

STOKE-ON-TRENT CITY COUNCIL

Tenancy Policy

Housing Revenue Account Services

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1. Purpose

The purpose of this policy document is to define how the city council will determine the type of tenancies used in the management of its own housing stock.

2. Scope

This policy document sets out the types of tenancies the city council will currently grant. The policy has been developed in line with the provisions set out within the city's Tenancy Strategy.

The policy will be reviewed on an annual basis, but specifically when the Housing and Planning Act 2016 introduction of fixed term tenancies comes in to force.

This policy covers;

- The different types of tenancies the council will grant¹.
- The review process for introductory tenancies and demoted tenancies.
- Discretionary succession rights, taking account of the needs of vulnerable household members.
- Provision of housing advice.

This policy covers all allocations to council housing, including those to sheltered housing and adapted properties. It does not cover lettings to hostels, temporary accommodation or supported housing. In addition it does not cover allocations made through nominations to other Registered Providers.

This policy should be considered in line with the Allocations Policy, the Tenancy and Estate Management Policy, Tenancy Strategy and the Void Management Policy.

3. Key Principles and Service Standards

The aim of this policy is to ensure that local people have access to accommodation that meets their needs and supports them to live active and independent lives.

- To ensure people have access to appropriate accommodation at the point they have a housing need.
- Local residents are enabled to maintain their accommodation.
- Local population is retained.
- Tenants are supported to move into, or remain in, employment.

¹ The city council will revise this policy to take into account the changes made by the Housing and Planning Act 2016, in readiness for the implementation of the relevant provisions.

- To contribute to delivering communities which are mixed, sustainable, and attractive places to live.

Key Terms

- *Introductory Tenancies* – are usually a 12 month probationary tenancy offered to new tenants. Introductory tenants do not have the full rights of a secure tenant.
- *Secure Tenancies* – have no end date and offer protection of tenure for tenants (also known as lifetime tenancies).
- *Demoted Tenancies* – secure tenancy can be demoted in cases of anti-social behaviour. The tenant will lose some of the rights of a secure tenant.

4. Local Context

The city council owns and manages circa 18,400 properties across the city which is clustered primarily in 6 large estates on the periphery of the city.

On average the council lets around 1,500 properties per year. In comparison there are currently over 2,500 active applications for council housing.

The city council's Allocations Policy sets out the framework for letting local authority owned accommodation. This document is focussed on types of tenancies. The Allocations Policy also has regard to the need to create mixed and sustainable neighbourhoods.

5. Legal and Regulatory Framework

The Localism Act 2011 provides that each Registered Provider is required to produce a Tenancy Policy setting out the approach to tenancy types in their housing stock. Local Registered Providers are required to take account of the local authority's Tenancy Strategy.

This policy contributes directly to the compliance with the Regulatory Framework for Social Housing Tenancy Standard by specifically addressing the following requirements:

- Registered Providers shall offer tenancies or terms of occupation which are compatible with the purpose of the accommodation, the needs of individual households, the sustainability of the community and the efficient use of their housing stock.
- Register Providers shall publish clear and accessible policies which outline their approach regarding the types of tenancies granted and the circumstances and conditions under which they are granted.

6. Equalities Statement

The city council is committed to equal access to all customers and ensuring that minority groups are not disadvantaged by the council’s policies or services. This policy is therefore subject to an Equality Impact Assessment.

7. Policy Detail

This section considers the approach to tenancies within the city council’s own housing stock.

The priority for the city council is on ensuring that customers are provided with appropriate housing advice and a sustainable housing option at the point of application. The decision in relation to which tenancy type to make use of will be considered within this context.

7.1 Council Housing Tenancy Types

The policy relates to all council housing tenancies including sheltered housing and adapted properties. All households will be advised what tenancy type they will be granted when they are offered a property.

A summary of the provisions of the different tenancy types is provided below:

	Introductory Tenancy	Secure Tenancy#	Tenancies of sheltered accommodation#
Duration	12 Months - plus 6 Months extension	No end date	No end date
Right to Buy	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Right to take in Lodgers	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Right to Sub-let	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Right to make Improvements	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Right to Compensation for Improvements	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Right to Repair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Right to Manage	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Right to be Consulted	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Right to Succession	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Right to Assign	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Right to Transfer	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Right to Mutual Exchange	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Method of ending the tenancy	The tenant or one of the joint tenants may surrender the tenancy, otherwise a Court order for possession is required.	The tenant or one of the joint tenants may surrender the tenancy, otherwise a Court order for possession is required.	The tenant or one of the joint tenants may surrender the tenancy, otherwise a Court order for possession is required.

after 'introductory' period is completed

7.2 Introductory Tenancy

All new city council tenancies will be offered as Introductory Tenancies for the initial 12 month period.

After this period, the tenancy will automatically become a secure tenancy, unless the tenant, or other person living at the property, breaches the terms of the tenancy agreement. If the tenant, or other person living at the property, breaches the terms of their Tenancy Agreement the city council may extend the introductory period by 6 months.

Introductory tenants have reduced rights compared to secure tenants.

