

Gloucester City Homes



Introductory Tenancy Policy

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Bengali

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Chinese

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Gujarati

જો તમને આ દસ્તાવેજ બીજી ભાષા અથવા રચનામાં જોઈતો હોય, અથવા જો તમને ઈન્ટરપ્રિટરની સેવાઓ જોઈતી હોય તો, કૃપા કરી અમારો સંપર્ક સાધો.

Polish

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Urdu

یہ دستاویز اگر آپ کو کسی دیگر زبان یا دیگر شکل میں درکار ہو، یا اگر آپ کو ترجمان کی خدمات چاہئیں تو برائے مہربانی ہم سے رابطہ کیجئے۔

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<p>Important Notice: Printed paper copies of this procedure are uncontrolled. The current version of this procedure is available on the Intranet</p>	

Documentation Master Sheet
Amendments to this Document are Detailed Below

Version Number	Date Amended	Comments	Date Approved	Author	Approved By
1	26/11/2008	Initial version	29/9/2008 26/11/2008	PT	Customer Forum Services & Operations

Summary of most recent changes:

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INTRODUCTORY TENANCY POLICY

The purpose of this document is to set out a policy statement and standards so that Introductory Tenancies can be used effectively and fairly within Gloucester, to create sustainable tenancies, successful communities and tackle unacceptable breaches of tenancy or behaviour.

It sets out the aims, objectives and principles that will guide its implementation.

It explains the key differences between a secure and introductory tenancy.

Appendix 1 also provides information on the background of Introductory Tenancies, the law relating to the scheme, and the consultation work carried out by Gloucester City Homes (GCH) on behalf of Gloucester City Council (GCC).

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1. Policy Statement

Gloucester City Council will use Introductory Tenancies as a part of a range of methods to help new tenants sustain their tenancies by developing acceptable behaviour that characterises a good tenant.

Where new tenants breach the conditions of their Introductory Tenancy Agreement (ITA) it can be used to ensure quick, reasonable and proportionate action is taken to end the tenancy.

The Introductory Tenancy Policy will operate within the frameworks and standards set out within other key GCC and GCH Strategies and Policies to ensure the fair and balanced treatment of individual tenants. ITA will be used to ensure delivery of sustainable communities across the City as a whole, and promote equality.

In implementing the GCC's Policy on introductory Tenancies GCH will:

- Implement GCC's Homelessness prevention protocols to support new tenants in maintaining their tenancies and help manage the risk of tenants failing to keep their tenancies
- Work pro-actively with ITAs to try and prevent the need for possession action by developing clear action plans, supporting the tenants and engaging with appropriate agencies.

- Provide support and help to vulnerable individuals to allow them to improve their quality of life within the community
- Promptly investigate any breach of the ITA, and assess what evidence there is to support action to terminate.
- Take seriously any allegations of anti-social behaviour and investigate their validity. Ensure appropriate evidence and corroboration is there to support allegations and action, by talking to all parties, including the Police.
- Complete any initial investigations within a reasonable period of time, such a period being agreed with the complainant. This will be dependent upon the nature of the breach, and in the case of anti-social behaviour, to act quickly and proportionately, case planning potential future actions.
- Act in accordance with any other policy appropriate to the circumstances e.g. GCH's ASB Policy, Income policy and Equalities Policies, at all times acting in accordance with the law.
- Work with the tenant and appropriate partners to take action to resolve any breaches to sustain the tenancy, but to take action if this fails.
- Adhere to the principles of the Court pre-action protocol.
- Where legal action is necessary in respect of Rent Arrears, consider whether immediate possession is appropriate (e.g. if there is a total failure of a non-vulnerable tenant to pay rent). If appropriate we will implement the relevant ITA procedure, but if not, a money judgement order will be considered in order to ensure the tenancy continues.
- Act in accordance with GCH's Equalities Policy and the overarching principles of equalities, fairness, dignity and respect, balancing the human rights of the alleged victims and perpetrator by carrying out the necessary and appropriate Equalities Impact Assessments.
- Ensure the approach taken is proportionate to the allegations/nature of the breach and the human rights of all the individuals involved. GCH will consider what other legal remedies may be appropriate prior to seeking possession. However one incident of serious anti-social behaviour e.g. assault, racial harassment, homophobic occurrence, may be sufficient for a decision to be made to end an ITA with immediate effect.
- Continuously review the behaviour of the Tenant, members of their family or visitors, working in partnership with the Tenants and appropriate agencies to ensure that all conditions of the ITA are adhered to.

- Enforce breaches and seek possession under the ITA scheme where immediate or forthwith possession would be sought under a secure tenancy.
- Consider the facts/evidence that have been obtained, and take into account all relevant matters as well as other aspects of administrative and equalities law before seeking to end an Introductory Tenancy.
- Advise the tenant of the reasons for the decision to proceed with possession, and also inform the tenant of their rights to request a review of that decision within 14 days.
- If the Tenant requests a review, conduct this in accordance with the Introductory Tenants (Review) Regulations 1997 and a senior officer of GCH who was not involved in the original decision to proceed with possession proceedings shall conduct it.
- Each case will be decided on its own merits and this policy will be applied accordingly.

