

## Qualifications Criteria to become an Elected Tenant Representative

- You are a tenant or leaseholder of South Cambridgeshire District Council
- You are aged 18 years or over
- You do not work for South Cambridgeshire District Council Housing Service
- You are not related to a member of staff – see additional criteria below
- You do not have any rent or service charge arrears which fall within the additional criteria below
- You are not subject to any tenancy issues as set out in Schedule 3 of the Housing Act (1985) and within Schedule 14 of the Localism Act (2011), as set out in the additional criteria below
- You do not have a criminal record as specified in the additional criteria

Tenants / leaseholders wishing to be considered for elected positions (including co-opted roles) must meet the qualifications criteria set out above and sign a declaration to that effect as part of their application.

- a. If the tenant / leaseholder has not disclosed information that later comes to light which would disqualify them, that tenant / leaseholder will be immediately barred from standing.
- b. Similarly, if an existing tenant representative fails to meet any of the qualifications criteria whilst acting in the role, they will be barred from that position.
- c. Applications to be an elected tenant representative will be assessed by either the Resident Involvement Team Leader, Service Manager – Housing Strategy or the Head of Housing to ensure the tenant / leaseholder meets the qualifications criteria. This will be based on the signed declaration and will also involve checking the rent accounts and tenancy records for each applicant. Under the co-option policy, only those applicants that meet the qualifications criteria will then be considered by the elected tenant representatives for co-option.
- d. Any appeal to the decision of qualification will be carried out in accordance with the Council's complaints policy.

### Additional Qualifications Criteria

#### Related to a member of staff within the Council

If a tenant / leaseholder is related to a member of staff, they will be unable to stand / continue as a tenant representative in certain circumstances. This is not a blanket ban but applies only to people who are related to senior members of staff. Tenants / leaseholders who meet one of the

criteria in both Section A and Section B below will be unable to stand / continue as an elected tenant representative.

### **Section A – Nature of Relationship**

- i. Spouse, civil partner or cohabiting partner
- ii. Any relative as defined within Section 258 (4) of the Housing Act 2004: namely a parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin. This includes people who have assumed that role, for example stepfather, or
- iii. Other people not listed above who reside in the same property as the member of staff.

### **Section B – Seniority of Staff Member**

- i. Within the Housing Department or working within the Rents Team (part of the Revenue Services) and be in a management position of Grade 7 or above.
- ii. A member of the Council's Senior Management Team.

### **Rent Arrears**

Where tenants / leaseholders have rent arrears, they will not be able to stand / continue as a tenant representative if the Council has served the tenant / leaseholder with a Notice of Seeking Possession or a Notice of Possession Proceedings and there are no arrangements in place to pay back the rent owed.

### **Other tenancy issues as set out in Schedule 3 of the Housing Act (1985) and within Schedule 14 of the Localism Act (2011)**

If the tenant / leaseholder has breached their tenancy in any other way including Anti-Social behaviour and the Council has started action by any of the following, they will not be able to stand / continue as a tenant representative.

- Serving the Tenant / leaseholder with a Notice of Seeking Possession within the past 12 months
- Where the tenant / leaseholder or any member of the household has agreed to an ABC (Acceptable Behaviour Contract) within the past 12 months.
- Where the Council have taken out an injunction against the tenant / leaseholder because of their behaviour,
- Where the tenant / leaseholder has been informed that they are on the council's risk register because of their behaviour.

(Note that in this paragraph, and in line with the tenant's / leaseholder's responsibility, reference to a tenant's / leaseholder's behaviour also includes other members of the household and visitors to the property).

## Criminal Record

The criteria to determine disqualification in relation to tenants / leaseholder with a criminal record is based on the criteria set out in legislation for the election of local government district councillors.

Tenants / leaseholders are unable to stand or continue as a tenant representative if they meet any of the following criteria:

- Where the tenant / leaseholder has been sentenced to a term of imprisonment of three months or more (including a suspended sentence), without the option of a fine, during the five years before application to become a tenant representative and the ordinary period allowed for making an appeal or applications in respect of the conviction has passed. A person who is in the process of making an appeal or application in relation to the conviction is not disqualified at any time before the end of the day on which the appeal or application is disposed of, abandoned or fails by reason of non-prosecution.
- Where the tenant / leaseholder is subject to any notification requirements or a relevant order relating to sexual offences as defined under the [Local Government Act 1972, Section 81A](#) (as amended April 2022).