



Leicester
City Council

WARDS AFFECTED
City Wide

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:

Cabinet

3rd December 2001

INTRODUCTORY TENANCIES REVIEW PANELS

Report of the Town Clerk & Director of Corporate Resources

1. Purpose of Report

- 1.1 The purpose of this report is to constitute panels of officers from which persons authorised to carry out reviews of decisions to seek orders for possession of homes let under introductory tenancies and to make decisions on review

2. Report

- 2.1 The Council is now operating the introductory tenancy regime, "New" tenants will be granted an introductory tenancy. This will "convert" to a secure tenancy at the end of the probationary period (usually 12 months) unless possession proceedings have begun. The Council can now decide to apply for orders for possession bringing the introductory tenancy to an end for any reason, but it must give reasons, and the tenant is entitled to a review of that decision.
- 2.2 It is proposed to establish two panels of managers who are authorised to carry out reviews and to make the decision on review, whether that be to confirm the original decision or otherwise. Training is to be provided for all managers concerned. From these panels the Director will appoint, as necessary, persons to undertake particular reviews. The first panel will be for those authorised in respect of initial decisions made for reason of rent arrears; the second panel will be for those authorised in respect of all other cases. No review will be carried out by any panel member involved in the original decision. Provisional timetabled "slots" for reviews have been established on the basis of one to two days per fortnight.
- 2.3 Tenants will have the right to a review by way of written representations or oral hearing, to attend (with assistance by way of representation), to call witnesses to question any person who gives evidence and to make representations in writing. The tenant does not however have the right to require the attendance of the complainant/s and evidence from Housing staff can be presented as hearsay and without having to identify the complainant/s (to avoid the potential for witness intimidation). The person carrying out the review can also decide how any "questioning" should be controlled (as long as the rights described in this paragraph are respected)

3. Financial and legal Implications

- 3.1 Introductory tenants have the right to request a review of a decision by the Council to seek an order for possession of their home. Under the Housing Act 1996 and associated regulations, such a review must be internal. There are Human Right Act Implications. Any introductory tenant will be given the opportunity of advance disclosure of the evidence against him/her but this will not (as far as practicable) contain information which could lead to witness intimidation (e.g. names and addresses). The Courts have considered both the withholding of such information and the appearance of impartiality in local authorities reviewing their own decisions to terminate introductory tenancies and have held that, given the remedy of judicial review, the introductory tenancy “enforcement” scheme does not fall foul of Article 6 of the Convention (right to determination by an independent and impartial tribunal)
- 3.2 The costs, to be met from the Housing Revenue Account, are mainly in staff time.

4. Other Implications

- 4.1 **Equal Opportunities:** The Housing Department have made provision for training for managers and administrative support for each panel, also for persons with relevant expertise to assist as the need arises. Housing staff are aware that those who do not speak English as a first language may be discriminated against more easily by other tenants and are aware, when investigating complaints, of the possibility of discrimination/victimisation on the grounds of race, sex, disability or creed, for example where one tenant’s behaviour may be different from neighbours through no fault of that tenant’s own. The Council will give a full statement of reasons for seeking possession which will enable the tenant to understand exactly what is said against him and enable him to prepare his case should he take up his right to a review.
- 4.2 **Crime and Disorder:** Introductory tenancies are designed to help in the fight against anti-social behaviour by making it easier for the Council to evict those tenants who persistently cause nuisance or worse before they achieve the rights of a secure tenant.

5. Recommendations

The Cabinet is recommended to

- 5.1 Approve the formation and operation of introductory tenancy review panels as above.
- 5.2 Authorise the Director of Housing to form panels of managers authorized to carry out reviews and to appoint from time to time members from the panels to undertake reviews under section 129 Housing Act 1996 ensuring that;
- (1) no-one involved in the decision to apply for an order shall carry out or make the decision on a review of that decision; and
 - (2) the member of the panel appointed shall be someone senior to the officer who made the original decision

7. Report Author/Officer to contact:

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