

SDR 176/2008

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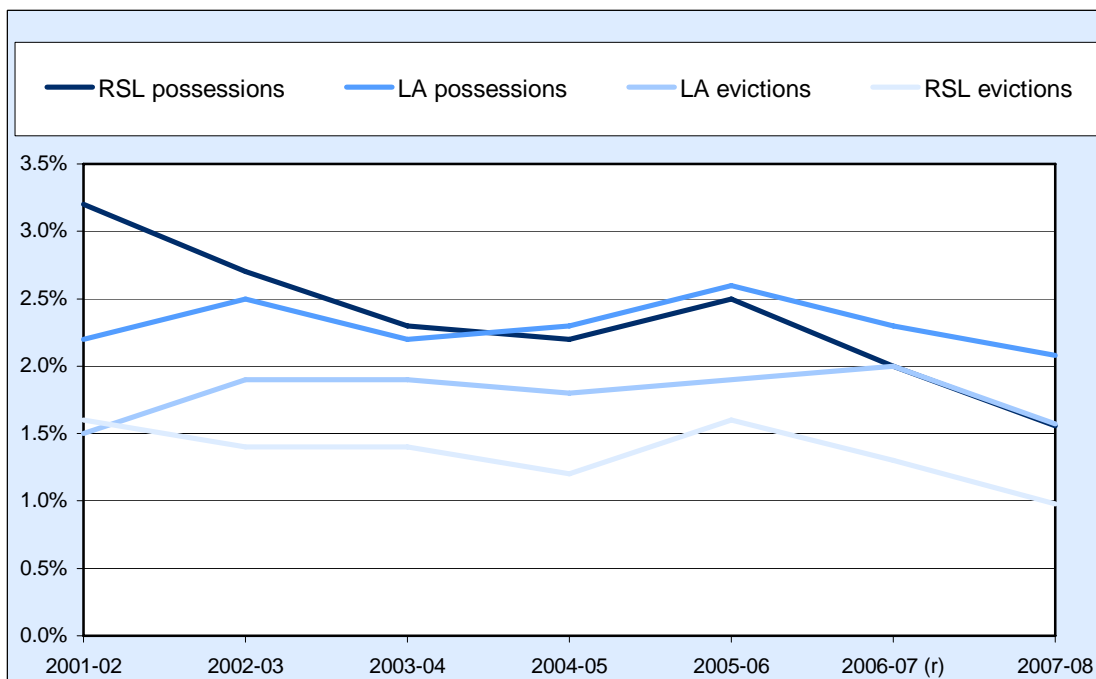
## Social Landlords Possessions and Evictions in Wales, 2007-08

This Statistical Release presents information about possession orders and eviction warrants obtained against tenants of social landlords (local authorities and registered social landlords - RSLs) in Wales during 2007-08. Possession orders can be granted by the courts following a judicial hearing. Eviction warrants can only be applied for once a possession order has been granted but parties can still negotiate a compromise to prevent eviction.

### Summary

- Both possession orders and eviction warrants have fallen over the last 2 years to 4,422 and 3,184 respectively.
- Just over a third of eviction warrants each year result in tenants leaving their homes, the majority of which are single working-age adults.
- Levels of anti-social behaviour orders by tenants increased over the last year from 12 to 18 and injunctions increased from 103 to 107.
- Since 2004-05, local authorities have overtaken RSLs in the number of possession orders obtained per tenant. Also over the last two years there has been an increasing difference in the overall level of possession activity seen between local authorities and RSLs (Chart 1).

**Chart 1. Possession orders and eviction warrants as percentage of tenancies**



(r) Data revised for local authority possessions

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**Next Update:** October 2009 (provisional)



## Possessions

In total, there were 4,422 possession orders by all Welsh social landlords during 2007-08, a fall of 10 per cent from the previous year. These were almost all due to rent arrears.

Of all the possession orders:

- 1,273 were by RSLs, a fall of 102 from the previous year;
- 3,149 were by local authorities, a fall of 371 from the previous year.

