

Report to the Housing Scrutiny Panel

Date of Report: 30 April 2007

Portfolio: Housing – Councillor D Stallan

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Subject: Review of the Introductory Tenancy Scheme



Recommendation:

That the Housing Scrutiny Panel notes the progress made during the first year of the Introductory Tenancy Scheme for all new Council tenants.

Background Report:

1. At its meeting on 14 November 2005, the Cabinet approved the introduction of an Introductory Tenancy Scheme for all new Council tenants. Under the Housing Act 1996, local authorities are given discretionary power to operate a scheme of “Introductory Tenancies” whereby all new tenants would not be secure until after a twelve month “trial” period. During the twelve-month period, Introductory Tenants do not have the same statutory rights as secure tenants. Therefore, if the Council wishes to seek possession of the property for any breach of a tenancy condition, (e.g. rent arrears or anti-social behaviour) provided certain procedures are followed, the Introductory Tenancy could be terminated. This is simply by the issuing of a Notice of Proceedings without grounds having to be stated, with the courts having no alternative but to grant possession provided the Council has followed the correct procedures. An Introductory Tenancy, by its very nature, sends out a message to all new tenants as to what is expected of them, particularly in the early months of their tenancy.
2. Before the Council can apply to the court for a possession order, in accordance with the Regulations, it must give the Introductory Tenant at least two warnings, then serve a Notice of Proceedings setting out the Council’s decision to apply for such an order. If a notice has been served and the twelve-month trial period subsequently elapses, the tenancy continues to be an Introductory Tenancy until the proceedings have been determined. Introductory Tenants who are served with notice may request a review of the decision to seek possession within 14 days of the notice being served. Authorities cannot proceed with an application for possession until it knows whether the Introductory Tenant intends to exercise their Right to Review. If requested, the Council must review its decision in accordance with any procedure the Government may prescribe in Regulations. The Cabinet has already agreed that reviews will be undertaken by an officer panel.
3. In accordance with the Housing Act 2004, in cases where the Council has concerns about the way in which a tenancy has been conducted, but not to the extent that it would wish to proceed to Court for possession, the period of the Introductory Tenancy can be extended by a further six months. This gives the Council further time to satisfy itself whether such a tenant should become a secure tenant of the Council. The Introductory Tenant also has the right to a review of this decision.
4. The scheme commenced on 1 April 2006. In the first 12 months, 311 Introductory Tenancies were granted, with 16 Notices of Possession Proceedings being served, all on grounds of rent arrears. In one case, the Council made a subsequent application to the Court, but following the Introductory Tenant exercising her right to a review, the officer panel agreed to extend the

period of the Introductory Tenancy by 6 months. As at 23 April 2007, 5 Introductory Tenancies have been converted to secure tenancies. The majority of the remainder will convert automatically over the coming year.

5. The Panel is asked to note the progress made with the Introductory Tenancy Scheme in the first year of its operation. It is suggested that, as there appears to be no concerns and it sends an important message to new secure tenants, the scheme continues in its current form.