

DECISION RECORD ¹

Officer Key Decisions are subject to the Council's Call-In Procedure (Part 4 of the Council's Constitution [Part 4e - Overview and Scrutiny Procedure Rules \(stevenage.gov.uk\)](http://www.stevenage.gov.uk))

Subject: Mutual Exchange Policy, Succession Policy and Assignment Policy	
Staff Contact: Karen Long	Cabinet Member: Jackie Hollywell
Tel: 07702916865	Portfolio: Housing

1. Decision

To approve the updated versions of the Mutual Exchange Policy, Succession Policy and the Assignment Policy.

2. Reasons for the decision

- 2.1 The Tenancy Standard requires social housing providers to publish clear and accessible policies which outline their approach to tenancy management. Throughout the year, the Council has been implementing new policies and updating existing ones to reflect the changes in Regulation and to ensure that they are compliant with new legislation and Consumer Standards.
- 2.2 Statutory succession is a legal right provided for within Sections 27 and 88 of the Housing Act 1985 and Section 160 of the Localism Act 2011. Would be successors can succeed to a tenancy upon the death of a tenant unless the deceased tenant was a successor themselves.
- 2.3 Succession is an area of tenancy management that is frequently contested, particularly where the tenant was a successor themselves by survivorship or otherwise.
- 2.4 Due to the demands on social housing, succession claims can be fraudulently made, with family members claiming that they have lived at an address for a period of time that they have not.
- 2.5 It is therefore important to have a robust policy in place that sets out how the Council will manage succession applications and when discretion will be applied.
- 2.6 A mutual exchange is where two or more social housing tenants swap homes with the permission of their landlords. It offers mobility and choice to those who may not have access to a housing needs register or with sufficient priority to move through the usual allocations process.
- 2.7 Section 92 of the Housing Act 1985 provides a legal right for two or more social housing tenants to exchange properties where they occupy permanent, self-contained accommodation and where the consent of all landlords is given.

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- 2.8 The Tenancy Standard also places a requirement on all social housing providers to support relevant tenants living in eligible housing to mutually exchange their homes and to provide accessible information on how to do so.
- 2.9 It is therefore important to have a robust policy in place that sets out how the Council will manage mutual exchange applications effectively within the 42-day period that legislation provides for and how we will apply discretion under certain circumstances.
- 2.10 The draft Assignment Policy sets out how the Council will effectively manage requests for assignment via mutual exchange, pursuant to a court order or to would be successors.

3. **Alternative options considered and rejected** ²

No alternative options are proposed as these policies are required to meet relevant regulations, legislation and guidance.

4. **Consultation**

(a) Comments of Executive Member ^{3 4}

I support the adoption of these policies to continue to ensure we are meeting legislative requirements.

(b) Comments of other consultees ⁵

The Executive Housing Working Group were also consulted and they agreed with the adoption of the revised policies on 10th July 2024.

5. **Following consultation with, and the concurrence of the Cabinet Member, I am proceeding with the proposed decision.**

Signed:

Title: Date:

6. **PLEASE RETURN COMPLETED/SIGNED FORM TO CONSTITUTIONAL SERVICES FOR PUBLICATION**

¹ for guidance see Borough Solicitor’s note "Taking Decisions"

² details of any alternative options considered and rejected by the officer at the time the decision was made

³ record any conflict of interest declared by any Cabinet Member consulted. If a Cabinet Member declares a conflict of interest DO NOT PROCEED without seeking advice from the Borough Solicitor

⁴ If the matter has general significance for the Council and/or is, or is likely to be, controversial, then the officer shall consult the appropriate Cabinet Member before proceeding. In some cases it will be necessary to consult more than one Cabinet Member, and in some cases the Leader of the Council will need to be consulted

⁵ If the matter has local significance, but no general significance for the Council and no controversial aspects, the officer shall consult or inform the local member in writing (or by e mail) and proceed. It is essential that all officers responsible for delivering services ensure that local members are kept well briefed on issues affecting their areas.