



## **Community Housing Cymru (CHC) Response to ‘A New Mandatory Power of Possession for Anti-Social Behaviour’**

### **1.0 About Us:**

Community Housing Cymru (CHC) is the representative body for housing associations and community mutuels in Wales, which are all not-for profit organisations. Our members provide over 136,000 homes and related housing services across Wales. In 2010/11, our members directly employed 6,500 people and spent over £800m in the Welsh economy. Our members work closely with local government, third sector organisations and the Welsh Government to provide a range of services in communities across Wales.

#### **Our objectives are to:**

- Be the leading voice of the social housing sector.
- Promote the social housing sector in Wales.
- Promote the relief of financial hardship through the sector's provision of low cost social housing.
- Provide services, education, training, information, advice and support to members.
- Encourage and facilitate the provision, construction, improvement and management of low cost social housing by housing associations in Wales.

#### **Our vision is to be:**

- A dynamic, action-based advocate for the not-for-profit housing sector.
- A ‘member centred’ support provider, adding value to our members’ activities by delivering the services and advice that they need in order to provide social housing, regeneration and care services.
- A knowledge-based social enterprise.

Last year CHC formed a group structure with Care & Repair Cymru and the new Centre for Regeneration Excellence Wales in order to jointly champion not-for-profit housing, care and regeneration.

## 2.0 Our Response

### 2.1 General Comments

Eviction is a last resort for landlords in a very small percentage of cases to stop those perpetrators of anti-social behaviour severely affecting the lives of their neighbours and local community. Our members work hard on many prevention measures and eviction really is seen as a very last resort. However, this process is often bound by very serious delays.

Community Housing Cymru welcomes the opportunity to respond to this consultation and would encourage attempts to speed up the process in cases where serious and persistent anti-social behaviour is proven. In cases such as these, a long and drawn out process can inflict further suffering on the victims of the anti-social tenants. Experience from our members suggests that when eviction is used, it is taking far too long to resolve such cases.

As the consultation document shows, it is clear that social housing providers in Wales rarely use possession proceedings with only 84 outright possession orders of anti-social behaviour during 2009/10<sup>1</sup> which equates to 0.03% of tenants. During 2010/11 our members spent £425.4m on community regeneration<sup>2</sup> and associations undertook a range of positive action, prevention and early intervention work.

The onus behind the attempt to increase the speed of the possession by a new mandatory power of possession is supported on the whole by Community Housing Cymru. Our members will continue to demonstrate that any decision to gain possession of a property is justified and proportionate.

The new powers may speed up the process in the most serious incidents of anti social behaviour, but how well it works in practice does very much depend on the view of the courts. We feel that in terms of landlords testing proportionality as part of this case

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<sup>1</sup> The Housing Associations of Wales: Measuring the Impact IV 2010/11

<sup>2</sup> The Housing Associations of Wales: Measuring the Impact IV 2010/11



management, further guidance would be a very helpful edition to the social housing sector.

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**Question 1: Do you agree that we should not amend the current discretionary ground for possession for anti social behaviour?**

Agreed.

**Question 2: Do you agree that we should construct a new mandatory power of possession this way?**

Social landlords' established complaints procedures usually allow for complainants to take their complaint to the Ombudsman for Wales, and this could add considerable time to the process.

Whilst we fully support the right of a tenant to request a review of the decision by a social landlord, an ad hoc review by an appropriate senior officer should be sufficient to avoid any unnecessary further delays.

**Question 3: Are these the right principles which should underpin a mandatory power of possession for anti-social behaviour?**

CHC agrees with the key principles.

**Question 4: Have we defined the basis for new mandatory power correctly? If not, how could we improve the definition?**

We support the three defined areas for the basis of new mandatory power where anti-social behaviour or criminal behaviour has been proven by another court.

However, the definition of the serious housing-related offence does contain the phrase 'in the locality of the property'. We would be concerned if this would exclude convictions for a serious housing-related offence which were within the community or estate.



Our members tell us that one of the key issues for them is the locality element, i.e. when someone is found guilty of a serious offence but it was committed a distance away. One of our members stated, 'We have looked at this and cannot think of a single case in the last 6 years where this additional power could be invoked.'

**Question 5: As a landlord, would you anticipate seeking possession using the mandatory power in some or all of the instances where this would be available?**

Whilst CHC is not a landlord, our members would welcome the new power to have further flexibility in dealing with anti-social behaviour cases.

**Question 6: Are there other issues related to the introduction of a mandatory power for possession for anti-social behaviour that we should consider?**

No further comments.