
Tenancy and Estates Management Policy

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Tenant Services

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	<p>TENANCY AND ESTATES MANAGEMENT POLICY This policy details how Stroud District Council manages the types of tenancies it provides under current legislation and its statutory obligations as a landlord. Tenant Services is committed to providing estate management services to specific land and property owned by Stroud District Council (The Council). This policy is concerned with maintaining the physical condition, cleanliness and safety of the internal and external housing environment.</p>
	<p>PURPOSE OF THE TENANCY AND ESTATES MANAGEMENT POLICY The Council aims to manage tenancies efficiently and effectively to enable tenants to exercise their Legal rights.</p> <p>This policy details the arrangements for the creation, ending and assignment of tenancies; the right to buy; and the right to sub-let.</p> <p>Tenant Services is required to ensure our estates are attractive, well maintained, safe and secure for all our tenants.</p> <p>Where communal services exist, the Council will always make the appropriate annual service charge to Tenants and leaseholders for the services received.</p> <p>The key principles of the Estate Management Policy are to:</p> <ul style="list-style-type: none"> • Maintain, in conjunction with tenants, clean, tidy and well cared for communal areas on our estates. These include hard surfaces and landscaped areas, as well as the internal communal areas of our properties. • Carry out site inspections of all of our estates and communal areas on a regular basis, to highlight and subsequently address any area falling below our acceptable standards. • Work in partnership with Tenant and Resident Groups, and other Agencies to make stronger, safer and sustainable communities. • Ensuring the landlord’s statutory obligations are being delivered in a fair and proportionate manner
	<p>WHAT IS TENANCY AND ESTATE MANAGEMENT?</p> <ul style="list-style-type: none"> • Making sure all our tenants are aware of their rights and responsibilities • Enforcing tenancy conditions when appropriate • Working with other partners to reduce and resolve Anti-Social Behaviour • Giving advice, assistance and support on tenancy matters • Keeping all housing communal areas clean and well maintained
	<p>The Council will need to ensure that the procedures for managing the Council’s housing estates are implemented in such a way as to ensure quality, efficiency, and cost effectiveness.</p> <p>Poor advice could lead to rental loss and legal action being taken against the Council.</p>

	<p>RISK IMPLICATIONS</p> <p>If the Council does not provide a robust and efficient service in managing its estates it runs the risk of having:</p> <ul style="list-style-type: none"> • No-go areas • An increase in litigation • Long term voids • Poor reputation • Having inadequate resources <p>If the Council chooses not to manage its estates in a professional, legal and robust manner the damage to the Council's reputation would be significant and could lead to the housing regulator ordering sanctions in this area of its business.</p>
	<p>RELEVANT LEGISLATION AND REGULATORY COMPLIANCE</p> <p>The Council will ensure that it manages its tenancies in accordance with the requirements of the Regulator for Social Housing and relevant legislation.</p>
	<p>EQUALITY AND DIVERSITY</p> <p>The Council is committed to providing services which embrace diversity and promote quality of opportunity. The Council's goal is to ensure these commitments are reinforced by the Council's values and statutory and legislative requirements, ensuring these are embedded in our day to day working practices.</p>
	<p>TRANSLATION STATEMENT</p> <p>If you have any difficulties reading this information or need further assistance understanding our processes please contact us on 01453 766321 or visit our website on www.stroud.gov.uk.</p> <p>We can produce document in a variety of formats. All you need to do is let us know what you need and we will try to assist you.</p>
	<p>The Head of Housing Services will be responsible for the overall implementation of the Tenancy and Estates Management Policy.</p>
	<p>MANAGING TENANCIES</p> <p>We ensure that our tenants are aware of their rights and obligations when they sign-up for their tenancies; the terms of which are set out in their Tenancy Agreement which is the formal contract between the Council and the tenant(s).</p> <p>The Council has a series of documents which outline how tenancy matters are managed, such as sub-letting, abandonment and ending a tenancy.</p>
	<p>TENANCIES</p>
	<p>INTRODUCTORY TENANCIES</p> <p>Operate for a period of 12 months, with an extension of 6 months in circumstances where the conditions of tenancy are breached.</p> <p>Introductory tenants do not have the right to:</p> <ul style="list-style-type: none"> • Exercise the Right To Buy • Take in a lodger or sublet a room

