

City of Lincoln Council Tenancy Policy



Let's deliver
quality
housing

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Purpose

The purpose of this policy is to set out how the City of Lincoln Council will use the range of options that are available as a result of the Localism Act 2011 and the changes to the regulatory standards that all social landlords are expected to meet.

The policy therefore sets out:

- The type of tenancies City of Lincoln Council will grant and the circumstances in which we will grant tenancies of a particular type and to set out those exceptions to us granting the most secure form of tenure.
- To ensure that the tenancy granted is 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.
- To comply with legislation, regulation, and good practice in the granting of tenancies, including the revised regulatory framework for social housing.
- To clarify the council's position on succession, assignments (including mutual exchanges) and joint tenancies.

Policy objectives

To achieve the Council's Corporate Plan, Vision 2025 identifies the following 5 strategic priorities:

- **Let's drive inclusive economic growth.**
- **Let's reduce all kinds of inequality.**
- **Let's deliver quality housing.**
- **Let's enhance our remarkable place.**
- **Let's address the challenge of climate change.**

This policy supports the **Let's deliver quality housing** priority key in by stating how it intends to meet the aspiration of **Let's provide housing which meets the varied needs of our residents** by:

- Ensuring that we continue to house those households that are deemed to be in housing need.
- Making the best use of social housing stock including reducing overcrowding, tackling under occupation, and making best use of adapted housing for those with a disability.
- Providing support to tenants when they need it to enable them to sustain their tenancies.
- Supporting the development of new homes and sustainable communities across the city.



Types of Tenancies Granted

Introductory Tenancies

For new tenants, City of Lincoln Council will grant a 12-month introductory tenancy which is managed and reviewed regularly, during the introductory period. At the end of the introductory period, a decision is taken on whether the tenancy should be extended or ended as a result of tenancy breaches. If no such decision is warranted or taken, the tenancy will automatically become secure at the end of the introductory period. For extended introductory tenancies, there will be a further review of the conduct of the tenancy to determine whether there have been any further breaches before expiry of the introductory period.

Introductory tenants will not have the same statutory rights as secure tenants. They will not have the right to:

- Buy their council property (though it will count towards the qualifying period).
- The same protection from eviction for any breach of their tenancy agreement
- Assign or transfer the tenancy (some exceptions may apply)
- Take in lodgers.
- Carry out improvements or mutually exchange with another tenant.

An introductory tenant will have the right of appeal if we intend to end the tenancy.

Operational procedures will provide for a suitable appeal/review mechanism to challenge the decision to terminate via the City of Lincoln Council Housing Appeal Panel.

In considering an appeal against the termination of an introductory tenancy and reaching a decision the panel will consider the tenant and their family's circumstances, including their age, disabilities, medical conditions, vulnerabilities, and dependants.

Secure Tenancies

Introductory tenants whose tenancies have not been ended will be granted a secure tenancy automatically after a period of 12 months or – if the introductory tenancy is extended – 18 months.

Secure tenancies are granted to existing Council tenants who are already secure or assured tenants from other registered providers. This tenancy is not time-limited and may only be terminated on the grounds set out in the Housing Act 1985 (as amended) and if judged reasonable by a Court.

Non-Secure Tenancies

In some limited circumstances it is possible for the Council, at its discretion, to grant a tenancy which is neither an introductory nor a secure tenancy. This is a non-secure tenancy and the circumstances in which such a Council tenancy will apply, are set within Schedule 1



of the Housing Act 1985 (as amended). We will grant non secure tenancies where short-term accommodation is required. An example of this, is where the Council is obliged to provide accommodation as part of the Next Steps Accommodation Programme (NSAP), which is temporary accommodation for applicants who are homeless or threatened with homelessness, requiring additional support to sustain future independent accommodation. As a non-secure tenant, they will not have the right to:

- Buy their Council property through the Right to Buy scheme.
- The same protection from eviction for any breach of their tenancy agreement
- Assign or transfer the tenancy through mutual exchange.
- Take in lodgers.
- Succession of tenancy to someone else

There is no requirement to prove a statutory ground for possession of a non-secure tenancy. This tenancy can be ended after four weeks following issue of a valid Notice to Quit.

Licences

City of Lincoln Council will grant licences for lettings where there is not exclusive possession of a dwelling or part of a dwelling and/or for temporary accommodation when discharging our homelessness duty. We will also grant licences of properties into which an existing tenant moves temporarily because they cannot remain in their permanent home for reasons including:

- Planned major repairs/improvements.
- Fire, flood, natural disaster, or similar event.

Demoted Tenancies

City of Lincoln Council may grant a secure tenant a demoted tenancy through a demotion order granted by a court as an alternative to eviction, in circumstances involving anti-social behaviour or some similar breach of tenancy. A demoted tenancy is an assured shorthold tenancy that will, after twelve months, revert automatically to a secure tenancy unless terminated by the tenant or rescinded by order of the court. We will only terminate a demoted tenancy because of continued anti-social behaviour or similar breach of tenancy. City of Lincoln Council uses demoted tenancies as a positive tool that will enable us to deal effectively with incidents of anti-social behaviour in a targeted and supportive way as part of our approach to dealing with anti-social behaviour.

