



Office of the  
Deputy Prime Minister

Creating sustainable communities

# Your Rights as a Council Tenant

## – The Council Tenant's Charter



# housing



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## Introduction

You have important rights as a secure council tenant. You also have important responsibilities. This booklet, called the Council Tenant's Charter, tells you about them. It also tells you other things you might want to know about council housing. It has been produced by the ODPM, the government department which has responsibility for most of the laws affecting council housing, and more covering tenants' rights.

This leaflet is a summary of housing law, and may not cover all circumstances. If you want to know more, your council's housing department will be able to help you. Your council may have produced its own leaflet or newsletter to let you know what is going on in your area.

There are also many government leaflets about council housing. You will find details of these, and a list of addresses of organisations that may be able to help you, at the end of this booklet.

Your council may operate what is known as an "Introductory Tenancy Scheme". This scheme would apply to all new tenants and last for twelve months, after which the tenancy would become secure. All introductory tenants must abide by the terms of their tenancy agreement, or risk losing their home without the council having to go to court to prove that the agreement has been breached. As an introductory tenant your rights are very similar to those of a secure tenant. Your council can tell you more.



## Your rights and responsibilities – a checklist

### Your rights as a secure tenant

In general:

- You can live in your home for the rest of your life as long as you do what your tenancy agreement says.
- You can buy your home at a discount.
- You can pass on your home to someone in your family living with you when you die.
- You can take in lodgers and sub-let part of your home.
- You can get certain urgent repairs done quickly and at no cost to you.
- You can carry out improvements to your home.
- You can be paid for certain improvements you have made if you move home.
- You can help to manage your estate.
- You can exchange your property for another one.
- You must be consulted on housing management matters.
- You must be given information about how your council runs the homes it owns.

More details of these rights can be found in this booklet.

### Your responsibilities as a secure tenant

- You must keep to the rules in your tenancy agreement.
- You must pay your rent.
- You must be a good neighbour and not annoy other tenants.

Anti-social behaviour is taken very seriously and may result in the loss of your tenancy.



## How can I get a council home?

Apply to your council. The council will usually put your name on its waiting list.

You have a right to know how your council decides to let the homes it owns so you can be sure you are treated fairly.

Your council must publish a short version of its rules for deciding who gets council homes. Your council should give you a free copy. This should also cover your council's rules about moving people who already have council homes to other council homes in the area.

You have the right to look, free of charge, at the full rules for who gets council homes at the housing office, during normal office hours. You also have the right to a copy, but may have to pay for it.

There will be someone at the housing office who can tell you about the rules for getting a home.



## How can I get a housing association home?

You may want to apply for a home from a housing association (sometimes known as a Registered Social Landlord) in your area. Housing associations provide similar sorts of homes to those provided by your council. Your council can tell you how to get in touch. If you become a housing association tenant, you will still have most of the rights set out in this Charter. They are explained in a booklet called *The Assured Tenants' Charter* (details on page 23). Housing associations must publish the rules for their waiting lists.

In some areas the council and the housing associations operate a common housing register so that you can apply for a home from either your council or a housing association.



## What are my rights and responsibilities when I get my council home?

### Your tenancy agreement

Once you are a secure or introductory tenant you have rights and responsibilities. The law sets out some of your rights. Others may be agreed by your council and put in your tenancy agreement. It is important to remember that you have responsibilities as well as rights. For example, you must be a good neighbour and respect other tenants' right to live in peace and quiet. Your council must publish its tenancy agreement in plain, simple language. This should say what the council has to do and what it expects you to do. It should set out your rights under the law, and the action the council may take against you if you breach your tenancy agreement.

Your council must keep this information up to date. It must give you your own written tenancy agreement when you agree to take your home, or as soon as possible after you move in.

Ask your council about anything in the tenancy agreement you do not understand. If you think you may have difficulty paying the rent, ask your council to tell you about how to claim housing benefit.

### Secure in your home

If you are a secure tenant you will be able to live in your home for the rest of your life if you want to, as long as you do what you agreed to do in your tenancy agreement. This is known as security of tenure.

If your council needs to rebuild your house or flat or part of your estate, it must offer you another suitable home.



