

Stockton-on-Tees Borough Council

Tenancy Policy

February 2026

APPENDIX A

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Contents

Introduction.....	3
Context	3
Policy Aims	3
Managing Agent.....	3
Types of tenancy we offer	3
Introductory Tenancies.....	3
Secure tenancies	4
Flexible tenancies	5
Reviewing a flexible tenancy.....	5
Ending a flexible tenancy	6
Other circumstances where a flexible tenancy may end.....	6
Appeals.....	7
Service Occupancy Tenancy.....	7
Licences and non-secure tenancies	7
Mutual Exchanges and Transfers	7
Mutual Exchanges	7
Transfers	8
Succession rights and assignment	8
Succession	8
Types of succession	8
Assignment.....	9
Decanting tenants due to significant planned or emergency work	9
Equality and Diversity.....	9
Support for Vulnerable Tenants.....	10
Homelessness Prevention.....	10
Tenant Engagement and Consultation	10
We will involve tenants in decisions that affect their homes and tenancy rights by:.....	10
<input type="checkbox"/> Ensuring tenants will be consulted on significant policy changes and regeneration plans.	10
<input type="checkbox"/> Ensuring feedback mechanisms include surveys, community meetings, and online platforms.	10
Data Protection and Privacy.....	10
Monitoring and review	11
APPENDIX 1	12
Overview of tenancies	12

Introduction

Context

The Localism Act 2011 places a duty on local authorities to publish a Tenancy Policy.

This policy sets out the Councils' approach to:

- The types of tenancy we will grant
- The circumstances in which we may grant certain types of tenancy
- The length of tenancies we grant
- When a tenancy ends, the circumstances in which we will grant a further tenancy
- The circumstances where the right to the succession to a tenancy will apply

This policy will be used to ensure that we can provide the most appropriate type of accommodation to meet our tenants' needs and that we make the best use of the Council's housing stock.

Policy Aims

In creating this policy, the council aims to:

- Help those in housing need access a home that meets their needs.
- Help to build sustainable and healthy communities.
- Help to make decisions about who lives where, in what type of tenancy and for how long.

Managing Agent

Stockton-on-Tees Borough Council employs a Managing Agent to manage and maintain their properties on our behalf. Our managing agent will collect rent, arrange repairs, deal with any anti-social behaviour, carry out affordability assessments, arrange stock condition surveys and carry out decant standard works. All tenants will be informed of who the Council has appointed as its managing agent and be provided with their details at the time of signing up to one of the Council's tenancies.

Types of tenancy we offer

Introductory Tenancies

All new tenants of the Council, apart from those who exist as tenants of another council or a registered provider, will be given an introductory tenancy.

An introductory tenancy is a trial period lasting 12 months. Introductory tenancies provide an opportunity for new tenants to ensure they understand their rights and obligations under the terms of the tenancy agreement and can maintain their tenancy satisfactorily. If there are no problems during the trial period, then the tenancy automatically becomes a secure tenancy.

Introductory tenants do not have all the rights of a secure tenant. They do not have the right to:

- Exchange with another tenant
- Improve the property
- Sublet the property
- Succession
- Buy the property, but the introductory tenancy period will count towards the entitlement period if they choose to buy later

In some circumstances, the introductory tenancy may be extended by a further 6 months, up to 18 months. This will occur if there are concerns about how the tenancy is being conducted and notice of the intention to increase the introductory period will be given by the 10th month of the tenancy.

Where a tenant has not satisfactorily completed an introductory tenancy, a Notice of Possession Proceedings will be served. The tenant will have a right to review this decision, as set out within the Tenancy Agreement.

The Council may apply for a Court Order at any time during the tenancy to end the tenancy if any of the grounds for possession can be proved.

Secure tenancies

Most tenancies will be secure tenancies. Secure tenants can live in their home permanently as long as the terms of the tenancy are not breached. Secure tenants have a range of rights and security of tenure which can only be challenged for specific reasons set out in the Housing Act 1985.

Tenants will be granted a secure tenancy:

- a) Following the successful completion of their introductory tenancy; or
- b) If they have held either a Secure, Assured (other than assured shorthold), Flexible or Fixed Term Tenancy of a social housing property immediately prior to letting.

Secure tenants enjoy the following rights:

- a greater security of tenure; a Secure Tenant can only be evicted from their home by the order of the Court. The Council can only apply for a Court order on one or more of the grounds for possession in the Housing Act 1985 (as amended by the Housing Act 1996). For most tenants this means that they can enjoy a settled life in their home for as long as they wish, provided that they do not breach the tenancy conditions
- a right to exchange their home with another tenant, for example if they need to move to be closer to work or to get a smaller or larger home to better accommodate their family.

