

Cheshire West & Chester Council

# Council Housing

## Tenure Policy

Issue date: July 2024

Review date: July 2027



Cheshire West  
and Chester

## 1. Management Information

Approval Date:	July 2024
Next Review Date:	July 2027
Policy Owner:	Janet Lawton, Head of Housing Delivery
Responsible Service Area:	Council Housing Management Service
Responsible Director:	Director of Economy and Housing

## 2. Introduction

This Policy sets out the tenancy arrangements offered by The Council. It provides a clear framework for how tenancies will be granted and managed, in line with the Regulator of Social Housing's Tenancy Standard and other Statutory requirements. This policy underpins fair, consistent, and transparent decision making, ensuring that tenancies are allocated and managed in a way that meets the needs of households and makes the best use of the Council's housing stock.

## 3. Aim of Policy

The aim of the policy is to provide a consistent approach to tenancy management across all Council housing and homeless support services. It defines which types of tenancy are offered, how these will be managed and the principles that underpin decision making. The policy ensures that the Council's approach is transparent, sustainable, and aligned with national standards.

## 4. Strategic context

This policy helps the Council to meet the following national and local strategic aims.

Social Housing Regulations Act 2023 – Consumer Standards

- Transparency, Influence and Accountability Standard
- Tenancy Standard

[CWAC Borough Plan 2024 – 2028](#) - sets out how the Council will work with all its residents to build a stronger future where the Council and residents all play their part in creating thriving, caring and sustainable communities.

The Borough Plan has six missions as follows:

- Starting well - The best start for the borough's children and young people, with improved opportunity, a healthier start, greater resilience in families and the best possible support and care when it is needed.
- Tackling hardship and poverty - More people feel more financially secure as the causes and impact of hardship and poverty are addressed by working alongside residents.

- Resilient people living their best lives - Local people are enabled to flourish, be healthy, happy and independent for longer in supportive communities.
- Opportunity in a fair local economy - Local people and businesses contribute to and benefit from a strong and fair local economy.
- Neighbourhood pride - Residents live in well maintained, connected and safe places with good and affordable homes.
- Greener communities - Individuals, public services and businesses take action to move to tackle the climate emergency, achieve net zero, protect the natural environment and adapt to the impact of climate change.

[Together with Tenants Charter | Cheshire West and Chester Council  
Tenant Engagement Strategy 2025-30](#)

## **5. Definition and legislation**

### **Introductory Tenancies**

An Introductory Tenancy will run for a period of 12 months. Provided that proceedings for possession have not begun within this period or an extension applied (set period of 6 months), the tenancy will automatically become a secure tenancy after 12 months.

Introductory Tenants do not have the same statutory rights as Secure Tenants. They cannot sublet, take in lodgers, improve or exchange their home for the first 12 months and do not have the Right to Buy. Partners can be added to the household.

Where a tenant adheres to the terms of their tenancy during the initial 12 month period, the tenancy will usually be converted to a Secure Tenancy. Where the terms of the tenancy are not adhered to, the Introductory tenancy may be extended for a further 6 months.

### **Secure Tenancies**

The rights of Secure tenants will be set out in the tenancy agreement and where possible, the Council will aim to give tenants the same tenancy rights including succession, assignment, transfer and mutual exchange.

Where permission is sought to amend a tenancy, it will not be granted if the change will reduce the security of the original tenant, unless there are other substantial benefits for that tenant. The Council do not offer Fixed term tenancies.

The Council shall grant those who were social housing tenants on the day on which section 154 of the Localism Act 2011 comes into force, and have remained social housing tenants since that date, a tenancy with no less security where they choose to move to another social rented home, whether with the same or another landlord. (This requirement does not apply where tenants choose to move to accommodation let on Affordable Rent terms).

## **6. How the Policy will be delivered**

The Council will only offer a tenancy to those who can provide evidence to confirm:

- They have UK or EU citizenship;
- They have been granted indefinite or limited leave to remain in the UK;
- They have applied for an extension of their leave to remain if it has expired.
- They have a 'Right to Rent'

## **Exclusions and Suspensions**

- Some applicants will not be eligible for Council accommodation, this includes:
- Households excluded by law from holding a tenancy.
- Households that do not meet the 'Right to Rent' requirements under Section 22 of the immigration Act 2014.
- Applicants who, either as a tenant of the Council or another landlord have acted in a manner which would have seriously breached the terms of our tenancy, for example anti-social or criminal behaviour or who have rent arrears.

