

Rights & Responsibilities



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VALE of GLAMORGAN



BRO MORGANNWG

Booklet No.2
in a series of 7

Rights & Responsibilities

2.1 What kind of tenancy do I have?

A tenancy agreement is a legal agreement between you (the tenant) and the organisation that owns your home (your landlord). The agreement sets out your rights and responsibilities while you live in your home. It also sets out your landlord's rights and responsibilities.

The Vale of Glamorgan Council uses 3 types of tenancy agreement which all give different rights:

- 1. **A licence to occupy**
- 2. **An introductory tenancy**
- 3. **A secure tenancy**

1 A licence to occupy

This type of agreement is used to give someone permission to occupy a Council tenancy for a short period of time, for example, people who are waiting for the outcome of a homeless application. This type of agreement gives the occupier very limited rights.

2 Introductory tenancy

Introductory tenancies are being used by the Vale of Glamorgan Council to more effectively manage their Housing stock and so that action can be taken more easily against those tenants who do not keep to the terms of their tenancy. If the Council has not taken any action against you for a breach in your tenancy during the first 12 months of your tenancy then it will automatically be converted to a Secure Tenancy.

3 Secure tenancy

You will have a secure tenancy if:

- you have satisfactorily completed your introductory tenancy
- you are an existing Council tenant
- you have exchanged with an existing Council tenant

4 Converting an introductory to a secure tenancy

If at the end of the 12 months of your introductory tenancy, the Council has not started any action to end your tenancy, then it will automatically become a secure tenancy and your rights will be extended.

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2.2 What rights do I have?

Secure tenants have more rights than those who have a licence to occupy or an introductory tenancy.

The table below gives a summary of the rights that the 3 different types of tenancies have. For more information about your rights, please contact your Housing Assistant.

Rights	Licence to occupy	Introductory Tenant	Secure Tenant
1 Right to succession of spouse or family member	No	Yes	Yes
2 Right to repair	No	Yes	Yes
3 Right to consultation about housing management issues	No	Yes	Yes
4 Right to assign	No	Yes	Yes
5 Right to take in lodgers	No	No	Yes
6 Right to sublet <u>part</u> of your home	No	No	Yes
7 Right to improve	No	Yes	Yes
8 Right to exchange with other social housing tenants	No	No	Yes
9 Right to be consulted and vote prior to transfer to new landlord	No	No	Yes
10 Right to Buy	No	No	Yes
11 Right to form a residents association	No	Yes	Yes
12 Right to access information held about you	Yes	Yes	Yes

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Below is a short description of what each Right means. You can find out more about your rights by contacting your Housing Assistant or by getting in touch with the Welsh Assembly Government on Cardiff 029 20825111.

1 **The right to succession**

Usually, if a member of your family is living in your home when you die, they will be entitled to succeed to your tenancy. However, there are detailed rules about this depending on the circumstances. You should contact your Housing Assistant in the first instance.

2 **The right to repair**

Please see section 6 Repairs and Maintenance.

3 **The right to be consulted**

The Council must consult its tenants before it makes any major changes to Housing Management policies.

4 **The right to assign**

There are limited circumstances where you may be able to assign your tenancy to another member of your household. You should contact your Housing Assistant for further information.

5 **The right to take in lodgers**

You have the right to sub-let part of your property providing:

- that your home does not become overcrowded as a result
- that you let the Council know that you want to take in a lodger
- that you give the Council information about the person that you wish to sublet part of your property to

It is important to remember that you are responsible for the behaviour of your lodger.

6 **The right to sub-let**

If you are going to be away from your home for some time, eg to look after a sick relative, you have the right to sublet part of your home. Before you do this, you must:

- apply to us in writing and receive the Council's permission,
- give us information about the person that will be staying in your home,

continued ●

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6 The right to sub-let continued

- tell us how long you are likely to be away and how to contact you in an emergency.

If you are claiming Housing Benefit, you must let them know that you will be away from home.

