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**Meeting:** Social Care, Health & Housing Overview and Scrutiny Committee  
**Date:** 24<sup>th</sup> October 2011  
**Subject:** Introductory Tenancies for Tenants of Central Bedfordshire's Housing Service

**Report of:** Cllr Mrs C Hegley

**Summary:** The report proposes that the Council commences the use of introductory tenancies for all new tenants, as an effective preventative tool for dealing with potential nuisance and anti social behaviour from new tenants. In addition it is proposed that the current conditions of tenancy for secure tenants are also revised at the same time, to ensure that the Council can effectively deal with nuisance and anti social behaviour.

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**Advising Officer:** Julie Ogley, Director of Social Care, Health and Housing  
**Contact Officer:** Carol Rooker, Head of Housing Management 0300 300 5249  
**Public/Exempt:** Public  
**Wards Affected:** Barton-Le-Clay, Caddington, Dunstable Central, Dunstable Icknield, Dunstable Manshead, Dunstable Northfields, Dunstable Watling, Eaton Bray, Houghton Hall, Leighton Buzzard North, Leighton Buzzard South, Linslade, Parkside, Tithe Farm, Toddington  
**Function of:** Council

<b>CORPORATE IMPLICATIONS</b>
<b>Council Priorities:</b> Creating Safer Communities  Introductory tenancies are an effective tool in the prevention of anti social behaviour potentially caused by new tenants.  <b>Financial:</b> The recommendations of this report would be implemented within current resource levels and therefore there are no financial implications.

**Legal:**

The Introductory Tenancy scheme has been held by the courts to be thoroughly compatible with the Human Rights Act.

The Housing Act 1996 provides for the introduction of introductory tenancies. The Housing Act 1985 outlines the process to follow to vary tenants' terms and conditions of tenancy.

**Risk Management:**

There is a reputational risk to the Council that should we not implement introductory tenancies then we would not be using all the powers and tools available to us to tackle tenancy issues including Anti Social Behaviour.

Other local authorities and Registered Social Landlords including Luton Borough Council, Milton Keynes Council and Aragon Housing Association have been using this initiative for many years, with successful outcomes.

**Staffing (including Trades Unions):**

Not applicable to this report.

**Equalities/Human Rights:**

Any adverse impact on any group, will be addressed following the completion of an Equalities Impact Assessment, and through continuous monitoring of the tenancies. New tenants in effect will receive more support than currently, in order to prevent tenancies breaking down.

**Community Safety:**

The implementation of introductory tenancies is supported by the Head of Community Safety.

**Sustainability:**

Not applicable to this report.

**Procurement:**

Not applicable to this report.

**RECOMMENDATION:****The Committee is asked to:-**

1. Support in principle, the adoption of introductory tenancies for all new tenants, and the review of the existing conditions of tenancy for secure tenants.

## **Background**

1. Introductory tenancies were introduced by Part V of the Housing Act 1996 to give local authorities more effective powers to deal with nuisance and anti-social behaviour. This enables local authority landlords, in the first year of any new tenancy, to evict a tenant through a more streamlined process for breach of the agreement or to extend the introductory period from 12 to 18 months.
2. Currently all new tenants are automatically granted a secure tenancy, but should the Council introduce introductory tenancies, secure tenancies would only be granted immediately to existing secure or assured tenants (Housing Association), who are either transferring or exchanging their properties with other secure or assured tenants. All other tenants, irrespective of their age would instead be granted an introductory 'tenancy'. Councils can not be selective on who to grant these tenancies to and so all new tenants would be treated equally.
3. Following a successful 12 month period the introductory tenancy will automatically become a secure tenancy, unless it has been either extended or an application for possession through the courts has already been made.
4. A tenant will not be granted a secure tenancy, if circumstances have resulted to an extension of the introductory tenancy period or legal action has been commenced due to a breach of the introductory tenancy.

