

- 6.2 Succession is an area of tenancy management that is frequently contested, particularly where the deceased tenant was a successor themselves, by survivorship or otherwise.
- 6.3 Challenge is also frequently made where the decision to use Ground 16 of Schedule 2 of the Housing Act 1985 is made. This is when the successor would be under-occupying the property where the deceased held their tenancy.
- 6.4 Due to the demands on social housing, succession claims are often fraudulently made, with family members claiming that they have lived at an address for a period of time when they have not.
- 6.5 It is therefore important to have a robust policy in place that sets out clearly how we will manage succession applications and when we may apply discretion at Exceptional Circumstances Panel, in offering a new tenancy to those who may not have a legal right to succeed, but have sufficient housing need.

7 Legal Implications:

- 7.1 To comply with legislation, the council must allow qualifying successors the ability to succeed to a social housing tenancy.
- 7.2 Where Ground 16 of Schedule 2 of the Housing Act 1985 applies due to under occupation, legal action must be taken within 12 months of the ground being applied or legal action cannot be commenced.
- 7.3 Statutory succession is provided for within Sections 87 and 88 of the Housing Act 1985 and Section 160 of the Localism Act 2014. To comply with legislation, the council must allow social housing tenants the opportunity to exchange properties under certain circumstances.

8 Financial Implications:

- 8.1 Failure to manage succession claims effectively could result in increased arrears and costly litigation fees to evict unauthorised occupiers.
- 8.2 Failed successors are less likely to pay use and occupations charges for the period of time that they are unauthorised occupants causing high levels of arrears. Use and occupation charges accrue at the same frequency and amount as rent on a tenancy.
- 8.3 There is a financial risk of not making best use of the council's housing stock, which could have a direct impact on homeless families and the need for temporary accommodation.

9 Risk Implications:

- 9.1 Failure to manage succession claims effectively means that we may inadvertently allow successions to take place that could have been refused, which does not demonstrate the best use of housing stock.
- 9.2 This risk is significantly mitigated by having a robust policy and clear procedure in place.

10 Security and Terrorism Implication(s)

10.1 There are no obvious implications arising from this policy.

11 Procurement Implication(s)

11.1 There are no procurement implications arising from this policy.

12 Climate Change Implication(s)

12.1 There are no climate change implications arising from this policy.

13 Human Resources Implication(s)

13.1 There are no human resources implications arising from this policy.

14 Health and Wellbeing Implication(s)

14.1 Effectively managing succession applications with reference to a clear policy and making best use of housing stock could have a positive impact on tenant health and wellbeing.

15 Communication and Engagement Implication(s)

15.1 Once the policy is agreed, leaflets and guidance on how to complete a successful mutual exchange will be produced and published.

16 Alternative options considered and reasons for their rejection (if any):

16.1 None.

17 BACKGROUND PAPERS USED TO INFORM THE DECISION

- Draft Succession Policy
- EqlA Succession Policy
- Corporate Report Succession Policy.

18 DETAILS OF ANY MEMBERS OR OFFICERS WHO HAVE DECLARED AN INTEREST IN THIS MATTER AND NATURE OF ANY SUCH INTEREST AND ANY DISPENSATIONS GRANTED

18.1 None.

19 ADDITIONAL CONFIDENTIAL OR EXEMPT INFORMATION CONSIDERED

19.1 No.

Contact Officer: Kerry Clifford, Neighbourhood and Enforcement Manager

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From: [Nick Pace](#)
To: [Alison Marston](#)
Subject: Exec Member Authority
Date: 28 July 2020 11:41:45

I am happy to sign off the two items below under paragraph 18 of the Cabinet Procedure Rules within the constitution that were unanimously agreed at CHP on 14th July 2020.

Please find attached an Executive Member Decision Notice for the following:

- Mutual Exchange Policy
- Succession Policy

If I can be of any further assistance, please do not hesitate to contact me.

Regards

Nick

Cllr. Nick Pace
Executive Member, Housing and Community
Hollybush Ward
Welwyn Hatfield Borough Council
(07909) 524438

Sent from my iPad