



Cobalt
■■■ Housing

**STARTER TENANCY
& APPEALS
POLICY**

Lead Director	Director of Operations
Reference	POL 59
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1 Introduction & Aim

This policy is aimed at new tenants who are signed up on a starter tenancy agreement where there is sufficient evidence of anti-social behaviour.

This policy applies to all tenants who have signed a Cobalt 'Starter Tenancy Agreement' and is applicable for the first 12 months of that tenancy.

Cobalt is committed to tackling anti-social behaviour and sustain communities using Starter Tenancies and is one of several ways for us to combat ASB.

2 Policy Statement

This policy is used where tenants are still within their first 12 months of tenancy and before conversion to an assured tenancy, we have a right to serve a Section 21 Notice Requiring Possession (NRP) or extend the starter tenancy up to 6 months depending on the seriousness of the ASB.

This policy also outlines the tenants right to appeal against any decision made in relation to ending the starter tenancy.

3 Policy Principles

3.1 Extending a Starter (Assured Short hold) Tenancy

Cobalt where appropriate can extend a starter tenancy as part of managing an ongoing ASB case by up to 6 months and informing the tenant of the reason that this decision has been taken.

A starter tenancy can be extended if there have been complaints of anti-social behaviour, the tenant has been warned about their conduct and the behaviour has continued.

Where the complaint of anti-social behaviour has been reported, up to and including the last day of the 12-month period, Cobalt reserve the right to extend the starter tenancy to allow the opportunity to investigate. The decision to extend a starter tenancy must be approved by a Neighbourhood Manager and Head of Service. A starter tenancy can only be extended once for a maximum of 6 months. There is no right of appeal to the extension of a Starter Tenancy.

If following a tenancy extension, the anti-social behaviour investigation is proven to be unfounded we may consider reversing the extension period, which will be approved by Head of Service. Cobalt also reserve the right to let the remaining extension period run.

3.2 Ending a Starter Tenancy

The law relating to ending starter tenancies can be found in section 21(4) of the Housing Act 1988. Cobalt will not seek to end a starter tenancy before the six month anniversary although a notice under section 21(4) can be served at any time after this period, if the behaviour is significantly serious enough to warrant ending the tenancy at six months e.g. serious crime including illegal drug cultivation, firearms offences, and serious domestic or other violence.

In order to bring the starter tenancy to an end Cobalt will serve a notice under section 21(4) of the Housing Act 1988 providing the tenant with the correct notice period that possession is required.

Cobalt provide an antisocial behaviour service from the onset of each tenancy and we will seek to work with all parties to resolve issues prior to service of NRP unless it is serious crime as detailed above.

Cobalt will provide the tenant with reasons as to why the decision to serve the notice has been taken. The tenant will also be notified of their right to a review of the decision to end the tenancy.

Cobalt will comply with current pre action protocols and provide the tenant with all required current documentation including a how to rent guide, an Energy Performance Certificate and a CP12 gas safety certificate at sign up and this may be further provided on service of notice.

3.3 Right of Appeal

In the event Cobalt serve a Section 21 (4) notice requiring possession, the tenant will be given the opportunity to appeal the decision. The tenant will be informed in writing of the right to appeal within 14 days of service of notice. The tenant should notify Cobalt of the appeal within the dates (14 days) set out in the letter. Notification can be in writing or verbal. Further guidance is provided on the starter tenancy information sheet your right to appeal which is provided when the notice is served.

The purpose of the Appeal Panel Review is to either uphold the tenants request or to deny the appeal. The panel will consist of two Cobalt Managers that have had no previous involvement in the case. In consideration of their decision, the panel will decide whether correct procedures have been followed and that the serving of the NRP was both proportionate and appropriate. The panel has the authority to uphold or overturn the decision to serve a NRP and can also extend the starter tenancy provided that it hasn't previously been extended. The Chair of the panel will write to the tenant with the outcome and next steps.

Cobalt will aim to deal with the appeal and notify the tenant of the outcome of the appeal, before the expiry of the notice.

Where a complaint is being made about the way in which a case has been handled or in respect of Cobalt's administrative procedures, then Cobalt's complaints procedure should be used, and this will be managed separately to the appeals process.