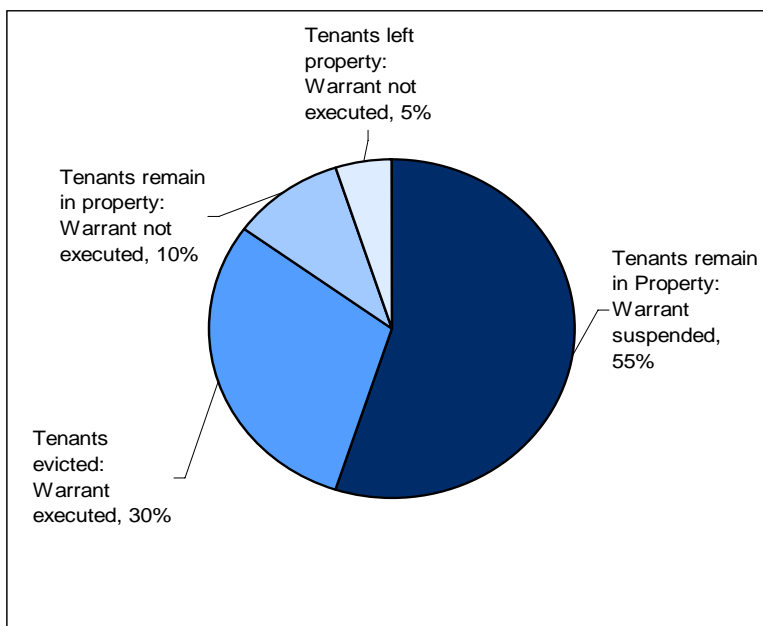
## Evictions

In total, there were 3,184 eviction warrants granted to Welsh social landlords against their tenants during 2007-08, a fall of 733 (19 per cent) from the previous year. These eviction warrants resulted in 1,127 tenants (and their families) leaving their homes, a fall of 212 (16 per cent) compared with 2006-07.

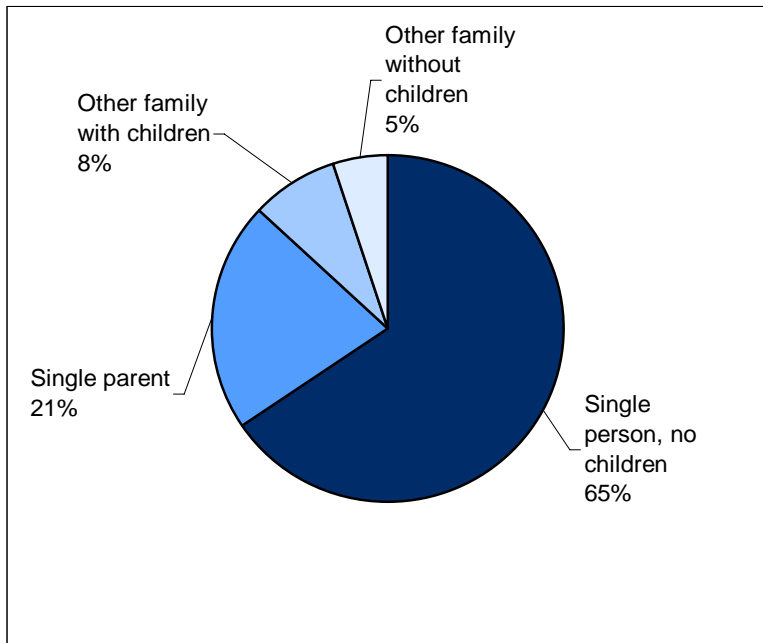
Of all the eviction warrants:

- 802 were granted to RSLs, a fall of 91 from the previous year. These resulted in 359 tenants leaving their homes;
- 2,382 were granted to local authorities, a fall of 642 from the previous year. These resulted in 768 tenants leaving their homes.

