

**Stirling Council's Rent and Income Management Policy**  
**March 2019**

**1) General Principles**

1. The payment of rent is the primary responsibility of every tenant. It is a central obligation of the tenancy agreement in the same way that the provision of a well-maintained home is the central obligation of Stirling Council as a landlord.
2. Services to tenants are funded wholly from rents, including:
  - The management of the Council's housing stock and its wider environment;
  - The housing repairs service;
  - The maintenance and improvement of homes and surrounding environment through the capital and planned maintenance programmes.
3. Failure to pay rent involves other tenants paying for the services provided to tenants who have not paid their rent. Meeting the obligation to pay rent is not only a contractual obligation; it is part of the commitment each tenant makes to the whole tenant population.
4. Collecting rent effectively is a key part of the Council's wider obligation as a landlord; it ensures that the cost of the service is fairly met by all tenants.
5. The Council acknowledges that many tenants may, at some point, face problems in meeting their household bills, including their rent. As a landlord, the Council accepts the obligation to assist tenants to manage these problems.
6. This includes a clear commitment to using eviction as a last resort, provided they are actively and in good faith working with the Council and/or with other agencies to pay their current rent and, where appropriate, to reduce their arrears effectively.

**2) Aims**

The aims of the Rent and Income Management Policy are:

- To maximise collection of rent due;
- To prevent rent arrears from occurring in the first place;
- To recover all other housing related debt such as rechargeable repairs, court costs etc
- To provide financial advice and assistance to tenants and recover rent arrears as early as possible;
- To provide services to ensure tenants remain in their homes.
- To maximise tenants' income.
- To avoid the use of eviction, using possession action only when all other actions have failed (last resort);

The Council's rent arrears procedures are regularly updated through continuous improvement by the Housing Service. These procedures set out the processes that Council staff will follow in every case.

### **3) Managing rent arrears – in practice**

- 3.1 The focus on early intervention is pivotal in managing rent arrears. This Policy is based on a culture of early and ongoing face-to-face engagement with tenants. Every step of the process will be the result of a conscious decision based on the facts of the case.
- 3.2 Housing Services will actively pursue any arrears owed to it, and will:
  - Set out in legislation in relation to Pre-Action Requirements, and subject to the corresponding guidance issued by the Scottish Government.
  - Comply fully with legislation in relation to Pre-Action Requirements, taking particular care if tenants are under 18 or are particularly vulnerable. This means that the Council will, in particular:
  - Ensure provision of information, advice and assistance to tenants on claiming Housing Benefit/Universal Credit and other welfare benefits in order to maximise their ability to pay rent;
  - Negotiate appropriate, realistic and affordable arrangements to repay rent arrears and confirm these in writing to the tenant.
- 3.3 In keeping with legislation and the Scottish Government's Guidance, eviction proceedings will be used as a last resort, where a tenant does not keep any agreed arrangements or does not respond to the help and advice offered by Housing staff or other agencies and does not comply with requests to make the required payment. Eviction will only take place where a decree for payment of arrears and expenses and an order for recovery of possession have been granted by the court.
- 3.4 Maintain regular contact with tenants who are in arrears. This may include contacting or interviewing tenants at home, at the office, by telephone, text messages or by email.
- 3.5 Work in partnership with other council services and external agencies to address rent arrears debt (e.g. Housing Benefit, Income Maximisation officers, Children's Services, Social Services, and Shelter Scotland).
- 3.6 Consider applying for a payment decree in cases where this may be the most suitable option. Housing staff will need to take into account that this is an expensive option, and that in practice may not generate enough income to justify its cost.
- 3.7 Note that even when a decree is granted, specific consideration will be given to alternatives such as a Short Scottish Secure Tenancy (SSST) with support, if this is likely to avoid eviction in the long run.
- 3.8 Recharge any costs incurred in the pursuance of legal proceedings to the tenant.
- 3.9 Pursue other housing related debt such as rechargeable repairs in order to ensure that the Service recovers any outstanding costs. Payment arrangements can be made towards any

arrears where the tenant is having financial difficulty bearing in mind that servicing the rent account is our primary focus.

#### **4) Possession Proceedings**

The Council will, in accordance with the obligation to recover arrears stated at the beginning of the policy, normally raise proceedings for; (a) eviction, in order to replace the tenant with another who is willing and able to pay the rent; (b) payment of the rent arrears. However, the Council may choose not to raise proceedings if, in all the circumstances of the case, it appears appropriate not to do so.

- (a) The Council will “ensure the provision of information, advice and assistance to tenants on claiming Housing Benefit/Universal Credit and other welfare benefits in order to maximise their ability to pay rent” and
- (b) after the pre-action requirements are carried out, the Council will normally raise proceedings in respect of rent arrears lawfully due.

#### **5) Monitoring of Performance**

Housing Services will monitor rent arrears performance of current and former tenants and will provide regular monitoring and performance reports to the Senior Management Team, Housing Advisory Group and Environment and Housing Committee and to any other body, as required. The Council benchmarks performance with its peers and reports its performance via statutory returns.

Monitoring reports will be produced monthly, quarterly and annually and measured against performance targets. Performance reviews will also be carried out at regular intervals to ensure all Housing Service staff are complying with the rent arrears policy and procedures.

#### **6) Approach to vulnerable tenants**

Housing Services recognises that many tenants in arrears are vulnerable and have additional needs. Accordingly we will consult with other agencies as appropriate, with a view to offering additional support and assistance.

#### **7) Consultation**

The policy will be reviewed regularly and the following parties will be consulted before any proposed changes are made:

- appropriate Council service
- tenants through established consultation process
- external bodies – where appropriate e.g. Shelter, CAB
- elected members and Senior Management Team

#### **8) Training**

The Housing Service will provide all staff, where required, with comprehensive training on the policy including update and refresher training.

## **9) Continuous Improvement**

The Housing Service is committed to continuously improving its performance in relation to rent arrears, and will:

- Benchmark against the performance of other councils;
- Work in partnership with other organisations to develop a better, customer-focused service;
- Develop a programme of prevention and early intervention to support tenancy sustainment and prevent rent arrears and evictions
- Monitor performance through statutory performance indicators and the Scottish Social Housing Charter.

## **10) Data Protection Act/Confidentiality**

The Council's Data Protection Policy and Procedures will be followed at all times. All personal information provided to us regarding tenants' personal or financial circumstances will be dealt with in the strictest confidence.

We will comply with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 in this regard.

Further information can be found at:

<https://www.stirling.gov.uk/council-democracy/access-to-information/data-protection/>

## **11) Equalities Statement**

Equality of opportunity is central to Stirling Council's vision for the Stirling Council area and underpins everything that we do.

<https://www.stirling.gov.uk/council-democracy/equality-diversity/>

## **12) Complaints**

The Council operates a Corporate Complaints Procedure that is available to any complainant who is not satisfied with the way in which their case has been dealt with. Details of our complaints procedure can be obtained from any council office or on our website at:

<https://www.stirling.gov.uk/council-democracy/complaints/complaints-handling-procedures/>

## **13) Review of Rent and Income Management Policy**

The Rent and Income Management Policy will be reviewed every three years, or as necessary, for example in response to changes in legislation.

#### **14) Equality Impact Assessment**

This policy is subject to an Equality Impact Assessment

<http://source.stirling.gov.uk/pages/equality-diversit>