



**Draft Tenure Policy
2019**

DRAFT

1.0 Purpose of the Tenure Policy

- 1.1 The purpose of the Tenure Policy is to ensure that the most appropriate tenancies are granted to enable the best use to be made of the housing stock, while maintaining cohesive and stable communities.
- 1.2 The main types of tenancies that the Council can grant are secure tenancies, and introductory tenancies.

2.0 Aims of the Policy

- 2.1 The key aims of this policy and the Council's Allocations Policy are:
- Create and maintain sustainable and stable communities
 - Have regard to the Council's Tenure Strategy
 - Set out proposals for the creation of tenancies for Council properties
 - Support the prevention of homelessness
 - Make best use of the available council housing stock
 - Meet local housing need by providing tenancies that are compatible with the purpose of meeting the housing needs of individual households
 - Be clear and fully understood by applicants for our housing

3.0 The kind of tenancies that will be granted

- 3.1 Until the Localism Act 2011 was enacted, councils were only able to grant lifetime secure tenancies, introductory tenancies and tenancies which are not secure tenancies. The Localism Act now also allows flexible tenancies to be granted to new tenants, while protecting the rights of existing tenants.
- 3.2 The tenancies that West Lancashire Borough Council grant are:

Type of tenure	Legal basis	Definition	Tenure length
Secure tenure	Housing Act 1985, Part IV, Sections 79-81	Lifetime periodic weekly tenure, with protected rights, granted to all tenants I, who have completed a one year introductory period. Those offered	Lifetime

		these tenancies after 1st July 2013 will not have the benefit of protected rights.	
Introductory tenure	Housing Act 1996, Part V, Chapter 1, Sections 124-125	Periodic weekly tenure issued to new tenants for the first year of their tenure	1 year
Tenancies which are not secure tenancies	Housing Act 1985, Schedule 1	Non secure tenure granted for example for homeless persons or a tied tenancy.	Periodic tenure

There are two main types of council tenancy – Introductory Tenancies and Secure Tenancies.

3.3 Introductory Tenancies

Unless a new tenant (or one party to a joint tenancy) already has a secure tenancy, or another social housing equivalent such as an assured non short-hold tenancy, the council will grant an introductory tenancy for a trial period which lasts for a year. During the trial period, it is easier to evict the tenant if they break the terms of their tenancy. This could include running up large rent arrears, or being involved in anti-social behaviour. The trial period can be extended for another six months if the tenant does not fully comply with the tenancy terms.

The Regulatory Framework allows for introductory tenancies for a maximum of 12 months, or a maximum of 18 months where the reasons for extending the introductory period have been given and where the tenant has the opportunity to request a review. During the trial period tenants have less security and fewer rights.

For example:

- Their home is at much higher risk of repossession if they do not keep to the tenancy agreement
- They cannot buy their home
- They cannot exchange homes with other tenants.

3.4 Secure Tenancies

A Secure Tenancy gives additional rights to the tenant. Introductory tenants will automatically become secure tenants at the end of the year if there have been no issues with their tenancy.

Where a new tenant has come directly from another secure tenancy, or from an assured tenancy with a registered social landlord, they will be secure tenants straight away without an introductory period.

3.5 Length of tenancy

A Secure Tenancy is not for a fixed length of time; it can carry on indefinitely. The tenant can end their tenancy by giving 4 weeks' notice in writing. The council can only end a Secure Tenancy if the tenant breaches the tenancy agreement, and they have to go through the court if they want to evict a tenant. If a tenancy has to be ended for any other reason, for example if the property needs to be demolished, the council will offer the tenant an alternative property.

4.0 The kind of tenancies that will not be granted

4.1 Flexible (fixed term) tenancies

Section 154 of the Localism Act 2011 gives local authorities the power to offer flexible tenancies to new social tenants and to family intervention tenants. A flexible tenancy is a secure tenancy of a fixed term of not less than 2 years.

The Council introduced Flexible Tenancies in 2013. Following a review it was decided that with effect from XXX fixed term tenancies would no longer be offered, as the Council values the stability that a lifetime tenancy offers to its tenants particularly those in the most vulnerable client groups.