

# Public Document Pack



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16 September 2021

Dear Councillor

## **NOTICE OF DELEGATED DECISION – (DD13 21) ADOPTION OF TENANCY STRATEGY 2021-2026 AND TENANCY MANAGEMENT POLICY**

Please find attached details of a decision taken by Mr Mike Davis, Strategic Director (Corporate Resources), to adopt the Tenancy Strategy 2021-2026 and Tenancy Management Policy following a period of consultation.

The deadline for call-in of this decision is **10.00am on Wednesday, 22 September 2021.**

If call-in is not activated, the implementation date for this decision will be noon on 22 September.

Members of the public who require further information are asked to contact Kate Batty-Smith, Democratic Services Officer on 01304 872303 or by e-mail at [democraticservices@dover.gov.uk](mailto:democraticservices@dover.gov.uk).

Yours sincerely

A handwritten signature in cursive script that reads "Kate Batty-Smith". Below the signature is a short horizontal line.

Democratic Services Officer

ENCL

1 **NOTICE OF DELEGATED DECISION - (DD13 21) ADOPTION OF TENANCY STRATEGY 2021-2026 AND TENANCY MANAGEMENT POLICY** (Pages 2-39)

## Decision Notice

## Delegated Decision

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<b>Decision No:</b>	<b>DD13</b>
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<b>Subject:</b>	<b>ADOPTION OF TENANCY STRATEGY 2021-2026 AND TENANCY MANAGEMENT POLICY</b>
<b>Notification Date:</b>	<b>16 September 2021</b>
<b>Decision taken by:</b>	<b>Mike Davis, Strategic Director (Corporate Resources)</b>
<b>Delegated Authority:</b>	<b>Cabinet Decision CAB 13 of 5 July 2021: 'It was agreed that the Strategic Director (Corporate Resources) be authorised, in consultation with the Portfolio Holder for Housing and Health, to make minor amendments to the strategy and the policy arising from the consultation, and thereafter to adopt both documents on behalf of the Council with effect from 1 September 2021.'</b>
<b>Decision Type:</b>	<b>Executive Key Decision</b>
<b>Call-In to Apply?</b>	<b>Yes (<i>Call-in will expire at 10.00am on 22 September 2021</i>)</b>
<b>Classification:</b>	<b>Unrestricted</b>

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<b>Reason for the Decision:</b>	To adopt the Council's Tenancy Strategy 2021-2026 and Housing Management Policy.
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<b>Decision:</b>	To adopt without amendment the Tenancy Strategy and Tenancy Management Policy following a period of consultation, as detailed in the attached appendices.
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1. **Consideration and Alternatives** (*if applicable*)
  - 1.1 See attached report.
2. **Any Conflicts of Interest Declared?**
  - 2.1 None.
3. **Supporting Information** (*as applicable*)
  - 3.1 See attached report.

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**Subject:** ADOPTION OF TENANCY STRATEGY 2021-2026 AND TENANCY MANAGEMENT POLICY

**Notification Date:** 16 September 2021

**Decision taken by:** Mike Davis, Strategic Director (Corporate Resources)

**Portfolio Holder:** Councillor Derek Murphy, Portfolio Holder for Social Housing and Port Health

**Delegated Authority:** Cabinet decision CAB 13 of 5 July 2021: 'It was agreed that the Strategic Director (Corporate Resources) be authorised, in consultation with the Portfolio Holder for Housing and Health, to make minor amendments to the strategy and the policy arising from the consultation, and thereafter to adopt both documents on behalf of the Council with effect from 1 September 2021.'

**Decision Type:** Executive Key Decision

**Call-In to Apply?** Yes (*Call-in will expire at 10.00am on 22 September 2021*)

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**Classification:** Unrestricted

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**Reason for the Decision:** To adopt the Council's Tenancy Strategy 2021-2026 and Housing Management Policy.

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**Decision:** To adopt without amendment the Tenancy Strategy and Tenancy Management Policy following a period of consultation, as detailed in the report below.

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## 1. Summary

1.1 Section 150 of the Localism Act 2011 introduced a duty on Local Authorities (LA) prepare and publish a Tenancy Strategy which informs and provides strategic guidance to Registered Providers of Social Housing (RPSH) on how the Council would like them to operate when preparing their Tenancy Management policies relating to:

- (a) The kinds of tenancies they will grant
- (b) The circumstances in which they will grant a tenancy of a particular kind
- (c) Where they grant tenancies for a fixed term, the length of term; and
- (d) The circumstances in which they grant a further tenancy when the existing one comes to an end

The Tenancy Strategy also considers and gives guidance on the use of affordable rent, and the Council's powers under the Localism Act to meet its statutory obligations to homeless households.

1.2 Alongside the Tenancy Strategy, the Council produced a Tenancy Management Policy which sets out the types of tenancy it will use for its own tenants. One of the main proposed changes to the policy is the Council's decision to phase out the use of flexible tenancies and instead offer all tenants secure tenancies. This decision was informed through a preliminary consultation with RPSHs within the district. The results showed

that most of them had started to either phase out the use of flexible tenancies or stop using them altogether, citing various reasons as mentioned in the Tenancy Strategy.

- 1.3 The Tenancy Strategy and Tenancy Management Policy were agreed by cabinet on 5<sup>th</sup> July to go out for wider consultation.

## **2. Consultation and Feedback**

- 2.1 The wider consultation for both documents ran for the period of 28 days from 25 July – 21 August.

- 2.2 A range of local stakeholders and consultees were approached via letter or email and invited to review and comment on both documents online. The consultees involved were:

- (a) Registered Providers of Social Housing (RPSH) with stock in the District
- (b) Council housing applicants
- (c) Council tenant representatives
- (d) External agencies (Shelter & Citizens Advice Bureau)
- (e) Other Kent Local Authorities
- (f) District residents
- (g) Existing Council tenants

- 2.3 A dedicated consultation webpage was created which included information on the proposed changes and copies of the documents.

- 2.4 Tenants were made aware of the documents and the consultation via the June 2021 Tenant Newsletter. A QR code was attached to the newsletter which took them directly to the consultation webpage.

- 2.5 Tenants were able to comment on the documents via the Feedback pages.

- 2.6 The consultation was also advertised on Locata.

### **Tenant feedback**

No direct feedback came from Council tenants as a consequence of the newsletter item but positive feedback was given by members of the Dover District Tenant Group.

The group agreed with the revisions made to both documents, particularly the phasing out of fixed term tenancies. Group members were also pleased to see that the Council will continue to use introductory tenancies, and that there is an intention to introduce a robust system of tenancy audits.

### **External Feedback**

One comment (detailed below) was received from a representative of Folkestone & Hythe District Council:

*“Hello, I have read the full version of both the draft Tenancy Strategy 2021-2026 and the draft Tenant Management Policy 2021. Overall they are well written, easy to understand documents. The only comment that I have is that you need to check S81ZA(3) of the Domestic Abuse Act 2021 in relation to Section 5.4 of the draft Tenancy Management Policy. Section 5.4 is 'Converting Joint Tenancy to a Sole Tenancy' and I believe that under S81ZA(3) of the new Domestic Abuse Act 2021,*

*where a joint tenant has been confirmed as the victim of domestic abuse but does not need to relocate the joint tenancy can be ended and the Local Authorities can offer a sole tenancy without the case going through Courts, including the Family Court. I understand that this was the intention of this section of the Domestic Abuse Act being introduced, however, legal advice would need to be sought. This section of the Domestic Abuse Act 2021 may also affect Section 6 'Ending a Tenancy' of DDC's draft Tenancy Management Policy."*

Dover District Council Legal Services have been consulted about this and have advised that this part of the new Act is not currently in force, and therefore a change to the policy is not required at present. Once in force, the provision will require Local Housing Authorities to grant a secure tenancy to any victims of domestic abuse to provide a lifetime rather than a flexible tenancy. As the Council has made the decision to move away from the use of flexible tenancies and offer secure tenancies instead, this requirement would be met in any event.

