

Appendix 2

THURROCK COUNCIL

**TENANCY
MANAGEMENT POLICY**

DRAFT

Version 1
Owner TBC/ BN

Contents

	Page
Introduction	3
Context	3
Section 1 Types of Tenancies	4
Existing and New Secure Tenancies	4
Introductory Tenancies	7
Demoted Tenancies	10
Family Intervention Tenancies	13
Temporary Decant Tenancies	13
Providing support to vulnerable tenants	13
Succession of properties	13
Appeals and review requests from Tenants	14
Section 2 Tenancy Conditions	
Rents Policy	15
Safety in and around the tenants home	18
Maintaining the property	20
Tenants looking after the community	20
Stamping out bad behaviour	26
Customer Service	27
Getting Involved	27
Changing home/ transferring home	29

Introduction – What this document is about

This document sets out the types of tenancies Thurrock Council will offer and the way in which they will be managed by Thurrock Council.

The policy has been developed with due regard to the Housing Strategy, Allocations Scheme and Housing Revenue Account Business Plan (HRA) as well as the councils overall aims and objectives. The policy has been subject to consultation with existing tenants, potential tenants, council staff, Members, partnership organisations and departments. A summary of consultation undertaken, comments and responses, is included as appendix 3.

Context

The Tenancy Management Policy is needed to clearly define the types of tenancies which will be granted and explain the reason for such decisions. The types of tenancies issued will relate closely to the behaviour of tenants to ensure they behave responsibly and are considerate to needs of the community.

In addition, the policy will also explain the way in which tenancies will be managed, for example how rent will be paid, how anti-social behaviour will be managed amongst other common tenancy conditions.

The policy supports the HRA Business Plan objectives of:

- Meeting acute housing need
- Supporting sustainable and mixed communities.

The policy has taken into account the needs of vulnerable tenants; subsequently an impact assessment has been carried out. A full Equalities Impact Assessment has been attached as appendix 4.

Thurrock Council seeks to improve the quality of life in the borough for tenants and to create safe, secure and sustainable communities.

Section 1 - Types of Tenancies

Different types of tenancies will be granted, and are dependent on the behaviour and circumstance of the new tenant. This section will explain what the aims and objectives of these tenancies are, as well as define the tenant's rights and the council's responsibilities.

Tenancies;

- Existing Secure Tenancies (pre- April 2012)
- New secure Tenancies (post April 2012)
- Introductory Tenancies
- Demoted Tenancies
- Family Intervention Tenancies
- Temporary Decant Tenancies:

Existing and New Secure Tenancies

Existing tenants, who had a secure tenancy before April 2012, will continue to benefit from the full legal rights of their council tenancy.

This means that tenants may occupy their home for as long as they wish, unless the council obtains a Court Order evicting them.

A Court Order can only be obtained if the tenant breaches one of their tenancy obligations, such that, there is a ground for possession of the property, or the Council needs to move the tenant out for a particular reason. In such circumstances the Council may apply to the Court for an eviction order. The court has to agree with the council's application to evict a tenant from their home before any eviction may legally take place.

This could be for one of the following reasons:

- A condition of the tenancy has been breached
- False information was given on the housing application which resulted in the tenancy being offered when it should not have been. In these cases the tenant will not be able to apply for another council property for 2 years following eviction, in line with the allocations scheme.
- There are special circumstances requiring the council to move tenants temporarily or permanently. Tenants will be offered a suitable alternative home, and they will normally receive compensation or help with moving costs (or both) depending on the circumstances.

Tenants with a secure tenancy must ensure that they adhere to the common conditions of tenancy set in this policy, since they, along with all other secure tenants have a duty to behave responsibly and be accommodating to the needs of the community. Should they fail to comply with the policies within this document, the council will apply for a court order to seek possession and evict the tenant. Tenants could be classed as "intentionally homeless" under homeless legislation if this action is taken. If so, there may be no further duty upon the Council to re-house them.

Aims of a secure tenancy

- Balance the needs of the individuals with those of the existing community and neighbours
- Provide a fair and open system setting clear guidelines in relation to the expected behaviour of new tenants
- Promote and encourage clear messages and standards for existing tenants that indicate the councils commitment tackling unacceptable behaviour such as anti-social behaviour
- Continue to promote and encourage tenancies that are sustainable in the long term and contribute to stable communities
- Ensure that the policy operates consistently within the law and other policies relating to tenancy management.

Objectives of secure tenancies

- Continue to provide security to existing secure tenants and their families.
- Continue to encourage tenants to behave well, in line with the policies identified in this document
- Continue to encourage tenants to benefit from community involvement and development.

Council's responsibility to secure tenants

Whilst managing secure Tenancies, the council will;

- Support existing tenants in maintaining their tenancies and help manage the risk of tenants failing to keep their tenancies
- Provide tenants with opportunities to get involved with community activities and service development through consultation
- Work proactively to support vulnerable tenants including those over 65, those with mental health issues, those who have suffered from abuse and those with families.
- Work with tenants and establish, where necessary, clear action plans to improve the tenant's behaviour and engage with the appropriate agencies.
- Promptly investigate any breach of the tenancy and assess relevant evidence, implementing an action plan where necessary.
- Take seriously any allegations of anti-social behaviour, domestic violence and illegal activity. Ensure appropriate evidence and corroboration is there to support allegations and action, by talking to all parties, including the police.
- Complete any initial investigations within a reasonable period of time, and ensure ongoing updates are given to both the complainant and where appropriate the accused tenant.
- Act in accordance to other policies as required taking appropriate action.

