

DARLINGTON BOROUGH COUNCIL DRAFT TENANCY POLICY 2012 – 2017

TENANCY AGREEMENTS

**Secure ‘Lifetime’ Tenancy
Introductory Tenancy
Flexible Tenancy**



Tenancy Policy 2012 - 2017

August 2012

Borough Council Draft Tenancy Policy 2012-17

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Final Draft		

1.0 Why a Tenancy Policy

The government have introduced a number of changes to encourage a more flexible use of social housing. They want local authorities to have a stronger role in how social housing is being used by registered providers¹ in their area and for registered housing providers to clearly state the types of tenancy they will offer and the purpose for which they are being used.

Darlington Council is a registered housing provider and after changes in April 2012 in the Regulatory Standards Framework¹ we are now required to produce a Tenancy Policy.



1.2 Scope of the Tenancy Policy

The Tenancy Policy covers all general needs, sheltered and extra care tenancies managed by Darlington Council. It aims to:

- Explain the different types of tenancy we propose to use in the context of the current housing market in Darlington.
- Set out how different tenancy types will be used, why we have decided to make use of them and the circumstances in which we will use them.
- Detail information on the new Flexible Tenancies that were introduced through the Localism Act 2012

In setting out the detail of this policy the Government wants the Tenancy Policy to:

- Help the housing system to be better focused, helping those who most need social housing
- Shift the way social housing is viewed so that it is seen as a way into work and self sufficiency
- Help to make decisions about who lives where, in what type of tenancy and for how long

¹ Previously know as Registered Social Landlords, the new definition includes profit and non-profit making social housing providers to be registered with the Homes and Communities Agency

2.0 How we have produced this policy

This policy is being introduced at a time of significant change for social housing:



- **The implementation of the Welfare Reforms²**: This will have a major impact on those in receipt of state benefits. These are significant reforms that are intended to help people progress into work, while supporting the most vulnerable.
- **The introduction of an enhanced Right to Buy (RTB)³ scheme** that is likely to see an increase in the numbers of council houses that are purchased.
- **The introduction of Affordable Tenancies⁴** (80% of market rents) as part of changes to the way new social housing development is funded.
- **Changes to the national guidance on Allocations⁵** to introduce more local flexibility concerning how social housing is allocated.

The Tenancy Policy has to be flexible enough to deal with a rapidly changing set of circumstances that could have significant impacts on the local housing market. This policy is therefore produced in the context of the recently published [Darlington Housing Strategy 2012-2017](#) which sets out the vision for housing in Darlington. We have also taken account of the [Homeless Strategy](#) and the [Tees Valley Allocations Policy](#).

The Localism Act 2011⁶ introduced a requirement for all local authorities to publish a Tenancy Strategy. The main purpose of a Tenancy Strategy is to set out the views of local authorities on the kinds of tenancies that registered providers in their area should provide in the future. In the Tees Valley the five local authorities including Darlington came together to produce a single [Tees Valley Tenancy Strategy](#) rather than five separate strategies.

In producing this policy we also have had regard to the framework established in the Tees Valley Tenancy Strategy

² Welfare Reform Act 2012

³ More details on the Localism Act 2011 can be found here:
www.communities.gov.uk/localgovernment/decentralisation/localismbill

⁴ Affordable Homes Programme 2011-2015 Homes and Communities Agency

⁵ Allocation of accommodation: DCLG guidance for local housing authorities in England June 2012:

⁶ More details on the Localism Act 2011 can be found here:
www.communities.gov.uk/localgovernment/decentralisation/localismbill .

3.0 How we approach tenancy management



Housing deliver a wide range of services that have a direct impact on the quality of life of our customers ranging from prevention of homelessness to building and supporting sustainable communities.

Some of the most important activities focus on the delivery of good quality affordable social housing in a desirable environment in which to live. These activities range from ensuring that the right mix of properties is available to meet local needs to the continuing improvement of homes to meet modern standards.

