



Tenancy audit policy

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Glossary

Household information	Who lives in the household and their relationships to each other, dates of birth and gender information.
Equality and Diversity Information	Gender, age, ethnicity, religious belief, sexual orientation and disability of tenants to monitor compliance with our Public Sector Equality Duties
Subletting	If the tenant of a rented property in turn rents out part or all the property to someone else, it is known as subletting. Subletting council properties is not allowed and tenants subletting illegally can face prosecution.
Tenancy audit	The process of gathering, checking and recording information about who lives in a property and the condition of property.
Tenancy fraud	Tenancy fraud involves obtaining properties by deception (for example, individuals claiming to be homeless when they already own a property or are already living at an address) or continuing to claim to be living at a property when they have moved out and sublet it.
Underoccupation	When a household is living in a property which has more bedrooms than the allocations policy says it needs, it is considered to be underoccupying the property. The number of bedrooms a household needs is normally based on the number of adults and their relationship to each other, and the age and sex of children.

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1. Introduction & purpose

Social housing is a valuable asset that provides security and stability to people in housing need. All local authorities have a duty to make the best use of public resources and ensure existing stock is properly managed.

Tenancy audits are necessary to:

- Update the household information, to help us to deliver quality and timely services that are tailored to individual needs and that ensure the best use of resources and value for money.
- check the condition of the properties.
- help identify any customer support needs and to refer them onto specialist agencies for individual support.
- identify tenancy fraud and other breaches of tenancy.
- identify households who are underoccupying properties and provide support if they wish to move to smaller properties.
- *promote resident engagement opportunities and deal with customer enquiries and opportunities to help us to improve our service.*

The aim of this policy is to set out how we will carry out tenancy audit visits, how we will treat the information we collect and what action may be taken as a result of the information obtained.

2. Household information

During the tenancy visit we will be reviewing and updating the information we currently hold, which will include:

- Who lives in the household and their relationships to each other, dates of birth and sex.
- *To identify and deal with any unauthorised alterations and to ensure compliance with health and safety requirements.*
- *To promote Safer Homes*
- *To promote fire safety advice and prevention.*

2.1 Equality information

In addition to the household information, we will also be asking the tenant(s):

- Equality and diversity information, which includes disabilities, ethnicity, sexual orientation, and belief.

This is to ensure that we can plan our services better and that we are complying with our Public Sector Equality Duties.

Tenants are not obliged to answer these questions or to inform us of any changes to their household.

3. Stock condition

Tenancy audits provide an opportunity to assess the condition of our properties including, where relevant, gardens. Colchester Borough Council tenants are expected to:

- Keep the interior of the home clean and in a good state of decoration.
- Keep and maintain gardens, trees, lawn, and hedges in a neat and tidy condition.
- Make good any damage caused to fixtures and fittings or structure of the property by a member of the household or a visitor to the home.
- Report to Colchester Borough Homes promptly, any disrepair or defect for which CBH is responsible.

If the condition of the property is unsatisfactory we will send a letter to the tenant within 5 working days of the visit setting clear objectives and timescales relating to improvement.

If work is required following the tenancy audit an inspection visit will be arranged.

Any issues concerning unauthorised structural changes will be followed up within 28 working days of the visit by a surveyor.

In general, routine repairs will be the responsibility of the tenant to report via www.cbhomes.org.uk/reportarepair or on 01206 282514.

However, where urgent or emergency repairs are identified as part of the tenancy audit, these will be reported by the officer conducting the audit.

4. Identifying tenant needs

We will make appropriate referrals arising from tenancy audits, for example for tenancy support, income management, benefits advice, antisocial behaviour, safeguarding or disabled adaptations.

5. Tenancy fraud

Under the Prevention of Social Housing Fraud Act 2013 it is a criminal offence to sub-let or part with possession of social housing. We will take appropriate

action to ensure that our homes are only occupied by those with legal right to be in residence.

Tenants will be asked to provide identification during the visit to ensure that the correct person is living in the property.

Officers are only able to discuss the tenancy with the authorised tenant (or the tenant's representative, as long as the tenant has given their permission).

We participate in the government's National Fraud Initiative and we encourage residents to report housing fraud at info@reporhousingfraudcolchester.net or using the housing fraud on 01206 507071.

Occupying as main home

The current tenancy agreement states "You must live in the property as your home. It must be your main or only home". You must not give away (assign) your tenancy without written permission. You must not rent your home or any part of it to anyone else without first getting permissions in writing".

Housing Act 1985 Section 81 - the tenant condition

The tenant condition is that the tenant is an individual and occupies the dwelling-house as his only or principal home; or, where the tenancy is a joint tenancy, that each of the joint tenants is an individual and at least one of them occupies the dwelling-house as his only or principal home.