The Strategic Director (Corporate Resources) has delegated authority by virtue of Cabinet decisions taken on 5 July 2021 to make minor changes to both documents should they be required in future.

### **3. Identification of Options**

- 3.1 Option 1: Approve and adopt both documents
- 3.2 Option 2: Approve the Tenancy Strategy only
- 3.3 Option 3: Approve Tenancy Management policy only.
- 3.4 Option 4: Not approve either document

### **4. Evaluation of Options**

- 4.1 Option 1 is the recommended option. The current Tenancy Strategy and Policy are out of date and require updating to ensure the Council fulfils its statutory duties. A full consultation exercise has been conducted and adoption of the proposed strategy allows the Council to fulfil its statutory duty.
- 4.2 Option 2 Approve and adopt the Tenancy Strategy only. This is not the recommended option as the Council has a duty to provide both documents to fulfil its statutory responsibility.
- 4.3 Option 3 Approve and adopt the Tenancy Management Policy only. This is not the recommended option as the Tenancy Management Policy must be drafted with the Tenancy Strategy in mind. The 2011 – 2016 Tenancy Strategy is out of date and will be at odds with the revisions made to the new Tenancy Management policy.
- 4.4 Option 4 Not adopt either document. This is not the recommended option as the Council has a statutory duty to provide both and the current versions of these documents are out of date. Failure to develop and publish a Tenancy Strategy and Tenancy Management Policy could result in the failing to meet its statutory duty.

### **5. Resource Implications**

- 5.1 Both the Tenancy Strategy and the Tenancy Management Policy will be delivered within existing resources in the Housing Revenue Account (HRA). Housing Officers currently undertake tenancy management functions and the gradual replacement of fixed term tenancies with lifetime secure tenancies will be no more onerous than the current arrangements for review. The purpose of ending fixed term tenancies is to provide tenants with a guaranteed security but this will also enable the Council to focus

officer time on tenancy management issues, such as preventing tenancy fraud and undertaking tenancy audits.

## **6. Climate Change and Environmental Implications**

- 6.1 There should be no environmental or climate change implications as a consequence of this decision being taken.

## **7. Corporate Implications**

- 13.1 Comment from the Director of Finance (linked to the MTFP) 'Accountancy have been consulted in the writing of this report and have no further comment (AC)'.
- 13.2 Comment from the Solicitor to the Council: The Head of Governance has been consulted during the preparation of this report and has no further comment to make.
- 13.3 Comment from the Equalities Officer: An Equality Impact Assessment has been carried out to identify and mitigate any negative impact upon the protected characteristic groups. The Equality Officer has been consulted during the development of the report and has no further comments to make, other than to remind Members that in discharging their responsibilities they are required to comply with the public sector equality duty as set out in section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/section/149>
- 13.4 Other Officers (as appropriate): None received.

## **8. Appendices**

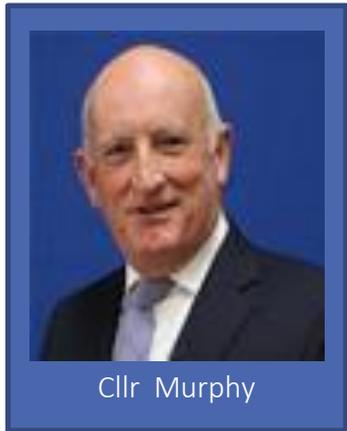
Appendix 1 – Dover District Council Tenancy Strategy 2021 - 2026

Appendix 2 – Dover District Council Tenancy Management Policy



# Tenancy Strategy 2021-2026

## Foreword



Dover District Council recognises that having a settled home has a huge impact not only on the health and wellbeing of residents but on their longer-term life chances and the educational achievements of their children. We want the residents in our district to feel a part of the community they live in, to put down roots, build relationships and feel included and settled.

These aspirations are a key priority in our Corporate Plan and at the heart of our Tenancy Strategy which sets out the Council's expectations of Registered Providers with housing in the Dover District as to the kind of tenancies they grant, how they make the best use of the social housing stock available in the district and how this can genuinely affordable and supportive of sustainable communities.

Cllr Derek Murphy – Portfolio Holder for Housing and Health

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## INTRODUCTION

The 2011 Localism Act introduced a duty on local authorities to prepare and publish a Tenancy Strategy. The purpose of this strategy is to give Registered Providers of Social Housing (RPSH) operating in the Dover District an indication of the approach the Council would like them to take when preparing their Tenancy Management Policies, implementing the new tenure flexibilities, applying the affordable rent model and the Council’s approach to using new powers to meet its homelessness duty.

This document updates and replaces the Dover District Council Tenancy Strategy 2011 -2016 and has been informed by our Homelessness and Rough Sleeping Strategy 2020-24, our Allocations Policy and our preliminary consultation with RPSH in the District.

## NATIONAL CONTEXT

In addition to the requirement that local authorities produce a tenancy strategy a raft of fundamental reforms of social housing tenure were included in the Localism Act. The most significant of these were:

- Local Authorities and Registered Providers of Social Housing (RPSH) are now able to offer tenancies for fixed terms with a minimum of 5 years, or in exceptional circumstances 2 years instead of the traditionally longer 'lifetime' secure tenancies
- Local Authorities are given more flexibility to set their own allocations policies to meet local needs and circumstances
- Local Authorities can now place homeless households in suitable private rented sector housing
- Affordable rents of up to 80% of market rent can be applied to new housing developments and in some cases existing housing stock can be converted when vacant from social rent to affordable rent levels.
- Local Authority stock owners and RPSH must prepare and publish a Tenancy Policy setting out the types of tenancy they will use when letting their homes.
- New arrangements have been introduced for tenants seeking to mutually exchange homes in cases involving fixed term tenancies and or affordable rents.
- Rights to succeed to a tenancy on the death of the tenant have been limited in some cases

In 2016, the Housing and Planning Act went further and set out legislation (yet unenacted) that sought to make the use of fixed term tenancies mandatory.

The Grenfell Tower fire in June 2017 was one of the UK's worst modern disasters and in the aftermath of this the Government have unveiled important planned changes to the regulation and management of social housing. In its Green Paper 'A new deal of social housing' published 14 August 2018 the Government confirmed that it no longer intended to implement the provisions in the Housing and Planning Act 2016 that sought to make fixed term tenancies mandatory for local authorities after listening to residents' concerns.

The Social Housing White Paper published on 17 November 2020 set out a Charter for Social Housing Residents and affirms the Government's continued commitment to give social housing tenants a greater voice, the right to safe and secure accommodation and of the importance of good quality homes and neighbourhoods to live in.

Nationally these changes have been the catalyst for some large RPSH and Councils to evaluate the benefits of fixed term tenancies and the potential they have to undermine their work to create sustainable communities. As a result, many have already expressed their intention to stop offering this type of tenancy.

## LOCAL CONTEXT

The Dover District contains two urban areas, a market town and a large rural area made up of dozens of villages and hamlets. Home to the internationally famous White Cliffs, it is the UK's gateway to Europe. The district is within easy travelling distance to London via the M20 and high-speed rail links, and the continent via the Port of Dover and the Eurotunnel.

The district remains one of the most deprived areas in Kent and England. There are high areas of deprivation in many of the wards within the Dover Urban areas (Castle 12.1%; Tower Hamlets 11.8%; St Radigunds 11.7%; Town & Pier 9.9%; Maxton, Elms Vale and Priory 8.8%; Buckland 8.2%). These areas also have the highest rates of unemployment in the district.