## Passing your home on to another person

When you die, your husband or wife, or one other person in your family who has been living with you for at least the last year, will usually be able to take over the tenancy agreement from you. This is called the right of succession.

## Lodgers and sub-letting

You may have some spare space in your home. You have the right:

- to take in lodgers;
- to sub-let part of your home.

You must get written permission to sub-let from your council first. You cannot usually sub-let the whole of your home or transfer your tenancy to someone else.

You can get more information from the leaflet *Letting Rooms in Your Home* (details on page 23).

## Repairs to your home

Your council is responsible for most repairs to your home, but there are some types of repair which are your responsibility. Your tenancy agreement sets out which repairs you have to do and what the council has to do. This section explains what you can expect from the council when you ask them to deal with a repair.

Some repairs are covered by the 'Right to Repair'. This means that, by law, the council must carry out certain small, urgent repairs which are likely to affect your health, safety, or security. The council must carry out the repair quickly and at no cost to you. Only certain types of repairs, called **qualifying repairs** are covered by this law and there are different timescales allowed for different repairs. Your council can give you a full list of these. Some examples are:

(in working days)

- unsafe power or lighting socket or electrical fitting; 1 day
- blocked flue to open fire or boiler; 1 day
- leaking roof; 7 days
- blocked sink, bath or basin. 3 days

The council must ensure that gas appliances and pipework are tested at least once every 12 months and a record of tests is kept and may be provided to a tenant on request.

If you need a repair to your home, you should first tell the council. You will be told if it is covered by the Right to Repair and when you can expect it to be repaired. If it is not covered by the Right to Repair, it may still be something which the council is responsible for. Your council will tell you how long it will take for them to carry out the work.

If your repair is covered by the Right to Repair, your council have to carry it out within a certain number of days. But sometimes things will go wrong. If they do, you should tell your council. You can tell it to get another contractor to do the work. If the second contractor still does not do the repair on time, the council will pay you up to £50 compensation.

Sometimes there may be a good reason why a repair can't be completed on time. For example, if you did not keep your appointment to let the contractor in, and they therefore could not carry out the repair, the council won't have to pay you any compensation.

If your council has told you it will carry out a repair that is not covered by the Right to Repair, but it fails to do so on time, you should tell the council. Your council will have its own complaints procedure and you should ask to see a copy of this, if you want to

complain. If, after you have complained to the council it still does not carry out the repair, you can take your council to court. This can be expensive and you should seek independent advice, such as from the Citizen's Advice Bureau before making a decision.

You can get more information from the leaflet *Your Right to Repair* (details on page 24).

### Improvements to your home

You may make improvements to your home, including a new kitchen, bathroom and toilet, and outside painting. You must get your council to agree to any of these changes in writing first.

You may wish to fix a television aerial or satellite dish. You may need planning permission from your council for this. You can get more information from the leaflet *A Householder's Planning Guide for the Installation of Satellite Television Dishes* (details on page 24).

### Compensation for improvements

If your tenancy is coming to an end, you may be able to get compensation from your council for the improvements you have made. You have the Right to Compensation for certain improvements, such as a new bathroom, toilet, kitchen, central heating, and energy efficiency and home security improvements. You may also be able to get compensation for other improvements you have made. Ask your council if the improvements are eligible for compensation. You must apply for compensation when your tenancy ends – which is usually when you move.

You will need to show your council bills for the work done. Your council will work out how much compensation to pay you. This will depend on the work you have had done, and how long ago the work was done.

You can get more information from the leaflet *Your New Right to Compensation for Improvements* (details on page 22).

### Things your council needs to know about you

When you become a tenant, your council needs to know your details and keep a record of them. Under the Data Protection Act 1998 you have the right of access to your personal housing file where you can check the details to make sure your council have got it right. If you are not satisfied with a certain piece of information in your file, you should seek advice from the Data Protection Commissioner. The Commissioner has produced a leaflet *Using the law to protect your information* (details on page 22).

A factsheet for tenants is also available free of charge (details on page 23).

If you claim housing benefit, you have the right to know how your benefit has been worked out. If your claim is refused, you have the right to know why.