Secure tenants have the right to;

- live in the property for the rest of their lives providing they comply with the requirements of the tenancy agreement;

- buy the property after a qualifying period;
- pass on the tenancy upon death to certain qualifying family members, providing that the tenant had not themselves succeeded to the tenancy;
- take in lodgers and sub-let part of the property;
- carry out improvements (subject to the written consent);
- be compensated for certain improvements (subject to written agreement);
- exchange one property for another one;
- be consulted on housing related matters that affect the tenancy
- Have urgent repairs done within the specified timeframes
- Be informed about the councils performance as a landlord
- Be consulted with service improvement and development projects

Ending the Secure Tenancy

A sole tenant, or either one of the tenants in a joint tenancy, may end a secure tenancy by giving not less than four weeks written notice (to end on a Monday). In exceptional circumstances the council may agree to the tenancy being surrendered by giving less than four weeks written notice. Only one of the joint tenants need provide the notice to quit, however it must be noted that this will legally end the tenancy on behalf of both joint tenants.

The council can only end a secure tenancy by serving a Notice of Seeking Possession and obtaining a court order for possession. (Schedule 2 of the Housing Act 1985 sets out the grounds for possession).

Where tenancies are abandoned security of tenure is lost. A Notice to Quit will be served by the Council and legal action commenced to repossess the property unless the Council considers that it has grounds to proceed without going to court.

Introductory Tenancies

Thurrock Council will use Introductory Tenancies as a part of a range of methods to help tenants sustain their tenancies by developing acceptable behaviour that characterises a good tenant. They provide a trial period, usually one year, during which time new tenants will be able to demonstrate their ability to become good tenants.

Where new introductory tenants breach their tenancy conditions, quick, reasonable and proportionate action can be taken to end the tenancy more quickly than a secure tenancy.

Typical examples of where the council are likely to end an introductory tenancy are;

- The tenant causing or allowing visitors or a member of their household to cause nuisance, annoyance, engage in anti-social behaviour or carry out illegal activities
- A tenant failing to pay the weekly rent, or consistently paying their rent late
- A serious breach of one or more of the other conditions of the tenancy agreement.

Introductory Tenancies will only be given to new tenants; for example Mutual Exchange or Transfer applicants will not be subject to this type of tenancy. However former tenants who are offered a new tenancy after the commencement date for the policy would be offered this type of tenancy. The only exception to this will be those moving into sheltered accommodation. These tenants will automatically be given a secure tenancy due to the type of property and purpose of their move.

If the tenant had a previous introductory tenancy or held an assured short hold tenancy from a registered social landlord, the length of such a tenancy can be considered as part of the new timeframe, providing there is no break between the two tenancies. This standard will apply for both sole and joint tenancies.

Introductory tenants will become secure tenants when their 'trial period' comes to an end.

Aims of Introductory Tenancy

- Balance the needs of the individuals with those of the existing community and neighbours
- Provide a fair and open system setting clear guidelines in relation to the expected behaviour of new tenants
- Establish clear messages and standards for new and potential tenants that indicate the council's commitment tackling unacceptable behaviour such as anti-social behaviour
- Establish tenancies that are sustainable in the long term and contribute to stable communities
- Ensure that the policy operates consistently within the law and other policies relating to tenancy management.

Objectives of Introductory Tenancies

- Deter new tenants from behaving anti-socially or criminally
- Reduce Anti social behaviour and nuisance behaviour among new tenants
- Encourage community stability and cohesion
- Reduce the impact of residents who behave anti-socially
- Enable early action for any serious breach of the tenancy agreement
- Encourage regular payment of rent

Council's responsibility to Introductory Tenants

Whilst implementing the Introductory Tenancy, the council will;

- Support new tenants in maintaining their tenancies and help manage the risk of tenants failing to keep their tenancies
- Work proactively with tenants and prevent the need for possession action by developing clear action plans, supporting the tenants and engaging with appropriate agencies.
- Provide support and help to vulnerable individuals to allow them to improve their quality of life within the community.
- Promptly investigate any breach of the tenancy policy, and assess what evidence there is to support action to terminate the tenancy.
- Take seriously any allegations of anti-social behaviour, domestic violence and illegal activity. Ensure appropriate evidence and corroboration is there to support allegations and action, by talking to all parties, including the police.
- Complete any initial investigations within a reasonable period of time, and ensure ongoing updates are given to both the complainant and where appropriate the accused tenant.
- In the case of anti social behaviour, to act quickly and proportionately, case planning potential future actions.
- Act in accordance with other policies as required and to take appropriate action.
- Adhere to the principles of the Court pre-action protocol
- Ensure action taken is proportionate to the allegations/ nature of the breach and human rights of the individual.
- Continuously review the behaviour of the tenant, members of the family or visitors, working in partnership with appropriate agencies to ensure that all conditions of the policy are adhered to.
- Advise the tenant of the reason for the decision to proceed with possession, and also inform the tenant of their right to request a review of that decision within 14 days
- If the tenant requests a review, conduct this in accordance with the Introductory Tenants (Review) Regulations 1997. This will be conducted by a senior officer of Thurrock Council who was not involved in the original decision to proceed with possession

Introductory Tenants rights

Introductory Tenancies are very basic, and tenants do not enjoy the majority of rights held by secure tenants. In particular, the Housing Act 1996 denies Introductory Tenants a number of rights given to secure tenants.

They do not have a right to;

- Exchange their property with any other Tenant
- Transfer the tenancy, unless ordered by the court or in other limited circumstances
- Take in lodgers or sublet or part with possession of the property
- Make improvements to the property
- Buy their home (however, the period of Introductory Tenancy may count towards the qualification period of the right to buy).

Length of Introductory Tenancy

Introductory tenancies will usually last for 12 months, in accordance with the requirements of the Housing Act (1996), however they can be extended for a further 6 months, if the Council decides this intervention, and ongoing review, is required. Where this is the case, the Council will serve a Notice of Extension at least 8 weeks prior to the date of the 12 month anniversary of the tenancy, and clear reasons will be provided for such a decision.

The Introductory tenant may request a review of this decision, preferably in writing within 14 days of receiving the Notice of Extension. A senior independent officer will undertake the review.

Should the council be satisfied that the tenant has behaved in accordance with the tenancy agreement – they will automatically be transferred to a secure tenancy once the initial twelve months has ended.