- a right to make improvements to their home provided they have obtained prior written permission from the Council.
- a right of succession; to grant the tenancy to a partner or family member in the event of their death (Subject to Localism and Housing Act criteria)

Flexible tenancies

Flexible tenancies are fixed-term secure tenancies. This means that the tenancy comes to an end when the period for which they have been granted expires. Flexible tenancies will only be offered in exceptional circumstances where long-term occupation may not be appropriate, for example, regeneration areas, where decant, demolition and rebuild will take between 2-5 years to complete.

Anyone being offered a flexible tenancy will be first offered a 1-year introductory tenancy, followed by a 2-5-year flexible tenancy.

There are exceptions to this (see below).

Flexible tenancies are a form of secure tenancy and during the term of the tenancy the tenant has many of the same rights as a lifetime secure tenant. These include:

- The right to undertake a mutual exchange
- The right for a partner to succeed to the tenancy following the death of the tenant
- The right to buy
- The right to repair

The right to improve their property is at the discretion of the Council. A tenant with a flexible tenancy does not have a statutory right to be compensated for improvements

At the end of the fixed term of a flexible tenancy the Council has to decide whether or not to grant the tenant a new tenancy or take possession of the property.

Reviewing a flexible tenancy

It is a legal requirement that we notify the tenant that the fixed term will be coming to an end at least 6 months prior to the termination of tenancy. However, the tenant will be written to between 9 and 12 months before the end of a tenancy to inform them that a review of their tenancy will be beginning. The aim will be to give the tenant as much notice as possible about our intentions for their tenancy.

In addition to confirming the start of a review in writing, a home visit will also be arranged to ensure the tenant is aware that their tenancy is due to end and to take the opportunity to discuss their housing needs and future housing options. In the review, the following will be considered:

- Any change in circumstances, such as the size of the family that may be leading to under or over occupation or changes in health
- Any social issues, including children's education

- Any tenancy breaches such as rent arrears, anti-social behaviour complaints and any concerns around property conditions
- Where appropriate, the continuing need for major adaptations
- Where appropriate, if the family are continuing to foster
- The number of applicants on the waiting list in need of that type of accommodation
- The availability of similar properties in that area
- The tenant's views on continuing the tenancy

Once the review has been completed, the tenant will be written to as soon as possible but at least 6 months before the end of the tenancy. The letter will explain the decision and set out what will happen next. This will be followed by either a telephone call or a visit depending on the outcome of the review.

Where there has been a significant change in circumstances based on the review criteria set out above, the Council may decide to not offer a further flexible tenancy and terminate the tenancy. This will be confirmed with the tenant with at least 6 months' notice in writing, followed by a visit as soon as possible after the decision.

The notice will set out:

- Why this decision has been made
- What the appeals process is (see below)
- What advice and support will be provided should alternative accommodation be required

Ending a flexible tenancy

Where a tenancy is being terminated, advice will be provided on alternative housing options including:

- Support moving to a new property within a regeneration area
- Support to apply for alternative social housing
- Advice on privately rented accommodation
- Information on other advice and support agencies

A formal notice seeking possession will be served two months before the end of the tenancy.

Other circumstances where a flexible tenancy may end

The Council may apply for a Court Order at any time during the tenancy to end the tenancy if any of the grounds for possession can be proved. The grounds for possession remain the same as for Secure Tenancies.

If the tenant wishes to bring the tenancy to an end before the end of the fixed term they may do so by issuing a notice of termination that provides 4 weeks' notice. For the surrender to take effect it must be accepted in writing by the Council.

Appeals

The Flexible Tenancies (Review Procedures) Regulations 2012 sets out the procedure for a review of decisions relating to flexible tenancies. There are only two circumstances in which a review can take place:

- A tenant can seek a review of the length of tenancy on offer if it does not comply with the Tenancy Policy
- They can also apply for a review if, at the end of the flexible tenancy they are refused a further tenancy

A person who wishes to request a review must do so before the end of the period of 21 days beginning with the day on which the notice of the decision is served.

Service Occupancy Tenancy

Some properties may be offered under a Service Occupancy Tenancy. This is where an employee of the Council lives in accommodation provided by the Council because it is either:

- Essential that they live in the accommodation to do their job; or
- A term of their employment contract states that they live in the accommodation to do their job.

Service occupiers can be asked to leave the property immediately when their employment ends. The occupation and employment can start on different days. People who are service occupiers can include caretakers or gardeners who live in or near their workplace.

Licences and non-secure tenancies

This is an agreement which grants personal permission to occupy a property for a specified period (usually between 1-2 years) and can be terminated by the Council at any time.

