

ASHFIELD DISTRICT COUNCIL



Council Offices,
Urban Road,
Kirkby in Ashfield
Nottingham
NG17 8DA

Agenda

Scrutiny Panel A

Date: **Thursday, 18th February, 2021**

Time: **7.00 pm**

Venue: **[Ashfield District Council's YouTube Channel](#)**

For any further information please contact:

Lynn Cain

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01623 457317

SCRUTINY PANEL A

Membership

Chairman: Councillor Dave Shaw
Vice-Chairman: Councillor Caroline Wilkinson

Councillors:
Jim Blagden
Lauren Mitchell
David Walters

Trevor Locke
Warren Nuttall

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SUMMONS

You are hereby requested to attend a meeting of the Scrutiny Panel A to be held at the time and on the date mentioned above for the purpose of transacting the business set out below.



Carol Cooper-Smith
Chief Executive

AGENDA

Page

- 1. To receive apologies for absence, if any.**
- 2. Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests.**
- 3. To receive the minutes of the meeting of the Panel held on 19 November 2020.** 5 - 10
- 4. Scrutiny Review: Veterans and Service Personnel.** 11 - 16
- 5. Scrutiny Review: Tenancy Support.** 17 - 26

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SCRUTINY PANEL A

Virtual Meeting held on Thursday, 19th November, 2020 at 7.00 pm

Present: Councillor Dave Shaw in the Chair;

Councillors Jim Blagden, Trevor Locke,
Warren Nuttall, John Smallridge and
David Walters.

Apology for Absence: Councillor Lauren Mitchell.

Officers Present: Lynn Cain, Mike Joy, Gillian Welch and
Shane Wright.

In Attendance: Councillor Dale Grounds.
Mark Leek (Operations Manager for Forces
within the Community Charity).

SA.20 Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests.

Councillor Jim Blagden, Councillor David Walters and Gillian Welch all declared Non Disclosable Pecuniary/Other Interests in relation to their previous service within the Armed Forces.

SA.21 Minutes

RESOLVED

that the minutes of the meeting of the Panel held on 22 September 2020, be received and approved as a correct record.

SA.22 Scrutiny Review: Veterans and Service Personnel

The Scrutiny Research Officer introduced the report and reminded the Panel that at the last meeting it had been agreed to commence work on an Armed Forces Welcome Pack. Contained in the report were some key sections and information that would be included in the Welcome Pack for Members to consider as required.

The report also highlighted case studies from Wrexham Borough Council and the City of York and some e-learning opportunities as developed by the Coventry, Solihull, and Warwickshire Armed Forces Covenant partnership in the form of two modules focused on the Armed Forces Covenant, Housing and Homelessness targeting particular audiences and needs.

The Service Manager, Scrutiny and Democratic Services welcomed the Council's Senior Community Engagement Officer, Gillian Welch, to the

meeting and advised that the work of the Panel would be building on all the previous work undertaken by Gillian, to form relationships with the local Armed Forces community and for the Council to sign up to the Armed Forces Covenant.

Work had been undertaken to raise the profile of the Armed Forces Covenant amongst the Council's employees which had included a previous questionnaire to establish any potential links with the Armed Forces through such employees and any serving relatives.

Discussions had been held at the last meeting with Mark Leek, the founder of the Kirkby in Ashfield Veterans Breakfast Club, to see how the Council might assist leavers, ex-servicemen and veterans as they adapt to civilian life. Caution was expressed however that expectations needed to be managed for both the Panel and ex-servicemen in relation to what could realistically be achieved by the Council and what value could be positively added to any transition into civilian life.

The Council's financial budgets continued to be restrained and therefore any recommendations from the Panel to Cabinet would be better focussed on ensuring employees were well trained and able to offer knowledgeable support as required. It was also paramount that the Council continued to commit to good practice as developed by the Senior Community Engagement Officer and as recommended through the Armed Forces Covenant.

