



INTRODUCTION OF “INTRODUCTORY TENANCIES”

1. INTRODUCTION

- 1.1 This report sets out proposals for Housing to implement a new tenancy called an Introductory Tenancy (IT). This tenancy is a “probationary tenancy” which all new tenants would automatically be granted for a period of 1 year.
- 1.2 An Introductory Tenancy offers the potential for robust management of the tenancy at an earlier stage. New tenants will be supported, assisted and educated in maintaining a tenancy successfully. The aim will be to enable them to move on to a “fixed term” tenancy after a 12 month period.
- 1.3 Cabinet are being asked to approve the implementation of “Introductory Tenancies” and the necessary delegations and authorisations that accompany this type of tenure.

2 BACKGROUND

2.1 The Housing Service has been using 2 main Tenancy types under the Housing Act 1985 for many years: namely secure tenancies and non secure tenancies. Secure tenancies are offered to prospective tenants who are offered a property from the Housing waiting list and are expected to be tenants for the longer term. Non secure tenancies are usually offered to applicants who come through the homelessness route and are used as a short term solution.

2.2 Secure tenancies have various “rights” associated with them such as:

- The Right to Buy
- The Right to Repairs
- The Right to Mutually Exchange

Should the Council need to seek the possession of a property that is the subject to a secure tenancy this can only be granted by the Court. However, the Court may decide to award a Suspended Possession Order rather than grant outright possession.

Non secure tenancies have very limited “rights” associated with them and the Court has limited alternatives available to them other than to grant “possession” to the Council should it need to instigate proceedings.

2.3 Over the last 15 years this Council has looked at the possibility of implementing Introductory Tenancies, however, various factors meant this could not progress. The main obstacle at the time was that the software systems could not support the Introductory Tenancy process.

- 2.4 With new upgrades to the Council's Northgate Management system and the recent review of Housing Services it was decided to revisit Introductory Tenancies. It was found that the Council was now in a position to make use of these tenancies and preparation and development of this process has been ongoing for some months.

3. INTRODUCTORY TENANCIES

- 3.1 Introductory tenancies were introduced under the Housing Act 1996. Sections 124 -143 of that Act enable local housing authorities to operate an Introductory Tenancy regime for all new council tenants. Each Introductory Tenancy lasts for 12 months, after which time the tenancy automatically becomes a secure tenancy unless the landlord has gained possession of the dwelling or is in the process of doing so; or the introductory period has been extended – see paragraph 3.9 below.
- 3.2. Introductory tenancies are designed to help in the fight against anti-social behaviour by making it easier for local authority landlords to evict tenants who persistently engage in such activity, before they achieve security of tenure. They are also used to deal with other tenancy agreement breaches such as rent arrears.
- 3.3 Introductory tenancies are therefore very useful in that they give tenants a trial period, however, if there are any problems with the tenant, the landlord may obtain possession merely by Court Order as there is no requirement to prove any grounds for possession.
- 3.4 Introductory tenancies have a limited ability to be “assigned” and “succeeded to” in accordance with the relevant legislation.
- 3.5 The process of terminating an Introductory Tenancy differs from terminating a non secure tenancy. To terminate a non-secure tenancy a Notice to Quit is served and that effectively ends the tenancy. If a Court hearing is required, the Court will grant possession of the property to the landlord.
- 3.6 With an Introductory Tenancy the process to terminate the tenancy starts with the service of a Notice Requiring Possession (NRP). Once an NRP is served, a tenant has 14 days to request a review. The review is essentially an appeal against the serving of an NRP. The tenant has the right to request an oral hearing for the review, but if no request is made the review would be based on written evidence. The necessary internal processes will be put in place.
- 3.7 Where an oral hearing is to be held it must be convened and chaired by a Senior Officer of the Housing Service who was not involved in the decision to serve the Notice Requiring Possession. The tenant will be permitted to be accompanied at the hearing by a friend, family member, advocate or legal representative.
- 3.8 The review can have 2 outcomes - “Appeal Upheld” or “Appeal Rejected”. If upheld, the Notice is withdrawn and the Introductory Tenancy continues until the 12 month period has been reached. If rejected, the Notice remains in place and an application is made to the Court for possession of the property.

