FAMILY HOUSING ASSOCIATION (WALES) LTD
Minutes of the Tenants Panel Meeting held on 14th July 2016

PRESENT:

Mel Rayner Tenant Panel Chair
Jean Owen Tenant Panel Treasurer
Jo Ashford Tenant Panel Member & Chair, Scrutiny Panel
Jennifer Howells Tenant Panel Vice Chair
John Owen Tenant Panel Member
Hugh Butler Tenant Panel Member
Mark Daniels Tenant Panel Member
Karen Dusgate Chief Executive
Richard Batt Head of Housing & Care & Support
Darrin Davies Head of Property Services
Stuart Thomas Performance Improvement Manager
Farid Ali Governance & Business Improvement Manager
Ryan Harris Hazel Court Project Manager
Shelley Edwards Senior Administrator (Minutes)

APOLOGIES:

Paul Wiemers Tenant Panel Secretary
David Place Tenant Panel Member
Roy Raven Tenant Panel Member

<table>
<thead>
<tr>
<th>ACTION</th>
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<tr>
<td>TPM0579 Minutes of Previous Meeting</td>
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Agreed to be a true and accurate record. |

<table>
<thead>
<tr>
<th>TPM0580 Matters arising (not covered elsewhere on the agenda)</th>
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<td>Page 1</td>
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TPM0597 – FHA website – Ideas and recommendations were discussed in a previous meeting. Confirmed staff training for website is 21/07.
TPM0598 – TP visits – confirmed that members visited Ty Dyffryn in Ammanford, which has started a Residents Association. Contact details have been taken so can catch up with members shortly.
Page 2 |
Nothing raised.
Page 3 |
Nothing raised. |

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<thead>
<tr>
<th>TPM0581 Chief Executive's Feedback</th>
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Noted that Karen Dusgate has been appointed as permanent CEO. Report distributed (attached) from Karen Dusgate and questions invited. |

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<tr>
<th>TPM0610 STAR Survey (Survey of Tenants And Residents)</th>
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FA outlined what a STAR survey is and what it entails. FA confirmed a letter will be sent to all tenants to advise them when it will be taking place. Previous survey was in 2013 to approximately one third of tenants. FA invited anyone who wished to become involved to contact him, and asked that group look at giving feedback on the attached questions. Discussions followed about how to complete the surveys (i.e. telephone, letters), to how many tenants and what incentive should be given. Noted that may get higher amount of returns should the survey be released after school summer holidays. Noted that could be an internet link, or way to complete via text. Noted to ensure we have a wide demographic of tenants. |
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<tr>
<th>TMPO611</th>
<th><strong>Review of Repair &amp; Maintenance Services</strong></th>
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<tr>
<td>ST talked through details of a previous review completed 8 – 9 years ago about how FHA procure services, changing methods of pricing etc. Then gave (via presentation) details about a more recent review done with Echelon. Purpose of these reviews are to work towards being more cost effective, design services to meet residents and stakeholders expectations and enhance customer engagement and quality control. Confirmed that FHA has taken on 3 further DEMS and 1 apprentice.</td>
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<td>Noted that if group has any further queries to contact MR who can enquire.</td>
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<tr>
<th>TMPO612</th>
<th><strong>Renting Homes (Wales) act</strong></th>
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<tr>
<td>RB outlined what this new act will mean. Stated to come in Autumn 2017, Act will simplify occupancy agreements, which will give clearer details on housing management, Abandonments, successions etc. and give more security to private residents. Document distributed (attached). RB confirmed that FHA will raise awareness as it comes closer.</td>
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<tr>
<th>TMPO587</th>
<th><strong>Scrutiny Report</strong></th>
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<td>JA confirmed ongoing, although have completed many visits / communications and going very well. Recently started reviewing the first Scrutiny Report about allocations – mainly happy with but some updates still to come. MR &amp; JA has created a tenant friendly / simplified scrutiny report which will be uploaded to the tenant website shortly.</td>
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<tr>
<th>TMPO588</th>
<th><strong>Secretary Report</strong></th>
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<td>Secretary not present however the below information was circulated: An afternoon with Clifford Guard 16th September Macmillan coffee mornings, throughout FHA schemes 30th September National Older Persons day 1st October TPAS annual conference 9th – 10th November Welsh Tenant conference 22nd – 23rd September</td>
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<td>Tenants to speak to MR should they wish to attend any conferences.</td>
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<tr>
<th>TMPO589</th>
<th><strong>Treasurer Report</strong></th>
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<tr>
<td>Nothing to report.</td>
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<tr>
<th>TMPO597</th>
<th><strong>Reports from Tenants’ Groups/ Conferences / Work Streams</strong></th>
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<td>Noted via Void Workstream group that type 2 voids have increased. Discussion about reasons and prevention followed this.</td>
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<tr>
<th>TMPO591</th>
<th><strong>Tenant Participation Officer Update</strong></th>
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<tr>
<td>No updates as TPO not present; noted that CJ is doing well, and is being missed. Group asked for best wishes to be passed on to CJ.</td>
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<tr>
<th>TMPO577</th>
<th><strong>Any Other Business</strong></th>
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<tr>
<td>None to note relevant to TP meeting.</td>
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<tr>
<th>TMPO578</th>
<th><strong>Date, Time and Location of Next Meeting</strong></th>
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<tr>
<td>Thursday 15th September 2016 at 2:00pm, in Hazel Court meeting room.</td>
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Chief Exec's Briefing note to Tenant Panel – 14th July 2016