**Chart 2. Eviction warrants against all social landlord tenants, 2007-08**



### Chart 3. Eviction warrants where tenant leaves property by type of family, 2007-08 (a)



(a) Based on number of tenants where family type was known.

Of the 1,127 social housing tenants that left their homes as a result of eviction warrants during 2007-08, there were:

- 689 single people (667 below pensionable age);
- 218 single parent families;
- 75 cases where the social landlord was unable to record the type of family evicted.

### Anti-social behaviour

During 2007-08, there was a rise in legal action taken by social landlords against anti-social behaviour by tenants. For an estimated 219 thousand social landlord tenancies, at 31 March 2007, social landlords reported:

- 18 Anti-Social Behaviour Orders (compared with 12 during 2006-07), of which 17 were by local authorities;
- 107 Injunctions, of which 61 were by local authorities and 46 by RSLs;
- 56 other cases of unspecified legal action;
- 141 possession orders as a result of anti-social behaviour, of which 52 were suspended and postponed orders and 89 were outright orders.

**Table 1. All Social landlords: Summary of possession orders and eviction warrants, Wales (a)**

	All social landlords					
	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08
<b>Possessions - main reason for action</b>						
<b>Suspended and postponed possession orders (b):</b>						
Arrears	4,214	3,464	3,366	3,918	3,209	2,551
Anti-social behaviour	28	38	31	38	(r) 36	52
Other	1	0	0	9	7	39
Total	4,243	3,502	3,397	3,965	(r) 3,252	2,642
<b>Outright possession orders:</b>						
Arrears	1,552	1,480	1,602	1,600	1,569	1,674
Anti-social behaviour	43	71	72	64	59	89
Other	4	5	7	19	15	17
Total	1,599	1,556	1,681	1,683	1,643	1,780
<b>All possession orders:</b>						
Arrears	5,766	4,944	4,968	5,518	4,778	4,225
Anti-social behaviour	71	109	103	102	(r) 95	141
Other	5	5	7	28	22	56
Total	5,842	5,058	5,078	5,648	(r) 4,895	4,422
<b>Evictions - outcome of warrant</b>						
<b>Tenants remain in property:</b>						
Warrant suspended	2,117	2,363	2,114	2,318	2,256	1,736
Warrant not executed	434	220	215	223	322	321
Total	2,551	2,583	2,329	2,541	2,578	2,057
<b>Tenants left property:</b>						
Warrant not executed	306	287	153	236	174	163
Warrant executed and resulting in eviction	1,258	1,164	1,098	1,230	1,165	964
Total	1,564	1,451	1,251	1,466	1,339	1,127
<b>All eviction warrants</b>	4,115	4,034	3,580	4,007	3,917	3,184
<b>Type of family leaving property</b>						
<b>Families with children:</b>						
Single parent	238	252	184	276	233	218
Other families	96	96	110	86	97	88
<b>Families without children:</b>						
Single person, not elderly	711	783	689	790	(r) 777	667
Elderly single person	12	20	21	18	(r) 27	22
Other families	80	84	101	106	87	57
<b>Family type not known</b>	427	216	146	190	118	75
<b>All families</b>	1,564	1,451	1,251	1,466	1,339	1,127

Source: Survey of Possessions and Evictions of Social Housing Tenants

(a) Year ending 31 March. All Social Landlords includes both Local Authorities and Registered Social Landlords

