

Subletting Policy

This Subletting policy outlines Croydon Council's approach to requests to Sublet rooms in property held on secure tenancies which in property owned and managed by Croydon Council.

Contents

1.	Purpose	3
2.	Statement of Intent.....	3
3.	Scope.....	3
4.	Definitions	3
5.	Subletting	3
6.	Eligibility	4
7.	Benefits.....	4
8.	Legal Framework	5
8.	Associated Policies and Reference Points.....	5
9.	Equalities Statement.....	5
10.	Reasonable Adjustments	6
11.	Appeals and complaints	6
12.	GDPR and Data Protection Act 2018.....	6
13.	Roles and Responsibilities	7
14.	Consultation	7
15.	Monitoring and Review	7
16.	Document Control	8

1. Purpose

- 1.1. This policy sets out Croydon Council's approach to managing requests from tenants to have a lodger or subtenant to live in their property.
- 1.2. This policy aims to outline clearly the circumstances in which tenants can or cannot sublet their homes

2. Statement of Intent

- 2.1. This Policy provides a framework to ensure that subletting is carried out fairly and in full compliance with legislation and the terms and conditions that apply to the tenancy agreement.
- 2.2. The Council will ensure that permission to sublet is not unreasonably withheld.

3. Scope

- 3.1. This policy applies to secure council tenants.

4. Definitions

- 4.1. A lodger living in a tenant's home and sharing living accommodation does not have exclusive occupation. Such lodgers are "excluded occupiers" and have very limited housing rights. They are entitled to be given notice to leave
- 4.2. Subletting is where a subtenant has exclusive use of their room, and lives in part of your premises, separately from you, the council's tenant.

5. Subletting

- 5.1. Croydon Council's secure tenant is given a contractual right, under the terms of their tenancy agreement to sublet part of their property. There is no right nor provision for the subletting of the whole of your property.
- 5.2. The Prevention of Social Housing Fraud Act 2013 makes it a criminal offence for secure or flexible council tenants to:
 - Sublet all their council home
 - Sublet part of their council home without written permission from us
 - Fail to use their council home as their main home knowing that this is done in breach of the tenancy agreement, or dishonestly
- 5.3. Tenants must not carry out alterations to their home to accommodate a lodger
- 5.4. As part of the Council's commitment to tackle unlawful profit and tenancy fraud, the Council reserves the right to inform any benefit agencies of the

income being received from the lodger, where it considers it appropriate to do so

6. Eligibility

- 6.1. Tenants have the right to let part of their home provided the criteria outlined in this policy are met prior to the lodger moving in, which allows them to do so as long as they:
 - Obtain the written permission of Croydon Council, proving details of the additional household member, lodger or subtenant, and the part of the home they will occupy.
 - Have a clear rent and up-to-date rent account prior to applying to sublet
 - Ensure that the prospective additional household member, lodger/subtenant has the Right to Rent.
 - Make sure that the home does not become overcrowded.
 - Do not charge 'rent' which exceeds the net weekly rent charged by the Council. Any changes to income must be declared to the benefits agency where they receive income-based benefits.
 - Are not subject to a Possession order or in receipt of a Notice of seeking possession which has been served for breach of tenancy.
- 6.2. Croydon Council will revoke permission to sublet part of the property if any of the criteria have been breached, e.g. a breach of tenancy
- 6.3. Consent will only be given by Croydon Council after consideration of the circumstances of the tenant and the proposed lodger.
- 6.4. There is no legal relationship between the lodger and Croydon Council. The principal tenant will continue to be responsible for ensuring that all the conditions of the tenancy are complied with including payment of rent directly to Croydon Council.
- 6.5. Lodgers do not have a tenancy agreement with Croydon Council and are not council tenants.
- 6.6. If the tenant leaves the premises, any lodger must also leave. If they do not do so, they will be classed as an unauthorised occupier and Croydon Council will apply for possession of the property.

7. Benefits

- 7.1. Tenants that are renting out spare room(s) are already likely to be affected by the bedroom tax (so application of 14% reduction will already have been applied to the housing costs element).

- 7.2. Tenant can charge £20.00 per week without HB being affected and anything above £20.00 will be treated as income (there are different rules if the tenant is also providing meals etc)

8. Legal Framework

- 8.1. This Policy will ensure compliance with the following standards and legislation and promote good practice.

