

Mid Devon District Council

Tenancy Inspection Policy

Policy Number: HSG v1.8

July 2016

DRAFT

Version Control Sheet

Title: Tenancy Inspection Policy

Purpose: To review the Tenancy Inspection Policy in accordance with good practice and relevant legislative requirements.

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Status: Review of policy

Review Frequency: **Every 4 years or sooner if required and in accordance with good practice and changes in legislation**

Next review date: **July 2020**

Consultation **This document was sent out for consultation to the following:**

Cabinet Member

Staff

Tenants Together

Management Team

PDG Decent & Affordable Homes

Document History

This document obtained the following approvals.

Title	Date	Version Approved
Cabinet Member	13.5.16	
Tenants Together	9.6.16	
Management Team	5.7.16	
PDG	4.8.16	1.8

1. Introduction

This policy statement outlines Mid Devon District Council's (MDDC), Housing Service approach to making the best use of public resources to ensure the housing stock is managed efficiently by carrying out regular tenancy inspections.

2. Scope

This policy explains the purpose of carrying out tenancy inspections, the type of information collected and the action to be taken when concerns are raised. This policy covers the following points and should be read in conjunction with the related documents as stated below:-

- Tenancy inspections
- Household information
- Stock condition
- Tenancy fraud
- Safeguarding concerns
- Data protection
- Service standards

3. Related Documents

- a. Tenancy Agreement
- b. Recharge Policy
- c. Tenancy Policy
- d. Allocations Policy
- e. Tenancy Home Check leaflet
- f. Safeguarding Children and Vulnerable Adults Policy

4. Definitions

The following definitions apply to this policy:

- **Tenancy inspection** – means the process of visiting a Council property to gather, check and record information about who lives there and the condition of the property
- **Household information** – means the information we collect about who lives in the household and their relationships to each other, dates of birth, national insurance numbers and gender information
- **Tenancy fraud** – involves a person obtaining a Council property by deception or continuing to claim to be living at a property when they have moved out and sublet it.

5. Tenancy inspections

- 5.1 The Council will visit properties in the housing stock regularly in order to carry out tenancy inspections. Regular inspections allow the Council to:-

- Check that tenants are complying with the terms and conditions of their tenancy;
- Investigate alleged tenancy fraud;
- Identify abandonment and non-occupancy of a property;
- Prevent unauthorised subletting or assignment;
- Identify concerns around property condition, such as potential health and safety risks such as hoarding and disrepair;
- Identify opportunities for service improvement and tenants who wish to become involved;
- Provide support to tenants;
- Increase customer profiling information; and
- Raise concerns about the condition of a property or safeguarding issues following an inspection.

5.2 Officers will make unannounced tenancy inspections at properties. The Officer will either carry out an inspection there and then provided the tenant consents, otherwise the Officer will give at least twenty four hours' notice of an inspection.

5.3 If a tenant is suspected of a breach to their tenancy, or they refuse access, or fail to cooperate, we will take enforcement and, where appropriate, legal action.

5.4 During a tenancy inspection, the Officer will obtain information about the household and inspect the property including external areas.

5.5 Officers will prioritise tenancy inspections where there is a concern:-

- That the property has been obtained using fraudulent information;
- That the tenant is not using the property as their only and principal home;
- The keys have been passed to an unauthorised person and the tenant is allowing them to reside at the property;
- The property is being sublet;
- The property is being allowed to be used for illegal or immoral purposes;
- That the property is in poor condition;
- There has been repeated requests for replacement keys;
- The tenant has failed to give access for the annual gas check;
- The tenant fails to respond to letters from the Council;
- About a lack of repair requests or concerns have been raised by contractors;
- Raised by a neighbour, including complaints of frequent visitors or communal damage in blocks of flats;
- Of overcrowding in a smaller property;
- There are rent arrears, payments being made by a non-tenant or there is a large credit on the rent account, which could indicate that the tenant has been absent from the property for a prolonged period; or

- The tenant has not declared that they are a high earner in accordance with legislation, i.e. Pay to Stay requirements.

The above is not an exhaustive list.

- 5.6** Officers will follow up any tenancy inspections where concerns have been raised. They will liaise with relevant agencies where appropriate. Where any breach of the terms of the tenancy agreement is identified, appropriate action will be taken.
- 5.7** Following a tenancy inspection, where applicable, Officers will refer tenants to the relevant agency for further support and advice.