In March 2019 social housing represented 12.8% (6990) of the total housing in the district.

## HOUSING NEED

The Council receives many enquiries from people looking to rent a home in the district each year. There are currently 2,031 applications on our housing register and there are on average only enough properties available to house around 400 applicants each year.

As a result, many housing applicants, and those with low need, may have to wait longer periods before they are appropriately housed.

The table below illustrates the average wait time and bids per property type and size in the district:

Property type and size	Average bids per property	Average wait times
Sheltered accommodation	51	13 months
Studio general needs	1	15 months
1-bed general needs	42	16 months
2-bed flat or maisonette	32	18 months
2-bed house	102	15 months
3-bed flat or maisonette	14	15 months
3-bed house	59	18 months
4-bed house	28	14 months
Average wait time all property types:		16 months

*Numbers are rounded to the nearest whole figure.*

*Source: Locata, 17 May 2021*

*Data taken between 1 April 2020 and 31 March 2021*

Analysis in the table below demonstrates the number of households already living in social housing in the Dover District who are on the housing register and seeking to move to alternative accommodation within the sector.

Transfers registered by bed need					
1 bed	2 bed	3 bed	4 bed	5 bed	TOTAL
244	137	147	25	10	563

Source: Locata 18 May 2021

The information available on social housing tenant transfer requests demonstrates that locally there is already pressure from families wanting to downsize into smaller units, particularly one bedroomed accommodation. This is also the resource that within in its own stock DDC (Dover District Council) have the fewest numbers of.

Pressure from existing transfer cases and applicants many of whom are high priority usually means that it is difficult to support tenants with flexible tenancies downsize when their flexible tenancy is to be reviewed.

## PARTNER RPSH

The tenancy strategy is produced by Dover District Council in its capacity of Strategic Housing Authority, but the Council is also a stock owning authority and at 1 April 2021 owned 4321 units of accommodation. In addition to the Council's own stock there are

<sup>1</sup> [MHCLG](#), Table 115: Private Registered Provider stock, by district, from 1997. Figures correct as from March 2020

13 Registered providers with 2714 units of stock operating in the Dover District.<sup>1</sup>

In the formulation of this Strategy all RPSH with accommodation in the Dover District were invited to share with the Council their current position on the use of flexible tenancies for their own stock and their future intended use of this type of tenancy.

Of the 13 RPSH, 9 responded directly or have publicly announced their intention to move away from flexible tenancies. The 9 RPSH who responded to the survey represent 82% (2330) of the RP housing stock in the district and 27% of the combined LA & RP social housing stock in DDC area.

The table below illustrates the results attained from the preliminary consultation. 5 of the registered providers did not respond to our preliminary consultation so we could not ascertain their quantity of stock in the Dover area, however government figures released via live tables on dwelling stock revealed that there was a total of 2714 PRP (Private Registered Providers) properties in the Dover district.

Registered Provider	Quantity of Housing Stock in DDC area	Are Flexible Tenancies used in the Dover Area?			Number of properties at Affordable Rents	
		Yes	No	Unk.	Quantity	%
Clarion Housing	74	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2	3%
English Rural Housing Association	13	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	0	0%
Orbit Housing Association	222	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	74	33 %
West Kent Housing Association	106	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	80	75 %
Housing 21	114	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	0	0%
Southern Housing Group	775	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	62	8%
Moat Homes Ltd	123	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	58	47 %
Town & Country	592	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	46	8%
Sanctuary Housing**	211*	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Not Known	
Home Group	47*	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not Known	
Riverside	10*	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not Known	
Anchor Hanover	62*	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not Known	
Milldale Housing Cooperative (MBM)	2*	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not Known	
<b>Totals</b>	<b>2714</b>	<b>3</b>	<b>6</b>	<b>4</b>	<b>322</b>	

\*Extracted from Locata 17/05/2021      \*\*Have provided information on flexible tenancies nationally.

Dover District Council is committed to making the best use of affordable housing stock in the district, recognising that it is still a scarce resource but mindful always that one of our key priorities is

to continue to support healthy, resilient, and sustainable communities.

The development of this strategy has taken into account the changing national attitude to flexible fixed term tenancies, the responses from our RPSH partners and our own experience of their use.

Although intended to support social housing landlords to make better use of their stock by regular review of the circumstances of its tenants and the opportunity to move them to more suitably sized accommodation, the flexible tenancy review process poses challenges to social housing landlords who may not have suitable alternative accommodation available to them at the time of a tenancy review.

Our partner RPSH and our own in-house team also cite disadvantages in respect of:

- Tenants feeling concerned and anxious about their futures based on their tenure type.
- Lack of investment by families in their home and community because they feel they will be moved
- Little impact in terms of stock turnover and vacancies
- Potential conflict with the Governments expressed priority to give tenants a stronger voice

- Significant administrative costs involved with the scheme particularly where the majority of tenancies are set to continue.

In recognition of national and local trends moving away from the use of flexible tenancies and to help Dover District Council realise its ambitions to have strong, safe and sustainable communities our revised strategy now encourages social housing landlords operating in the district to help their tenants feel settled and a part of the community they live in by offering them the most secure type of tenancy they can, based upon their individual family circumstances and move away from the use of shorter term fixed period tenancies.

## GUIDANCE FOR RPSH – TENANCY TYPES

### INTRODUCTORY/STARTER TENANCIES

The Council supports the use of introductory or probationary ('starter') tenancies which were introduced under earlier legislation: Part 5 of the Housing Act 1996. An introductory or probationary tenancy is a one-year 'trial' tenancy and as long as the terms of the tenancy agreement are met automatically move on to a longer more secure tenancy type. Introductory and starter tenancies enable social landlords to obtain possession of a property more easily where there have been problems with the way in which the tenancy has been conducted. The landlord will be expected to follow the

correct legal process if it decides to seek possession and the Council would also encourage landlords to make use of powers granted under Section 179 of the Housing Act 2004 to extend introductory tenancies granted after 2 June 2005, where there are continuing doubts about the conduct of a tenant, or where there have been problems of anti-social behaviour to provide sufficient time to try and resolve problems.

The Council also expects landlords to meet the appeal requirements of the legislation

### SECURE TENANCIES

A secure tenancy is a lifetime tenancy without a fixed term that is granted by the Council and can only be ended if the tenant breaches their tenancy conditions during the tenant's lifetime or in certain prescribed conditions set out in legislation.

A secure tenancy can only be granted by Councils which are local housing authorities.

### FLEXIBLE SECURE TENANCIES (FIXED TERM TENANCY):

A flexible tenancy gives tenants the similar rights to a lifetime secure tenancy, but only last for a fixed period. Introduced by the Localism Act 2011, this tenancy type can only be granted by the Council.

Dover District Council has been using flexible fixed term tenancies since May 2014 but will with the adoption of this strategy and

where appropriate having taken into account the individual circumstances of each application offer an introductory tenancy followed by a lifetime secure tenancy for future lettings.

Those living in DDC stock who currently have flexible fixed term tenancies will be moved to more secure lifetime tenancies.

#### ASSURED TENANCIES

An assured tenancy can be granted either with or without a fixed period by RPSH. The Council would expect landlords using these types of tenancy to follow prescribed processes when seeking possession and to have robust appeals processes in place where they are required.

#### ASSURED SHORTHOLD TENANCIES:

An assured shorthold tenancy (AST) can be issued by an RPSH of social housing and a private landlord. It is recommended this type of tenancy is not used by RPSH for Social Rent or Affordable Rent properties.

#### DEMOTED TENANCY:

If a tenant has been involved in anti-social behaviour it is possible to seek a demotion order for their tenancy for a 12-month period. This is achieved by obtaining a court order. A demoted tenancy reduces a tenant's rights and facilitates the eviction process if required.

