

SWTTP
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The logo for Somerset West and Taunton, featuring the text "Somerset West and Taunton" in white, bold, sans-serif font, set against a teal background with a white curved shape on the right side.

**Somerset West
and Taunton**

TENANCY POLICY

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Housing Directorate

Tenancy Policy

1.0 Introduction

The last review of the Council's Tenancy Policy was carried out in 2013/2014. During this period the Tenant Service Management Board received two reports, one in September 2013 and a further report June 2014. The Council's Community Scrutiny Committee also received a report in November 2014. In June 2020 the Council carried out a review to ensure its Tenancy Policy remains current.

It is good practice for all registered providers of social housing to have in place a tenancy policy that sets out the type of tenancies that they grant, the circumstances that each will be granted etc. This policy sets these out for Somerset West and Taunton Council (SWT) as a landlord of social housing.

This policy has been created with reference to the Countywide Tenancy Strategy for Somerset – June 2012; Homes and Community Agency Regulatory Framework for Social Housing Providers in England – April 2012; Localism Act 2011; and several relevant Housing Acts.

2.0 Policy purpose

This policy aims to:

- Ensure all tenancies are granted fairly;
- Ensure SWT's approach to granting tenancies is transparent; and
- Contribute towards maintaining healthy and sustainable communities.

3.0 Types of tenancy

We will grant several tenancy types; and all current tenants will remain on their existing tenancy types:

3.1 Introductory tenancy

Introductory tenancies will be granted to all tenants new to SWT. The purpose of an introductory tenancy is to allow SWT to be satisfied that the tenant or tenants are suitable to have a secure tenancy.

Introductory tenancies will not be granted for:

- SWT tenants who are transferring to another dwelling house within our stock, unless they are already introductory tenants, in which case they will be granted a new introductory tenancy;

- Tenants of another registered provider or local authority who transfer to SWT, unless they are already introductory tenants, in which case they will be granted new introductory tenancy; and
- Tenants who are granted temporary accommodation. Such tenants will be granted a non-secure tenancy.

Introductory tenancies will usually last for twelve months from the tenancy start date and if a tenant's conduct raises concern then the introductory period can be extended for a further six months, giving an introductory period of eighteen months in total.

Before the start of an introductory tenancy, tenants will be told that they will be granted a secure tenancy upon successful completion of their introductory tenancy period.

Following the successful completion of the introductory tenancy period an introductory tenancy will automatically become a secure tenancy.

3.1.1 Right to appeal

Tenants may appeal against or complain about the reasons given and the decision to extend an introductory tenancy period from twelve months to eighteen months.

3.1.2 Outline of the appeal process:

- Tenant receives notice advising review decision;
- The appeal should be submitted within twenty one days of the date of notice, unless there are exceptional circumstances which have caused the delay;
- Tenants submit written appeal or attends an oral hearing, giving reason/s why s/he thinks the decision is unfair;
- A housing officer to review the decision and make written recommendations to their line manager;
- The manager will then make the final decision; and
- Tenant will be notified in writing of the decision and the reasons for the decision on the appeal.

3.2 Secure tenancy

Secure tenancies will be granted to:

- SWT secure tenants who are transferring to another dwelling house;
- Tenants of another registered provider who are either secure or assured tenants and transferring to a SWT dwelling house; and
- All SWT introductory tenants who successfully completed their introductory period.

3.3 Demoted tenancy

The Council can apply to the Court to demote a secure tenancy, as a penalty against tenants who have been involved in anti-social behaviour. The Court has no power to demote a tenancy other than for anti-social behaviour.

Where appropriate, SWT may take legal action to obtain demotion orders against secure tenancies as part of an approach to tackling serious and persistent neighbour nuisance and or anti-social behaviour.

Where a secure tenant is demoted and the demotion period is completed successfully, the demoted tenancy will automatically become a secure tenancy.

Demoted tenants do not have the same rights as secure tenants. For example, they do not have the right to exchange; succession; take in lodgers; sublet; or Right to Buy.

3.4 Non secure tenancy

The tenants residing in a dwelling house that is designated as temporary accommodation will be granted a non-secure tenancy.

Such tenancies do not have the same security of tenure or rights as those set out in secure tenancies.

3.5 Licences or forms of agreement

Where a tenancy is not appropriate we will offer licences or forms of agreement - for example, where a decant property is made available to a secure tenant who has to move temporarily to have works carried out.

4.0 Mutual exchange

Under the Housing Act 1985 S92 a secure or assured tenant has the right to exchange their tenancy with another secure or assured tenant, subject to the written consent of his/her landlord

Under the Localism Act 2011 if at least one of the tenants, party to the mutual exchange, has a secure tenancy begun before April 2012 and at least one of the tenants, party to the mutual exchange, has a flexible tenancy, then such exchanges must be administered by surrender and the granting of new tenancies. In such circumstances, a tenant who holds the secure tenancy, predated April 2012 and has remained social housing tenants since that date will be granted a secure tenancy. This will ensure that existing tenants retain similar security of tenure to that of their original tenancy. Any flexible tenancy tenants have a secure tenancy.

5.0 Tenancy succession

Existing SWT secure tenancies that commenced from the date of the introduction of this policy will only allow there to be one statutory right of succession to a spouse or civil partner or a member of the deceased tenant's family, limited to son or daughter only.

Note: In the operation of this aspect of the policy the housing manager/s will, in making their decision to re-let a dwelling house, take account of the needs of vulnerable existing occupiers by reason of age, disability or illness as well as existing occupiers with children.

6.0 Redevelopment or major works

Tenants who have been moved into alternative accommodation during any redevelopment or other major works will be granted a tenancy with no less security of tenure on their return to settled accommodation.

7.0 Links to strategies, policies and associated documents:

This policy has links with the following documents:

- Somerset Tenancy Strategy
- Somerset Homelessness and Rough Sleeper Strategy
- Homefinder Somerset Common Lettings Policy
- Anti social Behaviour Policy
- Allocations Policy
- Decanting Policy
- Tenancy Management Policy
- Mutual Exchange Policy

8.0 Links to other procedures:

This policy has links with the following procedures:

- Allocations
- Tenancy management
- Anti social behaviour
- Mutual exchange
- Homelessness
- Lettings
- Decanting

This policy and will be reviewed every two years ensure that the policy meets its stated objectives and complies with legislative changes. Prior to release the reviewed policy will be formally agreed by Director of Housing at Somerset West and Taunton Council.

Name:.....

Position: Director of Housing

Date:.....

DOCUMENT HISTORY

Revision	Description of Changes	Date of Revision
01	First issue	2014
02	Policy update	2020