

Taunton Deane Borough Council

Tenant Services Management Board 30th June 2014

Taunton Deane Borough Council Housing and Communities Tenancy Policy: Further discussion on the proposal.

Report of Stephen Boland- Housing Services Lead (This matter is the responsibility of Executive Councillor Jean Adkins)

1.0 Executive Summary

Taunton Deane Borough Council (TDBC) Housing and Communities has undertaken further consultation in relation to the creation of a new tenancy policy for the service.

Tenant Services Management Board members are requested to consider, comment and make recommendation to the Executive Councillor for Housing on the proposed new tenancy policy at TDBC.

2.0 Introduction and background information

In November 2010, the Government published *Local decisions: a fairer future for social housing*, setting out plans for radical reform of the social housing system.

In addition to other matters, the paper made clear the Government's intention to change the legislation governing the types of tenancies granted to social housing tenants.

These changes are intended to provide greater freedoms and flexibilities for local authorities and social landlords to meet local needs and local priorities; make better use of resources; promote fairness; and ensure that support is focused on those who need it for as long as they need it.

The Localism Act 2011 places a statutory duty on local authorities to adopt a tenancy strategy, to which registered housing providers must have regard when framing and reviewing their own tenancy policies.

A meeting of the Tenant Services Management Board on 16th September 2013 requested officers undertake further consultation on the creation of a new tenancy policy.

For ease of reference the Minutes of the Tenants Services Management Board meeting relating to Item 8 – Tenancy Agreement held on the 16th September 2013 are reproduced at Appendix 1.

3.0 TDBC Housing and Communities – Tenancy Policy

A consultation exercise was carried out between December 2013 and March 2014. The consultation exercise included: Postal survey; Presentations and surveys to community groups; Presentations and surveys to housing staff and members of external organisations. A total of 186 responses to the consultation were received and findings have informed the creation of the proposed new tenancy policy for TDBC (See Appendix 2).

4.0 Implementation

Work would need to be undertaken in creating new tenancy agreements and operating procedures, staff would also need to receive appropriate training.

Subject to an approval process being completed by September 2014, it would be reasonable for all preparations to be completed for implementation of the proposed new policy with effect from 1st April 2015.

5.0 Finance

Preparing the service for the introduction of new forms of tenancy agreement, operating procedures and training could all be carried out in-house and within existing budgets.

Once operational it is not envisaged that implementing introductory tenancies would significantly increase administration costs and therefore could be managed within existing budgets.

Based on the current average turnover of council properties per year, staff would be undertaking approximately 420 flexible tenancy reviews in 2020/21. Assuming that each tenancy review will take an average of one working day, the introduction of flexible tenancies will create approximately 420 days additional work for the service. Additional staff cost to carry out this work is estimated at £66,000 at current rates within our service.

Whilst there is inevitably a cost to carrying out the tenancy reviews, the reviews will ensure that any property continues to be occupied by the tenant it was let too and continues to meet their needs. Effectively a tenancy audit will be undertaken and this has been something the service has been requested to consider introducing for some time.

It is difficult to forecast the impact that introductory tenancies and flexible tenancies alone will have on void costs in six years' time.

It would be reasonable to predict a higher than average turnover of properties, although it is not expected that this will be significant. Currently the average void cost is about £2,600.00. If we assume that property turnover goes up from the current year's average by 10% across the borough as a result of introductory tenancies and flexible tenancies not being renewed, we can expect an extra 42 voids. This equates to an increase of £109,200.00 in void costs. If we also assume an average void period of 4 weeks and an average rent of £82.06 at 2014/15 then a rental loss of £13,800.00 can also be assumed.

Whilst it is highly likely that management and void costs will increase, we can also assume that knowledge amongst tenants that serious tenancy breaches such as anti-social behaviour, property damage/neglect and rent arrears will affect whether a new tenancy is granted and so it can be expected that this will lead to savings in management and void costs associated with dealing with these issues.