Board Recruitment update

Since my last update, there has been significant progress; we had a wonderful response to the advertisement and Board were able to make six new appointments. I reported 5 vacancies; however Ian Ambrose advised Board that due to work and family commitments he was standing down. So last month, June Board meeting saw a full house with the six new members attending their first meeting.

The new members are:-

**Deborah Smyth** - Deborah is the director of her own recently established small businesses, taking the decision to move on from many years in education and teaching within the school of Business and Construction.

Deborah has prior experience of working on a housing board, which included holding the position of chair, extending her knowledge of the NED role and boards purpose. She has a sound knowledge in corporate governance and experience of leading organisational change.

**Matthew Channell** - Matthew is a Director of TSW Training and Construction Skills Training Limited, both successful and longstanding learning & development providers in Wales. He is an experienced strategic and operational manager with broad management experience in areas of HR, Administration, Quality, Sales, Marketing and Customer Service. Matthew has an MSc in Management and wrote his thesis on learning transfer, with the goal of identifying methods for maximising return on investment realised by organisations when investing in learning/training interventions. He has specific interest in areas of strategy, change management, communication and people & organisational development.

**Karen Jackson** - Karen has 26 years experience of working in 3 local authorities in a range of frontline and strategic roles in housing, as well as at a senior corporate strategy level. During this time, Karen enjoyed a secondment to the Housing and Finance Division of the National Assembly for Wales and more recently, has gained experience working in the charity and social housing sectors. Karen has a postgraduate diploma in housing and is a member of the Chartered Management Institute.

**Richard Harris** ACMA, CGMA - Richard is a chartered management accountant working as Group Financial Controller at Energist Medical Group. He has over 15 years experience of working in senior finance roles in a wide range of businesses and industries at strategic and operational levels. He is an agent of change and is accomplished at developing and implementing procedures that maximise shareholder value.
Mike Kavanagh - Mike has worked in the Construction Industry for over 25 years, specialising in major projects such as Swansea University Bay Campus, Bluestone Leisure Park and Major Airports. Mike brings a wealth of Industry experience and understanding of the challenges faced by the Board when balancing social responsibility and financial wellbeing.

Martin Ridgeway - Martin has over 25 years in Housing, working in partnership with local RSL’s, local authorities, Welsh Government and private developers. He has extensive knowledge of Housing and Property market across the Swansea Bay City Region. Martin has a strong background in Regeneration particularly in Town and City Centres and is a member of the Vibrant and Viable Places Management Board in Bridgend. He has developed a strong and clear understanding of the need for transparent and sound governance through his voluntary and professional roles.

Regulatory Assessment & Financial Viability Judgment

On 7th April I, (along with Chris Foxall and Andrew Bennett) met with the Regulation team to discuss the Regulatory relationship going forward. The relationship will ‘normalise’ to a greater degree with our main contact moving from Carol Kay to Maria Round. Maria is familiar to many members of the Tenant Panel.

A new Regulatory Engagement Plan is being developed to focus on monitoring progress in the areas we have identified for continued development. These are set out in both our Business Plan and also the Regulatory Opinion Report.

