

Item 6b

Pre-termination and Mutual Exchange Inspections

1.0 Purpose of the report

- 1.1 To provide information about the suite of pre-termination and mutual exchange inspection visits conducted by the Housing Management team and the benefits of the visits, which include improved property condition and reduced costs to the Council.

2.0 Report details

- 2.1 The aim of the pre-termination inspection is to reduce the amount of work required during the voids process and associated costs. This reduces void turnaround times and financial burden on the Council by ensuring the tenant carries out the works they are responsible for, or where appropriate is re-charged for damages left outstanding.
- 2.2 When notice to terminate a tenancy is received, or a tenant is entering into a mutual exchange, the Housing Officer will conduct an inspection of their property. This is to highlight any damage or alterations that the tenant is responsible for, and ensure they have the remedial works completed before they terminate their tenancy. In some circumstances, we may agree to a recharge for these works as long as a signed recharge agreement is completed.
- 2.3 Where possible, a Repairs Inspector accompanies the Housing Officer on the inspections to identify repairs we as a landlord are responsible for. This creates an opportunity for these to be completed by the responsive repairs team before the property becomes void. The Inspectors also assist the Housing Officers in identifying and determining costs for any recharges required.
- 2.4 If a tenant is transferring to another Chesterfield Borough Council (CBC) property and they refuse access for a pre-termination inspection, they do not carry out the work required, or do not sign a recharge agreement, then the transfer can be delayed or stopped. A breach of tenancy warning can be issued, and management will decide if the tenant should be suspended from the housing register.

Types of inspection

- 2.5 A pre-termination visit is carried out when a tenant gives notice to end their tenancy as they are either moving to accommodation not supplied by CBC or moving to another CBC property (referred to as a transfer).
- 2.6 A mutual exchange inspection is carried out where a secure tenant is exchanging properties with another secure or assured tenant. The exchange can only take place between social tenants. Legally we can only withhold consent for the exchange based on specific grounds specified by Schedule 3 of the terms for mutual exchanges, as set out in the Housing Act 1985. The most common grounds for refusal are as follows, however this is not an exhaustive list:
1. Tenant has rent arrears or is in breach of their tenancy
 2. Tenant is subject to a possession order or court proceedings
 3. Property is unsuitable for the tenant's needs, for example the property is too large
- 2.7 Where we refuse permission for a mutual exchange, based on the legal grounds, we must serve notice of our decision within 42 days of the application to exchange. We can give conditional consent e.g. agreeing for the move to go ahead subject to rent arrears being paid or damage to the property is made good, even if this is after the 42-day period.
- 2.8 The Council loses the right to refuse consent if a notice of refusal has not been issued within the 42-day period.

Early intervention

- 2.9 When processing applicants for the housing register, through the personal housing plan process, the Housing and Health team will highlight any existing CBC tenants where there are concerns regarding the condition of their property. They will raise this with the Housing Management team so that they have an opportunity for early intervention. Where appropriate, their housing application may be suspended pending an improvement in the property condition.
- 2.10 Where there are tenants wishing to transfer from one CBC property to another, and they are placing high on the shortlist, these are targeted for a pre-termination visit.

2.11 If issues with the condition of the property are identified at the current address, the tenant should be monitored closely at the new address by the Housing Officer for that patch. A new tenancy visit should be carried out and if necessary, a tenancy support referral made.

Exceptions

2.12 Pre-termination inspections are not carried out where the tenant has died and relatives have given notice, abandonment cases, or the tenant has gone into care or hospital and is unable to deal with their affairs. In these cases, any appropriate recharges are processed by the Voids team.

2.13 In the case of management moves, medical priority, tenant vulnerabilities and other urgent moves, the inspections will be carried out but the move will not be stopped. Tenants are encouraged to leave the property in a good condition, and where appropriate recharges will be issued.

2.14 We cannot refuse a mutual exchange on grounds of damage, but we can postpone approval until the tenant has put right the damage they are responsible for. If a refusal notice is not issued to the tenant within 42 days of requesting the exchange, the exchange can go ahead, however the tenant can be recharged for damages in line with the terms and conditions of the tenancy agreement.

2.15 Benefits of early intervention / pre-inspections

- Potential to decline/delay access to the housing register if the property is in a bad condition amounting to a breach of the tenancy agreement.
- Incentive for tenant engagement with the Housing Management team.
- Opportunity for tenants to improve condition of property before returning it to Voids. This reduces turnaround time and financial risk to the organisation from the cost of void works and rent loss.
- Additional enforcement tool to engage tenants where there has been a breach of tenancy.
- Where no damage is identified there is the potential to agree an early surrender at 2 weeks reducing rent costs to tenants and risk of former tenancy arrears, especially where a tenant is in receipt of benefits.
- Early intervention allows us to work with tenants ahead of their termination and gives greater scope to improve property condition.
- Creates an opportunity to highlight further support needs of the tenants and engage them with other services.

- Creates a cultural change by enforcing tenants' responsibilities for the condition of their property.

2.16 Challenges

- Where a tenant is moving out of a CBC property to another provider, if they choose not to allow access for the pre-termination inspection, we are unable to enforce this or withdraw any property offer as they are not moving within CBC. We can advise that if they leave damage or other rechargeable works, it will impact any future housing reference we provide. Additionally, recharges can be identified and processed by the Voids team when the tenancy has ended.
- Potential for challenges under the Equality Act where tenants may have disabilities preventing them from reasonably carrying out repairs.
- Some tenants are direct matched to a property due to health, unable to adapt their current property, fleeing cuckooing or domestic violence. In these cases, it is not always appropriate to enforce the pre-termination.