

Tenancy and Estate Management Policy

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Tenancy Policy	
Tenancy Agreement	
Income Management Policy	
Anti-Social Behaviour Policy	
Aids & Adaptations Policy	

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1.0 Introduction

The Tenancy Management aspect of this policy provides clarity on how North Northants Council manages tenancies to meet current legislation and its statutory obligations as a landlord.

Estate management reflects the wider role that the council has in areas where there are clusters of council owned properties. In these areas the Council is more than just a landlord but is also responsible for neighbourhood sustainability and some aspects of the environmental quality in the local area.

The Estate Management aspect of this policy sets out the approach the Council will take to creating well-maintained neighbourhoods where people want to live.

2.0 Scope

The Tenancy Management Policy explains:

- How the Council will manage tenancies within their housing stock
- How the Council will deal with tenancy breaches and manage the responsibilities of tenants
- How Council tenancies can be ended either by the tenant or the authority

The Council will manage temporary accommodation on license agreements following the principles set out in this policy wherever practically possible.

The scope of the Estate Management Policy is focused to estates and land where NNC own and managed Council Housing Stock. For avoidance of doubt this means properties funded through the Housing Revenue Account (HRA) and temporary accommodation funded through the general fund which is managed as part of NNC Council Housing Stock.

The Estate Management Policy includes the Council's approach to:

- Estates
- Communal areas
- Blocks of flats
- Individual properties and boundaries

- Council owned land and open spaces
- Management of land and communal areas within the locality of all tenanted council houses

Housing teams within the Council will liaise with other internal departments to provide a consistent service across our estates wherever possible.

3.0 Policy Outcomes

The overarching aims of the Tenancy Management Policy are to:

- Set out clearly the rights and responsibilities of North Northants Council Housing tenants
- Support a successful tenancy management service that supports and promotes security of tenure
- Provide a framework for an effective tenancy management service that operates within legislation, regulation, and best practice.
- Set out how the Council will deal with breaches of tenancy (that are not detailed in other more specific policies)
- Ensure best use of Council resources, including the properties

The overarching aims of the Estate Management Policy are to:

- Ensure estates are safe, secure, and well managed
- Ensure estates are sustainable neighbourhoods where people want to live
- Provide clarity on where the Council will intervene in matters of Estate Management

4.0 Stock Profile

As of 1st April 2021, North Northamptonshire Council owned and managed 8,224 homes, including 965 in sheltered schemes. Accommodation comprises of a variety of houses, flats, bungalows, and maisonettes. In addition, NNC also owns and manages 94 units of Temporary Accommodation, which forms part of its overall housing stock.

The Council relets on average 600 properties which become vacant every year.

5.0 Legislation

There are a number of legislative requirements and acts that apply to us as a landlord carrying out our functions and we provide a list of these in Appendix A.

6.0 Tenancy Management

NNC's main HRA tenancy offer is to grant introductory one-year tenancies to new applicants. Where the Council's tenancy conditions have been met, the introductory tenancy will convert to a secure tenancy at the end of the 12-month period.

In order to sustain our tenancies, we provide intensive management where applicable to assist tenancies. This approach helps meet our aims to provide and manage sustainable housing neighbourhoods. Intensive management can include regular contact from officers, further visits and signposting to other support agencies.

6.1 Introductory Tenancies

An introductory tenant will be visited within the first two months of the tenancy. The purpose of the visit will be to check that the tenancy is being conducted satisfactorily and that there have been no issues with moving in. A tenancy review will be required at least 3 months prior to the end of the tenancy. At this review a decision will be made whether to end the tenancy, extend the tenancy or grant a new tenancy.

The Council will always make a tenant fully aware of the reasons for ending a tenancy. Where a tenant does not agree with our actions an appeals process is available.

6.2 Secure Tenancies

The Council will arrange an appointment to visit a secure tenant to conduct a periodic review once every 5 years. The review will include a check on the property condition, the tenancy and household numbers. Should any advice or support be required this will either be provided directly, or the tenant may be referred or signposted to another agency.

6.3 Fixed Term Tenancies

A tenancy review will be required at least 6-12 months prior to the end of the tenancy. At this review a decision will be made whether to end the tenancy, extend the tenancy or grant a new tenancy.

6.4 Ending a Tenancy

Four weeks' written notice is required to end a tenancy. For a Notice to Quit (NTQ) to be legally valid it must be in writing and provide at least a four-week notice period. North Northants Council's tenancies are usually weekly tenancies that start on a Monday and end on a Sunday.

Four weeks' notice is consistent for all NNC tenancies, including temporary accommodation.