No further information or confirmation of this action will be provided.

Ending the Introductory Tenancy

If a decision is made by the Council to evict the tenant, a Notice of Proceedings for Possession will be served on the introductory tenant, which will set out the reason for the decision. The tenant will also have the option to request a review of this decision, by an independent senior officer. If after the review, or in the absence of any request for a review, a decision is made to proceed with the eviction, the Council will make an application to the County Court for a Possession Order. It is the court which has the authority to legally end the tenancy, the outcome being that the Tenant and their family are likely to be required to leave their home.

Introductory Tenancies are not secure and therefore the courts do not have discretion on whether to grant possession, providing the correct procedure has been followed.

When deciding to end an Introductory Tenancy the council will consider the level of support they have offered and whether this is deemed reasonable and timely, in accordance to the responsibilities set out in this policy.

A sole tenant, or either one of the tenants in a joint tenancy, may end a secure tenancy by giving not less than four weeks written notice (to end on a Monday). In exceptional circumstances the council may agree to the tenancy being surrendered by giving less than four weeks written notice. Only one of the joint tenants need provide the notice to quit, however it must be noted that this will legally end the tenancy on behalf of both joint tenants.

Demoted Tenancies

Demoted Tenancies are one of a range of methods that will be used to manage tenants who are participating in, or creating anti-social behaviour within the community. Other methods include Good Neighbour Agreements, Anti-Social Behaviour Orders, Injunctions and Possession proceedings.

The introduction of these tenancies is intended to send out a clear message about Thurrock Councils commitment to combat anti-social behaviour.

Demotion orders are seen as a deterrent to continued anti social behaviour; they will give a serious warning to tenants that if anti-social behaviour continues, the Council will take swift action to deal with unacceptable behaviour including reducing certain rights and the possibility of ending their tenancy.

If a secure tenant, a member of their household or a visitor, is carrying out acts of anti-social behaviour, Thurrock Council can apply to the County Court for a Demotion Order. A Demotion Order has the effect of terminating a secure tenancy and replacing it with a demoted tenancy.

To obtain such an order the judge must agree with the Council that it is reasonable to demote the tenancy based on the facts of the case.

A demoted tenancy provides less security. Should the demoted tenant continue to breach the tenancy conditions, or indulge in anti-social behaviour, an eviction will be sought. It is a method of encouraging tenants to discontinue anti-social behaviour and where this is not possible, to speed up possession.

It also means a number of rights normally enjoyed by a secure tenant are terminated during the period of demotion, such as the right to buy and mutual exchange.

Aims of Demoted Tenancies

- Provide a fair and open system setting clear guidelines in relation to the expected behaviour of tenants
- Establish clear messages and standards for existing and potential tenants that indicate the councils commitment in tackling unacceptable anti-social behaviour
- Establish tenancies that are sustainable in the long term and contribute to stable communities
- Ensure that the policy operates consistently within the law and other policies relating to tenancy management.

Objectives of Demoted Tenancies

- Deter tenants from behaving anti-socially
- Reduce anti- social behaviour and nuisance among tenants and encourage good behaviour
- Encourage community Stability and cohesion
- Reduce the impact of residents who behave anti-socially
- Enable early action for any serious breach of the tenancy agreement

Council's responsibility to Demoted Tenants

Whilst implementing Demoted Tenancies, the council will;

- Take seriously any allegations and investigate whether they are true and what evidence there is to support action.
- Aim to complete the initial investigation within a reasonable period of time, agreed with the complainant dependent upon the nature of the complaint.
- Act in accordance with other related policies such as the Anti-Social Behaviour Policy.
- Obtain corroboration of the complaints through other tenants and partner agencies, including the police.
- Ensure the approach taken is proportionate to the allegations and develop clear action plans and engage with appropriate agencies to ensure appropriate levels of support are given.
- Work with perpetrators to prevent the need for litigation wherever possible.
- Provide support and help to vulnerable individuals to allow them to improve their quality of life within the community.
- Act quickly to prevent and deter anti-social behaviour and where it continues, make timely decisions on the next course of action including the use of demoted tenancies.
- Continuously review the behaviour of the tenant, members of the family and visitors, following the granting of a demoted tenancy order, and taking action where it continues.
- Advise the tenant of the reason for its decision to proceed with possession, and also inform the tenant of the right to request a review of that decision within 14 days.
- If a review is requested by the tenant, conduct this in accordance with the Demoted Tenants (Review) Regulations 2004. A senior officer, not involved in the original decision to demote the tenancy will conduct the review.
- Decide each case on its own merits and will apply this policy accordingly. There will be no blanket policy applied to cases or types of cases.

Demoted tenants rights

Demoted Tenancies are very basic, and rights are similar to tenants holding an introductory tenancy. In particular, demoted tenants do not have the right to;

- Exchange their property with any other Tenant
- Transfer the tenancy, unless ordered by the Court or in other limited circumstances
- Take in lodgers or sublet or part with possession of the property
- Make improvements to the property
- Buy the property (however, the period of Demoted Tenancy may count towards the qualification period of the right to buy).

Length of demoted tenancies

Demoted tenancies will usually last for 12 months, however they can be extended for a further 6 months, if the Council decides this intervention, and ongoing review, is required. Where this is the case, the Council will serve a Notice of Extension at least 8 weeks prior to the date of the 12 month anniversary of the tenancy, and clear reasons will be provided for such a decision.

The demoted tenant may request a review of this decision, preferably in writing within 14 days of receiving the Notice of Extension. A senior independent officer will undertake the review.

Should the council be satisfied that the tenant has behaved in accordance to the tenancy agreement – they will automatically be transferred back to a secure tenancy once the twelve months has ended. No further information or confirmation of this action will be provided.

