existing legislation includes 'gateways' which allows information to be disclosed or received for particular purposes.
- There are two types of 'gateways':
 - > Permissive Gateways – creating a discretionary power to disclose or receive data.
 - > Mandatory Gateways – compelling data to be transferred in certain circumstances.

Compelling Organisations to Share Data with Local Authorities

- The Government is considering creating a 'mandatory gateway' to ensure local authorities could access data relevant to their investigation from certain named organisations.
- Under a 'mandatory gateway' organisations are obliged to provide data on request and face a criminal penalty for non compliance.
- It is proposed that as a minimum organisations covered by a mandatory gateway include:
 - Banks
 - Building Societies
 - Utility Companies
- Local authorities already have the power to force data holders to supply data for other matters. Therefore a mandatory gateway for tenancy fraud would be an extension of their powers rather than creating new.

Questions....

- Do you agree that a mandatory gateway should be introduced?
- Do you agree that a mandatory gateway should cover banks, building societies and utility companies?
- Should other data holders be included?

Reviewing the 'Intention to Return'

- Currently a tenant can live away from their property for a substantial period of time and still maintain their tenancy.
- Clarity is needed on when an 'intention to return' can prevent a landlord from gaining possession of a home not being occupied by the tenant.
- Any new rules would seek to differentiate between voluntary and unavoidable or necessary absences such as stays in hospital.

Questions....

- What would constitute a reasonable period of time for a tenant to be absent before a landlord could legitimately seek possession and
- What would constitute valid reasons for a tenant's non-occupancy?

Secure and Assured Tenancies

- When a secure tenant sublets the whole of their property, they lose their secure tenancy status and cannot regain it even when the sub tenancy ends.
- An assured tenancy (such as those provided by housing associations) is lost only for as long as the assured tenant is no longer occupying the property as their only or principle home.
- It is proposed that assured tenancies are brought in line with secure tenancies, meaning that once the whole property has been sublet, the status of secure or assured tenancy cannot be regained.

Questions....

- Do you agree that assured tenancy status should not be able to be regained once the whole of the property has been sublet?

Possible use of New Powers

- The CLG is keen to hear how landlords would use any new powers they were given, especially regarding the frequency with which they would demand data using a mandatory gateway and the number of times they would choose to use criminal rather than civil prosecution.
- As a social landlord, which factors would you consider when deciding whether to pursue a case using the criminal rather than civil route? e.g.
 - Strength of evidence
 - Length of time the property has been unlawfully occupied
 - Amount of money
 - History of tenant

Questions....

- As a social landlord, how would the creation of a new criminal offence influence the likelihood of you taking cases of tenancy fraud to court rather than simply accepting a tenant voluntary termination of their tenancy?

Taunton Deane Borough Council

Tenant Services Management Board – 19 March 2012

Annual Report to Tenants 2010/11 Feedback Results

Report of the Tenant Services Development Officer

(This matter is the responsibility of Executive Councillor Jean Adkins)

1. Executive Summary

<p>This report aims to inform the Tenant Services Management Board of the feedback received on the Annual Report to Tenants 2010/11.</p>
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2. Background

Feedback forms were provided to all tenants with the Annual Report to Tenants Calendar. We received a good response rate with 600 feedback forms being returned by the 31st January 2012.

3. Feedback Results

The feedback provided was largely positive and in favour of the new calendar format with 88% of tenants finding the calendar format useful and 85% of tenants wishing to see the next annual report in calendar format. The results of the feedback are provided in appendix 1 with additional comments below.

- *Q4 – Did you find any section of the annual report of particular interest?*

Tenants found the following sections of particular interest:

- Homefinder Somerset
 - Repairs & Maintenance Facts & Figures
 - Anti- Social Behaviour
 - Disabled Facilities Grants
 - Estate Walkabouts
 - The useful contact details – telephone numbers & meeting dates
 - Tenant Involvement
 - Local Offers
- *Q5 – Is there a particular section of the annual report that you did not find of interest?*

There was not a section of the annual report that tenants reported as consistently not being of interest.

