

Housing Review (Introductory Tenancy) Panel

A meeting of the Housing Review (Introductory Tenancy) Panel was held on Friday, 27th January 2006.

Present: Councillor Mrs Fletcher (Chair); Councillors Dixon, Leonard and Mrs Nesbitt.

Officers: P K Bell, A Mudd (LD), K Glew, C Temple (Tristar Homes Limited).

An apology for absence was submitted on behalf of Councillor Woodhead.

985 Declarations of Interest

Councillor Leonard declared a personal/non-prejudicial interest in respect of Agenda Item No. 4 – Review of a Decision to Terminate FH Introductory Tenancy as he is a Member of Tristar Board.

986 Procedure for Meeting

Members were presented with a copy of the procedure for meetings of the Housing Review (Introductory Tenancies) Panel.

RESOLVED that the above information be noted.

987 Exclusion of the Public

RESOLVED that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act.

988 Review of a Decision to terminate FH Introductory Tenancy

Members considered Tristar Homes decision to take possession proceedings in respect of a property in Stockton-on-Tees.

The Panel took into consideration the papers that had been prepared prior to the Review Hearing and circulated to all the interested parties. The Panel heard oral submissions from Mrs K Glew (Area Housing Manager) and Mrs Christine Temple (Tenancy Services Officer) of Tristar Homes Limited. The Panel also took into consideration submissions made by FH and her partner RH. The Panel noted that the grounds for possession could be broken down into three main areas namely:-

1. FH's failure to pay rent.
2. Incidents of nuisance involving FH's children.
3. Incidents of verbal abuse involving FH and her partner RH

The Panel noted that the rent arrears had reduced since the serving of the Notice of Seeking Possession and as at the 16th January 2006, the arrears were £405.93. It was confirmed by FH that she was in receipt of full housing benefit and the payable rent was £6.17 per week. FH explained that the arrears had accrued because her partner had been on a period of sickness, and upon returning to work, the number of days available to be worked had been sporadic in that on occasions only two days per week could be worked. FH also stated that she had experienced housing benefit problems but this had now been resolved and FH had commenced payments. FH accepted the rent arrears had accrued due to her failure to make payments but she also stated that she was making every effort to reduce the arrears as quickly as possible. The Panel accepted that the arrears had been reduced, and further accepted that FH's efforts to make payments would gradually clear the rent account in full.

With regards the incidents involving FH's children, Mrs Glew confirmed that complaints had been received concerning FH's children's behaviour in that neighbours had observed their children climbing fences, pulling and shaking lamps within the recreation ground, playing ball games against a neighbouring fence and disturbing other neighbours and their gardens, throwing stones into neighbours

gardens, throwing a spanner and a piece of wood into neighbouring gardens, throwing mud and digging up grass, swearing, climbing trees within the recreation ground and playing golf, disturbing neighbours by knocking golf balls into their gardens, using the golf clubs to throw mud and stones, throwing rubbish and wood into the recreation area and in neighbours gardens causing damage to neighbours privet hedge.

Mrs Glew also stated that occupiers of neighbouring properties felt intimidated by FH's children's actions, and Tristar Homes have a duty to protect other residents from such actions. Mrs Glew also commented on FH's lack of response to warning letters that had been sent and her failure to encourage her children to modify their behaviour.

FH and her partner RH confirmed that FH had four children aged 10, 8, 5 and 3 and that FH was also expecting a fifth child. FH's partner wanted the Panel to be aware that road where the property was situated had a lot of children living there and it was his view that although other children play in the recreation ground and in the road itself no complaints were being made against them. FH and her partner felt that they were being victimised by a particular resident in the road who had a grudge against them. FH stated that she did not allow her children to roam the streets and since the complaints had come to her attention she kept them inside as much as possible. RH was of the view that one particular resident was the main complainant which he believed to be malicious. FH estimated that there were approximately 14 children living in road as the houses are large family homes.

Mr RH also commented that he was not aware of any Police involvement with regard to the behaviour of his children. He admitted that on one occasion his eight year old child was brought home because he had a golf club although there was no allegations made against the child. FH and her partner RH also confirmed that they had never experienced any problems of anti social behaviour at any point of their previous properties which they had occupied.

Mrs Glew emphasised that the majority of the complaints had been received during the months of May through to September and since the serving of the Notice the situation had improved. Mrs Glew was concerned that FH appeared to have no control over her children which was the cause of the anti social behaviour being committed in the road and the recreation ground.