At the end of the 12-month period, if the tenant has complied with the court order their tenancy will automatically revert to a secure or fixed term tenancy. The Council supports the use of demoted tenancies to help better manage anti-social behaviour.

#### GUIDANCE FOR RPSH -FLEXIBLE TENANCIES

Dover District Council encourages all landlords operating in the District to offer the most secure tenancy possible, this can be assessed on an individual household, but we accept that some RPSH may still have tenants who have a fixed term tenancies or situations where they may be expected to continue to take advantage of fixed term tenancies. Where this is the case the Council would want the following actions taken and factors considered:

#### TENANCY POLICIES

The Council expects every RPSH managing social housing in the district to publish a clear and transparent Tenancy Policy which should cover the following items:

- The kinds of tenancies they will grant
- the length of the terms of tenancies where they are granted for a fixed term
- The circumstances under tenancies of a particular type are granted

- The circumstances under which a tenancy may or may not be reissued at the end of the fixed term, in the same property or in a different property
- The way in which a tenant or prospective tenant may appeal or complain about the length of fixed term tenancy offered and the type of tenancy offered, and against a decision not to grant another tenancy on expiry of the fixed term
- Their policy on considering the needs of those who are vulnerable, by reason of age, disability or illness, and households with children, including through tenancies which provide a reasonable degree of stability; and
- The advice and assistance given to tenants on finding alternative accommodation in the event they decide not to grant a further tenancy.
- Their approach to tackling tenancy fraud.

#### TENANCY AGREEMENT AND FLEXIBLE TENANCIES

Dover District Council would wish to see RPSHs:

- Offering clear advice to all tenants being housed by them about the type of tenancy they are being offered at the point of sign up, along with the reasons for offering that type of tenancy and the process for reviewing the fixed term tenancy
- Tenancy agreements used that set out clearly the type of tenancy and any rights specific to that type of tenancy.

- Fixed term tenancies granted for a minimum of 5 years, with consideration given for longer periods of time in specific circumstances.
- Longer fixed term tenancies considered for families with young children, older households and for vulnerable tenants who would benefit from the increased stability offered.
- The Council also believes that it would be appropriate to offer some members of the armed forces who successfully apply for housing, a lifetime tenancy. The Council believes that the following criteria should be used for determining which tenants this should be applied to: (a) a person who is serving in the regular forces or who has served in the regular forces within five years of the date of their application for an allocation of housing under Part 6 of the 1996 Act; (b) a person who is serving or has served in the reserve forces and who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to that service.
- Tenants going into Sheltered or Extra Care Housing should be given lifetime tenancies
- Shorter term tenancies (2 years) should only be used in exceptional circumstances, for example: where the accommodation is only intended to be short term

#### REVIEW ARRANGEMENTS FOR FLEXIBLE TENANCIES

When review arrangements for flexible tenancies take place the Dover District Council would want to see:

- RPSH having clear explanations of their review process for flexible tenancies, detailing how frequently a fixed term tenancy will be reviewed and what factors will be considered as part of that review.
- Reviews taking place at least 9 months prior to the end of the tenancy.

## ENDING FLEXIBLE TENANCIES

In situations where a registered provider intends ending a fixed term tenancy without there being a breach of tenancy conditions DDC would wish to see:

- Reasonable efforts made to offer suitable alternative accommodation and consideration given to extending the tenancy until alternative suitable accommodation can be made available.
- At least 6 months written notice to a tenant if the tenancy is not renewed.
- The reasons for ending the tenancy set out clearly along with information for the tenant on how to make an appeal.
- RPSH should inform the Housing Options Team at Dover District Council when a decision has been made to end a tenancy and the reasons for ending the tenancy.
- Decisions to end a fixed term tenancy by accelerated possession proceedings should be proportionate and tenants

should be provided with clear, accessible guidance on the RPSH internal process.

## LOCAL LETTINGS PLANS

The Council believes that local lettings plans can play a role in helping to achieve balanced, sustainable communities. However, they should only be used where it can be clearly demonstrated they will have a positive community benefit and should be subject to regular review.

## KENT HOMECHOICE

The Council encourages RPSHs (Registered Providers of Social Housing) operating in our District to use the Kent Homechoice choice based letting system when letting homes. When advertising properties, landlords should clearly indicate the duration of the tenancy being offered and the rent that will be charged. Details of how to access the landlord's tenancy policy should also be provided.

## AFFORDABLE RENTS

Gross market rent is the rental total a property would generally be expected to be let for in the private housing sector. The gross

market rent is determined by factors such as the property size, location, and service provision.

Affordable rents should not exceed 80% of gross market rent and must be inclusive of service charges where applicable. The Council recognises that affordable rent is an important tool for developers when creating financially viable housing programmes in the district

Evidence suggests that affordable rent levels in parts of Dover District would fall within the Local Housing Allowance (LHA) rate and that the difference between an average social rent charged by registered providers and an average affordable rent in the DDC district may be lower than in many other local authority districts in Kent.

However, the Council recognises that market rent levels can vary significantly across the district and that in higher value areas, there is the possibility that the affordable rent for some property types could exceed the LHA rate. Given these local market variations it is expected that RPSH would discuss development proposals with the Council at an early stage so that proper consideration can be given to the potential impact of charging affordable rents on a scheme-by-scheme basis. The Council's view is that wherever possible affordable rent levels should not exceed LHA rates.

RPSH should also try to ensure that affordable rent levels do not create a benefits trap for its tenants, and in doing so hinder or deter household members from looking for work. Where affordable rents

are used, RPSH should have robust suitability and income/expenditure checks in place to prevent this.

RPSH must comply with the terms and conditions of any agreements with Homes England or the secretary of State when setting affordable rents.

Dover District Council recognises the importance to RPSH business plans of rent levels in their existing stock and wants to work with them to use existing housing assets to maximise their capacity to develop new affordable homes. RPSH may convert existing social rent properties into affordable rents in certain circumstances, but must ensure that a housing supply delivery agreement is obtained with Homes England

The Council expects that affordable rent properties will be allocated in the same way that social rent properties are now. The existing regulatory obligation on providers to co-operate with local authorities' strategic housing function on the allocation of social rent properties will also apply to affordable rent.

The Council recognises that the tenancy rights protection given to tenants looking to transfer to another social rent property does not apply to affordable rent properties and that this has the potential to discourage tenant mobility. The Council would want to see landlords offering transferring tenants the same type of tenancy they already have although at the higher affordable rent level.

## MUTUAL EXCHANGES

Mutual exchanges are an important option available to help tenants to improve their housing situation and for landlords to make more effective use of their housing stock.

The introduction of affordable rents and fixed term tenancies has implications for tenants who wish to exercise their right to mutual exchange. The Localism Act created a new mechanism for mutual exchanges to protect certain lifetime tenants.

If assured lifetime and secure lifetime tenants who were granted their tenancy before the 1 April 2012 exchange with a flexible tenant, their existing tenancies are surrendered, and a new tenancy is issued to each party. The previously secure or assured lifetime tenants are granted another secure or assured lifetime tenancy. The fixed term tenant is granted a new tenancy, but there is no particular provision regarding its status. It will be a matter for the RPSH to decide what type of tenancy to offer.

The Council encourages RPSH to grant security equal to that which is being given up, even if they are not obliged to do so, to ensure that mutual exchanges remain an effective tool to manage housing stock. RPSH should ensure that tenants who are mutually exchanging are aware of the implications to their tenancy, including:

- Any changes to their secure or assured status.

