

**MINUTES OF THE PRIVATE SECTOR HOUSING FORUM HELD ON
26 April 2017**

PRESENT: The following members signed the attendance record for the meeting.

Chacque Goldberg Elliot	Landlord
Jane Barron	Landlord
Ian Simpson	Landlord
Roger Crouch	NLCE
Conrad Elliot	NLCE
Debbie Sharkey	NLCE
Jo Buchan	NSC
David Heal	Landlord
Margaret Keeshan	Landlord
Matt Watkins	Honeylark
A.B.Mason	NLCE
R.E.Heal	NLCE
Mike Reading	NLCE
Robert Reading	NLCE
Jason Orme	NLCE
Karam Badhen	NLCE
Leslie Green	NLCE
Graham Middle	Landlord
Ami Patel	NLCE
Sharon Laws	NLCE
Ken Neilson	First Step Housing
R Deville-Hallam	NLCE
J Harling	Landlord
N Turner	NLCE
A Dishkin	Plaister Properties
Kim Huxtable	NLCE
Chris Woodbury	NLCE
Di Saunders	Landlord
Tim Gibbs	NLA
K.W Blay	NLCE
Cathryn Vallender	Alliance Homes
Nicky Sutton	DWP

1. Apologies – Martin Ride, Drew Elkins, Gill Cox, Debbie Lewis-Owen

CHAIR

Gerry Laws
66 Greenhill Road
Winscombe
Somerset
BS25 5PB

Tel: (01934) 852525

VICE CHAIR

Richard Osborne
Dr Foxes
Knightstone Causeway
Weston-super-Mare
BS23 2AD

Tel: 01934 427020

SECRETARY

Clair Weber
Private Housing Services
Town Hall
Weston-super-Mare
Somerset
BS23 1UJ

Tel: (01275) 888155

2. Minutes from previous meeting – deemed to be correct
3. Matters arising - none
4. Presentation: Cathryn Vallender, Tenancy Manager, Alliance Homes.

Section 8 Notices and ASB

Assured Short Hold Tenancies (AST'S) can be ended by a Section 8 Notice under Schedule 2 of the Housing Act 1988 or a Section 21 Notice under Part 1 Chapter 2 of the Housing Act 1988.

Section 21 Notice

A Section 21 notice will provide guaranteed possession of the property however there are some limitations to this process, you cannot serve a section 21 notice if:

- the tenancy began or was renewed on or after 1st October 2015 and is within the first four months of the tenancy.
- once a section 21 notice has been given, possession proceedings must be commenced (where appropriate) within six months of the service of the section 21 notice.
- the tenancy deposit rules have been broken.
- the property is required to have a licence but has not got one.
- If the tenancy began or was renewed on or after 1st October 2015 and the tenant is being evicted because they have asked for repairs.
- If the tenancy began or was renewed on or after the 1st October 2015 and the following information was not provided to the tenant: An Energy Performance Certificate (EPC), a current gas safety certificate showing gas safety checks have been carried out, the government guide 'How to rent' the checklist for renting in England.

Section 8 Notice

A section 8 notice can be used when the tenancy is in the first 6 months and the reason for seeking possession is a breach of tenancy, the following grounds under the Housing Act 1988 can be considered.

- Ground 10- rent arrears
- Ground 12- disrepair

CHAIR

Gerry Laws
66 Greenhill Road
Winscombe
Somerset
BS25 5PB

Tel: (01934) 852525

VICE CHAIR

Richard Osborne
Dr Foxes
Knightstone Causeway
Weston-super-Mare
BS23 2AD

Tel: 01934 427020

SECRETARY

Clair Weber
Private Housing Services
Town Hall
Weston-super-Mare
Somerset
BS23 1UJ

Tel: (01275) 888155

- Ground 14- Anti-social behaviour

Ground 8- Rent arrears- Mandatory ground

This is where there are rent arrears and you want a money judgement order at the same time as a possession order. You can issue the notice on both grounds 8 and 10 to fail safe your application. A section 8 notice may be quicker than section 21 proceedings as there is a shorter notice period so a listing for a court hearing will be quicker.

Ground 7A- Mandatory ground- ASB

This ground can be used when the tenant, a member of the tenant's household, or person visiting the property has been convicted of a serious offence. A list of relevant offences can be found in Schedule 2 A of the Housing Act 1988, you can also use this ground when:

- the tenant, a member of the tenants household, or person visiting the property has been found by a court to have breached an injunction.
- the tenant, a member of the tenant's household, or person visiting the property has been convicted of a serious offence. A list of relevant offences can be found in Schedule 2 A of the Housing Act 1988
- the tenant, a member of the tenants household, or person visiting the property has been found by a court to have breached an injunction.

