

SOUTH KESTEVEN DISTRICT COUNCIL
TENANCY POLICY

CONTENTS

Purpose of the policy

Introduction

Tenancies:

- **types granted**
- **length of tenancies**

Paying rent

Tenancy reviews

Succession rights

Housing exchanges

Policy review

PURPOSE AND SCOPE OF THIS POLICY

This policy sets out how South Kesteven District Council (“the Council”) will use the range of options introduced by the Localism Act 2011 and outlines the changes to the regulatory standards that all social landlords are expected to meet.

The policy will provide clear guidance with regard to the Council’s approach to managing its housing stock.

The key aim of this policy is to make best use of the Council’s housing stock in order to ensure it meets existing and future tenants housing needs.

The policy sets out:

- The types of tenancies the council will offer
- The circumstances in which tenancies will be offered
- The length of tenancy terms
- The basis upon which the Council may exceptionally grant discretionary succession rights, taking into account the needs of vulnerable household members
- The Council’s approach to tackling tenancy fraud
- How frequently the policy will be reviewed

The policy aligns with the Council’s Tenancy Strategy which sets out a code of practice that all social landlords working in South Kesteven should have regard to when deciding what types of tenancy to offer their tenants.

INTRODUCTION

The Council is committed to making best use of its housing stock in order to meet tenants’ and future applicants’ housing needs. This policy aims to ensure that tenants have the right home for as long as they need it.

The Council, in its role as a social landlord, will assist customers to achieve their housing aspirations, within a framework of re-housing priorities for both existing tenants and applicants which is described by the Allocations Policy. (Please see the Allocations Policy for details).

TYPES OF TENANCY

Introductory tenancies

Since May 2008, all new tenants have been granted introductory tenancies to help the Council combat anti-social behaviour and efficiently deal with breaches of tenancy conditions.

The introductory tenancy acts as a trial period which lasts for twelve months, but may be extended for a further six months. If the tenancy is conducted satisfactorily by the tenant, the tenancy will automatically become 'secure' twelve months (or further extended period) after the tenancy started.

During the introductory period tenants have less security and fewer rights than secure tenants:

- They cannot buy their home
- They cannot exchange homes with other tenants
- Their home is at much higher risk of re-possession if they do not keep to the terms of the tenancy agreement
- They cannot transfer their tenancy to another person, except on death or as a result of a court order

Secure tenancies

On becoming a 'secure tenant' tenants acquire rights in addition to those of an 'introductory tenant'. Subject to detailed guidance, secure tenants' benefits include the right to buy their home or to exchange their home with another tenant. Existing secure tenants transferring to another property within the Council's own stock will be granted a further secure tenancy.

Demoted tenancies

Where a secure tenant is responsible for anti-social behaviour in accordance with s.82A of the Housing Act 1985, their secure tenancy may be demoted by a court order for a period of twelve months. A demoted tenancy has reduced rights which are similar to those of an introductory tenancy.

Joint tenancies

Any of the tenancies described above may be granted as 'joint' tenancies (tenancies in the joint names of two or three persons) in the following circumstances:

- The proposed joint tenants are all eligible for housing as defined by relevant legislation **and**
- The proposed joint tenants are married or in a civil partner relationship **or**
- The proposed joint tenants have lived together for at least twelve months prior to the joint tenancy application **or**
- The proposed joint tenants are in a 'mutually supportive' and 'established' relationship

The Council will not normally grant a joint tenancy to a person who is entitled to succeed to that tenancy (eg. surviving parent or child).

Non-secure tenancy

There are a few exceptional circumstances in which the Council can grant accommodation to people outside of the normal framework of an introductory, secure or demoted tenancy. This is when the accommodation is made available for a temporary period for a specific purpose. The use of this type of tenancy is for a homeless household to whom the Council have a legal duty to provide temporary accommodation.

Flexible tenure

The Council does not currently use flexible tenancies under which a tenancy could be granted for a fixed period.

LENGTH OF TENANCY

The Council's secure tenancy entitled the tenant to remain in their home until action is taken to bring that tenancy to an end in circumstances where a tenant has failed to comply with the terms of their tenancy. Secure tenancies are intended to offer stability to tenants and their families, supporting the development of thriving, stable and sustainable communities.

All of the Council's tenancies are 'weekly' and run from week to week (from Monday to midnight on Sunday).

The tenancy may be ended as follows:

- By the tenant serving a 'notice to quit', giving at least four weeks' notice in writing

- By the Council obtaining a court order following service of either a notice of proceedings for possession (introductory or demoted tenancies) or a notice of seeking possession (secure tenancies) in circumstances where:
 - the terms and conditions of the tenancy are breached or
 - possession is required for the purpose of demolition of the property or
 - where extensive works are required that cannot reasonably be carried out without obtaining possession
- By agreement – this is referred to as surrender
- On the death of the tenant if no succession applies

PAYING RENT

A condition of all tenancies is that rent is paid weekly. A tenant may choose to pay their rent at different intervals but must not allow their rent account to fall into arrears. Rent levels are subject to annual review.

