

LONDON BOROUGH OF HARROW

Meeting:	Cabinet
Date:	29 July 2004
Subject:	Introductory Tenancies
Key decision:	No
Responsible Chief Officer:	Executive Director (Urban Living)
Relevant Portfolio Holder:	Councillor Keith Burchell Planning, Development, Housing & Best Value
Status:	Open
Ward:	All
Enclosures:	1. Introductory Tenancy Explanatory Leaflet 2. Draft Introductory Tenancy Policy 3. Proposed implementation timetable

1. Summary/ Reason for urgency (if applicable)

- 1.1 This report confirms the outcome of the consultation with existing secure Council tenants and those households living in temporary accommodation on the proposed implementation of an Introductory Tenancy scheme. It also outlines a proposed implementation timetable for the scheme and seeks approval to proceed.

2. Recommendations

- 2.1 To note the outcome of the consultation**
- 2.2 To approve the implementation of an introductory tenancy scheme, in accordance with the policy attached.**
- 2.3 That a review of the scheme be reported to Cabinet after the first twelve months of operation**

3. Consultation with Ward Councillors

- 3.1 Not applicable

4. **Policy Context (including Relevant Previous Decisions)**

4.1 This forms part of the Council's housing service anti social behaviour strategy.

5. **Relevance to Corporate Priorities**

5.1 We will strengthen Harrow's local communities ...by promoting social inclusion amongst all our residents both young and old...and by reducing the fear of crime.

6. **Background Information and options considered**

6.1 Previous reports to Cabinet and the Tenants' and Leaseholders' Consultative Forum have set out information for Members and resident representatives about the implementation and operation of an introductory tenancy scheme.

6.2 On 15 April 2003 Cabinet resolved that:

- (1) Consultation be authorised, as proposed in paragraph seven of the Head of Housing and Environmental Health Services report on the implementation of an Introductory Tenancy Scheme as outlined in the report and the draft policy attached as Appendix A and;
- (2) A report be submitted to a future meeting of Cabinet on the outcome of that consultation so that a decision on implementation can be taken

6.3 In March 2004 a leaflet explaining the concept of Introductory Tenancies was sent to each of the Council's 6353 secure tenants. and each of the 4310 home seekers registered on Locata. They were invited to indicate whether they favoured an Introductory Tenancy scheme and to make comments if they so wished. A copy of the explanatory leaflet is attached as Appendix One.

6.4 The closing date for responses was 16 April 2004. A total of 1736 responses (16.28%) were received, with 1505 (87%) in favour of an Introductory Tenancy Scheme and 231(13%) opposed.

6.5 The number of comments made was relatively small by comparison to the total returns. A sample of the comments appears below.

Comments made by people in favour of an Introductory Tenancy Scheme

- ❖ 'Would this apply to asylum seekers?'
- ❖ 'What happens if people spend a lot of money to decorate the house... Do they get some money for decoration?'
- ❖ 'I would suggest a 6 month Introductory tenancy...'
- ❖ 'A secure tenancy would be appropriate for people over 60...'

- ❖ 'I feel that one year is not enough, as some people could keep themselves in check for a year...'
- ❖ 'As long as its not costing the Council more money... Does this apply to Housing Association tenants to?'
- ❖ Should not only apply to new tenants but to any tenant who causes anti social behaviour...'
- ❖ '...If a secure tenant moves to a new property with the Council...would they become Introductory Tenants with the new property?'

Comments made by people opposed to an Introductory Tenancy Scheme

- ❖ 'Most people want the Right to Buy. If you take that away you might as well be a Housing Association Tenant!'
- ❖ 'A failed idea in other areas. Increase cost to Council Tax'
- ❖ 'One year is not enough to prove themselves'
- ❖ 'A pointless exercise. Rules and legislation already in place to evict unsatisfactory tenants. It will only make more paperwork'
- ❖ 'Waste of money and Council resources'
- ❖ 'It makes me insecure and worried. I am a single mum...All I want is security for my baby and myself.'

6.6 Members may wish to consider whether the negative comments warrant reconsideration of the proposal to bring in an Introductory Tenancy Scheme. Both the negative and positive comments highlight the need for additional information to be given to both existing and potential tenants regarding the operation of the scheme by officers. This has been built in to the proposed implementation timetable.