We regularly talk to our tenants about how to make the best use of the stock. They have told us how important it is that they live in a safe environment where anti-social behaviour is challenged. It is as a direct result of these discussions that we have remodelled some estates, improving the mix of properties and introducing a mix of tenure including owner occupation. In matching needs and supply we also regularly review the priorities we use to let properties making use of local lettings policies to deal with specific circumstances.

As a result, demand for Council housing is high in Darlington and there are few unpopular properties. In some areas we have shortages of some types of properties, particularly larger family accommodation and properties in rural areas. Set out below is our current stock breakdown:

Table 1: Breakdown of Darlington Council Housing Stock

Bungalow	Sheltered	Extra Care	Other Flats	1 Bed Flats	2 Bed flats	House: Bedroom			Total
						2	3	4	
294	193	101	15	1447	433	1143	1448	72	5146
Rural Stock									
48	55	0	0	3	19	37	129	1	292
Total Stock									
342	235	101	15	1450	452	1180	1577	73	5438

There are currently about 2000 applicants on the waiting list for social housing in Darlington and this is likely to grow. For example, more people who in the past would have become first time buyers now need to save up for much longer to provide an increased deposit and as a consequence they may choose to rent rather than buy. The result is that when properties become available to let there are usually at least 5 or 6 applicants bidding for each property and for more popular properties 40+ bids.

We recognise that due to the current state of the economy and the limited public finances we will not be able to build enough new properties to solve the shortages. We are also concerned about the impact of the Welfare Reforms and in particular the impact on those in receipt of benefits who are of working

age and who will be affected by the introduction of the “bedroom tax” in 2013⁷. This change challenges the expectation that Council housing is a “home for life”. We need to consider what the long term impact will be as it may mean that tenants begin to move house more often as their circumstances change. It will certainly mean that some existing tenants will need to move to smaller accommodation for financial reasons.

We therefore need to find ways to make the best possible use of our Council stock to meet current and growing future needs.

We are conscious of the need to ensure stability within our communities and we use Introductory Tenancies and Secure Tenancies (commonly known as Lifetime Tenancies) as part of the way we achieve this. We intend to continue to offer these types of tenancies for the vast majority of our stock. However, we also have very limited numbers of some types of properties as illustrated in Table 1. We have therefore decided to make use of Flexible Tenancies for some types of properties to ensure that the best use is made of the Council housing stock

The following types of properties have been identified for the introduction of Flexible Tenancies as they become empty:

Table 2: Introduction of Flexible Tenancies

Property type	Reason
All 4 Bed properties	Darlington only has 72 four bedroom houses within its stock. In the period 1/4/2011 to 31/4/2012 only 8 four bed properties became available to let.
Properties with adaptation with a value over £7500	There are a small number of properties where very expensive adaptations costing more than £7500 have been completed that can not easily be reversed. These all include fitting a “through floor” lift. In the past two years four properties have been adapted in this category and in total there are approximately 20 within the stock including properties with major extensions.
2 Bed Extra Care Housing flats	Currently there is only 1 property of this type
All Rural Houses: <ul style="list-style-type: none"> • Bishopton • Brafferton • Heighington • High Coniscliffe 	In over half the rural areas there are 3 or less houses. Four areas have less than 40 houses with Middleton St George having the largest provision of 67 houses.

⁷ People who are of working age and in receipt of state benefits may be penalised if they under-occupy

<ul style="list-style-type: none"> • Hurworth • Killerby • Middleton St George • Piercebridge • Sadberge • Stainton • Summerhouses • Walworth 	<p>Turnover is very low with only 6 houses being let during a 13 month period</p>
<p>Properties in areas of major modernisation and regeneration</p>	<p>Darlington has sustained a successful programme of modernisation and regeneration of its stock but one of the issues that has been a constant problem is the best use of stock during the lead in time and then during the work. In the past we have had to make use of Housing Associations in our regeneration programmes that were able to work more flexibly. We now have the power to consider introducing Flexible Tenancies for individual projects to help ensure the best use of the stock during these periods of upheaval. This would give us the same flexibilities as other housing providers.</p>
<p>Properties for Foster families</p>	<p>Sometimes foster carers need larger accommodation in order for their fostering application to be progressed. In some cases people who foster decide not to continue fostering and they will no longer have a need of a larger property.</p>

Overall this is likely to only affect about 5% of the Council's total stock.