Ending the Demoted Tenancy

If a decision is made by the council to evict the demoted tenant, the tenant will receive a Notice of Proceedings for Possession, which will set out the reason for the decision. The tenant will also have the option to request a review of this decision by an independent senior manager. If after the review, or in the absence of any request for a review, a decision is made to proceed with the eviction, the council will make an application to the County Court for a Possession order. It is the court which has the authority to legally end the tenancy, the outcome being the Tenant and their family are likely to be required to leave their home.

Demoted Tenancies are not secure and therefore the courts do not have discretion on whether to grant possession, providing the correct procedure has been followed. They can however, intervene with regards to the time the tenant has to vacate the property, which can be varied by the Court from immediately to 42 days.

When deciding to end a Demoted Tenancy the council will consider the level of support they have offered and whether this is deemed reasonable and timely, in accordance with the responsibilities set out in this policy.

A demoted sole tenant, or either one of the demoted tenants in a joint tenancy, may end a secure tenancy by giving not less than four weeks written notice (to end on a Monday). In exceptional circumstances the council may agree to the tenancy being surrendered by giving less than four weeks written notice. Only one of the joint tenants need provide the notice to quit, however it must be noted that this will legally end the tenancy on behalf of both joint tenants.

Family Intervention Tenancies (FIPs)

This section will explain about these tenancies – the aims, objectives and rights of tenants.

These are special tenancies, again used to tackle serious anti-social behaviour issues and “problem” families. They are designed to allow intensive family support work by a FIP worker to engage the families concerned in positive behaviours.

Temporary Decant Tenancies:

This section will explain about these tenancies – the aims, objectives and rights of tenants.

Such tenancies are used to provide temporary accommodation for tenants who need to move out of their main home in order for major repair works to take place. Once the repairs are completed, the tenant then moves back.

Providing support to vulnerable tenants

Vulnerable Tenants

Every effort will be made to support all tenants and avoid the route of terminating a tenancy and leaving a tenant without a home. The vulnerable working protocol highlights the way in which the council will identify, manage and provide appropriate support to vulnerable groups of the community. *This protocol is currently under review.*

Succession of properties

Under provisions introduced by the Localism Act 2011, there is no automatic right of succession regarding secure tenancies granted after April 1st 2012, except in the case of spouses and civil partners, who had been living in the property at the time of the tenant’s death. This also applies to people who were living with the tenant as the tenants spouse or civil partner

In addition to this statutory requirement, the Council has extended these rights so that all new secure tenancies let from the implementation date of this policy **DATE** will include a further right of succession as follows:-

1. To a capable, adult child (biological offspring, step-child or adopted child), who has been living in the home for at least 2 years before the death of the parent who was the tenant, whether the deceased tenant was a successor or the original tenant.
2. To a capable, adult sibling who has been living in the home for at least 5 years before the death of the original tenant.

Note: Capable, adult is someone 18 and over, and who has capacity within the terms of the Mental Capacity Act. A child between 16 and 18 may be supported by Social Services, and the tenancy placed in trust until they are 18.

Again, these additional rights will only be granted to children, where the council have received appropriate notification and evidence of living arrangements.

In addition when tenants with a new secure tenancy (post April 2013) transfer or carry out a mutual exchange within the social housing sector in Thurrock, they retain the rights of succession granted in their first tenancy.

Demoted and Introductory tenancies can only be succeeded by the spouse or civil partner of the original tenant, not the children. It is important to note that the type of tenancy succeeded will be the same as the original one held by the tenant.

Appeals and review requests from tenants

Sets out the procedures for requesting a review of a decision or making a complaint.

Section 2 Tenancy Conditions

Rents Policy

The local council is responsible for setting the level of rent based on how much it needs to spend on services for its tenants. Rents will be published, giving reasonable notice of any changes (usually at least one month). The Council uses a Government recommended method of calculating rent based on the capital value of each property (taking into account property size and area)

As well as rent, the total amount charged to tenants may include communal heating/ television licences, water, any caretaking or concierge charges.

Rent must be paid monthly in advance. This ensures that the rent account starts positively and free from debt, encouraging good rent payment. This would also put all tenants on the same footing as private tenants and mortgage payers. It will also help the Council reduce the risks of late payment once Universal Credit is introduced, which will be paid to claimants at the end of the month like a salary.

Tenants can pay their rent in many different ways including online payments via the Councils website, standing order, at any post office or pay point outlet, sending a cheque to the council or via the contact centre.

Tenants are responsible for paying their rent on time and notifying the Council if they have problems doing this, as soon as possible. Thurrock Council will endeavour to help tenants as much as possible to minimise the rent arrears and assist with maintaining a healthy rent account.

The Council will assist tenants in the following ways;

- Ensuring tenants understand the importance of paying rent/service charge and what will happen if this is not adhered to.
- Offering a choice of how to pay rent, e.g. by standing order, at the Post Office, at Pay-points , online etc.
- Advising of changes to any rent/service charges.
- Informing tenants if their account goes into arrears.
- Helping tenants to obtain advice on debt and managing their money.
- Advising tenants about benefit claims.
- If tenants have any support needs, the team will refer them to an appropriate service and work with them.
- Ensuring that a home visit is carried out within 2 weeks of tenant/s taking up a new tenancy, these are called Post Tenancy Visits.
- Advising tenants about the home content insurance scheme which is designed specifically for council tenants. The insurance is paid with the tenants rent.

Rent arrears

Arrears will be dealt with in the following way before they are progressed to the Arrears Panel;

1. A reminder letter will be sent within one week of the account entering arrears.
2. A Notice of Seeking Possession is served by the time the account is over one month in arrears.
3. During the time above, the Council will try to meet the tenant, to make an arrangement to bring the account up to date.