Once a valid NTQ is served this is legal notice to end the tenancy. One party can end a joint tenancy via a valid NTQ.

For joint Fixed Term Tenancies, both parties must sign a NTQ in order for it to be valid.

6.5 Surrender

Where a tenant wishes to surrender their tenancy a valid NTQ will still be sought.

6.6 Withdrawal of Notice

A NTQ cannot be withdrawn, unless with the Council's consent, it is a legal notice to end the tenancy. Where a tenant has provided their intention to end the tenancy, without a valid NTQ, a decision can be made to extend the tenancy so long as all parties agree. An example of this could be where a tenant is waiting for a move to another property which is yet to become available.

6.7 Abandonment

Tenants are required to live in their home as their main principal home and to inform the Council if they are to be away for more than 28 days.

Where a property is suspected as being unoccupied, or where there are reports of a tenant abandoning a property, the Council will start investigations within 2 working days.

The Council will attempt to contact the tenant by any means available to establish the status of the tenancy.

Where, in all likelihood, the property is abandoned and there is sufficient evidence, we will take action to end the tenancy and repossess the property.

6.8 Abandoned Contents

When abandoned contents are found in a Council property, efforts will be made to identify and contact the owner or suspected owner of the items.

Where the owners of the items cannot be located, an assessment will be carried out of the commercial value of them. Those items considered to have a resale value would be stored for 31 days and then become the property of the Council. Normally the Council will dispose of any such items after the period, but in some cases may sell them, making sure a fair price is received, and offset any monies against rent owed. The Council will adhere to the responsibilities as set out in the Local Government (Miscellaneous Provisions) Act 1982 (Sect 41).

6.9 Property Condition

The Council expects its tenants to keep their homes must be kept clean and tidy and in a satisfactory condition.

The Council will use a range of tools to manage property condition and consider legal remedies.

Where a property condition is found to be hazardous, and a danger to health and/or safety the Council will clear and/or clean the property and the tenant will be liable for the costs.

6.10 Hoarding

Where a property is found to be cluttered of belongings the Council will provide advice and assistance.

Where appropriate, the Council may commence a Multi-Agency approach if it is identified that the tenant may benefit from support to resolve any of the issues.

Where a tenant fails to keep to the terms of an agreed plan, the hoarding may be considered a breach of tenancy and legal remedies considered.

6.11 Alterations

Secure Tenants have the right to make alterations to improve their homes, but only when they have the Council's agreement in writing. Permission will not be unreasonably declined.

Introductory Tenants and Temporary Accommodation Tenants do not have the right to alter their homes, however the Council may consider requests for alterations that do not alter the structure of the property.

6.12 Lodgers

Where a property is a suitable size and a secure tenant has a spare bedroom, an application can be made to take in a lodger. Written permission from the Council must be received prior to the lodger taking up residence. Introductory Tenants and Temporary Accommodation Tenants do not have the right to take in a lodger.

A lodger has no contractual relationship with the Council, and only has rights as an excluded occupier to the property. This means that the tenant is responsible for the actions of the lodger, any agreed rent and for them leaving the property at the end of any agreement.

Written permission will only be given once an assessment of tenure type, suitability, property size and a discussion about the potential impact the lodger may make in terms of benefit entitlement to the household.

6.13 Unlawful Occupiers

The Council will make all efforts to end the unlawful occupation, including using any legal remedies available.

When a former tenant, family member or occupant remains in the property after a tenancy has been terminated, the Council will claim payments from them for Use and Occupation, also known as Mesne Profit. The amount would equal the weekly payments due by the former tenant. Receiving these from an occupant will not infer a legal contract to remain.

6.14 Pets

Tenants in both houses and flats can keep up to 2 domestic pets, such as cats and dogs, once permission is given. Consideration will be given to the size of the property, the number of occupants, the available garden space, and any other relevant factors when deciding on permission for pets. The Council reserves the right to withdraw permission where ongoing nuisance is evidenced.

The Council does not allow tenants to keep pets in sheltered/supported housing where they do not have any private or individual space.

Small, caged animals, fish, reptiles, or insects usually kept indoors, or outdoors are acceptable providing they are not excessive in numbers, and do not cause damage to the property.

Pets are to be kept responsibly and under proper control, and gardens kept clear of fouling. If the Council receive complaints about a pet being a nuisance, then reports will be investigated in line with the Anti-Social Behaviour Policy. Any damage caused, including any cleaning, or required, will be recharged to the tenant.

Assistance animals that are required by tenants, are not classed as pets requiring any permission for the purpose of this policy.