The benefit of introducing Flexible Tenancies is that there will be an opportunity to review how well this type of property is being utilised taking account of the needs of people occupying it and those on the waiting list who have a need for this housing.

Lifetime Tenants
 Anyone who is a Lifetime tenant before 1st November 2012 can transfer to one of the types of properties listed for use as Flexible Tenancies and they will be offered a Lifetime Tenancy. Their right as a Lifetime tenant is protected and transferable. This also applies to foster families who become Lifetime tenants before 1st November 2012. However, the position is different for those who became tenants after 1st November 2012. This is explained further in section 4 below

4.0 The kinds of tenancy we offer

There are 4 main types of tenancy that will be on the life of this Tenancy Policy:



offer during

4.1 Secure (Lifetime) Tenancy



Nearly all Council tenants have a Lifetime Tenancy. They have a range of rights and security of tenure which can only be challenged for specific reasons set out in Law. The Council supplies all new tenants with a [Tenants Handbook](#) which includes a written tenancy agreement explaining the rights and responsibilities they have as a tenant.

The Localism Act 2011 introduced changes to the rights of new tenants. They have a more limited right to succession (see Section 7) and the right to retain their status as a Lifetime tenant no longer applies if they transfer to a property that has been designated for a Flexible tenancy. This will come into affect in Darlington for new tenants after 1 November 2012.

There are some other variations in the type of Lifetime Tenancy:

Demoted tenancy

A Demoted Tenancy only applies to existing tenancies where action is being taken against tenants who have been involved in anti-social behaviour. A court order is required and this will state the length of time that the tenancy is demoted for.

Demoted tenants have some of the same rights as Lifetime tenants. The following are some of the differences:

- They can be evicted much more easily
- The right to buy is suspended until the tenancy becomes a Lifetime Tenancy again
- Normally the right to take in lodgers or to sublet will not be granted
- Transfers or exchanges while the tenancy is demoted will not be granted

Special rules apply to passing on Demoted Tenancies

Extra Care Housing

There are slight differences in the Tenancy Agreement related to the special circumstances concerning the services being provided but essentially the rights are the same as other Lifetime Tenancies

4.2 Introductory Tenancy



All new tenants of the Council, apart from those who are existing tenants of another council or a registered provider, are given an Introductory Tenancy.

An Introductory Tenancy is a trial period lasting 12 months. Introductory Tenancies provide an opportunity for new tenants to ensure they understand their rights and obligations under the terms of the tenancy agreement and are able to maintain their tenancy satisfactorily. The intention is therefore to prevent unnecessary evictions. If there are no problems during the trial period, then the tenancy automatically becomes either a Secure or Flexible tenancy.

Introductory Tenancies do not have all the rights of a secure tenant. Tenants could be evicted more quickly and easily if they break the tenancy agreement. They do not have the right to:

- Exchange with another tenant
- Improve the property
- To sublet
- Full rights to succession
- The right to buy, but the Introductory Tenancy will count towards the entitlement period if they choose to buy later.

Included within the offer of any Introductory Tenancy will be details of the tenancy that will be offered at the successful completion of the 12 months introductory period. Under some circumstances the Introductory Tenancy may be extended to 18 months. This will occur if there are concerns about how the tenancy is being conducted and notice of the intention to increase the introductory period will be given by the 10th month of the tenancy.

Where a tenant has not satisfactorily completed an Introductory Tenancy a Notice of Possession Proceedings will be served. The tenant has a right to review this decision as set out within the Tenancy Agreement.

4.3 Affordable Tenancy

New properties built with Government funding will mainly be let at Affordable Rents. An Affordable Rent is based on 80% of rents in the private rental market. Providers who have made successful bids for funding through the Affordable Rents Programme⁸ also agree to transfer a proportion of relets of existing properties to Affordable Rents. This is intended to generate extra income that can support new development. Affordable tenancies can be



⁸ Established and administered by the Homes and Communities Agency the programme is due to run until 2015

offered on either a Lifetime or Flexible basis and the choice will depend on the criteria set out in the Tenancy Policy.

