



Approved by: Housing Divisional Management Team

Bristol City Council – Housing and Landlord Services

Tenancy Types

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1. Purpose

This Policy sets out the types of tenancy offered by Bristol City Council as a local authority landlord and details the statutory definition, conditions, tenant rights and landlord responsibility, and the relative security of each tenure type:

- Introductory Tenancy
- Secure Tenancy
- Demoted Tenancy

Bristol City Council offers other forms of occupancy which are not covered by the main tenancy laws and therefore are not a type of tenancy. This Policy considers non-secure tenancies only to distinguish them from the tenancy types offered by the Council as a local authority landlord.

2. Scope

This policy refers to all social housing stock owned, maintained, and managed by Bristol City Council as a local authority landlord. All other Bristol City Council premises managed by Bristol City Council's Corporate Property Services, Facilities Management or Building Practice Teams are not within the scope of this Policy.

3. Aims and objectives

The main aims and objectives of this Policy are to:

- Set out the types of tenancy offered by Bristol City Council as a local authority landlord.
- Clearly define the tenancy types.
- Explain the conditions of each type.
- State the rights and responsibilities of Bristol City Council and tenant.
- Identify and explain the statutory rights of each occupation type.

4. Roles and Responsibilities

The Director of Housing and Landlord Services and the Head of Housing and Estates Management are responsible for the implementation of this Policy.

All colleagues involved in Tenancy Management activities have responsibility for delivering this Policy.

5. The Policy

As a Registered Provider of Social Housing, Bristol City Council offers Introductory, Secure, and Demoted Tenancies. Other forms of Secure Tenancy (i.e. flexible and fixed tenancies) are not offered by the Council.

The Council also offers non-secure forms of occupancy as interim accommodation and some types of supported accommodation. This Policy sets out when this is granted in order to distinguish between a tenancy and other forms of occupancy.

The tenancy types offered by Bristol City Council are further defined in this section. For information about how a tenancy can change or how decisions which concern tenancies are made, please refer to the Tenancy Changes Policy.

5.1 Legal Context and Social Housing Consumer Standards

This Policy, together with the Tenancy Changes Policy, satisfies the Tenancy Strategy requirement under the Localism Act 2011. It explains Bristol City Council's housing strategy including:

- The types of tenancies offered and
- The circumstances which determine each tenancy type.¹

A list of relevant law is in Appendix A.

Under the Social Housing Consumer Standards (Tenancy Standard), Bristol City Council must offer tenancies, and terms of occupation, which are compatible with the purpose of the accommodation, the needs of the household, the sustainability of the community, and the efficient use of their housing stock.

Bristol City Council must meet all applicable requirements in relation to the type and use of tenancy, in accordance with the tenancy agreement. The tenancy agreement applies to all tenancy types offered by the Council unless otherwise specified.

5.2 Introductory Tenancy

5.2.1 Definition

An introductory, or probationary, tenancy is defined under Part 5 of the Housing Act 1996.

As a local authority, Bristol City Council meets the scheme set out in that Part by granting introductory tenancies to all new tenants.

An Introductory Tenancy has the same conditions as a Secure Tenancy (see 5.2 below). However, an Introductory Tenancy is limited to one-year as a probationary period, after which it becomes a Secure Tenancy unless extended or ended by the Council or the tenant.

5.2.2 Conditions

A tenant cannot become an introductory tenant at the same dwelling if they have already been a secure tenant at that address. A tenant who was previously an Assured Shorthold Tenant with another Registered Provider will not be offered an Introductory Tenancy.

If immediately before their Introductory Tenancy with BCC, the tenant was a probationary tenant with another Registered Provider, that time will count towards the probationary period with Bristol City Council.

In a joint tenancy, if any of the joint tenants was a probationary tenant, that time will count towards the probationary period.

In both cases, however, there must not have been any interruption in between the end of the previous tenancy and beginning of the new tenancy with Bristol City Council.

5.2.3 Tenant Rights

Introductory tenants have the same rights to have repairs carried out as all other tenants. For more information on repairs, please see the Repairs and Maintenance Policy.

¹ Localism Act 2011 Section 150(1).

A tenancy transfer can only take place if there has been a relationship breakdown, for the benefit of children, or to a potential successor.

Introductory tenants do not have the right to mutual exchange.

