

Individual Executive Member Decision

Rent Arrears Policy and Procedure

Committee considering report:	Individual Executive Member Decision for the Rent Arrears Policy and Procedure
Date ID to be signed:	16/03/2021
Portfolio Member:	Councillor Hilary Cole
Forward Plan Ref:	ID4038

1. Purpose of the Report

- 1.1 The purpose of this report is to request approval from an Individual Member Decision for the new Rent Arrears Policy and procedure. The policy and procedure has been developed to include current legislation and good practice.

2. Recommendation

- 2.1 For an Individual Executive Member Decision to approve the Rent Arrears policy and procedure so that it can be adopted and implemented.

3. Implications

- 3.1 **Financial:** This Policy and procedure will provide a framework to assist with maintaining and reducing the amount of rent owed to the council by tenants and identifies opportunities to maximise income for tenants to sustain their tenancy.
- 3.2 **Policy:** The policy reflects the internal procedure and legislation for administering and processing rent arrears and possession proceedings.
- 3.3 **Personnel:** N/A.
- 3.4 **Legal:** There are no legal implications for the policy and procedure as enables the Council to remain compliant with legislation issued by central government. Legal Services have contributed towards the drafting of this policy and procedure.
- 3.5 **Risk Management:** This policy and procedure lowers the risks associated with inadequate policies and procedures to manage rent arrears and delays in actions taken regarding rent arrears or to obtain possession of a property due to the absence of a robust policy and procedure.
- 3.6 **Property:** This will affect all council owned rented accommodation whenever we need to seek a possession order to take back a property due to rent arrears.

4. Consultation Responses

Legal Services provided additional comments relating to their responsibility regarding the Notice to Quit and possession proceedings and validating the legislation mentioned which will improve internal legal processes that are already in place. The changes do not affect a

tenants rights outside of the law. Relevant staff within the Housing Service contributed to the changes made to the internal processes.

Members:	N/A
Leader of Council:	N/A
Overview & Scrutiny Management Commission Chairman:	N/A
Ward Members:	N/A
Opposition Spokesperson:	N/A
Local Stakeholders:	N/A
Officers Consulted:	All officers involved in the processing of rent arrears and repossessions.
Trade Union:	N/A

5. Other options considered

5.1 None required

6. Introduction/Background

- 6.1 The Housing Service wishes to promote tenancy sustainment and prevent revolving-door homelessness. Applicants who are residing in accommodation that is managed by the Council will be given support to ensure that their tenancy is maintained to a satisfactory standard, and that they are subsequently able to move on into further settled accommodation. In instances where tenants have accrued rent arrears every effort will be made to ensure that the payments are brought up to date and that the tenancy continues until the household is no longer in need of the accommodation, however the Council needs to balance supporting such households with the need to cover the costs of providing the accommodation and so, under some circumstances, may need to take steps to regain possession of the property.
- 6.2 The Pre-Action Protocol for Possession Claims by Social Landlords came into effect on the 6th of April 2015, updated 13 January 2020, and sets out the responsibilities of local authorities and housing associations who may be seeking to take possession action against tenants, including Part 2 which is solely based upon actions taken due to rent arrears. Presiding judges will have regard to whether the protocol has been adhered to during possession hearings and failure to adhere to the protocol may result the Council being unable to regain possession of the property in question. The protocol is very clear that possession claims should only be brought as a last resort.
- 6.3 The purpose of the Rent Arrears Policy and Procedure is to set out the Council's Housing Service's approach for preventing and managing rent arrears, collecting rent, offering support to sustain tenancies and maximising income to tenants and

licensees living in accommodation provided by the Council who accrue rent arrears in the course of their tenancy or license

- 6.4 The Rent Arrears Policy and Procedure will be applied ensuring that there is early contact and support in order to prevent arrears accruing and that the tenant or licensee can receive the right advice at the earliest opportunity.
- 6.5 When appropriate, legal action will be taken to minimise arrears increasing, seek possession of the property. This action must be reasonable, proportionate and adhere to statutory requirements.
- 6.6 This policy and procedure is applicable to all tenants who are accommodated in temporary accommodation under s.188 or s.193 of the Housing Act 1996 (as amended by Homeless Reduction Act 2017) or who are licensees on Four Houses Corner or are secure tenants of the Council. This policy and procedure does not apply to leaseholders (including equity share).

7. Supporting Information

- 7.1 A copy of the policy and procedure accompanies this report and the changes made to it are indicated in the document control section.

8. Options for Consideration

- 8.1 Not applicable as the changes to the policy and procedure are enshrined in law and changes outside of this cannot be made.

9. Proposals

- 9.1 It is proposed that the updated policy is authorised and signed-off by the Portfolio member as an individual member decision.

