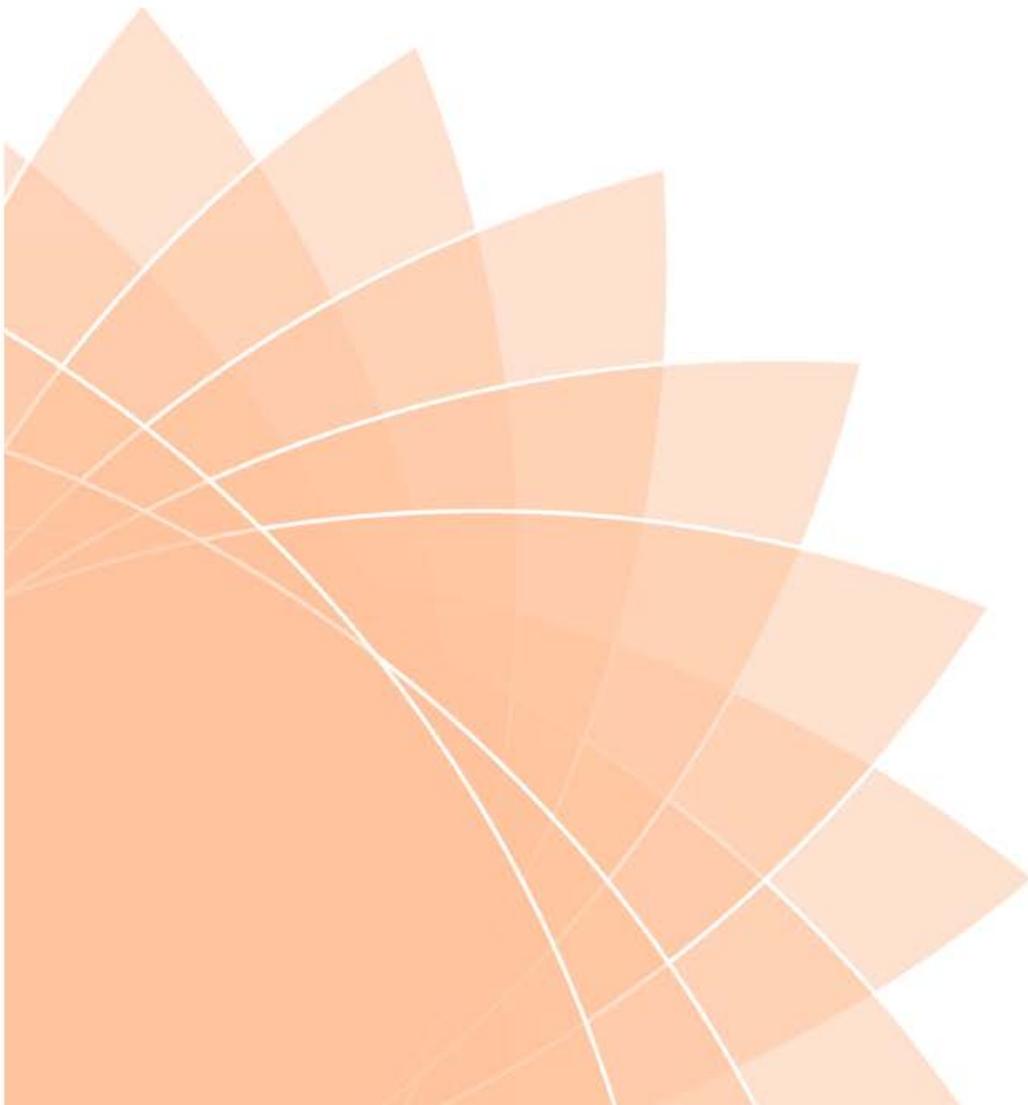




North Kesteven District Council
Tenancy Policy
October 2014



Tenancy Policy

Contents

1. Scope of the Policy.....	2
2. Requirements of the Policy and the context of the Council’s position as a landlord.....	2
3. Specific Objectives and Principles of the Policy	4
4. The type of tenancies that will be granted, and in what circumstances	5
5. How tenancies will be managed.....	6
6. Transfers and mutual exchanges	7
7. The way in which a tenant or prospective tenant may appeal	7
8. How the Council will take into account the needs of vulnerable households.....	8
9. The advice and assistance that will be given on finding alternative accommodation	8
10. Discretionary succession rights.....	8
11. Assessment, Support and Liaison with other agencies	9
12. Social Housing Fraud.....	9
12. Review	9
Appendix 1: High Demand Areas and Local Lettings Policies	10
High Demand Areas	10
- houses, maisonettes and above ground floor flats.....	10
Local Lettings Policies	10