Introductory tenants have a right to succession.

Bristol City Council allows introductory tenants to take in lodgers if they are within the age restrictions of the home; the tenant does not need permission from the Council to do this.

The Council does not allow introductory tenants to sublet any part of their home unless in exceptional circumstances.

Introductory tenants do not have the right to buy their Council home, although the length of the Introductory Tenancy does count towards the qualifying period for the right to buy discount.

Introductory tenants have the right to request a review on the Council's decision to extend their Introductory Tenancy.

5.2.4 Length of tenure

Introductory Tenancies are for 12-months from the date the tenancy began. After the one-year period, the Introductory Tenancy should automatically become a Secure Tenancy unless any of the following occurs:

- A tenancy condition is not met.
- The local authority is no longer the landlord.
- The Introductory Tenancy Scheme is revoked.
- The tenant dies and nobody is entitled to succeed.
- The period of the Introductory Tenancy is extended by the local authority landlord.
- The authority makes a claim for possession.

An introductory tenancy may be extended to a maximum of 18-months in total (an additional 6-months). An Introductory Tenancy can be extended for the following, but not exhaustive, reasons:

- Anti-social behaviour.
- Rent arrears.
- Damage to the property.

For more information, refer to the Tenancy Changes Policy.

Bristol City Council will notify the tenant of this decision. The notice will include the reasons for the decision and guidance on how the tenant can seek a review.

5.2.5 Possession

As an Introductory Tenancy is intended for a short probationary period, it has limited security. In the event that a tenancy condition is not met, Bristol City Council may notify the tenant of its decision to apply to the court for possession.

The tenant has the right to request a review of the decision within 14-days of receiving the notice. The review is conducted by a person appointed by Bristol City Council. The decision-

maker must be senior to the person who made the original decision and not have been involved in that decision. The review period begins the day after the date given on the notice. The minimum amount of time for a review is 28-days.

The tenant can make verbal or written submissions for the Council to consider in their review of the decision. Bristol City Council will inform the tenant of the date by which written submissions must be received. This date cannot be more than 5-days after the Council received the review request.

Bristol City Council will notify the tenant of the review decision.

If the decision is upheld, the Council will:

- Give the reason/s for the unsuccessful review.
- Notify the tenant of its decision to apply for possession.
- Offer support for rehousing through Housing Options.

At the possession stage, the tenant is unable to defend against the claim, unless under public law, human rights, or disability discrimination grounds.

5.3 Secure Tenancy

5.3.1 Definition

A Secure Tenancy is defined under Part 4 of the Housing Act 1985. It can be started as a secure tenancy, or a tenancy might become secure by default if certain conditions are met.

5.3.2 Conditions

For a Secure Tenancy, the premises must be 'let as a separate dwelling', which means the entire home must be occupied by the tenant named on the tenancy agreement.

The landlord must be a local authority, therefore tenancies offered by Bristol City Council meet the landlord condition for a Secure Tenancy.

The tenant must occupy the dwelling as their only or principal home; or, in a joint tenancy, at least one of the tenants must occupy the premises as their only or principal home. If the tenant does not meet this requirement, their tenure becomes insecure (see 5.3).

If the landlord serves a Notice to Quit which expires while the tenant is not occupying the dwelling as their only or principal home, the contractual tenancy will be ended.

However, provided that there has been no subletting or other parting with possession of the whole of the premises, if a Notice to Quit has not been given, the secure status of the tenancy can be regained if the tenant resumes occupation of the dwelling as their only or principal home.

5.3.3 Tenant Rights

A Secure Tenancy has the highest level of security of all the tenancy types offered by Bristol City Council which means tenants are afforded the following statutory rights:

- A right to succession.
- In some circumstances, secure tenants have a right to assignment.

- Secure tenants can take in lodgers as long as the lodger/s occupy only part and not the entirety of the tenant's home.
- Secure tenants have a right to make improvements to their home after they have obtained permission from the Council to do so. For more information, see the Repairs and Maintenance Policy.
- Secure tenants have a right to mutual exchange and a right to buy. For more information, see the Tenancy Changes Policy.

5.3.4 Possession

Bristol City Council shall only end a Secure Tenancy by obtaining and executing a possession order, or by obtaining a demotion order. In both instances, the tenancy ends on the date when the order is carried out (i.e. when the tenant is evicted by court enforcement officers) or when the tenant voluntarily vacates the property after the order has been granted by the court.