	<ul style="list-style-type: none"> • Exercise Mutual Exchange • Carry out improvements • Assign / Succession <p>An Introductory tenant will be contacted at least three times during the first 12 months of their tenancy; where a breach of tenancy exists contact may increase.</p> <p>The Courts do not have the power to deny a mandatory claim for possession; the Council only has to demonstrate that due process has been followed.</p> <p>On the serving of a Notice, a tenant has the right to request a review of their case before it goes to Court.</p>
	<p>SECURE TENANCIES</p> <p>Are classified as lifetime tenancies with a few exceptions. Under the 1985 Housing Act Secure tenancies have the right to:</p> <ul style="list-style-type: none"> • Exercise the Right to Buy • Take in lodgers and sub-let part of their home (with consent from the landlord) • Carry out improvements (with consent from the landlord) • Exercise a Mutual Exchange • Be consulted on related housing matters • Live in their home for the rest of their lives as long as they are no breach to their tenancy agreement • Be able to assign their tenancy with permission with consideration being given to the Localism Act 2011 <p>The Courts have the power to grant possession, however, the Council would have to present compelling evidence that an eviction is warranted.</p>
	<p>NON SECURE TENANCIES</p> <p>Are only given to homeless families transitioning through the homeless process. A non-secure tenant has no rights and must leave the property when instructed.</p>
	<p>ASSIGNMENT OF TENANCY</p> <p>If a tenancy commenced prior to 1 April 2012 a tenancy can be passed to a person who would qualify to have the tenancy assigned to them as referred to in the Housing Act 1985 part IV.</p> <p>If a tenancy commenced on or after 1 April 2012 an assignment of tenancy may be made to a partner, who has used the property as their main home for the 12 months preceding a request for an assignment.</p> <p>The Council must give written permission to assign a tenancy to another person.</p>
	<p>ALLOWING THE COUNCIL ACCESS TO OUR PROPERTIES</p> <p>The Council will carry out regular inspections to our properties to ensure they are being used by the legal tenant and are being maintained to a good standard. Tenants must allow Council staff or Contractors access to the property to conduct these inspections.</p>
	<p>EMERGENCY ACCESS</p> <p>In case of an emergency, it may not be possible to provide reasonable notice in order to access the property to prevent damage to people and property. Every effort will be made to contact the tenant, if this is not possible, entrance will be gained causing minimum damage to the property. A crisis assessment will take place.</p>

	<p>BREACHING YOUR TENANCY AGREEMENT Where a tenant chooses to breach their Tenancy Agreement, the appropriate informal or formal action will be taken to rectify the matter.</p>
	<p>DECANT In some circumstances we may need to move you from your property whilst we make alterations, carry our repairs or regeneration work. In such cases the Council will find suitable temporary or permanent accommodation whilst the work is being carried out. When this situation arises each case will be assessed on its individual merit.</p>
	<p>DOOR FOBBS If a door fob to a communal entrance has been misplaced or lost any additional fobs requested will be charged for and must be paid for in advance before being supplied.</p>
	<p>ENDING A TENANCY A tenant may end their tenancy with the Council by providing four weeks written notice, starting on a Monday and ending on a Sunday. This applies to a tenant who chooses to leave their home to relocate either to another Social Landlord, Housing Association, Private Landlord or if they are buying a property on open market.</p> <p>Joint tenants can end their tenancy jointly or solely, once a notice for ending a joint tenancy has been accepted, the tenancy ends for both tenants.</p> <p>If a tenant has vacated their property for more than 28 days without giving the required notification, the Council may issue a Notice to Quit and commence legal proceedings for possession of the property.</p> <p>If a tenant dies, contact will either be made with the Next of Kin or the Executor/Administrator of the Estate to clarify the payment of any rent or outstanding housing debt. Whilst the Estate is being resolved, rent will be charged until the keys have been returned to Tenant Services.</p>
	<p>HOARDING The Council recognises that hoarding takes place in a minority of its properties. Once the Council becomes aware of this, it will make every effort to work with the tenant; however, this cannot take precedence over the Council's Health and Safety responsibilities. If tenants choose not to engage with the Council on this matter then legal action will be sought to bring the matter to its rightful conclusion.</p>
	<p>HOME CONTENTS INSURANCE The Council does not provide home contents insurance, however, it does expect tenants to take out appropriate home contents insurance to protect their belongings in the event of a fire, theft, accidental damage or natural disaster.</p> <p>Details of the Council's insurance provider should be given to tenants on request, at sign up or during home visits made by Tenant Service's Officers.</p>
	<p>IMPROVEMENT WORKS The Council will carry out improvement works to our properties and this will be done on a scheduled basis. When improvement works are going to be undertaken at our properties the Council will give the tenant advance notice by writing to them explaining what works are, how they will be carried out, and when they are due to start.</p>
	<p>MUTUAL EXCHANGES In order for tenants to exchange their home with another tenant they must get the Council's written permission first and the other tenant must get permission from their landlord.</p> <p>This only applies to Secure tenancies. Introductory and Non-Secure tenants cannot mutually exchange.</p>

