



Tenancy Policy
update
2023

TENANCY POLICY

This Tenancy Policy explains the types of tenancies that will be offered in properties owned and managed by Dartford Borough Council

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1. INTRODUCTION

- 1.1. This Tenancy Policy explains the types of tenancies that will be offered in properties owned and managed by Dartford Borough Council ('the Council').
- 1.2. In 2020, the Council took the decision to revert to offering secure lifetime tenancies in all circumstances to tenants, and is no longer issuing flexible tenancies. The Council believes that secure lifetime tenancies contribute towards promoting strong and successful communities; providing long term stability to those most in housing need.
- 1.3. Where a tenancy is offered to a new tenant or a person who has previously held a social housing tenancy, but with a break in tenure, a secure lifetime tenancy will be preceded by a 12-month introductory tenancy.
- 1.4. All existing flexible tenancies are or have been transitioned to secure lifetime tenancies. This was during or at the end of a fixed term, dependent on the results of individual consultation with all tenants holding a flexible tenancy.
- 1.5. Homes managed by housing associations are not covered by this Tenancy Policy. Housing associations have their own tenancy policies in place, in terms of the tenure they offer, which must have regard to the Council's [Tenancy Strategy](#).

2. PURPOSE OF THIS POLICY

- 2.1. [The Regulatory Framework for Social Housing in England](#) sets out the specific standards that providers of social and affordable housing, including the Council, must meet. Within this Framework, the Tenancy Standard and the Tenant Involvement and Empowerment Standard places a number of requirements on registered providers, which includes publishing clear and accessible policies, which outline their approach to tenancy management; including interventions to sustain tenancies, to prevent unnecessary evictions, and to tackle tenancy fraud. Tenancy policies should also set out:
 - the type of tenancies the provider will grant
 - where tenancies are granted on a fixed term, the length of the term and other such relevant matters regarding their use
 - the policy on granting discretionary succession rights, taking account of the needs of vulnerable household members.

3. STRATEGIC CONTEXT

- 3.1. The primary legislation regarding the tenancies operated by the Council is the Housing Act 1985 (as amended).
- 3.2. This Tenancy Policy has regard to the Council's [Tenancy Strategy](#), which sets out how the Council ended the use of flexible tenancies in its housing stock and issued secure lifetime tenancies preceded by a 12-month introductory tenancy (where appropriate).
- 3.3. This Tenancy Policy also has regard to the Council's [Housing Allocations Policy](#), which sets out the criteria and procedures that the Council uses to prioritise applicants for social housing owned by the Council and a proportion of homes owned by housing association partners in the Borough.
- 3.4. This Tenancy Policy meets the Council's [Corporate Plan's](#) strategic aim to facilitate quality, choice and diversity in the housing market, to assist in meeting housing need in Dartford, and to deliver high quality housing services to service users.

4. ACCESS TO A COUNCIL TENANCY

- 4.1. Access to a Council tenancy is in accordance with the Council's [Housing Allocations' Policy](#). This sets out the eligibility criteria to join the Housing Register and the priority bands that housing applicants may be placed into.
- 4.2. All prospective new tenants will be required to supply evidence of their financial income and resources upon application; as set out in this Tenancy Policy. This is to ensure that social housing meets the needs of those households who are unable to afford to buy or rent housing on the open market.
- 4.3. If a prospective tenant has an income and savings level exceeding the thresholds set out in this Tenancy Policy, they will not be considered eligible for a Council tenancy.
- 4.4. Where applicants are not able to show current entitlement to Income Support, verification of income and savings will be required before the Council can consider whether to offer a tenancy. Where a household has an income above the level set by the Council, as detailed in Table 1, **or has £40,000 or more in savings, or has acquired a residential property**, the applicant/s will normally only be offered advice or assistance in finding alternative accommodation.
- 4.5. Income will be assessed using the formula set out in the table below which will be updated on a regular basis.

- 4.6. The formula is based on the cost of private renting in Dartford against income and the assumption that no more than 35% of net income should be spent on housing costs.

Table 1. Income threshold by bedroom size – 2023

PROPERTY TYPE	*Average monthly private sector rent	Average yearly private sector rent	Local Housing Allowance Rates for Dartford as at May 2023	NET HOUSEHOLD INCOME THRESHOLD (assuming no more than 35% of net salary is spent on housing costs)
Shared Accommodation	£800	£9,600	£88.85 (shared accommodation. rate)	£27,000
STUDIO/1 BED	£1,000	£12,000	£155.34	£34,000
2 BED	£1,300	£15,600	£195.62	£44,000
3 BED	£1,800	£21,600	£241.64	£61,000
4 BED	£2,000	£24,000	£299.18	£68,000

* Based on 2023 estate agent data

- 4.7. A household is defined as lead tenant and spouse or joint tenants. For example, a household requiring a two bedroom property, where NET salary exceeds £44,000.00 **will not** be eligible to join the Council's Housing Register. In this case, including the threshold for savings, accommodation will need to be sought within the private housing sector.