- Q6 – *Is there anything you would like to see included in a future annual report?*

Tenants would like to see the following added to future annual reports:

- Dates of planned maintenance and upgrade programmes
 - Recycling/Rubbish collection dates when affected by bank holidays
 - Right to Buy figures
 - Crime statistics for Taunton Deane
-
- Q7 – *Would you like to be involved in future housing consultation events?*
 - Q9 – *Would you like to take part in next year's production of the annual report to tenants?*

The percentage of tenants who would like to be involved in future housing consultation events at 16% or in the production of the next annual report to tenants at 13% appears low but in fact equates to:

- 98 people wanting to be involved in future housing consultation events
 - 77 people wanting to be involved in the production of the next annual report to tenants.
-
- Q8 – *Are you happy with the methods currently used by the Council to communicate with tenants?*

84% of tenants are happy with the methods used by the Council to communicate with tenants.

4. Feedback Next Steps

A record of tenants who wish to be involved in Housing Services in the future is being kept and those tenants will be invited to future consultation events and included in future surveys. The feedback from this year's annual report will also be used to improve the next annual report to tenants.

A winner for the £100 prize draw for returning feedback by the 31st January 2012 will be selected by Stephen Boland, Housing Services Lead.

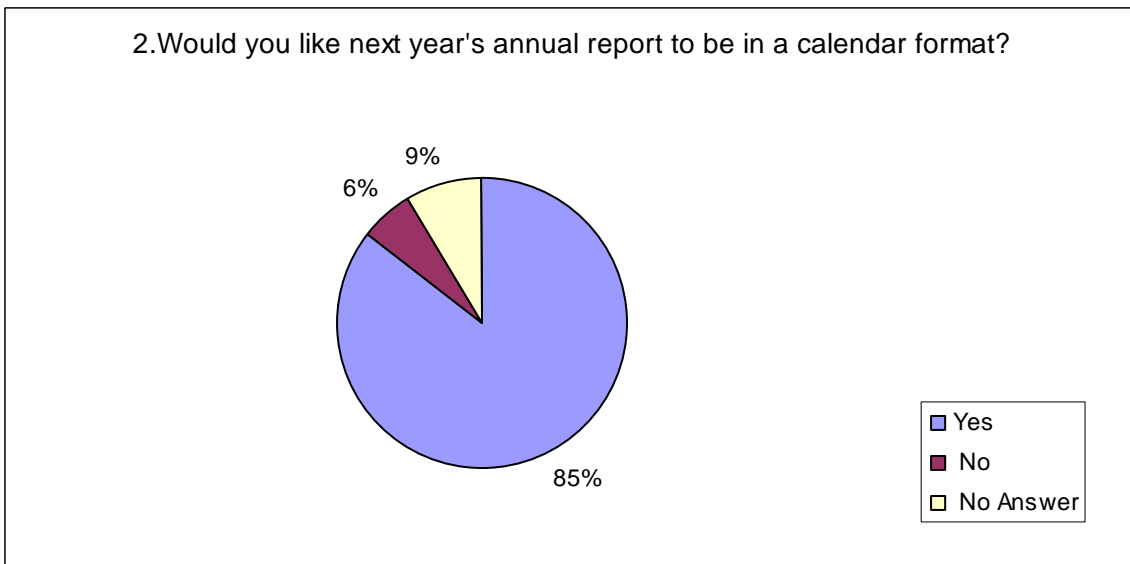
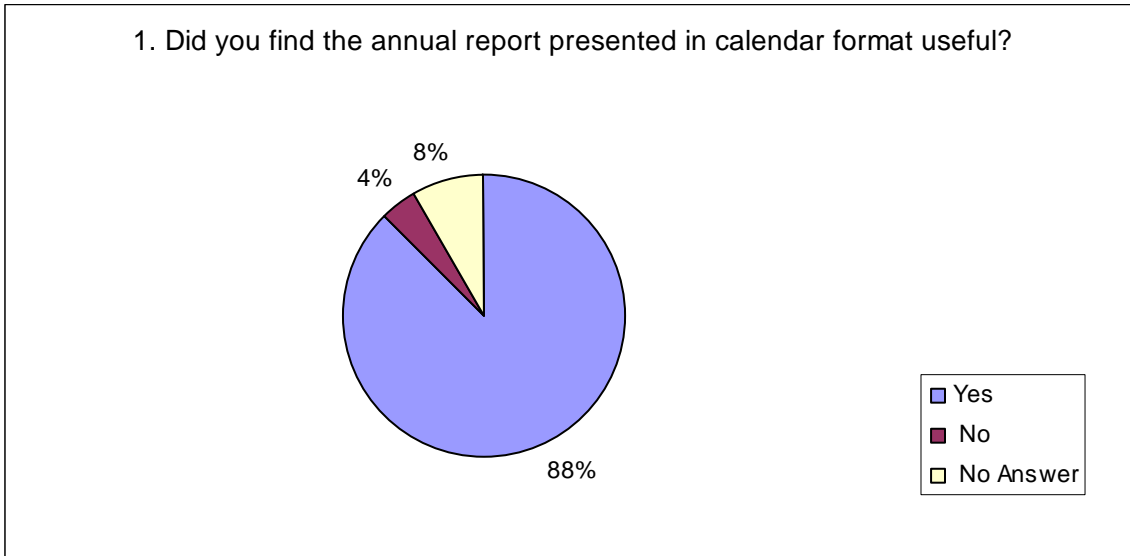
5. Recommendations