3.4 Reasonable Adjustments

Cobalt will consider reasonable adjustments based on a disability which may include extended time to request an appeal if this is within the notice period or further support during the appeal process. Reasonable adjustments will be considered on a case by case basis.

4 Risk Management

The key risk associated with non-delivery of this Policy is:

Risk Register Ref:	Risk:
ST 13 Neighbourhood Sustainability	"Failure to prevent or respond to decline the sustainability or popularity in our neighbourhoods and demand for our homes"
Risk Consequences:	Management and Mitigation:
<ul style="list-style-type: none">• Increased anti-social behaviour• Reduced demand for housing in areas affected by ASB• Increased void levels• Drop in rental income in areas affected• Increase in repairs• Illegal activity taking place in properties• Reputational damage	<ul style="list-style-type: none">• Alongside this policy we have a mixture of support and enforcement to manage allocations and subsequent tenancies• ASB Specialism – assigned officers per patch overseen by Manager• Partnership working• Monitoring neighbourhood PI's and objectives• Neighbourhood Plans• Neighbourhood Strategy

Key Risk Indicators and Control Limits

None

5 Regulatory & Legislative Compliance

5.1 Cobalt's policy and procedures for dealing with ASB take into account the main legal and regulatory requirements including:

- The Housing Acts 1985, 1988, 1996 and 2004
- Environmental Protection Act 1990
- Noise Act 1996
- Crime and Disorder Act 1997, as amended 2002
- Human Rights Act 1998
- Data Protection Act 2018
- Regulation of Investigatory Powers Act 2000
- Anti-Social Behaviour Act 2003

6 Links to Other Key Documents

PROC 094 Starter Tenancy and Appeals
Allocations Policy
Safeguarding Policy
Domestic Violence and Abuse Policy
Hate Crime, Harassment and Hostility Policy
Local Lettings Plan

7 Governance of this Policy

Equality and Diversity	<p>We will provide a tailored approach where possible to each individual case and all persons involved. This will include the provision of specific communication methods where required. If Cobalt is not able to assist, the appropriate sign posting to other organisations will be provided.</p> <p>Cobalt ASB staff will receive Equality and Diversity refresher training.</p> <p>ASB cases will be monitored and surveyed. We will take reasonable steps to ensure the service is fair and equitable and we will use data to ensure this. This will help Cobalt understand the uptake of the service and satisfaction levels, to allow the ASB to continue developing new and innovative methods to engage with customers.</p>
Financial and Links to VfM	<p>The following are circumstances where there will be cost implications:</p> <ul style="list-style-type: none"> • Translation and Interpreter services. • Any cost implications due to referral to and involvement of another agency. • Any costs relating to legal action or advice (for example mediation services).
Privacy and Data Protection	<p>All reports of anti-social behaviour are dealt with in confidence and Cobalt must adhere to data protection legislation.</p>
Health and Safety	<p>This policy directly impacts on the health and safety of our tenants, communities and staff, managing the risk posed by ASB.</p>
Development and Consultation	<p>At the inception of our use of Starter tenancies this approach was discussed with tenants and our Board members as well as staff. This review of the Starter Tenancy covers the process of using them as much as anything and as such we have done a desktop review as the law hasn't changed in this respect. In the Tenancy Policy it discusses which tenancy types we should use and that is where consultation will take place to assess whether we should use Starter Tenancies or not. The practices defined in this policy are largely defined in law.</p>
Customer Profiles and Accessing Services Data	<p>N/A</p>
Monitoring and Review	<p>The Cobalt Board will receive quarterly reports and statistics relating to ASB in the Cobalt area. We also report this at the Liverpool City Region level and in our annual submissions.</p>
Roles & Responsibility	<p>The delivery of this policy will be the responsibility of the four Neighbourhood Managers and will be in line with the defined Neighbourhood plans. Operational delivery will be in line with all ASB procedures which are currently the responsibility of the ASB Officers assigned to each of the four neighbourhoods, namely, Norris Green North, Norris Green South, Croxteth and Fazakerley.</p>

8 Definitions

Tenant – a tenant or leaseholder of Cobalt

ASB – anti social behaviour

Starter (assured short hold) Tenancy – type of tenancy issued to all new tenants for a 12 month period

Section 21 NRP – Notice requiring possession legal notice served under section 21 of the Housing Act 1988