- Any change in rent level between Social Rent and Affordable Rent.
- Any gain or loss of the Right to Buy

## SUCCESSION

The Localism Act 2011 changed the legal entitlement of succession of a new secure, introductory, or demoted tenancy (i.e., to take over the tenancy of a person who has died).

The legal right to succession for post 1 April 2012 tenancies is limited to a spouse, civil partner, or cohabiting partners. While this excludes other close relatives living with the tenant at the time of their death, RPSH will be free to allow discretionary successions to additional groups. The Council wishes to avoid the possibility that this change will result in more households becoming homeless and seeking assistance with re-housing.

RPSH are therefore expected to use their discretion and put in place measures that will avoid this.

## DOMESTIC ABUSE

The Council wants to ensure that survivors of Domestic Abuse will not fear losing security of their tenure if they need to move to escape domestic abuse.

The Council expects RPSH to abide by The Secure Tenancies (Victims of Domestic Abuse) Act 2018 and ensure that when they are rehousing an existing secure tenant who has needed to move or who has recently moved from their social home to escape domestic abuse, are grant a secure tenancy for their new home.

The impact of this on the turnover of social housing stock should be minimal and should be offset by the subsequent eviction of the perpetrator from the former home, thereby releasing another affordable property.

## TENANCY FRAUD

The Council recognises that affordable housing is a limited resource, and therefore it expects RPSH to place great importance on tackling social housing fraud of any kind.

There are various types of social housing fraud RPSH should remain vigilant and be aware of. These include:

- Making a false declaration or submitting fraudulent documents at the application stage to obtain a tenancy
- Unlawful subletting, or where certain subletting is not permitted in a tenancy agreement
- Non-occupation by the tenants of their social housing property as this is not their main or principal home

- Unlawful tenancy succession or wrongful succession to a person who does not qualify and or submitted false information to acquire the property; and
- Where a false Right to Buy application has been submitted.

RPSH should have robust internal audit policies and processes in place to detect possible fraudulent or corrupt actions by tenants and staff.

## HOMELESSNESS

Councils continue to have a duty to house homeless people who are eligible for such assistance under related legislation, in priority need and unintentionally homeless.

However, under the previous rules, people who became homeless were able to refuse offers of accommodation in the private rented sector and wait for a suitable social home to be offered to them. This can result in households being temporarily housed in expensive temporary accommodation until such a home becomes available.

The Localism Act allows local authorities meet their homelessness duty by providing good quality private rented homes. Government believes that this option could provide an appropriate solution for people experiencing a homelessness crisis, at the same time as freeing up social homes for people in real need on the waiting list.

While there is no certainty that this change will result in more homeless households being re housed in the private rented sector, the Council welcomes it as an additional tool we can use to tackle and prevent homelessness.

The Council will seek to ensure that any offer of private rented housing is appropriate to the needs of the household and the minimum length of any tenancy will be 12 months.

## MONITORING AND REVIEW

The Council will wish to monitor the effectiveness and extent to which the new provisions are implemented. This will include monitoring:

- The number of fixed term tenancies issued by PRSH
- The number of reviews carried out and tenancies renewed/not renewed
- Reasons for non-renewal of tenancies
- The number of under occupying households re-housed
- The number of mutual exchanges
- The number and location of social rented homes converted to affordable rent
- The number of homeless households re housed in the private sector

It will also consider changes in market conditions and the impact this may have on affordable rent levels and housing affordability as well as the impact of welfare benefit changes, particularly housing benefit.

This monitoring and review will inform future changes to the strategy, and we will expect registered housing providers to assist with this process by providing statistical information when requested.

Any significant changes that arise due to changes in legislation, regulation of guidance will be taken through the Council's Cabinet process for consideration.

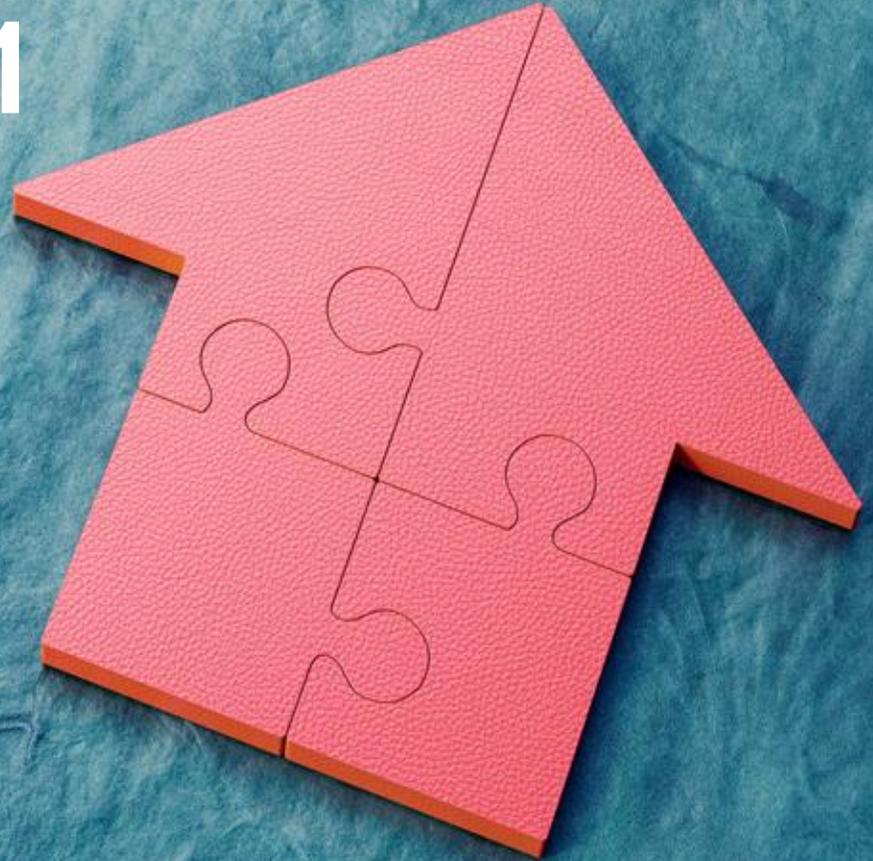
## EQUALITIES

A full Equality Impact Assessment of this strategy has been undertaken to assess the impact of the strategy on the different equality groups with the intention of implementing remedial action where the impact is negative and maximising access to services for everyone.





# Tenancy Management Policy 2021



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## 1. INTRODUCTION

The Localism Act 2011 requires the Council to produce and publish a tenancy strategy indicating the approach the Council would like Registered Providers of Social Housing (RPSH) with accommodation in their area to take when preparing their Tenancy Policies and implementing the tenure reforms included in the Localism Act. All social housing landlords are also required to publish a clear and accessible tenancy management policy which has regard to the content as set out in the Tenancy Strategy. This includes:

- the types of tenancy granted
- how a person's circumstance will be considered when deciding the type of tenancy to grant
- the length of time a tenancy will be granted for; and
- how tenancies will be managed towards the end including the offer of a new tenancy

The tenancy management policy must also take into account the consumer standards as outlined by the Regulator for Social Housing which require social housing landlords to address the management of mutual exchanges and successions within their tenancy management policy.

The purpose of this policy is to ensure current and future Council tenancies are managed consistently and supports the Council's vision for Dover residents who are renting to have a clear

understanding of their tenancy, their rights and the level of security their tenancy offers them.

This document is written from the council's perspective as a Stock owning landlord and applies to Dover District Council tenancies only. RPSH should refer to the Tenancy Strategy which outlines the Council's expectations of them in the preparation of their own tenancy management policies.