6.0 Recommendation

TSMB are requested to:

- Consider, comment and make recommendation to the Executive Councillor for Housing on the proposed new tenancy policy for the Housing and Communities Service at Taunton Deane Borough Council, with particular reference to:
 1. Proposals to utilise introductory tenancies;
 2. Proposals to utilise flexible tenancies; and
 3. Proposals to utilise secure tenancies.

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Appendices:

Appendix 1 – Minutes of the Board Meeting of 16 September 2013
Appendix 2 – Tenancy Policy

Minutes of the meeting of the Tenant Services Management Board held on Monday 16 September 2013 at 6pm in The John Meikle Room, The Deane House, Belvedere Road, Taunton.

Present: Mr Dustyn Etherington (Chairman),
Mrs J Hegarty (Vice-Chairman),
Mrs J Bunn, Mrs E Drage, Mr M Edwards, Mr D Gaplin, Mr R Middleton,
Councillor Bowrah and Councillor Wedderkopp.

Officers: Stephen Boland (Housing Services Lead), Norah Day (Housing Estates Manager), Steve Esau (Property Manager - Maintenance), Phil Webb (Housing Manager – Property Services), James Barrah (Health and Housing Manager), Martin Price (Tenant Empowerment Manager) and Emma Hill (Corporate Support Officer).

Others: Councillors Jane Warmington
Andrew Hinchcliffe from Somerset County Council

(The meeting commenced at 6.00pm)

1. Apologies

Mr K Hellier

2. Minutes

The minutes of the meeting of the Tenant Services Management Board held on 19 August 2013 were taken as read.

3. Public Question Time

No questions received for Public Question Time

4. Declarations of Interest

Mr D Etherington, Mrs J Hegarty, Mrs J Bunn, Mrs E Drage, Mr M Edwards, Mr D Gaplin and Mr R Middleton declared an interest as a Taunton Deane Borough Council Housing Tenant. Councillor Bowrah declared an interest that a member of family was a Taunton Deane Borough Council Housing Tenant.

5. Somerset County Council's Consultation on changes to Children's Centres

Andrew Hinchcliffe of Somerset County Council gave a verbal update on Somerset County Council's Consultation on possible changes to the county's Children's Centres. This consultation and review of Children Centre facilities within the county didn't necessarily mean closure of facilities. This was a review of the way each facility was currently used and what the community needs and wants.

The consultation was aimed at communities and families to gather their opinions and comments on what they wanted and needed from their local facilities as well as how and what services they want or need to access from the same facilities.

SCC asked the Board Members for help in contacting local communities and families within the Taunton Deane area to take part in the consultation. SCC would be placing access to the consultation at all the county's Children's Centres as well as other community facilities for example Acorns, Holly's, Hillside, Bishop Henderson School, The Villages, Wellington and Bishop Lydeard.

During the discussion of this item, board members and the public made the following comments and asked questions:- (*Responses shown in italics*)

- What services did the Children's Centre facilities deliver to their communities?
SCC Children Centres provide venues that families want to go to seek the services they require. These provide single locations for a variety of services preventing the need for families to go to many different locations for services. For example, early years services helping the families to deal with small issues before they become much bigger ones.
- Could the current facilities be used for anything else by their communities? For examples, local youth clubs for older age ranges if the facilities weren't used much at the moment.
Anything was possible, opening up these facilities to use by other elements of the communities.
- Would SCC be looking at providing services to families and communities at these facilities such as education, improving health of children and budgeting?
SCC currently provides such services at Children's Centres.
- Did SCC have access to benefit information to help target those families most in need of help?
SCC didn't have access to that information but using such examples as 'The One Team' gather knowledge about such families.
- What about Rural families? Were there such facilities in the needy rural areas?
The Internet has a part to play in this as well as Health Visitors and Mid-Wives. SCC would use these existing services to help identify those rural families that may have fallen through the net. Looking to work as one team.
- There were families in rural areas without transport; would SCC consider looking into providing transport for the areas to enable the access to services?
We were not looking to close services or centres. It's about changing the existing centres to a different form for the community. Transportation was a bigger issue than just access to services and children's centres. This was a multi-agency/department issue.
- It was suggested that SCC contacted the Tenants' Forum as well on this.