For a possession order to be made, Bristol City Council must prove at least one of the statutory grounds for possession.

- A discretionary ground for possession requires the court to consider whether it is reasonable to make a possession order.
- A mandatory ground for possession was introduced under the Anti-Social Behaviour, Crime and Policing Act 2014. For more information on how a secure tenancy can be ended, please refer to the Tenancy Changes Policy.

5.4 Demoted Tenancy

5.4.1 Definition

A Demoted Tenancy is one that was previously secure but has been 'demoted' by the court on the local authority landlord's application.² A demoted tenant has similar rights as an introductory tenant.

Bristol City Council might seek demotion as an alternative to a possession order.

5.4.2 Conditions

A Demoted Tenancy remains demoted for 12-months. At the end of the 12-month period, the tenancy will become secure again, unless Bristol City Council applies for possession during that period.

5.4.3 Tenant Rights

There is a right to succession in the event of the demoted tenant's death. The demoted tenant may be succeeded by any family member, provided that they occupy the dwelling as their only or principal home at the time of death and have lived with the tenant for a minimum of 12-months before the tenant's death. The tenancy is then succeeded as a Demoted Tenancy and the same conditions will apply to the succeeding tenant.

A demoted tenant may only assign their tenancy in the event of a relationship breakdown or for the benefit of children.³

² A S B A 2003

³ Housing Act 1996 Section 143K.

5.4.4 Possession

As a demoted tenant no longer has substantive security of tenure, Bristol City Council does not need to prove a statutory ground for possession.

Where possession is being sought, Bristol City Council will issue a Notice of Seeking Possession to the demoted tenant. The notice will include the reasons for the decision and guidance on how to seek a review.

The court must grant a possession order in cases against a demoted tenant where the procedure has been followed correctly by the local authority landlord. However, the tenant may raise a defence to the court under public law, human rights or discrimination.

5.5 Other Forms of Occupancy

Bristol City Council offers other forms of occupancy which are not covered by the main tenancy laws.⁴ These forms of occupancy are known as 'non-secure' or 'contractual' tenancies as they are only subject to the terms of their contract.

As they are outside the scope of the main tenancy laws, non-secure occupants do not have any rights other than the right to have repairs carried out and the right to 'quiet enjoyment' of the premises.

Bristol City Council offers non-secure tenancies in the form of licenses.

Licenses are granted as permission from Bristol City Council to occupy a premises either owned by the Council or commissioned by the Council for use as temporary accommodation, under Part 7 of the Housing Act 1996, or some supported accommodation.

They are not tenancies because the occupant does not have exclusive possession of the premises, and their right to occupy comes from the terms of their license agreement only.

All licenses granted by Bristol City Council are subject to the same rules.

5.5.1 Temporary accommodation

Bristol City Council grants non-secure tenancies to persons who have made a homeless application under Part 7 of the Housing Act 1996. This includes accommodation pending inquiries and accommodation provided following the acceptance of a housing duty.

The terms of the license agreement are included in the duty letters which are issued and explained to the homeless applicant in accordance with the 1996 Act.

This form of occupancy is not covered by the Protection from Eviction Act 1977 and therefore does not require a court order to be ended. Bristol City Council will give reasonable notice to the occupant as specified in the agreement and, upon its expiry, may exclude them from the premises.

⁴ RA 1977, Housing Act 1985, Housing Act 1988.

5.5.2 Supported accommodation

Bristol City Council grants licenses for some supported accommodation that meets the legal definition of a hostel. A hostel is defined as residential accommodation with shared premises and either food provided or shared facilities for the preparation of food.⁵

This form of occupancy is excluded from the Protection from Eviction Act 1977 and therefore does not require a court order to be ended. Bristol City Council will give notice to the occupant as specified in the agreement and, upon its expiry, may peacefully evict them from the premises.

If the supported accommodation unit is self-contained (includes cooking facilities) or has shared facilities but the occupier has exclusive possession of the room, there can be a 'secure license'. Secure licenses of this type are granted to persons in Level 4 supported accommodation.