Board update

Business Plan – the new Business Plan has been published on the Association’s website along with the ‘accessible version

Development update – Both of the Carmarthenshire Extra Care schemes have been completed and many tenants have moved in. The teams working at the schemes have been supporting and encouraging tenants to participate in a variety of events and activities.

There are still several vacancies at both of the Carmarthenshire schemes and also at Bro Preseli and our colleagues are working with the local authorities and other partners to encourage, facilitate and support more referrals.

Work has started on both the Hazel Court North and Scurlage sites with completion for both scheduled for the last quarter of this financial year.

Finance – Quarter 1 Management Accounts (for this financial year) will be presented to the July Board meeting along with the Statutory Accounts for the financial year ending 31st March 2016. A summary of the Statutory Accounts will be included in the Association’s annual report which officers are currently developing.
Performance Management reporting – following the development, approval and implementation of the new Business Plan, officers have been working with Board Members on developing a performance management framework. The information itself is what we have previously reported on, however, we are changing the frequency and format we report in.

Operational Managers are working on the collation of the information and supporting Farid in shaping this in the new reporting format. Together, the managers, Farid and Mel are developing a ‘Prezi’ report for Board, Tenants and Staff.

Welfare Reform - In June Richard presented information to the Board updating them on potential impact of LHA (local housing allowance) changes and the continued roll out of Universal Credit.

Karen Dusgate
05.07.2016
Renting Homes (Wales) Act 2016
Overview of the Act and implications for the sector

The Renting Homes (Wales) Act 2016 was enacted in response to increased numbers of people currently accessing the rented market in Wales and in an effort ‘to make it simpler and easier to rent a home, replacing various complex pieces of legislation with one clear legal framework.’

Around a third of the population of Wales lives in rented accommodation. The changes proposed by the Renting Homes (Wales) Act will affect almost all of those people and their landlords.

The Act seeks to simplify the letting process and provide more transparency and flexibility. The changes will affect all landlords in both the public and private sectors. It provides clarity on rights and responsibilities through written contracts for both the tenant and the landlord.

The new Act replaces the majority of current tenancies and licenses with just two types of contract, one for private rented and one for social rented housing. Landlords will be required to issue a written statement of contract setting out the rights and responsibilities of landlords and tenants. They will also be required to carry out repairs and ensure that rental properties are fit for human habitation. The Act will also help landlords to recover a property in situations where a tenant abandons it.

For tenants, the Act will help protect people from being evicted simply for complaining about the condition of their home and it will also help to prevent people from being made homeless when a joint tenant leaves a tenancy. The key concepts within the Act include occupation contracts, community landlord, private landlord and fundamental supplementary or additional terms.

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Community and Private Landlords
The Act provides for two types of landlords; community landlords which are the providers of social housing, and private landlords which is any landlord in Wales who is not a community landlord.

Occupation Contracts
As a general rule the type of landlord dictates what kind of contract the occupier occupies under.

The default positions are that a community landlord operates a secure contract and a private landlord operates a standard contract, with some variations possible.

Secure contracts are periodic and based on the local authority secure tenancy agreement. This will be the default tenancy for community landlords, with some exemptions.

Standard contracts can be periodic or fixed term and will largely follow the current form of Assured Shorthold Tenancy. It will only be possible to deviate from these two forms of contract in limited circumstances.

There are provisions for variations from the default position if the community landlord wants the contract to be standard. This includes; accommodation for asylum seekers and displaced persons, accommodation for homeless people, accommodation connected with certain public sector employment and certain student accommodation. For private landlords, the contract is always standard unless the landlord chooses a secure contract or takes over an existing contract.

Written statements and model contracts
The Act requires every landlord to issue a written statement of contract to the contract-holder, including a new contract-holder in a joint contract, within 14 days of the day on which the contract-holder is entitled to begin to live in the dwelling. This is the “occupation date”.

Welsh Government model forms of occupation contracts will be freely available for use. It will not be mandatory to use the model forms of occupation contract but any changes will need to be fair and transparent. In addition, the Act stipulates
certain fundamental and supplementary terms which must be included in the occupation contract.