Resolved that the Board noted the Officer's report.

6. Tenancy Agreement Report

Considering the report previously circulated, concerning the Taunton Deane new Tenancy Agreement Policy.

Taunton Deane Borough Council (TDBC) Housing Services was to undertake a review of its current tenancy policy.

In November 2010, the Government published *Local decisions: a fairer future for social housing*, setting out plans for radical reform of the social housing system.

In addition to other matters, the paper made clear the Government's intention to change the legislation governing the types of tenancies granted to social housing tenants.

These changes were intended to provide greater freedoms and flexibilities for local authorities and social landlords to meet local needs and local priorities; make better use of resources; promote fairness; and ensure that support was focused on those who need it for as long as they need it.

Below was a summary of the positive and negative points retaining to either keeping the existing Council Policy or moving away from it.

Positives:

- May make it easier to maintain settled communities & neighborhoods;
- Fewer vacancies meaning lower voids costs;
- Tenants may look after their homes better, improve and invest in them if they think they would be there if there for as long as they want to be, subject to there being no serious tenancy breaches;
- It may be more likely to promote tenant satisfaction.

Negatives:

- Reduces our ability to tackle under occupation;
- Reduces our ability to ensure that our properties continue to be let in accordance with our HRA Business Plan objectives;
- Future tenants may appeal against not being offered a lifetime tenancy.

Below was a summary of the positive and negative points regarding granting flexible tenancies:

Positives:

- Allows us to deal effectively and in a timely manner with under-occupation and with households who no longer need adapted properties;
- Allows us to deal with tenancy fraud better than we currently can;
- Allows us to take an active approach with serious tenancy breaches such as rent arrears, property damage and neglect and anti-social behavior.

Negatives:

- Tenants may be less inclined to improve and invest in their homes;
- Applicants may be less inclined to accept an offer of a flexible term tenancy;
- Higher management costs, void refurbishment costs and voids rent loss;
- Likely to incur additional management costs to the service to deal with additional administration.

Below was a summary of the positive and negative points regarding granting introductory tenancies:

Positives:

- Introductory tenants can be evicted much more easily than secure/flexible tenants. The Council didn't have to prove a legal reason in court but they had to follow the correct procedure;
- Contribute to sustainable communities.

Negatives:

- The Loss of security for new tenants during the first year of their tenancy;
- Tenants did not enjoy all of the rights of a secure/flexible tenant. For example, Rights to Exchange, Right to Buy and Carry out improvement etc.

TDBC Housing Services agreed to review its existing tenancy policy. The Policy was a draft tenancy policy proposal for consideration and comment by Board Members.

During the discussion of this item, board members made the following comments and asked questions. Responses shown in italics:

- Mixed views regarding how Board Members felt about the Tenancy Policy.
- Agreement with all of proposed actions with Tenancy Policy, It's difficult if you had lived in a property for a long time to move on.
- Concerns were expressed if Tenants had been there for a considerable number of years then personalised and altered the property wouldn't be very happy if moved onto a flexible five year tenancy.
- Don't think it is fair to move tenants on from properties if they had lived there for many years.
- I think it was a good idea to move tenants on from properties that had too many rooms they do not need even if they had lived there many years
For some tenants, being moved on from their properties may have a physical and mental impact.
- What compensation would be offered to tenants if had rooms full of furniture etc and then had to down size? These tenants would be losing money after decorating and furnishing parts of these properties and may not be able to take it with them.
We could look into the current incentives system with a view to increasing them for Tenants who downsize and leave large properties for smaller to encourage people to move.
- The Council needs to increase the incentives and compensation for Tenants who were downsizing to smaller properties.
- It was suggested to the Board Members by Ward Councillor that they should put themselves into the shoes of those Tenants who in the future would not be getting a secure tenancy but introductory or flexible tenancy. Council needed to increase incentives for tenants who downsize and put more emphasis on the positives in moving properties.
- Council could consider increasing social housing by extending existing two bedroom properties by extending the kitchen and adding a third bedroom above the extension.
- The new arrangement would only apply to 'new' tenants not existing tenants with secure tenancy agreements. There was protection for existing tenants and those tenants with special needs.
- If you were good tenants, then you would not have anything to fear from the flexible tenancy. This approach was to help deal with problem tenants allowing officers and the council to dealing with them quickly and eventually moving them on.