4.4 Flexible Tenancy

Flexible Tenancies were introduced under the Localism Act 2011 and do not affect existing tenants. Flexible tenancies are for a fixed period. They apply to a limited number of properties as described in 4.1.



The regulatory guidance⁹ indicates that generally Flexible Tenancies should be a minimum of 5 years although the Localism Act established that the minimum period that can be offered is 2 years. Anyone being offered a Flexible Tenancy will be first offered a one year Introductory Tenancy followed by a 5 year Flexible Tenancy. There are exceptions as explained in section 6.

Flexible Tenancies have similar rights to those of Lifetime tenants. This includes:

- The right to undertake a mutual exchange
- The right for a partner, husband or wife to succeed to the tenancy following the death of the tenant
- The right to buy
- The right to repair
- A right to improve their property is at the discretion of Darlington Council. A Flexible Tenancy does not have a statutory right to be compensated for improvements

Why we would consider a shorter period

The Localism Act says that the shortest length of time a Flexible Tenancy can be given for should be 2 years and then only offered under exceptional circumstances. At the moment the Council may consider the use of shorter Flexible Tenancies where:

- There are major changes taking place to the stock. It is often difficult to make the best use of the stock that becomes vacant prior to works starting. There may be circumstances where the use of shorter Flexible Tenancies will help address those particular and exceptional circumstances. The decision will be based on the project delivery plan and will be specific to that particular project.

⁹ Regulatory Standards Framework: Homes and Communities Agency 2012

5.0 When we would consider the granting a particular form of tenancy

Set out below is how we will decide what type of tenancy to offer:



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Table 3: Types of Tenancy

Tenancy Type	Who can be offered	Property Type	Length of Tenancy
Introductory Tenancy	Those who are not already a Lifetime tenant with the Council or another registered provider. Will apply to Flexible and Secure Tenancies.	All properties	1 year except where there is a problem and the tenancy may be extended to 18 months
Lifetime Tenancy Pre 1st November 2012	Those who were either Council of Registered Providers' Lifetime tenants before November 2012	All properties	There is no limit on the length of tenancy
Lifetime Tenancy Post 1st November 2012	Those who have successfully completed an Introductory Tenancy	All property types except 4 bedroom properties, rural properties and those with major adaptations (over £7,500.00) and properties in major modernisation programmes	There is no limit on the length of tenancy
Affordable Tenancy	Anyone moving into a property developed as part of a HCA development agreement.	Limited number available	This could be either a Lifetime or Flexible Tenancy
Flexible Tenancy	Those who are not already a pre 1 st November 2012 Lifetime tenant with the Council or another registered provider Foster carers needing a larger property who are not existing tenants	All 4 bed properties All Rural Houses Properties with major adaptations- over £7500 2 bed Extra Care Housing flats Properties included in major modernisation projects	For most properties 5 years Properties in major modernisation programmes-2 years

6 Flexible Tenancies



In this section we provide more information on how we will manage Flexible Tenancies

6.1 Starting a Flexible Tenancy

All properties that will be offered as a Flexible Tenancy will be clearly identified as such when the property is advertised on Compass¹⁰ and it will be explained in the offer letter. All those being offered a Flexible Tenancy will be first offered a one year Introductory Tenancy followed by a 5 year Flexible Tenancy. The exception to this is those who become a Lifetime tenant after 1st November 2012. They will not have to enter an Introductory Tenancy first.

There will be information made available with the offer letter that will clearly explain that the offer is for a Flexible Tenancy and what the implications of entering into this type of tenancy are.

