

<p>No alternative accommodation for tenant's to move including those with care and support needs</p>	<p>No alternative accommodation for tenants to move to.</p> <p>We could potentially spend a considerable amount of staff time reviewing all fixed term tenancies and in the end we simply don't have available properties to move tenants to which means we end up renewing all fixed term tenancies. Making the introduction of fixed term tenancies pointless.</p>	<p>Exceptions in the Tenancy Policy criteria for ending a fixed term tenancy are;</p> <ul style="list-style-type: none"> • The tenant has made reasonable attempts to secure alternative accommodation and there are no reasonable alternatives for the tenant to accept or pursue; • Care & support needs of the household can only be met if the tenant remained in the property <p>This will be mitigated by monitoring of fixed term tenancies & should this situation be identified a review of the use of fixed term tenancies will be undertaken.</p>
<p>Succession</p>	<p>The failure to assign tenancies to successors in accordance with legislation and policy will result in delays in securing possession where court action is initiated by the Council and cause confusion where the tenant has applied for the right to buy. It could also potentially lead to complaints of maladministration. This could increase delays in securing accommodation, increase legal costs, create an entitlement to compensation and cause damage to the Council's reputation.</p> <p>Failure to administer succession requests properly could result in expensive legal challenges.</p>	<p>The Council will need to ensure that the procedures it operates ensure that succession is determined and tenancies are assigned in the most efficient and cost effective manner possible.</p> <p>The Council must be mindful of the need to ensure that its staffing levels are sufficient to implement the Council's policy effectively.</p> <p>Staff will require training.</p>

<p>Ending of Tenancies</p>	<p>The failure to end tenancies in accordance with legislation and policy could potentially result in delays in securing possession, in those cases where court action is initiated by the Council and result in possible claims for illegal eviction. This could potentially increase delays in securing accommodation, increase legal costs, create an entitlement to compensation and cause damage to the Council's reputation.</p>	<p>The Council must be mindful of the need to ensure that its staffing levels are sufficient to implement the Council's policy effectively.</p> <p>The Council will need to ensure that the procedures it operates ensure that tenancies are ended in the most efficient and cost effective manner possible.</p> <p>Staff will require training.</p>
<p>Rent Levels & other charges</p>	<p>Tamworth Borough Council's Business Plan depends significantly upon generating revenue from the properties that it rents.</p> <p>Wider affordability issues at a times when people are facing economic hardship.</p>	<p>We seeks to mitigate against business risk through setting rent levels and service charges that are affordable, equitable, transparent and consistent, while ensuring that at all times that the Council is financially viable and sustainable.</p>
<p>Mutual Exchange</p>	<p>The failure to assign tenancies in accordance with legislation and policy could potentially result in delays in securing possession where court action is initiated by the Council, grant rights to those who do not have an entitlement to assign to the tenancy and could also potentially lead to complaints of maladministration. This could potentially increase delays in securing accommodation, increase legal costs, create an entitlement to compensation and cause damage to the Council's reputation.</p>	<p>The Council must be mindful of the need to ensure that its staffing levels are sufficient to implement the Council's policy effectively. The Council will need to ensure that the procedures it operates ensure that tenancies are assigned in the most efficient and cost effective manner possible.</p>
<p>Taking in a Lodger</p>	<p>The failure to enable a secure tenant to exercise their right to take in lodgers, in accordance with legislation and policy, could potentially result in complaints of maladministration against the Council. This could potentially increase legal costs, create an entitlement to compensation and cause damage to the Council's reputation.</p>	<p>The Council must be mindful of the need to ensure that its staffing levels are sufficient to implement the Council's policy effectively.</p> <p>The Council will need to ensure that the procedures</p>

		it operates ensure that tenants requests to take in lodgers are responded to in the most efficient and cost effective manner.
Tenancy Fraud	The impact of fixed term tenancies on the provision of social housing could be great, particularly in view of the current financial climate and tenants wanting to remain in their family homes, it is recognised by Tamworth Borough Council that effective benefit fraud investigation is of high importance.	<p>The Council must be mindful of the need to ensure that its staffing levels are sufficient to implement the Council's policy effectively.</p> <p>The Council will need to ensure that the procedures it operates ensure that tenancies are ended in the most efficient and cost effective manner possible.</p>
Appeals & Reviews	The failure to create process reviews and appeals in accordance with legislation and policy will result in delays in securing possession where court action is initiated by the Council. This will increase delays in reletting accommodation, increase legal costs and cause damage to the Council's reputation.	<p>The Council must be mindful of the need to ensure that its staffing levels are sufficient to implement the Council's policy effectively.</p> <p>The Council will need to ensure that the procedures it operates ensure that tenancies are created in the most efficient and cost effective manner possible.</p>
Judicial Review	The failure to create a tenancy policy in accordance with legislation could result in judicial review, legal costs and cause damage to the Council's reputation, similar to the Barnet case.	The Council will seek endorsement of the Policy from Legal Solicitors.

**COMMUNITY IMPACT
INTRODUCING FIXED TERM TENANCIES**

Risk	Community Impact	Controls required
Introducing Fixed Term Tenancies	Tenants feeling less of a commitment to the area they are living in.	This will be mitigated by offering 5 year tenancies in most cases, and providing clear guidelines in the tenancy policy on the circumstances in which we will extend these.
	Tenants subject to flexible tenancies will curtail their aspirations in order to keep their home.	This will be mitigated by ensuring that tenants will have access to a range of alternative accommodation including; council accommodation, mutual exchange, low cost home ownership and privately rented homes.
	Curtail tenants aspirations to go out to work and increase their earning if they know they have to pay more rent `Pay to Stay1 - increasing areas of social deprivation.	This will be mitigated by ensuring that tenants provided with information on the benefits of working and advice on how to maximise their income.

	<p>Tenants subject to fixed term tenancies and/or `pay to stay` may choose to buy their own properties, putting at risk the Tamworth Borough Council housing stock and the Landlord Services Business Plan which depends on this revenue.</p>	<p>This will be mitigated by monthly monitoring of right to buy, should a steady increase be identified a review of the use of fixed term tenancies will be undertaken.</p>
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