Pros and cons of using a section 8 notice

pros

- Ability to remove very problematic tenants much quicker
- Same issue fee as Section 21 Route
- Can obtain a money judgement order when evicting on grounds of rent.
- Can be a quicker process from issue to eviction

Cons

- Not all are mandatory grounds so run the risk of a judge's discretion. This could lead to a suspended possession order.
- Need to adhere to pre action protocol for rent arrears cases to show that you have been reasonable. You would need to send rent statements and signpost to debt advice.

There are other options so the choice is yours:

- Section 21 route is a safe route which will guarantee you possession. Has some

<i>CHAIR</i> Gerry Laws 66 Greenhill Road Winscombe Somerset BS25 5PB Tel: (01934) 852525	<i>VICE CHAIR</i> Richard Osborne Dr Foxes Knightstone Causeway Weston-super-Mare BS23 2AD Tel: 01934 427020	<i>SECRETARY</i> Clair Weber Private Housing Services Town Hall Weston-super-Mare Somerset BS23 1UJ Tel: (01275) 888155
---	--	--

limitations.

- Discretionary grounds under section 8 for example ground 14 (anti-social behaviour) may run the risk of the 'Judge on the day effect' and can be variable in outcome.
- Mandatory grounds such as 7A and 8 work well, as long as you meet the criteria.

5. Nicky Sutton, DWP – Universal Credit

Universal Credit (UC) is designed to encourage people to take responsibility for themselves, and is paid direct to the customer on a monthly basis. UC will replace the following benefits, income-based Jobseeker's Allowance (JSA), Housing Benefit, Working Tax Credit, Child Tax Credit, income-related Employment and Support Allowance (ESA) and Income Support.

There is no limit to the number of hours a person can work per week if they receive Universal Credit. The payment will reduce gradually as a person earns more, if somebody is on a low income all benefits will not be lost at once. People on UC will have to look for work for 35 hours per week.

Alternative Payment Arrangements (APAs) are available for claimants who can't manage the standard Universal Credit payment, this includes direct payment of the housing cost element to landlords (known as managed payments). Landlords can also request that the DWP set up a managed payment by filling out form [\(UC47\)](#), for more information about managed payments please visit <http://www.housing.org.uk/topics/welfare-reform/universal-credit/alternative-pay-arrangements/>

Universal Credit is paid monthly in arrears, a claimant will have to wait one calendar month from assessment date before the first UC payment is made. This is called the assessment period, it can take up to six weeks before the first UC payment is made. An interim payment can be applied for however, this is required to be re-paid.

Q: "I have a tenant who is in rent arrears and had to serve a section 21 notice to quit because the Council will not tell me what is going on with my tenants benefit claim will this be the same with UC?"

A: UC is set up on-line, an on-line account is created and managed by the tenant. The landlord will be unable to speak to the DWP about a claim directly and will have to sit down with the tenant when they have their on-line account open.

Q: Can a tenant sign an authorised letter for the DWP to speak to a landlord directly regarding the tenants claim?

CHAIR

Gerry Laws
66 Greenhill Road
Winscombe
Somerset
BS25 5PB

Tel: (01934) 852525

VICE CHAIR

Richard Osborne
Dr Foxes
Knightstone Causeway
Weston-super-Mare
BS23 2AD

Tel: 01934 427020

SECRETARY

Clair Weber
Private Housing Services
Town Hall
Weston-super-Mare
Somerset
BS23 1UJ

Tel: (01275) 888155

A: There is an on-line form to fill out in order for a landlord to speak to the DWP directly however, this does not give an on-going authority.

Q: So we have to believe what the tenant is telling us?

A: You can ask the tenant to view their on-line account.

Q: Can a tenant phone the DWP with the landlord present and pass the phone to the landlord to speak directly with the DWP?

A: Yes you can ring the UC Helpline.

UC Helpline: 0345 600 0723

Q: Due to the way UC is payed/processed a tenant can easily be in two months' rent arrears through no fault of their own, can a landlord apply for a direct payment in this circumstance?

A: I don't know however, my gut feeling is that the answer is no as this is a process issue.

Q: What is the criteria for awarding UC?

A: UC will be awarded to anybody who is entitled to claim income-based Jobseeker's Allowance (JSA), Housing Benefit, Working Tax Credit, Child Tax Credit, income-related Employment and Support Allowance (ESA) and Income Support.

Q: The housing element of UC could be as little as 50 pence per week, how are tenants going to be able to afford their rent?

A: The total amount of UC (and not just the housing element) will be cut to reduce it to the maximum allowed in the Benefit Cap. If the tenant is affected they must pay the shortfall between the rent and Housing Benefit.

Q: What happens if the rent is payed direct to the landlord, would I receive 50 pence per week?