6.2 Ending a tenancy

- It is a legal requirement that we notify the tenant that the fixed term will be coming to an end at least 6 months prior to the termination of tenancy.
- However, we will write to the tenant between nine and twelve months before the end of a tenancy to inform them that we are beginning a review of the tenancy.
- Our aim will be to give the tenant as much notice as possible about what we intend to do about the tenancy

In addition to confirming the start of the review in writing, a home visit will be arranged to ensure the tenant is aware of the end of the tenancy and to take the opportunity to discuss their housing needs and future housing options. In the review we will consider:

- Any change in circumstances including for example the size of the family that may be leading to under or over occupation or changes in health
- Social issues including children's education
- Where appropriate the continuing need for major adaptation
- Where appropriate if the family are continuing to foster
- The number of applicants on the waiting list in need of that type of accommodation

¹⁰ Compass is the Choice Based lettings system for most social housing providers in the Tees Valley

- The availability of similar property
- The tenants views on continuing the tenancy

Once this review has been completed we will again write to the tenant as soon as possible but at least 6 months before the end of the tenancy. The letter will explain our decision and set out what will happen next. This will be followed by either a telephone call or a visit depending on the outcome of the review.

Unless there has been a change in circumstances and provided there is no current breach of tenancy then a further 5 year Flexible Tenancy will be awarded.

Where a tenancy is terminated

Where there has been a significant change in circumstances based on the review criteria set out above the council may decide to terminate the tenancy. The council will confirm this with at least 6 months notice in writing followed by a visit as soon as possible after the decision.

The notice will set out:

- Why we have made this decision
- What the appeals process is (see below)
- What help we will provide should alternative accommodation be required

Where a tenancy is being terminated we will endeavour to provide a good quality range of advice and support. We will explore alternative housing options including:

- An identified housing officer to support the transition to alternative housing
- Access to the Housing Options Team
- Application via Compass for alternative social housing including Council housing
- Advice on private rented accommodation
- Advice on shared ownership and owner occupation
- Advice on moving house
- Information on other advice and support agencies

A formal notice seeking possession will be served two months before the end of the tenancy.

Other circumstances where a tenancy may end

The Council may apply for a Court Order to end the tenancy if any of the grounds for possession can be proved. The grounds for possession remain the same as for Lifetime Tenancies.

If the tenant wishes to bring the tenancy to an end before the end of the fixed term they may do so by issuing a formal written offer of surrender that

provides 4 weeks notice. For the surrender to take effect it must be accepted in writing by Darlington Council.

6.3 Appeals concerning fixed term tenancies

Flexible Tenancies (Review Procedures) Regulations 2012 has come into force and sets out the procedure for a review of decisions relating to Flexible Tenancies. Details of the review process can be found in Appendix 1. There are only two circumstances in which a review can take place:

- 1) An applicant can seek a review of the length of tenancy on offer if it does not comply with the Tenancy Policy.
- 2) They can also apply for a review if, at the end of the Flexible Tenancy they are refused a further tenancy

Other concerns to do with the tenancy such as repairs will be dealt with in the Council's Complaints procedure

6.4 Mutual exchanges and Transfers

Mutual Exchanges



Mutual exchanges concerning Flexible Tenancies are slightly different to exchanges between tenants with Lifetime tenancies. The rights of tenants who have Flexible Tenancies are in most respects the same as those of Lifetime Tenants including the right to a mutual exchange. However the process is different.

There are also some difference between those who were Lifetime tenants before 1st November 2012 and those who became tenants after that date:

Where a [mutual exchange](#) takes place with someone who was:

- A Lifetime tenant before 1st November 2012: If a mutual exchange is entered into with someone with a Flexible Tenancy then both the tenancies have to be terminated and new ones set up. The Lifetime tenant will retain their right to a Lifetime Tenancy regardless of the type of property involved. However, as a new tenancy has been started they will have the rights of a post 1st November 2012 Lifetime tenant
- A Lifetime tenant with a tenancy started after 1st November 2012 does not have the right to transfer the Lifetime Tenancy and therefore a Flexible Tenancy will be offered
- Where someone with a Flexible Tenancy exchanges to a property identified for use as a Flexible Tenancy, for example a 4 bed house or a rural house, a Flexible Tenancy will be offered.
- If they exchange to all other types of properties the person with a Flexible Tenancy would be offer a Lifetime Tenancy

An exchange may be refused if:

- The tenant has a Court Order
- The tenant has legal action pending which may end their tenancy because of rent arrears, breach of tenancy conditions, neighbour nuisance, or damage to the property, or because they have obtained the tenancy by deception or by paying someone to exchange with them
- The tenancy is unsuitable for the person(s) wishing to move to it, or significantly larger than they need
- The tenancy has special features not needed by the person(s) wishing to move to it (for example sheltered or adapted housing).