(b) Postponed orders were introduced from July 2006

(r) Revised October 2008

Note: For definitions see Glossary

**Table 2. Possession orders and eviction warrants for local authority tenants, year ending 31 March 2008**

*Number of cases and Per cent*

	Number of tenancies at March 2007 (a)	All possession orders		All eviction warrants	
		Number	Per cent of tenancies	Number	Per cent of tenancies
Isle of Anglesey	3,848	19	0.5	3	0.1
Gwynedd	6,263	43	0.7	15	0.2
Conwy	3,800	45	1.2	43	1.1
Denbighshire	3,487	52	1.5	26	0.7
Flintshire	7,404	96	1.3	33	0.4
Wrexham	11,393	248	2.2	296	2.6
Powys	5,470	62	1.1	18	0.3
Ceredigion	2,233	19	0.9	13	0.6
Pembrokeshire	5,657	130	2.3	129	2.3
Carmarthenshire	9,085	187	2.1	106	1.2
Swansea	13,377	366	2.7	294	2.2
Neath Port Talbot	9,182	139	1.5	193	2.1
Bridgend (b)	.	.	.	.	.
The Vale of Glamorgan	3,918	169	4.3	83	2.1
Cardiff	13,838	341	2.5	299	2.2
Rhondda Cynon Taf (b)	9,979	138	1.4	85	0.9
Merthyr Tydfil	4,242	167	3.9	166	3.9
Caerphilly	10,938	235	2.1	158	1.4
Blaenau Gwent	6,294	158	2.5	83	1.3
Torfaen	8,088	312	3.9	181	2.2
Monmouthshire (b)	3,679	34	0.9	6	0.2
Newport	9,179	189	2.1	152	1.7
<b>Wales</b>	<b>151,354</b>	<b>3,149</b>	<b>2.1</b>	<b>2,382</b>	<b>1.6</b>

Source: Survey of Possessions and Evictions of Social Housing Tenants

(a) Tenancies: Estimated from total stock minus vacant dwellings

(b) Stock transfer authorities. Bridgend transferred to 'Valleys to Coast' in September 2003; Rhondda Cynon Taf to 'RCT Homes' in December 2007; and Monmouthshire to 'Monmouthshire Housing' in January 2008.

**Table 3. Possession orders and eviction warrants for registered social landlord tenants, year ending 31 March 2008**

*Number of cases and Per cent*

Name of RSL	Number of tenancies at March 2007 (a)	All possession orders		All eviction warrants	
		Number	Per cent of tenancies	Number	Per cent of tenancies
Aelwyd	257	0	0.0	0	0.0
Bro Myrddin	711	2	0.3	8	1.1
Cadwyn	1,151	27	2.3	10	0.9
Cardiff Community	2,466	36	1.5	12	0.5
Clwyd Alyn	3,985	80	2.0	137	3.4
Cantref	1,249	15	1.2	17	1.4
Clwyd	1,587	5	0.3	1	0.1
Gwalia	6,967	89	1.3	56	0.8
Dewi Sant	1,437	10	0.7	11	0.8
Eryri	1,429	4	0.3	4	0.3
Cynon Taf Community (b)	1,366	32	2.3	29	2.1
Family	2,083	25	1.2	32	1.5
First Choice	301	0	0.0	0	0.0
Hafan	107	1	0.9	0	0.0
Hafod	3,027	49	1.6	31	1.0
Linc Cymru	3,032	88	2.9	59	1.9
Melin (c)	2,354	36	1.5	39	1.7
Merthyr Tydfil	987	9	0.9	4	0.4
Mid Wales	1,201	15	1.2	10	0.8
Monmouthshire (d)	3,679	12	0.3	0	0.0
Newydd	2,171	50	2.3	19	0.9
North Wales	1,973	12	0.6	11	0.6
Pembrokeshire	1,598	33	2.1	13	0.8
RCT Homes (d)	9,979	89	0.9	21	0.2
Rhondda	1,432	34	2.4	35	2.4
Seren Group	4,172	110	2.6	27	0.6
Swansea	2,836	43	1.5	21	0.7
Taff	1,075	9	0.8	7	0.7
United Welsh	3,554	78	2.2	31	0.9
Valleys to Coast	5,711	136	2.4	82	1.4
Wales & West	7,868	144	1.8	75	1.0
<b>Wales</b>	<b>81,745</b>	<b>1,273</b>	<b>1.6</b>	<b>802</b>	<b>1.0</b>

Source: Survey of Possessions and Evictions of Social Housing Tenants

(a) Tenancies: Figure provided on "R SL1" statistical return

(b) In January 2008, Cynon Taf and Pontypridd and District Housing Associations merged to form Cynon Taf Community Housing Association.