1. Scope of the Policy

- 1.1 Managing tenancies is a core function of any landlord. This Policy sets out North Kesteven District Council's approach to tenancies, including:
- What tenancies will be used by the Council, and under what circumstances
 - How tenancies will be sustained
 - The use of non statutory succession
 - The Council's approach to tenancy fraud
 - The promotion of social housing mobility and access to opportunity
- 1.2 The Tenancy Policy works in close conjunction with other Council policies, most significantly the Allocations Policy and the Legal Action for Tenancy Enforcement Policy. Taken as a whole, they define the Council's approach, as a landlord, through the entire life of a tenancy.
- 1.3 The Council seeks to ensure that this Policy does not discriminate between tenants on any grounds. Publishing standard information and documentation in different languages and other formats, as required, will enhance the promotion of equal opportunities.

2. Requirements of the Policy and the context of the Council's position as a landlord

- 2.1 The Council has established the following purpose, vision, objectives, values and priorities – guiding everything the Council does and how it does it:

Purpose	<p>Our purpose statement describes what we are here for:</p> <p style="text-align: center;"><i>To deliver local priorities for local people, and efficient, effective, value for money public services</i></p>
Vision	<p>Our vision describes what we are trying to achieve:</p> <p style="text-align: center;"><i>100 Flourishing Communities</i></p>
Objectives	<p>Our strategic objectives and our values identify how we work, and they underpin everything we do:</p> <p style="text-align: center;"><i>Working in partnership to improve the quality of life, economic performance and environmental sustainability of North Kesteven.</i></p>
Values	<p style="text-align: center;"><i>Inspiring community participation in the delivery of public services and the achievement of community aspirations.</i></p> <p style="text-align: center;"><i>Efficiency and effectiveness</i></p> <p style="text-align: center;"><i>A learning environment</i></p>

	<p><i>Access to Services</i></p> <p><i>Partnership working</i></p> <p><i>Equal opportunities</i></p>
Priorities	<p>Our priorities reflect the main challenges facing the district in the short-medium term, i.e. issues to be addressed if our vision is to be achieved</p> <p style="text-align: center;"><i>Our Economy – to promote the prosperity of North Kesteven</i></p> <p style="text-align: center;"><i>Our Homes – to provide good quality housing to meet the diverse needs of communities in North Kesteven</i></p> <p style="text-align: center;"><i>Our Communities – to promote the sustainability, wellbeing, safety, and health of North Kesteven’s Communities</i></p> <p style="text-align: center;"><i>Our Council – to deliver high quality, value for money services for North Kesteven</i></p>

Additionally, the Housing Revenue Account Business Plan confirms the priorities of the Council in respect of the management of the housing stock. The Tenancy Policy will be consistent with these values and priorities.

- 2.2 The Tenancy Policy will also meet the requirements of the social housing regulator, which can be summarised in the following way:
- Registered providers shall offer and issue the most secure form of tenure compatible with the purpose of the housing and the sustainability of the community
 - They shall meet all applicable statutory and legal requirements in relation to the form and use of tenancy agreements
 - They shall develop and provide services that will support tenants to maintain their tenancy and prevent unnecessary evictions
 - They will make sure that the home continues to be occupied by the tenant they let the home to for the duration of the tenancy period allowing for regulatory requirements about participation in mobility schemes.
- 2.3 The Council, in its role as the strategic housing authority, is also required to publish a Tenancy Strategy from 2013. Clearly, the Council’s policy as a landlord will be consistent with that policy.
- 2.4 The Council will ensure the Tenancy Policy fulfils all statutory requirements, including:
- The requirements of all relevant housing legislation, including the Housing Act 1985, the Housing Act 2004 and the Localism Act 2011;

- The implications of the Human Rights Act 1998 to ensure no potential breach of the Act occurs; and
- Ensuring that in every individual case the decision-making is carried out in accordance with the law.

2.5 The Council owns or manages 3,836 properties (figures as at April 2014). The demand for housing in the district is high, and this is reflected in high property prices compared to average wage. The supply of affordable rented homes is limited and it is important that the stock that is available is used to its full potential to provide homes for those in housing need.

2.6 The Council is a developing authority and, as such, will look at using affordable rents in the context of new build properties developed with grant funding from the Homes and Communities Agency. The Affordable Rent level will be 80% of the local market rent.

2.7 An Affordable Rent level will also be used where properties are managed under an Empty Properties Dwelling Order (EDMO). The rent will be increased annually on the anniversary of the term and the new rent will be the greater of:

- a) the existing rent; or
- b) the existing rent increased by reference to the Retail Prices Index in the September of the previous financial year, plus 0.5%.