Unacceptable breeds of dog as defined under the Dangerous Dogs Act 1991 (*amended 2014*) are not allowed.

6.15 Care Leavers

Tenancies would not normally be granted to applicants under the age of 18, however in exceptional circumstances, the Council will seek to grant or vest the tenancy with an appropriate adult or agency who will hold the tenancy in trust until the minor reaches the age of 18.

Applications will not normally be accepted from persons who are aged under 18. However, the following may be considered:

- The applicant is in the care of the Council, or is a care leaver
- The applicant has been defined as a child in need because of a S17 Children Act 1989 statutory assessment
- The applicant is owed a full statutory homeless duty following a S20 Children Act 1989 statutory assessment
- The applicant has an adult or adults who will act as a trustee(s) and hold a legal tenancy until the legal incapacity to hold a tenancy ends, and the Council accepts the adult as a suitable trustee

Where it is appropriate to do so we will work with the Northamptonshire Children's Trust on capacity related tenancy decisions and seek to involve other agencies that can offer support.

6.16 Running a Business

Tenants wishing to run a business from their home will require permission from the Council. While permission will not be unreasonably refused, an application may be rejected if it is deemed that the business is likely to cause an ongoing nuisance to neighbours or the local community.

If permission is granted to run a business, then the tenant must have the necessary insurance, legal permissions, and an appropriate level of public liability insurance.

6.17 Boats, Caravans, Trailers

Tenants are not permitted to park or store any boats, caravans, coaches, mini-buses, buses, farm machinery, motorhomes, trailers, or heavy goods vehicles within the boundaries of the property.

6.18 Anti-Social Behaviour

Nuisance and anti-social behaviour (ASB) disrupt the lives of many people within our communities, bringing distress and fear. Tackling ASB remains a high priority for the Council – it is critical for residents to feel safe in their homes and neighbourhoods.

We recognise that failure to tackle ASB effectively could substantially affect the lives of those individuals who are living with nuisance or ASB and hinder the development of sustainable communities.

Tenants of NNC are responsible for their behaviour and the behaviour of every person (including children) living in or visiting their home. They are responsible in their homes, on surrounding land, in communal areas and in the locality around their home through the Tenancy Agreement.

The Council will provide tenants, and anyone living with them, help, advice and assistance when any anti-social behaviour, harassment or victimisation is reported to us. The Anti-Social Behaviour Policy sets out how the Council will investigate complaints, keep tenants informed and take appropriate action.

(Further details are in the Anti-Social Behaviour Policy)

6.19 Decant

In some circumstances we may need to move you from your property whilst we make alterations, carry out 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, but will include factors such as location of employment, schools, and support network.

7.0 Estate Management

7.1 Garage Sites

The Council will inspect garage sites regularly to ensure that they are being used for the correct purpose and are clear of rubbish, abandoned cars, and safe and secure.

Conditions of renting a garage are covered in the garage tenancy agreement.

7.2 Abandoned Vehicles

The Council will investigate any vehicles that appear to be abandoned and will attempt to contact the owner to make necessary checks. We will take appropriate action taking into account NNC's wider reaching abandoned vehicle policy.

7.3 Vehicle Repairs

The Council does not consider it appropriate for tenants to undertake major and/or consistent vehicle repairs within the property boundary or on the land around their home or on the road leading to their property, including any communal land or garage sites. Any reports of persistent vehicle repairs causing a nuisance will be investigated and appropriate action taken.

7.4 Boats, Trailers, Caravans and Motorhomes

Parking of the above is prohibited in any council owned residential parking areas or land and within the boundaries of the tenant's property unless prior written permission is obtained.

7.5 Electric Charging Points

At present North Northants Council do not have plans to install electric charging points on any of our housing stock.

The Council will not unreasonably withhold permission for tenants who wish to apply to install their own electric charging points, so long as this falls within the boundary of their property. Requests will be considered in line with 'permissions for alterations at the property' and permission in writing must be provided by the Council prior to any works starting.

7.6 Parking of Vehicles

We expect our customers, and people living with or visiting the household who are vehicle owners to adhere to the tenancy agreement to ensure there is considerate parking in neighbourhoods.

Vehicles must be taxed and roadworthy and parked legally and sensibly so as not to obstruct vehicle and pedestrian access. Should a vehicle be SORN (Statutory Off-Road Notification) it must also be roadworthy to be parked on our land.

Vehicles must not be parked within the boundaries of the property unless there is a garage and/or a hard standing. Where applicable there must also be a driveway intended for parking leading from a properly constructed and approved dropped kerb and vehicle crossover, in line with planning requirements.