Important Note: You are responsible for the behaviour of your sub tenant. This means if the subletting tenant causes problems or does not pay the rent, the Council will take action against you, and you may lose your home.

7 The right to improve

You have the right to carry out alterations and improvements to your home, eg structural (the removal of walls or parts of walls etc.), changing your kitchen, bathroom suite etc. If you are in doubt whether the work that you propose is a structural alteration then you should first contact your Housing Assistant for advice.

Before you do this, you must write to the Council and ask for permission giving information about exactly what you intend to do, including diagrams and listing the materials that you intend to use.

The Council will send out someone to inspect the work that you want to do. If this inspection proves satisfactory, then you will be given permission in writing to undertake the work.

If introductory tenants choose to improve their homes, then they are not eligible for compensation under the statutory compensation for improvements scheme.

You must not go ahead until you have written permission from the Council.

8 The right to exchange

You have the right to exchange your home with another Council or housing association tenant. See Section 5 of this handbook for more information on exchanges.

9 The right to be consulted and vote prior to a change of landlord

The Council is required to consult with all its' secure tenants about any proposed change of landlord.

10 The right to buy

Most secure tenants have the right to buy the home they live in provided that they have been secure tenants for the number of years required by law. Certain homes continued ●

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10 **The right to buy** continued

built or specially adapted for the elderly or disabled are excluded from the right to buy. If you do wish to buy your home, the amount you will need to pay will depend on the value of the property, the costs of the building and the amount of discount that you are entitled to. An application form can be obtained by telephoning 01446 709500.

11 **The right to form a residents' association**

All tenants have the right to form a residents association and to receive support from the Council to do this. The Council already supports a number of associations and residents' boards. There is more information about these in the front of this handbook, and in Section 8. You may also be contacted by the Council Resident's Forum.

12 **The right to access to information held about you**

You have the right to see any of the information that the Council holds about you and your tenancy. If you wish to do this, you need to make a request in writing. The Council then has 21 days in which to arrange an appointment for you to view your file. If you require copies or correspondence from your file then the Council may make a nominal charge for this.

2 **3 What responsibilities do I have?**

1 **Paying rent**

Everyone occupying Council property is expected to pay rent every week in advance. When you accept the tenancy, you accept responsibility for doing this. Section 3 of this handbook gives you full details about paying your rent.

When you move in, you will be told how much rent you need to pay, whether you are entitled to Housing Benefit and what charges make up the rent. For example, the Council also collects payments on behalf of Welsh Water. The Welsh Water charges are not eligible for Housing Benefit and therefore must be paid by you even if you are receiving full Housing Benefit.

If you are having difficulties making payments of rent, you should contact an Income Assistant who may be able to help. Your income Assistant can be contacted by telephoning 709512/513 or by calling into the offices at 2-8 Holton Road, Barry.

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2 Living in the property

You must occupy this property as your only or principal home and you must inform the Council if you are going to be absent from your home for longer than 6 weeks. In this case, you will need to provide contact details, information about the length of your absence and make arrangements for your rent to be paid.

3 Repairs

You are responsible for repairing or replacing any items that are damaged through vandalism, carelessness or misuse by yourself, members of your household or your visitors.

You must inform the Council as soon as is reasonably possible about any fault in the property which the Council should repair and you must allow the Council reasonable access to carry out any repairs.

4 Condition of the property

You must keep the inside of the property in a reasonable state of decoration and keep the property clean and tidy. This also applies to properties which have communal areas. They must be kept clean tidy and free of rubbish by all residents. Communal areas must also be kept free from obstructions, for example bicycles or items of furniture, as these can restrict fire escape routes.

5 Gardens

Gardens must be kept in a reasonable and tidy condition. If the property has communal gardens, these must be kept in a reasonable condition and free from obstructions.

6 Access to your property

You must allow Council Officers access to your property to inspect the state of repair or to carry out repairs at reasonable times of the day and after having been given 24 hours notice. In certain circumstances, tenants must allow access without notice, for example, where there is a risk of personal injury, or serious damage to the property or a neighbouring property.

