



## **Flexible Tenancy Review - Frequently Asked Questions**

### **Why does the Council offer flexible tenancies?**

Flexible tenancies have been offered by councils since they were introduced by the government in the Localism Act 2011. Westminster City Council started offering flexible tenancies in 2013, as they recognised that people's circumstances change and they don't always need the same size and type of home as the one they are currently living in.

### **When will my flexible tenancy be reviewed?**

Your flexible tenancy will be reviewed eight months before it is due to end.

We will contact you to arrange an appointment for the review at least one month before your review is due.

Flexible tenancies are reviewed every five years, apart from in the first review cycle which is six years long, as it includes an introductory year.

### **Why can't my tenancy be automatically renewed?**

By reviewing your tenancy we are able to ensure that it is working for you and meets your housing needs.

The review is a good opportunity for you to raise any support needs or requirements you may have and find out more about alternative housing options.

Westminster City Council Tenancy Policy (<https://www.westminster.gov.uk/housing-strategies>) requires us to carry out a review of your tenancy before we can make the decision to renew.

### **Where will the review take place?**

Your housing services adviser will visit you at your home and the tenancy review will take place there. All tenants named on the agreement should be in attendance.

## **What will my tenancy review include?**

At the review, your housing services adviser will look at:

- the needs of the household;
- whether your property is suitable for you and your household's needs;
- any changes in circumstances since the first tenancy agreement was signed;
- the way you have conducted your tenancy, such as whether you have any arrears of rent on your account, or whether you have been responsible for any anti-social behaviour;
- other housing options and the long term housing plans of the household.

The housing services adviser who visits you will ask to see the documents requested in the appointment letter and you will then be asked a series of questions.

These questions are to help the housing services adviser to make a recommendation on whether to renew the tenancy, and determine whether there is any further support or information that you might need to help you maintain your tenancy.

The review should take between an hour and 90 minutes to complete.

If you require an interpretation service please let us know when we call to book your appointment.

## **What are the possible outcomes of the review?**

The housing services adviser will make a recommendation on whether to offer you a new tenancy or not.

In the majority of cases tenants will be offered a new five year flexible tenancy. After those five years the tenancy will be reviewed once again; tenancies will be reviewed at the end of each five year cycle.

There will also be circumstances where a recommendation may be for two years rather than five or, in some cases another tenancy will not be offered.

Where the property is under-occupied the tenant may be offered a different property within Westminster that better suits their needs and will not necessarily be offered a new tenancy in their current home.

### **What are the reasons for offering a shorter tenancy?**

If at the review it is found that a tenant has not kept to an agreement to correct a breach of the tenancy agreement then that tenant could be offered a two year tenancy in order to enable a further review at a nearer date.

A breach of the tenancy agreement would include one or more of the following:

- where a tenant has not kept to a rent arrears agreement for eight weeks or has been making irregular payments;
- where the tenant has received written warnings about a breach of the tenancy agreement and there is evidence that the breach is continuing;
- at some point during the term of the flexible tenancy the tenancy was demoted and subsequently reinstated.

### **What are the reasons for not offering a tenancy?**

If there is a serious and persistent breach of a tenancy agreement then no further flexible tenancy will be offered.

These breaches could include one or more of the following:

- a failure to keep to a rent arrears agreement for a sustained period;

- persistent nuisance or anti-social behaviour;
- conviction of a housing related anti-social behaviour that is so serious as to warrant court action to gain access to the property;
- failure to participate in the review or provide necessary information where it is reasonable to expect the tenant to do so;
- the tenant is in prison.

### **If my tenancy is not renewed will I have to move out?**

Yes, but this doesn't mean you won't be offered another suitable property elsewhere

If a decision is taken that means you will not be offered a tenancy in your current home because you are under-occupying you will have six months to bid for properties on our choice based letting system before you are made one direct offer of a property.

When you have been offered a tenancy in a new home you will need to leave your current property.

If you are not being offered a new tenancy you will need to vacate the property. Where a property remains occupied court action may have to be taken.

You will only be required to move if at least six months before it is due to end, you have been served with a notice of non-renewal and at least two months before the fixed term is due to end, you have been served with a notice seeking possession which would advise you that Westminster City Council intends to seek possession of your home.

### **What happens if I can't attend the review meeting?**

When arranging your review appointment we will do our best to ensure it is at a time that is convenient for you.

If you are unable to attend the review meeting you can speak to your housing adviser about other options to ensure the review can take place.

Please notify us at least 24 hours before the review is due to take place if you are no longer able to attend. We will then rearrange the appointment.

If you fail to keep the agreed appointment or do not attend for other reasons, it is likely we will conduct the review without your input.

Please be aware that if you fail to participate in the review or fail to provide necessary information where it is reasonable to expect you to do so then it could be considered a serious breach of tenancy which would lead to no further flexible tenancy being offered.

**I've been a good tenant. Can my tenancy be extended for more than five years?**

Under the current Westminster City Council Tenancy Policy flexible tenancies can only be extended for up to five years.

**There are fewer people now living in my home than there were at the start of my tenancy. Will I have to move to a smaller home?**

To make sure that we are able to provide properties for all different types of people it is important that the number of people living in our properties is suitable for the number of bedrooms.

We always try to offer properties with the correct amount of bedrooms and therefore if you have more bedrooms than you now require, it is unlikely your tenancy will be renewed at the same property.

If there have been no breaches of your tenancy you will have six months in which to bid for a property of your choice that meets your housing needs.

If you are not able to find a new home in those six months you will be made a direct offer of a suitably sized property.

Your housing adviser will be able to provide advice and information on this in your review meeting if you are under-occupying.

**My home needs adapting/has been adapted - will this affect my tenancy renewal?**

If your home has adaptations that you do not require but may be needed by other tenants we reserve the right to not renew your tenancy in that property. If the adaptations are for your use then it is highly unlikely that you will be asked to move.

If there have been no breaches of your tenancy you will have six months in which to bid for a property of your choice that meets your housing needs.

If you are not able to find a new home in those six months you will be made a direct offer of a suitable property.

Your housing officer will be able to provide advice and information on this in your review meeting if you require adaptations or live in a property with adaptations you do not need.

### **Where can I obtain a copy of my flexible tenancy agreement?**

You should always keep your tenancy agreement safe. If you need to see a copy, a sample version of a flexible tenancy agreement can be viewed on our website at [cwh.org.uk/i-am-tenant/about-your-tenancy/your-tenancy](http://cwh.org.uk/i-am-tenant/about-your-tenancy/your-tenancy)

### **What happens if my tenancy is not renewed?**

If a decision is made not to renew your tenancy you will be notified in writing and you will have the right to request a review of the decision.

If the decision not to renew is upheld, then you will be offered advice about your future housing options.

If you fail to find suitable accommodation you will be served with a notice giving you two months to move out of the property.

In all cases, we will provide you with support to ensure you can find suitable accommodation.

If you have any further questions relating to flexible tenancies please email [customerservices@cwh.org.uk](mailto:customerservices@cwh.org.uk) or call 0800 3583783