If there are rent arrears which have not yet led to a Court Order or Notice Seeking Possession then we will usually give conditional approval for the exchange to take place after the arrears have been cleared. In exceptional circumstances we would consider allowing someone with rent arrears to exchange, for example, where the arrears are a direct result of the “bedroom tax” and it will result in a move to smaller, more affordable accommodation. We may also consider allowing a tenant to exchange in other special circumstances and these will be considered on the facts of each individual case.

Transfers

Those holding a Flexible Tenancy can apply for a [transfer](#). They will have their priority assessed in the same way as other applicants.

7.0 Succession rights and assignment

7.1 Succession

The right to succession is the right to remain in the property as a tenant when the tenant dies. The Localism Act introduced changes to the right to succession. Pre 1st November 2012 tenants' right to succession will not be affected¹¹.



Table 4: Right of Succession

Tenants before 1 November 2012	Tenants after 1 November 2012
<ul style="list-style-type: none"> • Husbands and wives (spouses) and registered civil partners automatically succeed providing they are living in the property at the time of bereavement and there has not been a previous succession. • If there is no spouse/registered civil partner, another family member who has been living with the tenant for at least twelve months may qualify to succeed. However, they may be asked to move if the property is one that they would not qualify for because of its size or type. In these circumstances, alternative accommodation is always offered, and they need not move until six months after the bereavement. • If a couple are not married, then legally the surviving partner has to be treated as a family member, not as a spouse. 	<ul style="list-style-type: none"> • Succession¹² to a Lifetime or Flexible Tenancy entered into after 1 November 2012 only applies to the spouse or civil partner including a person who was living with the tenant as if they were civil partners of the deceased tenant. • A third person (e.g. son or daughter) cannot then succeed to the tenancy on the death of the tenant

7.2 Assignment

In some circumstances a tenant may assign their tenancy to another person who complies with certain criteria as laid out in their tenancy

¹¹ Sections 87 and 88 of the 1985 Housing Act

¹² Section 160 of the Localism Act 2011

agreement. Generally the right to assign is limited to the same people who can succeed a tenancy.

There are also a limited number of other forms of assignment permitted by statute:

- Mutual exchange (except where a Flexible Tenancy is involved)
- Where a Court has made an order to transfer the tenancy under:
 - 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

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8. Monitoring and Review

This policy is being introduced during a period of major change and consequently we intend to keep the policy under annual review. The impact of this policy will be monitored through:

- Consultation with our tenants
- Housing Management monitoring
- Reporting from Compass Choice Based Lettings system on changes in demand
- Strategic Housing Needs Assessment and other research



A full review will take place in 2017

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9.0 Further Information

Should you have further questions concerning the Tenancy Policy or other tenancy matters you can contact:



Ken Davies
Housing Strategy Officer
Darlington BC
Block C
Town Hall
Feethams
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DL1 5QT
Tele: 01325 388...

Email: Ken.Davies@darlington.gov.uk



Council Documents:

Darlington Housing Strategy 2012-2017

<http://www.darlington.gov.uk/Housing/Housing++Strategy.htm>

Darlington Homeless Strategy

<http://www.darlington.gov.uk/PublicMinutes/Cabinet/February%20202010/Item%207%20-%20Appendix%201.pdf>

The Tees Valley Tenancy Strategy

<http://www.darlington.gov.uk/Housing/housingconsultation.htm>

Darlington Council Tenancy Handbook

<http://www.darlington.gov.uk/Housing/Your+Tenancy/tenantshandbook.htm>

Darlington Council Mutual Exchanges

<http://www.darlington.gov.uk/Housing/Finding+a+Home/Mutual+Exchange.htm>

Darlington Council Transfers

http://www.darlington.gov.uk/dar_public/documents/People/AdultSocialAndHousing/Housing/teesvalleycommonallocationpolicy.pdf