Anyone moving into short term or temporary housing, such as where tenants are decanted due to emergency or urgent work will usually be offered a licence to occupy. Those given a licence to occupy will not receive a prior Introductory Tenancy.

The occupier has limited rights. They cannot apply to improve the home, take in lodgers, apply to buy the home, transfer, exchange or pass on their licence.

Mutual Exchanges and Transfers

Mutual Exchanges

A mutual exchange is a process where two or more tenants swap their homes with each other, usually because they want to move to a different size property, location, or to be closer to work or family. It is a legal right for most secure and flexible tenants under the Housing Act.

An exchange may be refused if:

- The tenant has a Court Order
- The tenant has legal action pending which may end their tenancy because of rent arrears, breach of tenancy conditions, neighbour nuisance, or damage to the property, or because they have obtained the tenancy by deception or by paying someone to exchange with them
- The property is unsuitable for the tenant(s) wanting to move to it, or significantly larger than they need
- The property has been adapted or has conditions attached to the property that the tenant does not meet (such as sheltered housing)

If there are rent arrears which have not yet led to a Court Order or Notice of Seeking Possession, then we will usually give conditional approval for the exchange to take place after the arrears have been cleared. In exceptional circumstances we will consider allowing someone with rent arrears to exchange, for example where the arrears are as a direct result of restrictions to Housing Benefit or Universal Credit because of under occupation and the exchange will result in a move to smaller, more affordable accommodation. If the property conditions are poor, we may give approval for the exchange to take place but only after the property conditions have been brought to an acceptable standard as agreed by us. We may also consider allowing a tenant to exchange in other special circumstances and these will be considered on the facts of each individual case.

Transfers

Tenants holding a flexible or secure tenancy can apply for a transfer to an alternative Council property should one become available. They will have their priority assessed in the same way as other applicants via the Tees Valley Common Allocation Policy.

Succession rights and assignment

Succession

The right to succession is the right to remain in the property as a tenant when the tenant dies. There can legally only be one succession per tenancy.

Types of succession

The Localism Act 2011 introduced changes to the right to succession. For tenancies which started after 1st April 2012, succession to a flexible tenancy only applies to the spouse or civil partner but also includes a person who was living with the tenant as if they were married or civil partners of the deceased tenants, and there has not been a previous succession. Another family member who has been living with the tenant cannot succeed the tenancy on the death of the tenant.

Assignment

In some circumstances a tenant may assign their tenancy to another person who complies with certain criteria as laid out in their tenancy agreement. Generally, the right to assign is limited to the same people who can succeed a tenancy.

There are a limited number of other forms of assignment permitted by statute including where a Court has made an order to transfer the tenancy under Matrimonial Causes Act 1973, Section 24; Matrimonial and Family Proceedings Act 1984, Section 17(1); Paragraph 1 of Schedule 1 to the Children Act 1989; Part 2 of Schedule 5 or Paragraph 9(2) or (3) of Schedule 7 to the Civil Partnership Act 2004.

Decanting tenants due to significant planned or emergency work

On occasion, it may be necessary to carry out extensive repair works to a property either of a planned nature or following an unplanned incident such as a fire. Where possible, these works are carried out with the tenant in situ. However, on rare occasions it may be necessary to offer alternative property on a temporary or permanent basis.

Tenants who are decanted will be offered a licence to occupy or a non-secure tenancy depending on the circumstances. If the decant is intended to last very short term (one to six months) we will usually offer a licence, if the decant is intended to last over a longer period, such as six to twelve, we will usually offer a non-secure tenancy.

An offer of a permanent move to a like for like alternative property may be made if any of the following applies, in other circumstances the move will be temporary:

- the proposed works are likely to take more than 12 months to be completed
- the tenant or a member of the household has a vulnerability that may be impacted by the insecurity of moving temporarily to another property

Equality and Diversity

Stockton-on-Tees Borough Council and their Managing Agent are committed to promoting equality and diversity in all aspects of tenancy management. We will ensure compliance with the Equality Act 2010 and will not discriminate on the grounds of age, disability, gender, race, religion, sexual orientation, or any other protected characteristic.

We will:

- Carry out Equality Impact Assessments when introducing new tenancy types or making significant policy changes.

- Make reasonable adjustments for tenants with disabilities or vulnerabilities

Support for Vulnerable Tenants

Our managing agent will provide additional support for tenants with vulnerabilities, including those with disabilities, mental health needs, or safeguarding concerns. Our Managing Agent will:

- Ensure referral pathways to specialist support services.
- Give priority consideration during tenancy reviews and decanting for vulnerable households.