The Senior Community Engagement Officer took the opportunity to address the Panel and firstly explained the concept of the Armed Forces Covenant (AFC) as a formal pledge to ensure that those who serve, or have served in the Armed Forces and their families, were treated fairly which involved government, local authorities, businesses and charities alike.

Organisations were asked to sign the AFC to confirm publicly that they recognised the value that serving personnel, Regular and Reservists, Veterans and military families contributed to our country. Ashfield District Council signed the AFC alongside all Nottinghamshire authorities in November 2018.

This then opened up an opportunity for the Council to apply for the Bronze Award (Intent) from the Defence Employer Recognition Scheme (ERS) which was successfully awarded to the Council on 3 April 2019. Attendance by the Senior Community Engagement Officer at the 'Bringing the Armed Forces to Life' officer training on 4 April 2019, then led to the Council achieving the Silver (Demonstrate) Award on 1 August 2019.

A webpage was also developed on the Council's website highlighting the Council's commitment to the AFC and Defence Employment Recognition Scheme (ERS) and also the support available to ex-servicemen for signposting to key organisations. A case study demonstrating how the Council achieved the ERS Silver award was also highlighted on the webpage.

The Defence Employment Recognition Scheme recognised commitment and support from UK employers for Defence Personnel. The scheme comprised bronze, silver and gold awards for employers who support those who serve or have served in the Armed Forces and their families.

The Council was currently working towards achieving the Gold award and it was hoped that a nomination might be forthcoming in early 2021. To achieve the Gold award the Council had to demonstrate the following:

- must have signed the Armed Forces Covenant;
- employers must have an existing relationship with their National Account Manager/REED/appropriate defence representative;
- the employer should already be demonstrating support by receiving an ERS Silver Award;
- the employer must proactively demonstrate their forces-friendly credentials as part of their recruiting and selection processes. Where possible, they should be engaged with Career Transition Partnership (CTP) in the recruitment of service leavers and have registered for the Forces Families Job (FFJ) portal;
- employers must employ at least one individual from the armed forces community category that the nomination emphasises. For example, an employer nominated for support to the Reserves must employ at least one Reservist;
- the employer must actively ensure that their workforce is aware of their positive policies towards defence people issues. For example, an employer nominated for support to the Reserves must have an internally publicised and positive human resources policy on Reserves;
- the employer must be an exemplar within their market sector, advocating support to defence people issues to partner organisations, suppliers and customers with tangible positive results;
- within the context of Reserves the employer must have demonstrated support to mobilisations or have a framework in place. They must provide at least 10 days' additional leave for training, fully paid, to the Reservist employee;
- the employer must not have been the subject of any negative public relations or media activity'.

The Council was well on its way to achieving, or had achieved, many of the above criteria and the Council's Human Resources Team were currently working on a draft Reservist's Policy having liaised with union representatives as appropriate.

Many Forces events were funded and arranged by the Council (i.e. D-Day 75th Anniversary 6 June 2020, Armed Forces Week and Reserves Day, Merchant Navy Day - 80 years since start of WWII 3 September 2020, VE Day, VJ 75 Day, Addison Act Homes for Heroes 100 years' Hucknall celebration) and its case study has been profiled by Charnwood, Melton and Rushcliffe Borough Councils.

To conclude, it was suggested that a positive next step might be to designate and train Armed Forces representatives within each section of the Council. This would then increase the expertise and support available across the Council, thus ensuring that the knowledge and workload was not left to one Lead Officer as per current arrangements.

Members took the opportunity to debate the issue and commented that the Armed Forces Welcome Pack would be a welcome addition to the support being offered to ex-servicemen and their families within Ashfield.

It was however acknowledged by the Panel that the Council were already undertaking some excellent programmes of support for ex-servicemen and that this should be commended. There was clear and helpful information available on the Council's website particularly in relation to housing requirements and opportunities.

Following a question from a Panel Member in relation to how other local neighbouring authorities were offering support to the Armed Forces, the Senior Community Engagement Officer advised that most were at much the same stage as Ashfield District Council although Bassetlaw had produced an excellent 'Support for the Armed Forces Community' Welcome Pack that was well worth a look.