7 Animals

Tenants living in multi-storey flats without access to a garden, and in sheltered housing schemes, (when they are in a block of flats), may not keep any pets other than a small caged bird.

If you do have pets such as dogs or cats, they must be kept under control continued ●

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7 Animals continued

and not allowed to become a nuisance to neighbours. Where you live in a flat with access to a garden, you are responsible that pets do not foul the communal areas or cause a nuisance to the other residents in the block.

8 Parking of vehicles

Vehicles may only be parked on properly constructed driveways or hardstandings. You or your visitors must not park on footpaths, grassed verges, greens or any other open areas.

If you own a caravan, and wish to park it, it should only be parked on a hardstanding directly outside your property, not in the road or in Council owned parking spaces. If you do have a caravan outside your property, you are not allowed to use it for residential purposes.

Tenants are expected to have a common sense approach to car repairs. Minor repairs are permitted where the vehicle is owned by the tenant or a member of the tenants family.

9 Use of the premises

The premises must be used for residential purposes only. The Council will consider requests in writing from tenants allowing them to use the property for business purposes. The Council reserves the right to withdraw this permission at any stage.

10 Alterations to Council property

You must request permission from the Council to carry out any of the following:

- decoration of the outside of the property
- structural alterations both inside and outside the property
- alteration of any of the fixtures and fittings provided
- installation of gas appliances
- installation of aerials or satellite dishes
- construction of any outbuilding, shed, greenhouse or garage

11 Treatment of Council Staff and representatives

Tenants are expected to be courteous and civil to Council employees. You should ensure that you, members of your household or your visitors are not abusive to Council staff or incite others to do so, on their behalf. This includes any actual or threatened assault, attack, violent act, or aggression directed towards Council employees or representatives.

2.4 Neighbour nuisance and anti-social behaviour

Most people will try and be good neighbours and don't set out to cause disputes. However, sometimes problems do arise. These may range from annoying nuisance, such as music played too loudly, to serious incidents such as racial or sexual harassment or threats of violence.

Below we have set out some advice and information on:

- What you can do yourself to try and sort things out
- When you should seek help and advice from the Council and what we can do
- Other organisations that can help you, and what they can do

1 What you can do yourself to try and sort things out:

Try not to rush in!

If this is the first time you've experienced a problem with your neighbour, the right thing to do to start with might be nothing! Maybe they're putting up shelves or having a birthday party. A bit of tolerance on your part might be all that's needed to sort the problem out. If you're too quick to complain, it might make things worse between you both

Try and sort things out yourself first

Try talking to your neighbour and explaining what the problem is. They may not realise they are causing you any disturbance. If you get someone else involved at this stage it may make things a lot worse.

It is often difficult to approach people to make a complaint. Below are some hints you might find helpful:

Don't leave it until you're really angry or things get out of hand, before you complain

Don't lose your temper or use aggressive body language (eg hands on hips, pointing, staring etc.)

Do Wait till you are calm before you speak to the person

Do Introduce yourself to the person if you don't know each other

Do Talk to the person face to face and when they are on their own

Do Work out beforehand what you want to say and explain the problem clearly

continued ●

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- Do** Approach the person when they are likely to have time to talk (eg not late at night or when they are off to work)
- Do** speak quietly and slowly, this helps keep the other person calm
- Do** be prepared to listen to their side of the story and don't interrupt
- Do** leave straightaway if people are aggressive or threatening. If this happens you will need help from the Council or another organisation, to sort things out.

2 Seeking help from the Council Housing Department

Sometimes people are not willing to listen or compromise, or are aggressive or violent. If you have this problem you will need to contact the Council Housing Department to take action on your behalf.

You can do this by contacting your Housing Assistant on the phone number at the front of this handbook and asking to make an appointment to discuss the problem. Alternatively you can arrange an appointment by calling in at Housing Reception, 2-8 Holton Road, Barry, between 8.30am and 5.00pm Monday to Thursday, and 8.30am to 4.30pm on Friday.