7.3 Secure Tenancy

After the introductory period, tenants will become a secure tenant. By law, secure tenants have the right to stay in the property subject to the tenancy agreement. The city council cannot remove a secure tenant from a property unless a court grants a possession order. There is no time limit on a secure tenancy; they are sometimes referred to as lifetime tenancies. A secure tenancy can only be ended by a court if the tenant breaches any of the conditions in their tenancy agreement – for example if rent is not paid, the property is wilfully damaged, the tenant behaviour causes complaints or repairs are not promptly reported which results in damage to the property.

7.5 Demoted Tenancies

A demoted tenancy offers less security of tenure than a secure tenancy.

The city council may apply to the court for an order demoting a secure tenancy where the tenant has engaged in anti-social behaviour or used the property for

an unlawful purpose only. The demoted tenancy will last for a period of 12 months.

During the period of demotion, the tenant will lose their secure tenancy status and some of the rights they had as a Secure Tenant. Any rent arrears or credits will be transferred to the demoted tenancy.

Should there be a breach of any terms and conditions of the tenancy during the demotion period the city council may obtain a court order to end the tenancy and get possession of the property.

7.6 Right to Review

All tenants have the right to request a review of all decisions made about their tenancy. Tenants may wish to use this right if:

- The decision is made to extend an introductory tenancy.
- The decision is made to seek possession of an introductory tenancy
- The decision is made to demote a secure tenancy.
- The decision is made to seek possession of a demoted tenancy.

Requests for tenancy decisions to be reviewed should be made in writing within 14 days of being notified of the decision. The city council will aim to respond to the review.

7.7 Succession

If the secure tenancy commenced before 1 April 2012, spouses, civil partners and certain family members may succeed to a secure tenancy if they have lived at and occupied the property as their only or principal home at the time of the tenant's death for twelve months ending with the tenant's death. This may only occur once.

If the secure tenancy commenced after 1 April 2012, only husbands, wives or civil partners can succeed to the tenancy. If the tenant was not married or did not have a civil partner, then a partner may succeed to the tenancy provided they have lived at and occupied the property as their only or principle home at the time of the tenant's death for a continuous period of 12 months. This may only occur once.

7.8 Housing Advice

The city council is committed to ensuring that all households in the city have access to advice and support to help them move into, or remain in, accommodation that meets their needs and aspirations.

Advice is available to customers who are looking to move by the Housing Solutions Service. Advice can include applying for council housing, supported housing options, support to access the private rented sector and applying for

affordable home ownership. This service is available to new customers and existing tenants.

8. Financial Implications

The city council is committed to ensuring value for money across all services by focussing on meeting customer needs as efficiently as possible. With regards to this Tenancy Policy consideration has been given to the cost of administration, review and lettings related to introductory and secure tenancies compared to additional housing need met through increased lets.

Currently the cost of managing tenancies is met through the Housing Revenue Account Management and Staffing budget.

9. Consultation

This policy has been developed in consultation with operational managers, legal services and representatives of the tenants' board.

10. Links to Other Policies

The Tenancy Policy will help to support the following aims and objectives set out in key strategic documents set out below.

10.1 Stronger Together

Stoke-on-Trent City Council's plans are being driven by our Stronger Together vision - working together to create a stronger city we can all be proud of.

The vision involves five main priorities, which are:

- Support our residents to fulfil their potential;
- Support our businesses to thrive, delivering investment in our towns and communities;
- Work with residents to make our towns and communities great places to live;
- A commercial council, well governed and fit for purpose, driving efficiency in everything we do;
- Support vulnerable people in our communities to live their lives well

10.2 Tenancy Strategy

- Ensure people have access to appropriate accommodation at the point they have a housing need.
- Enable local residents to maintain their accommodation.
- Contribute to retaining local population.
- Support tenants to move into, or remain in, employment.

- Contribute to delivering communities which are mixed, sustainable, and attractive places to live.

10.3 Allocations Policy

- To provide a clear framework in relation to qualification for social housing in the city.
- To make best use of social housing in the city.
- To help local people live independent lives in housing and neighbourhoods which are appropriate to their needs.

10.4 Tenancy and Estate Management Policy

- Clarify the city council's approach in relation to key issues affecting tenants in the proper management of their homes.
- Set out the role the city council will have in managing wider estates on which council homes are situated.
- To ensure consistency and proportionality across the tenancy and estate management service.

11. Measuring Performance

Measures have been developed to manage the performance in relation to lettings and tenancies it is reported through the performance framework for Housing and Customer Services, which is routinely reported through the Housing Management Board and Departmental Leadership Team.

Key measures in relation to the Tenancy Policy include;

- Number of Introductory tenancies ended/extended
- Number of Demoted Tenancies
- Number of Evictions

12. Key Contacts

For comments in relation to this policy and its development please contact the Enabling and Projects Team:

- Telephone: 01782 234234 (office hours only)
- Email: housing.strategy@stoke.gov.uk
- Post: Enabling and Projects Team, Floor 2, Civic Centre, Glebe Street, Stoke-on-Trent ST4 1HH.