6.7 It is worth noting here two of the main concerns expressed are the extent to which the scheme would apply to new tenants ie could certain age groups be exempted and that the scheme would not influence people's behaviour beyond the initial 12 months. These concerns are addressed at 6.8, 6.9, 6.10 and 6.11 below.

6.8 **Exemptions** - Section 124 of the Housing Act 1996 gives local authorities discretionary powers to establish an Introductory Tenancy scheme in their area. If a scheme is established it will apply to all new tenancies where otherwise a secure tenancy would have been granted. The Council cannot decide, for example, to offer all people aged 60 or over a Secure rather than Introductory Tenancy. The only exemptions are those lettings which would not ordinarily qualify for a Secure tenancy eg accommodation granted to a sheltered housing warden would continue to be let on a service tenancy. The situations where an exemption would arise are listed in Schedule 1 of the 1985 Housing Act.

- 6.9 **Future control of anti social behaviour** – Current legislation offers a range of tools that can be used against the perpetrators of anti -social behaviour including those who hold Secure tenancies. From 30 June 2004 local authorities, housing action trusts and registered social landlords may apply to the County Court to have a tenancy brought to an end by a Demotion Order. This process is explained below.
- 6.10 Upon granting of a Demotion Order, the tenancy is replaced with a less secure form of tenancy. The court may only make the order if the tenant, another resident of or visitor to the tenant's home has behaved in a way which is capable of causing nuisance or annoyance. In addition the court must be satisfied that it is reasonable to make the order. The Demotion Order gives a serious warning to the tenant, since if they continue to misbehave swift action can be taken to end their tenancy. It also removes a number of their tenancy rights, thereby acting as a positive incentive to the tenant to change their behaviour: if they stop causing problems, they can regain a higher level of security and rights.
- 6.11 Demotion Orders provide a clear linkage between the enjoyment of the benefits and rights of security, and responsible behaviour. The period of demotion will initially be for 12 months but may be extended if the landlord serves a notice to seek possession of the property during this period. The availability of this power further strengthens the Council's ability to deal with poor behaviour occurring outside of the first 12 months of a tenancy. Our legal advice is that we do not need to consult residents before starting to use Demotion Orders as they would be applied on case by case basis and their usage will not affect the majority of tenants.
- 6.12 The draft Introductory Tenancy policy considered by Cabinet on 15 April 2003 is attached as Appendix Two. One significant amendment has been made to it at paragraph 4.3. Previously it was proposed that a combined Tenancy Agreement/Conditions of Tenancy would be issued that would cover both secure and introductory tenants. It is now considered more appropriate to have separate agreements/conditions for both groups so that there is clarity about the rights and obligations that the different tenancies bring. When a new tenant successfully completes the twelve month introductory period they would be issued with a copy of the Conditions of Tenancy relating to a secure tenancy and would be visited by their Housing Officer so that they have the opportunity to discuss their new rights and obligations.
- 6.13 Subject to approval of the policy it is proposed to introduce the Introductory Tenancy scheme in January 2005. An outline implementation plan is attached as Appendix Three.
- 6.14 It is proposed that a report be submitted to Cabinet after the end of the first twelve months of the scheme reviewing the process and recommending any changes that may be necessary.

7. Consultation

- 7.1 The Tenants and Lessees Consultative Forum has previously considered and indicated unanimous support for the implementation of an Introductory Tenancy scheme.
- 7.2 Subject to Cabinet approval, it is the intention to consult with agencies that may assist new and potential tenants of the Council, such as the Citizens Advice Bureaux, the Housing Advice Centre, and Harrow Council for Racial Equality on the mechanics of the scheme prior to implementation.

8. Finance Observations

- 8.1 It is not possible to quantify exactly the costs of administering the Introductory Tenancy scheme; however they can be contained within the overall Housing Revenue Account budget.

9. Legal Observations

- 9.1 The draft policy sets out the legal basis for Introductory Tenancies. The previous reports to Cabinet confirmed that case law has determined Introductory Tenancies do not conflict with legislation covering human rights.

10. Conclusion

- 10.1 The consultation of existing and potential tenants demonstrates widespread support for an Introductory Tenancy scheme and it would provide a powerful additional tool to ensure good order on the Council's estates.

11. Background Papers

- 11.1 Cabinet Minutes 15 April 2003 & Tenant and Lessee Consultative Forum minutes 13 March 2003

12. Author

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