(c) In April 2007, Eastern Valley and Gwerin (Cymru) Housing Associations merged to form Melin Homes.

(d) With effect from 10 December 2007, Rhondda Cynon Taf's housing stock transferred to the RSL 'RCT Homes'. With effect from 17 January 2008, Monmouthshire's housing stock transferred to the RSL 'Monmouthshire Housing Association'. For the figures shown above, the number relates to the actual number of legal actions. The 'per cent of tenancies' is shown at an annual rate.

Note: For definitions see Glossary

**Table 4. All Social Landlords : Other legal action taken against anti-social behaviour, year ending 31 March 2008 (a)**

Type of tenancy	Type of legal action					Number of cases	
	Anti-social behaviour order	Injunctions	Tenancy Demotions	Tenancy Extensions	Other	Total	
Secure	4	58	13	.	14	89	
Secure Introductory	0	1	.	5	9	15	
Assured	1	36	21	.	20	78	
Assured Shorthold Ordinary	0	4	0	.	1	5	
Assured Shorthold Introductory	0	0	.	.	11	11	
Other	13	8	0	0	1	22	
<b>Total</b>	<b>18</b>	<b>107</b>	<b>34</b>	<b>5</b>	<b>56</b>	<b>220</b>	

Source: Survey of Possessions and Evictions of Social Housing Tenants

Note: For definitions see Glossary

(a) All Social Landlords includes both Local Authorities and Registered Social Landlords

## Quality Information

1. The survey covers legal actions that were completed during the period from 1 April 2007 to 31 March 2008 even if the action started before 1 April 2007. It excludes any actions that were still in progress at 31 March 2008. These are carried forward for inclusion in the survey the following year. It includes all legal actions whether carried out in Welsh or English Courts.
2. The Release is based on information collected from all Welsh local authorities and the largest RSLs registered in Wales.
3. The following symbols are used in the tables throughout this release:
  - .. = not available
  - . = not applicable
  - = estimated as nil, or less than half the final digit shown

## Glossary

### Anti-social behaviour

Anti-Social Behaviour Orders (ASBOs):

Under the Crime and Disorder Act 1988 the police or a local authority, or (since December 2002) a Registered Social Landlord can apply to the magistrates court for an ASBO against anyone over the age of 10.

Injunctions:

These include all injunctions granted for reasons of anti-social behaviour under Sections 152 (local authorities) and 153 (local authorities and RSLs) of the Housing Act 1996.

Possession orders:

Local authorities and RSLs have been asked for the purposes of completing this statistical inquiry to decide if the main reason for seeking a possession order was anti-social behaviour by the tenant or members of their household.

### Pensionable age

This is defined as women aged 60 or over and men aged 65 or over.

### Eviction warrants

Suspended eviction warrants:

Frequently, the courts suspend the operation of the warrant. Provided the defendant complies with the terms of the suspension, which usually requires the defendant to pay the current rent plus some of the accrued arrears, the possession order cannot be enforced.

Warrant not executed:

This represents either,

- Tenants that have reached an agreement with the landlord following the granting of the eviction warrant and who will not, therefore, leave the property as long as they comply with the terms of their agreement;
- Or tenants that have left the property as a result of a granted eviction warrant, before that warrant has been executed.

Warrant executed and resulting in eviction:

This is the final stage of the legal process.

## **Main reason for action**

In many cases there will be more than one reason for the eviction of a tenant. In completing this survey the landlord should give the main reason, in their view, for the possession action. An example of the "other" category would be possessions by Order 24 (trespasser proceedings).

## **Possession orders**

Suspended possession orders:

Frequently, the courts grant possession but suspend the operation of the order. Provided the defendant complies with the terms of the suspension, which usually requires the defendant to pay the current rent plus some of the accrued arrears, the possession order cannot be enforced.