- 3.9 The legislation also includes provision for the Council to extend the Introductory Tenancy by 6 months making the total tenancy 18 months. An extension would be used in cases where an NRP was perhaps not feasible, however, due to continued minor nuisance it allows the tenant additional time to address and amend their behaviour.
- 3.10 The process to extend an Introductory Tenancy is the same as when an NRP is served. The tenant has the opportunity to request a review hearing against the extension of their tenancy. In the same way as the NRP hearing, a decision can be made to uphold or reject the appeal.
- 3.11 On successful completion of an Introductory Tenancy a tenant will automatically be granted a Fixed Term Tenancy. They will have been advised at the point of offer how long the fixed term will be and this is included on the Tenancy Agreement.
- 3.12 There are many positive benefits of introductory tenancies and early help and support provided to those in need will produce longer term benefits for both tenants and the Council.
- 3.13 Management processes will be developed and implemented to deliver the Introductory Tenancies.

4. CONCLUSION

- 4.1 Introductory Tenancies will be more beneficial to assist new tenants in learning how to manage their tenancy before being offered a fixed term tenure.
- 4.2 New procedures will be put in place to ensure the more robust management of the tenants, while offering advice, support and assistance to help tenants successfully complete their Introductory Tenancy.
- 4.3 It is hoped that Introductory Tenancies will not only assist those not used to managing a tenancy but also assist the Council by being able to evict nuisance tenants more quickly and at the same time, protecting our residents and communities from persistent nuisance and anti- social behaviour.

5. FINANCIAL IMPLICATIONS

- 5.1 There are no additional financial implications. Staff resources may need to be reviewed at some later stage when the tenancies are implemented and management time known. There will inevitably be calls on resources in the early stages but this may well be offset by longer term gains.

6. CRIME AND DISORDER IMPLICATIONS

- 6.1 There may be a reduction in the risk of crime and disorder as a result of this initiative.

7. ENVIRONMENTAL IMPLICATIONS

7.1 There may be positive environmental implications as a result of this report.

8. EQUALITY AND DIVERSITY

8.1 The support element of introductory tenancies will enable appropriate and tailored support to all tenants and in particular may help those with additional needs maintain their tenancies.

9. PORTFOLIO HOLDERS COMMENTS

9.1 I am very pleased that our IT Systems can now enable us to implement introductory tenancies. I have wanted us to implement introductory tenancies for some time. The new 'probationary' approach should help address anti-social behaviour and early rent arrears. We will provide appropriate advice and support to new tenants during the introductory period. All introductory tenants who satisfactorily complete their Introductory Tenancy will automatically be granted a Fixed Term tenancy. We will monitor the effectiveness of the new approach and keep Members informed'.

10. TENANTS COMMENTS

10.1 Tenant representatives welcome the guidelines for the introductory and fixed term tenancies which will assist NFDC to manage their housing stock more effectively. We are pleased that NFDC recognises that some tenants may require additional support with their tenancy and this has been included in the policy.

11. CABINET DECISION

11.1 That Introductory Tenancies be introduced with effect on 1st April 2014 and;

11.2 That the following addition be made to the Scheme of Delegation of Powers to Officers, to allow the efficient operation of the Introductory Tenancy processes:

Source	Power Delegated	Delegated to
Housing Act 1996	To take all necessary action with respect to Introductory Tenancies including the service of Notices, the making of determinations, the holding of reviews and the seeking of possession.	Head of Housing and Customer Services, Landlord Services Manager, or Strategic Services Manager, Housing Estates Manager, Rent & Arrears Recovery Manager, Neighbourhood & Tenancy Management Officers, Rent & Arrears Recovery Officers

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Background Papers:

Published documents