## **Introductory Tenancies**

5. By law, during the probationary period, tenants with an introductory tenancy do not have all of the same rights as secure tenants and have less protection from eviction than do secure tenants.
6. It is this reduced protection from potential eviction, which is regarded as the effective tool in terms of preventing any anti social behaviour. Any new tenant who is found to cause anti social behaviour will be advised in the strongest terms, that should this behaviour continue, then their tenancy is at risk, as the Council is able to gain possession of their property more easily than if it was a secure tenancy.
7. To illustrate other differences, tenants with an introductory tenancy do not have:
  - The right to buy their home
  - The right to exchange their home with another tenant
  - The right to sub-let part of the property or take in a lodger
  - The right to assign their property to another person
  - The right to alter or improve their home or to seek compensation for improvements

8. Where the local authority seeks to repossess a property the tenant has the right to request a review of the authority's decision which must be undertaken within a statutory framework.
9. All other rights/rents charged remain the same as though it were a secure tenancy.

### **Performance Monitoring**

10. If an Introductory Tenancies scheme was implemented, it is hoped that this will assist in reducing anti social behaviour, crime and disorder on Council's housing estates and contribute toward a safer and cleaner community.
11. There would be regular monitoring of all new tenants, to ensure that there were no issues of concern, and if any problems were identified, then the tenant would receive any additional support that is required, in order to prevent the tenancy breaking down, or possession action being necessary. The focus of introductory tenancies is as a preventive tool, rather than an enforcement tool.
12. The number of tenants taken to court within the first 12 months of the tenancy would be monitored, and through this, officers would be able to determine the effectiveness, or otherwise of the impact introductory tenancies are having in the battle against anti social behaviour.
13. For information between April 2010 and March 2011 there were 106 new cases of anti-social behaviour reported. Of these, 38 cases (37%), the alleged perpetrator was within their first year of their tenancy. However to date there have been no actual evictions for anti-social behaviour reasons. Wherever possible, legal action is the last remedy to be considered.

### **Localism Bill**

14. The Localism Bill has announced the government's intention to allow Local Authorities and other registered providers of social housing greater flexibility in the types of tenancy that can be used.
15. In particular, such landlords will be able to grant fixed-term tenancies for minimum terms of 2 years, rather than the current arrangements where the Council has no option but to grant secure tenancies, which in effect offer a tenancy for life. The rights of secure tenants are prescribed by law, and in effect the landlord has little discretion to vary them.
16. A new Tenancy Strategy will be brought forward for consideration, later in 2012, as required by the Localism Bill. In advance of this, the merits of implementing introductory tenancies in the short term are considered as being of immediate benefit, as it has been long recognised that anti social behaviour is a priority for tenants, and an issue that is taken seriously.

17. Introductory tenancies also fit in with the national government's agenda by allowing the authority a greater control over the best use of its housing stock.
18. New tenants will receive a very clear message that securing a council property also comes with obligations as well as rights. The Council will only grant a secure tenancy if tenants meet all the obligations of the tenancy agreement.
19. The implementation of introductory tenancies is considered good practice by the Homes and Communities Agency and was also a recommendation of the recent Housing Quality Network inspection of the Landlord Service.

### **Conclusion and Next Steps**

20. Initial consultation has taken place with tenants and with the Way Forward panel. In order to implement introductory tenancies, a wider consultation with tenants needs to be undertaken. As part of this consultation, the opportunity will also be taken to review the current conditions of tenancy( secure tenancy agreement), to ensure that they are comprehensive and provide the necessary tools to effectively deal with all causes of nuisance and anti social behaviour.
21. The conditions of tenancy were last reviewed in 2006, and it is good practice to review regularly to reflect the changing causes of anti social behaviour, or breaches of tenancy. Two specific areas where it is considered that some amendments are required is in terms of strengthening the Council's options in terms of dealing with specific causes of anti social behaviour, and in terms of ensuring that tenants allow access for annual gas servicing obligations
22. It is anticipated that there will only be minor revisions required to the conditions of tenancy, existing tenants will not have to sign new tenancy agreements, these will be automatically assumed to be the new conditions, once tenants are formally advised of the variation to their tenancies. The intention is to commence the wider consultation immediately, with a view to introducing the Introductory Tenancies scheme by 1<sup>st</sup> April 2012, and the amended conditions of tenancy as of the same date.

### **Appendices:**

#### **Current conditions of tenancy**

**Background papers and their location:** None