

**HIGH PEAK BOROUGH COUNCIL**

**The Executive**

**13 June 2024**

<b>TITLE:</b>	<b>Mutual Exchange Policy Succession Policy</b>
<b>EXECUTIVE COUNCILLOR:</b>	<b>Councillor Fiona Sloman Executive Councillor for Housing and Licensing</b>
<b>CONTACT OFFICER:</b>	<b>Helen Core - Head of Housing Services</b>
<b>WARDS INVOLVED:</b>	<b>All</b>

**Appendices Attached –**

**Appendix A      Mutual Exchange Policy**  
**Appendix B      Succession Policy**

- 1. Reason for the Report**
  - 1.1 The purpose of the report is request members approve the revied Mutual Exchange and Succession policies, following the triennial review of the Tenancy Agreement.
- 2. Recommendation**
  - 2.1 That the Executive approve the policies to enable us to make best use of our housing stock and support those wishing to move by way of exchange.
- 3. Executive Summary**
  - 3.1 Secure tenants have the right to exchange their homes with that of another social housing tenant providing certain conditions are met.
  - 3.2 Family members resident in a property when the secure tenant passes away have the right to succeed (take over) that tenancy, providing certain conditions are met.
  - 3.3 Following the triennial review of our tenancy agreement in April 2024, these policies have been reviewed to ensure they remain up-to-date

- 3.4 The mutual exchange policy has been further updated to reflect the requirements for social landlords under the Consumer Standards
- 3.5 The policies have been considered by the Housing Board on 15 May, which recommended that the policies be approved.

4. **How this report links to Corporate Priorities**

4.1 As part of the Corporate Plan aim ‘Supporting our communities to create a healthier, safer, cleaner High Peak’, where one of the key priorities is to deliver Future Proof Housing<sup>[OBJ]</sup>

Key objectives in delivering this aim:-

- Fit for purpose housing that meets the needs of HPBC tenants.

In adopting this policy the Council is ensuring that properties meet current and future need whilst also making the best use of its limited housing stock

5. **Alternative Options**

5.1 There are two options:-

- **Adopt Revised Policy (RECOMMENDED)** – this will enable us to give clear consistent decions around mutual exchanges and succession, meeting our legal obligations towards our tenants
- **Do Not Adopt Revised Policy (NOT RECOMMENDED)** – our polices will be out of date and not reflective of the current position

6. **Implications**

6.1	<u>Community safety, including safeguarding and prevention of terrorism</u>  No direct effect
6.2	<u>Workforce</u>  These are established procedures within the housing team
6.3	<u>Equality and Diversity/Equality Impact Assessment</u>  All protected characteristics and other persinnal circumstances are

	taken into account when either a mutual exchange or succession is completed
6.4	<p><u>Financial Considerations</u></p> <p>The current budget for disabled adaptatuions is £xxxxx per annum. By adopting this policy we are able to make best use of the spend.</p>
6.5	<p><u>Legal</u></p> <p>As detailed within the Housing Act 1985 (as amended) and our Secure Tenancy Agreement</p>
6.6	<p><u>Climate Change and Sustainability</u></p> <p>No direct effect</p>
6.7	<p><u>Conservation and Enhancement of Biodiversity</u></p> <p>No direct impact</p>
6.8	<p><u>Consultation</u></p> <p>The policy review has been agreed with the Tenant Engagement Group</p>
6.9	<p><u>Risk Assessment</u></p> <p>The risk would lie in not keeping our polices up-to-date</p>

Martin Owen  
**Executive Director (Resources)**

**Web Links and  
Background Papers**

\*\*INSERT NAME OF ANY PAPERS AND WEB LINKS\*\*

**Contact details**

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**7. Detail**

7.1 Section 92 of the Housing Act 1985 (as amended) sets out the right of a social housing tenant to exchange their tenancy with that of another qualifying tenant

7.2 Clause 1.9 of our current secure tenancy agreement states:-  
*In certain circumstances, you have the right to exchange your home for a*

*council or housing-association home in the High Peak or another council area. However, you must get our written permission first. If you exchange your home without our written permission, we will take legal action to evict you. You will not be able to return to your original home and we will not offer you another property.*

- 7.3 The Consumer standards published on 29<sup>th</sup> February 2024 deal with mutual exchanges and in particular the requirement to have a free-to-use service for those wishing to identify a suitable exchange partner
- 7.4 In light of this and the triennial review of our Tenancy Agreement completed in April 2024, the mutual exchange policy has been reviewed.
- 7.5 Section 86A – 90 of the Housing Act 1985 as amended sets out the right of a member of the tenant household to succeed (take over) their tenancy in the case of their death.
- 7.6 Clause 1.1 of our current secure tenancy agreement states:-  
*Members of your family may be able to take over your tenancy when you die. This is called succession. In the case of a joint tenancy, the surviving tenant will automatically take over the tenancy when the other joint tenant dies. If you are the sole tenant the following people also have a right to take over your tenancy when you die.*
- Your husband, wife, civil partner or someone living with you as your partner (as cohabitants). Cohabitants means a couple who are living together as if married or civil partners. Whether a couple meets this criteria depends upon the facts which we will ask them to give evidence of.*
  - If your tenancy started before 1st April 2012, any other family member or relative who has lived with you for at least the last 12 months before your death. We will ask them to prove how long they have lived with you*
- A tenancy can only be passed on through succession once. You can find more information about succession in the tenants' handbook.*
- 7.7 The triennial review of our Tenancy Agreement completed in April 2024, the mutual exchange policy has been reviewed.
- 7.8 The revisions to these policies have been agreed with the Tenant Engagement Group