	<p>PROPERTY ALTERATIONS Tenants must have written permission from the Council prior to undertaking any alterations or additions to their home. This includes satellite dishes, aerials and external decorations.</p> <p>This only applies to Secure tenancies. Introductory and Non-Secure tenants cannot carry out property alterations.</p>
	<p>RECHARGEABLE REPAIRS Repairs which are caused by the mistreatment of a tenant will be categorised as a recharge and remain the responsibility of the tenant. The tenant can opt for Tenant Services to carry out the repair, however, payment for this must be made before the works commence.</p> <p>Alternatively, the repair can be carried out by a qualified tradesman of the tenant's choosing; in which case a post inspection will be undertaken by Council.</p>
	<p>RIGHT TO BUY All tenants, with the exception of sheltered, Introductory and Non-Secure, have the Right to Buy providing they meet the qualifying criteria.</p>
	<p>SUB-LETTING Tenants are able to sub-let part of their home with written permission from their Neighbourhood Management Officer.</p> <p>This only applies to Secure tenancies. Introductory and Non-Secure tenants cannot sub-let part of their home.</p>
	<p>TENANCY CHANGES For changes to a tenancy from joint to sole or sole to joint, all requests must be made in writing giving the reason(s) for the assignment.</p> <p>Before the Council grants permission an assessment of the existing tenancy will be reviewed taking into consideration the tenant's behaviour, tenancy fraud, and any breaches or notices served.</p> <p>This only applies to Secure tenancies. Introductory and Non-Secure tenants cannot assign their tenancy.</p>
	<p>TENANCY FRAUD The Council recognises that tenancy fraud presents a significant challenge in eradicating behaviour in a minority of our tenants, who want to pursue carrying out fraudulent activities, whilst residing in our properties.</p> <p>The Council will take the appropriate action against any tenant found to be committing a tenancy fraud; the Council will always consider taking legal action against this activity.</p>
	<p>UNAUTHORISED OCCUPATION Where the Council becomes aware that any property it owns and manages has been occupied by a person, and/or persons, who do not have the Council's authorisation to occupy the property, it will take firm action to remove the unauthorised occupiers from the property.</p>
	<p>ABANDONED POSSESSIONS The Council will act in accordance with legislation and within the General Data Protection Rules in relation to the handling and disposal of possessions and information which is sensitive and/or personal data remaining in a property at the end of a tenancy.</p>