## 2. POLICY AIMS

The aims of this policy are:

- to meet the requirements of the Regulator of Social Housing, Tenancy Standard
- to deliver the objectives and aims of the Tenancy Strategy 2021 - 2026
- to clearly outline the types of tenancies offered by the Council and what could lead to a change in tenancy type e.g. demotion
- to ensure tenants understand their rights and responsibilities
- to support the Council's policy on tackling Anti-Social Behaviour

### 3. RELATED DOCUMENTS

This document should be read alongside the Council's Tenancy Strategy, Allocations Policy, Homelessness and Rough Sleeper Strategy 2020-2024, the Housing Service Neighbour Nuisance and Anti-Social Behaviour policy, and the Dover District Local Plan which sets out a clear commitment to make Dover District a great place to live and work, where people feel that they have opportunities to change their lives for the better.

### 4. TYPES OF TENANCY

#### 4.1 FLEXIBLE TENANCIES

Section 154 of the Localism Act 2011 gives local authorities the power to offer new social tenants flexible tenancies for a certain term (i.e. fixed term tenancies). A fixed term tenancy is a secure tenancy normally for a period of 5 years but for no less than 2 years in certain circumstances where this is permitted. These tenancies are either renewed for a further fixed term or ended after the tenancy period depending on the tenant's circumstances when reviewed.

Since May 2014 Dover District Council has offered new tenants, an introductory tenancy followed by a 5-year fixed term tenancy. The revised Dover District Council Tenancy Strategy 2021 – 2026 takes

into account changes in the use of this type of tenancy at both a national and local level and recommends instead that RPSH operating in the area offer their tenants the most secure type of tenancy depending on the individual circumstance of the family.

Upon adoption of the Tenancy Strategy 2021 – 2026 and the Tenancy Management Policy existing Dover District Council tenants who have a fixed term tenancy and have not breached the terms of it will be invited to use the break clause in their current flexible tenancy agreements and be reoffered a secure lifetime tenancy or continue until the end of their fixed term and then be offered a secure lifetime tenancy. Those who are in breach of their tenancy conditions will retain their fixed term tenancy until the breach is remedied.

#### 4.2 INTRODUCTORY TENANCIES

Section 124 of the Housing Act 1996 made introductory tenancies available for local authorities. They can be used only where a secure tenancy would usually exist and once introduced must be used for all new tenants except where set out below.

The Council believes that introductory tenancies are an effective tool that can be used as part of a comprehensive strategy to deal with anti-social behaviour.

All new tenants will be granted an introductory tenancy for a period of 12 months. This 'trial' period allows tenants to demonstrate that they can sustain a tenancy and comply with the terms of the tenancy agreement. Tenants on an introductory tenancy do not have the same rights as tenants on secure or fixed term tenancies.

Introductory tenants:

- Cannot make major improvements to the property
- Cannot swap properties with another council tenant; and
- Cannot apply to buy their property through the Right to Buy scheme

Upon completion of the trial period the Council will grant the tenant a secure tenancy which includes the rights as listed in 4.3, unless:

- The tenant has broken the tenancy agreement and the Council has started action to evict the tenant; or
- The Council has given notice of extension to extend the introductory period for a further 6 months

Introductory tenancies will not be used where:

- Someone is a secure tenant of a local authority immediately before the offer of accommodation (not necessarily the same local authority) or a secure or assured tenant of a housing association; or
- Where a secure tenancy is being assigned, including by way of a mutual exchange.

The use of introductory tenancies will help the Council achieve the following:

- Deter new tenants from behaving anti-socially or criminally
- Reduce Anti-social Behaviour and nuisance behaviour among new tenants
- Encourage community stability and cohesion
- Reduce the impact of residents who behave anti-socially
- Enable early action for any serious breach of the tenancy agreement
- Encourage regular payment of rent

#### 4.3 SECURE TENANCIES

A secure tenancy is a lifetime tenancy meaning it cannot expire and can only be brought to an end if the tenant breaches their tenancy conditions or in circumstances specified in the Housing Act 1985. The Council will grant a secure tenancy if (immediately before the tenancy began) the applicant was:

- A secure tenant
- An assured tenant (not an assured short hold tenant) of social housing where the landlord is a registered social landlord; or
- An introductory tenant who has successfully completed their trial period

- Existing Secure Tenants who need to move or have recently moved from their social home to escape domestic abuse.

A secure tenancy gives the tenant security of tenure and the following statutory rights:

- Right to buy their home (this does not include sheltered or extra care housing)
- Repair their home if we fail to do so
- Make improvements or alterations to their home (subject to permission)
- Have lodgers or sublet part of the property (subject to permission)
- Exchange homes with another tenant via mutual exchange
- In some circumstances pass on their tenancy when they die

A person under the age of 18 years cannot hold a legal tenancy. In cases of minors seeking tenancies, the Council will require another member of the minor’s family or another trusted adult to hold the tenancy in trust for the minor’s benefit until they reach 18 when the tenancy will pass to them.

#### 4.4 DEMOTED TENANCIES

A demoted tenancy presents the Council with an alternative to suspended possession proceedings in the case of anti-social behaviour. The tenant of a demoted tenancy does not lose their

home but has less security and fewer rights. It is broadly like an introductory tenancy.

The Council will serve a four-week notice of its intention to seek to demote a tenancy for 12 months where the tenant, or someone living with or visiting the tenant has:

- Engaged or threatened to engage in antisocial behaviour; or
- Used or threatened to use the property for an unlawful purpose

The Council will apply for a court order to provide authorisation of the demoted tenancy.

If the tenant has complied with the court order at the end of the 12-month period, their tenancy will revert to a secure tenancy. If the tenant has not complied with the order, the Council will:

- serve a four-week notice with decision to seek possession of the property; and
- obtain a possession order to evict the demoted tenant.

A demoted tenant will have the opportunity to appeal the decision to seek to evict and the Council will review the decision if requested. If the outcome review upholds the decision to seek possession of the property, the Council can apply to the Court for a possession order and end the demoted tenancy. If the review finds the Council

should not uphold the decision to seek possession, the tenancy will revert to a secure tenancy.

The Council will not demote a tenancy more than once. If a tenant whose tenancy has previously been demoted has reverted to a secure tenancy, then reoffends, the Council will take steps to end the tenancy.

#### 4.5 NON-SECURE TENANCIES

These are tenancies usually given to people who are being housed temporarily under the Council's homelessness duties. They are generally used for interim accommodation pending a full review of the household's circumstances.

#### 4.6 TEMPORARY ACCOMMODATION TO ALLOW MAJOR WORK TO TAKE PLACE

If a Council home requires major works, for example because of a serious fire, a decant to a temporary accommodation will be offered if the Council considers it unsafe for a household to remain at home during the work. The tenant(s) will be offered a licence agreement for the duration of the works.

When works are completed, the tenant(s) will be served with Notice to end the Licence agreement, return to their Council home, and continue their secure tenancy.

## 5. SOLE AND JOINT TENANCIES

The Council offers both sole and joint tenancies to new households moving into a new Council home. This is subject to eligibility.

### 5.1 SOLE TENANCY

A sole tenancy is where one member of the household signs the tenancy and is responsible for ensuring the household fulfils the responsibilities set out within the tenancy agreement. Where there is a breach of tenancy, the sole tenant is accountable, even if a member of their household or guest is responsible.

### 5.2 JOINT TENANCY

A Joint Tenancy is where more than one persons has responsibility for meeting the requirements of the tenancy agreement. Each tenant is entitled to stay in the home until the end of the tenancy and have equal rights to the tenancy.

The Council will offer joint tenancies to a maximum of two people. The tenancies listed in section 2 could be granted on a joint tenancy basis in the following circumstances:

- the proposed joint tenants are both eligible for housing as defined by legislation and
- where the proposed joint tenants are married or civil partners or

- where the proposed joint tenants live together, and the relationship is an 'established' one i.e. evidence is produced showing they have lived together for at least 12 months prior to the joint tenancy application

### 5.3 CONVERTING A SOLE TENANCY TO A JOINT TENANCY

Requests from existing sole tenants that a joint tenancy be granted to them and another person, are considered on a case-by-case basis at the council's discretion. These requests are granted very rarely to minimise the risk of tenancy fraud.