## **Types of Tenure**

All new tenants will be given an Introductory tenancy which will run for an initial period of 12 months.

## **Security of Tenure**

Information must be sought at allocation stage (if not already available) on the applicant's current tenure in order to determine the type of tenancy they will be offered. All relevant details and tenancy start dates should be confirmed in writing with the current landlord before any offer is made.

Applicants who are currently secure tenants of other councils or assured tenants of housing associations (or RSL) and who have held their tenancy for more than 12 months will be offered a secure tenancy with the Council.

Where the applicant is an Introductory Tenant of another council, or an assured short-hold tenant of a housing association (or Registered Social Landlord), they will be offered an introductory tenancy with the Council for the balance of 12 months. For example, if the applicant has been an Introductory Tenant with another RSL for eight months, their introductory tenancy with the Council will last a further 4 months, in order to complete their trial period.

## **Exclusions from the 12-month introductory period**

Any time spent in a hostel, and under a licence agreement, does not count towards the introductory tenancy period.

If the applicant is being re-housed from a tenure other than local authority or housing association (e.g. private rented sector), even if they have been a secure tenant in the past, they will be offered an introductory tenancy with the Council for a period of 12 months.

## **Variation of tenancy**

Introductory Tenants are not permitted to apply for a joint tenancy during their introductory period, as the persons to be added to the tenancy will not have lived at

the address for the 12 months required.

This will also apply to a tenant's spouse should they marry during the introductory period. No names may be added to the tenancy during the introductory period. But it can be added to the Household. Any name changes (e.g. reverting to maiden name) can be carried out without affecting the introductory period.

### **Additional Rights**

The Council allows for a certain amount of discretion with introductory tenancies dependent on how the tenancy has been conducted. Lodgers may be permitted subject to written permission.

There is no statutory right to improve, or to compensate for improvements, but if an Introductory Tenant wishes to improve their property, they are required to apply in writing and may be permitted to do so at the discretion of the Asset Management Team.

Provided with written permission for improvement, an Introductory Tenant can apply for compensation if they leave before the end of their introductory period. Although this is outside the scope of the statutory scheme, applications will be assessed on the same criteria, with the same qualifying improvements applying.

### **Succession**

When an Introductory Tenant dies, the tenancy may be passed on to a qualified successor. The rules are essentially identical to those for secure tenants, with the balance of the introductory period continuing for the new tenancy.

In some circumstances we may offer a tenancy to those left in occupation following the death of the tenant. This will take place at the discretion of the Neighbourhood Services Lead.

### **Introductory Tenancy Notice**

Should a serious breach of tenancy conditions occur during the Introductory Tenancy period, action may be taken to terminate the tenancy. This will involve the service of an Introductory Tenancy Notice, stating the reasons for seeking to end the tenancy.

Where possession proceedings are taken against an Introductory Tenant, the court must grant possession provided that the notice and review procedures have been followed correctly and the Council can demonstrate that it has acted reasonably.

The Council reserves the right to extend the introductory tenancy period in the event of less serious breaches of the tenancy conditions, or where more time is needed to investigate allegations. The length of the extension will be 6 months.

### **Commitment to Support**

The Council will enable residents to become knowledgeable about their rights and responsibilities as tenants and to acquire and use the appropriate skills to maintain a tenancy successfully.

Every effort will be made to sustain Introductory Tenancies by closely working with tenants in this process.

Support assessment and referrals will take place as part of the tenancy process. Tenants will be offered information and referrals for support to match their needs.

All new residents within 5 weeks of the start of their tenancy will be contacted and or visited to ensure that they understand their responsibilities as tenants and to ensure the support needs have been adequately gauged. Further reviews will be undertaken throughout the Introductory period.

Where we are unable to offer a tenancy, we will ensure that we work with the homeless team to ensure the adequate support is provided.

### **Reviewing Introductory Tenancies**

The Council will monitor Introductory tenancies throughout the period of the tenancy and will undertake a full tenancy review after 9 months, to decide whether to terminate the tenancy, extend the tenancy or offer a secure tenancy.

The Council may extend an introductory tenancy from 12 months to 18 months where there are concerns around anti-social behaviour being committed at the property, but the behaviour is not serious enough at that time to seek possession of the property and to pursue warrant possession action, or where we are still monitoring the tenant's behaviour

The Council will notify a tenant in writing of any decision we make to extend an Introductory tenancy and will explain the reasons for this decision in writing. Tenants have the opportunity to request a review of this decision.

