



Housing Overview and Scrutiny Committee

Thursday, 6 June 2024

Report of Councillor Virginia Moran
Cabinet Member for Housing

Mutual Exchange Procedure

Report Author

Alison Hall-Wright, Director of Housing

 A.Hall-Wright@southkesteven.gov.uk

Purpose of Report

This report provides the Housing Overview and Scrutiny Committee with details of the Mutual Exchange decision making process and outlines the circumstances in which a Mutual Exchange can be refused.

The Mutual Exchange Procedure demonstrates the Council's Landlord compliance in accordance with legislation.

Recommendations

- 1. That the Committee notes the contents of the report and the Mutual Exchange Procedure.**

Decision Information

Does the report contain any
exempt or confidential
information not for publication? No

What are the relevant corporate
priorities? Housing

Which wards are impacted? (All Wards);

1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

Finance and Procurement

- 1.1 Any financial implications associated with the implementation of this policy will need to be met from existing budgets.

Completed by: Richard Wyles, Deputy Chief Executive and s151 Officer

Legal and Governance

- 1.2 There are no legal or governance implications arising from the review of this policy and procedure.

Completed by: James Welbourn, Democratic Services Manager and Deputy Monitoring Officer

2. Background to the Report

- 2.1 The Mutual Exchange Policy forms part of the Tenancy Management Policy which was approved by Cabinet on 6 February 2024. Following approval of these policies the Chairman of the Housing Overview and Scrutiny Committee requested that an overview of the Mutual Exchange Procedure at South Kesteven District Council be presented to the Committee.

- 2.2 The approved Mutual Exchange Policy is attached at Appendix 1 and the Mutual Exchange Procedure which the Council follows when processing applications is attached at Appendix 2.
- 2.3 It is essential that the Council has a robust internal process in place for administering Mutual Exchange applications, that staff are fully trained on the process and that a comprehensive inspection process in place as this will ensure that the approved policy is effectively implemented and the potential for any issues with the exchange process are mitigated
- 2.4 South Kesteven District Council complete mutual exchanges in accordance with the legislative framework under the Housing Act 1985 section 92. This is defined as when a tenant who has a secure or assured tenancy agrees to exchange with another secure or assured tenant.
- 2.5 A mutual exchange is a totally voluntary arrangement and historically a process in which residents can find it difficult to find a suitable partner who they wish to swap with.
- 2.6 Tenants' rights relating to a mutual exchange are listed within the Tenants' Handbook, given to all tenants and available online via the Council's website.
- 2.7 A review of the inspection checklist is completed with Technical Services to ensure that specific items are not missed.
- 2.8 Arrangements are in place with Repairs Supervisors to have a second inspection if required around specific items that might require more technical knowledge/assessment.
- 2.9 Following agreement of the Mutual Exchange, a further inspection is carried out prior to the tenant moving out, to ensure the property is left in an acceptable condition.

3. Key Considerations

- 3.1 Key considerations are included in the content of the procedure and improved processes.

4. Other Options Considered

- 4.1 The alternative option would be to not have this procedure. However, to meet the requirements of legislation this would leave the Tenancy Service's team exceptionally vulnerable and open to criticism that as a Landlord we are non-compliant.

5. Reasons for the Recommendations

5.1 It is recommended that the Housing Overview and Scrutiny Committee notes the contents of the Mutual Exchange Procedure attached at Appendix 2 as this provides clarity on how Mutual Exchange applications are processed.

6. Consultation

6.1 The Tenancy Management Policy which includes the Mutual Exchange Policy was presented to the Housing Overview and Scrutiny Committee on 22 January 2024 and was approved by Cabinet on 6 February 2024.

7. Appendices

7.1 Appendix 1 - Mutual Exchange Policy
Appendix 2 – Mutual Exchange Procedure
Appendix 3 – Mutual Exchange Checklist