Any applications for a sole tenancy to be converted to a joint tenancy will be refused under the following circumstances:

- The household cannot provide proof of marriage or civil partnership, or of joint residency for at least 12 months prior to the application
- There is outstanding action against the household for a breach of tenancy
- There are outstanding rent arrears
- There is a history of tenancy breaches
- The tenancy has been demoted
- The applicant is already named on another a tenancy
- The tenancy has already been assigned to the sole tenant
- The tenancy has been succeeded to by the sole tenant

### 5.4 CONVERTING A JOINT TENANCY TO A SOLE TENANCY

In some situations, a household may wish to convert their joint tenancy to a sole tenancy.

The Council will check whether this is lawfully possible under section 91 of the Housing Act 1985. The tenant who wishes to remove themselves from the tenancy will be required to complete a Deed of Assignment.

Where an assignment cannot be agreed between joint tenants, those who are married or in a civil partnership can apply to the Family Court to transfer the tenancy.

The Council must be notified if one of the joint tenants moves out of the home. If after 24 months both joint tenants have not resolved their tenancy situation, or the absent tenant has not made contact, the remaining tenant can apply to the Council for a new replacement sole tenancy.

This is subject to:

- No applications have been made to transfer the tenancy via Assignment or Court Order
- There are no outstanding breaches against the tenancy (this will not apply where the absent tenant was sole cause of antisocial behaviour)
- There are no outstanding rent arrears

- The home being specifically adapted for the absent tenant (in this case an alternative home may be offered)
- The home being of a suitable size to meet the needs of the remaining tenant ( in this case an alternative smaller property may be offered)

If a request to convert a joint tenancy to a sole tenancy is agreed by the Council the remaining tenant will be asked to serve a termination notice. The Council will then issue a replacement tenancy.

Prior to issuing a replacement tenancy, the Council will write to the absent tenant giving 14 days’ notice to object and provide evidence as to why the tenancy should not be replaced.

## 6. ENDING A TENANCY

### 6.1 WHERE THE TENANT WISHES TO END THE TENANCY

Tenants may decide to end their tenancy at any time. To terminate a tenancy the tenant must give the Council 4 full weeks’ notice in writing, starting from a Monday. A termination notice can be:

- Sent in an email to [housing@dover.gov.uk](mailto:housing@dover.gov.uk)
- In writing to: Housing Team, White Cliffs Business Park, Dover CT16 3PJ; or

- The tenant or the person with Power of Attorney (proof of this status is required) must sign and return our Tenancy Termination Notice.

Once the Council receives the Tenancy Termination Notice, this starts the four-week notice period for the tenancy ending. All tenancies will end on a Monday.

Up until the end date, tenants will be responsible for paying rent. If a tenant requires to vacate the property earlier than the 4-week notice period, they must advise the Council that they intend to do this. The tenant will not be allowed to enter the property after this date.

When leaving all tenants must give ‘vacant possession’, which means that, the tenant must:

- leave the property in a clean condition and in a good state of repair and decoration
- clear all their belongings, furniture, items in the loft, gardens and outbuildings and all rubbish; and
- leave with no people or pets still living in the property

If a tenant does not leave the property clean and clear, they will be charged for the cost of cleaning and clearing out the property.

### 6.2 WHERE THE COUNCIL WISHES TO END THE TENANCY

The Council will seek to support tenants and help them maintain their tenancies but will take action to end tenancies in circumstances where:

- the tenant has breached their tenancy conditions
- the tenancy is for a property which the Council needs possession of so that a redevelopment or regeneration scheme can proceed; or
- the tenancy has been obtained fraudulently

If the Council ends a tenancy because of a tenancy breach the tenant will be referred to the Housing Options team.

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#### 6.2.1 COUNCIL TERMINATION OF AN INTRODUCTORY TENANCY

Where the tenancy is an introductory tenancy, regular reviews of the tenancy will take place in the 12-month introductory period.

If a tenant fails to pass the 12-month introductory tenancy and or a subsequent 6 months extension period, the Council may seek possession through service of notice under section 127 Housing Act 1996 at any time. In these circumstances tenants will be offered the right to review.

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#### 6.2.2 COUNCIL TERMINATION OF A SECURE TENANCY

The Council may terminate a secure tenancy by seeking possession under the grounds set out in Schedule 2 of the Housing Act 1985. The Council will seek a possession order from the Court if a tenant or household do not leave the property when the notice expires. This includes mandatory grounds for possession for anti-social behaviour in section 84A Housing Act 1985.

#### 6.3 DEATH OF A TENANT

In the unfortunate event of a death of a tenant, the tenancy can be transferred to an eligible family member. This is known as succession (see section 9). If there is no eligible family member to succeed the tenancy the Council will end the tenancy by serving a notice formally ending the tenancy.

### 7. ASSIGNMENT

In some cases, the Court will order the assignment of a tenancy between joint tenants. In these cases, copies of the relevant Court order will be requested.

Secure tenants may also have the right to assign their tenancy with the agreement of their landlord where:

- A succession to the tenancy has not previously taken place

- An assignment of the tenancy (other than as a consequence of mutual exchange or by Court order ) has not previously taken place and
- The proposed assignee would be eligible for housing under the council's Housing Allocation Scheme and eligible to succeed to the tenancy on the death of the tenant

Tenancy assignments use up the right of succession and a tenancy can only be succeeded once, someone who was granted their tenancy as a succession cannot carry out an assignment.

## 8. SUCCESSION

When a secure tenant dies, another family member may be entitled to inherit their tenancy. This is known in legal terms as a Succession. There can only ever be one succession to a council tenancy.

Under section 86A of the Housing Act 1985, a tenancy that started before 1 April 2012 can be succeeded by the following family members:

- husband/wife
- civil partner
- unmarried heterosexual partner
- same-sex partner
- grandfather/grandmother
- father/mother

- brother/sister
- uncle/aunt
- nephew/niece
- son/daughter
- stepson/stepdaughter
- adopted child
- Grandson/granddaughter

Where the successor is under 18 years of age a trustee will need to be agreed to hold the tenancy in trust for them until their 18 birthday.

For secure council tenancies created after 1 April 2012, there is no right for a family member to succeed, unless the tenancy agreement allows it. In normal circumstances, the following members can succeed a tenancy after 1 April 2012:

- Husband/wife
- Civil partner (registered under the Civil Partnership Act 2004)
- Co habiting partner

To succeed a tenancy, the Council will check:

- The date the tenancy started
- If the individual is one of the persons listed above

- Whether the deceased was using the home as their main or principal home up until the date of death for at least 12 consecutive months.
- The successor was also living at the home during this period whilst married, in a civil partnership or co habiting

The Council will not agree to a succession in the following situations:

- If the applicant is unable to prove that they are a family member or that they live/had lived at the address.
- If a tenancy has already been succeeded as it cannot be succeeded again. This also applies if there has been an assignment of the tenancy.

Eligible successors to a council tenancy will have the same type of tenancy as the person who died. For example, if they had an introductory or a demoted tenancy, it will remain introductory or demoted until the full trial or demotion period has passed.

In cases where the successor is a close family member (described above) and the property they are occupying is considered too large or unsuitable the Council will offer a tenancy of a suitable alternative property to the successor.

## 9. MUTUAL EXCHANGES

Mutual exchange is the process through which secure and assured tenants can assign their tenancy to another secure or assured

tenant. Flexible tenants may also apply to exchange homes in this way and there are special provisions in place when flexible tenants wish to exchange homes with a secure tenant with a tenancy that came into effect prior to 1 April 2012.

