

Demoted Tenancy Policy Review 2026

Main proposed updates
Section 1: Introduction
Paragraph 1.1: The definition of anti-social behaviour under Section 1 (1) of the Crime and Disorder Act 1998 has been repealed. The definition in this paragraph has been updated to the current definition contained under Section 2 of the Anti-Social Behaviour, Crime and Policing Act 2014.
Paragraph 1.3: Reference to the Corporate Plan has been updated to reflect the current plan that sets an objective to utilise the tools and powers available to the Council to tackle anti-social behaviour. One such available tool is the use of demoted tenancies.
Reference to the Anti-social Behaviour – Statement of Housing Landlord’s Policy (March 2005, updated 2013) has been removed. This statement has been replaced by the Anti-Social Behaviour and Hate Incident Policy 2025 and is referenced in paragraphs 2.2 and 4.4.
Section 2: Strategic context
New section setting out relevant legislation, regulations and Council related policies and documents.
Section 3: Policy aims
No proposed changes.
Section 4: Good neighbour responsibilities
Paragraph 4.1: Updated the tenancy conditions relating to good neighbour responsibilities to reflect the new Tenancy Agreement conditions that were approved in 2025.
Paragraph 4.2: Updated information around the examples of current tools available to tackle anti-social behaviour, such as Good Neighbour Agreements, Mediation, Community Protection Warnings and Notices. Some detail around procedures to tackle anti-social behaviour has been removed to avoid repetition, as this information is contained within the Anti-Social Behaviour and Hate Incident Policy, which is referenced and linked under paragraphs 2.2 and 4.4.
Paragraph 4.4: Updated that further information on the overall approach to how the Council tackle anti-social behaviour can be found in the Anti-Social Behaviour and Hate Incident Policy.
Section 5: An overview of demoted tenancies
Paragraph 5.3: Minor updates to explain further that the rights that a demoted tenancy holds bear similarities with introductory tenancies, which are probationary tenancies for 12 months before the tenancy is converted to a secure lifetime tenancy provided the conditions of the introductory tenancy have not been broken.
Section 6: Rights of a demoted tenant
No proposed changes.
Section 7: Procedure to obtain a demotion order
Removed paragraph stating that if a tenant has been approached by a Housing Officer regarding a complaint of anti-social behaviour on at least two occasions and the behaviour has not improved, then an application for a demotion order will be considered as the next course of action alongside all other powers available to the Council.

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In practice, demotion will not necessarily be considered in all cases after two reports of anti-social behaviour as the Council's response will depend on factors including the category of anti-social behaviour, the outcome of a risk assessment and the outcome of the investigation carried out in accordance with policy and procedure. Therefore, paragraph 7.1. has been added to state that the Council will follow the Anti-Social Behaviour and Hate Incident Policy and associated procedure for dealing with reports of anti-social behaviour.

Paragraph 7.5: Clarified that the Housing Service will liaise with the Community Safety Unit to advise of cases where demotion is being considered where there is a criminal aspect to the anti-social behaviour and/or concern to the wider community.

Paragraph 7.7: Improved clarification of the grounds under Section 82A of the Housing Act 1985, which must be evidenced for a demotion order to be instigated.

Paragraph 7.8.3: Removed reference to Anti-Social Behaviour Orders (ASBO's) as these were replaced by Criminal Behaviour Orders and Civil Injunctions in 2014.

Paragraph 7.9.4: Added that when the procedure for a stand-alone remedy to obtain a demotion order is instigated, a copy of Form N7D which provides notes, and also the defence Form N11D, which gives explanation and guidance on the effects of demotion, will be given to the defendant.

Section 8: Ending demoted tenancies

Paragraph 8.2.6: Added that where possession proceedings are being considered after demotion due to further breaches of the Tenancy Agreement, the Council will follow the Pre-Action Protocol for Possession Claims by Social Landlords. This Protocol sets out the procedures that social landlords should follow before issuing possession claims.

Section 9: The right to review a decision to end a demoted tenancy

Paragraph 9.13: In accordance with the Demoted Tenants (Review of Decisions) Regulations 2004 – Statutory Instrument 2004 No. 1679, added that where more than one Review Officer is assigned to carry out the review by way of an oral hearing, the hearing will be adjourned on each occasion where either of the Review Officers are absent, unless the tenant or representative agrees otherwise.

Paragraph 9.14: In accordance with the Demoted Tenants (Review of Decisions) Regulations 2004 – Statutory Instrument 2004 No. 1679, added that if the Review Officer carrying out the review at the adjourned hearing is not the same officer assigned to be the Review Officer at the earlier hearing, the review will proceed by way of a complete rehearing of the case unless the tenant or representative agrees otherwise.

Section 10: Complaints

New section added to explain how a complaint can be made to the Council if a service user is dissatisfied with the service they have received regarding the application of this policy.

Section 11: Data protection

New section added to explain how the Council collects and uses certain types of information about its service users in order to carry out its everyday business and to fulfil its objectives and its statutory functions.

Section 12: Equality and diversity

New section added to explain how the Council meets its duties under the Equality Act 2010.

Main proposed updates
Section 13: Monitoring and review
Paragraph 13.3: Amendment of the policy review frequency from 'regular review' to every three years, or in the event of major legislative or operational changes, within this time.
Appendix A: Flowchart showing steps taken to demote a tenancy
No proposed changes.
Appendix B: Flowchart showing steps to end a demoted tenancy because of further breaches
No proposed changes.