

**DERBY HOMES BOARD  
29 MARCH 2007**

# ITEM A10

## **UNDER OCCUPATION – SUCCESSION**

Report of the Director of Housing & Customer Service

### **1. SUMMARY OF REPORT**

On 25 January 2007 the Board considered a report on the succession of tenancies. This report provides the Board with further detail as requested.

### **2. RECOMMENDATION**

That the Board recommends to the City Council that the current policy on succession to tenancies is revoked and reverts back to comply with statutory requirements within Section 91 of the Housing Act 1985.

### **3. MATTER FOR CONSIDERATION**

- 3.1 The current policy relating to succession was approved by Housing Committee on 24 March 1988. It allows for a flexible application of the law and enables a succession to take place even where there is resulting under occupation of the property up to two bedrooms. The only exception is where a four bedroom property is concerned, where a single or childless couple applicant for succession would be refused.
- 3.2 Since 1988 the levels of demand for council houses have increased dramatically. In 1988 it was common for local allocation staff to have difficulty reletting many properties, particularly pre war family houses. However now it is common for 50 or more applications to be registered for such properties through derbyhomefinder.
- 3.3 Research previously presented to the Board concluded that over 3,000 households are currently under occupying 3 or 4 bedroom accommodation, equally analysis of the Joint Housing Register demonstrates high demands for family accommodation.
- 3.4 Discussions are ongoing with the City Council to increase incentives for existing tenants to move to smaller accommodation. As well as managing the current levels of under occupation it is important not to encourage further instances.
- 3.5 The right of succession is to protect the rights of joint tenants, usually on the death of one party, and also the rights of adult children who have remained in the family home. However, the Housing Act 1985 makes provision to protect against under occupation in return for providing the successor with smaller suitable accommodation.

- 3.6 The proposed policy is attached at Appendix 1 and shows two worked through examples.
- 3.7 I estimate that operating succession rights in this manner would result in around 20 cases a year, whereby suitable alternative accommodation was offered.

#### **4. CONSULTATION IMPLICATIONS**

- 4.1 The proposals were discussed at the HRA Strategic Working Party on 19 March 2007. The Working Party agreed to the proposals as contained within this report.
- 4.2 Further consultation will also be carried out with Community Panels.
- 4.3 Derby City Council Housing Options Centre has already been consulted and is in support of these proposals.

#### **5. LEGAL AND CONFIDENTIALITY**

Derby City Council Legal Services has already been consulted on these proposals and are in support of operating a succession policy as per the statutory requirements of the Housing Act 1985.

#### **6. EQUALITIES IMPACT ASSESSMENT**

Same sex couples are recognised as civil partners under the Civil Partnership Act 2004.

**The areas listed below have no implications directly arising from this report**

- Finance and Business Plan
- Personnel
- Environmental
- Health & Safety

**If Board members or others would like to discuss this report ahead of the meeting please contact the author, or the Chief Executive, [phil.davies@derbyhomes.org](mailto:phil.davies@derbyhomes.org) - Tel 01332 711010**

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**Background Information:** None.

**Supporting Information:** None.