6. Household information

- 6.1** During a tenancy inspection, Officers will review and update the information currently held about the tenant and their household members. Information collected will include:-
- Household details
 - Date of birth
 - Gender
 - National Insurance number
 - Income details of the tenant and/or spouse, civil partner or partner living at the property
- 6.2** The changes to legislation relating to Pay to Stay could affect a number of tenants. Officers will provide advice and support, if applicable.
- 6.3** During a tenancy inspection, the Officer will ask the tenant for sight of:
- Two forms of identification, one document should contain a photograph of the tenant such as a passport or driver's licence; and
 - Proof that the tenant lives at the property, such as an utility bill or bank statement.

7. Stock condition

- 7.1** Tenancy inspections provide Officers assess to the property including external areas such as gardens and outbuildings to check the condition.
- 7.2** Where a repair is identified as part of the tenancy inspection, these will be raised by the Officer conducting the inspection.
- 7.3** If a repair is required because of wilful damage or neglect to the property, the tenant will be charged for such repairs.
- 7.4** In accordance with the tenancy agreement, tenants are expected to:
- Keep the inside and outside of the home, including garages and any outbuildings, in a clean and reasonable condition; and

- Keep the garden in a well maintained condition, this includes cutting the grass and trimming hedges.

8. Tenancy fraud

8.1 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 the legal right to reside there.

9. Tenant obligations

9.1 In accordance with the tenancy agreement, tenants must always occupy their property as their only and principal home.

9.2 The tenant must allow us reasonable access to inspect the property.

9.3 If a tenant is planning to be away from the property for a period of more than one month, they must notify the Council of their return date and provide their contact details or those of someone who will act as an emergency contact. They will be expected to pay their rent on time.

9.4 Secure and flexible tenants are allowed to take in lodgers without permission. They can sublet part of the property provided they have sought permission to do so and do not live elsewhere.

10. Safeguarding concerns

10.1 The Council is committed to ensuring that all children and vulnerable adults are protected and kept safe from harm whilst engaged in services organised and provided by them. A number of services such as Housing can play an important role in safeguarding and promoting the welfare of individuals as part of their day-to-day work, recognising welfare issues, sharing information, making referrals and subsequently managing or reducing risks.

10.2 The Housing Service has procedures in place to ensure that any reports or concerns relating to the protection of children and vulnerable adults are dealt with appropriately. Each frontline service has a designated person trained to deal with safeguarding issues.

11. Data Protection

11.1 All information collected as part of the tenancy inspection exercise will be processed in accordance with the provisions of the Data Protection Act 1998.

11.2 Information relating to the tenancy will be stored and maintained on the Council's information management system and will be available to Housing Service Officers to view as necessary. Occasionally, it will be shared with contractors who are authorised to carry out work or repairs on behalf of the Council.

12. Service standards

- 12.1** We are committed to the principles of openness and transparency and for this reason we will ensure that this policy is well-publicised. If there are any operational matters which impact upon our ability to operate this policy, we will ensure that appropriate information is given to tenants and other stakeholders.
- 12.2** Officers aim to visit all properties over a period of three and five years.
- 12.3** A standard tenancy inspection form will be used by Officers for all visits to ensure consistency of approach.
- 12.4** Photographs will be taken of tenants at sign-up appointments and will be downloaded onto the Council's housing management system.
- 12.5** New tenants will be made aware of tenancy inspections at sign up. We use a DVD to explain tenant responsibilities and rights to them. Links to the DVD are advertised on the Council's website.
- 12.6** We will publicise our approach to tenancy inspections via newsletters, leaflets, on noticeboards and elsewhere, as appropriate.

13. References

- Data Protection Act 1998
- Housing Act 1985
- Localism Act 2011

14. Equality and Diversity

- 14.1** The Housing Service tailors its services to meet the diverse needs of individuals. We foster good relations with people when providing services to eliminate discrimination and to promote opportunity of equality.

15. Review

- 15.1** This Policy has been written in line with current relevant legislation. The policy will be reviewed and revised to reflect any legislation requirements and/or other guidance or good practice. The next review of this Policy is due July 2020 and every four years thereafter.