



South Cambridgeshire District Council

Tenancy Policy

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Ownership	Geoff Clark, Service Manager – Tenancy and Estates
Approved By	Councillor John Batchelor, Lead Member for Housing
Policy Contact	Debbie Barrett, Housing Services Team Leader
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Version Control

Date	Version	Details of Review
October 2012	1.0	New Policy
October 2013	1.1	Update to take account of changes in the use of temporary accommodation in Council stock. Amendments include elaboration of Temporary Licences and insertion of Non-Secure Temporary Tenancies
November 2023	2.0	<ul style="list-style-type: none">• Update to take account of Council's decision to cease Fixed Term Flexible Tenancies.• New sections on Tenancy Support and Tenancy Fraud.• A reduced and combined section on Assignments and Successions providing key provisions with reference to Assignment and Succession Policy for details.• A reduced section on Mutual Exchange with reference to Mutual Exchange Policy• Additional details on the Right to Improve section• Additional points included on victims of Domestic Abuse. Formatting and reordering of paragraphs and sections



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1 Introduction

- 1.1 The Tenancy Policy provides clear guidelines regarding the Council's approach to offering different types of tenancies. It sets out how different tenancy types will be offered and reviewed.
- 1.2 The Council will no longer offer fixed term tenancies for its own housing tenants and will replace these with secure lifetime tenancies. This decision was made by Cabinet on 22 March 2022.
- 1.3 This policy will operate in conjunction with the Council's Lettings Policy, Succession and Assignment Policy, Mutual Exchange Policy, Policy on the use of Council housing as Temporary Accommodation and the Introductory Tenancy Policy and Procedure.
- 1.4 Where discretionary aspects of the policy exist then close monitoring systems will be in place to ensure that these decisions are made based on the principles of the policy.

2. Transition from Fixed Term Tenancies to Secure Tenancies

- 2.1 The Council no longer issues Flexible Fixed Term Tenancies to new or existing tenants. Tenants currently on Flexible Fixed Term Tenancies will be offered a Secure Tenancy with an aim to complete the transition process for all fixed term tenants over the next few years. In certain circumstances tenants may be offered a Secure Tenancy earlier such as during a Mutual Exchange, assignment, or succession of tenancy. A tenant will not receive an offer of a Secure Tenancy if the Council is taking legal action against them.
- 2.2 Tenants currently on Flexible Fixed Term tenancies will be required to surrender their existing tenancy prior to signing their new Secure Tenancy.
- 2.3 Tenants who do not wish to take on a Secure Tenancy will be required to vacate their property at the end of their Flexible Fixed Term Tenancy. Six months before the end of the Tenancy the Council will formally serve on the tenant a notice of seeking possession of the property. The Council will provide advice on finding alternative suitable accommodation in the private sector where applicable.
- 2.4 Subject to successful completion, all existing introductory tenancies will automatically convert to a Secure Tenancy at the end of their tenancy period.



3. Rent Levels

- 3.1 All new tenancies are charged at target social rent or affordable rent.
- 3.2 All target social rents are set in accordance with the government's rent formula as set out in the Policy Statement for rents for social housing. Affordable rent housing (inclusive of service charges) must not exceed 80% of gross market rent. Further guidance on affordable rents set locally can be found in the Council's Affordable Rents Policy as an annex to the Greater Cambridge Housing Strategy.

4. Tenancy Types

Introductory Tenancies

- 4.1 Introductory Tenancies will be granted to all new tenants from 1 April 2013. This gives the Council the opportunity to ensure that the conditions of the tenancy are being met in the first 12 months. Upon successful completion, all introductory tenancies will then go on to be a secure lifetime tenancy. Those few tenants that may have breached their tenancy during the introductory period will be offered an extension (up to a maximum of 18 months in total). In cases of serious breaches legal action will be taken to end the introductory tenancy. Where a tenant disagrees with the decision taken then an appeal process can be pursued. More information can be found in the Introductory Tenancy Policy and Procedure.
- 4.2 Below is a list of the type of tenancies the Council offers:

Tenancy type and who will this be offered to
<p>Secure Tenancy (lifetime tenancy)</p> <ul style="list-style-type: none">All new tenants upon successful completion of Introductory TenanciesExisting SCDC tenants who wish to transfer to another SCDC property in the districtExisting tenants on Flexible Fixed Term TenanciesTenants with Secure Tenancies transferring from other local authoritiesTenants with assured (non-shorthold) tenancies transferring to SCDC from other registered social landlordsTenants with assured shorthold fixed term tenancies transferring to SCDC from other registered social landlordsNew or existing (sole or joint) tenant if the Council is satisfied that a lifetime tenant or a member of their household has been a victim of domestic abuse and either had to move or lost security of tenure as a result of domestic abuse.