Mark Leek, in attendance at the meeting, spoke to the Panel and thanked the Senior Community Engagement Officer for her ongoing commitment towards the Armed Forces and its members. The Welcome Pack was an excellent step forward for the Council and ongoing partnership working was the key to ensuring the necessary support and guidance was available to ex-servicemen making their way back into civilian life.

The Chairman took the opportunity to thank Gillian Welch and Mark Leek for being in attendance at the meeting and for their insightful contributions towards the review.

To draw the meeting and debate to a conclusion, the Service Manager, Scrutiny and Democratic Services made some suggestions for possible recommendations to Cabinet as follows:

- to further explore the possibility of expanding the e-training modules regarding the Armed Forces Covenant, Housing and Homelessness for frontline staff, across all sections of the Council;
- to commend the work undertaken so far by the Council's Senior Community Engagement Officer in supporting the Ashfield Armed Forces community;
- to explore the potential to designate an Armed Forces representative in each section of the Council;
- to further expand a dedicated Armed Forces section on the Council's website;

- to support and continue to commit to achieving the Gold award through the Defence Employee recognition Scheme;
- to continue to develop a robust and purposeful Reservist Policy to assist and support employees as required;
- to commit to increasing awareness across the Council and embedding ongoing support for the local Armed Forces community within the Council's Corporate Plan.

RESOLVED that

- (a) a draft Armed Forces Welcome Pack and a finalised set of draft recommendations for Cabinet, be presented to the next meeting of the Panel for consideration and approval as appropriate;
- (b) in conjunction with (a) above, the content/sections of the Armed Forces Welcome Pack, as outlined in the report, be approved in principle.

The meeting closed at 8.02 pm

Chairman.

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Report To:	SCRUTINY PANEL A	Date:	18 FEBRUARY 2021
Heading:	SCRUTINY REVIEW: VETERANS AND SERVICE PERSONNEL		
Portfolio Holder:	NOT APPLICABLE		
Ward/s:	ALL		
Key Decision:	NO		
Subject to Call-In:	NO		

Purpose of Report

The purpose of this report is to present Scrutiny Panel A Members with a set of final recommendations to be approved for presentation to a future meeting of Cabinet as part of a final report. The draft set of recommendations within this report were discussed and formulated at the previous meeting of Scrutiny Panel A.

Recommendation(s)

Scrutiny Panel A Members are recommended to:

- a. Approve the draft set of recommendations detailed in this report for presentation to a future meeting of Cabinet as part of a final report.
- b. Consider any recommendations not listed in this report to be approved for presentation to a future meeting of Cabinet as part of a final report.

Reasons for Recommendation(s)

Veterans and Service Personnel was added to the Scrutiny Workplan 2020/21 at the July 2020 meeting of the Overview and Scrutiny Committee.

Alternative Options Considered

No alternative options have been considered.

Detailed Information

DRAFT RECOMMENDATIONS

See below draft recommendations discussed at the previous meeting of Scrutiny Panel A. Note that the final report presented to Cabinet will include all information considered by the Panel during this review as well as expanded background information on each approved recommendation.

Cabinet be recommended to:

- a. *Further explore the possibility of expanding the e-training modules regarding the Armed Forces Covenant, Housing and Homelessness for frontline staff, across all sections of the Council.*

Members were made aware of several e-learning opportunities that could be made available to relevant Council Staff and agreed that further training is vital to ensure staff can help support the Armed Forces Community.

The currently available training modules include:

- Module 1: The Armed Forces Covenant for Frontline Staff
- Module 2: Housing, Homelessness, and the Armed Forces Covenant

Members have also stated that similar e-learning/training opportunities will be valuable for Elected Members to undertake.

- b. *Commend the work undertaken so far by the Council's Senior Community Engagement Officer in supporting the Ashfield Armed Forces community.*

Following discussions held with the Council's Senior Community Engagement Officer as part of the review process, Members came to understand the breadth of work undertaken so far to support the Armed Forces Community and to achieve the Silver Employer Recognition Award. Panel Members recommend that this work be commended.