- Who makes the decision about issuing a secure or flexible tenancy? And at what stage would you engage the Housing Portfolio Holder? Is there a chain of command for this?
There was guidance for officers and then there would be discussions with the tenants, they would be notified of the outcome of the decision. The Manager would only get involved if it was a problem/difficult case or a complaint was made. The procedure still needs to be developed for this and Members would have an opportunity to influence that procedure. Officers make the decisions but Manager would get involved at appeal stage.
- The Council evicted a problem neighbour or tenant, would the Council have to re-house them?
Evicted secure tenants had to find their own new accommodation and If an evicted person(s) then tried to register as homeless and were found to made themselves intentionally homeless, the Council did not have to find them accommodation through this either.
- Were there any further plans to increase social housing following the Creechbarrow development?
The Council has put money aside for further development building social houses and this is progressing.
- Did the Council think the government would/or might give money back to the Local Authorities to enable them to build new houses?
Central government had made changes already that allowed the Council to build.
- If a tenant with a secure tenancy makes the decision to downsize and move home, would their tenancy change to a flexible tenancy?
If you were a tenant with a secure tenancy and decided to downsize, your tenancy would not change and you would not be worse off tenancy wise.
- Concerning property extensions, would or were the Council considering this a variable option for housing development?
Extending existing properties from two bedrooms to three bedrooms would be considered when surveyors were making their assessments.
- Eventually over time all Council tenants would have flexible tenancies. Would or could the Council consider increasing the length of the introductory tenancy to longer than 18 months? As well as the introduction of mutual exchange?
The government had set the rules and rights of Council tenants for Introductory Tenancies through the legislation. There was no room for the Council to adapt it.
- How much did Tenancy Fraud cost the Council? Would it be cheaper to tackle tenancy fraud rather than implementing these changes? Consider the inclusion of Estates Officer's visits to every five years?
*Tenants had the right through flexible tenancy to peaceful life and the right to refuse officers entry to the property. The Council didn't have any contact with a portion of its tenants.
Tenants would have the same rights, just not a 'home for life'.*
- This would affect the mixture of age groups with streets and communities as some streets were made up on mostly three bedrooms properties. This would lead to the complete removal of the older age groups from streets and streets full of teenagers. This would change the social dynamic.
There was an argument relating to forcing change in that direction by removing older generations off the estate.
- The board was making decisions on behalf of those young people. The Council was moving forward slowly with the policy and the Board Member would accept the Officers experience.

This was an important topic and needed to do the right thing locally.

- Could the Housing Department approach and exchange views with other Local Authority areas to find out whether or not they had taken on the Tenancy Policy and any comments or feedback.
- Fairest way to introduce this would be to introduce it to all tenants. How many houses were under occupied?

Housing Services would be taking this to Tenant's Forum. The Localism Act protects existing tenancies and the Council cannot alter this.

Resolved that the:-

1. The officer's report was noted.
2. Board Members requested that officers complete more consultation regarding the new Tenancy Policy. This to include new or prospective tenants and the wider community.

7. ALHCO Performance Report for Quarter One 2013/14

Considering the table previously circulated, concerning the monitoring information on the performance of the servicing and repair contract with ALHCO. The Property Manager (Maintenance) reported on Quarter One of 2013/14 showing performance data and report highlighted any issues with the contract and improvements being made.