10. Conclusion

- 10.1 The rent arrears policy and procedure will promote tenancy sustainment and prevent revolving-door homelessness. Applicants who are residing in accommodation that is managed by the Council will be given support to ensure that their tenancy is maintained to a satisfactory standard, and that they are subsequently able to move on into further settled accommodation.

Subject to Call-In:

Yes: ☐ No: ☒

- | | |
|---|-------------------------------------|
| The item is due to be referred to Council for final approval | <input type="checkbox"/> |
| Delays in implementation could have serious financial implications for the Council | <input type="checkbox"/> |
| Delays in implementation could compromise the Council's position | <input checked="" type="checkbox"/> |
| Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months | <input type="checkbox"/> |
| Item is Urgent Key Decision | <input type="checkbox"/> |
| Report is to note only | <input type="checkbox"/> |
-

Wards affected: All

Officer details:

Name: Janet Weekes
Job Title: Housing Services Manager
Tel No: 2225
E-mail Address: Janet.weekes1@westberks.gov.uk

11. Appendices

- 11.1 Appendix A – Data Protection Impact Assessment – Stage One
- 11.2 Appendix B – Equality Impact Assessment – Stage One
- 11.3 Appendix C - Rent Arrears policy and procedure

Appendix A

Data Protection Impact Assessment – Stage One

The General Data Protection Regulations require a Data Protection Impact Assessment (DPIA) for certain projects that have a significant impact on the rights of data subjects.

Should you require additional guidance in completing this assessment, please refer to the Information Management Officer via dp@westberks.gov.uk

Directorate:	Place
Service:	Development and Planning
Team:	Housing Services
Lead Officer:	Janet Weekes
Title of Project/System:	Rent Arrears Policy and procedure
Date of Assessment:	02/03/2021

Do you need to do a Data Protection Impact Assessment (DPIA)?

	Yes	No
Will you be processing SENSITIVE or “special category” personal data? Note – sensitive personal data is described as “data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation”	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will you be processing data on a large scale? Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will your project or system have a “social media” dimension? Note – will it have an interactive element which allows users to communicate directly with one another?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will any decisions be automated? Note – does your system or process involve circumstances where an individual’s input is “scored” or assessed without intervention/review/checking by a human being? Will there be any “profiling” of data subjects?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will your project/system involve CCTV or monitoring of an area accessible to the public?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will you be using the data you collect to match or cross-reference against another existing set of data?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will you be using any novel, or technologically advanced systems or processes? Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If you answer “Yes” to any of the above, you will probably need to complete [Data Protection Impact Assessment - Stage Two](#). If you are unsure, please consult with the Information Management Officer before proceeding.

Appendix B

Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; this includes the need to:**
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
 - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

What is the proposed decision that you are asking the Executive to make:	Individual Executive Member Decision for approval for the Rent arrears policy and procedure
Summary of relevant legislation:	Housing Act 1985 and 1988, 1996 Homelessness Reduction Act 2017 Protection from Eviction Act 1977 Equality Act 2010 General Data Protection Regulation tailored by Data Protection Act 2018 Welfare Reform Act 2012 Human Rights Act 1998 Pre-Court Action Protocol – Civic Procedure Rules Coronavirus Act 2020
Does the proposed decision conflict with any of the Council's key strategy priorities?	No
Name of assessor:	Janet Weekes
Date of assessment:	02/03/2021

Is this a:		Is this:	
Policy	Yes	New or proposed	Yes
Strategy	No	Already exists and is being reviewed	No
Function	No	Is changing	No
Service	No		

1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	To implement the rent arrears policy and procedure
Objectives:	To improve the decision making process for administering rent arrears and have a robust policy and procedure in place.
Outcomes:	To manage and reduce rent arrears and contribute to the prevention of homelessness for tenants and maximise income and sustain tenancies for tenants.
Benefits:	To provide guidance and clear procedures and legislation to enable robust management of decisions relating to rent arrears.

2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.

(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)

Group Affected	What might be the effect?	Information to support this
Age	None	Changes are internal processing only
Disability	None	Changes are internal processing only
Gender Reassignment	None	Changes are internal processing only
Marriage and Civil Partnership	None	Changes are internal processing only
Pregnancy and Maternity	None	Changes are internal processing only
Race	None	Changes are internal processing only
Religion or Belief	None	Changes are internal processing only
Sex	None	Changes are internal processing only
Sexual Orientation	None	Changes are internal processing only
Further Comments relating to the item:		

3 Result

Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?

No

Please provide an explanation for your answer: Changes are to the internal processing of rent arrears that was missing and a robust policy that aligns with the procedure and legislation.

Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?

No

Please provide an explanation for your answer: Changes are to the internal processing of rent arrears will improve the decision making process.

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

4 Identify next steps as appropriate:	
Stage Two required	No
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	

Name: Janet Weekes

Date: 02/03/2021

Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) (rachel.craggs@westberks.gov.uk), for publication on the WBC website.