- c. *Explore the potential to designate an Armed Forces representative in each section of the Council.*

The Panel recommends that each service area have an armed forces representative to ensure that the Council has sufficiently trained officers to support service delivery regarding the Armed Forces Community. This includes staff training, advice and ensuring that each area remains informed on all relevant social data. Providing a network of representatives also ensures that the Council has a unified approach to sharing relevant information within different service delivery points to improve the lives of armed forces veterans and ensure that they receive the appropriate support.

- d. *Support and continue to commit to achieving the MoD Gold Employer Recognition Award through the Defence Employee Recognition Scheme.*

The Defence Employment Recognition Scheme recognises the commitment and support from UK employers for Defence Personnel. The scheme comprises bronze, silver and gold awards for employers who support those who serve or have served in the Armed Forces and their families.

The Council is currently working towards achieving the Gold award and it is hoped that a nomination might be forthcoming in early 2021. To achieve the Gold award the Council must demonstrate the following:

- must have signed the Armed Forces Covenant.
 - employers must have an existing relationship with their National Account Manager/REED/appropriate defence representative.
 - the employer should already be demonstrating support by receiving an ERS Silver Award.
 - the employer must proactively demonstrate their forces-friendly credentials as part of their recruiting and selection processes. Where possible, they should be engaged with Career Transition Partnership (CTP) in the recruitment of service leavers and have registered for the Forces Families Job (FFJ) portal.
 - employers must employ at least one individual from the armed forces community category that the nomination emphasises. For example, an employer nominated for support to the Reserves must employ at least one Reservist.
 - the employer must actively ensure that their workforce is aware of their positive policies towards defence people issues. For example, an employer nominated for support to the Reserves must have an internally publicised and positive human resources policy on Reserves.
 - the employer must be an exemplar within their market sector, advocating support to defence people issues to partner organisations, suppliers, and customers with tangible positive results.
 - within the context of Reserves the employer must have demonstrated support to mobilisations or have a framework in place. They must provide at least 10 days' additional leave for training, fully paid, to the Reservist employee.
 - the employer must not have been the subject of any negative public relations or media activity'.
- e. *Continue to develop a robust and purposeful Reservist Policy to assist and support employees as required.*

The development of a robust and purposeful Reservist Policy is essential for supporting employees and to meet one of the criteria set out within the Defence Employer Recognition Scheme as the Council continues to work towards the Gold Award.

- f. *Commit to increasing awareness across the Council and embedding ongoing support for the local Armed Forces Community within the Council's Corporate Plan.*

The Corporate Plan sets out the Council's key ambitions and priorities for the period 2019 – 2023 as approved by Cabinet and endorsed by Council. Scrutiny Panel A Members recommend that the Corporate Plan should include reference to supporting the local Armed Forces Community as a commitment to increasing awareness across the Council and embedding support for the Armed Forces Community into the Council's priorities and objectives.

- g. *Develop an Armed Forces Welcome Pack designed to support the Armed Forces Community with the transition to civilian life in Ashfield.*

Throughout this review, Members have discussed the benefits of the Council producing a 'Welcome Pack' designed for those who have served in the armed forces or family members of someone who has served in the armed forces.

Members previously agreed that the pack should include the following key information:

- Introduction (who the document is for)
- Foreword from the Council’s Armed Forces Champion
- Housing – buying a home, renting a home, homelessness, electoral registration
- Employment – signposting, starting your own business, volunteering
- Health – signposting, domestic abuse
- Benefits & Taxes – general money management advice
- Community Safety
- Leisure and Tourism
- Service charities – details of charities that can offer advice, support, or practical help

NEXT STEPS

Once the Panel has approved a set of recommendations, work will be undertaken, in conjunction with the Chairman, to produce a final report to Cabinet. The final report will summarise the information considered by the Panel through the course of the review, as well as the evidence and rationale for each recommendation. The Panel will be updated once the report is presented to Cabinet.