### If you are disabled

All disabled people, including council tenants, can apply to their local housing authority for a disabled facilities grant to help them to carry out necessary adaptations to their homes. The grant is subject to a test of resources to work out the amount that you can afford to contribute. Or as an alternative, the local authority may be able to fund adaptations for you from its own housing budget, or offer you a more suitable property. You may find this more convenient, and less costly, than applying for a grant.

You can get more information from the leaflet *Disabled facilities grant* (details on page 23).



## How can I move?

There are a number of ways in which you might be able to move home:

### Exchanges

If you want to move to a council or housing association home in another council area, you may be able to do so. You will need to find someone to exchange with. You have the right to exchange.

You and the tenant you exchange with must both have the written permission of your council or housing association. It can only say 'no' for certain reasons; for example, if it thinks the home is too big or too small for the person who wants it. An organisation called HOMES helps to arrange exchanges between tenants who want to move to another part of the country.

You can get more information on HOMES from their leaflet (details on page 23).

### Transfers

If you want to move to another property owned by your council or a housing association in your area, you may be able to do so. Your council will be able to tell you what the chances are of being able to move to a new home and what its rules are about transfers.

### Moving from a home that is too big for you

Some tenants, particularly older people, live in homes that are too big for them. This can happen when children grow up and leave home. Councils often have schemes to help people to move to smaller homes if they wish, so that the larger ones can be used for families. Your council can assist you with the costs of a move, for example removal expenses, or having your telephone reconnected. Councils have wide discretion about what kind of payments they can make. It will be able to tell you what scheme operates in your area.

Ask your council what it can do to help you to move to a smaller property. If you want to buy a home of your own somewhere else, your council may pay you something for giving up your council home. The money will go towards a mortgage on the new home you buy. This is called a cash incentive scheme. Ask your council if it runs one.



## Can I buy my home?

Probably. Most people who are secure tenants and have two years public sector tenancy have the right to buy the homes they rent. But there are some exceptions. You may not be able to buy your home if, for example, you live in sheltered (warden-assisted) housing or if your home is particularly suitable for elderly people. If your council agrees that you do have the right to buy your home – and you ask to buy it – they must sell it to you. You will get a discount on the price depending on how long you have been a public sector tenant and whether you buy a house or flat. If you buy your flat, the council continues to own the freehold and take key decisions eg on major works (for which you will generally have to pay your share) so it is important for you to go on playing an active part in managing your estate.

You can get more information from the leaflet *Your Right to Buy Your Home* (details on page 24).



## What can I expect from my council?

### Good service

You should get good service from your council. The people in the housing department should be polite and helpful to you. They should make sure that everybody is treated equally, regardless of their sex, colour or creed. Your council should follow the *Code of Practice in Rented Housing* produced by the Commission for Racial Equality (details on page 24).

Local authorities have a duty to ensure that they do not discriminate either directly or indirectly on the grounds of race in the letting or management of housing they own. Local authorities also have duties to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups.

### Information

Your council's Best Value performance plan (details on page 18) will contain information about how well it has looked after your home, including its performance in collecting the rent, getting repairs done and bringing empty homes back into use. Your council may also produce a separate Annual Report to their tenants.

If you want to know more about how your council makes its decisions on housing, you have the right to go to public meetings of the council and the right to see the records (minutes) of its meetings.

### Your right to be consulted

You have the right to be consulted. Your council must consult you about important changes, such as large-scale building work, how your homes are managed or changing the way it collects rent.



### What should my council expect from me?

As a council tenant, you have responsibilities to your council and to other tenants. It is very important that you keep to the rules set out in your tenancy agreement which include paying your rent on time and not acting in a manner that will cause nuisance or annoyance to others.



## What happens if I have problems with my neighbours?

Sometimes things will go wrong with your home or your estate. Some of these will be small things to do with the way your home is looked after by your council. Others could be more serious, such as crime, violence, drugs, vandalism, harassment or racial abuse. Councils will not tolerate anti-social behaviour by tenants and will take action against them. Changes to the housing law now offer better protection for tenants against nuisance neighbours.