Secure or assured tenants whose tenancy commenced before 1 April 2012 wishing to exchange properties with a tenant holding a flexible or fixed term tenancy are entitled to have their exchange (if approved) achieved by surrender and re-grant of new tenancies.

The Council encourages the use of mutual exchange for tenants who wish to downsize, upsize, or who want to change their location as an alternative to a transfer even if they are not obliged to do so.

The council will ensure that tenants who decide to mutually exchange are aware of any implications to their tenancy, such as:

- Any changes to their Secure or Assured status
- Any change in rent level between Social Rent and Affordable Rent; and
- Any gain or loss of the Right to Buy

Tenants should use the website HomeSwapper to advertise their property. Once an exchange has been agreed between both tenants an application form must be completed on HomeSwapper.

Once the Council has received the application form, the Council will:

- process the application

- carry out an inspection of the applicant’s current property; and
- ask the tenant to sign a letter confirming acceptance of the new property and its current condition.

If the tenant is moving to a home owned by another landlord, the Council will provide a tenant reference and request a reference for the incoming tenant.

Only once the Council has agreed to the exchange may this happen. An exchange must not happen if the tenant has not received written permission from the Council.

If the Council refuses an application the reasons for the refusal will be provided in writing to the applicant. Examples of when an application for mutual exchange may be rejected or only conditionally approved include situations where:

- It would result in a Council home being under-occupied or overcrowded
- There are outstanding rent arrears that need to be cleared before the exchange can progress; or
- The Council is in the process of taking action legal action for breach of tenancy against the tenant or action under other grounds of the Housing Act 1985.

## 10. USE OF THE PRIVATE RENTED SECTOR

Dover District Council continues to have a duty to house homeless people who are eligible for such assistance under related legislation, in priority need and unintentionally homeless. The Localism Act allows local authorities meet their homelessness duty by providing good quality private rented homes. The Council will seek to ensure that any offer of private rented housing is appropriate to the needs of the household and the minimum length of any tenancy will be 12 months.

## 11. MONITORING AND REVIEWING TENANCIES

### 11.1 MONITORING INTRODUCTORY AND DEMOTED TENANCIES

All new Council tenancies will be introductory tenancies. The tenant will be monitored throughout the 12-month introductory or demoted tenancy.

Housing Officers will contact and visit introductory tenants throughout this 12-month period, specifically at 6 weeks, 3 months, 6 months, and 9 months. At 9 months Housing Officers will complete a formal introductory tenancy review and assess whether the tenancy should be allowed to continue, extended, or terminated. This decision will take into account:

- whether a tenant has paid their rent in full and on time

- whether there have been reports of anti-social behaviour

During visits to the home, officers will also assess how the property is being treated and if there is any malicious damage. Such cases will be treated as a serious tenancy breach and the tenant(s) will be charged for any repairs or maintenance carried out.

Tenants will be informed in writing of the outcome of review. If the Tenants disagrees with the recommendation, they have the right to appeal.

## 11.2 MONITORING SECURE TENANCIES

To monitor secure tenancies, the Council will undertake a programme of tenancy audits. Additionally, it will monitor contact reports from other residents flagging concerns with a tenant(s).

The Council can audit a Council home at any point. Tenants will be notified at least 24 hours in advance of a tenancy audit-taking place. The purpose of a tenancy audit is to ensure the Councils records are accurate. During these audits, officers will be looking for the following:

- Changes to the household
- Identify households who may require support or an intervention e.g. hoarders
- Ensure the home has not been damaged or altered without permission

- Ensure pets are not being kept without permission
- Update tenancy records

All of Council homes will be audited at least once over a 5-year period. Issues or concerns identified in an audit may be visited more than once. The Council can carry out an unannounced tenancy audit, in response to:

- Alleged damage to the property or significant disrepair
- Safeguarding concerns for the tenant; or
- Suspected tenancy fraud.

In addition to the tenancy audits, tenants can update information about themselves and members of their household by contacting the Housing Management team. This includes listing who lives in the home or whether a member of the household has a disability.

## 12. TENANCY SUSTAINMENT

The Council will provide several support mechanisms for its tenants to enable them to sustain their tenancies. These include:

- A new tenancy visit or phone call conducted within 6 weeks of the tenancy start date to ensure that all new tenants are receiving the support they need

- Further structured home visits where necessary during the first 12 months of the tenancy at 3, 6 and 9 months to assess the conduct of the tenancy and if there are any additional support needs that are not currently being met
- Regular tenancy audits to update our tenant profile information and ensure properties are being maintained.
- Update and regularly review web services to ensure that there is clear, concise and easily accessible information for Council tenants on the points raised in this policy.
- A comprehensive needs assessment for those requiring supported housing pre-tenancy offer, at tenancy commencement and via on-going support where appropriate
- Provision of information and services that go beyond the normal role of the landlord e.g. signposting for debt and welfare benefit advice, financial inclusion information, affordable warmth information and assistance to gain and maintain employment and training opportunities
- Developing constructive partnerships with agencies that can assist with the provision of, support and services to vulnerable residents, in particular:
  - Social Services
  - Citizens Advice Bureau - Shelter
  - Kent County Council Supporting People team
  - Probation
  - NHS Trusts

- Providing training for our staff that equips them with the knowledge of support services available from other agencies and know how to access them

### 13. TENANT INCENTIVE SCHEME

The council is committed to ensuring that homes are made available to those who need them. The Council will continue to operate a Tenant Incentive Scheme as a way to encourage older households to move from family sized homes to smaller ones and free up larger homes for those who need them.

The Council will provide a grant for the voluntary move and for each room given up. This will be paid following the move and is provided to assist with removal costs and other related expenses.

Any debt owed to the Council will be recovered from this grant.

### 14. TACKLING TENANCY FRAUD

DDC will investigate fully all reports of suspected tenancy fraud using all the enforcement tools available including civil and criminal remedies and the repossession of the property where the tenancy fraud is proven. The Council will actively pursue any potential tenancy fraud in cases including:

- Sub-letting without permission from DDC

- Unauthorised assignment (including by mutual exchange)
- Wrongly claimed succession
- Right to buy fraud
- Obtaining a tenancy by false statement or knowingly withholding relevant information; and
- Not using the property as an only or principal home

In the case of successful criminal or civil action, the Council may actively publicise the result in order to deter further tenancy fraud.

## 15. TACKLING ANTI-SOCIAL BEHAVIOUR

The Council is committed to taking positive action in conjunction with our partners, to deal with all forms of anti-social behaviour to ensure that residents are able to enjoy peace, quiet and security in and around their homes, whilst remaining tolerant of the reasonable behaviour of others.

Examples of Anti-social behaviour includes but not confined to:

- Drunken or threatening behaviour
- Physical violence
- Violence against women and girls
- Hate related incidents
- Vandalism, graffiti, and damage to property
- Noise
- Misuse of communal areas/public space loitering

- Verbal abuse/harassment/intimidation – to staff, contractors, tenants or any other member of the community
- Litter/rubbish/fly-tipping
- Pet and animal nuisance
- Nuisance from vehicles
- Garden nuisance

The Council will work proactively in tackling anti-social behaviour in the interests of individual residents and communities, recognising that such actions have a direct impact on the sustainability of communities and neighbourhoods.

## 16. EQUALITY AND DIVERSITY

This policy supports the Council's commitment to championing equality and ensuring procedures are in place, so all residents are treated fairly and without unlawful discrimination in line with the Equality Act 2010.

A full Equality Impact Assessment has been completed and has identified that there is no negative impact to protected characteristics with the implementation of this policy.

