



Portfolio Holder Decision
Making Session and date/time

Cllr Malcolm Price

28th March 2014 at 1000hrs

Item

Public/Private

REPORT TITLE – SUCCESSION AND ASSIGNMENT POLICY 2014 - 2016

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1. Summary

1.1 Shropshire Towns and Rural Housing (ST&RH) is an Arms Length Management Organisation, commonly referred to as an ALMO, set up in April 2013 to manage the Councils housing stock in Bridgnorth and Oswestry and to manage the Councils Housing Revenue Account (HRA).

1.2 This policy produced by ST&RH, refers to the succession and assignment of the Council's housing stock from 1st April 2014.

1.3 Succession is the process by which a tenancy is passed to another person on the death of the original tenancy holder. This policy identifies our process for dealing with all successions and assignments.

1.4 This policy has been written in line with relevant current legislation. Unless there are changes to legislation beforehand, the next review of this policy is due in 2016.

2. Recommendations

2.1 That the Portfolio Holder for Planning, Housing and Commissioning (Central) notes and agrees to the content of the Succession and Assignment Report 2014 – 16 (appendices 1).

Reasons for decision:

To ensure the succession and assignment of council owned property complies with national legislation, statutory guidance and good practice and contributes to sustainable communities.

REPORT

3. Risk Assessment and Opportunities Appraisal

3.1 This policy has been written to fully comply with the relevant current legislation.

4. Financial Implications

	Costs		Income / Savings	
	Revenue	Capital	Revenue	Capital
First financial year				
Full financial year				
One-off				
On-going annual				
Please provide a summary of how costs and income/savings values are calculated.				
Please provide a summary of how the net costs will be funded.				

5. Background

5.1 Succession is a right given under the Housing Act 1985 for secure tenants to pass on their tenancy following their death.

5.2 Tenants with an introductory tenancy also have the right of succession under the Housing Act 1996, providing that the successor occupied the tenant’s property as their only or principal home immediately before the death of the tenant. Any qualifying successor would succeed to the remaining period of the introductory tenancy, which would then become secure at the end of that period.

5.3 There can only be one succession of a tenancy. This means that if the deceased tenant was already a successor in his or her own right, the tenancy cannot normally be passed on again to another person. On receiving a succession claim, we will carry out checks to establish whether or not there has already been a succession of the tenancy.

5.4 An assignment is where a tenancy has been legally transferred. Secure tenants who have not succeeded to the tenancy themselves, have the right to assign (pass) their tenancy to their spouse or a family member provided that the spouse or family member would have qualified to succeed to the tenancy if the tenant had died immediately before the assignment. An assignment must be done by a legal document called a Deed of Assignment. If the assignment proceeds, the deed will be drawn up by Housing Services. Examples of where a tenant may wish to assign a tenancy to someone include when a person moves into a residential care home or moves to another country. Assignments use up the right of succession and the successor cannot then pass on the tenancy.

5.5 The courts can also order an assignment between married partners and civil partners as a result of divorce proceedings, or dissolution of a civil partnership. This is called a 'tenancy transfer'. Housing Services will abide by any assignment made by the court. Legal advice from the Citizens Advice Bureau or a solicitor should be sought on assignments as there are a number of matters to consider. For example losing the right to occupy the property and the council might not have a subsequent duty to re-house someone in the event of becoming homeless. Assigning a tenancy could also have an effect on the household's entitlement to housing benefit.

6. Additional Information

None

7. Conclusions

This is a report for the Portfolio Holders decision.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information):
Key Decision: Yes/No
Included within Forward Plan: Yes/No
If a Key Decision and not included in the Forward Plan have the General Exception or Special Urgency Procedures been complied with: Yes/No
Name and Portfolio of Executive Member responsible for this area of responsibility: Cllr Mal Price
Local Member:
Appendices: Shropshire Towns and Rural Housing Report

Declaration of Interest

- I have no interest to declare in respect of this report

Signed Date

NAME:

PORTFOLIO HOLDER FOR:

- I have to declare an interest in respect of this report

Signed Date

NAME:

PORTFOLIO HOLDER FOR:

(Note: If you have an interest you should seek advice as to whether it is appropriate to make a decision in relation to this matter.)

For the reasons set out in the report, I agree the recommendation(s) in the report entitled

Signed

Portfolio Holder for

Date

If you have any additional comment which you would want actioned in connection with your decision you should discuss this with the report author and then set out your comment below before the report and pro-forma is returned to Democratic Services for processing.

Additional comment :

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Note: If you do not wish to approve the recommendations, or wish to make an alternative decision, it is important that you consult the report author, Head of Legal and Democratic Services, Chief Executive and the Head of Finance, Governance and Assurance (S151 Officer) and, if there are staffing implications the Head of Human Resources (or their representatives) so that (1) you can be made aware of any further relevant considerations that you should take into account before making the decision and (2) your reasons for the decision can be properly identified and recorded, as required by law.

Note to Portfolio Holder: Your decision will now be published and communicated to all Members of Council. If the decision falls within the criteria for call-in, it will not be implemented until five working days have elapsed from publication.