Communal parking including disabled parking where provided, unless identified otherwise is not usually allocated for individual tenants but provided generally and on a first come first served basis.

The Council have no responsibility to install parking spaces where requested.

7.7 Anti-Social Behaviour

Tackling ASB remains a high priority for the Council – it is critical for residents to feel safe in their homes and neighbourhoods.

We recognise that failure to tackle ASB effectively could substantially affect the lives of those individuals who are living with nuisance or ASB and hinder the development of sustainable communities.

Tenants of NNC are responsible for their behaviour and the behaviour of every person (including children) living in or visiting their home. They are responsible in their homes, on surrounding land, in communal areas and in the locality around their home through the Tenancy Agreement.

The Council will provide tenants, and anyone living with them, help, advice and assistance when any anti-social behaviour, harassment or victimisation is reported to us. The Anti-Social Behaviour Policy sets out how the Council will investigate complaints, keep tenants informed and take appropriate action.

(Further details are in the Anti-Social Behaviour Policy)

7.8 Environmental Nuisance

We may consider legal action against anyone found to be committing environmental nuisance on our land, or property. We will work with the Police and Environmental Protection in our areas of operation to ensure environmental nuisance is tackled through the Anti-Social Behaviour Policy, the Environmental Protection Act 1990, and Clean Neighbourhoods & Environment Act 2005.

The Council consider the following as examples of environmental nuisance

- Fly tipping
- Graffiti
- Mismanagement / accumulation of rubbish
- Noise nuisance
- Dog fouling / fouling
- Air pollution

The Council will remove any nuisance within a reasonable timescale. Offensive graffiti will be removed within 24 hours of it being reported.

The Council will consider legal action where it is evidenced that environmental nuisance has been committed and may also consider recharging for any clear up work where appropriate.

7.9 Pets and Stray Animals

The Council will consider requests for tenants to keep pets in their homes in line with the Tenancy Agreement and Tenancy Management Policy.

Pets must be kept responsibly and under proper control. If the Council receive complaints about any pet related nuisance, then reports will be investigated in line with the Anti-Social Behaviour Policy

and the appropriate action taken. Any costs to repair damage caused, or cleaning required will be recharged to the owner responsible for the pet.

The Council will work with other agencies, including internal departments, to solve any stray animal issues on estates.

7.10 Pathways, Pavements and Roads

Any pathways and pavements that are owned through the HRA will be maintained as and when required, and any trip hazards will be reported and repaired. Replacement of any surfaces will be through the Asset Management Strategy and appropriate programmes of works.

7.11 Grounds Maintenance

The Council will supply a programme of grounds maintenance services to our schemes and estates.

The Council are not responsible for clearing slippery paths.

7.12 Trees

The Council has a programme of tree maintenance which covers all council owned communal land and open spaces. The Tenancy Agreement and Tenancy Management Policy covers trees in individual tenants' gardens.

7.13 Bin Storage Areas

Where shared bin storage facilities are provided by the Council, they will be kept clear of any built-up rubbish. Tenants and residents have a duty to ensure rubbish is managed responsibly and the Council will support recycling wherever possible.

Mismanagement of rubbish can be a breach of tenancy, recharges and/or legal routes may be explored.

7.14 Vermin

Tenants must ensure that their property is kept free from pests and vermin and must not do anything which will encourage their presence. Tenants may be recharged if an infestation arises from the tenant's own actions.

The Council will deal with all infestations arising in communal areas within its stock.

7.15 Scooter Storage

Tenants planning on acquiring a mobility scooter must first obtain written permission from the Council. Permission will detail where the scooter is allowed to be used, stored, and charged.

Storage of mobility scooters within the communal areas of buildings is not permitted. Should there be a designated area specifically provided for this purpose then permission may be granted subject to availability.

7.16 Fire Risk Assessments

Fire risk assessments will be carried out regularly in accordance with fire safety legislation.

7.17 Storage in Communal Areas

Dependent on the fire risk assessment (FRA) for each building the Council will either take a sterile block approach or a managed approach. Whilst a sterile block approach will be taken in most cases, the design of some schemes may allow for a managed approach.

A sterile block approach is where no items are allowed in the communal areas of blocks of flats at all, apart from a few exclusions such as fireproof notice boards that have been installed by the Council.

A managed approach will allow some other items to be kept within the communal areas, at housing team members discretion, so long as this meets the requirements of the FRA.

Where items that are not permitted are left in communal areas, despite requests to move, the Council will remove them adhering to the provisions set out in the Local Government (Miscellaneous Provisions) Act 1982 (Sect 41). Valuable items will be stored for 28 days.