Implications

Corporate Plan:

The Scrutiny Panel A review of Veterans and Service Personnel has aligned with the Council’s key priorities set out within the Corporate Plan 2019-2023:

- The Council exists to serve the communities and residents of Ashfield
- The Council will provide good quality, value for money services
- The Council will act strategically and plan working with others to bring about sustainable improvements in people’s lives

Legal:

There are no direct legal implications resulting from this report. Any legal implications identified over the course of this review will be explored and addressed appropriately.

Finance:

There are no direct financial implications resulting from this report. Any financial implications identified over the course of this review will be explored and addressed appropriately.

Budget Area	Implication
General Fund – Revenue Budget	None.
General Fund – Capital Programme	
Housing Revenue Account – Revenue Budget	
Housing Revenue Account – Capital Programme	

Risk:

Risk	Mitigation
None at this stage.	None at this stage.

Human Resources:

There are no direct HR implications resulting from this report. Any HR implications identified over the course of this review will be explored and addressed appropriately.

Environmental/Sustainability:

There are no direct environmental or sustainability implications resulting from this report. Any environmental or sustainability implications identified over the course of this review will be explored and addressed appropriately.

Equalities:

There are no direct equality implications resulting from this report. Any equality implications identified over the course of this review will be explored and addressed appropriately.

Other Implications:

There are no other implications resulting from this report. Any other implications identified over the course of this review will be explored and addressed appropriately.

Reason(s) for Urgency

None.

Reason(s) for Exemption

None.

Background Papers

None.

Report Author and Contact Officer

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Report To:	SCRUTINY PANEL A	Date:	18 FEBRUARY 2021
Heading:	SCRUTINY REVIEW: TENANCY SUPPORT		
Portfolio Holder:	NOT APPLICABLE		
Ward/s:	ALL		
Key Decision:	NO		
Subject to Call-In:	NO		

Purpose of Report

Tenancy Support was added as a topic to the Scrutiny Workplan 2020/2021 at the November 2020 meeting of the Overview and Scrutiny Committee. The purpose of this report is to introduce the topic to Members and begin planning out the review process by establishing terms of reference. Included in this report is some information on tenancies from the Council's website and the Government's protocol for possession claims by social landlords.

Recommendation(s)

Scrutiny Panel A Members are recommended to:

- a. Note the information contained within this report.
- b. Establish terms of reference for the Scrutiny Review: Tenancy Support.

Reasons for Recommendation(s)

Tenancy Support was added as a topic to the Scrutiny Workplan 2020/2021 at the November 2020 meeting of the Overview and Scrutiny Committee.

Alternative Options Considered

No alternative options have been considered.

Detailed Information

INFORMATION FOR TENANTS

Various information is made available on the Council's website under the housing section regarding tenancies. Please see the information below:

Your Tenancy

When you become a tenant, you will be given a tenancy agreement which sets out our responsibilities as your landlord, and your responsibilities as our tenant. You can find all the details of your tenancy in the tenant portal.

Types of Tenancy

There are two types of tenant:

- **Introductory Tenancy**

If you have not been a council tenant before you will be given an introductory tenancy.

This is a temporary tenancy that lasts for 12 months. It means you have fewer rights than a secure tenant. It also means it is easier for us to evict you if we need to.

Your tenancy will be reviewed at regular intervals to ensure that you are conducting your tenancy in a satisfactory manner. If you breach your tenancy, we may extend this period by another 6 months.

- **Secure Tenancy**

All introductory tenants will automatically become secure tenants on the first anniversary of the date of the start of their tenancy. This only happens if they have conducted their tenancy in a satisfactory manner.

A secure tenancy gives you more rights.

Rights and Responsibilities

As your landlord we have some rights and responsibilities and as a tenant you have rights and responsibilities too. Your tenancy agreement will set these out for you.

