

Tenancies – Policy Statement

1. Background

- 1.1 The Housing (Scotland) Act 2001 introduced Scottish Secure Tenancies (SST) for almost all Council and Housing association tenants in Scotland. From 30 September 2002 virtually all Council tenants were granted an SST with statutory “core” rights. In addition, the Council in liaison with tenant representatives included additional “contractual” rights to the SST agreement.
- 1.2 The “Act” also introduced Short Scottish Secure Tenancies (Short SST) for use in certain circumstances. A Short SST can be used to deal with anti-social behaviour and in a number of other situations.
- 1.3 Occupancy Agreements and Non-secure tenure of lease are given to people considered as homeless who are given temporary accommodation.
- 1.4 Guidance from Communities Scotland recommends that landlords maximise tenants’ rights for all lets.

2. Aims

We will:-

- 2.1 Maximise rights for all occupants.
- 2.2 Advise all tenants of their rights using a variety of methods, e.g. Sign-ups, Settling-in visits, Tenants Handbook.
- 2.3 Give clear unambiguous information to tenants regarding their tenancy and will ensure that tenants who require it have access to information in a variety of formats, e.g. Braille, foreign languages, CD etc.
- 2.4 Consult with tenants and tenants groups prior to any proposed change to the conditions within the SST.
- 2.5 Ensure that appropriate staff are conversant with the relevant measures for dealing with various tenancy matters, e.g. relationship breakdown, assignation, succession, Right to Buy etc.
- 2.6 Maintain up-to-date information for each tenancy.

2.7 Ensure that breaches of tenancy are dealt with fairly and consistently by staff using housing best practise methods.

3. Use of SST

3.1 We will give all tenants of general needs accommodation and Sheltered Housing a SST apart from those people assisted under Homeless legislation and those offered a Short SST as detailed below.

4. Use of Short SST

4.1 We will consider the use of a Short SST for new tenants in the following circumstances;

- An applicant for housing has been evicted because of Anti-social Behaviour within the last 3 years or was subject to an Anti-social Behaviour Order (ASBO) within the 3 years prior to applying for housing.
- The let is temporary to a person moving into the area to take up employment.
- The let is temporary pending development affecting the property.
- The let is to a homeless person for a period of 6 months or over.
- The let is to a person assessed as requiring or receiving housing support services.
- The let is for a property leased by the Council from another body.

4.2 We will consider converting a SST into a Short SST in the following circumstances; the tenant or member of their household has been given an ASBO.

4.3 Tenants given a Short SST because of anti-social behaviour will be required to agree to various support measures to change their behaviour prior to being given a SST. We will give a SST to tenants once their conduct is acceptable.

5. Occupancy Agreements

5.1 Occupancy Agreements will only be offered for temporary accommodation.

5.2 The Occupancy Agreement used by the Council does not include Rights such as the right to buy, succession or assignment. This is because of the temporary nature of the accommodation.

6. Other providers

6.1 The Council only nominates applicants for housing to registered social landlords who provide tenants with a SST.

- 6.2 The Council will continue to liaise with the other housing providers in Aberdeenshire to promote the maximum rights for all tenants in the area.

7. Information to and from Tenants

We Will:-

- 7.1 Advise tenants of their rights and responsibilities at sign-up.
- 7.2 Re-iterate tenant's rights at a "settling-in" visit after the start of the tenancy.
- 7.3 Provide Tenants with a tenants Handbook that details comprehensive information about their tenancy.
- 7.4 Also provide tenants with additional leaflets on specific matters relating to their tenancy.

8. Equality and Diversity

- 8.1 In all aspects of managing tenancies we will seek to combat discrimination and promote equal opportunities for all tenants and applicants for housing in all aspects of policy and procedure. This means the prevention, elimination or regulation of discrimination between persons on grounds of age, sex, race, religion, disability or sexual orientation.
- 8.2 The Council will comply with the European Convention on Human Rights with regard to all lets to tenants and occupiers.

Approved by Social Work and Housing Committee on 21 June 2007