
Tenancy Policy

February 2026 | This policy relates to Elmbridge Borough Council Residential Properties

1. Introduction

This policy sets out Elmbridge Borough Council's, as a landlord, approach to tenancy management, covering Introductory Tenancies, Flexible Tenancies, Secure Tenancies, Non-secure tenancies, Services Tenancies & the use of the Local Authority Housing Fund within its residential properties.

The Tenancy Standard requires social housing providers to grant secure tenancies for a minimum term of 5 years, or a minimum of 2 years in exceptional circumstances, in addition to any introductory period.

The Tenancy Standard also requires landlords to publish policies which outline their approach to:

- The types of tenancy they will grant
- The length of any fixed term tenancies they will provide
- The circumstances in which they will grant particular types of tenancy
- The exceptional circumstances in which fixed term tenancies of less than 5 years will be granted
- The circumstances in which they may not grant another tenancy on the expiry of a fixed term tenancy
- Providing advice and assistance to households who need to find alternative accommodation in the event that a further fixed term tenancy is not granted.

2. Scope

This policy applies to all tenancies of residential properties we own, including:

- General needs housing
- Temporary accommodation (TA) provided for homelessness or emergency housing situations



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3. Types of Tenure

3.1 General Needs Housing

General Needs housing is provided to residents who meet the eligibility criteria under the council's housing allocations policy. These properties are intended for long-term occupation and are let on an Introductory, Flexible, or Secure Tenancy basis, depending on the tenant's circumstances.

3.2 Introductory Tenancy – Current Position

If you have an Introductory Tenancy, it will ordinarily last for a 12-month trial period. If the tenant complies with the tenancy terms, this will usually convert to a Flexible Tenancy for two or five years. If there are breaches, we may extend the introductory period by up to six months or initiate possession proceedings. Tenants will be notified through appropriate notices and have the right to request a review. Introductory tenants do not have all the rights of Secure or Flexible tenants, such as the Right to Buy.

3.3 Flexible Tenancy

The use of flexible tenancies for local authorities was introduced in the Localism Act 2011, with further guidance set out in the Regulator of Social Housing's Tenancy Standard (2012). Flexible tenancies are fixed-term agreements, typically lasting two or five years. Tenants have security of tenure during this period, and eviction can only occur if tenancy conditions are breached or where legal grounds apply.

In some circumstances, a flexible tenancy of no less than two years may be granted instead of a standard fixed-term tenancy. This may apply, where an applicant has limited leave to remain or a restricted right to rent, where the long-term suitability of the property is uncertain, where arrears are still being repaid, or where a mutual exchange results in a tenancy with fewer than two years remaining.

We will review the tenancy and the tenant's circumstances at least eight months before the end of the term. Following the review, we may offer a new tenancy at the same or a different property or decide to end the tenancy without making a further offer. Tenants will be informed of their right to request a review of this decision.

The council intends to phase out the use of flexible tenancies. In future, tenants will be offered secure tenancies, providing greater stability and long-term security.

A tenant has the right to request a review of the length of tenancy offered. Any request must be made in writing within 21 days of the offer being issued.

3.4 Secure Tenancy

Secure Tenancies are permitted in line with the Housing Act 1985. The council lets homes within its permanent housing stock on a Secure Tenancies basis. Secure tenants have the right to remain in their home indefinitely, unless they decide to move provided, they adhere to the tenancy terms. We will only seek possession if there is a breach of tenancy.

3.5 Temporary Accommodation - Non-Secure Tenancy

The council provides Non-Secure Temporary Accommodation to meet urgent housing needs, such as homelessness or emergency decant situations. These tenancies do not offer long-term security of tenure and will last only for as long as the need for temporary housing continues or until suitable alternative accommodation is secured. The Council may end the tenancy with appropriate notice in line with legal requirements.

3.6 Service Tenancy

The council holds a small number of Service Tenancies, which permit an employee to reside in the property for the duration of their Employment Agreement, to support the performance of their duties.

4. Future use of Accommodation

At the end of the tenancy, the council may review the future use of the property and determine whether it should be retained as the same tenancy type or repurposed to meet other identified housing needs at that time.

For example, a property previously let on a secure tenancy may, following review, be re-let as temporary accommodation. Any such decision must be approved by the Head of Housing.

5. Local Authority Housing Fund (LAHF)

The Council has acquired, and continues to acquire, properties through the Local Authority Housing Fund. Most of these properties are allocated to specific cohorts, supporting the UK's humanitarian response to Afghan resettlement and Russia's invasion of Ukraine.

In addition, a proportion of LAHF properties have been secured to address wider homelessness pressures and these homes are used as temporary accommodation. The LAHF also provides grant funding to enable local authorities in England to

purchase housing for temporary accommodation, strengthening the ability to respond to both resettlement commitments and general homelessness needs.

6. Tenancy Fraud

The council and its managing agents take a proactive approach to tackling tenancy fraud, including unlawful subletting. Regular tenancy checks will be undertaken, and immediate enforcement action, including eviction, will be pursued against individuals who obtained properties through false or misleading statements.

7. Sustaining Tenancies and Preventing Unnecessary Eviction

We will ensure that its managing agent provides and signposts to appropriate support services to tenants, particularly those who are vulnerable. Eviction will only be used as a last resort when all other reasonable interventions to resolve tenancy breaches have been unsuccessful. Any decision to commence possession proceedings must be approved by the Housing Contracts and Compliance Manager at the council.

8. Succession

For guidance on how succession rights are managed, including eligibility, the types of succession permitted, please refer to our Succession Policy.

9. Monitoring and Review

This policy will be reviewed every three years or sooner if required due to legislative changes or operational needs. Responsibility for monitoring its implementation lies with our Housing Services team.