The Panel asked why an Anti Social Behaviour Order had not been sought rather than an eviction, and the Legal Officer clarified this in that an anti social behaviour order can only be sought against those persons over the age of ten. In light of the age of FH's children it would not have been appropriate to consider this form of action. Mrs Glew did confirm that she had sought legal advice on this matter and the decision was made to take eviction action, as this was considered to be the best solution of the problems. Mrs Glew also confirmed that the anti social behaviour team did have some involvement but FH had not engaged with their services. FH did dispute this and was of the view that things had not been explained to her properly. FH stated to the Panel that had she realised and appreciated the severity of the situation she would have taken more advice on the problems.

The Panel also considered the acts of verbal abuse committed by FH and her partner RH and in particular the incident which took place on 31st October 2005 in that RH was verbally abusive to neighbouring occupiers and used foul and abusive language towards them. RH accepted that this incident had taken place however, he emphasised that it was 4.00am in the morning and the noise from the scooter had woken their children causing them disturbance which resulted in him losing his temper.

FH also made reference to an incident on 3rd September 2005 in that an indication was given that a neighbouring occupier complained that a red and silver knife was thrown into their garden from FH's property. FH denied this incident and stated that she had no knowledge nor any information about this and it was nothing to do with her or her family. The Panel considered this and took the view that there was no evidence to support the allegation. Therefore this was not taken into consideration when the Panel made their decision.

Mrs Glew emphasised her concerns that FH's lack of co-operation with Tristar Homes and the Anti Social Behaviour Team in that although a number of letters had

been sent to her and visits made to the property, FH had only contacted Mrs Temple on one occasion. Mrs Temple stated that FH contacted her in response to a letter she sent regarding her children using golf clubs and that FH was annoyed at its contents however, this behaviour did not stop after the letter was sent. FH stated that upon receipt of the third letter she did make contact with Tristar Homes but FH accepted that she had not taken any action in respect of two prior letters she had received. FH stated that she had spoken to another Tenancy Services Officer by the name of Fiona on the phone in an attempt to discuss the problems but no further action had been taken by Tristar. Mrs Glew confirmed that she held no records of other visits or appointments made with FH in that regard.

FH stated categorically that she had never received any cards from the Council's Anti Social Behaviour team and her partner RH further stated that he had no idea the situation was this serious in that they could potentially lose their home. FH and her partner RH made it quite clear to the Panel that they did not wish to lose their home and they were now making every effort to resolve the problems, although FH was of the view the allegations against her children were unjustified.

In their final summary Mrs Glew, Tristar Homes confirmed that she wanted the problems to cease and asked the Panel to make the decision based on her comments and those of the Tenancy Services Officer but she stressed her concern at the lack of co-operation and lack of contact on FH's part.

In FH's final statement she emphasised the importance of her home and her family and stated that she would endeavour to keep her children under control, modify her behaviour and also the behaviour of her partner RH and make the necessary rent payments.

The Panel, considered FH's personal circumstance when making their decision and also noted the situation had improved since FH had been served with a Notice of Seeking Possession. They were prepared to allow FH the opportunity to maintain a tenancy. However, the Panel were concerned at FH's lack of engagement with support services and a recommendation was to FH to make every effort to accept support and help when offered to her. They wished to encourage FH to use the services of UNITE, a mediation service, independent of the Council and Tristar Homes, if such a referral to be made.

It was stressed to FH that should FH commit any further breaches of her tenancy obligations, as set out below, Tristar Homes would be at liberty to issue this matter into the Middlesbrough County Court and seek an order for possession. FH would not have a further opportunity to attend before Council Members and request a review of any future decision.

RESOLVED that after giving due consideration to all the written and oral evidence presented to the Panel they concluded that they were satisfied on the balance of probabilities that:-

1. The decision to evict be upheld but deferred seeking possession of FH's property on the terms that:
 - (a) FH agrees to abide by the terms of her tenancy agreement at all times and she agrees to:-
 - (i) To continue to make payments in respect of rent due at the property. It was agreed that FH would speak directly with Tristar Homes in order to agree a suitable repayment figure each week.
 - (ii) FH will not allow her children to cause nuisance or annoyance to any neighbours and or lawful visitors.
 - (iii) FH will not cause or allow by her own actions or those of her partner RH, any acts of nuisance or annoyance to other residents by using foul or abusive language.