All tenants are given a range of convenient and flexible rent payment methods although payment by Direct Debit is encouraged as this is the easiest option for most tenants to use and helps to ensure that rent is paid on time. Payment options include:

- Monthly Direct Debit – this requires payment on either the 1st or the 15th of each month
- Post Office and Pay Outlets using the free ALLPAY card payment method
- Salary deductions, where tenant is also an employee of the Council
- Debit/credit card, using an automated 24-hour local rate dedicated payment line
- Internet payments
- Direct payments from welfare benefits, where appropriate and possible.
- By cheque, either through the post or at one of the Council's offices
- In exceptional circumstances payment may be accepted in cash at one of the Council's offices.

Throughout the financial year, there are four 'rent free' weeks. These are during April and December and tenants are informed which are the 'free weeks'.

Rent account statements are sent to all tenants in April. Tenants who owe more than £10.00 on their rent account, or who do not pay their rent by monthly direct debit, will receive additional statements in July, October and January.

If a tenant does not pay their rent, contact will be made and an arrangement to pay off the arrears may be put in place. If the arrears are not paid by the tenant, even after an arrangement is made, the Council will begin legal action. This could lead to court action and eviction and will be carried out in accordance with the Council's recovery procedure. Court action and eviction may incur further costs for the tenant. Tenants will be kept fully informed of the process being followed and offered opportunities to pay any rent owed to the Council.

Possession proceedings will be considered as a last resort once alternative means of recovering the outstanding arrears have been considered and have failed.

INTRODUCTORY TENANCY REVIEWS

During the period of an introductory tenancy at least two appraisals will be carried out to determine whether or not the tenant is successfully maintaining their tenancy.

A check will be made on:

- The rent account
- The condition of the property
- The general conduct of the tenancy

Providing the tenancy is being conducted satisfactorily, no further action will be taken and the tenancy will become a secure tenancy after twelve months. However, further action will be taken to either terminate the tenancy or extend the introductory period for a further 6 months should a breach of tenancy be identified. The extension of tenancy will allow the Council to further monitor the conduct of the tenant before deciding whether to grant a secure tenancy or to take action to bring the tenancy to an end.

SECURE TENANCY REVIEWS

Secure tenancies are also subject to review. The intention is to visit each property at intervals throughout the tenancy.

This will allow the Council to:

- Identify any support needs that a tenant may have
- Update its records with any changes to a household's circumstances or a change in occupancy
- Arrange repairs that are the Council's responsibility which have not been reported by the tenant
- Signpost the tenant to other services as appropriate

SUCCESSION RIGHTS

Succession rights only apply to secure tenancies. Under the terms of the Localism Act 2011, for secure tenancies created from April 2012 the right to succeed to a secure tenancy on death of a tenant is limited to spouses, civil partners and those living with the tenant as if they were civil partners. For tenancies created before April 2012, the right to succeed applies slightly more widely and clarification should be sought from the Council by any tenant concerned about whether another person would have the right to succeed to the tenancy.

Succession to a tenancy can only happen once.

Under the Localism Act a statutory right of succession is only given to spouse or partner/civil partner. In exceptional circumstances, where there are compelling reasons for another member of the immediate family, or someone living as a member of the immediate family, to remain in that particular property, SKDC may exercise discretion in extending succession to another person. This discretion is intended to protect the interests of vulnerable persons who would be placed at greater risk should they be required to move to alternative accommodation. Applications for discretion to be exercised must be made at the earliest possible opportunity following the death of the tenant. In these circumstances, as in other cases, succession can only happen once.

In all cases, the successor must be living at the property as his or her only or principal home at the time of the tenant's death.

If the successor is not the spouse or partner of the tenant, the family member must have lived with the tenant for at least 12 months ending with the date of the tenant's death. Proof of this period of residence will be required.

If a joint tenant dies during their tenancy, the remaining tenant(s) may succeed to the tenancy and the tenancy continues, providing there hasn't been a previous succession to the tenancy. In circumstances where there has been a previous succession, no further succession will be permitted.

HOUSING EXCHANGES

Secure tenants of the Council have the right, subject to obtaining the prior permission of the Council, to exchange homes with another South Kesteven District Council tenant, a Council tenant from another local authority or a tenant of a housing association.

The Council has the right to refuse permission for the exchange to take place, for example:

- If any of the tenants wishing to exchange have a Notice of Seeking Possession and/or a court order against them – for rent arrears or other breach of tenancy
- If the exchange would mean that one or both homes would be either too big or too small for a tenant's needs
- If the property has been adapted in any way for use by a disabled person

The property will be inspected before any exchange is allowed and conditions may be imposed before permission is granted; for example, clearing any debts owed to the Council or putting right any damage to the property.

Applications to exchange can be made by registering on HomeSwapper at www.HomeSwapper.co.uk The service is FREE to South Kesteven District Council tenants and allows for tenants to exchange properties in the local area or anywhere in the UK.

The right to exchange is subject to approval from the Council. A request must be made in writing to the Council if the tenant does not have access to the on-line HomeSwapper service.

POLICY REVIEW

The policy complies with the terms of South Kesteven District Council's Equality Scheme by using customer information to ensure that service delivery and communication with customers is in line with their needs and requirements, whilst ensuring procedures are fair and transparent.

Where discretionary aspects of the policy exist, close monitoring systems will be in place to ensure that decisions made are based on the principles of the policy. Decisions will be subject to review by senior managers.

The policy will be published on the South Kesteven District Council intranet and website.

The policy has been approved and takes effect from 1st May 2013. It will be reviewed not later than April 2016.

DRAFT