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2. The Aim and Objectives of the ITA Scheme in Gloucester

GCH seeks to improve the quality of life on the estates and to create safe, secure and sustainable communities. The company has a responsibility under the Anti-Social Behaviour Act (2003) to implement policies aimed at the prevention of incidents of anti-social behaviour. ITAs are one way in which GCH meets this responsibility.

ITAs are for those who are offered and accept a property who are not currently tenants of GCC. For example, Mutual Exchanges and Transfers applicants will not be subject to an ITA. However Former Tenants who are offered a new tenancy after the commencement date for the policy would be offered an IT.

It is, in effect a starter tenancy and lasts for 12 months, but can be extended a further 6 months in certain circumstances

Introductory Tenancies are designed to make it easier for GCH to recover possession of a property if the tenant commits a serious breach of their tenancy agreement.

Aims

The aims of this Policy are to:

- Balance the needs of the individual with those of the existing community and neighbours
- Provide a fair and open system setting clear guidelines in relation to the expected behaviour of new tenants
- Establish clear messages and standards for new and potential tenants that indicate our commitment to tackling anti-social behaviour
- Establish tenancies that are sustainable in the long term and contribute to stable communities
- Ensure that the policy operates consistently within the law and other GCC and GCH policies e.g. Policy on Anti Social Behaviour, Income maximisation Policy, Equalities Policy.

Objectives

GCH's purpose in using Introductory Tenancies for new tenants is to:

- Deter new tenants from behaving anti-socially or criminally
- Reduce ASB and nuisance behaviour among new tenants
- Encourage community stability and cohesion
- Reduce the impact of residents who behave anti-socially
- Enable early action for any serious breach of the tenancy agreement
- Encourage regular payment of rent

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3. The Rights of Introductory Tenants

Introductory tenants will enjoy the majority of rights held by secure tenants. However, the Housing Act 1996 denies Introductory Tenants a number of rights given to secure tenants.

They do not have the right to:

- Exchange their property with any other Tenant
- Transfer the tenancy, unless ordered by the Court or in other limited circumstances

- Take in lodgers or sublet or part with possession of the property
- Make improvements
- Buy their home (however, the period of Introductory Tenancy may count towards the qualification period of the Right to Buy)

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4. Background

Introductory Tenants have fewer rights than secure Tenants. They can be evicted more easily and quickly if they break their tenancy agreement. Court permission is still required to end the Tenancy, but GCH need only satisfy the Court that it has followed the correct internal review procedure.

Introductory tenants do not have the right in law to buy their Council home. Neither can they take in lodgers or sublet part of their home; nor can they make improvements or exchange their home with another Tenant. These particular rights are automatically gained when the Introductory Tenancy becomes a Secure Tenancy at the end of the 12-month period.

However, should the Tenant, a visitor or member of his household breach the Introductory Tenancy then they may be evicted. Examples where GCH are likely to end an Introductory Tenancy are:

- The tenant causing or allowing visitors or a member of his household to cause a nuisance, annoyance or engage in anti-social behaviour;
- A tenant failing to pay the weekly rent, or consistently paying their rent late;
- A serious breach of one or more of the other conditions of the Tenancy.

If a decision is made by GCH to evict, the Introductory Tenant will receive a Notice of Proceedings for Possession, which amongst other things, will set out the reasons for the decision. The Tenant will then have an opportunity to request an internal review of that decision by a Senior Officer who has not previously been involved in the case.

If after review, or in the absence of any request for a review, a decision is made to proceed with eviction, GCH will make an application to the County Court for a Possession Order. It is the County Court which has the authority to legally end an IT, the outcome being the Tenant and his family are likely to be required to leave their home.

If at the end of the Introductory Tenancy period, GCH is satisfied that the Tenant has complied with the terms of the Introductory Tenancy, then the Tenancy will automatically become a secure tenancy.

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5. Relevant Legislation

- Anti-Social Behaviour Act 2003
- Crime and Disorder Act 1998
- Housing Act 1996 (as amended by the Anti-Social Behaviour Act 2003)
- Housing Act 1985 as amended
- Human Rights Act 1998

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6. Consultation

GCH has consulted with the Customer Forum which has agreed to adopt Introductory Tenancies as a tool to resolve breaches of tenancies.

GCH has consulted widely with its stakeholders through a variety of methods, including the Tenants Times, a letter to every Secure Tenant and Tenant Association inviting comments, and via outlets, which are mostly attended by GCH's customers.

During the formal consultation process a paper copy of this document and all related GCH policies in particular those relating to ASB and Income/Rent Arrears, were available for inspection and comment at the Southgate House reception area, and the Poets Corner Office, in Podsmead.

These documents were also available at the Matson One Stop Plus shop and at the GCC offices at Herbert and North Warehouse. Electronic copies were also available on GCH and GCC's website. Free copies of this document were be posted to members of the public on request, there was a small charge for supplying a complete copy of the Anti-Social Behaviour Policy, if also requested.

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