Family Intervention Tenancies

City of Lincoln Council may grant a family intervention tenancy under the Housing and Regeneration Act 2008 if a secure or introductory tenant agrees to it. This will follow breaches of tenancy for anti-social behaviour or some similar breach and where, in all parties' opinions, such a tenancy would be beneficial and where intensive support will be given to the tenants through a family intervention project. Family intervention tenancies will only be offered if the tenant is to be transferred to alternative dispersed or purpose-built accommodation.

Family intervention tenancies will not last normally for more than two years. We may agree to offer a family intervention tenancy an introductory tenancy through a transfer back to



mainstream housing. We may terminate a family intervention tenancy by Notice to Quit after having served notice of intent and having fulfilled our obligations to offer a review process of that notice of intent to terminate the agreement. Further operational guidance will be issued separately.

Joint tenancies

Joint tenancies are only issued at the start of a tenancy by City of Lincoln Council. There is no specific provision in law that governs the granting of joint tenancies, nor to add a joint tenant during the duration of the tenancy.

However, If a tenant requests a joint tenancy the request will be considered and is at the discretion of the City of Lincoln Council, Tenancy Management Team.

Succession and Assignment of Tenancies

A tenant may be eligible to succeed to an existing tenancy which may be introductory, secure, or demoted. Succession will be considered via succession rights, there can be no succession to a non-secure, licence or a family intervention tenancy. If someone who was not the tenant's spouse (husband, wife, or civil partner) succeeds to a tenancy we may assist in rehousing the successor, if the home is too big for their needs. In those circumstances we will always offer suitable alternative accommodation to the successor.

A spouse who is not a joint tenant may succeed to the tenancy upon the tenant's death provided they were living with the tenant immediately prior to death.

Someone who is not the tenant's spouse may only succeed to the tenancy if they had been living with the tenant for over a year before the tenant's death. Requests for such succession will be considered on their individual merits as is currently the case.

Normally there can be only one statutory succession to a secure, introductory, or demoted tenancy. However, we may consider granting a second succession where the existing tenant is a successor themselves by granting a discretionary succession to people who would not normally be eligible to succeed to a tenancy. Circumstances where we would consider this include:

- where the would-be successor is vulnerable through age, disability, illness, or some other similar reasons.
- where there are no practical alternative options for the would-be successor to consider in terms of re-housing.

Mutual exchanges will take effect through the assignment of the existing tenancy. Mutual exchanges are not permitted for introductory, non-secure tenants, demoted tenants, licensees, or family intervention tenants.

New Tenancy Process

The Council recognises the importance of establishing a good landlord/tenant relationship at the start of a new tenancy and we will conduct a comprehensive sign-up meeting that will



address all likely needs of a new tenancy, particularly for those who require additional support.

At the sign-up meeting, the Void Support Team will ensure that:

- The tenant clearly understands the terms and conditions of the tenancy agreement.
- They will clarify methods and frequencies for paying their rent and accessing benefits.
- They will check to see if the tenant or anyone in the household has any particular support needs.

All new tenants will be visited by their Housing Officer within 3 weeks of the start of their tenancy and this will provide an opportunity to:

- Clarify any tenancy information and household details.
- Identify any property issues (such as repairs)
- Identify any other issues such as support needs or vulnerabilities and provide relevant signposting/ completing referrals to support the tenant in sustaining their tenancy.

The Tenancy Agreement sets out the core responsibilities of the Council and the tenant, this will include an explanation of the introductory tenant process. We will ensure tenants are aware of these responsibilities during the initial sign up meeting and New Tenancy Visit. We will also consult with tenants about any proposed significant changes to the Tenancy Agreement.

We will maintain good quality tenancy records and will comply with the General Data Protection Regulations. Please see our data protection and privacy policies for more information. These can be found here <https://www.lincoln.gov.uk/privacy-policy/data-protection-privacy-policy>.

We will ensure all new tenants are provided with clear information regarding the terms of their tenancy and the consequences of failing to keep to those terms. If a tenant breaches a condition of their tenancy agreement, we will provide appropriate and accurate information to any tenant where there has been a tenancy breach to explain what action will be taken by us. We will be clear about any action a tenant is required to take to rectify any breaches where appropriate.

Equality and Diversity

We aim to ensure that our policies and procedures are fair and transparent; and we work towards achieving balanced and sustainable communities in accordance with our equality and diversity policy and strategy. The award and type of tenancy or licence issued to a tenant is considered, determined, and allocated in line with the Lincs Homefinder Allocations policy.

Monitoring and Review

This policy will be reviewed every three years unless required through legislative or regulatory changes.



References:

In developing this policy, City of Lincoln Council has had regard to:

- City of Lincoln Council Tenancy Strategy.
- City of Lincoln Council Mutual Exchange Policy
- Lincs Homefinder Allocation Policy (City of Lincoln Council choice based letting scheme)
- City of Lincoln Council Homelessness Strategy.
- City of Lincoln Council Vision 2025.
- Equality and diversity policy and strategy
- Anti-social behaviour, harassment and hate crime policies.
- Safeguarding vulnerable adults and children from abuse policies.

Legal Framework

- Localism Act 2011
- Homelessness Act 2002
- Homelessness Reduction Act 2017
- Housing Act 1996
- Housing Act 1988
- Housing Act 1985
- Equality Act 2010

Regulatory Framework

- Allocation Code of Guidance 2012
- Homelessness Code of Guidance
- Regulatory Framework for Social Housing 2012 - Tenancy Standard