

REQUESTED CHANGE

1. The Council is of the view that legislation should be amended to allow a secure tenant only to take in a lodger with the permission of the landlord. Such consent would not be unreasonably withheld. This was intended to prevent secure tenants taking in lodgers with a known anti-social history.

2. Legislation should be amended so that a Registered Social Landlord cannot grant a tenancy to a person who has previously been evicted from Local Authority accommodation on the grounds of anti-social behaviour/ neighbourhood nuisance.

GOVERNMENT RESPONSE

1. Do not consider at this stage such a measure is necessary. Reasoning behind this assumption:-
 - Tenancy Agreements should include a clause making it clear that anti-social behaviour or illegal activity (whether by the tenant, people living with the tenant or visitors) is not acceptable and may lead to repossession. **DUDLEY HAS THE PROVISION WITHIN ITS TENANCY CONDITIONS.**
 - There are a range of tools available – injunctions, demotion orders, acceptable behaviour contracts and anti-social behaviour orders. **THESE TOOLS ARE USED IN DUDLEY AS APPROPRIATE.**

2. Does not consider such a measure necessary at this stage.
 - RSLs are independent bodies and are free to set their own lettings policies within the Housing Corporation's regulatory framework.
 - RSLs should consult with Local Authorities on criteria in respect of nominations and other applicants.
 - Housing Corporation circular 07/04 states that ineligibility for housing on the grounds of anti-social behaviour should be based on evidence of behaviour. It should discount anti-social behaviour over 2 years old if a satisfactory tenancy has been conducted in the meantime.

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3. The Council is of the view that in all cases where a court determines that it is reasonable to make a possession order on the grounds of anti-social behaviour/neighbour nuisance, the law should provide for the order to take immediate effect and there should be no provision, which will enable the court to suspend that order.

GOVERNMENT RESPONSE

3. This is considered inappropriate.
 - It is usual for a suspended possession order to be conditional and if the condition(s) is breached then application can be made for a warrant of eviction.
 - The court may determine that a Demotion Order is more appropriate.
 - Courts must be given flexibility to deal with cases based on the circumstances and facts and it may be appropriate to give a tenant one last chance.
 - Injunctions are available to protect the wider community where there are concerns that anti-social behaviour will continue once possession proceedings have commenced.