The spreadsheets detailed the overall performance of Quarter One 2013/14 breakdown into Servicing, Reactive Maintenance, Voids, Requests for Service, Health & Safety, and Finance.

Below was a summary of the ALHCO performance during Quarter One 2013/14:

- ALHCO were on target for Quarter One. 100% achieved.
- Gas Safety; the current position was that only one property outstanding to date. The Council was going through the legal process to gain access.
- There were still problems with data transfer between ALHCO and TDBC.
- Working on improving administration and officer time.

Below was a summary of the ALHCO Reactive Maintenance performance during Quarter One 2013/14:

- Percentages for Reactive Maintenance were improving but not where we want them to be.
- Boiler servicing would be taking place between April and September, while the heating in the properties aren't in use.
- CO detectors were being installed to those relevant properties during existing visits such as servicing.
- Changes to ALHCO had included structure and consolidation of call centres from three into one. The new and main location being in Scotland.
- There was now dedicated section for all TDBC enquiries at the Scotland Call Centre.
- TDBC and ALHCO were currently working on data interface, between our software systems.

During the discussion of this item, board members made the following comments and

asked questions. Responses shown in italics:

- Why had there been a reduction in the revenue from scrap metal?
Most of Scrap revenue had come in smaller instalments. The officer would find out for the Board and bring answer with the next Performance Report.
- When would all the properties have CO detectors installed in them? The Board Member mentioned they hadn't had a CO detector fitted yet. They had Solid Fuel heating.
The CO detectors were being installed during the Service period of the properties that require them. Officers said they would look into it and also other Solid Fuel properties as well.
- The Performance figures were better than last Quarter and they were continually improving.

Resolved that the Board noted the Officer's report.

8. Health and Housing Services Quarter One Performance Scorecard 2013/14

Considering the Performance Scorecard tables previously circulated, concerning the Health and Housing Quarter One Performance Scorecard 2013/14. The tables detailed the breakdown of overall performance for Quarter One 2013/14.

Looking at each section of the performance scorecard for Quarter One, the figures and percentages as follows:

- Managing Finances (Housing) – There was 9 measures of which 56% were Green, 33% were Red and 11% were N/A.
- Service Delivery (Satisfaction) - There was 11 measures of which 55% were Green and 45% were Amber.
- Service Delivery (Decent Homes) – There was 2 measures of which 50% were Green and 50% were Red.
- Service Delivery (Manage Housing Stock) – There was 18 measures of which 50% were Green, 11% were Amber and 22% were Red.

Below is a summary of the planned actions that were off course:

- Housing Services - Estate Management. Our arrears figures were higher than target at the end of the quarter but the position had now improved and it was better than the target as of 5th July 2013.
- Local Authority Minor and Major Aids and Adaptations, spend against budget – there were ongoing discussions to establish the predicted end of year position.
- One Measure for Decent Homes was off course. New person in post to lead on retrofit project and had started to look at SAP ratings data.
- Housing Services Diversity Information. We hold 54.87% of diversity information which had increased since last quarter. We had increased our target from 58% to 90%.
- Two Repairs and Maintenance measures relating to completion on time. Whilst the indicators had not met target, there had been an improvement of 3.45% on Q4 for 24 hour repairs and 2.24% for 3 working day repairs.
- Local Authority Major Aids and Adaptations, end to end completion time. The figure reported was 32 weeks with the exception of two cases which if removed from the figures the completion time would be 21 weeks.

Below is a summary of the planned actions that had uncertainty in meeting them:

- Housing Services – 4 Satisfactory measures. The 2013 Star survey (conducted every two years) reported satisfaction figures in general needs tenants and sheltered housing tenants which were below target. We were waiting for our council national rankings.
- Repairs and Maintenance. 97.07% of tenants were satisfied with the repairs and maintenance service, our target is 98%.
- Lettings – The % of properties accepted on first offer was slightly short of target. The service was confident that the target would be met next quarter.
- Local Authority Major Aids and Adaptations, number of applications if current trends continue the service would process 72 applications not the 84 target.

