

Waverley Borough Council

Report to: Landlord Services Advisory Board

Date: 29 February 2024

Ward(s) affected: All

Report of Director: Community Wellbeing

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Report Status: Open

Succession Policy

1. Executive Summary

- 1.1 This is a report to introduce the updated Succession Policy to the Board for their comment.

2. Recommendation to LSAB:

- 2.1 It is recommended that the Board:
 - Review the succession policy and makes any comments to the Housing Management Manager and the Co-Portfolio Holder for Housing (Operations and Services).
 - Supports the adoption and implementation of this policy.

3. Reason(s) for Recommendation:

- 3.1 To give the Board the opportunity to comment on and support the adoption and implementation of the updated policy.

4. Exemption from publication

- 4.1 No.

5. Purpose of Report

- 5.1 To provide tenant scrutiny on adoption and implementation of updated policy.

6. Strategic Priorities

- 6.1 The report supports the Council's Corporate commitment to promote "*Good quality housing for all income levels and age groups*" and aim to "*be the best council landlord in the South East and to be acknowledged so by our tenants.*"

7. Background

- 7.1 Succession is the process by which a tenancy passes to another person after the death of the original tenant. The policy outlines how Waverley Borough Council will respond to succession claims following the death of a tenant and ensures that the Council responds to these claims sensitively, consistently, and in accordance with legislation.
- 7.2 No changes have been made within the policy to the right to succeed as this is a statutory right determined by the Housing Act 1985 and the Localism Act 2011.
- 7.3 The policy was reviewed following an internal audit of the Use and Occupation Accounts in summer 2023. The main update is to provide clarity about Use and Occupation charges.

- 7.4 The Use and Occupation charges are a payment that is made by a person when they are occupying a property, but they do not have the legal right to do so. It is equivalent in value to the rent and any other charges normally paid by the tenant. The updated policy makes clear when and for how long these charges will be used.
- 7.5 This policy also continues to support the efficient use of housing stock. If someone has the right to succeed but the home is not suitable for their needs, then the occupying person receive an elevated banding on the housing register, so they can bid for a suitable property. For example, if a single person succeeds to a three-bedroom home.
- 7.6 The Council will take any protected characteristics as defined in the Equality Act 2010 and any other vulnerabilities into account when making this decision. If the person applying for succession is the spouse or cohabitee of the deceased tenant, then they will have the right to succeed regardless of any underoccupation.
- 7.7 The procedure document has also been updated, in consultation with the Housing Officers.

8. Consultations

- 8.1 The updated policy is being presented to the LSAB so that the tenant representatives have an opportunity to scrutinise it.

9. Key Risks

- 9.1 Temporary loss of rental income and loss of property from overall stock if someone remains in property without the right to succeed. This updated policy aims to minimise this through consistent use of Use and Occupation charges and through outlining when the Council will use legal action to reclaim possession.

10. Financial Implications

- 10.1 There are no financial implications arising from this report.

10.2 The updated policy will be implemented with existing resources.

11. Legal Implications

11.1 This policy ensures that the Council abides by the succession rights set out in the Housing Act 1985 and the Localism Act 2011.

12. Human Resource Implications

12.1 The updated policy will be implemented with existing resources.

13. Equality and Diversity Implications

13.1 An Equality Impact Assessment was carried out. Positive impacts on tenants with disabilities were identified because it will ensure that properties with adaptations are allocated to those who need to use them.

13.2 Negative impacts on older people are possible as they are the group which is most likely to be required to succeed to an alternative property because of underoccupation. However, this also has potential positive impacts as downsizing can mean that the property is more suited to the tenant's needs.

14. Climate Change/Sustainability Implications

14.1 No implications.

15. Summary of Options

15.1 Do nothing.

15.2 Support the adoption and implementation of the updated policy.

16. Conclusion

- 16.1 By commenting on and supporting the adoption and implementation of the updated policy, the Board will be helping the Council to ensure that they respond to succession claims sensitively, consistently, and in accordance with legislation.

17. Appendices

- 17.1 Annexe One – Succession Policy

Please ensure the following service areas have signed off your report.
Please complete this box, and do not delete.

Service	Sign off date
Finance / S.151 Officer	CK 6 Feb 2024
Legal / Governance	n/a no change
HR	n/a no change
Equalities	EIA completed
Lead Councillor	8 Feb 2024
CMB	20 Feb 2024 Not required
Executive Briefing/Liaison	Not required
Committee Services	