

## **Appendix B C&I 14 Nov 2017**

### **Progress Report: SWW - 6 month review**

#### **CASE STUDIES**

*The Housing and Communities Team offer a number of services. The Enforcement Team is actively involved in proactive and reactive work and has strong links with partners. Whilst some of the private tenants are problematic, the landlords themselves range from uneducated to criminal. There are some examples below which highlight the work the team is involved with on a daily basis.*

#### **1. Uneducated resulting in formal prosecution: Prohibition Order**

Mr A is the owner of a few properties in the South West Ward. He was served a Prohibition Order for No1 Street preventing anyone from staying there until the required works had been completed and the Council had revoked the order. Unfortunately Mr A did some works to cover the damp issues rather than dealing with them and then re let the property without the Council's knowledge. Mr A's defence was that the tenants were vulnerable, had mental health issues and he wanted to help them out. Unfortunately his breach of the order was progressed to court and he was found guilty and fined.

#### **2. Council Assistance: Problematic Tenants**

No.2 Street is managed by Agent A and the landlord was first told there was disrepair when the Police did a raid on this property which resulted in the tenant being arrested. An officer was involved as the property was in serious disrepair and the tenants had prevented the letting agents from arranging works. The immediate works were carried out to prevent serious injury to the tenants and their children. Agent A took their time with the repairs due to fear of the tenant and anger against the damage that had occurred. An officer was actively involved in arranging entry and supporting the letting agent with access to ensure the immediate hazards were addressed. Enhanced support in the very beginning would have ensured the immediate repairs were carried out in a more acceptable time.

#### **3. Council Assistance: Failure of the landlord to action their legal rights**

When a disrepair complaint is brought to our attention and we have spoken to the landlord and/or letting agent about this, a popular response is that the tenants have damaged the property. Within our team we understand the importance of educating the landlord and informing them of their legal rights. There are a number of vulnerable tenants within Gainsborough who are involved in criminal activity or are a victim of criminal activity. This impacts on housing and the landlords feel they should be supported. Unfortunately, the law states that should there be damage caused by a 3<sup>rd</sup> party, the property is maintained by the landlord. They can recoup costs back off the tenant which is not always a viable option. The only way a landlord can address this is by going to court and obtaining a possession order. Some landlords refuse to do this as there is a cost, however, the alternative is a cost to do the necessary repairs and this is not sustainable for the tenant or the landlord.

#### **4. Council Assistance: Illegal Eviction**

No.4 Street was a property in serious disrepair and the landlord was struggling to cope with the damage being caused. A notice was served on the tenant prior to him going into prison. The legal process is to apply for possession through the courts following a notice being served to the tenant. The landlord failed to follow this procedure and locked the property to prevent access. The tenant then came out of prison and attempted to get back into his house. He smashed the house up and damaged the radiator so a water leak occurred.

The managing agents were understandably upset, given the damage, however, preventing access is an offence and the managing agent should have followed the correct legal process. As a result of the leak and damage, the property was uninhabitable and the team had to make an Emergency Prohibition Order for which the owner was charged. The owner appealed the charge, however, it was not upheld.

Home Choices team became involved and secured temporary housing for the tenant and he is still undergoing intensive support from more than 1 external partner. Housing will always ensure a close link with Home Choices and the external partner agencies that work with Home Choices to provide support to our vulnerable tenants are an integral part in sustaining future tenancies and reducing incidents of anti-social behaviour as a result of substance misuse.

#### **5. Partnership working: Social Service Referral**

No.3 Street was in serious disrepair and there were safeguarding concerns. The property was being damaged by the tenant's children and Mum was struggling to cope. The landlord had been called out to the boiler and to check leaks to the toilet over 50 times in a year prior to WLDC involvement. Once an officer was involved, the ceiling in the dining room collapsed due to the water leaks and the landlord was concerned with repairing the ceiling when the leak from the toilet (he believed was as a result of the children) was continuing. It would not be cost effective for him.

The ceiling did get repaired with the assistance of WLDC officers and additional support from other services. Had the landlord been able to come to us for support earlier and explain the situation rather than suffering in silence for 12 months, the disrepair could have been addressed before it was serious and the family would have received additional support sooner.

#### **6. Domestic Abuse/Fire**

I was called to a property via the fire service. The tenant's boyfriend had set fire to the kitchen and locked her inside. She managed to escape by smashing the front window, however there wasn't adequate fire protection. The landlord said he had had problems with the tenant's partner smashing things in the house previously.

The house had to be prohibited as an emergency for which there is a charge. The landlord is not allowed to re let unless works are completed and is not sure where to start. He requires support and knowledge of the legislation to ensure when he does re let, the property is in good condition and compliant with the relevant legislation.

## **7. Hoarded Property**

I was alerted to a property that the Council had been previously involved with. The tenants are living in extremely cramped conditions due to their hoarding. Other partners cannot get involved because the tenants will not give permission and hoarding itself is not recognised as a mental health issue so the safeguarding referral has not been addressed by the Mental Health Team.

The tenant has been in the property for 20 years and it is impossible for the contractors to gain entry to carry out gas checks and to fix the damp in the bedroom. The tenants did not want the landlord to know as they are fearful that they will be asked to leave and then the hoarding situation will go elsewhere and not be resolved.

The only option currently is for the landlord is to evict them. Further intervention and time spent would ensure that the support is available for the tenants and the tenancy sustained long term. Since the introduction of the Selective Licensing Scheme the landlord has been able to obtain entry and is working closely with the family to resolve the issue of hoarding. This is being carried out in a supportive manner and without a requirement for robust enforcement which in this case would not benefit the tenant's long term, nor allow for a sustainable tenancy.

## **8. Illegal HMO and conversions**

I was alerted to a property which was seriously overcrowded, by the fire service. The team have a great working relationship with Lincolnshire Fire and Rescue and work closely to protect occupants given the differing authorities each officer has. A coordinated approach with Police, Immigration, Fire, Building Control and the Interpreting Service was initiated by the Housing Team and inspections under the Housing Act 2004 were carried out under warrant.

The complexity of the issues found and the coordination of services was difficult, however, the result benefitted the family and a criminal landlord was investigated and is now facing prosecution. Further details are withheld at this time to protect the parties involved, however, there is a strong case for the landlord to answer and the benefit of strong partnership links with internal and external partners is key to a successful approach to problematic areas of the district.

## **9. Current Prosecution**

As a result of the Selective licensing Scheme and Enforcement working together a known landlord to the council has been prosecuted for the following offences:

- 9 offences of operating a property without a licence
- Failure to comply with a S.11 and S.12 Improvement Notice under the HA2004
- Failure to comply with a S.11 Improvement Notice
- Benefit fraud – In that the Landlord is asking couples to apply for single benefit claims in the same property so that rental income of £500 is obtained
- Illegal Eviction and Harassment under the Protection from Eviction Act 1977

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