Tenant Services Management Board is asked to note the contents of the report and comment on the feedback received from tenants.

Contact:

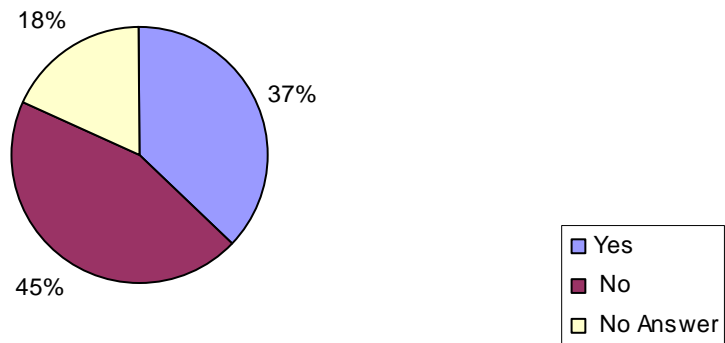
Officer Name	Rosie Reed
Direct Dial No	01823 356 327
e-mail address	r.reed@tauntondeane.gov.uk

Appendix 1 – Feedback Results

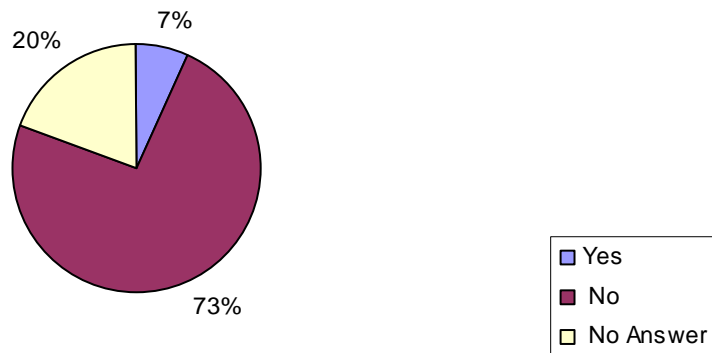


Q3. – What did you think about the annual report calendar to tenants?	No of Tenants
Too Long	12
About Right	350
Too Short	3
Too Much Information	14
About the Right Amount of Information	276
Not Enough Information	14
Very Well Presented	308
Fairly Well Presented	116
Not Well Presented	1
Very Easy to Understand	244
Fairly Easy to Understand	128
Difficult to Understand	8

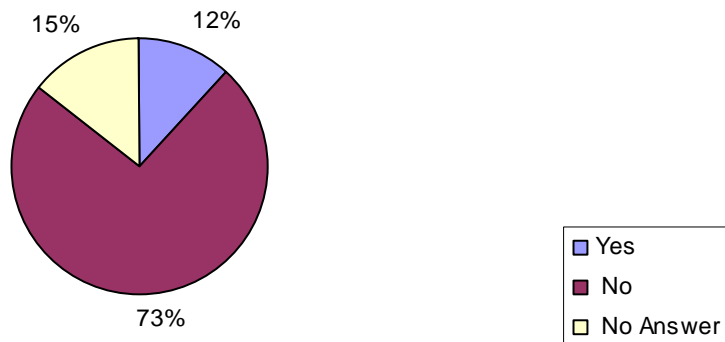
4. Did you find any section of the annual report of particular interest?



