

AGENDA ITEM NO. 11

WARWICK DISTRICT COUNCIL

TO: HOUSING COMMITTEE - 25TH JANUARY, 2000
SUBJECT: INTRODUCTORY TENANCIES - APPEALS PROCESS
FROM HOUSING

1. Purpose of Report

- 1.1 To request members views on the Appeals procedure in relation to possession proceedings for Introductory Tenancies.

2. Background

- 2.1 The legislation allows an Introductory Tenant to request a review of the landlord's decision to seek an order for possession within fourteen days of the date of service of the Notice of Termination.
- 2.2 The tenant is entitled to an oral hearing which must be completed and the tenants notified of the decision in writing, prior to the expiry of the notice, which normally would be 28 days after "service". This is a short timescale. Should a tenant request a review on the fourteenth day after the notice is served, there only remains a further fourteen days for the review procedure to be completed.
- 2.3 Under these circumstances it is difficult to see how any H.A.R.P. procedure could be invoked.

3. Review Mechanisms

- 3.1 The importance of the review process must be stressed as there is no method of defence should an application be made to the Courts for a Possession Order.
- 3.2 In view of the restrictive legislation, it is impossible to standardise this review procedure with the existing procedure for Secure Tenants as this comprises a two stage process in respect to nuisance cases, one stage for rent arrears. There is insufficient time for either of these to be completed.
- 3.3 The legislation indicates that the review should be undertaken by "a person of appropriate seniority", who has not been involved in earlier decisions. This would allow the appeal to be undertaken by the Head of Housing.
- 3.4 Alternatively, the Terms of Reference to the Housing Appeals Review Panel could be extended to incorporate this review. Should it be decided that the review be referred to H.A.R.P. it may be necessary to extend the minimum notice period of 28 days to allow the process to be completed. Oldham use a 35 day notice. However, this appears to contradict the fast track approach intended by the introduction of this type of tenancy.
- 3.5 H.A.R.P. was introduced in 1997 and, although it was anticipated that the work load could be onerous, this has not proved to be the case.
- 3.6 Consultation with other Local Authorities reveals a very low level of requests for review i.e. Nuneaton & Bedworth 2, Rugby none.

4. **Key Issues Strategies**

4.1 This complies with the concept of the social aspect of the Key issues Strategy.

5. **Recommendations**

5.1 The review procedure for Introductory Tenants following the service of a notice should be undertaken by:

a) The Head of Housing or the Housing Services manager in the absence of the Head of Housing.

or

b) The terms of reference for H.A.R.P. be extended to incorporate this review, with a facility to extend the notice period to 35 days.

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Background Papers
Introductory Tenancy
Group Files

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**Areas in District
Affected:** All