All Secure Tenancies will be offered in accordance with Schedule 1 of the Housing Act 1985.

Introductory Tenancies

New tenants to SCDC who have not previously held a social housing tenancy will be offered an Introductory Tenancy in accordance with Part V of the Housing Act 1996 S.124 to S.143.

Short-term Accommodation

Households might be placed in council owned properties as a short-term option while the council makes inquiries into the household's housing situation and decides how they must help in the longer term. Accommodation is likely to be offered on a Licence agreement in accordance with Section 188 of the Housing Act 1996.

The council may also offer accommodation on a temporary basis whilst a household is waiting until suitable longer-term accommodation becomes available. Accommodation is likely to be offered as a Non-secure temporary tenancy in accordance with Section 193 of the Housing Act 1996.

Further details about the use of temporary accommodation can be found in the Council's Policy on the use of Council housing as Temporary Accommodation.

Equitable Non-Secure Tenancies

Under 18-year-olds are offered equitable non-secure tenancies. When they turn 18, they will be offered Introductory Tenancies and the equitable period will not count towards the introductory period.

All Equitable Non-Secure Tenancies will be offered in accordance with Schedule 1 of the Housing Act 1985.

Demoted Tenancies

Demoted tenancies are given when ordered by the court. The Council may also apply to have a tenancy demoted if;

- There has been anti-social behaviour; and / or
- The property has been used for illegal purposes.

Demoted Tenancies will be offered in accordance with Section 82A of the Housing Act 1985 and Section 6A of the Housing Act 1988.

- 4.3 The Council will grant tenants who have been moved into alternative accommodation during any redevelopment or other works a tenancy, with no less security of tenure on their return to settled accommodation.

5. Ending Tenancies

Tenants wishing to end Secure Tenancy

- 5.1 Only a named tenant can end the tenancy by giving the Council a written notice of at least 4 weeks before the tenant wishes to leave the property. The four weeks' notice must end on a Sunday. Any tenant on a joint tenancy can end the tenancy. If one of the



joint tenants wish to remain in the property, they must apply to their housing services officer to be re-assessed for the property.

Tenants wishing to end 10-year Flexible Fixed Term Tenancy prior to expiry

5.2 If a tenant wishes to end their tenancy prior to the fixed term end date they may do so by issuing a formal written offer surrendering their tenancy giving four weeks' notice. If a joint tenancy, the surrender offer must be signed by all joint tenants.

5.3 Surrender will be allowed subject to the following circumstances: –

- It is in the best interest of the landlord
- It is in the best interest of the tenant or neighbourhood
- The property condition doesn't breach tenancy conditions
- Rent account is clear

5.4 Where the tenant does not comply with these conditions, the request to surrender may not be accepted.

Ending a Secure Tenancy and Flexible Fixed Term Tenancy prior to its expiry

5.5 If a tenant breaches the terms and conditions of their Secure or Flexible Fixed Term Tenancy (as set out in Schedule 2 of the Housing Act 1988), possession proceedings will be instigated commencing with serving a Notice of Seeking Possession. If the breach of tenancy continues following serving the Notice, application will be made to the County Court who may grant a possession order to end the tenancy. There are no formal internal appeals process in this instance.

Ending an Introductory Tenancy (that is, within the first year)

5.6 If an Introductory Tenancy is not conducted properly, we will serve a notice requiring possession giving at least 2 months' notice of issuing of possession proceedings. This will be managed in accordance with the Introductory Tenancy Procedure. A tenant will be able to apply for an Appeal against this decision in accordance with the appeals process.

6. Complaints

6.1 If a tenant disagrees with a decision about their tenancy and feel that the Council has not followed due process, they may make a formal complaint.



6.2 SCDC Complaints Policy can be found on www.scambs.gov.uk/your-council-and-democracy/feedback-and-complaints/complaints. Any complaints can be reported via My South Cambs [online](#), or by using any of the following methods:

- Email at feedback@scambs.gov.uk;
- Letter to South Cambridgeshire Hall, Cambourne Business Park, Cambourne, Cambridge, CB23 6EA; and
- Over the telephone – Contact Centre on 01954 713 000

7. Mutual Exchange

7.1 All requests for permission to mutual exchange must be made to the landlord. Council tenants on secure or flexible tenancies will be eligible for mutual exchange.