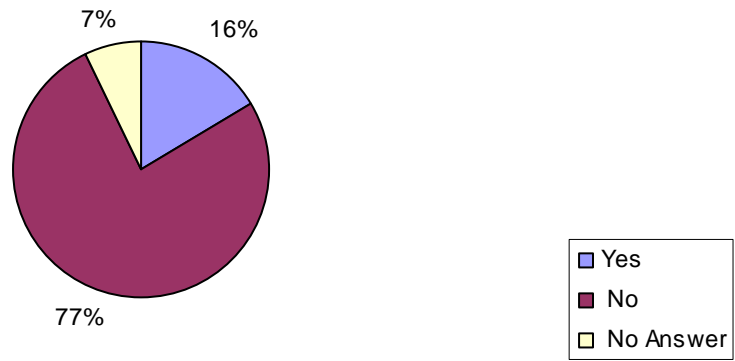
5. Is there a particular section of the annual report that you did not find of interest?



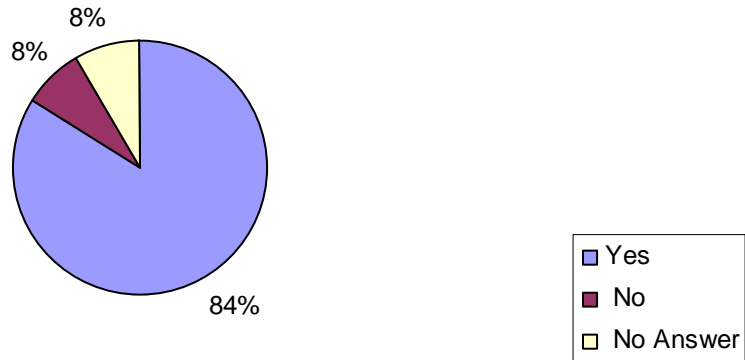
6. Is there anything you would like to see included in a future annual report?



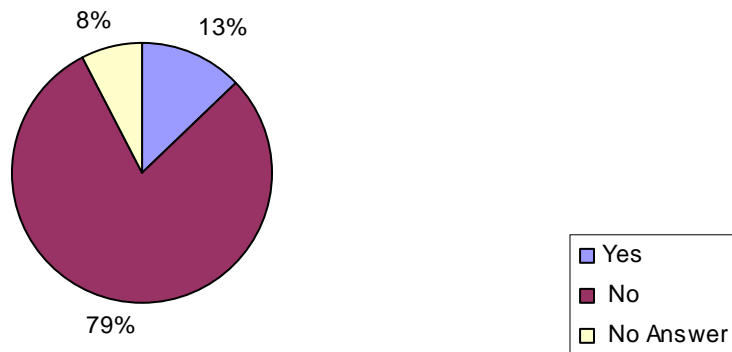
7. Would you like to be involved in future housing consultation events?



8. Are you happy with the methods currently used by the Council to communicate with tenants?



9. Would you like to take part in next year's Annual Report to Tenants?



Taunton Deane Borough Council

Tenant Services Management Board –19 March 2012

Consultation: Allocation of accommodation - guidance for local housing authorities in England.

A consultation response from the Homefinder Somerset Partnership.

Report of Stephen Boland – Housing Services Lead

(This matter is the responsibility of Executive Councillor Jean Adkins)

1.0 Executive Summary

This report aims to inform the Tenant Services Management Board of the Homefinder Somerset Partnership's joint response to the Communities and Local Government's consultation - Allocation of accommodation: guidance for local housing authorities in England. The deadline for responses is the 30th March 2012 and the government will take into account responses when finalising new guidance and taking forward the regulations.

