

HOUSING AND ANTI-POVERTY SCRUTINY PANEL	DATE 13 th February 2020	ITEM NO 6
TITLE Working with Registered Providers of Social Housing	WARD (S) All	
CHIEF OFFICER Director of Housing & Safer Communities	CABINET MEMBER Housing	

I. Decision Required

1.1 To note the contents of this report.

2. Links to the Royal Borough of Greenwich High Level Objectives

2.1 This report indirectly links to one or more of the Royal Borough of Greenwich (RBG) High Level Objectives.

3. Purpose of Report

3.1 This report provides a summary of the following:

- a. RBG's nomination rights
- b. Joint working between RBG and Registered Providers (RPs) on topics affecting housing provision in the Borough, including:
 - I. Investigating and prosecuting instances of subletting of social housing tenancies
 - II. Sustainment of tenancies and prevention of homelessness through advice and support to tenants for payment of rent and other breaches of tenancy
 - III. Administering 'Disabled Facilities Grants' for property adaptations
- c. The relationship RPs have with elected members on operational matters including: a point of contact and engagement with councillors; RPs' responsiveness to service requests such as communal repairs and fly-tipping; measuring the quality of service and performance; and the role councillors play in representing tenants and an understanding of the complaints process.

4. Report

RBG Nominations Rights

- 4.1.1 The purpose, for what are generally called ‘nominations agreements’, is to set out the terms for the allocation of properties to tenants on the Council’s housing register to RPs operating in the Borough. The nomination agreement is generic document which sets out the working practices between the Council and individual RPs. Terms of the agreement include the allocation of general needs housing tenancies, including senior living and sheltered accommodation, but excludes intermediate, supported and temporary social housing. They have been developed in consultation with the RPs and agencies working within the Royal Borough.
- 4.1.2 RPs have obligations to cooperate with local authorities under regulatory requirements. The Regulator of Social Housing states under the ‘Tenancy Consumer Standard’ that *“Registered providers shall co-operate with local authorities’ strategic housing function, and their duties to meet identified local housing needs. This includes assistance with local authorities’ homelessness duties, and through meeting obligations in nominations agreements.”*
- 4.1.3 Nominations agreements normally prescribe quotas for the proportion local authority nominated tenants RPs should accept for their properties. Commonly, the quota RPs are required to accept for their new build properties are 100% of those tenants nominated by the local authority allocations service, and 75% of those tenants nominated by the local authority allocations service for RPs’ existing properties that the RP relets after a previous tenant has vacated.
- 4.1.4 The current nominations agreement is six years old and is now due for review. The process for the review will begin with the topic being introduced at the next Registered Providers Community & Management Forum (see 4.2.1), where RBG will ask partners for volunteers to sit on a sub-group to review practices. The review will include an analysis of learning from case law, a sign-up of all newly amalgamated RPs and refine working practices for improved joint working.

Joint working between RBG and Registered Social Providers on topics affecting housing provision in the Borough

- 4.2.1 The Royal Borough recently formed the Registered Providers Community & Management Forum (the Forum). The purpose of the Forum is to fulfil the

Council's and RP's strategic housing obligations within the Borough, and to ensure housing services are provided to the highest standards and in a cost-effective way. The Forum meets to discuss housing services provided by the Council and RPs. Its remit does not cover new housing development, which is dealt with by the Council's Directorate of Regeneration, Enterprise and Skills.

- 4.2.2 The membership of the Forum is comprised of Registered Providers of social housing with significant stock operating within the RBG. The format for meetings are topic-based and it meets quarterly.

Investigating and prosecuting instances of subletting of social housing tenancies

- 4.3.1 The Council's Housing & Safer Communities Unauthorised Occupation team (UOT), together with the Council's Corporate Anti-Fraud team, undertake investigations into subletting and unlawful occupation of RP tenanted properties. Where investigations show fraud has been committed, the RP instigate legal action to repossess the property. Criminal prosecutions are dealt with by the Council's Corporate Anti-Fraud team.
- 4.3.2 Where fraud is suspected, officers can undertake detailed background checks, collating evidence and documentation using personal data checks, legal gateways and statutory powers allocated to fraud investigators.
- 4.3.3 Previously, under a government funded tenancy fraud initiative, the UOT worked successfully with RPs: Peabody, Southern, Charlton Triangle and Moat. The total number of properties recovered was 45 (23 for Gallions [now Peabody], 4 for Southern and 18 for Charlton Triangle [now merged with Peabody]).
- 4.3.4 Any financial award, including damages granted by the courts, is shared 50/50 between the Council the RP the Council is supporting. The income received from these types of arrangements are paid back into the Housing Revenue Account. The RPs pay the legal costs incurred by RBG taking the case forward.
- 4.3.5 Historically, tenancy fraud and unauthorised occupation was primarily dealt with as a civil matter. However, in 2013 new Criminal Legislation was introduced that made sub-letting a criminal offence, this was the Prevention of Social Housing Fraud Act 2013. This has allowed local authorities to use this legislation as part of the court process. On conviction, courts can make an unlawful profit order or unjust enrichment order; based on the cost to the

