

Adoption of the Tenancy Strategy 2018

Cabinet	26th July 2018
Report Author	Tim Willis, Director of Corporate Resources and Deputy Chief Executive
Portfolio Holder	Cllr Lesley Game, Cabinet Member for Housing and Safer Neighbourhoods
Status	For Decision
Classification:	Unrestricted
Key Decision	Yes
Reasons for Key	Significant effect on communities
Ward:	All wards

Executive Summary:

The Localism Act 2011 required every Local Authority to publish a tenancy strategy. The council's current Tenancy Strategy has now expired and needs to be renewed. This report explains what this means for the Council and asks members to agree an updated Tenancy Strategy.

Recommendation(s):

Cabinet is asked to:

- 1) Approve the consultation draft of the Tenancy Strategy attached at annex 1;
- 2) Delegate authority to the Head of Housing and Planning in consultation with the cabinet member for Housing and Safer Neighbourhoods to make any minor amendments required to the policy following consultation.

CORPORATE IMPLICATIONS

Financial and Value for Money	Finance have reviewed the Draft Tenancy Strategy and provided feedback which has been incorporated into the draft. The HRA business plan reflects the rent setting policy as set out in the Tenancy Strategy.
Legal	I am satisfied that the Tenancy Strategy adheres to the recommendations made within the Draft Consultation which Thanet District Council is required to comply with to the best of its ability.
Corporate	<p>This document links to Corporate Plan Priority 2 - Supporting neighbourhoods - ensuring local residents have access to good quality housing which meets peoples changing needs and aspirations that is safe and affordable.</p> <p>This document allows us to make best use of existing stock to create sustainable communities.</p> <p>This is a low risk corporately.</p>

Equality Act 2010 & Public Sector Equality Duty	<p>Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.</p> <p>Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.</p> <table border="1" style="width: 100%;"> <tr> <td colspan="2">Please indicate which aim is relevant to the report.</td> </tr> <tr> <td>Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,</td> <td style="text-align: center;">*</td> </tr> <tr> <td>Advance equality of opportunity between people who share a protected characteristic and people who do not share it</td> <td style="text-align: center;">*</td> </tr> <tr> <td>Foster good relations between people who share a protected characteristic and people who do not share it.</td> <td></td> </tr> </table> <p>An Equalities Impact Assessment has been undertaken to ensure that the proposal to implement the tenancy strategy does not have a negative impact on its existing residents, tenants and future customers. The proposal will not have a negative impact on any groups with protected characteristics. The intention to allocate the units in line with the tenancy strategy outweighs any negative impact.</p>	Please indicate which aim is relevant to the report.		Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,	*	Advance equality of opportunity between people who share a protected characteristic and people who do not share it	*	Foster good relations between people who share a protected characteristic and people who do not share it.	
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CORPORATE PRIORITIES (tick those relevant) ✓	
A clean and welcoming Environment	
Promoting inward investment and job creation	
Supporting neighbourhoods	✓

CORPORATE VALUES (tick those relevant) ✓	
Delivering value for money	
Supporting the Workforce	
Promoting open communications	✓

1.0 Introduction and Background

1.1 Section 150 of The Localism Act 2011 requires that every local housing authority in England must prepare and publish a Tenancy Strategy, setting out the matters to which registered providers of social housing within its district must have regard to when formulating policies relating to:-

- The kind of tenancies they grant;
- The circumstances in which they will grant a tenancy of a particular kind;
- Where they grant tenancies for a certain term, the length of the term; and
- The circumstances in which they will grant a further tenancy when an existing tenancy is coming to an end.

- 1.2 The Act does not affect the rights of existing social housing tenants but does allow for more flexible arrangements for new tenants. Social landlords are able to grant tenancies for a fixed length of time, with 5 years being the normal length. There is no upper limit on the length of fixed term tenancies and lifetime tenancies can still be offered. The government believes that flexibility in relation to the length of tenancies will help social landlords manage their homes more efficiently and fairly.

