

Agenda item:

[No.]

Cabinet

On 16 November 2010

Report Title **Use of Introductory Tenancies in the Borough**

Report of **Director of Urban Environment**

Signed : *W.P. Bell 23rd Oct. 2010*

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Wards(s) affected: **All**

Report for: **Key Decision**

1. Purpose of the report

1.1 The purpose of this report is to provide Cabinet with feedback on the consultation that has taken place with key stakeholders in relation to the use of introductory tenancies and seek Cabinet's approval for the use of such tenancies as a means of preventing, managing and controlling anti-social and disruptive behaviour.

2. Introduction by Cabinet Member

2.1 The Council supports the proposed use of introductory tenancies to prevent, manage and control anti social and disruptive behaviour.

2.2 It is good to note from the report that key stakeholders are also in favour of this new initiative, and I look forward to the detailed outcome.

2.3 This overwhelming support has confirmed the responses I observed from several meetings with residents when this initiative was discussed.

3. State link(s) with Council Plan Priorities and actions and /or other Strategies:

- 3.1 The use of introductory tenancies will support the Council's priority of 'Creating a Better Haringey: cleaner, greener and safer' and the successful implementation of the Anti Social Behaviour Strategy 2009-11:
- 3.2 The Council has a key role to play in preventing and reducing crime, the fear of crime, the harm caused by drugs and alcohol, and anti-social behaviour. These issues remain a high priority for the borough's residents.

4. Recommendations

4.1. It is **recommended** that Cabinet:

- (a) Notes the feedback received from tenants, leaseholders and other stakeholders during the consultation;
- (b) Approves the use of introductory tenancies with effect from 1 April 2011; and
- (c) Approves the rights (contained in Appendix A of this report) that the Council will give to introductory tenants.

5. Reason for recommendation(s)

- 5.1 Introductory tenancies, established by Part 5 of the Housing Act 1996, are now commonly used by many social landlords to tackle anti social behaviour and deal more effectively with serious breaches of their tenancy conditions.
- 5.2 Numerous London boroughs, including Hackney, Newham, Tower Hamlets, Camden, Southwark, Enfield, Wandsworth, Lambeth, Lewisham, Kingston Upon Thames, Sutton and Greenwich, have adopted introductory tenancy schemes and, in their view, these have proved invaluable in reducing and preventing anti social behaviour and serious rent arrears.
- 5.3 Many Registered Providers (including the London and Quadrant Group and Metropolitan Housing Trust) operate Starter Tenancies (the housing association equivalent of Introductory Tenancies) in the borough and consider their use to have assisted the management of tenancies.
- 5.4 Introductory tenancies are one of the methods recommended to deal with prevention and early intervention. They have been implemented to considerable effect by other local authorities and by Registered Providers as Starter Tenancies.

5.5 The Audit Commission's Housing Inspectorate's Key Lines of Enquiry document for Tenancy and Estate Management highlights the need for social landlords to consider the use of introductory tenancies as part of their prevention and early intervention work.

5.6 Through the RSL Anti Social Behaviour Partnership, the Council is encouraging all Registered Providers in Haringey to use Starter Tenancies. Introductory tenancies can help to reinforce the importance of positive / acceptable behaviour and the consequences of a failure to meet those expectations.

5.7 Rowan Associates were commissioned in 2004 by the Welsh Assembly to evaluate the use of introductory tenancies by local authorities and registered social landlords. Their findings included the following:

- The majority of tenants said that introductory tenancies had had a positive impact on how they behaved in their homes. They said that introductory tenancies made them more concerned to avoid causing nuisance to their neighbours. Some said that they had a lasting effect on the way they behaved after the introductory or starter period had expired.
- The majority of secure tenants were in favour of introductory tenancy schemes.
- There was no evidence to suggest that introductory tenants were exposed to any additional risk of losing their tenancy, due to unfair complaints by other tenants, than secure tenants.
- The majority of possession orders and evictions of introductory tenants were for rent arrears.
- Most staff felt that introductory tenancies were effective as one of a wide range of tools and powers available to prevent and tackle anti-social behaviour.

5.8 All of the landlords referred to in Rowan Associates' case studies said they intended to continue using introductory tenancies in the future.

6. Other options considered

6.1 The use of introductory tenancies is at the discretion of the Council. Consideration has been given to the option of not introducing such a scheme, but this option has been rejected in the light of the potential benefits of the scheme.

7. Background

- 7.1 When it considered the initial report recommending the use of Introductory Tenancies, the Cabinet decided that “the use of Introductory tenancies be supported and approval be granted to the rights that the Council will give to introductory tenants” as set out in Appendix A (attached to the original report) but that, before the scheme was approved, tenants and other stakeholders should be consulted.
- 7.2 Following extensive consultation (see Section 11 of this report), approval is now sought for the use of introductory tenancies with effect from 1 April 2011. This will afford the opportunity to include other, more minor changes to the Council’s tenancy conditions (which can be dealt with as part of the annual statutory consultation on rents) without incurring unnecessary additional costs.
- 7.3 If the use of introductory tenancies is approved, the appropriate processes and training will be put in place to ensure the efficient application of the scheme. The scheme will be reviewed annually for at least the first 3 years of its use.
- 7.4 To enable the reviews to be effective, data will be collected in respect of the tenancies failing, the frequency with which the probationary period is extended and the number and proportion of introductory tenancies that are successfully converted to secure tenancies.