	<p>If a tenant has vacated the property for more than 28 days, without giving the required notification, we may issue a Notice to Quit and commence legal proceedings for possession of the property. Any work undertaken to gain entry and subsequently secure the property as a result of a warrant of eviction will be recharged against the tenant.</p> <p>Where a property has been left following a legal process; the Council will progress with repossession in line with the relevant management processes which deals with this matter.</p> <p>The ownership of abandoned vehicles found on housing estates will be properly investigated. If the registered owner refuses to remove the vehicle, the Council will do so and the owner will be recharged for any costs incurred.</p>
	<p>ANTI SOCIAL BEHAVIOUR ACTIVITIES</p> <p>Acts of vandalism where the perpetrator is known will be reported to the Police.</p> <p>If the perpetrator is a tenant or member of the tenant’s family or friend or visitor, any associated costs to rectify this matter will be recharged to the tenant(s).</p> <p>Where incidents of vandalism are recurrent, the Council will work closely with the Police to consider all appropriate action to cease the vandalism.</p> <p>Where graffiti is of an unsavoury nature and can cause an offence the graffiti will be removed within 24 hours.</p> <p>Where hazards exist, such as hypodermic syringes, faeces, blood, or other such fluids, the Council will deal with these promptly to minimise health and safety to our tenants.</p> <p>The Council accepts that from time to time neighbour disputes may arise due to differing lifestyles and values. In such cases, tenants will in the first instance be encouraged to resolve difficulties with their neighbours on an amicable basis.</p>
	<p>CCTV</p> <p>A number of areas have CCTV presence. CCTV is passively monitored and footage will only be viewed when required. If CCTV is to be installed, a proper legal process will be followed. If alterations are to take place with the CCTV, consultation will take place with the affected tenants.</p>
	<p>CLEANING OF COMMUNAL AREAS</p> <p>The Council will ensure that communal areas are regularly cleaned.</p> <p>The Council will maintain all shared hallways and gardens making sure these areas are clean and tidy.</p> <p>The Council will ensure all shared hallways are kept clear of any items or debris.</p> <p>Regular visits will be made to inspect these areas to ensure they have been cleaned and no articles remain a hindrance to these areas.</p>
	<p>COMMUNAL BIN STORES</p> <p>Communal bin stores are for the sole use of our tenants and must be used in accordance with the guidelines prescribed by the Council. Where tenants are abusing these areas and extra services are required to be provided, the costs for recouping these will be through service charges.</p> <p>Where non tenants are causing the problem through fly-tipping, the Council will thoroughly investigate, working in partnership with civil enforcement to identify and prosecute the perpetrator(s); making sure the full cost of this service is recovered.</p>

	<p>COMMUNITY INVOLVEMENT The Council aims to foster good relationships with its tenants in providing a high quality service which maintains and improves the external environment of its estates. To do this the Council will seek appropriate consultation mechanisms to support community activities and promote service specific projects.</p>
	<p>EQUALITY AND DIVERSITY The Council is committed to providing services which embrace diversity and promote quality of opportunity. The Council's goal is to ensure these commitments reinforce the Council's values and are embedded in our day to day working practices.</p>
	<p>ESTATE IMPROVEMENT The Council will work positively with our various tenant representatives and the community to deliver well-kept estates where anyone would be proud to live.</p> <p>By working jointly to finance specific activities which would benefit the whole community this should make our estates the most attractive places to live and thrive.</p>
	<p>ESTATE INSPECTIONS The Council will undertake a regular programme of inspections of our housing estates, to monitor the quality of the environment.</p> <p>The Council will prioritise the estate inspections which will identify the regularity of estate inspections required.</p> <p>The estate inspections will take into account all assets owned by the Council, including pavements, roads, fencing, trees, hedges and play areas.(this is not an exhaustive list)</p> <p>Tenants who have gardens, hedges, trees, shrubs, bushes and fences, which form part of their property, must keep these areas clean and tidy. These areas must not be used to store furniture, vehicle parts or any other items unless permission has been given by the Council.</p> <p>Where a tree preservation order exists work must not commence unless written permission is given by the Council.</p>
	<p>GARAGES The Council will manage garages on housing land in such a manner as to maximise income whilst ensuring an efficient and effective service for garage tenants. Garages are not being currently offered as they form part of the small sites project.</p> <p>Regular inspections will take place to ensure these areas are maintained to a sufficient standard, preventing a hazard to health.</p>
	<p>GROUNDS MAINTENANCE The Council will ensure that work is undertaken on a routine basis to ensure that communal grounds on housing estates are maintained to a good standard.</p> <p>Grounds maintenance will take place between March and October weather permitting with the inclusion of strimming, shrub pruning, weed control, litter picking and footpath clearance.</p> <p>In cases where the Council does not have direct control of maintaining the grounds maintenance, we will work closely with stakeholders to ensure these areas are catered for within the terms of this policy.</p>

