

HOUSING & HEALTH ADVISORY COMMITTEE

Minutes of the meeting held on 1 December 2015 commencing at 7.00 pm

Present: Cllr. Lowe (Chairman)

Cllr. Parkin (Vice Chairman)

Cllrs. Mrs. Bosley, Eyre, Halford, Horwood, Parkin, Pearsall and Rosen

Apologies for absence were received from Cllrs. Dr. Canet, Gaywood, Parson and Ms. Tennessee

Cllrs. Abraham, Hogg, McGregor, Piper, Raikes, Searles and Miss. Stack were also present.

22. Minutes

Resolved: That the Minutes of the meeting of the Committee held on 22 September 2015 be approved and signed by the Chairman as a correct record.

23. Declarations of Interest

No additional declarations of interest were made.

24. Actions from Previous Meetings

There were none.

25. Update from Portfolio Holder

The Portfolio Holder's update was noted.

26. Referrals from Cabinet or the Audit Committee

There were none.

27. To note minutes of the Health Liaison Board

The unpublished draft minutes of the meeting of the Health Liaison Board held on 25 November 2015 were tabled, which the Committee noted. The Chairman of the Health Liaison Board advised that there had been a good presentation from both Clinical Commissioning Groups (CCGs) which linked well with the Council's own priorities. There had been a good discussion with regards to the Council's own health priorities and how they could be absorbed within all the Council's activities.

28. Work Plan

The work plan was noted.

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29. West Kent Housing Association

The Chairman welcomed Colin Wilby Chairman of the Board of Management, and Deborah White Housing and Communities Director of West Kent Housing Association (WKHA). Members had submitted some questions in advance which had been forwarded to West Kent Housing prior to the meeting. A fuller response to questions answered by the WKHA was [given](#) to Members after the discussion.

- How do you deal with tenant's anti-social behaviour?

The Housing and Communities Director advised that there were a range of different methods used to deal with tenant's anti social behaviour which included: encouraging neighbours to talk and to take responsibility, for example by logging everything; depending on the severity of the situation there was mediation and restorative justice with a view to change behaviour. If nothing worked then they had the power to apply for an eviction as had mandatory grounds to now, however even then it had to be proved to a judge that it was reasonable and proportionate and all other routes had been exhausted. This year, from January to November 2015, 307 cases had been closed out of 315 reports. Some as there had been no evidence or had been withdrawn. In 2014 three people had been evicted due to anti sociable behaviour. This was a big step and judges did not do it lightly. In response to a question she advised that a community impact assessment was always completed, but a court order order was still required for a conviction. Cases which had been successful were where the evidence had been supported by neighbours as this had a good impact on the judge.

In response to a question on follow up practices, she advised that they encouraged people not to give up on filling out log sheets even though it could be disheartening. It was not a quick process and they tried to support people. Procedure should be followed and it should be agreed with the complainant how they were to be contacted, in what format and how often they were to be kept up to date. Unfortunately the amount of information possible to relay was subject to the Data Protection Act and this could also cause frustration

In response to question she replied that there was no mechanism for instant eviction even for a serious criminal conviction. An application could not be made until conviction and they would still have to follow the same eviction procedure.

- Are your responsibilities for dealing with anti-social behaviour detailed in any policies or tenancy agreements?

Within the tenancy agreement there was a section on the use of the property and nuisance and harassment. The tenancy agreement was what was used to demonstrate any breach of tenancy.

- Do all new tenants have a starter tenancy and can this be extended? How many tenants on average per annum, with starter tenancies are not given assured tenancies?

The Housing and Communities Director reported that all new tenants who had never been one before, were given a starter tenancy, which was fixed for 12 months, and reviewed during that period and automatically transferred to a fixed tenancy at the end of

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that period. In 2014 there had been 216 starter tenancies, 14 had been extended and 4 ended. She reported that behaviour was often good during this starter period but that it was not always an indication of ongoing good behaviour. During the 12 month period the starter tenancy was reviewed at 3, 7 and 9 months. Again the same eviction procedures applied and a tenant could end up living in the property for a number of years before the eviction was approved by the courts. By law they had to give 2 months notice of requiring possession.

In response to a question on how the eviction process was funded, she advised that they asked for costs, but these were rarely received even if awarded, and on top of that there was the cost of arrears, so it was mainly funded out of rents.

The 12 month period was laid down in legislation.

- Will your new business model (rent capping/RTB) include fixed term tenancies of say 5 years?

The Housing and Communities Director reported that they had some Fixed Term Tenancies but only in certain situations and it was not something they planned to introduce. In their view it was a question of giving tenants the opportunity to invest in their community and home, but was something that would be reviewed as they would need to look at the wider impact of Fixed Term Tenancies, and the possible knock on consequences. West Kent Housing said they were happy to have a dialogue with Members as to their perceived benefit of Fixed Term Tenancies, and to look at what Members were trying to achieve but were not sure at the moment whether the benefits of Fixed Term Tenancies outweighed the current process.

The Chairman affirmed that the Advisory Committee wanted West Kent Housing to know that they believed in Fixed Term Tenancies as a mechanism to help keep the register more fluid and to aid evictions for anti social behaviour and wanted West Kent Housing to hear their voice on this.

- How many are on the Register and what is average waiting time?

The Housing and Communities Director reported that there were currently 710 applicants on the waiting list. It was noted that the list would be looked at in the Members' workshop following the meeting. Members asked why people were allowed to refuse offered accommodation, and it was advised that they were choice based lettings and if they refused more than twice they lost priority within the band they were on.

- How will you manage the new right to buy legislation? And how will you replenish your stock? Due to Planning constraints in the district will this increase the number of future developments outside the district?

The Housing and Communities Director reported that they had already sold just less than 1500. Each property sold had to be replaced but it may not be possible within the district as there was just not the available land.

THE MEETING WAS CONCLUDED AT 7.53 PM

CHAIRMAN