2.0 Introduction

The consultation is aimed primarily at local authorities and seeks views on the content of new guidance proposals. The new guidance is on the allocation of social housing; and improved access to social housing for former and serving armed forces personnel. The full consultation document can be obtained by visiting the Communities and Local Government website:

www.communities.gov.uk/publications/housing/allocationofaccommodation

3.0 Homefinder Somerset Partnership's response.

The Homefinder Somerset Partnership was established in 2008 to deliver choice based lettings across the whole of Somerset using a single housing register and a common allocations policy. The five local authority partners with over 18,500 active applicants on the housing register, and over 40 registered providers have consistently and successfully worked together to deliver a choice based lettings scheme that provides applicants with more choice and makes best use of the social housing stock available within the county.

The Partnership spent considerable time in 2010/11 reviewing the existing allocation policy and IT system. It is against this backdrop of a mature partnership, operating effectively that a joint response from the Homefinder Somerset Partnership to the consultation document is made.

Please refer to Appendix 1 for a list of the consultation questions and the Homefinder Somerset Partnership's responses.

3.0 Recommendation

Tenant Services Management Board is asked to note the contents of this report.

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Appendix 1

1. Does your allocation scheme/transfer policy already provide for social tenants who are under-occupying to be given priority?

Our existing Homefinder Somerset Allocations Policy provides priority for those tenants that are under-occupying as follows:

“Section 6.12 - Gold band under- occupation

“The applicant is a tenant of a Homefinder Somerset partner who resides within the Homefinder Somerset area and under-occupies their existing property and is looking to move to a smaller, more suitable property. Note: Where a tenant lives in specialist two-bedroom property this may not apply. Applicants will only be able to benefit from this banding once when applying to the register unless there is a subsequent change in their circumstances.”

In addition sections 5.1 and 5.2 of our existing policy set out our approach to transfers.

“5.1. All existing tenants of the partners have the right to apply for a transfer, subject to any restrictions that apply to their tenancy. Tenants' housing needs will be assessed and placed in the relevant band on the register together with all other applicants.

“5.2. Some advertised properties will be labelled giving preference to transfer applicants to ensure that each landlord makes the best use of their housing stock.”

We believe that this provides sufficient priority for tenants who are under occupying. As at 31.12.11 47% of gold band applicants were in gold band for under-occupation. They also represent 18% of all lets to gold band applicants (or 7% of total lets).

2. Do you intend to revise your allocation scheme in order to make it easier for under-occupying social tenants to downsize to more appropriately sized accommodation?

We do not envisage making any amendments to the existing allocations scheme. Based on evidence of the outcomes achieved, we believe it already provides the flexibility needed to allow landlords to address under occupation and transfer issues within their stock.

Mutual Exchange is also available and further development in this area within the current scheme will enable tenants to exercise choice as more flexible opportunities to move become available.

3. If so, what changes will you be considering?

As above – the Homefinder Somerset partnership has been in place for some time now and provides us with a tried and tested mechanism through which landlords and strategic housing authorities can discuss and address allocation policy issues in the light of actual outcomes. Many of the issues raised within this consultation document have been discussed by the partnership as part of its review mechanism.

4. Do you agree that members of the Armed Forces and former Service personnel should not be disqualified on residency grounds?

Our current Homefinder Somerset allocations policy doesn't disqualify any particular groups of individuals and service personnel are placed on an equal footing to civilian applicants when joining the Homefinder Somerset register and are assessed against the same banding criteria as other applicants.

Our existing Homefinder Somerset Allocations Policy provides at section 22.4 that the Local Connection requirements apply to service personnel and state that service personnel based and living in Somerset are considered to have a local connection for the purposes of the policy.

Local connection requirements are not applied to all properties available to let and these properties are let based on need and priority as applied through the banding system in place.

Is 5 years from the date of discharge an appropriate time limit for this restriction?

We don't currently feel that a time limit is required for restricting the local connection that service personnel may have with a specific area. The Homefinder Somerset partnership monitors the outcomes of the CBL scheme and this may, in the future, highlight a need to change our current allocations policy in this regard. If we were to consider restricting access to the register we would consider 5 years to be an arbitrary period and we would look to introduce a time limit based on local conditions and the evidence from our own scheme.