Your Rights

As a tenant you have the right:

- to be consulted about the way we manage your property and any changes that may be made
- to make alterations or improvements with our written permission
- to live in the property as your principle home
- to exercise your legal rights as a tenant
- to have any repairs that are our responsibility carried out
- to take on a lodger as long as we have granted permission. We will take into consideration the house make-up and the capacity of your home.

Your Responsibilities

As a tenant you have the responsibility:

- to pay your rent and other charges on time
- to keep the inside of your home and your garden in a satisfactory condition
- to ensure your household/visitors/pets do not cause nuisance to your neighbours
- to give us access to complete any repairs, annual service works or to allow employees and contractors to go about their duties
- to raise awareness of repairs needed. Not to alter the property without written consent. Inform us of any struggles you face with your tenancy, so we can signpost you to the relevant support agencies
- to adhere to your tenancy conditions to prevent court action being taken against you.

Our Rights

As a landlord we have the right:

- to request access to the property to carry out inspection or repairs. We will give you reasonable notice of our intention, unless it is an emergency
- ask the courts to end your tenancy if you break the conditions of your tenancy agreement.

Our Responsibilities

As a landlord we have the responsibility:

- to consult with you about important changes to the management of your tenancy
- to deal with your complaints
- to maintain service standards
- to ensure the tenancy agreement is being adhered to at all times
- to act on any repairs that are our responsibility.

PRE-ACTION PROTOCOL FOR POSSESSION CLAIMS BY SOCIAL LANDLORDS

In adding this topic to the workplan, Members expressed an interest in understanding the procedures the Council must follow regarding evictions.

Please see below the Government procedure for social landlord evictions.

The Government have set out a Pre-Action protocol that describes the actions the Council, as social landlords, must take before issuing a possession claim against a tenant. This came into force on 13 January 2020.

Part 1: Aims and Scope of the Protocol

This Protocol applies to residential possession claims in England and Wales brought by social landlords (such as local authorities and housing associations). This Part sets out the aims and scope of the protocol. Part 2 relates to claims which are based solely on rent arrears. Part 3 applies to claims brought by social landlords where the court must, in principle, grant possession and where s89(1) Housing Act 1980 applies. The protocol does not apply to claims in respect of long leases.

Part 2 reflects the guidance on good practice given to social landlords in the collection of rent arrears. It recognises that it is in the interests of both social landlords and tenants to ensure that rent is paid promptly and that difficulties are resolved, wherever possible, without court proceedings.

Part 3 seeks to ensure that, in cases where human rights, public law or equality law matters are or may be raised, the necessary information is before the Court at the first hearing so that issues of proportionality may be dealt with summarily, if appropriate, or that appropriate directions for trial may be given.

The aims of the protocol are:

- a. to encourage more pre-action contact and exchange of information between landlords and tenants.
- b. to enable the parties to avoid litigation by settling the matter, if possible; and
- c. to enable court time to be used more effectively if proceedings are necessary.

Courts should take into account whether this protocol has been followed when considering what orders to make. Social landlords should also comply with guidance issued from time to time by the Regulator of Social Housing, the Ministry for Housing, Communities and Local Government and, in Wales, the Welsh Ministers.

- a. If the landlord is aware that the tenant has difficulty in reading or understanding information given, the landlord should take reasonable steps to ensure that the tenant understands any information given. The landlord should be able to demonstrate that reasonable steps have been taken to ensure that the information has been appropriately communicated in ways that the tenant can understand.
- b. If the landlord is aware that the tenant is particularly vulnerable, the landlord should consider at an early stage—
 - I. whether or not the tenant has the mental capacity to defend possession proceedings and the extent to which CPR 21 applies;
 - II. whether or not any issues arise under the Equality Act 2010; and
 - III. in the case of a local authority landlord, whether or not there is a need for a community care assessment in accordance with the Care Act 2014.

Part 2: Possession Claims Based Upon Rent Arrears

Initial contact

If the tenant falls into arrears, the landlord should contact the tenant, as soon as reasonably possible, to discuss: the cause of the arrears; the tenant's financial circumstances; the tenant's entitlement to benefits; and repayment of the arrears. Where contact is by letter, the landlord should write separately to each named tenant.