7.18 Additional Communal Areas

All communal areas such as lounges, and laundries will be inspected and maintained on a regular basis.

7.19 Communal Cleaning

There are 4 categories of communal block cleaning

- Tenants are responsible for the cleaning of communal areas within blocks.

The Council do not provide a communal cleaning service for some blocks of flats. In these circumstances tenants have a responsibility to keep the communal areas clean, clear, and tidy. Tenants are made aware of their responsibilities through the sign-up process.

- A scheduled cleaning service is provided

The Council provides a regular communal cleaning service to some blocks of flats. The frequency and specification are agreed and monitored.

- Caretakers provide communal cleaning

Where the Council employs caretakers for a particular area, the roles include the communal cleaning of blocks. The frequency and specification are agreed and monitored.

- Sheltered schemes will benefit from more frequent cleaning which will be as and when required to maintain standards

The Council provides an enhanced cleaning service to sheltered schemes due to the roles and responsibilities of staff.

7.20 Block Inspections

Block inspections will be carried out periodically. Where repairs are identified they will be carried out to our repair timescales. Health and safety concerns will be prioritised and resolved urgently. Other issues will be resolved in suitable timescale.

Where it is found that tenants have caused damage or communal areas need clearing or cleaning due to misuse then the Council may consider recharges and/or legal routes to tackle tenancy breaches.

8.0 Complaints

Complaints will be investigated and responded to in line with our corporate Complaints Policy.

All comments, complaints and concerns regarding this policy will be logged by the Lead Officer and monitored against the Complaints Policy.

9.0 Plain Language

We will ensure that any written documentation, including the tenancy agreement, is expressed in plain, understandable language, having regard to the Office of Fair Trading's 'Guidance on unfair Tenancy Terms'. If legal terms are required, an explanation of the terms will be provided.

Where English is not the first language for tenants, information relating to the tenancy will be provided in the tenants first language.

10.0 Equalities Statement

The Council recognises the needs of a diverse population and always acts within the scope of its own policies, the Human Rights Act 1998, and the Equalities Act 2010.

Appendix A – Legislation

Housing Act 1985

One of the main functions of the Act was to create secure lifetime tenancies, alongside this the right for a family member to succeed or take over a tenancy following the death of the main tenant.

Housing Act 1996

The Housing Act 1996 gave Local Authorities the power to operate an introductory tenancy regime.

The Antisocial Behaviour Act 2003

The 2003 act allows landlords to apply to court to demote a Secure Tenancy where antisocial behaviour is an ongoing problem.

The Housing and Regeneration Act 2008

This act allows landlords to offer tenants, with a history of antisocial behaviour, a Family Intervention Tenancy.

Localism Act 2011

The Localism Act 2011 introduced a new power for local authorities to offer flexible fixed term tenancies to new social tenants after 1 April 2012. The Act also limited statutory succession for tenancies created post April 2012, whilst enabling authorities to make local decisions about extending contractual succession to other family members.

Housing and Planning Act 2016

The Housing and Planning Act 2016 included the provisions needed to compel local authorities to grant fixed-term secure tenancies subject to a few exceptions. These regulations did not come into force.

Domestic Abuse Bill 2020

The Domestic Abuse Bill 2020 require local authorities, when re-housing an existing lifetime social tenant, or offering them a new sole tenancy in their own home, to grant a new lifetime tenancy if the local authority is satisfied that the tenant or a member of their household has been a victim of domestic abuse and the new tenancy is granted in connection with that abuse.

The Anti-Social Behaviour, Crime and Policing Act 2014 is

The law that guides agencies in what they can do about anti-social behaviour, setting out a range of effective tools that can be used, including legal remedies.

Local Government (Miscellaneous Provisions) Act 1982 (Sect 41)

This section of the act informs Local Authorities of their responsibilities for lost or uncollected property.

Environmental Protection Act 1990

Sets out and defines statutory environmental nuisance. Authorised council officers have the power to serve a notice on a business or person who is found to be causing a nuisance in terms of section 80 of the Environmental Protection Act 1990.

Clean Neighbourhoods & Environment Act 2005

The Act provides local authorities with more effective powers to tackle poor environmental quality and anti-social behaviour. The Act includes sections on nuisance and abandoned vehicles, litter, graffiti, waste, noise, and dogs.

Dangerous Dogs Act 1991 (as amended by Section 106 of the Anti-Social Behaviour, Crime & Policing Act 2014)

Details the breeds of dangerous dogs that the Council will not give permission for tenants to keep.

Control of Dogs Order 1992

This order requires every dog in public to wear a collar bearing the name and address of its owner inscribed on it.