Where Bristol City Council grants a secure license, the occupier subject to that agreement is subject to the same conditions as the secure tenant and shares the same rights with the exception of right to buy and mutual exchange (see 5.2 above).⁶ Therefore, to end a 'secure license' agreement, Bristol City Council must follow the possession procedure for a Secure Tenancy (see 5.2 above).

6. Equality Impact

In accordance with the Equality Act 2010 and Social Housing Consumer Standards, we will act sensitively towards the diverse needs of individuals and communities and take positive action to reduce discrimination and harassment and improve equality of opportunity.

Quality Assurance

This policy will be published on the BCC Website and communicated to relevant operational teams via policy briefings and other appropriate communications.

The policy will be reviewed every 5 years, or in the event of legislative change, in accordance with our procedures.

Appendices

Appendix A – legal authorities

Regulatory standards

We will comply with the Regulator of Social Housing's regulatory framework and the Consumer Standards for social housing in England.

Principal legislation

This policy is governed by the following legislation:

⁵ Housing Act 1985 Section 622.

⁶ Housing Act 1985 Section 79(3).

- Equality Act 2010
- Localism Act 2011
- Landlord and Tenant Act 1985
- Housing Acts 1985 and 1996
- Anti-Social Behaviour, Crime and Policing Act 2014
- Protection from Eviction Act 1977
- Protection from Harassment Act 1997
- Rent Act 1977
- Human Rights Act 1998

Related policies and guidance

- Tenancy Changes Policy
- [HRA Asset Management Strategy 2021-2026](#)
- Repairs and Maintenance Policy
- Tenancy Sustainment Policy
- Tenancy Audit Policy

Breach of tenancy guidance

Guidance on breaches of tenancy can be found in policies including:

- Anti-social behaviour (ASB)
- Income management

Appendix B – Glossary of Key Terms

Tenancy / tenure: A tenancy and its tenant have additional statutory rights, including the right not to be evicted unless certain legal grounds are met.

Security / secure / insecure:

Having security of tenure means the occupier is protected from eviction unless certain grounds are met.

Insecure or non-secure tenure means the occupier does not have these protections and can be lawfully evicted when the landlord follows the correct procedure and gives reasonable notice.

Licence dwelling: A general term for a domestic property, such as a house or flat.

Probationary: A period of time during which behaviour is monitored.

Assured Shorthold Tenancy: A form of tenure under the Housing Act 1988 offered in the private rented sector, including some housing associations.

Joint tenancy / joint tenant: Two or more people named in the tenancy agreement.

Succession / succeed / succeeded:

- A tenancy may only be succeeded once.
- For tenancies granted after 1 April 2012, succession is limited to a spouse, civil partner or cohabitant.

See the Tenancy Changes Policy for more information.

Mutual exchange: When two or more council tenants swap homes. In Bristol, this is done through HomeSwapper.

Relationship breakdown: The end of an existing relationship, including relationships between couples, family members or friends.

Lodging / lodger: A lodger occupies part of a dwelling, but their occupation is controlled by the named tenant.

Subletting / sublet: When a tenant transfers their right to exclusive possession of all or part of a property to another person by renting it out while retaining their tenancy agreement with the landlord.

Age restrictions: Some council homes are only available to people within certain age groups, for example people aged 65 and over.

Part with possession: When a tenant transfers their right to exclusive possession of a property, for example by subletting it or returning possession to the landlord.

Right to buy: A policy introduced in the Housing Act 1980 that gives local authority tenants the right to buy the property they live in.

Tenancy start date: The date a tenancy begins, as stated in the tenancy agreement.

Extension notice

Possession claim / possession order: A legal form completed by the landlord and submitted to the court. The court may then issue a possession order, which is sent to both the tenant and the landlord.

Notice of Seeking Possession / Notice to Quit: A legal document informing a tenant that their landlord intends to begin possession proceedings.

Statutory grounds for possession: The legal reasons defined in law that allow a landlord to seek possession of a property.

Discretionary grounds for possession: Grounds where the court must decide whether it is reasonable to evict the tenant.

Mandatory grounds for possession: Grounds where the court must order eviction if the local authority can prove they apply.

Transfer of tenancy / assignment: The legal transfer of a tenancy from one person to another.

Exclusive possession: The tenant and members of their household named in the tenancy, such as their children, are the only people entitled to occupy the dwelling