5. INTRODUCTORY TENANCIES

- 5.1. All new Council tenants will be granted an introductory tenancy. This includes any person who has previously held a council tenancy but there has been a break in tenure.
- 5.2. An introductory tenancy is a trial tenancy that lasts for 12 months. Where introductory tenants successfully complete the 12 month trial period, the tenancy will become a secure lifetime tenancy.
- 5.3. Introductory tenancies can be extended by six months if there have been breaches to the tenancy agreement. The introductory tenant has a right to request a review of the decision to extend the tenancy.
- 5.4. Introductory tenants have fewer rights to secure lifetime tenants (see section 6.3 below). The following rights are not included in an introductory tenancy:
- Right to assign

- Right to exchange
- Right to buy
- Right to sublet or take in a lodger
- Right to improve their property

6. LIFETIME TENANCIES

- 6.1. After successful completion of an introductory tenancy, tenants will be granted a lifetime tenancy.
- 6.2. Lifetime tenancies are secure tenancies where, with some limited exceptions, if tenants do not breach the conditions of their tenancy agreement, their tenancy will last as long as the tenant would like it to.
- 6.3. Secure tenants have the following rights:
 - Right to repair
 - Right to improve their property and be compensated
 - Right to assign
 - Right to succeed
 - Right to buy
 - Right to sublet or take in a lodger
 - Right to exchange
 - Right to information
 - Right to be consulted
 - Right to manage (to set up a Tenant Management Organisation)
- 6.4. The Council can apply to demote a lifetime tenancy where the tenant, or someone living with or visiting the tenant, has:
 - Engaged or threatened to engage in anti-social behaviour; or
 - Used or threatened to use the property for an unlawful purpose.
- 6.5. A demoted tenancy is no longer secure and it has fewer rights that bear similarities with introductory tenancies. More information on demoted tenancies can be found in the [Demoted Tenancy Policy](#).

7. ASSIGNMENT

- 7.1. An assignment is where a tenancy is transferred to another person. The incoming tenant (assignee) 'steps into the shoes' of the outgoing tenant (assignor) and occupies under the same terms, taking on the rights and responsibilities of the tenancy.
- 7.2. Section 91 of the Housing Act 1985 allows assignment under the following three grounds:

- Assignment by way of exchange (mutual exchange)
 - Assignment to someone who would be qualified to succeed the tenant on the tenant's death
 - Where a court makes a Property Transfer Order in connection with matrimonial proceedings or civil partnership proceedings, or proceedings under the Children Act 1989.
- 7.3. The Council will consider non-statutory assignments in some circumstances. Further information regarding statutory and non-statutory assignment can be found in the Council's [Assignment Policy](#).

8. TENANCY FRAUD

- 8.1. The Council's [Tenancy Fraud Policy](#) defines tenancy fraud as 'any intentional false representation, including failure to declare information or abuse of position that is carried out to make a gain, cause loss, or expose another to the risk of loss'. This can include:
- Fraudulently obtaining a tenancy
 - Non-occupation by the tenant as their principal home
 - Illegal sub-letting
 - Wrongly claimed succession
 - Unauthorised assignments
 - 'Key Selling'
 - Not notifying the landlord when the tenant moves out or passes away.
- 8.2. The Tenancy Fraud Policy sets out how the Council will prevent and tackle tenancy fraud within its own housing stock.

9. SUSTAINING TENANCIES AND PREVENTING UNNECESSARY EVICTION

- 9.1. The Council will provide services that support its tenants, particularly those who are vulnerable. Eviction will only be used as a last resort where other interventions and support to address tenancy breaches have proved unsuccessful.
- 9.2. There are a range of ways the Council works to sustain tenancies and prevent unnecessary evictions, for example:
- New tenants are contacted six weeks after the signup to check they are settling in well and to address any issues early on in the tenancy
 - Signposting and referring tenants to statutory and support services
 - Housing Inclusion Service intervention to improve outcomes in a range of areas including; housing options, managing money, claiming benefits, debt

- advice, registering with a doctor or getting help from other services, accessing education, training or work opportunities.
- Complex Case Panel intervention to prevent evictions and homelessness.

10. COMPLAINTS

- 10.1. If a resident is not satisfied with the service they have received in terms of a tenancy decision or in the management of the tenancy, the Council's [Corporate Complaints Procedure](#) can be followed. Complaints leaflets are also available from the Council offices.

11. DATA PROTECTION

- 11.1. The UK GDPR and the Data Protection Act 2018 regulate the processing of information relating to individuals, which includes the obtaining, holding, using or disclosing of such information.
- 11.2. The Council needs to collect and use certain types of information about its tenants in order to carry out its everyday business and to fulfil its objectives and its statutory functions.
- 11.3. The Council's:
- [Data Protection Policy](#) sets out how it will protect special category and criminal convictions personal data; and
 - [Housing Services \(Landlord and Tenant\) Privacy Notice](#) explains that the Council collects personal information to administer its housing (landlord and tenant) services.

12. EQUALITY AND DIVERSITY

- 12.1. The Council is committed to welcoming and valuing diversity, promoting equality of opportunity and tackling unlawful discrimination in accordance with the Equality Act 2010. The Council, in delivering this Policy, will have regard to the Public Sector Equality Duty and ensure that no individual is discriminated against based on their sex, sexual orientation, marital status, pregnancy and maternity, gender reassignment, race, religion, belief, disability or age.
- 12.2. The Public Sector Equality Duty is a duty on the Council and that responsibility cannot be delegated to a contractor/service provider and is a continuing duty.
- 12.3. This Tenancy Policy has been subject to a Customer Access Review, to assess the impact it will have on equality. The review concluded there were no known circumstances of a negative equality impact.

13. REVIEW

- 13.1. This Tenancy Policy will be reviewed every three years or earlier to address legislative, regulatory, best practice, operational issues or updates on income thresholds.