Councils can tackle anti-social behaviour in a wide variety of ways. An example could be to use either mediation and counselling services to resolve disputes before they get out of control or by using injunctions to prevent unruly behaviour. In the most serious cases this could result in a maximum sentence of five years imprisonment. Councils also have a duty under the Crime and Disorder Act 1998 to establish partnerships with the police and others in the area to reduce crime and disorder. Ask your council for information on how it deals with nuisance neighbours and anti-social behaviour.

Noise is sometimes a problem, particularly loud music and noisy parties. Your council should let you know about its noise complaints services and what counts as unacceptable neighbour noise.

Your council should have a policy for dealing with racial harassment on its estates. This may include putting a clause in its tenancy agreements to prohibit harassment. Ask for details. If you feel you have been racially harassed by one of your neighbours, it is open to you to report the incident either to your local housing office, or to the local police if you prefer, and ask them to investigate your concerns.





## What happens when things go wrong?

### Use your council's complaints procedure

You may think your council is stopping you from using the rights described in this Charter. You may think it has treated you wrongly or not behaved properly.

There are several ways in which you can take action.

### Contact your housing office

First, go to or phone your housing office and talk to the staff there. If you do not want to talk to officers, you could try talking to your local councillor and asking him or her to contact the council on your behalf.

If the people at the housing office do not solve your problem, you should use your council's complaints procedure. Your council should tell you about this when you become a tenant. You should be able to make a formal complaint if you think the council has done something wrong.

Your housing office will tell you where you can go to see your councillor, or you can write to him or her at the Town Hall or Civic Centre.

### Write to the Local Government Ombudsman

If you think your council has treated you unfairly, you can write to the Local Government Ombudsman. The Ombudsman is independent and can investigate complaints about councils and other public bodies, with the aim of putting things right if they have gone wrong. The Ombudsman can recommend that your council pays you compensation if he or she finds that you have been badly treated and it is the council's fault. They will not take up your complaint unless you can prove that you have given the council a chance to respond to your complaint through its internal complaints procedure.

You can get more information from the leaflet *Complaint about the Council? How to Complain to your Local Government Ombudsman* (details on page 22).

### Go to court

You may wish to seek independent advice from a solicitor or from your local housing advice centre, Citizens Advice Bureau or the Shelter Line (details on page 25). However, as a last step you can take your council to court although this may prove expensive and take a long time.



## How can I get involved in improving the quality of service for tenants?

### Best Value in Housing

From April 2000, the Government introduced a new duty of Best Value on councils. Under Best Value councils must review all the services they provide for local people and improve them by the best means available.

### What will councils have to do under Best Value?

Councils have to agree a programme for reviewing all their services, including housing, over a five year cycle and publish a Best Value Performance Plan by 31 March each year.

### How can I be more involved?

Your views matter because if your council is to improve housing services it needs:

- to know what you think;
- to know about the changes you would like to see and which might influence the type and quality of service being provided;
- your feedback on whether changes are meeting the needs of local people and making things better on the ground for you.

Whilst you do not have to offer views if you do not want to, your council should at least give you the chance to offer your views on housing issues.

### How to find out more

If you would like to know more about Best Value and how you can offer your views about housing services, you should ask at your local housing office or housing department. You can find out the address and phone number in the phone book, or on your tenancy agreement.

You can get more information from the leaflet *Best Value in Housing: A guide for tenants and residents* (details on page 22).

### Tenant Participation Compacts

To make sure you have the chance to have a proper say in how the council manages your home, since 1 April 2000 councils have to develop Tenant Participation Compacts.

### What are Tenant Participation Compacts?

Compacts are agreements between local councils and tenants like you. They should set out:

- how you can get involved with other tenants in local decisions on housing matters which affect you;
- what you and your council want to achieve locally through compacts, such as better ways of working together, improving local services or a better quality of life; and
- how the compacts will work and be checked to make sure they are working properly.

These agreements should be based on the standards set out in the National Framework for Tenant Participation Compacts, published by the ODPM (details on page 24).

### What should a compact mean for me?

- you get the information you need on all aspects of housing services. Your council should make sure that the information is clear and accessible;
- you become aware of the opportunities to get involved in local decisions, including tenant management, and understand the benefits and responsibilities;
- you can have a role in important decisions on housing issues and your views are taken into account and can influence final decisions;
- you get clear information on your council's policies about equality issues including race equality; and
- you have the opportunity to get involved whether you are old, young, come from an ethnic minority group, are disabled, English is not your first language, or you live in a scattered community or a rural area.