### **Ending an Introductory Tenancy**

A Housing Act 1996 Section 127 Notice of Seeking Possession may be used to commence legal proceedings to end an Introductory tenancy for ASB, and other reasons for example serious breach of tenancy or rent arrears.

The Council will offer a right to request a review of the decision to serve such a notice. Where a decision is made to end a tenancy. The Council will ensure that housing options advice is offered to the household.

### **Decants**

When a household needs to be decanted to another temporary property The Council will ensure that the tenant retains the same level of security of tenure at the temporary tenancy. Where the rent is higher at the temporary tenancy, an allowance will be applied to the rent account to bring in line with the rent at the primary tenancy.

### **Mutual Exchanges and Transfers**

Where a tenant undertakes a mutual exchange, they take over the tenancy and security of tenure of the property into which they are moving. No new tenancy agreement is signed.

## **Succession**

Where a joint tenant dies, the tenancy passes to the remaining joint tenant(s) under the law of survivorship. When a sole tenant remains following the death of other joint tenant(s) they are to be regarded as having succeeded. There can be no further statutory succession thereafter. Where a sole tenant dies, (other than a surviving sole tenant as detailed above) a spouse or civil partner occupying the property as their only or principal home immediately before the death, is entitled to succeed. A person living with the tenant as a husband, wife, civil partner, or cohabitee is treated as a spouse and thus is also entitled to succeed if living with the tenant at the time of death. No other family member has a statutory right to succeed. However, the Council will consider requests from family members who are assessed as being in housing need and who would be eligible for a property of this size and type. The decision to grant a tenancy to a family member based on succession lies with the Neighbourhood Services Lead.

## **Tenants with Limited Leave to Remain**

If a tenant has limited leave to remain they shall be granted an Introductory Tenancy which will be converted to a Secure tenancy after 12 months. Should the tenant's leave to remain expire or be withdrawn enforcement action to end the tenancy will be taken using the grounds for possession.

## **Tenancy Fraud**

The Council are committed to identifying and tackling tenancy fraud and take all instances of tenancy fraud seriously in order to ensure that the availability of Council properties is maximised by preventing the misuse of housing stock.

Tenancy fraud or misuse can present itself in various forms and can occur at any stage during a tenancy lifecycle, the key areas are:

- Subletting
- Unauthorised assignment (including mutual exchange)
- Wrongly claiming succession
- Right to acquire / Right to buy fraud
- Obtaining a tenancy through false statement

The Council will tackle all instances of suspected tenancy fraud promptly and effectively to ensure that all of its housing stock is obtained legally and utilised by those with a legitimate housing need. Staff members are trained to identify and respond to incidents of suspected tenancy fraud, and where necessary we will take legal action to regain possession of properties and recover any unlawful profits made by tenants where there is evidence of tenancy fraud.

## **7. Equality and reasonable adjustment statement**

We value diversity and work to create an inclusive environment for customers and staff, where everyone has access to the same opportunities. We welcome our responsibility to comply with equalities legislation and regulatory requirements that

relate to equity, diversity and inclusion and aim to do more. Through our activities we aim to remove systemic barriers to equal opportunities and eliminate all forms of discrimination, harassment, and victimisation within our organisation.

We are committed to providing excellent customer services, which are fair, equitable and inclusive. As such, we will endeavour to understand and make any reasonable adjustments required for customers in line with our Reasonable Adjustment Statement and the Equality Act 2010. Any reasonable adjustment provided will be recorded and kept under active review.

## 8. Related Documents

- Allocations Policy and Procedure;
- Anti-Social Behaviour Policy and procedure
- Decant Policy & Procedure
- Local Lettings Policy;
- Mutual Exchange Policy & Procedure
- Succession Procedure
- Termination procedure

## 9. Equality Analysis

Results of EA / Actions taken forward to mitigate any potential negative impacts	<p>Inform that this policy can be provided in alternative formats.</p> <p>Inform about the ongoing equality and diversity training for staff in the delivery of this policy.</p>
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See appendix 1 for full Equality and Diversity Impact Assessment.

## 10. Consultation and Business Intelligence

The policy was created in consultation with the Council's tenants leaseholders and staff.

## 11. Monitoring and review

The Council Housing Management Board has responsibility for the monitoring and review of this policy. This policy will be reviewed every three years starting from the date it is approached and adopted.

## 12. Approval and Review History

The approval route for all policies and procedures is via the Cabinet Member for Homes and Planning who has delegated powers for policy approval from the Council's Executive Cabinet.