Below was a summary of the planned actions that were on course:

- Housing Services, expenditure against budget. The current forecast was for the revenue account to be £99,580 overspent against a budget of £24,950,700 which was 0.4% overspend.
- Housing Managing Finances – 4 measures were better than target.
- Lettings Team Measures – 7 measures were better than target.
- Gas servicing satisfaction measure better than target.
- Supported Housing Satisfaction Measure – was better than target.
- Local Authority Major Aids and Adaptations – 100% satisfaction.
- Gas Safety Certificate 100% against 100% target, this position had improved again since last month.
- Three Community Development measures are on track.
- Repairs and maintenance – 91.87% of non urgent repairs were complete within priority time of 28 days; this was up from 89.03%. Target is 85%
- Local Authority Minor Aids and Adaptations – 452 predicted by year end against a target of 350

During the discussion of this item, board members made the following comments and asked questions. Responses shown in italics:

- Why had there been an increase in the Housing Services Diversity Information?
There were seven areas of data that were collected. This helps the Council to alter the services to meet everyone's needs. So far Officers experience and Members decisions and choices had directed services. But now the Council uses the information to build a profile about our customer to changes services i.e. range of ways to pay their rent. They had the opportunity to influence the way the Council delivers those services.
- Board Members suggested including an explanation as to why the Council were asking these questions. This would encourage people to answer them.

Resolved that the Board noted the Officer's report.

TPAS Conference – Tenant Empowerment Manager approached the Board about a replacement Board Member to go to the TPAS conference in place of Mr K Hellier as he was unable to go.

Resolved that no replacement was available to attend.

(The meeting ended at 8.27pm)

Housing and Communities

Tenancy Policy

1.0 Introduction

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

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

2.0 Policy

Purpose:

This policy aims to:

- Ensure all tenancies are granted fairly;
- Ensure TDBC's approach to granting tenancies is transparent;
- Help and ensure accommodation is focused on those who need it most, when they need most;
- Contribute towards maintaining healthy and sustainable communities;
- Ensure existing tenancies of secure tenants are protected and respected;
- Recognise that security of tenure is the best option for some groups, particularly for older people and those with long term illness or disability; and
- Assist in preventing tenancy fraud.

3.0 Types of tenancy

We will grant a range of tenancies; and all current tenants will remain on their existing tenancy types:

3.1 Introductory Tenancy

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

Introductory tenancies will not be granted for:

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

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

Before the start of an introductory tenancy, tenants will be told which kind of tenancy (secure or flexible) they will be granted upon successful completion of their introductory tenancy period.

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

3.2 Flexible Tenancy

New 'general needs' housing tenants will be granted a flexible tenancy upon successful completion of their introductory tenancy period.

3.2.1 Flexible tenancies will not be granted:

- Where, in consultation with TDBC Housing Options, it is determined that due to household circumstances, a tenant offered 'general needs' housing be granted a secure tenancy. Such circumstances will include:
 1. Learning disability;
 2. Chronic physical disability as defined by DWP;
 3. Severe sight impairment; and
 4. Sever and enduring mental health problems
- To tenants who are resident at one of TDBC's designated supported housing schemes.

- 3.2.2** Flexible tenancies will be granted for a fixed term of five years, in addition to any probationary tenancy period.
- 3.2.3** Exceptionally, a flexible tenancy may be granted for a minimum fixed term of less than five years but no less than two years, in addition to any probationary tenancy period.
- 3.2.4** At the end of the flexible tenancy, tenants will normally be offered another flexible tenancy in a property appropriate for their needs, except where a tenant's conduct raises concern during their introductory or flexible tenancy period. For example: serious and persistent rent arrears or incidents of neighbour nuisance/ anti-social behaviour.

3.2.5 Flexible Tenancy Review

There will be a comprehensive appraisal of the tenant's circumstances and options well before the end of the tenancy term.

