

**Cheshire West and Chester Council**  
**Housing Management**

**Tenure Policy**

**1 MANAGEMENT INFORMATION**

Approval Date	To be advised
Next Review Date	To be advised
Responsible Service Area	Strategic Housing and Commissioning
Responsible Director	Gemma Davies, Director Economy, Housing & Policy

**Aim of policy**

This policy applies to all housing management services and homeless support services delivered on behalf of Cheshire West and Chester (CW&C) Council.

This policy sets out which type of tenancy ForHousing will offer CW&C tenants on behalf of CW&C and how these will be managed. This policy does not relate to leasehold, or shared ownership properties.

In accordance with the Tenancy Standard as set out in the Regulatory Framework issued by the Regulator of Social Housing, we will offer tenancies or terms of occupation which are compatible with the purpose of the accommodation, the needs of individual households, the sustainability of the community, and the efficient use of our housing stock. We will meet all applicable statutory and legal requirements in relation to the form and use of tenancy agreements or terms of occupation.

We aim to be compatible with Cheshire West and Chester Council's objectives through the monitoring of their tenure strategies and policies.

CW&C will only offer a tenancy to those who can provide evidence to confirm:

- They have UK or EU citizenship;
- They have been granted indefinite or limited leave to remain in the UK;
- They have applied for an extension of their leave to remain if it has expired.
- They have a 'Right to Rent'.

## **Exclusions and Suspensions**

Some applicants will not be eligible for ForHousing accommodation, this includes:

- Households excluded by law from holding a tenancy.
- Households that do not meet the 'Right to Rent' requirements under Section 22 of the immigration Act 2014.
- Applicants who, either as a tenant of ForHousing or another landlord have acted in a manner which would have seriously breached the terms of our tenancy, for example anti-social or criminal behaviour or who have rent arrears.

## **Types of Tenure**

All new tenants will be given an Introductory tenancy which will run for an initial period of 12 months. Where a tenant adheres to the terms of their tenancy during the initial 12 month period, the tenancy will usually be converted to a Secure Tenancy. Where the terms of the tenancy are not adhered to, the Introductory tenancy may be extended for a further 6 months.

The rights of Secure tenants will be set out in the tenancy agreement and where possible, ForHousing will aim to give tenants the same tenancy rights including succession, assignment, transfer and mutual exchange.

Where permission is sought to amend a tenancy, it will not be granted if the change will reduce the security of tenure of the original tenant, unless there are other substantial benefits for that tenant.

## **Reviewing Introductory Tenancies**

ForHousing will monitor Introductory tenancies throughout the period of the tenancy and will undertake a full tenancy review after 9 months, to decide whether to terminate the tenancy, extend the tenancy or offer a Secure tenancy.

ForHousing may extend an Introductory tenancy from 12 months to 18 months where there are concerns around anti-social behaviour being committed at the property, but the behaviour is not serious enough at that time to seek possession of the property and to pursue warrant possession action, or where we are still monitoring the tenant's behaviour

ForHousing will notify a tenant in writing of any decision we make to extend an Introductory tenancy and will explain the reasons for this decision in writing. Tenants have the opportunity to request a review of this decision.

## **Ending a Tenancy**

A Housing Act 1996 Section 127 Notice of Seeking Possession may be used to commence legal proceedings to end an Introductory tenancy for ASB, and other reasons for example serious breach of tenancy or rent arrears.

This may be used to end an Introductory tenancy in response to breaches of that tenancy, such as Anti-Social Behaviour. ForHousing will offer a right to request a review of the decision to serve such a notice.

Where a decision is made to end a tenancy, ForHousing will ensure that housing options advice is offered to the household.

### **Decants**

When a household needs to be decanted to another temporary property ForHousing will ensure that the tenant retains the same level of security of tenure at the temporary tenancy. Where the rent is higher at the temporary tenancy, an allowance will be applied to the rent account to bring in line with the rent at the primary tenancy.

### **Mutual Exchanges and Transfers**

Where a tenant undertakes a mutual exchange, they take over the tenancy and security of tenure of the property into which they are moving. No new tenancy agreement is signed.