Any AST EDMO tenant disputing the amount of the proposed rent increase can appeal in writing to the Head of Housing, Partnerships and Communities, who will review the increase.

3. Specific Objectives and Principles of the Policy

3.1 The overarching objective of the tenancy strategy is to ensure that the Council's housing stock is used as effectively as possible to provide homes for those in housing need who are unable to secure a home for themselves in the private sector. This can be achieved if the Council can assist more people to move on from council housing once they are in a position to sustain an alternative solution, such as home ownership or the private rented sector. The Policy will make the best use of available housing; be compatible with the purpose of the housing; and contribute to the Council's strategic housing function and corporate priorities.

3.2 The Tenancy Policy meets all legislative and good practice requirements, minimises tenancy failures and covers the following areas:

- a) The type of tenancies that will be granted, and in what circumstances
- b) How tenancies will be managed:
 - i. Where tenancies are granted for a fixed term, the length of the terms.
 - ii. Any exceptional circumstances where fixed term tenancies will be granted for a term of less than five years in general needs housing following any probationary period.
 - iii. The circumstances in which the Council may or may not grant another tenancy on the expiry of the fixed term, in the same property or in a different property.

- c) How the Council ensures the mobility of existing tenants
- d) The way in which a tenant or prospective tenant may appeal
- e) How the Council will take into account the needs of those households who are vulnerable by reason of age, disability or illness, and households with children, including through the provision of tenancies which provide a reasonable degree of stability.
- f) The advice and assistance that will be given to tenants on finding alternative accommodation in the event that they are not granted another tenancy by the Council.
- g) The Council's policy on granting discretionary succession rights, taking account of the needs of vulnerable household members.

3.2 The principles underpinning the Tenancy Policy are:

- the Council will clearly explain to tenants specific actions they must take at each stage;
- the housing service will actively promote joint working with other Council departments and external agencies;
- that procedures and agreed practices will be implemented consistently across the service;
- that training will be provided to ensure all staff are fully equipped to carry out the roles expected of him/her; and
- and that all communication will be in plain language and will make clear who the appropriate officers are to provide advice and assistance.

4. The type of tenancies that will be granted, and in what circumstances

4.1 The Council will use the following tenancy types:

- Non Secure (following a homelessness application)
- Introductory
- Demoted (can only granted by a Court to reduce the security of tenure)
- Flexible Secure
- Secure
- Assured Shorthold

4.2 The Council will grant the appropriate tenancy type, taking into account:

- The property type
- The area, whether high or low demand and whether subject to a local lettings policy (e.g. high levels of anti social behaviour in the recent past)
- The circumstances of the applicant (see section 8 et seq).

The following describes the Council's approach to new tenancies:

Circumstances	Homeless prior to allocation	General applicant
Applicant with medical need for a bungalow or ground floor flat regardless of area	Non secure, leading to secure; or secure from the outset	Secure

High demand area (currently Sleaford; North Hykeham; Waddington; and Bracebridge Heath)	Non secure, leading to flexible secure, or flexible from the outset	Flexible secure
Low demand area	Non secure, leading to secure; or secure from the outset	Secure
Previous proven ASB (areas defined within the Local Lettings Policy)	Non secure, leading to secure; or Introductory, leading to secure	Introductory, leading to secure
High demand area (currently Sleaford; North Hykeham; Waddington; and Bracebridge Heath) with a Local Lettings Policy	Non secure, leading to flexible secure; or Introductory, leading to flexible secure	Introductory, leading to flexible secure
All other cases	Non secure, leading to secure; or secure from the outset	Secure
Properties subject to a final Empty Dwelling Management Order	Non secure, leading to Assured Shorthold	Assured Shorthold from the outset

4.3 Areas of high demand will be defined on the basis of housing register numbers, turnover of stock, numbers of refusals, and property type. The areas subject to Local Lettings Policy are submitted for review to Executive Board on an Annual Basis. The annual review of the Local Lettings Policy will include tenant representatives.

5. How tenancies will be managed

5.1 Flexible tenancies will be granted for a 5 year term, except where time has already been spent as an Introductory or Non Secure tenant. The 5 year term will include this time, e.g. a 12 month term as Introductory will be followed by a 4-year Flexible tenancy. There are no other circumstances where a Flexible tenancy will be granted for a term not of 5 years.