Glossary

Adapted properties	Changes that are made to the physical fabric of the home to make it suitable for the occupier. The most common adaptations are stair-lifts, grab rails, level access showers and ramps
Affordable Housing	Housing options available to residents who cannot afford to rent or buy a home in the private market. Includes social rented housing, affordable rented housing and intermediate housing solutions such as shared ownership. It also includes the Affordable Rent Model.
Affordable Rent	Homes made available to tenants at up to a maximum of 80% of market rent and allocated in the same way as social housing is at present. RP will have the freedom to offer Affordable Rent properties on flexible tenancies tailored to the housing needs of individual households.
Choice Based Lettings (CBL) - 'Compass'	Scheme for the allocation of social housing designed to offer more choice and involvement for customers in selecting a new home. Social rented housing is advertised allowing customers to 'bid' (register an interest) for those homes.
Demoted tenancy	A demoted tenancy only applies to existing tenancies where action is being taken against tenants who have been involved in anti-social behaviour. A court order is required and this will state the length of time that the tenancy is demoted for
Family intervention tenancies	They are used in circumstances where the tenant is likely to be evicted on the grounds of anti-social behaviour and to support the provision of behaviour support services. Family Intervention Tenancies are entered into voluntarily on the part of the tenant
Fixed-term (or flexible) Tenancy	A new power for RPs to offer a new 'flexible' tenancy with a minimum term of two years that ends the automatic 'home for life'.
Homes and Communities Agency (HCA)	The national housing and regeneration agency for England. A non-departmental public body, sponsored by the Department for Communities and Local Government (DCLG). It provides funding for affordable housing and is the social housing regulator.
Homelessness	The 1996 Housing Act states that a person is homeless if there is no accommodation that they are entitled to occupy; or they have accommodation but it is not reasonable for them to continue to occupy this accommodation.
Housing Needs	The requirements that individuals and households have for housing.
Local lettings plan	A local lettings plan will include a statement on how an RP will support and sustain a diverse and balanced community and some targets to let to particular groups of customer. Examples include: <ul style="list-style-type: none"> • Under-occupying some family homes to balance child density • Percentage of transfer cases
Move on Accommodation	For people moving on from a supported environment, this accommodation is sometimes transitional accommodation to full independence

Private Landlord	A company or individual (e.g. not a local authority or registered provider) who owns and lets properties for an income.
Registered Provider (RP)	Also known as Housing Associations or Registered Social Landlords (RSLs). They are not for profit organisations that provide social housing. They are regulated through Homes and Communities Agency (HCA).
Social Housing	A general term for subsidised rented and intermediate tenure housing provided by RPs.
Strategic Housing Market Assessment	Practice guidance issued by Communities and Local Government, along with Planning Policy Statement 3, which sets out a framework that local authorities and regional bodies can follow to develop a good understanding of how housing markets operate.
Introductory Tenancy	A trial period (tenancy) lasting for 12 months.
Tenancy Policy	A document a RP must have in place detailing their approach and use to fixed term tenancies should they decide to implement.

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Appendix 1

Flexible Tenancies- Review Procedure

Introduction

The flexible tenancy is a form of secure tenancy for a fixed period. The Council have introduced flexible tenancies for some properties to better meet housing needs. Darlington Council's Tenancy Policy provides detail on flexible tenancies, why they were introduced, and which types of properties are affected. Details of how to obtain a copy of the Tenancy Policy are set out at the end of this document.

Set out below is the way that Darlington Council will deal with appeals specifically concerning flexible tenancies. They are based on Government guidance contained in The Flexible Tenancies (Review Procedures) Regulations 2012.

When can a request for a review be made?

There are two situations when a request for a review can be made:

1. Review of the length of tenancy granted at the beginning of the tenancy

Anyone being offered a Flexible Tenancy can challenge the length of a flexible tenancy. However, a challenge can only be made if the length of tenancy is different from the rules set out in Darlington's Tenancy Policy.