Once a tenant has been evicted from a property, they will not be able to apply for Thurrock Council housing for 2 years from the eviction date, except in exceptional circumstances

The Council has a statutory duty to recover all rents due in order to discharge its financial obligations to manage the Housing Revenue Account (HRA) prudently and avoid a deficit occurring under the Local Government and Housing Act 1989. The Council's policy in connection with the recovery of rent arrears is a combination of tenancy enforcement and welfare support

The council is able to enforce a tenancy agreement by applying to the County Court for a possession order of a property for non-payment of rent under S84 of the Housing Act 1985. The request for possession is based on Schedule (2) Ground (1) that "Rent lawfully due has not been paid or an obligation of the tenancy has been broken or not performed." The court must be satisfied that the ground is valid and that it must be reasonable to make an order. In deciding what is reasonable it may consider the conduct of both parties and the public interest.

The only purpose of welfare support in relation to the Council's rent recovery responsibilities is to secure a reduction and ultimately clear an individual tenant's arrears. Any support plans must therefore clearly demonstrate how re-payment of debt will be made and over what time. Effective support, however, will need to tackle the root cause of any debt problem in each case. Thus, support should be tailored to each tenant's needs. This could mean help being required with one or a number of the following applicable vulnerabilities:

- ❑ Money management and debt counselling.
- ❑ Welfare benefit, and employment and training advice.
- ❑ Mental health (ranging from depressive illnesses, disease (Alzheimer's etc) to various psychiatric disorders) and learning difficulties.
- ❑ A household crisis, such as a relationship breakdown, bereavement, or a serious illness etc.
- ❑ A crime that has had a temporary, but serious and disturbing effect on the ability of a victim to manage day-to-day life.
- ❑ A tenant who is an ex-offender and in receipt of on-going support from the Probation Service for whatever reason.

Arrears Panel

The Arrears Panel has delegated authority to make decisions to evict tenants in rent arrears in accordance with the Arrears Recovery Procedure. No tenant may be evicted for rent arrears without the agreement of the Arrears Panel.

The Panel meets every two weeks to consider arrears cases where tenants have failed to comply with the terms of a Court Order for possession or where an outright order for possession has been granted. Where an eviction is suspended by the Court on application by the tenant, a new decision to evict must be obtained from the Arrears Panel before a new application for a warrant may be submitted.

No tenant may be evicted for rent arrears without the agreement of the Arrears Panel.

The Panel is empowered by the Council's delegated arrangements to make decisions to apply to the County Court for eviction warrants in respect of breached possession orders. In reaching its decision to evict a tenant, the Panel will:

- a) Have regard to whether or not the tenant is likely to be considered intentionally homeless. Advice on this issue will be provided by a Housing Solutions Officer.
- b) Have regard to the financial and social circumstances of the tenant and his/her household and whether sufficient welfare advice and support has been given to enable the arrears to be reduced. Advice on this issue will be provided by both the Rents Officer presenting the cases and/or the relevant Social Worker. Only issues of vulnerability that have a link to a person's capability to pay his or her rent is applicable vulnerability as listed in this policy. A person's age or physical disability does not, by itself, make a person incapable of paying his or her rent on time. By themselves, such issues, are not applicable vulnerabilities under this procedure.
- c) Have regard to any Housing Benefit claims or disputes that are on-going that may result in a substantial back-payment of benefit.
- d) Have regard to any report from the Rents Officer as to any recent contact and proposals from the tenant to clear the arrears.

All cases referred to the Arrears Panel must have been dealt with in accordance with the council's Protocol on Vulnerable People (currently being reviewed). Before being presented to the Panel, every case must have been referred to Social Care inviting an appropriate officer to attend or provide comments. It is the responsibility of Social Care, however, to make representations as required. In the absence of any other information, a lack of comment or attendance on a case by Social Care will not prevent the Panel from making a decision to evict a tenant for arrears.

Housing Benefits

Financial help is available for tenants towards paying rent. It is sometimes called a rent rebate, and is paid by the local council. Tenants do not have to be on any other benefit to be eligible for housing benefit, but they must apply if they wish to receive it, and it is "means tested" (financial circumstances decide whether they qualify). Further advice and guidance should be obtained by the council as it is tailored around tenant's circumstances.

Safety in and around the tenants home

Tenants homes and communal areas

Communal areas include stairs, lifts, landing, entrance halls, paving, shared gardens and pathways, parking areas, drying rooms and the general neighbourhood.

Tenants and the council are responsible for the maintenance and general upkeep of these areas. For example if a tenant identifies a health and safety hazard, such as an exposed electrical wire, they have a duty to report this to the council.

Both tenants and the council must consider these areas and ensure they are safe and clean. The following must be considered;

- All social housing properties and communal areas must have annual gas, electrical, and smoke detector test. Tenants must ensure that officers and contractors have access to the relevant areas in a timely manor, failure to do this will be in breach of the tenancy agreement and the tenancy could be terminated.
- All communal hallways, stairwells and lifts must be free from any furniture, mats, decorative items or rubbish bags as these pose as a fire and safety hazard.
- Detected gas leaks must be reported without delay to the Gas Emergency Service. Faulty appliances could lead to carbon monoxide poisoning or an explosion.
- No-one should interfere with gas/ water supplies or water mains unless they are contracted to do so by the council. However if tenants feel there is a leak they should turn the supply off if there is a safety hazard. The council will provide tenants with a leaflet of gas safety when they take on a new property.
- Any potential hazards identified must be reported and eliminated or minimised as soon as possible. This includes spillages in communal areas and trip hazards.

- Any accidents must be reported in line with the council's health and safety policy, to ensure that measures are in place to avoid or minimise reoccurrence. Tenants can do this by contacting the council and informing them about the incident.
- Some properties do have asbestos present within the building, this is common with many properties over a certain age. If there are any concerns about this or tenants would like to carry out work to the property, it is important that a written request is made to the council, to ensure that all safety checks are in place and that any work is evaluated appropriately before it begins. More information regarding Asbestos must be provided to tenants on request or upon sign up of a new property.
- Written permission to store any item in communal areas must be obtained by the council before items are stored. Upon receipt the council will assess the impact of the item and provide any suitable advice.
- Officers who notice un-authorized items in communal areas should endeavour to find the owner of such items. If they are unable to locate and speak with the owner on the day they are noticed, they should organise to have them removed. This action should be proportionate to the item found and in line with appropriate risk assessments.
- Tenants must be responsible for the Health and safety for them selves, their families and visitors at all times while they are on housing land. For example children should play in a safe environment, therefore it will not be suitable for them to play in corridors, lobbies and other space restricted communal areas.
- Lifts should not be used in the event of an emergency; if someone becomes stuck in a lift they should follow the displayed advice in the lift.

