

EXETER CITY COUNCIL

**EXECUTIVE
26 NOVEMBER 2013**

**COUNCIL
17 DECEMBER 2013**

DELEGATED AUTHORITY IN RESPECT OF FLEXIBLE TENANCIES

1.0 PURPOSE OF REPORT

- 1.1 To seek approval for the delegation of authority to the Assistant Director Housing & Contracts to grant, administer and where necessary terminate any flexible tenancy.

2.0 BACKGROUND

- 2.1 The City Council agreed to the Tenancy Policy in January 2013. Within this policy Members agreed to the use of flexible tenancies in certain circumstances. The flexible tenancy is a fixed term tenancy that, in most cases, will last 5 years with a 12 month initial probationary period. At the end of this period the circumstances of the household will be reviewed to assess whether the tenancy should be extended a further 5 years or whether alternatives that are more appropriate should be offered.

- 2.2 Following the adoption of this policy, officers have developed a procedure working with the Council's legal department and independent experts to ensure that there would be no scope for legal challenge on how the system operated. This work is now complete and in order to ensure that the correct notices are granted and administered, and if deemed necessary terminated, the Assistant Director for Housing and Contracts requires the delegation of authority to grant, administer and where necessary terminate any flexible tenancy.

3.0 FINANCIAL AND LEGAL IMPLICATIONS

- 3.1 Without the appropriate delegated powers being given to the Assistant Director there is the risk of a legal challenge of a notice having been served without authority. This would potentially lead to the Council having to assign a lifetime tenancy where it is not appropriate to do so, face a costly Court challenge and suffer associated reputational damage.

4.0 RECOMMENDED

- 4.1 That the Assistant Director Housing & Contracts be given delegated authority to grant, administer and where necessary terminate any flexible tenancy and that the Constitution be amended to that effect.

Originating Officer: Lawrence Blake

ROGER COOMBES

ASSISTANT DIRECTOR HOUSING AND CONTRACTS

Local Government (Access to Information) Act 1985 (as amended)

Background papers used in compiling the report: None