### What role can I have in developing and improving housing services in my area?

There are several ways you can do this. For example, you can join a local tenants' group or ask your council to help you start one.

Tenants' groups are one way in which you can make your views known to the council on local housing problems or issues affecting the quality of life in their area. The compact should help with this.

If you want to find out more about ways of getting involved in running your estate, including taking over the running of your housing services from the council under the Right to Manage, you should discuss this with your local council. You may also be able to get free independent advice and support from an approved agency. A list of these is available from ODPM (details on page 24) or on ODPM's housing website.

You don't have to get involved at all if that's what you prefer – but you should take this decision on the basis of clear information from your council, knowing the range of opportunities that are available to you and why your views matter.

### How do I find out more?

If you would like to know more about what's happening in your area, get in touch with your tenants' group or ask your local council housing office or housing department. Then you can decide what level of involvement would suit you.

You can also get more information from the leaflet *Tenant Participation Compacts: A guide for tenants* (details on page 25) and *A guide to the Tenant Empowerment Grant Programme* (details on page 25).



## Further information

Here are some free leaflets and addresses you may find useful:

**Best Value in Housing** – *Best Value in housing – A guide for tenants and residents*: available from ODPM Publications, PO Box 236, Wetherby, West Yorkshire, LS23 7NB (Tel: 0870 1226 236 Fax: 0870 1226 237 Textphone: 0870 120 7405 E-mail: [odpm@twoten.press.net](mailto:odpm@twoten.press.net)).

**Citizens Advice Bureaux and advice centres** – The names, addresses and telephone numbers of advice centres are listed in a book called *The FIAC Directory of Independent Advice Centres*. You can get this at your nearest public library.

**Compensation for improvements** – *Your New Right to Compensation for Improvements*: available from ODPM Publications, PO Box 236, Wetherby, West Yorkshire, LS23 7NB (Tel: 0870 1226 236 Fax: 0870 1226 237 Textphone: 0870 120 7405 E-mail: [odpm@twoten.press.net](mailto:odpm@twoten.press.net)).

**Complaints** – *Complaint about the Council? How to Complain to your Local Government Ombudsman* : available from your local council or from The Secretary, The Commission for Local Administration in England, 21 Queen Anne's Gate, London SW1H 9BU (Tel: 020 7915 3210).

**Council addresses** – Your council's address is in the phone book, and in your tenants' handbook. All council addresses and phone numbers are in the *Municipal Year Book*, which is in your nearest public library.

**Data Protection** – *Using the law to protect your information* is a leaflet produced by the Data Protection Registrar and is available from your local main Post Office. An information line is available on (Tel: 01625 545745).

*Access to Personal Housing Records – A Factsheet for Council Tenants* is a free leaflet produced by ODPM and is available from Office of the Deputy Prime Minister on (Tel: 020 7944 3672 or visit [www.housing.odpm.gov.uk/information/repeal/index.htm](http://www.housing.odpm.gov.uk/information/repeal/index.htm))

**Disabled Facilities Grant** – Disabled facilities grant: available from ODPM Publications, PO Box 236, Wetherby, West Yorkshire, LS23 7NB (Tel: 0870 1226 236 Fax: 0870 1226 237 Textphone: 0870 120 7405 E-mail: [odpm@twoten.press.net](mailto:odpm@twoten.press.net)).

**HOMES** – Leaflet about what HOMES does is available from HOMES, 242 Vauxhall Bridge Road, London SW1V 1AV (Tel: 020 7963 0210 or visit [www.homes.org.uk](http://www.homes.org.uk)).

**Lodgers and sub-letting** – *Letting Rooms in Your Home*: available from ODPM Publications, PO Box 236, Wetherby, West Yorkshire, LS23 7NB (Tel: 0870 1226 236 Fax: 0870 1226 237 Textphone: 0870 120 7405 E-mail: [odpm@twoten.press.net](mailto:odpm@twoten.press.net)).

