

Stirling Council – Housing Service



Policy Name: Short Scottish Secure Tenancy Policy	
Lead Officer:	Carol Hamilton Services Manager
Officers Involved	
Carol Hamilton (Services Manager) Roz Doyle (Solicitor) Caroleann Lydon (Area Manager) Neil Newlands (Area Manager) Roseann Robertson (Area Manager) Lindsay Stother (Quality and Performance Manager) John McCallum (Service Development Officer)	
Equalities Impact Assessment (EQIA) process	
Initial screening or full EQIA assessment:	Initial screening completed. (Full assessment not required)
Date Completed:	28 August 2013
Completed by (list officers):	
Lindsay Stother (Quality and Performance Manager) Alison McMaster (Service Development Officer) John McCallum (Service Development Officer)	
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Review Process	
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Copy of the policy is available on	
Date intranet updated:	
Date website updated:	
Formal Review Date:	5 years

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Short Scottish Secure Tenancy Policy

If you need this information in large print, Braille, audio or in another language, please contact 0845 277 7000 and quote “Housing Services Short Scottish Secure Tenancy policy” to arrange this.

اگر آپ اس کا اردو میں ترجمہ چاہتے ہیں تو براہ کرم
0845 277 7000 پر فون کریں۔

如欲要求把本刊物翻譯成中文 (繁體字) 廣東話
版本，請致電 0845 277 7000

ਜੇ ਤੁਹਾਨੂੰ ਇਸਦਾ ਅਨਵਾਦ ਪਮਾਬੀ ਵਿਚ ਚਾਹੀਦਾ ਹੈ ਤਾਂ
ਕਿਰਪਾ ਕਰਕੇ 0845 277 7000 'ਤੇ ਫ਼ਨ ਕਰੋ।

إذا أردت ترجمة هذه إلى اللغة العربية، يرجى الاتصال
بالرقم 0845 277 7000

Jeżeli chciałbyś otrzymać tłumaczenie na język
polski, zadzwoń pod numer 0845 277 7000.

Short Scottish Secure Tenancy Policy

Short Scottish Secure Tenancies are used in exceptional circumstances. The Council's Short Scottish Secure Tenancy Agreement is based on the Scottish Government's model Short Scottish Secure Tenancy Agreement.

This policy details the circumstances when Stirling Council will utilise a Short Scottish Secure Tenancy (SSST) in order to make the most effective use of its housing stock, having regard to existing legislation and the demand for housing.

The circumstances where a SSST can be used are set out in Schedule 6 of the Housing (Scotland) Act 2001. In summary, they are:

1. Lets to persons evicted for anti-social behaviour from a tenancy in Scotland, England, Wales or Northern Ireland, within a period of 3 years prior to the service of a notice that a SSST will be offered;
2. Lets to persons where they or other members of their household are the subject of an ASBO granted on or after 30 September 2002 or under section 19 of the Crime and Disorder Act 1998;
3. Temporary lets to persons moving into the area in order to take up employment;
4. Temporary lets pending development affecting the house;
5. Temporary lets to homeless persons for tenancies of 6 months or over (lets to homeless persons of under 6 months are covered by Schedule 1 to the Act, tenancies which are not *Scottish Secure Tenancies (SSTs)*);
6. Temporary lets to persons requiring or receiving housing support services as defined in section 91(8) of the Act. (N.B. permanent lets to persons requiring or receiving housing support services should be *SSTs*);
7. Lets in houses leased by the landlord from another body where the terms of the lease preclude the landlord subletting under an SST.

(Stirling Council does not currently make use of grounds 3, 5 and 7, though it may decide to do so in the future.)

Scottish Ministers may modify this list by order, under section 34(3) of the Act.

THE RIGHTS OF AN SSST

The rights under a SSST are the same as those of a full SST except that:

- there is no right to buy
- there is no provision for succession; and
- security of tenure is limited.

Rights to assign, sublet, etc. under a SSST are limited to the period of the SSST.

Tenants on a SSST should not feel that they are 'on probation', as in most circumstances a full SST will be offered at the end of the period (minimum 6 months). There are, however, special arrangements applying to SSSTs (offered on certain grounds in Schedule 6) to facilitate their use as 'probationary' tenancies designed to help tackle anti-social behaviour.

RESPONSIBILITIES OF THE TENANT

The tenant's responsibilities are the same as under a SST, ie to comply with the terms of the tenancy, including paying rent due, *taking reasonable care of the property, showing respect to other people and behaving in a reasonable and responsible manner that does not cause annoyance or disturbance.* Other responsibilities are as stated in the tenancy agreement and the *Tenants Handbook*.

CONDITIONS OF THE TENANCY

The tenant needs to be aware that the Council will have to decide, at the end of the period of the tenancy, whether to offer the tenant an SST or to bring the tenancy to an end, and that this decision will be based on the tenant's behaviour during that period.

MONITORING, REVIEW AND REPORTING

The Council will monitor all SSSTs individually to ensure that they are being managed correctly and to ensure that the different types of SSSTs are reviewed appropriately, in accordance with agreed timescales.

Details of all SSSTs created, terminated or converted to SSTs will be reported regularly to the Service Manager and to the Housing Advisory Group.

CONVERSION TO AN SST

Any SSST which has been created on the grounds of anti-social behaviour (grounds 1 or 2) will automatically convert to a full SST after 12 months unless the Council takes action to extend it or terminate the tenancy.

Any SSST which has been created on the grounds that the tenant receives or requires housing support (ground 6) will not convert automatically. It will continue by tacit relocation until the Council takes action to convert it to an SST or terminate the tenancy. Given the nature of such tenancies, however, it is anticipated that their duration will not exceed an 18 month period.

TERMINATION OF AN SSST

The Council will not terminate any SSST without adequate reason and unless officers have followed agreed procedures accurately and decided that ending the SSST is the only reasonable option.

APPEAL PROCEDURE

Any applicant who feels aggrieved by their treatment under the SSST policy has the right to appeal to the Allocations Manager in writing, stating their reasons and asking for a review of their case. They should do this within one month of the decision having been made. The applicant should receive a response within ten working days.

If the applicant is still dissatisfied with the decision they should make an appeal in writing to the Service Manager within ten working days of receiving the outcome of their case review. The letter must clearly state the grounds for appeal. The applicant should receive a response within fifteen working days.

Provisions also exists within sections 35 (5) and section 38 of the Housing (Scotland) Act 2001 that gives tenants the right to challenge the decision by raising summary proceedings in the Sheriff Court if they are not satisfied with the type of tenancy or occupancy offered by the landlord, for example where they have been offered an SSST and believe they are entitled to an SST.

EQUALITY OF OPPORTUNITY

The Council will ensure that in implementing this policy it will not discriminate against any person on any grounds and, in particular, on grounds of race, gender, sexual orientation, ethnic origin, religious belief, disability, illness or age.

EQUALITIES IMPACT ASSESSMENT

An Equalities Impact Assessment will be carried out as part of the implementation of this policy and on every occasion when it is reviewed.

REFERENCES TO THIS POLICY

This policy is referred to in the following documents:

- Anti-social Behaviour Policy Statement (within the Estate Management Procedures)
- Rent Arrears Policy
- Rent Arrears Procedures
- Housing Allocations Policy
- Housing Allocations Procedures

REVIEW OF THIS POLICY

The Council will formally review this policy every five years, or as required, subject to changes in legislation.