The landlord and tenant should try to agree affordable sums for the tenant to pay towards the arrears, based upon the tenant's income and expenditure (where such information has been supplied in response to the landlord's enquiries). The landlord should clearly set out, in pre-action correspondence, any time limits with which the tenant should comply.

The landlord should provide, on a quarterly basis, rent statements in a comprehensible format showing rent due and sums received for the past 13 weeks. The landlord should, upon request,

provide the tenant with copies of rent statements in a comprehensible format, from the date when arrears first arose, showing all amounts of rent due, the dates and amounts of all payments made (whether through housing benefit, discretionary housing payments or directly by the tenant) and a running total of the arrears.

If the tenant meets the appropriate criteria, the landlord should apply for arrears to be paid by the Department for Work and Pensions ['DWP'] by deductions from the tenant's benefit.

The landlord should offer to assist the tenant in any claim that the tenant may have for housing benefit, discretionary housing payments or universal credit (housing element).

Possession proceedings for rent arrears should not be started against a tenant who can demonstrate that –

- a. the local authority or DWP have been provided with all the evidence required to process a housing benefit or universal credit (housing element) claim.
- b. there is a reasonable expectation of eligibility for housing benefit or universal credit (housing element); and
- c. they have paid other sums due that are not covered by housing benefit or universal credit (housing element).

The landlord should make every effort to establish effective ongoing liaison with housing benefit departments and the DWP and, with the tenant's consent, make direct contact with the relevant housing benefit department or DWP office before taking enforcement action.

The landlord and tenant should work together to resolve any housing benefit or universal credit (housing element) problems.

Bearing in mind that rent arrears may be part of a general debt problem, the landlord should advise the tenant to seek assistance from citizens advice bureaux, debt advice agencies or other appropriate agencies as soon as possible. Information on debt advice is available on the Money Advice Service website.

After service of statutory notices

After service of a statutory notice, but before the issue of proceedings, the landlord should make reasonable attempts to contact the tenant to discuss: the amount of the arrears; the cause of the arrears; repayment of the arrears; and the housing benefit or universal credit (housing element) position. The landlord should send the tenant a copy of this protocol.

If the tenant complies with an agreement to pay the current rent and a reasonable amount towards arrears, the landlord should agree to postpone issuing court proceedings for so long as the tenant keeps to such agreement. If the tenant ceases to comply with such an agreement, the landlord should warn the tenant of the intention to bring proceedings and give the tenant clear time limits within which to comply again and avoid proceedings.

Alternative dispute resolution

The parties should consider whether it is possible to resolve the issues between them by discussion and negotiation without recourse to litigation. The parties may be required by the court to provide evidence that alternative means of resolving the dispute were considered. Courts take the view that

litigation should be a last resort, and that claims should not be issued prematurely when a settlement is still actively being explored.

The Civil Justice Council and the Judicial College have endorsed The Jackson ADR Handbook by Susan Blake, Julie Browne, and Stuart Sime (2013, Oxford University Press). The Citizens Advice Bureaux website also provides information about ADR:

- the Civil Mediation Council
- the Citizens Advice website

Court proceedings

Not later than ten days before the date set for the hearing of the possession claim, the landlord should—

- a. provide the tenant with up-to-date rent statements; and
- b. disclose what knowledge it possesses of the tenant's housing benefit or universal credit (housing element) position to the tenant.

The landlord should inform the tenant of the date and time of any court hearing and provide an up-to-date rent statement and the terms of the order that will be applied for. The landlord should advise the tenant to attend the hearing as the tenant's home is at risk. Records of such advice should be kept.

If the tenant complies with an agreement made, after the issue of proceedings, to pay the current rent and a reasonable amount towards arrears, the landlord should agree to adjourn the court proceedings for so long as the tenant keeps to such agreement.