**Managing your estate** – *Your New Right to Manage*: available from ODPM Publications, PO Box 236, Wetherby, West Yorkshire, LS23 7NB (Tel: 0870 1226 236 Fax: 0870 1226 237 Textphone: 0870 120 7405 E-mail: [odpm@twoten.press.net](mailto:odpm@twoten.press.net)).

A list of agencies that provide free advice on tenant involvement in managing your estate and on how the right to manage works is available from, Tenant Participation Branch, ODPM, 1/J6, Eland House, Bressenden Place, London SW1E 5DU (Tel: 020 7944 3488 or visit [www.regeneration.odpm.gov.uk/grants/vol/contacts.htm](http://www.regeneration.odpm.gov.uk/grants/vol/contacts.htm)).

**National Framework for Tenant Participation Compacts** – is available from ODPM Publications, PO Box 236, Wetherby, West Yorkshire, LS23 7NB  
(Tel: 0870 122 6236 Fax: 0870 122 6237 Textphone: 0870 120 7405  
E-mail: [odpm@twoten.press.net](mailto:odpm@twoten.press.net)).

**Racial equality** – The Commission for Racial Equality, Central Books, 99 Wallis Road, London E9 5LN (Tel: 020 8986 5488).

**Repairs** – *Your Right to Repair*: available from ODPM Publications, PO Box 236, Wetherby, West Yorkshire, LS23 7NB  
(Tel: 0870 122 6236 Fax: 0870 122 6237 Textphone: 0870 120 7405  
E-mail: [odpm@twoten.press.net](mailto:odpm@twoten.press.net)).

**Right to Buy** – *Your Right to Buy Your Home*: available from ODPM Publications, PO Box 236, Wetherby, West Yorkshire, LS23 7NB  
(Tel: 0870 122 6236 Fax: 0870 122 6237 Textphone: 0870 120 7405  
E-mail: [odpm@twoten.press.net](mailto:odpm@twoten.press.net)).

**Shelter Line** – An information line covering a range of housing issues is available 24 hours (Tel: 0808 8004444).

**Tenant Empowerment** – *A guide to the tenant empowerment grant programme*: available from ODPM Publications, PO Box 236, Wetherby, West Yorkshire, LS23 7NB (Tel: 0870 122 6236  
Fax: 0870 122 6237 Textphone: 0870 120 7405  
E-mail: [odpm@twoten.press.net](mailto:odpm@twoten.press.net)).

**Tenant Participation Advisory Service (TPAS)** – the TPAS Information Service provides a free helpline and information bank for tenants. It is open each working day (Tel: FREEPHONE 0500-844111).



**Tenant Participation Compacts** – *Tenant participation compacts – A guide for tenants*: available from ODPM Publications, PO Box 236, Wetherby, West Yorkshire, LS23 7NB (Tel: 0870 122 6236  
Fax: 0870 122 6237 Textphone: 0870 120 7405  
E-mail: [odpm@twoten.press.net](mailto:odpm@twoten.press.net)).

Here are some e-mail addresses at ODPM that you may find useful if you have further queries:

Housing Management      [house.manage@odpm.gsi.gov.uk](mailto:house.manage@odpm.gsi.gov.uk)

Tenant Participation      [tp@odpm.gsi.gov.uk](mailto:tp@odpm.gsi.gov.uk)

If you have any comments on *Your Rights as a Council Tenant – The Council Tenant’s Charter*: or want to know more about anything in it, contact:

Zone 1/J6  
Eland House  
Bressenden Place  
London SW1E 5DU  
Tel: 020 7944 3488.  
e-mail: [house.manage@odpm.gsi.gov.uk](mailto:house.manage@odpm.gsi.gov.uk)

The Council Tenant’s Charter is also available in Bengali, Hindi and Urdu. An audio tape and large print version is also available. Write to:

ODPM Publications, PO Box 236, Wetherby, West Yorkshire, LS23 7NB (Tel: 0870 1226 236 Fax: 0870 1226 237  
Textphone: 0870 120 7405 E-mail: [odpm@twoten.press.net](mailto:odpm@twoten.press.net)).

ODPM Website: [www.housing.odpm.gov.uk](http://www.housing.odpm.gov.uk)





