

KEY POLICY: SERVICE DELIVERY

Date: May 2008

Review: May 2011

EVICTION POLICY

1.0 Policy Statement

SLH aims to enable its tenants to maintain their tenancies and to create sustainable communities. Eviction is seen as an act of last resort, taken only when any other action would be inappropriate or when all efforts to tackle breaches of the tenancy agreement have been exhausted.

2.0 Key Strategic Link

Cumbria Housing Strategy 2006 - 2011

The Cumbrian authorities and their partners have traditionally worked in collaboration to develop housing services within the County. With a stronger regional framework we need to strengthen the sub-regional identity of Cumbria within that framework.

All of Cumbria's stakeholders agreed that by working together they would be able to improve the planning, implementation and delivery of all housing services within the sub-region. Particular emphasis is on the way our housing and planning services can improve the ability of Cumbria's housing markets to respond to social and community needs.

To deliver sustainable communities our sub-regional fit-for-purpose housing strategy will be integrated with complementary planning and economic development strategies.

3.0 Key Policy Links

This Policy should be read in conjunction with our Rent Arrears, Anti-Social Behaviour, Corporate Debt, Special Needs and Vulnerable Persons Policies.

4.0 Key Objectives

The Key objectives of the Eviction Policy are:

- To comply with all relevant regulatory guidance and the law.
- To ensure that guidelines are in place for the proper authorisation of eviction by SLH officers.
- To retain eviction as the last resort with SLH pursuing alternative interventions at early stages of the eviction process.
- To treat residents in a fair and non-discriminatory way, in accordance with our E & D Policy.
- To be consistent with other SLH policies such as Corporate Debt Policy,

5.0 Definition

For the purpose of this policy and accompanying procedures, the following definition shall apply:

Eviction is the recovery of occupied accommodation owned by South Lakeland District Council and managed on their behalf by SLH.

6.0 Key Points of policy

The Director of Operations is responsible for the overall implementation of the Eviction Policy.

Eviction may be considered in the following circumstances:

- Where the Court has granted an order for possession on one or more of the grounds as set out in the Tenancy Agreement and schedule 2 of the Housing act 1985 and SLH is entitled to possession absolutely or the tenant is in breach of the terms of a suspended possession order (Postponed).
- Where no secure tenancy exists either because the occupant is an illegal occupier or remains in occupation after the secure tenant has vacated the property, and the occupant does not have a need for the property under the South Lakeland District Council's Allocations and Lettings Policy.
- Where a person has been occupying accommodation temporarily whilst the Council investigates their claim of homelessness, and is subsequently found not to be homeless.

Evictions must be authorised by both the Director of Operations (SLH) and the Housing Portfolio Holder, who will review the case in detail to ensure that all appropriate actions have been carried out in line with SLH's policies and procedures. Authority to evict will be valid for a period of twelve months from the point of approval unless there has been a significant change of circumstances.

The tenant will receive written notification that the eviction is to proceed from both County Court and SLH. SLH will inform the tenant of the date and time of the eviction, together with advice about clearance and storage of belongings (see Appendix A).

Prior to a household being evicted SLH will inform the relevant Local Authority homeless department of the date the Bailiff will be attending. Where there are dependant children or elderly or vulnerable people a referral will also be made to the relevant Social Services Department.

If a tenant does not want their belongings they should complete a permission to dispose of personal belongings form (see Appendix B).

7.0 Monitoring, Review and Consultation Process

Regular monitoring will take place to ensure the SLH is only taking action to evict tenants in line with this Policy. The level of evictions and action taken will be reported to the Senior Management Team.

The level of evictions will also be periodically reported to the board. Reports to the board will highlight: -

- The number of evictions.
- The reasons for each eviction.

8.0 Key Targets and Performance Indicators

- Numbers by category of Evictions carried out and periodic comparison.
- Benchmarking, with particular regard to best practice.

9.0 Monitoring, Review and Consultation Process

Regular reports will be made to the Board detailing South Lakes Housing's position with regard to the agreed key targets and performance indicators.

Annual reports to tenants and regular reports to Tenants' Committee and tenants groups.

Policy Review Priority: Medium, at least every three years.

10.0 Equality and Diversity

South Lakes Housing recognises that there is a broad range of visible and non-visible differences that characterise its tenants. Some of these qualities include race, religion, culture, nationality, ethnic background, colour, disability, sex, sexual orientation, age, literacy and income level. By understanding and respecting this diversity it is able to set a policy which ensures that all tenants are able to access services provided by South Lakes Housing in an equitable manner.

South Lakes Housing is committed to providing information and services equally and without discrimination so that they meet the needs of all sections of the community. These include our tenants, leaseholders and those living nearby or seeking access to or information on housing services in the South Lakeland area. In carrying out all housing management policies, South Lakes Housing's Equality and Diversity Policy will be adhered to.

Appendix A

PROCEDURE FOR THE DISPOSAL OF FORMER TENANTS' BELONGINGS

1. When tenants are notified of an impending eviction, they will be advised to remove all their possession from the property. Any goods left behind after eviction are still the property of the tenant. They do not become the property of SLH.
2. In law SLH becomes an involuntary "bailee" of these goods, and it cannot simply dispose of them. The law does not provide clear guidelines. However, SLH is covered by the general provisions of the Torts (Interference with Goods) act 1977. This requires reasonable efforts to be made to trace the tenant but, if these fail, the possessions may be sold or destroyed.
3. In all circumstances at an eviction SLH will ensure that two officers are present and that they:
 - Ask the tenant or the tenant's representative if they want the items stored or disposed of – if so they must sign, in duplicate, the form for this purpose. Storage will be for a maximum of 4 weeks and the former tenant will be charged for this service.
 - Take a detailed written inventory of goods in the property.
 - Take photographs of any goods in the property.
 - Officers will wait at the property whilst essential belongings are collected.
4. If the tenant is not present at the eviction, reasonable efforts will be made to contact the former tenant to establish what they want to happen to their belongings.
5. Arrangements will be made for the removal of any items as soon as possible. If SLH considers that the goods have been abandoned and are of little value, they will be disposed of. Examples would be food in the fridge, old newspapers etc.
6. If SLH considers that the goods may not have been abandoned, the value of the goods will be assessed and weighed against the cost of applying to the Court for an order for sale of disposal and the risk of any proceedings being brought by the former tenant.
7. SLH will comply with any order made by the Court relating to the disposal of a former tenants' possessions.

Appendix B

**Permission to Dispose of Personal Belongings
(Eviction or Abandonment)**

"I,former tenant

Of.....

Hereby relinquish the tenancy of the above property and give South Lakes Housing permission to dispose of any items/property left in the premises. In consideration of South Lakes Housing agreeing to clear the premises of my personal belongings and dispose of the same, I agree and undertake to pay to South Lakes Housing:

- Its reasonable costs of clearing the property of my personal belongings and disposing of the same; and
- A sum in respect of lost rental income for the period South Lakes Housing was unable to re-let the premises due to South Lakes Housing clearing the premises of my personal belongings."

Signed

As outlined in the relevant act, items are generally only placed into storage by Housing Management when permission to dispose of them has not been given and where it is not known where the owner of the goods is (most often in cases of abandonment or eviction).