If not, what would be a more appropriate period?

See response above.

5. Does the draft guidance provide sufficient clarity on how to implement the new power for housing authorities to set their own allocations qualification criteria?

The draft guidance whilst setting out the new powers that housing authorities have does not provide sufficient guidance on how they should be implemented.

If not, in what areas would more guidance be useful?

Additional clarity is required on prioritising 'good behaviour' and helping to define what that might be. In addition we feel that the guidance should explicitly require an Equality Analysis [note this replaces EIAs as of 6th April 2011 with the implementation of the Equality Act single equality duty] to be undertaken on the impacts of any proposed changes.

The Homefinder Somerset CBL scheme has been very successful to date and is based upon an open register. We would see the introduction of closed or restricted waiting lists as a backward step for our sub regional scheme. We can foresee the relevant housing authority spending more time on advising applicants they cannot go onto the waiting list and there would also be a huge amount of work in reviewing current applicants and removing them from the waiting list should this happen. Closed or restricted waiting lists also ignores the arguments in favour of building mixed and stable communities by including those with little or no need to be allocated and live alongside those with greater need and, potentially, more social issues. The context also ignores the freedom of Housing Associations to allow allocations independent of Local Authority nominations. At the moment we operate a single register which encompasses applicants who may be rehoused by Housing Associations outside of any formal nominations. Given the success of our existing sub regional scheme we would not anticipate using the new flexibilities.

6. Do you agree that the bedroom standard is an appropriate measure of overcrowding for the purpose of according reasonable preference? If not, what measure do you consider would be more appropriate?

Our current Homefinder Somerset Allocations Policy sets out our bedroom allowance criteria at section 13.1

"Additional adults (defined as being 16 years of age or older) living permanently in a household may require an extra bedroom but may share if of the same gender.

"A maximum of two people can share a bedroom. Children who are over 7 and of different genders will require their own room."

We don't believe that the bedroom standard is an appropriate standard for us to use as it doesn't necessarily meet the needs of our local circumstances. We would prefer a less prescriptive approach whereby local circumstances and evidence of local needs drives the bedroom allowance within the allocations policy.

7. Should this guidance provide advice on how to define 'severe overcrowding' for the purpose of according additional preference? (See paragraph 4.18 below.) If so, would an appropriate measure be two bedrooms or more short of the bedroom standard?

We would agree that the guidance should provide further clarity on the definition of severe overcrowding. We would agree that lacking two bedrooms would be a good measure, whichever method of determining the number of bedrooms required is adopted. In particular we would like the CLG to clarify the conflict between the 'bedroom standard' and the assessment of overcrowding under the Housing Health & Safety Rating System which includes the 'space standard'.

8. How does your allocation scheme currently define 'overcrowding' for allocation purposes? Does it, for example, use the bedroom standard, the statutory overcrowding standards in Part 10 of the Housing Act 1985, or another definition? If the last of these, please provide brief details.

Our current Homefinder Somerset Allocations Policy sets out at Section 13.1. the bedroom allowances that we apply in Somerset.

"Applicants will be able to express an interest for selected properties which match the needs of their household. Household members living together as a couple will be assessed as requiring 1 bedroom unless there are exceptional circumstances. Additional adults (defined as being 16 years of age or older) living permanently in a household may require an extra bedroom but may share if of the same gender.

"A maximum of two people can share a bedroom. Children who are over 7 and of different genders will require their own room.

"The maximum bedroom allowance will be based on all household members over 7 years of age requiring their own room. Some partner landlords may exercise their own discretion with regard to the number of bedrooms a household requires for the best use of their stock.

"Gold Band

"Applicants who lack 2 or more bedrooms, or have been confirmed as overcrowded (defined as a category 1 hazard and/or Statutory overcrowded) by a Local Authority officer, UNLESS evidence exists that proves the overcrowding is deliberate. Where an applicant is sharing facilities please also see Silver band Lodger/Shared Accommodation.

"Silver Band

"Applicants who lack one bedroom in their current home."

In particular we would like the CLG to clarify the conflict between the 'bedroom standard' and the Housing Health & Safety Rating System overcrowding standard which is based on the LACORS guidance issued in 2011 and which informed the Homefinder standard [as above.

