

# Practitioner article

## Banning eviction for rent arrears in Stirling

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# Shelter

## Banning eviction for rent arrears in Stirling

Earlier this year Stirling Council took the decision to ban eviction for rent arrears following a motion raised by Councillor Alasdair MacPherson, the portfolio holder for housing. Councillor MacPherson explains the motivation behind his proposal and what alternative action Stirling Council is now taking to address rent arrears.

### The motion

On June 25<sup>th</sup> 2009, Stirling Council became the first local authority in the UK to ban evicting tenants for rent arrears. Below are the details of my motion which was approved by Stirling Council:

*'Recently published figures show that Stirling Council evicted 23 tenants for rent arrears last year. Evictions for rent arrears are draconian and an attack on the poor in our society, especially in this economic climate. Council resolves to end evicting tenants for rent arrears, with immediate effect. Council also instructs the Head of Housing to write to local housing associations encouraging them also to stop this practice. Council further instructs the Head of Housing to work closely with the Scottish Housing Regulator to seek an alternative to eviction for rent arrears, as recommended by Shelter Scotland. This proposal will be subject of review on a yearly basis in order to gauge the level of rent arrears.'*

### The motivation

The motivation behind my motion came after a surgery I held in my ward earlier this year. A constituent of mine told me that she had received a letter informing her that the Council was taking her to court seeking eviction for rent arrears. I knew my constituent well, and was aware that both her husband and son had lost their jobs as a direct consequence of the recession. I went home after my surgery and the feeling of injustice to her situation was overwhelming.

The next day I spoke to housing officials and they told me that court action in this case was in accordance with current Council policy. The only way I could stop my constituent being evicted was to take a motion to the next Council meeting seeking to change the current policy. I investigated what alternative measures could be put in place in order to gain cross party support for such a change, and during research on the web I came across an article in ROOF magazine, which suggested various alternatives to evictions for rent arrears. The article concluded:

*'Landlords must get the rent in but should legal action/ eviction be the default option for doing this? Why is there such variation in the use of the eviction process and so little relation to the landlord's performance on rent collection? There are a range of alternative options for pursuing debts. Are these effective and could they entirely replace the use of eviction?'*

## Getting the motion passed

I met with housing officials to discuss the article and although they did not agree with my motion, they admitted that they could have engaged with tenants with rent arrears earlier, which might have meant court action was avoidable in a lot of cases.

My motion was debated at a meeting of the full Council on 25<sup>th</sup> June and was supported by 17 out of 21 councillors present. Since my motion was approved, I have been working closely with housing officials during the summer recess developing the new policy and producing a reporting framework that will be scrutinised by various Council committees in order to carefully monitor the level of rent arrears.

## In practice

Our new approach to rent arrears aims to establish a culture of early and direct face-to-face contact with tenants, and to shift the focus of rent arrears recovery to prevention and support. In future we will:

- make contact with every waiting list applicant likely to be offered a house to discuss their tenancy obligations including the importance of payment of rent in advance and their support needs.
- insist on the completion of housing benefit application or the payment of rent in advance at sign up.
- agree support plans for all new tenants based on pre-tenancy and sign-up contact.
- visit all new tenants within the first 4 weeks to assess how well they are settling in, with follow up settling in visits continuing for as long as help is needed.

We have also put in significant resources in order to ensure that the new approach is properly resourced and have created four additional posts:

- Two new 'settling in' officers
- Two additional housing officers

## Conclusions

There is no doubt that Stirling Council took a very bold step in becoming the first local authority in the UK to halt evictions for rent arrears, but I feel that it was the correct thing to do.

I welcome the significant measures and resources that the Scottish and UK Governments have put in place to protect private homeowners from repossession, but there seem to be few or no new measures in place to protect social rented tenants from eviction. In fact, Shelter Scotland published a report last December which showed that social landlords were evicting twice as many people as mortgage lenders, a quite shameful and appalling statistic. I feel that evicting tenants from social rented housing for rent arrears is draconian and is in essence punishing people for being poor. The dehumanising practice of throwing people out of social housing has a devastating impact on people's lives and is no longer acceptable, especially in this economic climate.

I have received a number of phone calls and emails from families who have been evicted throughout the country welcoming the step that Stirling Council has taken. I would urge all elected members with a social conscience to follow the bold step that Stirling Council took in June. I would also like to encourage all rented social landlords to work together to confine evictions for rent arrears to the history books.

## Further information

For further information, contact [practicescotland@shelter.org.uk](mailto:practicescotland@shelter.org.uk) in the first instance.

Information on Stirling Council can be found at <http://www.stirling.gov.uk>

The conference presentation notes that assisted Councillor MacPherson in getting cross-party support for his motion can be found at [http://scotland.shelter.org.uk/\\_data/assets/pdf\\_file/0003/38253/Craig\\_Dunlop.pdf](http://scotland.shelter.org.uk/_data/assets/pdf_file/0003/38253/Craig_Dunlop.pdf)