

Committee:	Executive	Agenda Item No.:	7.
Date:	6 th February 2013	Status	Open
Category	3. Part of the Budget and Policy Framework		
Subject:	Succession for Council Tenants.		
Report by:	Head of Housing		
Other Officers Involved	Patch Management Group		
Director	Director of Neighbourhoods		
Relevant Portfolio Holder	Councillor K. Bowman, Portfolio Holder for Housing		

RELEVANT CORPORATE AIMS

CUSTOMER FOCUSED SERVICES – By developing an approach to Succession that gives reasonable preference to the household members of a deceased tenant.

STRATEGIC ORGANISATIONAL DEVELOPMENT – By using the flexibilities within the Localism Act to benefit residents of Bolsover.

TARGETS

Not directly.

VALUE FOR MONEY

Not directly.

THE REPORT

SCOPE:

Succession is the term used in housing law to explain what happens to a tenancy should the tenant die. This applies to Council tenants with a secure tenancy only.

BACKGROUND:

The 1985 Housing Act (s87-90) gave secure tenants the right of succession. This allowed the spouse, or other prescribed family member to succeed to the tenancy if they lived with the tenant at the time of death, and there had been no previous succession of the tenancy.

However, the Localism Act 2011 has removed this right, and succession is now only permitted to the spouse of the tenant, unless the council has a specific clause in the tenancy that extends this rights. This applies only to new tenants starting after April 2012.

DECISIONS

Members are asked to decide what rules they wish to adopt for succession. The options are:

- a. To adopt the minimum allowed under the Localism Act. This means that only the spouse (or Civil partner) is allowed to succeed to the tenancy on death of the tenant.
- b. To adopt a set of rules that gives new tenants the same rights as existing tenants. This would allow the spouse (or Civil partner) first 'call' on the succession – but a succession could also apply to the tenants parent, grandparent, child, grandchild, brother, sister, aunt, uncle, niece or nephew to succeed to the tenancy – these only apply if the family member has been living as part of the deceased tenants family for a period of 12 months prior to death.
- c. To adopt another scheme, which is somewhere between these two schemes, and if so to suggest the terms of the scheme.

INFORMATION

In making this decision members should be aware that:

- a. If the case of a succession, other than succession by a spouse, to a property that is unsuitable (either because of size, adaptation or specialist accommodation) the Council will work with the successor to identify more suitable accommodation. There have been no significant problems in implementing this approach within Bolsover.
- b. In the case of a succession by a spouse, also termed survivorship, the spouse is able to remain in the accommodation even if they have no specific need for the accommodation. This applies under existing and new legislation.
- c. A copy of the current policy is included as an appendix. This will be updated to reflect any decision made as a result of this report.

- d. That current succession rules do not allow succession by an unmarried partner, but locally such situations are dealt with by the HARP panel who may offer a new tenancy to the partner.
- e. The Council do not have the power to allow more than one succession to a property, and
- f. It is not recommended that members suggest a more 'generous' system than the one established by the 1985 Housing Act as this could conflict with the Council's legal responsibility to make best use of the Housing Stock.

ISSUES/OPTIONS FOR CONSIDERATION

The options are covered in the main body of the report.

IMPLICATIONS

Financial: Not directly
Legal: Not directly
Human Resources: Not directly.

RECOMMENDATION

That that Council use the freedom of the Localism Act 2011 to adopt a set of rules for succession that gives new tenants the same rights as existing tenants.

REASON FOR DECISION TO BE GIVEN IN ACCORDANCE WITH THE CONSTITUTION

To have a policy on tenancy succession that offers the same rights to new and existing tenants.

ATTACHMENTS: **N**
FILE REFERENCE: **none**
SOURCE DOCUMENT: **Localism Act 2011**