Date	Version	Approved by
	V1	ForHousing HMC SMT

Date	Version	Approved by
02/07/2024	V1.1	Cabinet Member of Homes and Planning
23/09/2025	V1.2	Cabinet Member of Homes and Planning

### 13. Document Revision History

Date amended	Version	Key Changes
04/05/2024	1	<p>New Tenure policy–</p> <p>Introductory Policy this has now been merged as per tenant's request.</p> <p>Changes from original Introductory Policy:</p> <ul style="list-style-type: none"> <li>• Clarification about partners being added to the household.</li> <li>• Removal of information about offer tenancies to 17-year-olds as we do not offer this.</li> <li>• Changes to timeframes to contact/ visit new tenant</li> </ul>
28/06/2024	1.1	<p>Revised version following tenant feedback:</p> <ul style="list-style-type: none"> <li>• Tenure Policy and Introductory Tenancy Policy are combined into one policy.</li> <li>• Improved layout and wording to policy document.</li> <li>• Information about fixed term tenancies included.</li> <li>• Information about Localism Act 2011 included.</li> <li>• Information about lodgers provided in the Introductory section.</li> <li>• Made clear that this policy document can be provided in alternative formats.</li> <li>• Informed about the ongoing equality and diversity training being provided to staff in the delivery of this policy.</li> </ul>
22/09/2025	1.2	<p>Revised version to take into account the insourcing of the housing management service from ForHousing.</p>

## Appendix 1 – Equality and Diversity Impact Assessment

<b>Area of activity or change</b>	<b>Tenure Policy</b>
<b>IMDF Approval</b>	<b>Allan Batty, Senior Housing Policy Officer</b>

<b>STAGE ONE - SCOPING</b>	<b>Outlines the decision that is being made any why</b>
<b>STAGE TWO - RESEARCH</b>	<b>Outlines the collaboration and research that will inform this decision</b>
<b>STAGE THREE - FINDINGS AND NEXT STEPS</b>	<b>Considers how learnings from research and engagement are being embedded, the potential impact of the decision on different people and how these can best be managed.</b>

<b>STAGE ONE – SCOPING</b>	
<p><b>Consider points such as:</b></p> <ul style="list-style-type: none"> <li>Where has the proposed activity or change come from and why is it needed?</li> <li>Why is it important to the Council?</li> <li>How will this affect the tenant / customer journey or colleague experience?</li> </ul>	<p><b>What activity or change is being proposed and why?</b></p> <ul style="list-style-type: none"> <li>The Tenure Policy sets out our aims to achieve a practical balance between the high levels of housing need, the under supply of social housing, the changing demographics of tenants and the offer of appropriate tenure.</li> <li>Review policy to ensure it meets the requirements of staff, the Council and its tenants and leaseholders</li> <li>Review policy to ensure that it complies with best practice guidance from the Regulator of Social Housing</li> <li>Consult with tenants and leaseholders</li> </ul> <p><b>What benefits are you trying to achieve?</b></p> <ul style="list-style-type: none"> <li>The policy is up to date and available to be referred to, and demonstrates we are fully aligned with the local authorities, and compliant with the regulator of social housing consumer standards, and all associated legislation.</li> <li>Policy to consider all requirements</li> <li>Policy to be clear about being developed by best practice guidance and the Consumer Standards</li> <li>Policy to be informative, to be clear and in plain English</li> <li>Meet the needs of staff, tenants and leaseholders</li> </ul>
<b>STAGE TWO – RESEARCH</b>	
<p><b>Consider points such as:</b></p> <ul style="list-style-type: none"> <li>What groups or individuals will you approach to discuss this?</li> <li>How will you ensure that these people are diverse and</li> </ul>	<p><b>Who will help develop your thinking so that different experiences and perspectives are included?</b></p> <ul style="list-style-type: none"> <li>The policy has not changed and is in line with regulations and statutory guidance under Part 6 of the Housing Act 1996, the Housing Act 1985, The Housing Act 1988, the Immigration Act 2014 and the Localism Act 2011, and the Tenancy and Rent Consumer Standard.</li> <li>Consultation with tenants and leaseholders using closed facebook page.</li> </ul>