Legislation:

- Housing Act 1985
- Immigration Act 2014
- Prevention of Social Housing Fraud Act 2013
- Fraud Act 2006
- Localism Act 2011
- Landlord and Tenant Act 1985

8. Associated Policies and Reference Points

- [Conditions of Tenancy](#)

9. Equalities Statement

- 9.1 The Council is committed to promoting fair and equal access to services and equal opportunities in employment, the procurement of goods and as a community leader. The Council's policies, procedures and day to day practices have been established to promote an environment which is free from unlawful and unfair discrimination, while valuing the diversity of all people.
- 9.2 Discrimination on the grounds of race, nationality, ethnic origin, religion or belief, gender, marital status, sexuality, disability, and age is not acceptable: the Council will take action to ensure no person using the Council's premises or services receives less favourable treatment or is disadvantaged by requirements or conditions that cannot be justified. The Council will tackle inequality, treat all people with dignity and respect and continue to work to improve services for all service users.
- 9.3 The legal framework for the Council's approach is provided by the Equality Act 2010 and specifically by the Public Sector Equality Duty, under which a public authority must work consciously to eliminate discrimination, harassment, and victimisation, and to advance equality of opportunity and foster good relations between people with differing characteristics.
- 9.4 Further detail on the Duty, and the Council's approach to fulfilling its requirements, can be found on our website.

10. Reasonable Adjustments

- 10.1 Croydon Council will make reasonable adjustments to support our residents' needs when they access our services. The term 'reasonable' refers to what we can do without compromising our resources, efficiency, or ability to practically fulfil requests. This does not include [Aids and Adaptations](#) to our properties and common parts of a building.
- 10.2 No resident should be at a disadvantage when accessing our services. The following statements offer a general overview to ensure that our services are adjusted to meet the needs of our residents where possible. This list is not exhaustive, and we will adapt our approach based on individual resident needs.
- 10.3 We aim to provide services that are accessible to all who require them. As a result of this, we will:
- Ensure our officers get to know our residents and their individual needs
 - Provide a range of ways for residents to contact our officers including phone, mail, email and via [Housing Online](#)
 - Provide alternative communication methods on request, such as Braille, foreign language interpreter, large print etc.
 - Ensure residents are always able to select their preferred method of contact.
 - Ensure our offices are fully accessible to visitors
- 10.4 We will continue to diversify our services to meet residents' needs where possible.

11. Appeals and complaints

- 11.1 Should there be a complaint from a tenant concerning, any aspect of responsive repairs, this will be dealt with via the Council's Corporate Complaints Policy.

12. GDPR and Data Protection Act 2018

- 12.1 Housing Management recognises the commitment to ensure that all data is:
- Processed lawfully, fairly, and in a transparent manner.
 - Collected for a specific and legitimate purpose and not used for anything other than this stated purpose, or as provided for in our privacy and fair processing notices.
 - Relevant and limited to whatever the requirements are for which the data is processed.

- Accurate, and where necessary, kept up to date. Any identified inaccuracies will be amended or removed without undue delay.
- stored for as long as required, as specified within Housing Management's Records Retention Policy.
- Secured with appropriate solutions, which protect the data against unauthorised or unlawful processing and accidental loss, destruction, or damage.

Further information about Croydon Council's commitment to the General Data Protection Regulations GDPR can be found on Croydon Council's website.

[General Data Protection Regulation \(GDPR\) guidance | Croydon Council](#)

13. Roles and Responsibilities

13.1 Director of Housing Management

The Director of Housing Management will have the overall responsibility for the implementation of the Subletting policy.

13.2 Heads of Housing Services

The Head of Tenancy Services will develop, implement, and monitor the effective management of the Subletting policy and processes.

13.3 Council staff

Will follow the Subletting Policy and related Policies, the associated rules, and procedures, and have an awareness of related legislation and regulations to ensure the operational delivery is fair and consistently delivered across our services. Staff are aware of their roles and responsibilities and regularly carry out mandatory and personal development training offered to them.

14. Consultation

14.1 Stakeholders with responsibility and operational knowledge of subletting, have been consulted during the development of this policy.

14.2 Residents have also been engaged and consulted in the development and review of the Subletting Policy.

15. Monitoring and Review

15.1 This policy will be reviewed every 3 years, or sooner if required by statutory, regulatory, best practice, emerging developments, or circumstances arising from reviews of other Council-wide policies.

- 15.2 Arrangement for a full internal audit of our subletting processes will be undertaken by the Council's Internal Auditors. The full scope of the audit will be agreed upon with the Internal Auditors, Director of Housing Management, and Heads of Service.

16. Document Control

- 16.1 This is a controlled document and should not be changed unless by authorisation of the policy owner.

Monitoring		
Approved Date:	July 2025	
Next Review Date:	April 2028	
Effective date:	August 2025	
Consultation Review		
Stakeholders review:	10/01/2025	
Legal review date:	24.01.2025	
Residents reading group:	04.02.2025	
Policy owner:	Director of Housing Management	
Ratified by:	By Housing DMT on July 2025	
Equality impact assessment:	The impact of this policy will be measured as it is implemented and used as part of a scheduled 1-year implementation compliance review.	
Version History		
Version Number	Summary of change	Author and Approver
1.0	New Policy	Developed with Housing subject matter experts and the Residents Read Group