A: The feedback from social landlords is that UC is a better system, when claimants change their hours of work the claim is adjusted not stopped. People on zero hours contracts will benefit, particularly in a town such as Weston where work is mainly seasonal.

CHAIR

Gerry Laws
66 Greenhill Road
Winscombe
Somerset
BS25 5PB

Tel: (01934) 852525

VICE CHAIR

Richard Osborne
Dr Foxes
Knightstone Causeway
Weston-super-Mare
BS23 2AD

Tel: 01934 427020

SECRETARY

Clair Weber
Private Housing Services
Town Hall
Weston-super-Mare
Somerset
BS23 1UJ

Tel: (01275) 888155

6. Lisa Osborn – Upcoming changes to housing legislation

The Housing and Planning Act 2016 has introduced measures allowing local authorities to tackle rogue landlords and property agents more effectively. Some of the measures include the issue of a civil penalty for a housing related offence, extension to rent repayment orders to cover illegal eviction, banning orders and a national database of rogue landlords and property agents convicted of certain offences.

From the 6 April 2017 local authorities can issue civil penalties of up to £30,000 as an alternative to prosecution for certain specified housing offences. (for example failure to comply with an improvement notice, or failure to licence a property). North Somerset Council are not using civil penalties at present and are currently working on a policy for civil penalties which will be available for consultation once complete.

The Department for Communities and Local Government (DCLG) have issued guidance to local authorities to ensure civil penalties are set at an appropriate level. The guidance includes considerations such as the severity of the offence, culpability and track record of the offender, the harm caused to the tenant, punishment of the offender, deter the offender from repeating the offence, deter others from committing similar offences, remove any financial benefit the offender may have obtained as a result of committing the offence.

The local authority will have to follow a process prior to a civil penalty being issued which will include serving a 'notice of intent' to impose a financial penalty. A landlord can make representations to the local authority within 28 days from when the notice was given.

For more information regarding civil penalties please visit <https://www.gov.uk/government/publications/civil-penalties-under-the-housing-and-planning-act-2016>

From the 6 April 2017 local authorities have access to tenancy deposit schemes in England. Local authorities can only use the data for a purpose connected with the exercise of their functions under parts 1-4 of the Housing Act 2004, for example improving housing conditions. The other circumstance a local authority can use the data is for the purpose of investigating whether an offence has been committed under any of those parts in relation to any premises.

Q: Why do you need tenancy deposit information?

A: The information will allow us to effectively carry out our function and focus on landlords who do not comply with the law.

CHAIR
Gerry Laws
66 Greenhill Road
Winscombe
Somerset
BS25 5PB

Tel: (01934) 852525

VICE CHAIR
Richard Osborne
Dr Foxes
Knightstone Causeway
Weston-super-Mare
BS23 2AD

Tel: 01934 427020

SECRETARY
Clair Weber
Private Housing Services
Town Hall
Weston-super-Mare
Somerset
BS23 1UJ
Tel: (01275) 888155

The Housing Act 2004 introduced rent repayment orders to cover situations such as a landlord failing to license a property that was required to be licensed. Since the 6 April 2017 rent repayment orders have been extended to cover the following offences; failure to comply with an improvement notice, failure to comply with a prohibition order, using violence to secure entry to a property and illegal eviction and harassment of the occupiers of the property.

A criminal standard of proof is required, the First-tier Tribunal must be satisfied beyond reasonable doubt that the landlord has committed the offence. The council will apply for a rent repayment order to the First-tier Tribunal, the maximum amount of rent to be re-paid is up to 12 months.

The Housing and Planning Act 2016 introduced a power for the First-tier-Tribunal to serve a banning order on a landlord or property agent. Banning orders and banning order offences are currently being discussed by the government and are expected to come into force in October 2017.

7 – Any other business

Sam Jackson gave an update on the NLCE, there are now 56 accredited landlords representing 1,300 properties. NLCE are working closely with NSC to ensure good landlords are recognised and not penalised. Contact the NLCE for information on the next accreditation day <https://www.landlordreferencing.co.uk/nlceuk/>

**Date of next meeting is Wednesday 12 July
Old Council Chamber
6:30 pm**

Please make your way in for the meeting through the main Town Hall entrance, a member of staff will come and collect you.

CHAIR

Gerry Laws
66 Greenhill Road
Winscombe
Somerset
BS25 5PB

Tel: (01934) 852525

VICE CHAIR

Richard Osborne
Dr Foxes
Knightstone Causeway
Weston-super-Mare
BS23 2AD

Tel: 01934 427020

SECRETARY

Clair Weber
Private Housing Services
Town Hall
Weston-super-Mare
Somerset
BS23 1UJ

Tel: (01275) 888155