<p>representative? (See Equity and Diversity table in stage three)</p> <ul style="list-style-type: none"> <li>Is there any data you can look at to support you?</li> </ul>	<ul style="list-style-type: none"> <li>Undertake an equality impact assessment to identify any positive and/or negative impacts on protected characteristics.</li> </ul> <p><b>What research will you do to inform your understanding?</b>  The Housing Act and Part 6 of the 1996 Act  The Housing Act 1985 – Statutory Succession  The Housing Act 1996 – Introduction of starter tenancies, converting to Assured after a successful 12 month period  Tenancy Standard  Rent Standard</p>
<b>STAGE THREE – FINDINGS AND NEXT STEPS</b>	
<p><b>Consider points such as:</b></p> <ul style="list-style-type: none"> <li>What have people told you are some of the key issues?</li> <li>What good practice is happening in other organisations?</li> <li>What changes are you planning to make because of the things you've found out?</li> </ul>	<p><b>What have you learnt from your research and engagement?</b></p> <ul style="list-style-type: none"> <li>The Council is committed to offer tenancies or terms of occupation which are compatible with the purpose of the accommodation, the needs of individual households, the sustainability of the community, and the efficient use of our housing stock. We will meet all applicable statutory and legal requirements in relation to the form and use of tenancy agreements or terms of occupation.</li> <li>Consultation with tenants and leaseholders informed on minor changes to the policy which is recorded in the final document.</li> </ul> <p><b>How will you embed what you've learnt into your activity or change?</b></p> <ul style="list-style-type: none"> <li>The policy enables the Council to use existing stock and make the best use of stock by meeting housing needs where possible, providing terms of occupation which are compatible with the purpose of the accommodation.</li> <li>Make relevant minor changes to the policy</li> <li>Inform within the document that this can be provided in alternative formats.</li> <li>Inform about the ongoing equality and diversity training being provided to staff in the delivery of this policy.</li> </ul>

**Equity and Diversity** - Not everyone has the same access to opportunities or services, and the things that make us different – such as the characteristics listed below – can affect our experiences and outcomes. Therefore, it is important to consider how different people could be impacted by any activity or change we want to bring about.

<b>How could the proposed activity or change affect people with these characteristics (positively or negatively)?</b>		-		+
<b>Age</b> (Younger or older people)	No Change - A person aged 16 or 17 may be nominated to us by the Council's Homeless Team as they may have a duty to house them under Part 7 of the Housing Act 1996.			
<b>Caring responsibilities</b> (Parents and those looking after an older or disabled person)	No equality considerations identified			
<b>Digital inclusion</b> (People without access to digital platforms or devices)	No equality considerations identified.			
<b>Educational attainment</b> (People who have experienced barriers to formal education)	No equality considerations identified			
<b>Ethnicity, race and nationality</b> (Including migrants, refugees and asylum seekers)	No Change - If a tenant has limited leave to remain they shall be granted a Starter Tenancy which will convert to an assured tenancy after 12 months. Should the tenant's leave to remain expire or be withdrawn enforcement action to end the tenancy will be taken using the grounds for possession in Schedule 2 Housing Act 1988			
<b>Financial inclusion</b> (People experiencing financial barriers or challenges)	No Change - Social housing is considered the most financially viable option for people on low incomes.			
<b>Marriage / civil partnership</b> (Legal union between different-sex or same-sex couples)	No equality considerations identified			
<b>Mental health</b> (People with a mental disability or ill-health)	No equality considerations identified			
<b>Neurodiversity</b> (Such as people with ADHD, Autism, Dyslexia, Dyspraxia)	No equality considerations identified			
<b>Physical health</b> (People with a physical disability or ill-health)	No equality considerations identified			
<b>Pregnancy and maternity</b> (Someone who is pregnant or has recently given birth)	No equality considerations identified			
<b>Religion, faith or belief</b> (All religions and faiths, including people with no religion)	No equality considerations identified			
<b>Sex</b> (Men and women)	No equality considerations identified			

<b>Gender identity</b> (Including trans and non-binary people)	No equality considerations identified	
<b>Sexual orientation</b> (Such as Lesbian, Gay and Bisexual people)	No equality considerations identified	
<b>Any other characteristic</b>	No equality considerations identified	

### Managing positive and negative effects

**Consider points such as:**

- Do you need to escalate any issues or seek legal advice?
- Can you see any opportunities to promote or celebrate positive outcomes?
- How will you build monitoring into the implementation of your activity or change and who will you report to?

**If potential negative effects have been identified, how will any harm be reduced or avoided?**

**If potential positive effects have been identified, how can we ensure these are realised?**

The Council will continue to assist homeless people in finding a home. The Council works closely with the Care Leaver Team to provide those under the age of 18 the opportunity to secure a home.

**How and when will the impacts of your activity or change be monitored moving forward?**

The Council will continue to comply with regulatory, legislative and statutory guidance.