We will begin the review period of all flexible tenancies at least 12 months prior to the end of the tenancy term.

We will normally renew a flexible tenancy unless there specific reasons not to, such as:

- The accommodation afforded by the dwelling –house is substantially more extensive than is reasonably required by the tenants and his/her family;
- The accommodation is designed for tenants with special needs or who are physically disabled and the tenant and his/her family would no longer require these features;
- The level of income of the household. For example: Where a tenant's gross household income exceeds £60,000 per annum;

Note: The present Government are continuing to develop their proposals in relation to high income social tenants. The Government are keen to ensure that best use is made of social housing, and that those tenants with high incomes, who can afford to pay a fairer level of rent.

- Serious and or persistent breaches of tenancy agreement conditions. For example: Damage to the dwelling-house; neighbour / anti-social behaviour; rent arrears;
- Where we intend to demolish, redevelop or dispose of the property within the next five years; and

- Failure of the tenant to co-operate in the review process;

3.2.6 Granting another Flexible Tenancy or the expiry of a Flexible Tenancy

We shall provide 6 months' notice in writing to the tenant stating whether we propose to grant another tenancy on the expiry of the existing tenancy or that we propose to end the tenancy. In addition we shall provide the reason/s for ending the tenancy as well as informing the tenant about their right to request an appeal.

We shall give the tenant two months' notice in writing stating that we require possession of the dwelling house let under a flexible tenancy;

We shall provide Taunton Deane Borough Council Housing Options Team with advance warning of the expiry of a tenancy where we do not wish to grant a new tenancy at the end of the term.

We shall offer advice and assistance to tenants on finding alternative accommodation in the event that we decide not to grant another tenancy.

We shall consider relevant options with the tenant e.g. issuing a replacement tenancy, home ownership, property sale to the tenant, supported housing, housing in the private rented sector etc. in the event that we decide not to grant another tenancy.

3.3 Secure Tenancy

Secure tenancies will be granted to:

- TDBC secure tenants who are transferring to another dwelling house;
- Tenants of another registered provider who are either secure or assured tenants and transferring to a TDBC dwelling house;
- TDBC introductory tenants who are resident at one of TDBC's designated supported housing schemes; and
- Where, in consultation with TDBC Housing Options Team, it is determined that due to household circumstances, a tenant offered 'general needs' housing be granted a secure tenancy. Such circumstances will include:
 - Learning disability;
 - Chronic physical disability;
 - Severe sight impairment; and
 - Severe and enduring mental health problems.

3.4 Demoted Tenancy

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

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

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

Where a flexible tenancy is demoted and the demotion period completed successfully, the demoted tenancy will automatically become a secure tenancy. If a flexible tenancy is required, we will serve a notice on the tenant prior to the end of the demotion period, informing them that the tenancy is to be a new flexible tenancy and specifying the length of the term and other express terms of the tenancy.

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

3.5 Non Secure Tenancy

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

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

4.0 Mutual Exchange

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

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

5.0 Tenancy Succession

For flexible tenancies and secure tenancies that commenced from the date of the introduction of this policy there will only be one statutory right of succession to a spouse or civil partner or co-habitee.

6.0 Redevelopment or major works

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

7.0 Right to Appeal

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

Tenants or prospective tenants may appeal against 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 the expiry of the fixed term.

8.0 Outline of the appeal process

- Tenant receives notice advising review decision;
- The appeal should be submitted within twenty one days of the date of notice, unless there are exceptional circumstances which have caused the delay;
- Tenants submits written appeal or attends an oral hearing, giving reason/s why s/he thinks the decision is unfair;
- The Housing Manager – Estates and the Housing Options Manager review the decision and make written recommendations to the Housing Services Lead;
- The Housing Services Lead will then make the final decision, in consultation with the Housing Executive member; and
- Tenant will be notified in writing of the decision and the reasons for the decision on the appeal.

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