



**Report to**     **Cabinet**

**Subject**     **Introductory Tenancies**

**Date**         **2 March 2006**

**Author**      **Area Housing Manager**

## **1. Purpose of the Report**

This reports seeks authorisation to implement the use of Introductory Tenancies to assist the Housing Services Department to deal more effectively with breaches of tenancy conditions, including anti-social behaviour and rent arrears including those homeless applicants who the Authority accepts a duty to re-house.

## **2. Background**

Introductory Tenancies were launched in the 1996 Housing Act, and have been effectively used by many local authorities, to improve their ability to deal quickly and efficiently with breaches of tenancy.

The proposals are that Introductory Tenancies will be offered to all new tenants, except those existing secure tenants who are transferring or exchanging, or assured tenants pursuing a mutual exchange with a secure tenant.

Non-secure tenants would be awarded an introductory tenancy once their turn had been reached for an offer of permanent accommodation.

The Introductory Tenancy would last for 12 months, after which the tenancy would become secure unless the Council had gained possession of the property or had started proceedings to do so. The process of obtaining possession by the Council differs from that involving secure tenants as the court **must grant possession** to the authority if it is satisfied that the notice has been served correctly and the tenant has had the full opportunity to review the Council's decision to serve notice.

Introductory tenants have basically the same responsibilities as secure tenants, but, in addition to the restriction on the security of tenure, they **do not** have the following rights :-

- Right to take in lodgers
- Right to sub-let
- Right to exchange
- Right to improve
- Right to vote prior to transfer to a new landlord
- Right to buy

The implementation of Introductory Tenancies would not have a direct impact on current tenants of the authority, but would enable the authority to act more quickly if the terms of the introductory tenancy agreement were broken, for example, in the event of any evidenced anti-social behaviour by an Introductory Tenant. It would also help to provide a service that more closely meets the expectations of our tenants and residents.

In summary the use of Introductory Tenancies would give the Council an additional mechanism to quickly respond to breaches of tenancy, such as rent arrears and serious anti social behaviour, due to the mandatory right to possession, as long as the action is taken before the 12 month period has ended, and the notice has been served correctly and the tenants right to appeal been explained.

### **3. Proposals**

1. To adopt an introductory tenancy scheme where all new tenants of the authority will be subject to an introductory tenancy for a period of 12 months and if not terminated, or served with notice in those 12 months the tenancy will automatically become secure.
2. That the Head of Housing Services have authority to approve the terms of the introductory tenancy agreement and all necessary procedures and protocols.
3. To delegate power to issue notice of termination of an introductory tenancy to the Area Housing Manager(s).
4. To delegate the determination of the Reviews of the notice of termination to the Head of Housing

### **4. Resource Implications**

Costs can be met within existing budgets

## **5.Consultation**

Consultation has been undertaken with the following groups

- a) Local Housing Advice Centres – Shelter, Nottingham Law Centre, C.A.B. and Gregsons' - Solicitors.
- b) Consultation with the Tenants Consultation Panel
- c) All tenants of Gedling Borough Council via an article in the forthcoming tenants newsletter 'Open Door'.

### **The consultation resulted in 5 responses from**

Tun Tum Housing Association – Approval for the use of Introductory Tenancies and advised that it had helped them to reduce rent arrears.

Social Services – Occupational Therapy Team – Query if those tenants who were granted Introductory tenancies would have to wait until the 12 month period had expired. This would not be the case and adaptations would be dealt with in accordance with the policy and the pre determined priority groups, regardless of the type of tenancy held.

CAB – A letter raising a series of concerns over both the equity of the scheme and seeking assurances on how we would administer the scheme. A full reply has been sent, and is attached at Appendix 1 for information.