7.2 Applications for a mutual exchange will be assessed in accordance with the Council's Mutual Exchange Policy which contains details on the type of tenancies exchange partners can expect to be granted or assigned to.

8. Assignments and Successions

8.1 A tenant may assign their tenancy to another person in the following circumstances.

- A potential statutory or discretionary successor,
- Mutual Exchange; and
- By statute, where a court has made an order to transfer the tenancy under any of the following:
 - Matrimonial Causes Act 1973, Section 24;
 - Matrimonial and Family Proceedings Act 1984, Section 17(1);
 - Paragraph 1 of Schedule 1 to the Children Act 1989;
 - Part 2 of Schedule 5 or Paragraph 9(2) or (3) of Schedule 7 to the Civil Partnership Act 2004;

8.2 The Localism Act 2011 abolished the statutory right of succession to a Secure Tenancy for family members. Accordingly, succession will be limited to spouses or civil partners for tenancies granted after 1st April 2012. This will not, however, affect existing Council Secure Tenancies granted before this date. The Council will have discretionary powers to grant a new tenancy to family members to ensure there are safeguards in place to



protect the vulnerable. These will be considered on an individual basis. For more information, please refer to the Council's Assignment and Succession Policy.

9. Right to Improve

- 9.1 Tenants on Introductory Tenancies are not normally permitted to make any alterations to the property. Secure and flexible tenants seeking to make improvements to their properties, must obtain written permission from the Council before any alterations can be carried out.
- 9.2 Tenants granted a Flexible Fixed Term Tenancy do not have a statutory right to improve their properties or be compensated for those improvements. Discretionary permission may be granted on an individual basis upon request.
- 9.3 Where a tenant has carried out any improvements with the Council's permission and decides to move, they may be able to claim compensation. This only applies to certain types of improvement and does not apply to flexible tenancies.

10. Tenancy Support

- 10.1 The Council will offer tenancy support services to tenants to help with maintaining their tenancies and prevent unnecessary evictions. This may include:
 - Managing their tenancy
 - Mental health support
 - Housing advice
 - Budgeting and debt
 - Accessing financial support
 - Social and community groups
 - Signposting to other services
- 10.2 The Council will also support older people to remain independent in their own home. This may include support with economic well-being, tackling loneliness and isolation and signposting.



11. Tenancy Fraud

- 11.1 Tenancy fraud is a criminal offence under the Fraud Act 2006 and Prevention of Social Housing Fraud Act 2013. Tenancy fraud includes unlawful subletting, obtaining housing by deception, unlawful succession and assignment, joint-tenancy fraud, false right to buy, key selling and non-residence.
- 11.2 The Council takes tenancy fraud seriously as it deprives people who are genuinely in need from accessing social housing. The Council will take necessary action where it receives reports, suspects and / or detects individuals of tenancy fraud. The Council's Social Housing Tenancy Fraud Policy outlines its approach to the prevention of and tackling tenancy fraud.

12. Service Standards

12.1 Our commitments:

- We will make clear the criteria which will be used when reviewing tenancies and deciding whether to offer a new tenancy. This will form part of the information provided at the time of bidding for properties as well as during the sign-up procedure for all new tenants.
- We will publish information about advice and assistance available and ensure that services are accessible.
- We will give our best endeavours working with partners to prevent homelessness, wherever possible, by providing timely advice and interventions. We will promote welfare benefit and independent money advice to customers as well as our in-house advice services.

12.2 We will review this Policy in five years, unless there are any substantial changes to policy prior to this date, to ensure it is fit for purpose and meets our key objectives for the Housing Service.

12.3 Our Vision:

We believe that our homes should be much more than just bricks and mortar. Places to feel safe and secure, where communities thrive and grow.

13. Linked Documents

- Introductory Tenancy Policy
- Lettings Policy
- Mutual Exchange Policy
- Succession and Assignment Policy
- Social Housing Tenancy Fraud
- Policy on the use of Council housing as Temporary Accommodation

<p>We are about so much more than bricks and mortar. We create places where people feel safe and communities thrive.</p>	 <p>High Quality, Energy Efficient</p>	 <p>Customer Focused</p>
 <p>Supportive</p>	 <p>Accountable</p>	 <p>Professional</p>