

## **INTRODUCTORY TENANCIES**

### **SUMMARY**

- 1.1 Members are requested to consider the introduction of Introductory Tenancies for all new tenants of Council housing.

### **2 INTRODUCTION**

- 2.1 The Housing Act 1996 Section 124-143 allowed Local Authorities to introduce Introductory Tenancies for all new tenancies. The only form of tenancy currently allowed is a secure tenancy, which grants a tenancy for life, with rights of succession unless there is a 'fault' such as non-payment of rent or anti-social behaviour.
- 2.2 Introductory Tenancies would apply only to all new tenancies and would not affect Rochford Council's current tenants. An Introductory Tenancy would give less security of tenure for the first year of a new tenancy. In effect it provides a trial period of 12 months during which if the new tenant breaches the terms there is an automatic grant of possession to the Council.

### **3 DETAILED CONSIDERATION**

- 3.1 Members were asked to consider the adoption of Introductory Tenancies in 1997. At that time the Chief Housing Manager did not support such a move and Members concurred with his opinion.
- 3.2 However in the preceding seven years opinion in the Housing profession has changed towards Introductory Tenancies. Where they were once seen as a retrograde step of draconian landlords they are now seen as part of an overall strategy to tackle nuisance and anti-social behaviour.
- 3.3 Whilst most of the new tenancies granted never cause any disruption to their neighbours, there are a few and slowly increasing number of tenants who have a total disregard for the terms of their tenancy. Whilst action for Possession can be taken through the Courts this is a costly and time consuming exercise and judges are reluctant to grant Absolute Possession Orders without considerable evidence and witness statements. Unfortunately, witnesses are often too intimidated to give evidence.
- 3.4 With an Introductory Tenancy Rochford Council would find it easier to obtain possession as provided evidence is obtained judges must grant possession and can only grant up to 28 days execution of warrant.
- 3.5 The adoption of Introductory Tenancies would require a full consultation exercise with our tenants, partner Housing Associations and other agencies. Many of our partner Housing Associations have already introduced or are thinking of introducing something similar. Our tenants are likely to welcome

the idea as it protects the quality of life for the majority of tenants from inconsiderate tenants. This would certainly support Rochford's fifth corporate objective:-

“to improve the quality of life for people in the District”

3.6 An Introductory Tenancy automatically becomes a secure tenancy after 12 months with resumption of all rights. A tenant who is already a secure tenant of this or another Council or an Assured Tenant of a Housing Association would not become an Introductory Tenant if transferred but retain/obtain a Secure Tenancy.

3.7 During the first year of a tenancy tenants lose their rights to:

- Assign or transfer
- To sublet
- To improve
- To exchange
- Right to Buy (although the time counts towards their discount)

#### **4 RISK MANAGEMENT**

##### **4.1 Resource Risk**

New Tenancy Agreements and legal documentation will have to be created and all existing references amended in the Welcome Pack. Staff will require training to ensure they are fully conversant with the legal position.

##### **4.2 Operational Risk**

Staff will need training on the new legal documentation to use and how to explain the new tenancy agreement and its implications to new tenants.

##### **4.3 Reputation Risk**

It is important that this is seen as part of an overall strategy to tackle crime and disorder and not a draconian measure to penalise tenants.

##### **4.4 Information Risk**

The matter will be raised at the Tenant Association meetings to discuss all the issues and bely fears.

#### **5 CRIME AND DISORDER IMPLICATIONS**

Introductory Tenancies can become part of the overall strategy in reducing crime and disorder in particular anti-social behaviour.

**6 RESOURCE IMPLICATIONS**

- 6.1 New tenancy agreements, letters, information packs and legal documentation will have to be produced but this will be done in-house with limited additional expenditure.

**7 LEGAL IMPLICATIONS**

- 7.1 A full consultation exercise will have to be carried out to ensure that an Introductory Tenancy regime is legally adopted. New forms and a tenancy agreement will have to be created; proceedings for possession will have to be on different forms from applications for termination of secure tenancies.

**8 RECOMMENDATION**

- 8.1 It is proposed that the Committee **RESOLVES**

That in principle, and, subject to a full consultation process, it favours the adoption of Introductory Tenancies for all new tenants of social housing, as part of its overall strategy to tackle anti-social behaviour.

Steve Clarkson

Head of Revenue and Housing Management

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**Background Papers:**

None

For further information please contact Tricia Colwell on:-

Tel:- 01702 318030

E-Mail:- [tricia.colwell@rochford.gov.uk](mailto:tricia.colwell@rochford.gov.uk)