5.2 The circumstances of tenants with a Flexible Tenancy will be reviewed less than twelve but more than six months before the end of the Flexible Tenancy. The review will take into account the tenant's individual circumstances, with particular regard to the following:

- Best use of the housing stock, with regard to the Council's Allocations Policy
 - Property is under-occupied
 - Property is over-occupied
 - Property does not now meet the tenant's needs (e.g. property with adaptations where adaptations no longer required)
- Tenants requires a move to a more suitable area or property
- Any local lettings policy
- Any significant tenancy breaches and/or pending possession proceedings or legal action for ASB
- Affordability and ability to access market housing
- If the area remains high demand

- If the property is needed back for redevelopment or refurbishment
- 5.3 Where the tenancy is not to be extended, no less than six months' notice will be given, confirming:
- That no further tenancy will be granted on the expiry of the term;
 - The reason for that decision; and
 - The right to request a review of that decision (see 7.1 et seq).
- 5.4 Two months before the expiry of the term, further written notice will be given. The Council will take possession proceedings on the expiry of the term, except in exceptional circumstances. The decision to take proceedings must be authorised by the Tenancy Services Manager, with regard to the Council's Legal Action for Tenancy Enforcement Policy.

6. Transfers and mutual exchanges

- 6.1 The Council advocates strongly on the mobility of social housing tenants, especially to give or receive support, and to obtain employment. Officers should promote mutual exchanges and transfers as a positive way of meeting housing need and making best use of the housing stock.
- 6.2 The Council subscribes to a web-based exchange service and will continue to subscribe to the most appropriate service, with regard to the needs of the Council's tenants. Where needed, tenants will be provided with advice and assistance in using such web-based services.
- 6.3 Existing tenants who assign will retain similar security of tenure as that of their original tenancy, either by assignment or the granting of new tenancies.
- 6.4 In considering the grounds for refusal of mutual exchanges, Officers will seek to allow exchanges wherever possible and make sure any refusal is based on careful consideration of all relevant factors.
- 6.4 Tenants whose tenancies commenced before the Localism Act comes into force have their security of tenure protected, and will accordingly be offered the equivalent tenancy on transfer, with the sole exception being when tenants choose to move into a property let on Affordable Rent terms. In that case, the criteria at 4.2 will apply.

7. The way in which a tenant or prospective tenant may appeal

- 7.1 The tenant or prospective tenant may request a review of the Council's decision about:
- The refusal of a mutual exchange; or
 - the length of fixed term tenancy offered; and/or
 - the type of tenancy offered; and/or
 - a decision not to grant another tenancy on the expiry of the fixed term.
- 7.2 The review will be undertaken by the Tenancy Services Manager and the Housing Needs Manager.

- 7.3 If the tenant or occupier is unhappy with the outcome of the review, they may make an appeal to the Appeal Panel. Details are available on request.
- 7.4 The tenant should also be advised of the Council's Complaints procedures, which is available to any applicant who is not satisfied with the way in which their case has been dealt with. Details of the Complaints Procedure can be obtained from any Council Officer.

8. How the Council will take into account the needs of vulnerable households

- 8.1 Flexible tenancies will not be used where it is unlikely that the circumstances of the potential tenant will not change significantly, for example, older persons or those with a long-term disability.
- ~~8.2 This is consistent with the criteria specified in 4.2, as bungalows and ground floor flats are most likely to be needed by persons vulnerable in this way. However, households who are vulnerable, where their circumstances are unlikely to change significantly, will not be offered Flexible tenancies, even where accommodated in higher demand areas.~~

9. The advice and assistance that will be given on finding alternative accommodation

- 9.1 All tenants will be offered a full and comprehensive Housing Options Interview, which provides individual information and advice on alternative accommodation available and assistance to access it.

10. Discretionary succession rights

- 10.1 The succession rights of existing tenants are unaffected by the Localism Act. For new tenants there is a statutory right of succession for:
- Joint tenants
 - Spouse or civil partner.
- 10.2 The Council will allow a contractual succession right for:
- 10.2.1 The tenant's parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece (step relatives will be treated as full relatives); and
- 10.2.2 Where they have lived as a member of the tenant's household for the twelve months preceding the tenant's death; and
- 10.2.3 Where there has been no previous succession.
- 10.3 If a family member as defined in 10.2.1 succeeds, the Council will recover possession of the property if:
- 10.3.1 The successor is under-occupying the property, considering their housing need at the date of death of the tenant compared to the property size; or

10.3.2 The successor and their household no longer require the type of property (e.g. where adaptations work has been undertaken or the property is particularly suitable for older persons).

10.4 Where the circumstances in 10.3 apply, the successor tenant must be provided with a full Housing Options interview and suitable advice and assistance. Possession proceedings will not be commenced until at least 6 months after the date of death.