Homelessness Prevention

The Council and their managing agent will work to prevent homelessness when a tenancy ends, in line with the Homelessness Reduction Act 2017. We will:

- Ensure tenants are contacted at least six months before the end of a flexible tenancy to discuss housing options.
- Ensure support includes advice on social housing applications, private rental options, and referrals to housing advice agencies.

Regeneration and Decant Strategy

We will minimise disruption for tenants affected by regeneration or major works by providing clear communication and fair rehousing options. We will:

- Inform all tenants of regeneration plans as early as possible.
- Provide compensation and disturbance allowances in line with statutory requirements.
- Ensure permanent moves are prioritised where works exceed six months or where vulnerabilities exist.

Tenant Engagement and Consultation

We will involve tenants in decisions that affect their homes and tenancy rights by:

- Ensuring tenants will be consulted on significant policy changes and regeneration plans.
- Ensuring feedback mechanisms include surveys, community meetings, and online platforms.

Data Protection and Privacy

The Council and their managing agent will ensure that tenant data will be handled securely and in compliance with GDPR. We will:

- Ensure personal data will only be used for tenancy management purposes.
- Ensure tenants have the right to access and correct their data.

Monitoring and review

This document will be kept under review to address any legislative, regulatory, best practice or operational issues, and to ensure our current position on the uses and issue of tenancies remains relevant. To assess if this document needs amending, we will monitor the following:

- Housing needs information
- Households in crisis, including homelessness
- Impact assessment of the Common Allocation Policy
- Rent levels across tenures
- Delivery of new homes, including rent levels and property type

APPENDIX A

APPENDIX 1

Overview of tenancies

Tenancy Type	Key Features	Who can be offered	Length of Tenancy
Introductory tenancy	<p>This is a one-year trial tenancy which will automatically become secure at the end of the trial period unless action is being taken to bring the tenancy to an end.</p> <p>Tenants have most of the same rights as a secure lifetime tenancy but require additional permissions for taking in a lodger and carrying out improvements.</p> <p>Tenants can only be evicted in certain situations set out in law, but it is easier to bring this type of tenancy to an end.</p> <p>Introductory tenants do not have the right to buy their home.</p> <p>Introductory tenants do not have the right to apply to transfer (unless there are extenuating circumstances).</p> <p>Introductory tenants under the terms of our Tenancy Change Policy may be able to exchange their home.</p>	<p>Those who are not already a secure tenant with the Council or other registered provider.</p> <p>Will apply to flexible and secure tenancies.</p>	<p>12 -18 months</p> <p>Then will move to secure if no issues within the above period.</p>
Secure tenancy	<p>This is a lifetime tenancy as long as the tenant follows the terms of their tenancy.</p> <p>Tenants can only be evicted in certain situations set out in law.</p> <p>Tenants have the right to:</p> <ul style="list-style-type: none"> • take in a lodger; • carry out improvements; • claim compensation for certain improvements; and • be consulted on how their home is managed <p>Tenants may be able to:</p> <ul style="list-style-type: none"> • pass on their tenancy; • transfer; and • exchange their home <p>Tenants may have the right to buy their home and qualify for a discount.</p>	<p>Those who have successfully completed an introductory tenancy</p>	<p>There is no limit on the length of tenancy</p>

<p>Flexible tenancy</p>	<p>This is a secure tenancy but it is for a fixed period and cannot last indefinitely.</p> <p>Unless the tenants were secure immediately before the flexible tenancy started this tenancy will start as an introductory tenancy.</p> <p>Tenants can only be evicted for certain reasons set out in law (breach of tenancy) unless the fixed-term of the tenancy has ended.</p> <p>Tenants do not have a statutory right to carry out improvements where permission has been requested and given.</p> <p>We may agree to the flexible tenancy being passed on in the event of the death of the tenant or the tenant requesting to assign the tenancy to a potential successor. If agreed this will be a new tenancy and the type offered will be in line with this policy</p> <p>We may agree to allow a Mutual Exchange. If an exchange takes place a flexible tenancy may be offered to either party in line with this policy.</p>	<p>Those who have successfully completed an introductory tenancy</p>	<p>2 - 5 years</p>
<p>Licence to Occupy</p>	<p>This is an agreement which gives the resident/s personal permission to occupy accommodation in exchange for a use and occupation fee (not rent).</p> <p>The occupier has limited rights. They cannot apply to improve the home, take in lodgers, apply to buy the home, transfer, exchange or pass on their licence. We will only complete repairs for which we have a legal obligation.</p>	<p>Those who need temporary accommodation such as where tenants are decanted; to fulfil homeless duties; or where there are no succession rights but an individual remains in the property.</p>	<p>1-6 months</p>
<p>Non-secure tenancy</p>	<p>As above</p>	<p>As above</p>	<p>6-24 months</p>