If the tenant ceases to comply with such agreement, the landlord should warn the tenant of the intention to restore the proceedings and give the tenant clear time limits within which to comply again and avoid restoration of the proceedings.

If the landlord unreasonably fails to comply with the terms of this protocol, the court may make one or more of the following orders—

- a. an order for costs.
- b. an order adjourning the claim; or
- c. an order striking out or dismissing the claim (other than a claim based on a mandatory ground).

If the tenant unreasonably fails to comply with the terms of this protocol, the court may take such failure into account when considering whether it is reasonable to make a possession order.

Part 3: Mandatory Grounds for Possession

This Part applies in cases where, if a social landlord proves its case, the court must, in principle, grant possession and where s.89(1) Housing Act 1980 applies

Before issuing any such possession claim a social landlord—

- a. should write to the occupants explaining why it currently intends to seek possession and requiring the occupants, within a specified time, to notify the landlord in writing of any personal circumstances or other matters which they wish to have taken into account. In appropriate cases, such a letter could accompany any notice to quit or notice seeking possession and so would not necessarily delay the issue of proceedings; and
- b. should consider any representations received and, if they decide to proceed with a claim for possession, give brief written reasons for doing so.

The social landlord should include with its claim form, or in any witness statement filed under CPR 55.8(3), a schedule stating—

- a. whether it has (by a statutory review procedure or otherwise) invited the defendant to make representations of any personal circumstances or other matters which they wished to be taken into account before the social landlord issued the proceedings.
- b. if representations were made, whether and how they were considered and with what outcome; and
- c. brief reasons for bringing proceedings.

Copies of any relevant documents which the social landlord wishes the court to consider in relation to the proportionality of the landlord's decision to bring the proceedings should be attached to the schedule.

TERMS OF REFERENCE

Terms of reference are a simple set of criteria to be considered and discussed at the outset of a review. Establishing terms of reference is a useful tool for structuring a review and ensuring tangible outcomes can be achieved. Please see below some suggestions review terms of reference:

Review Objectives

- Gain a full understanding of all aspects of tenancy support offered by the Council
- Understand the process for evictions
- Understand how the COVID-19 pandemic has impacted tenancy support

Methodology

- Understanding key legislation
- Working with Officers to understand support measures
- Best practice examples from other authorities

Key Information

- Council policy documents, such as the Tenancy Policy
- Legislation/Government guidance documents
- Details of Council support initiatives

Key Involvement

- Housing Officers
- Portfolio Holder for Housing

Implications

Corporate Plan:

The Council's Corporate Plan 2019 – 2023 sets out key priorities and ambitions to be achieved over the coming years. Under the Homes and Housing vision, the following desired outcomes are set out:

- Assist tenants with welfare and monetary advice to increase tenancy sustainment
- Maintain and increase positive preventative action
- Increase tenancy sustainment by offering appropriate tenancy support

Legal:

Panel Members will explore the legislative requirements the Council must adhere to regarding all aspects of tenancy support as part of the review process.

Finance:

There are no direct financial implications resulting from this report. Any financial implications identified over the course of this review will be explored and addressed appropriately.

Budget Area	Implication
General Fund – Revenue Budget	None.
General Fund – Capital Programme	
Housing Revenue Account – Revenue Budget	
Housing Revenue Account – Capital Programme	

Risk:

No risks have been identified at this stage of the scrutiny review process.

Risk	Mitigation
None.	None.

Human Resources:

There are no HR implications resulting from this report. Any HR implications identified over the course of this review will be explored and addressed appropriately.

Environmental/Sustainability

There are no environmental/sustainability implications resulting from this report. Any environmental/sustainability implications identified over the course of this review will be explored and addressed appropriately.

Equalities:

There are no equalities implications resulting from this report. Any equalities implications identified over the course of this review will be explored and addressed appropriately.

Other Implications:

There are no other implications resulting from this report. Any other implications identified over the course of this review will be explored and addressed appropriately.

Reason(s) for Urgency

None.

Reason(s) for Exemption

None.

Background Papers

None.

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