The terms that must be included in the occupation contracts are:

- **Key terms** (such as rent, address of property – i.e. things that are unique to the occupation contract).
- **Fundamental terms** (essential rights and obligations of landlord and tenant – certain terms can be left out or modified but only if the outcome of this is to the advantage of the contract-holder).
- **Supplementary terms** (maintenance of property etc.) – these can be left out or modified either in favour of the contract-holder or the landlord.
- **Additional terms** (specific issues the parties want covered by the contract to which there are no statutory provisions, for example, the keeping of pets at the property).

Supplementary provisions will be set out in Regulations made by Welsh Government. These are automatically incorporated into occupation contracts to which they apply unless both landlord and contract-holder agree.

**Exemptions**

A number of arrangements excluded from occupation contracts include; minors, supported housing, shared ownership leases, direct access accommodation, homelessness, holiday lets, care institutions, temporary arrangements, accommodation shared with a landlord and armed forces accommodation.

**What are the changes?**

From a housing management perspective, the main changes will include the issuing of joint tenancies which will add more flexibility if one tenant wants to leave and enables sole tenancies to add a new tenant. The changes will make it easier for succession and taking back a property where it has been abandoned, and to identify tenancy fraud and address anti-social behaviour.
Joint Contracts
The Act allows for sole tenancies to add new tenancies without prejudicing the current contract. One party can therefore end the contract without ending the contract entirely. This will allow for the contract to continue for the occupiers that still require the accommodation and requires all occupiers to act collectively in order to end the agreement.

Death and succession
The Act sets out a system for succession of occupation contracts, with potential successors falling under priority successors or reserve successors. Priority is provided for spouse/civil partners or those living together as spouses/civil partners in a dwelling. Reserve successors will apply to other family members who live in the dwelling or for a reserve carer who lives in the dwelling. Priority successors have precedence over reserve successors. Where there are multiple successors of the same type, they can agree among themselves who succeeds or, if unable to agree, the landlord can choose. The system allows for a limited number of successions after which the contract ends with the death of the last contract holder.

Abandonment
The Act aims to make it possible for landlords to end a contract and regain possession of the property, under cases of abandonment, without the need to go to court. Where a property is abandoned, the Act will speed up the process so that the property is ready for re-letting as soon as possible.

The Act provides a procedure whereby a landlord who believes that a tenant or licensee has abandoned the home can serve a notice requiring the tenant or licensee to notify the landlord in writing if they have not abandoned the property before the end of a warning period. The notice must inform the tenant or licensee that the landlord intends to end the contract if, at the end of the warning period, the landlord is satisfied that the property is abandoned. The Landlord can use the warning period to make whatever inquiries are necessary to satisfy that the property is abandoned. At the end of the warning period, if still satisfied that the property is abandoned, then the landlord can serve a notice and treat the tenancy as ended without obtaining a court order.

Anti-social behaviour
All contracts will contain a term prohibiting anti-social behaviour. The Anti-social
behaviour crime and policing act 2014 is unaffected apart from on the grounds of possession. Causing anti-social behaviour can result in eviction or an application to court for a contract to be replaced with a ‘prohibited conduct standard contract’, resulting in a periodic standard contract and reduced security of occupation. The Welsh Government may by regulation amend Section 55 Anti-Social Behaviour and other prohibited conduct.

**Security of tenure in the private rented sector**
The Act includes enhanced protection for tenants. A minimum six-month occupation period will be maintained by the Act.

**Retaliatory Evictions**
The Act will apply to every landlord who seeks to evict a tenant, and they cannot and should not evict a tenant simply because they have made a legitimate complaint against the property.

**Fitness for human habitation**
The Act provides a new term/duty that requires all landlords to ensure that properties are fit for human habitation at the commencement of, and throughout, the tenancy agreement.

Ministers will be able to pass regulations defining what is fit for human habitation and therefore the Act will introduce prescribed, minimum property standards for landlords to maintain.

**Implementation**
Welsh Government is currently finalising the implementation process for the Act and anticipates that this will be completed in 2016 in readiness for the Act to be in full operation across Wales in 2017/18. The Welsh Government will continue to engage with stakeholders to minimise administrative burden and will work with stakeholders to develop the implementation process through the Renting Homes Steering Group, of which Community Housing Cymru is a member.