We feel our current standard meets local needs at present but we are considering the impact of welfare benefit changes on the affordability of properties for Housing Benefit claimants in terms of possible changes to our bedroom allowance.

Further clarity is needed on the confusion between the bedroom standard and the Housing Health & Safety Rating System. If the bedroom standard is regulated then we would urge the CLG to consider the practical implications of the conflict with the HHSRS and the consequential impact on workloads for Environmental Health staff in verifying overcrowding for applicants.

9. We propose to regulate to require housing authorities to frame their allocation scheme to provide for former Service personnel with urgent housing needs to be given additional preference for social housing. Do you agree with this proposal?

We strongly agree that additional preference should be given to those applicants in urgent housing need but we would not necessarily single out Service personnel for this additional preference.

We believe that our existing Homefinder Somerset allocations policy would pick up any vulnerability of Service personnel and as such places Service personnel on an equal footing with civilians applying to join the housing register.

10. Does your allocation scheme already make use of the flexibilities within the allocation legislation to provide for those who have served in the Armed Forces to be given greater priority for social housing? If so, how does your scheme provide for this?

We believe that the existing Homefinder Somerset provides landlords with the flexibility to have local lettings policies that could target properties to specific groups where local circumstances require this (e.g. a new development on ex MOD land or Service children attending local schools).

The onus would still remain on the Housing Authority to show that the practical outcome of the local lettings policy does not disadvantage other reasonable preference groups.

11. If not, do you intend to take advantage of the flexibilities in the allocation legislation to provide for former members of the Armed Forces to be given greater priority for social housing? If so, what changes might you be considering?

If we feel, as a partnership, that if changes are required in order to meet local demand we would address this via local lettings policies and possible quota arrangements for the allocation of properties to Service personnel.

12. Does your allocation scheme already provide for some priority to be given to people who are in work, seeking work, or otherwise contributing to the community? If so, how does your scheme provide for this?

Our current allocations scheme does not provide for priority to be given to the groups mentioned. Landlords occasionally use local lettings policies that target such groups in order to create balanced communities and have some local examples of where this has been used successfully to turn around an estate in conjunction with other local measures. However within our existing policy:

“Silver band – need to move for work (current or secured for future)”

We also have an advert label for preference to be given to applicants that have completed a Tenant Accreditation scheme.

13. If not, do you intend to revise your allocation scheme in light of the guidance in paragraphs 4.36 and 4.37? If so, what changes might you be considering?

We have no intention to amend our allocation scheme at present but would seek to keep this under review. We have completed a review of the policy and that review did not raise this issue from either applicants or members when consulted. As a partnership we believe that this may be best approached by allowing landlords to offer incentives for specific properties.

14. Are there other ways in which housing authorities can frame their allocation scheme to meet the needs of prospective adopters and foster carers?

We do not agree with the adoption of quota arrangements to address this issue as this would detract from the overall transparency of our CBL scheme. It is also at odds with welfare benefits reforms and could place applicants in the position of being in a property that they cannot afford until a foster child or adoptee is placed with them.

We may look to grant additional bedrooms on the basis of approval for foster parents / adoption – but this too could impact on transparency for the overall scheme.

We would comment that to date this hasn't been raised as an issue by our partners or by social services.

15. Does the draft guidance provide sufficient clarity on the extent of flexibilities available to housing authorities when framing their allocation scheme?

We feel that the guidance does not currently provide sufficient guidance or clarity on rent arrears or ASB and bad behaviour issues.

In addition the guidance around Service personnel is too prescriptive and doesn't allow us to take account of local circumstances. The same is true of the requirement to use the bedroom standard when there are still conflicts with the HHSRS, The guidance should more firmly and explicitly state the need to meet the requirements of the Equalities Act when considering any changes to existing allocations schemes

We believe the guidance misses the opportunity to reaffirm the CLG's commitment to CBL schemes (which places a responsibility on the applicant to actively seek and make realistic choices in the light of limited supply) and in particular sub regional partnerships which offer applicants increased mobility and a high degree of transparency and reduce the opportunity for fraudulent allocations by landlord staff.