The Council will make clear in adverts for a vacant property and in the offer letter when a flexible tenancy is being offered and the length of the tenancy. The offer letter also will explain the review process

All new tenants who were not previously a Council tenant or the tenant of another registered provider will be offered a 1 year Introductory Tenancy. This review process does not apply to introductory tenancies.

Where the Introductory Tenancy leads to a Flexible Tenancy a review may be requested into the length of the flexible tenancy but not the introductory tenancy

2. The decision not to renew a Flexible Tenancy

If the Council decides at the end of the Flexible Tenancy not to renew it the tenant has a right to ask for a review of this decision.

First, the Council must have given the tenant not less than six months' written notice that the tenancy will be ended. The notice will set out the

Council's reasons for not proposing to grant another tenancy. It will advise the tenant of their tenant's right to request a review. It will also set out how the review will work and what the tenant needs to do.

All other complaints such as repairs should be made through the Council's normal complaints procedure. Details of how to obtain the Council's complaints procedure can be found at the end of this document.

How to request a review

- A request for a review must be made within 21 days. The 21 days will start from the date of the tenancy offer letter or the date of the notice not to renew the tenancy.
- The request for a review must be made in writing. If a person wishes to request a review and it is not possible for them to do so in writing they should contact Housing Services. In either case the tenant will need to provide the following information:
 - Name and Address
 - The decision they want to challenge and why they want a review
 - If the review is concerning the length of tenancy, why in the applicant's option the length of tenancy does not comply with the Council's Tenancy Policy
 - If the review is concerning not renewing the tenancy, why the Council should reconsider its decision
 - There is a choice about how the review is conducted. There can be a personal hearing or the Council can conduct the review based on written evidence that is provided by the applicant. The request for a review needs to make clear which option has been chosen
 - The Council will need to know if it can communicate via email with the tenant or prospective tenant and if so what email address to use.

How the review will work

The review will be conducted by a Council housing officer senior to the one who has made the decision and who has not been involved in the original decision. They will write or email confirming the review process within 3 working days of receiving a request for a review.

Personal hearing

If a personal hearing has been chosen the Council will make contact to arrange a mutually agreeable date. The hearing will take place within 5 and 10 working days of contact. This arrangement will be confirmed in writing and will set out the venue and time and who is going to attend from the Council. If the applicant is unable to attend on the agreed date then the hearing can be rearranged.

The applicant can bring someone with them to the hearing or they can be represented by someone else. They can also bring someone along to give evidence. If the applicant chooses to be accompanied, represented or to call persons to give evidence then the Council will need to know this in advance as the number of attendees may affect the choice of venue for the hearing. Although the hearing will be informal the main aim is to gather evidence. Both parties will be able to provide evidence and ask questions.

If there is a need to adjourn the hearing the person conducting it will contact all those concerned with a new date.

Should the applicant not attend the hearing then the person conducting the hearing can decide whether to continue with the hearing based on the evidence available including the reason for non attendance or reschedule to another date.

Review without a hearing

The person carrying out the review will write or email offering the opportunity for the applicant to provide further evidence. They will be given between 5 and 10 days of the date of this notification to submit evidence.

Final decision

In either review path the person who has conducted the hearing will write or email explaining what the result of the review is and why the Council has come to that decision.

Where the decision involves the ending of the tenancy the Council will continue to provide advice and support on finding alternative accommodation.

Further Information

Darlington Councils Tenancy Policy can be obtained via the Council Website (Link) or by using the contact details below:

Darlington Councils Complaints, Compliments and Comments Procedure can be obtained via the Council Website (<http://www.darlington.gov.uk/Democracy/Complaints/ComplaintsComplimentsandCommentsProcedure.htm>) or by using the contact details below:



For further information please contact:

Ken Davies
Housing Strategy Officer
Darlington BC
Block C
Town Hall
Feethams
Darlington
DL1 5QT
Tele: 01325 388...

Email: Ken.Davies@darlington.gov.uk

