

Report

Report subject : Proposed Adoption of Legislation Introducing Extending Tenancies to Introductory Tenancies

Report to : The Cabinet

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Cabinet Member for Community & Housing: Councillor John Cole-Morgan

1. Purpose of report

- 1.1 The purpose of the report is to seek approval to introduce procedures that will allow the Housing Management department to extend the introductory tenancy period by six months from twelve to eighteen months for those tenants who have not conducted their tenancies in a satisfactory manner.

2. Background

- 2.1 In December 1996 the Council agreed, after changes in legislation in the Housing Act 1996, to the use of introductory tenancies.
- 2.2 Since December 1996 all new tenancies, with the exception of tenants transferring from existing Council or Housing Association accommodation, have introductory tenancies for the first twelve months of their tenancies.
- 2.3 These tenancies also referred to as 'probationary' or 'trial' tenancies are for a set period of twelve months and after this period has ended those tenants who have conducted their tenancy satisfactorily will automatically become tenants of a secure tenancy.
- 2.4 Unlike secure tenants, introductory tenants have limited rights. They do not have the rights to buy; to carryout a mutual exchange or to be consulted (though in practice we do consult). These rights are bestowed upon them when they become secure tenants.



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Housing Services
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3. The Proposals

- 3.1 The Housing Act 1996, responsible for the introduction of introductory tenancies, was amended by Part 6, s.179 of the Housing Act 2004 making it possible for the extension of introductory tenancies for a further six months.
- 3.2 The use of these powers could allow the Council a further six months to try and resolve the tenancy issues, use intervention methods – mediation, Acceptable Behaviour Contracts etc but still leave the route open to end the tenancy if the situation has not improved and thereby reducing the distress to others.
- 3.3 It is hoped that the extension will enable us to work with the tenants to allow them to stay in their homes, thereby reducing homelessness.

4. Recommendation

- 4.1 It is recommended that to ensure our tenancies are managed efficiently and effectively, and to the benefit of both the tenants concerned and those suffering as a result of anti-social behaviour:
- The Council adopts the proposals, set out in the Housing Act 2004, to extend introductory tenancies where appropriate.
 - The Council's powers to extend an introductory tenancy are delegated to the Head of Housing Management.

5. Implications

- 5.1 Key decisions – none
- 5.2 Financial – none
- 5.3 Legal decisions – power to extend introductory tenancies conferred by the Introductory Tenancies [Review of Decisions to Extend a Trial Period [England] Regulations 2006 which came into force on 3rd May.
- 5.4 Human Rights – None of the articles of the Human Rights Act confer a right to a home. The legislative schemes for Introductory Tenancies have been held to be compatible with Articles 6 and 8.
- 5.5 Personnel – none.
- 5.6 Environmental – none.