Checking ID

All officers and contractors visiting tenants must ensure that they have visible photo identification when greeting the tenants. Tenants should refuse officers and contractors entry into their home, unless they are satisfied with the identification they have been shown. Where there is doubt the tenant should contact the council or police and report any suspicions.

Unique passwords can be organised for sight-impaired tenants. Tenants with these requirements should disclose these to the council when they are arranging specific appointments so that this can be arranged.

Careline

An emergency home alarm system called Careline is also a service available to tenants who are old or those with chronic sickness or disability. This system allows tenants to live independently while having easy access to help in an emergency. The service is available 24 hours a day, every day of the year and officers should promote this service to vulnerable tenants who would benefit from this added security.

Adaptations

Properties should be adapted to suit the needs of the tenants, where there are health and safety concerns and restrictions. These are managed in line with the adaptations policy; this includes details of an appeals process.

Home contents Insurance

It is recommended that tenants take appropriate insurance out for their property to protect their belonging, in the event of a fire, theft or natural disaster. Details of the council's Insurance provider should be provided for tenants when they take on a new tenancy or upon request.

Combating crime

Tenants and the council should work together to proactively reduce the risk of crime

Examples of how this might work;

- Tenants may benefit from informing their estates officer when they are going on holiday so that they can monitor the property in a more proactive way.
- Street lights which are not working should be reported to the council as soon as they are noticed, to ensure that the estates are well lit and free from dark areas where criminals could hide.
- Tenants should be involved in local neighbourhood watch initiatives, to provide a greater level of security to the residents.
- Suspicious behaviour should be reported to the police or council officer to ensure it is investigated appropriately.

Maintaining the tenants property

This section is yet to be drafted and will include the following information;

Repairs – reporting, duty to repair, right to repair, timeframes

Rechargeable repairs

Programmed work

Tenant's responsibility

DIY

Satellite dishes

Laminated flooring – written permission

Changes made to the structure inside and outside

Tenants looking after the Community

Refuse collection

Tenants will be provided with refuse and recycling bins when their tenancy begins and these are the tenant's responsibility. The bins will be for recyclable items, kitchen and garden waste and non-recyclable waste. In line with the council's policy, the refuse bins will need to be replaced by the tenant if they are stolen or damaged. The replacement bins can be ordered via the contact centre, however the tenant will need to pay for any replacement.

Details of when refuse will be collected will be posted on the Council website, including any changes in service due to bad weather or bank holidays. Other details such as what can be included in the bins and what to do if a collection is missed is available online for tenants and staff. Tenants should speak to the Council if they have any large/ bulky items of rubbish to obtain details of any local arrangements in place.

Waste must be placed in the correct bins - failure to do so will result in the refuse not being collected. It is the tenants responsibility to ensure that areas where bins are stored are clear and free from obstruction.

Communal rubbish storage

Details for specific sheltered complex arrangements can be obtained from the Council, upon request.

Refuse should be placed by tenants in the allocated areas straight away, and not stored in any other communal area for any length of time. It must be securely bagged and be of size to fit in the bins or travel down a chute.

Communal areas must be left clean and free from hazards, ready to be used by the next tenant.

Car parking

Car parks or parking areas can only be used by tenants and residents for parking a private or light commercial vehicle. Any commercial vehicle with an un-laden weight of more than 2.5 tonnes cannot be parked on council land.

Tenants and the Council officers have a duty to keep all car parks and parking areas clean, tidy and safe.

Tenants are allowed to park a roadworthy, private car in the garden of their property, as long as the following guidelines are followed;

- Tenants must meet all costs of installation and maintenance
- Tenants must have written consent from the Council to install a dropped kerb and car crossover and ensure that this is installed in accordance with Council policy.
- Tenants must have written consent from the Council to install driveways and gates; these must open inwards to the property.
- Parked vehicles must not overhang onto a public pathway or obstruct any access ways.
- Tenants must obtain written consent from the Council to park a vehicle other than a motorbike or car on Housing land.

Car repairs

Tenants are able to carry out basic car repairs and maintenance to their vehicles on housing land; however this should only be repairs which can be completed on the same day they are started. Any repairs or maintenance work which will take longer than one day will need to be repaired elsewhere.

Abandoned Vehicles

Tenants and council officers should report any abandoned vehicles they see to the Council, to ensure they are dealt with in the appropriate way. The reporter should make a note of the vehicle, make, model colour and registration number to ensure action is as swift as possible.

Garden upkeep – trees, grounds maintenance

Tenants are responsible for keeping their gardens tidy by cutting the lawn and trimming hedges, to ensure they do not overhang or cause obstruction in any way.

The tenant can arrange for the Council to do this, however there will be a charge incurred for this additional service.

The following areas are the responsibility of the Council. These works will be instigated by either an officer noticing the need for maintenance or by the tenant bringing it to the Council's attention;

Paths and Patios – Where these exist at the start of the tenancy, the Council will continue to repair them, although not necessarily with the same material.

Walls and fences – Where the Council's boundary wall exists, the Council will continue to repair them.

Gardens sheds, sunhouses and outbuildings – If these have been provided at the start of the tenancy, the council will continue to repair them. However if they become unsafe, dilapidated or beyond reasonable repair, they will be removed.

Fishponds are not allowed in Council properties, as they are costly to maintain repair or remove once the tenancy has ended.

The council do not normally carry out earth-moving, re-turfing, or tree and shrub maintenance in tenants' gardens. Any work done with regards to this will be recharged to the tenant.