The following outlines the Welsh Government's current plans for implementation:

- Guidance will be provided to landlords and tenants to assist with the changes.
- Model contracts will be made freely available to landlords in advance of the operation date in order to help landlords prepare.
- All existing tenancies would automatically convert to the appropriate new contract on a set date. This will include contracts in arrears.
- New contracts would then be issued at a suitable point, e.g. in private sector when one tenancy ends and another starts.
- Welsh Government will continue to engage with stakeholders to minimise administrative burden.

We will continue to notify members on the development of the Act. If you have any queries on the content of this briefing in the meantime please contact: Selina Moyo, Policy Officer on 029 2067 4807 or Selina-Moyo@chcymru.org.uk

Community Housing Cymru
July 2016
Renting Homes (Wales) Act 2016

Frequently Asked Questions
TPAS Cymru Fact Sheet
Introduction

The Renting Homes (Wales) Act 2016 came into law in January 2016 and will affect over 1 million people living in rented accommodation in Wales as almost 1 in 3 households rent from a social or private landlord. However, the implementation of the Act is not expected before autumn 2017 as secondary legislation and regulations need to be made before the Act can be implemented. Many of these regulations will also be subject to further public consultation.

What will be the main change?

One of the main changes in the Act will be the introduction of two new types of ‘occupation contract’, replacing the majority of existing types of tenancy and licence agreements.

1) A secure contract - modelled on the current secure tenancy issued by Local Authorities
2) A standard contract - modelled on the current assured shorthold tenancy used mainly in the private rented sector.

There will also be variations for specific types of housing or circumstances such as in Supported Housing provision.

To help landlords comply with this requirement, the Welsh Government will provide free model contracts which will be written in a way that is easy to understand. It will also be possible for additional terms to be incorporated in the contract. These terms, where reasonable, may include matters such as whether pets are allowed or matters specific to communal areas.

In the Act ‘tenants’ and ‘licensees’ are referred to as ‘contract-holders’ and ‘tenancies/licences’ are referred to as ‘occupation contracts’.

Why has a new Act been introduced?

The Renting Homes (Wales) Act aims to make it simpler and easier to rent a home in Wales, replacing various and complex pieces of existing legislation with one clear legal framework. The law applying to renting had become complicated and dated over the years with many different tenancy and licence types resulting in confusion for tenants and landlords alike. Many tenancy agreements are difficult to understand with a lack of clarity on rights and responsibilities which often leads to disputes.

There were also a number of problems with the current system, including the different rights enjoyed by council and housing association tenants and issues around joint tenancies.
Are there any other changes?

Yes, there are a number of other important changes as the Act seeks to simplify the process for renting homes and provide more transparency and flexibility. Once implemented the Act will:

- require landlords to issue a written statement of the contract which clearly sets out the rights and responsibilities of both landlords and tenants
- require landlords to carry out repairs and ensure rental properties are fit for human habitation
- help protect people from being evicted simply for complaining about the condition of a property
- help to prevent people being made homeless when a joint tenant leaves a tenancy, thereby ending the tenancy for everyone else
- do more to help victims of domestic abuse by enabling the person carrying out the abuse to be targeted for eviction to help prevent those experiencing domestic abuse from becoming homeless
- simplify current succession arrangements to reduce inequalities in how someone can succeed to a tenancy, with a new succession right for carers created
- help a landlord to recover a property in situations where the tenant abandons it which should mean that the property can be let more quickly rather than having to wait for a court order
- include a 'prohibited conduct' clause addressing anti-social behaviour, domestic abuse and criminal acts

When will the changes come in?

The implementation of the Act is not expected before autumn 2017 as secondary legislation and regulations need to be made before the Act can be implemented. Many of these regulations will also be subject to further public consultation. Consultations and other information on implementation will be publicised at: www.wales.gov.uk/rentinghomes

Current tenancies in Wales will automatically convert to the appropriate new contract under the Act on a specific date. The Welsh Government in collaboration with stakeholders will produce guidance for tenants and landlords alike and will develop a communications strategy to ensure everyone is informed of the forthcoming changes.

TPAS Cymru will be keeping its members updated on opportunities for public consultation and the Acts implementation.

Where can you find out more information?

Welsh Government information on the Act: www.wales.gov.uk/rentinghomes

Ariennir yn Rhanoll gan
Lywodraeth Cymru
Part Funded by
Welsh Government

This factsheet aims to provide an overview of The Renting Homes (Wales) Act 2016 and does not constitute legal or professional advice