Lodgers and subletting

Housing Act 1985 Section 93 - Lodgers and sub-letting

It is a term of every secure tenancy that the tenant.

- (a) May allow any persons to reside as lodgers in the dwelling- house but
- (b) Will not, without written consent of the landlord, sublet or part with possession of part of the dwelling house.

If the tenant under secure tenancy parts with possession of the dwelling-house or sublets the whole of it (or sub-lets first part of it and then the remainder), the tenancy ceases to be a secure tenancy and cannot subsequently become a secure tenancy.

6. Breaches of tenancy

We will take appropriate action to ensure that tenants comply with their tenancy conditions.

If we suspect a tenant has breached their tenancy but the tenant refuses access or to cooperate, we can take appropriate legal action to enforce this.

7. Underoccupation

If households are living in a home with more bedrooms than they need according to the Council's Allocations Policy, they will be offered information and support on moving to a smaller property. This may include information on mutual exchanges, bidding assistance and information on the Tenant Incentive to Move scheme.

If households are overcrowded, they will be advised of the transfer application process.

8. Obtaining access

Visits will be made in person and we will ensure that access is obtained to the properties. Tenants in most cases will be given notice prior to a tenancy audit visit. We will notify tenants of the tenancy audit in writing at least 10 working days in advance of the visit. The letter will clearly state the purpose of the visit.

However we may carry out visits without notice, with the permission of the tenant.

The conditions of tenancy require a tenant to give us access if appropriate written notice of this request has been given.

Housing Act 1985 Section 54 - Powers of entry

(1) A person authorised by a local housing authority or the Secretary of State may, at any reasonable time, on giving 24 hours' notice of his intention to the occupier, and to the owner if the owner is known, enter premises for the purpose of survey and examination—

(a) where it appears to the authority or Secretary of State that survey or examination is necessary in order to determine whether any powers under this Part should be exercised in respect of the premises, or

(b) in the case of premises which the authority are authorised by this Part to purchase compulsorily.

(2) An authorisation for the purposes of this section shall be in writing stating the particular purpose or purposes for which the entry is authorised [and shall, if so required, be produced for inspection by the occupier or anyone acting on his behalf].

If written notice has been given and we are still unable to access the property we will take appropriate action, which may include applying to the County Court for access.

9. Information and confidentiality

The tenant will be notified of the purpose of collecting the information and how it will be treated in the letter notifying them of the visit/at the time of the visit.

The information we collect will be stored, maintained on our tenancy database and processed in accordance with data protection legislation and Colchester Borough Homes Information and Confidentiality Policy.

Data Protection law allows us to share personal data for the purpose of preventing or detecting fraud.

10. Equality and diversity

Colchester Borough Homes will ensure support is available to vulnerable customers or customers who may have difficulties understanding information through internal support mechanisms or the use of external agencies and/or support workers; this includes the use of British sign language, alternative formats and alternative languages where necessary.

11. Consultation

Our objectives have been developed to complement those of Colchester Borough Council. We will work with the Council to achieve its key priorities including tackling benefit fraud and meeting genuine housing need and relevant Council officers have been involved in the drafting of this document.

Community Housing Officers, Voids Managers, senior managers and directors have been consulted in preparing this policy.

A Task and Finish Group was held in July 2014. Eight tenants attended and reviewed the Policy, as well as two Chartered Institute of Housing Good Practice Guides and were happy with the overall content and approach the tenancy audits will take. They made minor suggestions that have been considered and incorporated into the policy.

12. References

- Housing Act 1985 Section 54 - Powers of entry
- Data Protection Act
- General Data Protection Regulation
- Prevention of Social Housing Fraud Act 2013
- National Housing Fraud Initiative
- Housing Act 1985 Section 93 - Lodgers and sub-letting
- Chartered Institute of Housing Good Practice Guides
- Equality Act 2010.

13. Related documents

- Colchester Borough Council Conditions of Tenancy
- CBH Equality Strategy and Action Plan
- CBH Information & Confidentiality Policy
- CBH Repairs policy
- Colchester Borough Council Allocations Policy.

Document control sheet

Title	CBH Tenancy audit policy					
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Document amendment history

Version	Type	Date	Brief Description of changes
1.0	New	July 2014	New policy
1.1	Minor	October 2014	Revised sections on Equality information, data protection and the obligations of tenants.
1.2	Minor	February 2018	References to 2014-17 programme of tenancy audits removed. Sections relevant to data protection revised to reflect changes in legislation.
1.3	Minor	April 2021	Revised sections to include safer homes initiative and fire safety advice and resident engagement promotion.