Trees

Tenants are not allowed to plant any trees without written agreement from the council.

Forest trees or Leylandi trees are not allowed as they have a high water intake and rigorous growth and maintenance required. Tenants are responsible for the maintenance of existing trees, except those older or disabled tenants who may require assistance.

Smoking

The council recognises its responsibility to protect its tenants and employees from smoking-related diseases and disabilities by creating a smoke-free environment.

For the purpose of this policy, smoking is defined as the burning of any type of cigarette, pipe or cigar, or the consumption of any other product which contains tobacco.

In line with the council's Smoke Free Policy, local authorities are responsible for enforcing the smoke-free legislation within the borough.

Tenants must not smoke in any public access area on Council land, this includes, lobby's, stairwells, corridors, walk ways, lifts. Smoking is only permitted in tenant's private dwellings and gardens (including communal gardens).

There will be times when a Council officer or contractor will need to visit tenants properties; in these circumstances the tenants must refrain from smoking while staff are in their homes. Although the tenants have every right to smoke within their homes, the Council also has a duty to protect staff and contractors by providing a smoke free environment wherever possible.

Tenants should refrain from smoking for at least half an hour before staff/contractors visit their home and for the duration of the visit. If this request is not maintained it may delay or stop service delivery.

Any member of the public in breach of the policy should be politely informed about the policy by the Council's employee who notices the breach and asked to either stop smoking or leave Council premises or land.

If the individual refuses to comply or causes intimidation, further action will be taken and the tenancy could be terminated due to non compliance of Tenancy Agreement and Council Policy.

Keeping pets in Council properties

Tenants are normally allowed to keep pets in their Council home, as long as they are well cared for and responsibly kept. The home must be suitable for their needs.

If the tenant fails to adhere to this policy, in accordance with the Tenancy Agreement, or they do not keep the animals in a responsible manner, the relevant tenancy will be terminated due to non-compliance.

Guide dogs and other support dogs will always be allowed.

Permission

Tenants must ask for written permission from the Council if they wish to obtain a pet, indicating the number and breed of animal they would like. The Council will need to know about how many pets tenants have in case there is an emergency, such as a fire or a flood. In addition, this information is important for the general management of the tenancy and estates.

The Council will not refuse permission unless there is a good reason and any reason will be explained clearly to the tenant.

How pets should be kept

Some properties are not suitable for keeping certain types of animals. Tenants should keep dogs or any other animal, except cats, which need

outdoor exercise on a lead at all times when they are in a public area on Council land.

Tenants should keep rabbits and guinea pigs in gardens, so a property without a private garden may not be suitable.

If the property is suitable, tenants may keep most domestic animals including cats, dogs, rabbits, rodents, fish, caged birds such as budgies and parrots, and reptiles such as lizards. Pets should be kept securely where they cannot escape, and should have enough room for exercise.

All dogs and cats should be micro chipped and the relevant evidence must be presented to the council with an application to obtain a pet.

Pets not allowed

Any animals prohibited by Section 1 of the Dangerous Dogs Act 1991 must not be kept. Any prohibited animals found, will need to be re-homed immediately, tenants failing to take immediate action will also be at risk of prosecution.

There are four breeds of dangerous dogs which are illegal – pit bull terriers, Japanese Tosas, the Dogo Argentinos and the Fila Brasileiros. Cross breeds of these dogs are also illegal. Dogs of other breeds, such as Rotweillers, are dangerous dogs and are also illegal if they have ever attacked a person in public. If a tenant's dog has attacked someone, the dog must be put down without delay.

Tenants must not keep any wild or dangerous animals such as crocodiles, big cats, wolves, poisonous snakes and spiders etc.

Other animals which must not be kept in tenant's property include livestock, horses and poultry.

Number of pets

Tenants should not keep more than two cats, dogs or rabbits. They may keep more small animals such as gerbils, mice, guinea pigs, fish, birds and reptiles as long as they are kept in tanks/ cages which are big enough for them and have enough room for exercise.

Breeding animals

Tenants must not breed animals within their council property. Council properties are unsuitable for commercial breeding. All pets should be neutered to help reduce the number of unwanted animals.

Small pets such as guinea pigs and gerbils can breed very quickly, so it is important to have them neutered as soon as they are purchased, or only keep pairs of the same sex.

Tenants responsibilities when having a pet

- Seek written permission from the council
- Adequately feed and provide clean fresh water to the pets

- Keep the pets safe and warm enough at all times
- Take pets to the vets whenever they are ill, or need any other attention, eg for fleas
- Give pets enough exercise, and keep dogs on leads when walking them in public
- Ensure appropriate arrangements are in place if they are away from their home, and have a nominated person to care for the animal in the case of an emergency
- Make sure all pets in tanks or cages have enough room and are not overcrowded
- Clean any mess that/ cats make in public places, any fouling must be cleared immediately
- Keep pets under control at all times
- Take into account the pets individual needs. For example very timid animals may need to be kept away from other animals or from children

Tenants must not;

- Allow pets to roam or stray, (except cats)
- Allow pets to annoy or frighten anybody else
- Allow pets to cause nuisance to anybody else, eg by making too much noise
- Tether or chain pets
- Allow pets to damage anybody's property, including their own council property
- Neglect or mistreat pets in any way.

Cruelty to animals is a criminal offence.

Tenants unable to afford/ care for their pets

Organisations which can assist in giving discount for tenants who are on benefits or providing pet care include the RSPCA and the PDSA. The tenant should contact them for further advice.

The tenant is responsible for finding the pet a new home if they can no longer care for them.

Problems with other people's pets

If a tenant reports an illegal dog to the Council, the Council will always investigate the allegation to ensure the safety of all residence.

If a tenant reports their neighbour's dog is causing a nuisance, they should try and discuss this with their neighbour to resolve the matter. If the matter persists, they should contact the Council.