8. Summary

- 8.1 Introductory tenancies have been used very effectively by many local authorities and social landlords, and are encouraged as an important measure to tackle ASB.
- 8.2 An introductory tenancy is for a probationary period of one year for new tenants, at the end of which period the tenancy automatically becomes secure unless action is taken to bring the tenancy to an end. The probationary period can be extended for up to 6 months.
- 8.3 If an introductory tenancy scheme is introduced in Haringey, it will apply to all new council tenants from the date that the scheme starts.
- 8.4 The introductory tenancy scheme **will not apply** to the following:
- Council tenants who are already secure tenants and who move home through a transfer or mutual exchange.
 - RSL tenants who are already assured tenants and who move home through a transfer or mutual exchange.

- 8.5 To obtain a possession order from a court against a secure tenant the Council must prove one of the grounds of possession set out in Schedule 2 to the Housing Act 1985 and, in most cases, satisfy the court that repossession is reasonable. To obtain a possession order against an introductory tenant, the Council would simply need to satisfy the court that the correct procedure for ending the tenancy had been followed. This procedure includes notifying tenants that they have the right to request that the decision to end their tenancy is reviewed by a person who is independent of the person who made the decision to end the tenancy.
- 8.6 Some Members have expressed concern that secure tenants who are required to leave their accommodation because of domestic violence, serious harassment or hate crime and are then placed in temporary accommodation will be seriously disadvantaged when they are eventually offered settled accommodation as an introductory tenancy.
- 8.7 These concerns have been addressed by amendments to the Lettings Policy that provide for such households to be moved as an urgent management transfer (ideally within 8 weeks) rather than spend years in temporary accommodation. Under these circumstances, the tenant would be given a secure tenancy.

9. Chief Financial Officer Comments

- 9.1 The actions within this report can be addressed from within existing resources.

9 Head of Legal Services Comments

- 9.1 The Head of Legal Service has been consulted in the preparation of this report and notes that the Council has complied with its statutory duty to consult on the proposals to implement introductory tenancies.
- 9.2 The use of introductory tenancies will require an amendment to the Council's current secure tenancy agreement and the statutory procedures for varying the tenancy agreement under s103 Housing Act 1985 will have to be followed. In particular, statutory notices of variation will have to be served upon all existing secure tenants, although their security of tenure will not be affected by the changes.

10 Equalities & Community Cohesion Comments

- 10.1 There will be in place individual tailor made support plans, and recognition that supporting people to become successful independent citizens includes giving clear information about acceptable and unacceptable behaviour. Use of the provision will also be in line with existing Children and Mental Health Protocols.
- 10.2 The Council's Vulnerable Adults Team Leader will be part of the panel that reviews decisions to seek possession.

- 10.3 The impact of the policies will be monitored on the basis of all equalities strands.
- 10.4 An Equalities Impact Assessment concerning use of the provision analysis will be completed prior to the use of introductory tenancies.

11 Consultation

11.1 The consultation summary is as follows:-

- Homes for Haringey survey of all tenants and leaseholders. This was completed last year, with 89% of tenants supporting the use of Introductory Tenancies
- A postal survey of all residents of the Council's temporary accommodation was completed this year, with 78% of residents supporting the use of Introductory Tenancies.
- Overwhelming support for the scheme was given by the residents of the Council's temporary accommodation who attended a dedicated workshop at a TA Users Forum in March 2010.
- Council staff and partner agencies were consulted. There was overwhelming support for the scheme, and a large number of respondents offered to provide advice and help to ensure the successful implementation of the scheme, improved joint working and the sharing of experience and good practice.

12 Service Financial Comments

12.1. There are no direct additional costs associated with the proposal and all incidental costs will be met from existing Housing Revenue Account budgets.

13 Use of appendices

Appendix A – Rights that will be given to introductory tenants

14 Local Government (Access to Information) Act 1985

Housing Act 1996 (Part V)

Housing Act 1985 section 82A (as amended by Anti-Social Behaviour Act 2003)

APPENDIX A - Rights of Introductory Tenants

While several rights of secure and introductory tenants are specified in law, others must be determined by the local authority.

Following legal advice and research on practice in other authorities, it is proposed that the Council grants rights as highlighted below:

Legal Right	Brief explanation	Secure Tenancy	Introductory Tenancy
Right to Buy	The right for a secure tenant to buy his/her council property on discounted terms; the discount being dependent on the period spent in public sector tenancies	Yes	Not during the period of the introductory tenancy. However, once the tenancy becomes secure, this counts towards the discount
Right to Repair	The right to have certain repairs carried out at the Council's expense in default by the Council. Examples of such repairs include total or partial loss of electrical or water supply, loss of heating, a leaking roof and blocked drains	Yes	Yes
Legal Right	Brief explanation	Secure Tenancy	Introductory Tenancy
Right to Consultation on Housing Management Issues	This includes for example the right to be consulted on changes of the terms of secure tenancies	Yes	Yes

Legal Right	Brief explanation	Secure Tenancy	Introductory Tenancy
Right to Consultation on a Decision to Delegate Housing Management	This includes, for example, the right to be consulted on the establishment of a TMO or ALMO	Yes	Yes
Right to Succession	The right, on death of the tenant, of the tenant's spouse, or a family member who had resided with the tenant for one year, to take over as tenant – limited to one succession on any tenancy. As in the case of demoted tenancies, the spouse must additionally have resided with the tenant for 12 months	Yes	Yes
Right to Assign	The right of a tenant to transfer the tenancy to another – limited generally to those who would be entitled to take the tenancy by succession (see above)	Yes	Yes