

RH 09

Y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol/

Communities, Equality and Local Government Committee

Bil Rhentu Cartrefi (Cymru)/Renting Homes (Wales) Bill

Ymateb gan: **Linc-Cymru Cymdeithas Tai**

Response from: Linc-Cymru Housing Association

I write on behalf of Linc-Cymru Housing Association Ltd. with regard to some specific concerns with the way in which the Renting Homes (Wales) Bill is drafted. These include:

1. Section 55 Anti-social behaviour and other prohibited conduct
2. Withdrawal of Ground 7a (Absolute Possession)

Our greatest concern is the omission of the current position whereby the tenant (contract holder) has responsibility for others. The proposed prohibitive clause under section 55... 'not to allow, incite or encourage' suggests that responsibility is only on the part of the tenant/contract holder for the acts of behaviour of others in which they are complicit or involved. This is a fundamental change from the current position and one that diminishes the tenant of responsibility and hinders our ability to deal effectively with serious and persistent ASB issues.

The proposed wording will create issues and uncertainty in the courts whereby cases are drawn out with lengthy legal debates over wording. We already experience defences where the tenant/contract holder tries to argue they didn't 'allow' issues to happen e.g I didn't tell or allow my partner to assault the neighbour, it's nothing to do with me. We've also had experience with issues over 'incite, encourage or allow' for injunction breaches where a family member has carried out further acts of ASB towards the victim but the Police/courts will not fall in favour of the landlord due to the difficulty in evidencing that one individual 'allowed' another to do something. We therefore foresee that this issue will become a much bigger debate in possession claims where there is no specific clause in the tenancy for responsibility for others. This will increase the costs to all parties and courts in terms of both time and money. The biggest impact however will be on our communities where victims and witnesses are left to suffer. All this in an age where Government agendas are focused on putting victims first.

In reality, Linc instigates very few possession claims at court on the Grounds of ASB. It can be as little as 1 or 2 a year. As an organisation that manages approximately 3500 properties, it is a very small proportion. This is because the majority of cases are dealt with via early intervention methods e.g visits, letters, warnings, support, mediation, restorative justice etc. Part of what assists us in using early intervention techniques is the backing of our tenancy agreements and the clauses of the wording contained within. The responsibility for others is paramount and key to our success in dealing with issues at an early stage.

In terms of the withdrawal of Ground 7a, we are concerned that the Bill wishes to remove such power. As already outlined above, as an organisation we instigate very few possession claims. However, when a possession claim is issued it's because we feel we have no alternative &/or every other possibility has been exhausted. Unfortunately, possession proceedings can be a very lengthy process. Our longest case to date took approximately 18 months, that's 18 months of further suffering by the victims and witnesses. As an organisation we are supportive of keeping the Absolute Ground in the interested of our victims and communities.

As an example, we have recently issued proceedings against a tenant who lives some 4 doors away from his victims. The criminal case took just short of 12 months to finalise. The victims having given evidence in the criminal case will not give evidence at our civil proceedings as they cannot put themselves through the process again due to the trauma and impact it had on their health and well-being. We feel that the Absolute Possession Ground is vital to support individuals in these circumstances. In addition, we feel we have adequate safeguards in place to prevent inappropriate use of such power.

If you require any further information in relation to the information provided above, please do not hesitate to contact me.