2.0 The Current Situation

- 2.1 The current tenancy strategy expired in 2017 and needs to be updated.
- 2.2 The updated draft tenancy policy includes details of joint tenancy criteria and confirmation of succession rights.
- 2.2 The Localism Act brought in a new procedure, which can allow a secure tenant to swap with flexible or assured shorthold tenant, or an assured tenant to swap with a flexible or assured shorthold tenant. This procedure is set out in Section 158 of the Localism Act 2011. In this procedure, instead of assigning the tenancy to each other, both tenancies are surrendered and the landlord grants a new tenancy to each tenant. The tenancy type will be determined by the local authority and will generally be a 5 year flexible or fixed term tenancy. For an exchange to happen under the Localism Act 2011, the periodic secure tenancy (or fully assured tenancy) involved must have started before 1 April 2012.
- 2.3 Flexible tenancies are already in place and being allocated, however we will seek to renew the tenancy unless there are specific grounds not to do so, these grounds will be clearly set out in the Tenancy Strategy and will include details of how to appeal against decisions. The appeal will be determined by the Housing Options Manager at Thanet District Council.
- 2.4 The strategy proposes that rents are set at a level that tenants can afford and that appropriate support is available to help tenants maintain their tenancy and fulfil their obligations as tenants. This strategy sets out the guiding principles that we will follow when setting rents and providing support.
- 2.5 The council uses a wide range of forms of temporary accommodation for homeless households. This strategy aims to set rent and charges for homeless households living in temporary accommodation that are both affordable and reasonably reflect the level of rent that they would be likely to have to pay in a permanent home. Where the council is not the owner and has arranged the temporary accommodation through a third party, then the council will pay for the costs of the accommodation in the first instance. However the council is able to recover a reasonable charge from the resident to assist with the cost of the accommodation. The council will raise a charge equal to the relevant LHA rate for the accommodation.
- 2.6 Supporting people to successfully sustain their tenancy is an integral part of this tenancy strategy. The focus of tenancy support is to assist tenants to stay in their home and prevent homelessness. Employment support, rent collection and arrears, welfare and benefits advice and Housing options advice will all be available to support tenants.
- 2.7 It is good practice to reduce the under occupation of social and affordable rented homes to ensure the best possible use of the available homes. The council may decide not to renew a flexible or fixed term tenancy on review, if the property is under-occupied. If this is the case we will provide advice and assistance to the tenants to find a new home.

3.0 Consultation

3.1 The Localism Act requires the local housing authority to consult on its draft tenancy strategy with all registered providers of social housing in its district. In addition, the council will consult with:

- Thanet Tenant and Leaseholder Area Board,
- Private Sector Landlords Forum,
- Statutory partner agencies and neighbouring districts.

A copy of the proposed tenancy strategy will be available on the council's website, with links posted through social media.

The authority will seek to ensure that the views of all groups identified are heard, and where possible incorporated, when formulating the final document.

The formal consultation period will last for 6 weeks.

4.0 Options

4.1 Cabinet has the following options available:

1. To approve the recommendations as set out in this report and the consultation draft of the proposed Tenancy Strategy as set out in Annex 1. This option is recommended.
2. To reject the proposed tenancy strategy. This option is not recommended, as the council has a statutory duty to prepare and adopt a Tenancy Strategy.
3. To propose and agree amendments to the draft document. Officers of the council recommend the consultation draft as attached at Annex 1.

Contact Officer:	Ashley Jackson, Housing Strategy Officer
Reporting to:	Bob Porter, Head of Housing and Planning

Annex List

Annex 1	Draft Tenancy Strategy
Annex 2	EQI

Background Papers

Title	Details of where to access copy
None	N/A

Corporate Consultation

Finance	Sarah-Jayne Hills Strategic Housing Accountant
Legal	Olusola Ayeni, Interim Property Solicitor