You will need to start to collect evidence of the problem, and to record times and dates of incidents and what happened. You can also take names and addresses of any other witnesses. You may want to take photographs, for example, if cars are being repaired or rubbish is accumulating in the back garden. You should sign and date the back of any photographs you take. You can also approach your other neighbours to see if they are also affected and ask them to keep diaries to provide supporting evidence.

The Housing Department Policy on Neighbour Disputes

The Council aims to provide the best possible service to tenants. In order to meet this goal the Housing Department recognises that it must successfully tackle problems. Housing Officers will investigate every report of neighbour nuisance and give advice or take action where necessary.

Housing Officers will stress a conciliatory approach wherever possible. They will take action quickly in cases of harassment and victimisation. By its action the Housing Department will show current and prospective tenants it will not tolerate anti-social behaviour. It will take action, which may include seeking injunctions and evictions, to deal with such behaviour.

What will happen when you approach the Housing Department?

When you approach the Housing Department, your Housing Assistant will make an appointment to see you either in the office or at your home, whichever is most convenient for you.

You and your Housing Assistant will discuss the problems and any action which may be taken. This may include:

- You approaching your neighbour yourself
- The Housing Officer approaching your neighbour or writing to them
- The Housing Officer arranging a joint interview with you and your neighbour to see if the problem can be solved by mediation
- Both of you collecting further evidence through:
 - Keeping diaries of events
 - Independent witnesses
 - Retaining evidence, eg objects thrown
 - Photographs
 - Evidence from other neighbours
 - Police
 - Other agencies
- Involving other appropriate agencies
- Taking legal advice

All action taken will be agreed with you. Anything you wish to be confidential will remain so, although this might limit the action the Housing Department can take.

What Action can the Housing Department take?

The Housing Department has two legal options it may take in the most serious cases. It can apply to Court to ask them to grant:

- An injunction

For serious cases of harassment only, a temporary injunction can usually be obtained within 24 hours. An injunction can order your neighbour not to approach or speak to you. Once investigations are complete, which takes about four weeks, a longer term injunction can be sought. To obtain an injunction, you will have to be named in the evidence given to the Court, but you will not necessarily have to attend Court.

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- A possession order to evict your neighbour

A possession order will not be granted by the Court unless the Council can provide good supporting evidence to prove the case.

And there are several ways that evidence can be gathered without your identity being revealed. You can ask your Housing Assistant for more details.

When can the Housing Department take action?

The Housing Department can take action against a tenant where the tenant, their lodger, other members of their family or visitors, break a tenancy condition. Below are some examples of when the Housing Department, or another department of the Council, can take action. In all cases there must be sufficient evidence available to enable the Council to act.

Running a business from home	If someone is constantly using an industrial sewing machine or running a car repair business and is causing a nuisance to their neighbour(s).
Harassment	Any form of harassment, including verbal abuse, threats of violence, stone throwing, spitting etc will be treated very seriously. Quick action, usually in the form of an injunction, may be taken and may often be followed up by a possession order. In very serious cases someone may be excluded from an area or property and if violence has occurred an injunction with the power of arrest can be granted by the courts. Don't forget you can now get your own anti-harassment injunction in the civil court.
Dogs	<p>If a dog is constantly barking or fouling the communal areas of flats, the Housing Department can take action, provided it can be proved which dog is causing the nuisance.</p> <p>All Police stations keep a 'Dangerous Dogs Book'. The Police can only take action if they already know a dog 'has a propensity to bite'. Make sure you ask the Police to record any incidents – if a further dog incident occurs they can then take action. The Dangerous Dogs Act controls pit bull terriers and three other breeds of dogs.</p>