	<p>PARKING All vehicles parking within the Council's car parks must have a current valid road tax and be roadworthy.</p> <p>The only exceptions to this requirement is the allowance of contractors having to use these areas to park in, in order to carry out repair work to the Council's properties, or the emergency services to attend due to a health risk.</p> <p>Caravans, Motor homes and Trailers should not be parked in Council owned car parks.</p>
	<p>PETS The Council accepts that keeping pets offers significant benefits to their owners and, therefore, encourages it. Tenants may keep animals in their accommodation with written permission from the Council. As specified by the Council's Pet Policy.</p> <p>Pets must be kept under proper control at all times, in a safe and hygienic manner and must not cause a nuisance, annoyance or harm to anyone in the community</p> <p>Pets should not cause damage to any parts of the property owned by the Council.</p> <p>Fouling or mess created by a pet(s) must be cleared up immediately and in a hygienic manner.</p>
	<p>PLAY AREAS Play areas owned by the Council will be maintained and regularly inspected to ensure they are safe to use.</p> <p>From time to time assessments will take place to establish the validity of the play areas; if the result of any assessment identifies a redundant play area, the Council will consult with the affected tenants and take the appropriate action.</p>
	<p>PROPERTY INSPECTIONS AND THE DETERIORATION OF PREMISES The Council will inspect the homes of tenants to ensure that they are complying with their conditions of tenancy. Where tenant's actions result in the deterioration of our property we will take action to tackle this problem.</p> <p>Guidance and advice will always be given when managing a deteriorated premises and it is the responsibility of the tenant to maintain their property to a good standard. Where there are repeat offenders or tenants are unwilling to engage with this process, consideration may be given to a legal remedy.</p>
	<p>Relevant legislation and regulatory compliance The Council will ensure that it manages its estates in accordance with relevant policy and legislation.</p>
	<p>REMOVAL OF LITTER The Council will act to remove litter from communal land on housing estates, to ensure that our estates provide a high quality living environment.</p> <p>In the case of fly tipping the Council will endeavour to find and prosecute the perpetrator(s) and in doing so will utilise the best methods to achieve this.</p>
	<p>SATELLITE DISHES AND TV AERIALS The Council recognises that our tenants enjoy the total use of their property and in doing so may want additions to compliment the property.</p> <p>Tenants must have written permission prior to undertaking any works in relation to satellite dishes and aerials. Where permission is granted, the tenant will be responsible for any damage caused to the property and/or the property of others through the dish or aerial being installed, dismantled or becoming dislodged.</p>

	Communal aerials are maintained by the Council.
	<p>STREET LIGHTING Where the Council is aware of a defective street light, in adopted areas, this will be reported to Gloucestershire County Council, for an inspection or a repair to be carried out. The Council will expect our tenants to do the same.</p> <p>The exception to this is where the Council owns street lamps on its estates the Council will carry out the repair work.</p>
	<p>TREE MANAGEMENT Trees which are located within the Council's communal areas will be maintained in line with the Council's tree policy.</p> <p>Trees situated in a tenant's garden will remain the responsibility of the tenant. Guidance will be given to tenants who struggle to maintain trees in their gardens.</p>
	<p>TRESPASSING ON HOUSING LAND The Council will act promptly to address encroachment on communal land in our ownership; this will include the management of abandoned vehicles/possessions.</p>
	<p>UNAUTHORISED OCCUPATION OF COUNCIL HOUSING Where the Council becomes aware that any property it owns and manages has been occupied by a person, and/or persons, who do not have the Council's authorisation to occupy the property, it will take firm action to remove the unauthorised occupiers from the property.</p>
	<p>VERMIN AND PEST CONTROL The Council will take action to address vermin/pest infestations on communal land/areas and will work with tenants to address pest infestations in individual properties.</p> <p>Vermin/pests infestations which occur in individual homes remain the responsibility of the tenant; guidance and advice will be given to tenants as to who to contact to resolve the issue.</p>

	<u>SHELTERED HOUSING (SPECIFIC):</u>
	<p>Communal Lounges Communal lounges can only be used by external organisations with the relevant written permission from the Site Officer.</p>
	<p>Fire Risk Assessments These assessments are carried out weekly within all sheltered communal areas to ensure they are fire risk free.</p> <p>All fire risk assessments are managed in line with Health and Safety regulations.</p>
	<p>Health and Safety</p> <p>PAT Testing Site Officers will PAT test all communal electrical equipment; portable equipment every 6 months and static equipment every 12 months.</p> <p>Legionella Water Testing All communal showers and low use outlets will be tested on a weekly basis by Site Officers to achieve the relevant water temperatures.</p> <p>Mobility Scooters Must not be stored or charged in communal hallways. Where storage or charging facilities are made available, these must be used.</p>
	<p>Suited Locks Where a suited lock is in place and keys for this type of lock are misplaced or lost, requests for replacement keys will be recharged and must be paid for in advance of being supplied.</p>
	<p>Support Plans These will be assessed by a Support Co-ordinator to assess the tenant's needs.</p>