Postponed possession orders:

This order does not in itself end the tenancy, but if its terms are breached the court may, on application by the landlord, fix a date for the tenancy to end without a further hearing.

Orders Made:

The court, following a judicial hearing, may grant an order for possession immediately. This entitles the claimant to apply for a warrant to have the defendant evicted. However, even where a warrant for possession is issued, the parties can still negotiate a compromise to prevent eviction.

## **Procedures**

Mandatory:

Mandatory under Grounds 1 to 8 of the Housing Act 1988 as amended by the Housing Act 1996.

## **Tenancies - Local Authority**

Secure Tenancy:

Section 79 of the Housing Act 1985 defines a secure tenancy as a tenancy under which a dwelling house is let as a separate dwelling when the landlord condition (s. 80) and the tenant condition (s.81) are satisfied. A local authority satisfies the landlord condition and an individual who occupies the dwelling house as his/her principle home satisfies the tenant condition. Local authority tenants are normally periodic secure tenants. Secure tenants have a high degree of security of tenure.

In relation to secure tenancies there are 18 grounds for possession that fall into three categories:

- Those where the court has a discretion to order possession on the grounds that it is reasonable to do so;
- Those where the court may order possession where suitable alternative accommodation is available;
- Those where the court may order possession where it thinks this would be reasonable and where suitable accommodation is available.

Introductory Tenancy:

Section 124 of the Housing Act 1996 enables local authorities to elect to grant new periodic tenants an "Introductory tenancy", which will act as a sort of probationary tenancy. An introductory tenancy is similar to a short-hold tenancy in the private sector, and therefore has limited security of tenure. The local authority can ask the court for possession at any time within the first 12 months without proving any statutory grounds. If the local authority does not commence possession proceedings within the first 12 months, the tenancy will become a secure tenancy. An Introductory Tenancy can only be created in local authorities that have elected to create them, but then all (with a few technical exceptions) new tenancies created by that authority must be introductory.

Local authorities can only obtain possession orders via a “mandatory” route for their introductory tenants.

### **Tenancies - Registered Social Landlord**

Secure Tenancy:

Tenancies created by registered housing associations between 1980 and before the 15 January 1989 are secure tenancies for the purposes of security of tenure. However, they are also “housing association tenancies” and should be treated as Rent Act protected tenancies for the purpose of fair rent regulation.

Assured Tenancy:

Section 1 of the Housing Act 1988 defines an assured tenancy as where a dwelling house is let as a separate dwelling and the tenant is an individual who occupies the dwelling house as his/her only or principal home. From the 15 January 1989 housing associations could only grant assured tenancies. Assured tenants have a high degree of security of tenure.

In relation to assured tenancies there are also 18 grounds for possession as follows:

- Mandatory grounds – where the court must order possession if the landlord is able to prove the ground alleged e.g. 8 weeks rent arrears both at the date of the notice seeking possession and at the date of the hearing (Ground 8);
- Discretionary grounds – where the court may only order possession where it is reasonable to do so e.g. persistent delay in paying rent.

Assured Shorthold Tenancy:

These are a type of assured tenancy, but have a more limited security of tenure (outside any agreed contractual period). From 28 February 1997 they are the default tenancy for the private rented sector, and all new private sector tenancies created after this date will be assured shorthold tenancies, unless the landlord decides to opt into the assured tenancy. Most social landlords (i.e. housing associations) have followed this course of action and grant assured tenancies.

In relation to possession proceedings the landlord is able to obtain possession, after serving the appropriate notice, at the end of the contractual period or after six months from commencement of the tenancy.

### **Further information**

Further information is available from the Housing Statistics web site:

<http://www.wales.gov.uk/statistics>

The full form and datasets of possessions and evictions of Local Authority and Registered Social Landlord tenants are published on the Internet at:

<http://dissemination.dataunitwales.gov.uk/webview/>

If you require any further information regarding the Local Government Data Unit ~ Wales publication, contact details are as follows:

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