### **Succession**

Where a joint tenant dies, the tenancy passes to the remaining joint tenant(s) under the law of survivorship. When a sole tenant remains following the death of other joint tenant(s) they are to be regarded as having succeeded. There can be no further statutory succession thereafter. Where a sole tenant dies, (other than a surviving sole tenant as detailed above) a spouse or civil partner occupying the property as their only or principal home immediately before the death, is entitled to succeed. A person living with the tenant as a husband, wife, civil partner, or cohabitee is treated as a spouse and thus is also entitled to succeed if living with the tenant at the time of death. No other family member has a statutory right to succeed. However, ForHousing will consider requests from family members who are assessed as being in housing need and who would be eligible for a property of this size and type. The decision to grant a tenancy to a family member based on succession lies with the Housing Manager.

### **Tenants with Limited Leave to Remain**

If a tenant has limited leave to remain they shall be granted a Introductory Tenancy which will convert to an Secure tenancy after 12 months. Should the tenant's leave to remain expire or be withdrawn enforcement action to end the tenancy will be taken using the grounds for possession.

### **Tenancy Fraud**

ForHousing is committed to identifying and tackling tenancy fraud and take all instances of tenancy fraud seriously in order to ensure that the availability of ForHousing properties is maximised by preventing the misuse of housing stock.

Tenancy fraud or misuse can present itself in various forms and can occur at any stage during a tenancy lifecycle, the key areas are

- Subletting
- Unauthorised assignment (including mutual exchange)
- Wrongly claiming succession
- Right to acquire / Right to buy fraud
- Obtaining a tenancy through false statement

ForHousing will tackle all instances of suspected tenancy fraud promptly and effectively to ensure that all of its housing stock is obtained legally and utilised by those with a legitimate housing need. Staff members are trained to identify and respond to incidents of suspected tenancy fraud, and where necessary we will take legal action to regain possession of properties and recover any unlawful profits made by tenants where there is evidence of tenancy fraud.

## How the policy will be delivered

The Policy will be implemented through the Neighbourhood Teams and monitored through customer involvement mechanisms such as Customer Scrutiny and Community Voice.

## Related documents

- Allocations Policy and Procedure;
- Anti Social Behaviour Policy and procedure
- Decant Procedure
- Local Lettings Policy;
- Mutual Exchange Procedure
- Succession Procedure
- Termination procedure

## Equality analysis

Date of approved equality analysis	
Actions taken forward to mitigate any potential negative impact	

## 1. Data Protection Impact Assessment

### Data Protection Impact Assessment (DPIA)

Under the UK GDPR and the Data Protection Act 2018, you are required to carry out a DPIA when developing or reviewing a Policy or Procedure that will have a widespread or serious impact on data held on individuals. Careful consideration should be given as to whether the policy or process will have an impact on any processing of personal information that is large scale, involves profiling or monitoring, decides on access to services or opportunities, or involves sensitive data or vulnerable individuals. Information and support regarding this can be obtained from the Data Protection Officer (DPO).

Has a DPIA been completed?	To be advised
If a DPIA has been completed, was the DPO consulted?	To be advised
If a DPIA has been completed, were any risks identified?	To be advised
If risks were identified as part of the DPIA process, have mitigation actions been identified?	To be advised

## Consultation and business intelligence

To be advised.

## Monitoring arrangements

If staff become aware that there are problems with effective operation of the Policy or the associated procedures, they should report this to the Policy Owner. This feedback will be incorporated into the policy / procedural review process.

## Policy summary for the intranet

This policy aims to achieve a practical balance between the high levels of housing need, the under supply of social housing, the changing demographic of tenants and the offer of appropriate tenure

## Words linked to this policy for intranet searches

Tenancy  
 Mutual Exchange  
 Affordable rent  
 Social rent  
 Succession

## Where this policy should be accessible

X ForHousing HMC

## Control data and approval history

<b>Policy owner:</b>	To be advised
<b>Next review date:</b>	To be advised

Action	Approved by	Date

## Document revision history

Date approved	Version number	Version history
	V1	
Date amended	Version number	Key changes