council to keep a family on the housing waiting list and in temporary accommodation and, where possible, show the profit that the tenant has made by illegally sub-letting the property. A number of cases have been successfully prosecuted under this legislation and, to date, the Royal Borough have been awarded £649,632.46 in financial losses, with payments of £350,033.81 paid into the Housing Revenue Account.

Tenancy sustainment and homelessness prevention

4.4.1 The Council's Housing & Safer Communities Housing Inclusion Service (HIS) provides a range of services to residents at risk losing their tenancy. Their services include:

- Financial payments from the homelessness prevention fund, to enable someone to remain in the existing home, including payments to landlords, to resolve problems caused by tenant damage or to resolve rent arrears.
- Referrals to Debt advice agencies such as Meridian Money or CAB, for negotiation with creditors and advice on budgeting and money management, to enable a household to sustain their tenancy.
- Mediation by Housing Inclusion Officers via home visits for households at risk of homelessness due to a threat of exclusion from parents, other relatives, or friends, to help them remain in the current accommodation whilst they look for alternative accommodation.
- Resolving housing benefit problems, including help with making a housing benefit claim; action to deal with delays in payment; housing benefit arrears; helping clients apply for backdating of benefit claims or apply for a discretionary housing payment.
- Resolving rent or service charge arrears through case work that supports a household to manage any arrears repayment schedule.
- Sanctuary scheme measures, to enable a victim of domestic abuse or harassment to remain in their home with professionally installed security measures.
- Assisting survivors of domestic violence/abuse to take legal action to protect their right to remain safely within the home.

- Negotiation or legal advocacy, to ensure someone can remain in accommodation in the private rented sector which includes:
 - negotiation with private landlords, who have or have threatened to issue a 'section 21' eviction notice, to resolve problems.
 - actions to resolve a threat of illegal eviction or to re-instate illegally evicted tenants
 - preparing statements and payment plans for court representation, which results in a case being struck-out, dismissed or adjourned
 - assisting someone to afford their rent by negotiating a lower rent, increasing their income through helping them make a claim for benefits or making a discretionary housing payment or a charity payment
- Sustaining a tenancy by:
 - resolving anti-social behaviour
 - tackling disrepair through action against landlords or grants to improve conditions, and through adaptations to the property
 - negotiation with mortgage lenders and banks to reschedule debt payments, or payment terms, or offer a repayment break period to prevent a repossession.

Administering 'Disabled Facilities Grants' for property adaptations

- 4.5.1 The Council's Housing & Safer Communities Disability & Home Improvement Team administer the Disabled Facilities Grants (DFG) to fund household adaptations, that enables people with disabilities to remain in their home. Residents in the RP and private rented sector are eligible for grants.
- 4.5.2 The maximum mandatory amount for this grant is £30,000. DFGs are not funded from RBG budgets. The cost of adaptations are funded by the NHS 'Better Care Fund'. The grant for adaptations is awarded to the tenant and not the landlord.

- 4.5.3 Work undertaken to the properties benefit the resident by allowing the them to remain living independently, with the wider benefit of reducing public expenditure on social care costs if the resident could no longer remain in their property if the adaptations had not been undertaken.
- 4.5.4 The grant is able to pay for changes the council consider essential for the disabled person to live an independent life. The changes must be "*necessary and appropriate for the disabled person*" and the work must be "*reasonable and practical*".
Example of the type of works include:
- Access to and from, and in and around the property – such as widening doors and installing ramps, or stairlifts
 - Access to suitable bathing/sleeping facilities – such as building or adapting a bathroom or bedroom
 - Adapting heating and lighting
 - Providing easy access to the garden
- 4.5.5 The Council has a statutory duty to approve qualifying applications for mandatory DFGs within six months. These include applications from Registered Social Landlords, or their tenants.
- 4.5.6 From April 2019 to 31 December 2019 Greenwich completed 30 Mandatory DFGs to RPs. The year before 38 Mandatory DFGs were completed in April 2018 to 31 March 2019.

5. **Background Papers**

None.

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