## **6. Recommendations**

1. To recommend the adoption an introductory tenancy scheme where all new tenants of the authority will be subject to an introductory tenancy for a period of 12 months and if not terminated, or served with notice in those 12 months the tenancy will automatically become secure.
2. To recommend that the Head of Housing Services have authority to approve the terms of the introductory tenancy agreement and all necessary procedures and protocols.
3. To recommend the delegation of power to issue notice of termination of an introductory tenancy to the Area Housing Managers.
4. To recommend the delegation of the determination of the Reviews of the notice of termination to the Head of Housing Services

Appendix 1

**Housing Services**

Civic Centre, Arnot Hill Park,  
Arnold, Nottingham NG5 6LU

Citizens Advice Bureau  
24 – 30 Castle Gate  
Nottingham  
NG1 7AT

Direct Line: (0115) 901 3696  
Switchboard (0115) 901 3901  
Extension 3696  
Fax: (0115) 901 3921  
Minicom: (0115) 901 3935  
Email: alison.bennett@gedling.gov.uk  
Date: 14<sup>th</sup> December, 2005  
Our Ref: AB/CT Smith CAB  
Your Ref: CAB/DGS

Dear Mr. Smith,

**RE: INTRODUCTORY TENANCIES**

Thank you for taking the time to respond to our consultative letter. I have studied the content of your letter, and feel I can address the valid issues you have raised as follows :-

**1. Housing Benefit**

We work closely with our Housing Benefits Department and provide whatever advice and assistance we can to both the department and the tenant, obviously working within the boundaries of legislative and ethical requirements such as Data Protection. If someone's rent account falls into arrears then both the rents department and our Tenancy Support Officer will work to engage with the tenant and seek a suitable solution, often this does require assistance with either completing Housing Benefit forms or helping the tenants to provide the supporting information. As part of our internal procedures we have a checklist, which ensures we have taken every reasonable step to engage with the tenant and resolve their rent arrears before notice is served.

**2. Homeless Applicants**

The proposals are that the majority of cases we accept under the homeless persons legislation would be offered an Introductory Tenancy giving far greater security of tenure than the non-secure tenancies currently offered. There may still be a few cases in which we offer a non secure tenancy, but we would

endeavour to resolve their housing and move them onto the more secure introductory tenancy as soon as possible.

### **3. Poor Housing**

I feel the issue of the quality of social housing is being addressed through the Government's Decent Homes Standard, which requires Social Landlords to meet this standard by 2010. Gedling Borough Council is well on the way to achieving this target.

Equally as discussed in point 1 we do have a series of checks, which are undertaken before notice is served to ensure that we have acted reasonably and fairly, and it is certainly not our intention, even with the use of Introductory Tenancies, to move from our standards of self-governance.

### **4. Tenants experiencing personal crisis**

I feel this point also relates back to point 1 and our current working practices, which show that we look to involve both the section wishing to serve notice e.g. rents or housing management and the Tenancy Support Officer to ensure that we have tried to engage with the tenant and assist them in maintaining their tenancy with Gedling Borough Council.

### **5. Process of eviction**

Where notice is served there will be a clear audit trail of both visits and letters sent to the tenant to bring to their attention the serious nature of the situation and also to offer help and advise on how the matter can be resolved. I consider that this process allows for the tenant to explain any factors, which we should be aware of. However I would reserve the right in the case of an extreme breach of tenancy conditions to go straight to the notice stage without entering into a consultation phase with the tenant, but I would envisage such cases as being few and far between. The use of introductory tenancies has been supported by both our Tenants Consultation Panel and some Councillors as a tool we can use to respond more quickly to evidenced breaches of tenancy condition which impact on the community.

### **6. Security of Tenure**

The Housing Corporation regulatory code is designed to avoid the use of AST's. It gives more security than AST's and are a statutory tool for addressing serious breaches of tenancy. Further, as homeless applicants will be granted ITS rather than further non secure tenancies on being accepted as homeless, they will have more security of tenure than previously.

In summary the use of Introductory Tenancies by Gedling Borough Council is about the Council being able to balance its requirements to both the existing community and new tenant.

We are not planning to radically increase the number of evictions, but hope that if we are to use Introductory tenancies we will be in a position to respond more quickly to evidenced breaches of tenancy conditions.

I trust the above addresses your concerns, but should you wish to discuss the matter in greater detail, please do not hesitate to contact me as above.

Yours sincerely,

**Alison Bennett**  
**AREA HOUSING MANAGER**

cc. Councillor V. McCrossen