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Cars	Anyone constantly repairing their cars or other people's cars on the road, pavement or driveway. It is an offence to constantly repair a car/cars on the road.
Repairing or Selling Cars	An example could be where someone is conducting a business in a residential area which is prohibited by the Act, such as where someone is repairing or selling cars from their home. The Planning Officer could take court action to stop this type of illegal activity and the Court may impose fines if the activity does not cease.
Gardens	If there is a dispute about a garden boundary the Housing Department will arbitrate. If someone is storing scrap in their garden. If the garden is very overgrown and unsightly.
Overgrown Hedges	If the hedge is obstructing a pavement or walkway, the Planning and Transportation Department will ask the tenant to cut the hedge back. If they fail to do this, the Council will carry out the work and recharge the tenant.
Driving across pavements	If someone drives their car across the pavement into their garden, without having permission and a properly constructed crossover, this is an offence and action can be taken under the Highways Act 1980. This is also a breach of Conditions of Tenancy.
Planning Enforcement	The Planning Officer may investigate alleged breaches of planning control and in accordance with Town and Country Planning Act 1990 can take enforcement action if planning permission has not been granted in respect of the activity.
Parking on pavements or grass verges	If this causes an obstruction, it is an offence under the Motor Vehicles Regulations Act 1986. This also applies if people park in front of your driveway. The Police will always warn people first.

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Harassment, Fear of Violence	The Protection from Harassment Act 1997 makes it a criminal offence to pursue a course of conduct which amounts to harassment and they can seek an anti-harassment injunction under sections 1 and 2 of the Act from the Magistrates Court.
Graffiti	The writer of offensive graffiti can be prosecuted under the Public Order Act 1986 (your Housing Assistant can act as the complainant as well by saying the graffiti offends them. It doesn't have to be the person whom it is aimed at who complains).
Playing football on the road	This is an offence under the Highway Act 1980. The Police will normally first warn someone doing this.
Malicious Phone Calls	These can now be more easily traced by your telephone provider. Under the Telecommunications Act 1984 the Police can take action and will write or fax your telephone provider to ask for a trace to be put in a particular phone.

3 Seeking help from organisations other than the Council

You could also approach a private solicitor who may write to your neighbour or give advice about applying for an injunction yourself. The Citizen's Advice Bureau, the Council's Environmental Health, Planning and Transportation Departments or the Police may be able to give advice depending on the problem. The Protection from Harassment Act 1997 can be used by anybody. It provides a civil court remedy where you can apply for an anti-harassment injunction (Section 3 (i)) against your neighbour or anyone else who you feel is harassing or stalking you persistently.

Mediation is another way that can sometimes work if both parties are willing to take part in discussing how to resolve a dispute. Mediation Services work with each party involved, to help sort out problems by agreement. Help and advice is available from:

Vale Housing Federation,
121 Broad Street,
Barry CF62 7AL

Telephone: 01446 704332

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2.5 What happens if you break the terms of your tenancy

● **Introductory tenancies**

In order to end an introductory tenancy, the Council has to serve a Notice of Possession Proceedings on you giving you the reasons why you are being asked to leave, eg rent arrears or anti-social behaviour, etc. By this stage it is likely that we will have written to you and you should already be aware of the reasons for the Notice being issued.

If a Notice is issued, it will include information about your right to request an appeal within 14 days of receiving the Notice. The Council must then arrange a hearing within a further 14 days where you will have an opportunity to discuss the issues and provide any information that you feel is relevant to your case. The Council must write to you following the hearing giving you the result of the hearing and any other relevant information.

If your appeal is turned down, the Council must go to Court and demonstrate that it has followed its procedures correctly. If the Court agrees that the procedures have been followed correctly, then the Court must award possession to the Council. If you do not leave voluntarily, the Court will instruct a Bailiff to carry out an eviction at your property.

● **Secure tenancies**

A secure tenancy means that you have security of tenure. This means that you have protection from being evicted by the Council for no reason. If you break one or more of the conditions in your tenancy, the Council must take you to Court and obtain a possession order from a Judge before it can ask for you to be evicted from the property.

● **If you want to end your tenancy**

For information about how to end your tenancy please see Section 5.

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Other Booklets:

- 1 Welcome to your New Home
- 2 Rights & Responsibilities
- 3 Rent
- 4 Housing for Older or Disabled People
- 5 Moving Home
- 6 Repairs & Maintenance
- 7 Safety in the Home