Alternatively if a tenant is aware of a neighbour neglecting their animal, they should report the concern to the RSPCA or the police.

Noise

Noise is inevitable in any type of property within reason. Tenants must be responsible about the level of noise coming from their property and be

considerate to the needs of their neighbours. For example the consistency of noise, level of noise and time of the noise must be taken into account by each tenant and every effort must be made to avoid excessively loud noise at unsociable hours, depending on your estates needs as this can be distressing.

In return tenants must also be tolerant of noise and accept that it is a part of everyday life and cannot be avoided. This can be a particular issue in flats and high rise blocks. For example children will make noise and will be allowed to play in safe open spaces as they are entitled to enjoy their home environment as much as everyone else and should not be confined to their homes.

Caretaking Services

Open spaces on housing land must be kept clean, tidy and free of excessive growth of grass and weeds. The Council employs a grounds maintenance contractor to carry out grass cutting, weeding and maintenance of open spaces.

Tenants should inform the Council if they are above state retirement age and have no one of pre-retirement age living with them, or are disabled and do not have any able-bodied person living with them. If they fall into these categories, they may be eligible for assisted gardening services. Tenants who are eligible will have their grass cut six times a year and hedges trimmed once a year.

Tenants can request details of caretaking and street cleaning rotas from the Council. If tenants feel that certain areas require more attention, they should make the Council aware of this to ensure that adequate services are in place.

Tenants are also responsible for the general maintenance of Council land. Acts such as littering and fly-tipping are strictly un-prohibited and will not be tolerated.

Tenants are also responsible for reporting areas which require maintenance, such as lighting in communal areas or streetlights, to ensure that action is taken as soon as possible and that these issues are not compromising health and safety.

Traveller sites

Add information about how traveller sites will be managed.

The council stamping out bad behaviour

This section is currently being drafted with the Community Protection Team and will include;

ASB

Neighbour Nuisance

Crime

Hate Crime

Drug Abuse
Domestic Violence
Storing hazardous substances

Customer Service

(the majority of this will be in the Tenants handbook)

This section is yet to be drafted and will include;
Council encourage self help
Complaints Process
Customer Services standards

Getting involved

The Council is required by law to consult with residents on decisions which are likely to affect them.

Thurrock Council is committed to involving tenants in shaping housing services to meet the needs of current and future customers. All tenants and leaseholders have the right to participate in activities that enable them to influence the delivery of the housing services they receive.

Residents have the right to decide their own level of involvement. The Council ensure that a wide range of information is provided to residents in a variety of ways to support and encourage involvement in the management of their homes, these are called menus of opportunities.

Residents often don't know how they can be involved and may want to be involved on a basis that is informal and suits their lifestyle. The menu allows for a variety of informal ways that don't require a regular commitment of time such as:

- Residents can register with the Council to share their ideas using e-mail, text or using the web site. They can also receive updates on services or receive and comment on proposals via e-mail.
- Residents can sign up to join a panel which meets regularly and is asked to comment on specific ideas, policies or proposals.
- Residents could sign up to attend small discussion groups and comment on specific issues that concern them e.g. anti-social behaviour.
- Residents can register with the Council to make their views heard by telephone. They would have a chance to complete general surveys by phone and be offered the chance to comment on specific issues that concern them.
- Residents could register for a postal questionnaire once or twice a year or for someone to visit their home to complete a questionnaire.
- The Council holds local road shows and residents could request to be informed about up and coming roadshows.
- Residents may wish to sign up to be invited to attend one-off information sessions/training events or conferences

For residents who feel that they have more time to give the Council can offer a range of further opportunities such as:

Your Local Residents Associations

There are active and recognised residents groups across Thurrock. These offer residents a choice of direct involvement at a local level.

Repairs & Maintenance Panel

The panel monitors repairs and maintenance performance, areas for action and sets and reviews targets. It allows residents to express their views and develop policy proposals for repairs and maintenance. The panel meets every 2 months.

Tenant Participation & Customer Care Working Group

This group looks in detail at the strategy for involving tenants and leaseholders and works up ideas for letting more residents have a say, as well as ways to improve customer care. The group meets quarterly.

Sheltered Forum

The forum represents and is open to all residents who live in Sheltered Housing in Thurrock. Meetings are held at sheltered complexes once every quarter.

Leaseholders Forum

The forum is open to all leaseholders. It provides an opportunity to come together and discuss issues of concern e.g. service charges. It allows the views of leaseholders to feed into Council strategy.

Community Forums

Community Forums operate across the borough. The independent forums include local tenants and leaseholders and wider stakeholders and have the opportunity to directly influence services in their area.

Additional opportunities also include residents getting involved with mystery shopping services, attending Eat and Chat sessions (specifically aimed at younger residents), sign up for training opportunities, complete satisfaction cards, tenant proof reading Council leaflets and documents. Residents enquiring about how to get involved with development should be advised about these groups as well as others which are targeted at specific geographical areas they may have interest in.

No residents should be financially worsened by participating in any of these groups. The Council will meet the costs associated with attending events or meetings.

The Council also encourages attendance from residents from all backgrounds and will not tolerate any discrimination during these groups.

Changing home/ transferring home

This section is yet to be drafted and will include;

- *Tenants change in needs*
- *Thurrock Choice Homes*
- *Banding*
- *Homelessness*
- *Right to buy*

Mutual exchange

Mutual exchanges between secure tenants are carried out via a deed of assignment; neither tenancy in the exchange ends, each one merely passes over to the new tenant. However, where a secure tenant exchanges tenancies with an assured short-hold (Housing Association fixed-term tenant), the tenancies are required to be terminated in law and new tenancies created. The implications of this are that the original secure tenant to the exchange will be granted a new assured periodic tenancy by his/her Housing Association landlord which will not necessarily have the same succession rights as his/her original Council secure tenancy. It is important that clear information is given to all tenants and housing applicants about the implications of the different tenancy types available under the Council's new Strategic Tenancy Policy.