Taunton Deane Borough Council

Tenant Services Management Board - 19 March 2012

Tenant Awards

Report of the Tenant Empowerment Manager

(This matter is the responsibility of Executive Councillor Jean Adkins)

1. Executive Summary

Many tenants in Taunton Deane provide help and support for their neighbours and the community that make the borough a better place to live. Often this is done without reward or publicity.

The introduction of Tenant Awards will give recognition to the achievements of these tenants. By clearly defining the relevant categories of the awards tenants will be able to nominate those who deserve special mention for the efforts they have made to improve Taunton Deane.

2. Background

Tenant Awards allow all the good work Taunton Deane Borough Council's tenants do for their neighbourhood and other tenants to be recognised. Often this work is voluntary and time consuming but makes a positive impact to the lives of others.

Tenant Awards are more effective where there are clearly defined categories that allow other tenants to nominate those who have "gone the extra mile". This report and discussion at the Tenant Services Management Board (TSMB) meeting will seek to suggest the award categories and how nominations can be made.

3. Questions to consider

The questions below seek to clarify how a Tenant Award scheme could be operated. They are by no means a complete list of questions and TSMB members are encouraged to ask any questions not listed.

Question 1 – What should the Tenant Award categories be?

Examples include:

- Tenant of the Year

- Young Tenant of the Year
 - Should this be a tenant under the age of 25?
 - Should this be someone under the age of 18 living in a TDBC property?

- Senior Tenant of the Year
 - Should this be a tenant over the age of 60?

- Good Neighbour of the Year

- Best Initiative of the Year
 - A particular project that has improved the neighbourhood

Question 2 – Who should judge the awards?

- Should it be a panel of Executive Councillor, Housing Services Lead, Chair of TSMB, Chair of Tenants' Forum?
- If tenants are on the panel would they feel there is a conflict of interest if their neighbour is nominated?

Question 3 – What should the prizes be?

- Should they be financial reward?
- Should they be vouchers for local stores?
- Should a tenant be awarded a trophy such as a cup to keep for a year?

Question 4 – Should there be an awards ceremony? If so, when should it be held?

Question 5 – Should local businesses be invited to sponsor the awards and award ceremony?

Question 6 – Who can make nominations?

- Nominations should come from tenants, but what if a Councillor or member of staff is aware of the hard work of a tenant?
- Normally tenants are not allowed to nominate themselves.

Question 7 – How are nominations made?

- Should those making nominations be asked to complete a simple nomination form?

Question 8 – How often should the awards be held?

- Should this be an annual event?

4. Joint Scheme

The Tenants' Forum has been included in previous discussions about the awards. The Chair and Vice Chair of the Forum have attended the TSMB to hear the board's opinions on whether a scheme should be started. The initial proposals put forward by the Vice Chair of the TSMB made clear that the awards should be a joint scheme under the umbrella of both the TSMB and Tenants' Forum. If the TSMB approves the Tenant Awards further discussions would have to take place with the Tenants' Forum.

5. Finance Comments

The financial impact of the Tenant Awards will depend upon whether sponsorship is sought for the scheme.

6. Legal Comments

There are no specific legal comments.

7. Links to Corporate Aims

There are no specific links to corporate aims.

8. Environmental Implications

There are no specific environmental implications. However, any awards which highlight work that has improved the environment may encourage others to start similar schemes.

12. Community Safety Implications

There are no specific community safety implications. However, any awards which highlight work that has improved community safety may encourage others to start similar schemes.

13. Equalities Impact

It is important that tenants do not for any reason feel unable to nominate other tenants for an award. It is therefore important that:

- Information can be translated into a different language
- Documents can be available in Braille
- Documents can be produced in large print
- Information can be transferred onto audio tape or CD

Members of the Tenant Empowerment Team will be accessible throughout the whole process to offer any advice and help required.

14. Risk Management

There are no specific risk management issues.

15. Partnership Implications

There are no specific partnership implications. However the help and support recognised by the awards may also have a positive impact on partners.

16. Recommendations

It is recommended the Tenant Services Management Board:

- Note this report
- Provide guidance on how the awards should be run based on the questions in Section 3 of this report

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