11. Assessment, Support and Liaison with other agencies

11.1 The Council can undertake a risk assessment for all tenants when vulnerability is identified.

11.2 During the assessment, the tenant's needs will be identified. Existing and future sources of support will also be identified. Tenants will be encouraged to obtain advice from a solicitor or housing advice centre.

11.3 Where an external agency or Council service is providing support, and the tenant gives consent, the agency will be involved in any consultation activity

11.4 In all cases, where the tenant's household includes dependent children, the eviction will be notified to the Lincolnshire County Council's Children's Service.

~~12. Social Housing Fraud~~

~~12.1 Clearly, the fraudulent use of the Council's housing stock is absolutely inconsistent with the Council's priorities as a landlord. Accordingly, the Council takes a robust and proactive approach to detecting and enforcing cases of tenancy fraud.~~

~~12.2 Evidence shows few instances of tenancy fraud in North Kesteven, thanks in part to the vigilance of the communities in which the Council has its properties. However, the Council is conscious of the need for vigilance and the danger of complacency. Therefore, it is the Council's policy to undertake a targeted number of tenancy audits every year.~~

~~12.3 The Council's Housing Service will also work in partnership with other Council departments and external agencies, including social other landlords, in reducing the opportunity for tenancy fraud within the district.~~

~~12.4 The Council is committed to taking the strongest possible action against tenants, potential tenants, and residents involved in tenancy fraud and will not hesitate to take legal action. Equally, it acknowledges vulnerable people can be unwittingly caught up in fraudulent activity and will ensure in those cases appropriate advice and assistance is given.~~

12 Review

12.1 The policy will be reviewed in response to changes in legislation, statutory instruments and case law, by the Tenancy Services Manager or Head of Housing, Partnerships and Communities.

Appendix 1: High Demand Areas and Local Lettings Policies

High Demand Areas

General needs housing in: Sleaford; North Hykeham; Waddington; and Bracebridge Heath. —houses, maisonettes and above ground floor flats.

Local Lettings Policies

The Council may occasionally be required to take positive action to resolve housing management difficulties, as and when they arise. This can involve introducing additional criteria that must be met in making allocations in specific areas, which are known as Local Lettings Policies.

In accordance with section 23 of the Council Housing Allocations Policy, and following consultation with Tenant Reps, the following local letting criteria has been determined by the Head of Housing, Partnerships and Communities.

In practice this means that the usual short-listing in accordance with the main Housing Allocation Policy takes place, the shortlisted applications are then subject to the additional criteria and are advised of as such when ascertaining interest. If local letting criteria is not met, then that application will be bypassed.

No	Area	Local Letting Criteria
1	Witham Drive, Chapel Hill	<ul style="list-style-type: none"> • Sign up to the Good Neighbourhood agreement • No ASB Warnings or other formal action within the last 2 yrs by any member of the hsehold
2	St John's Square, Bracebridge Heath (7-12, 5 properties; 19-24, 6 properties)	<ul style="list-style-type: none"> • No ASB Warnings or other formal action within the last 2 yrs by any member of the hsehold
3	Shuttleworth Court, North Hykeham (12 properties)	<ul style="list-style-type: none"> • No ASB Warnings or other formal action within the last 2 yrs by any member of the hsehold • One car per household
4	Philip Court, North Hykeham	<ul style="list-style-type: none"> • Sign up to the Good Neighbourhood Agreement
5	Pound Road, Martin	<ul style="list-style-type: none"> • Sign up to the Good Neighbourhood Agreement
6	George Street, Sleaford	<ul style="list-style-type: none"> • No ASB Warnings or other formal action within the last 2 yrs by any member of the hsehold

7	Westgate, Sleaford (block 97 – 113, 9 properties)	<ul style="list-style-type: none"> • No ASB Warnings or other formal action within the last 2 yrs by any member of the hsehold
8	One property on Millview Road, Ruskington	<ul style="list-style-type: none"> • No ASB Warnings or other formal action within the last 2 yrs by any member of the hsehold
9	Grinter Close, North Hykeham	<ul style="list-style-type: none"> • Applicants over 50, to minimise community impact following de-designation
10	Odd nos 1-37 Ringmoor Close, Billingham	<ul style="list-style-type: none"> • Applicants over 60 with permanent need for bungalow accommodation, to minimise community impact following de-designation
11	One property on Cornwall Way, Ruskington	<ul style="list-style-type: none"> • No ASB Warnings or other formal action within the last 2 yrs by any member of the hsehold
	<i>Areas that adopt a Good Neighbourhood Agreement to be added</i>	<ul style="list-style-type: none"> • <i>Sign up to the Good Neighbourhood Agreement</i>