

REPORT TO:	HOUSING & COMMUNITY SERVICES COMMITTEE	AGENDA ITEM: 7
DATE OF MEETING:	16 NOVEMBER 2023	CATEGORY: RECOMMENDED
REPORT FROM:	STRATEGIC DIRECTOR (SERVICE DELIVERY)	OPEN
MEMBERS' CONTACT POINT:	TENANCY SERVICES MANAGER – SALLY DAMMS sally.damms@southderbyshire.gov.uk	DOC:
SUBJECT:	REVIEW OF TENANCY STRATEGY AND TENANCY POLICY	
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: HCS01

1.0 Recommendations

- 1.1 That the Committee approves the draft Tenancy Strategy and Tenancy Policy for consultation with Council Tenants and other partners.
- 1.2 That final versions of both the Tenancy Strategy and Tenancy Policy are presented to this Committee at a future date after the conclusion of the consultation process.

2.0 Purpose of the Report

- 2.1 To seek Members' approval to the draft Tenancy Strategy 2023 – (at Appendix A) and draft Tenancy Policy 2023 – (at Appendix B).

3.0 Executive Summary

- 3.1 Further to the Localism Act 2011, Local Authorities have a statutory duty to publish a Tenancy Strategy. Following new and updated legislation namely the Housing and Planning Act 2016, Homelessness Reduction Act 2017 and Secure Tenancies (Victims of Domestic Abuse) Act 2018 the Tenancy Strategy and Tenancy Policy adopted by the Council in 2016 requires updating.

4.0 Detail

- 4.1 The draft Tenancy Strategy 2023 sets out the types of tenancies that can be granted, the circumstances that apply to the granting of the tenancy type and how a tenancy will be bought to an end.
- 4.2 The draft Tenancy Strategy 2023 sets out a framework/guidance for all of the District's Registered Providers (RPs). The draft Tenancy Policy 2023 is the document under which Council tenancies will be managed.
- 4.3 Reference and a process for the use of Fixed Term/Flexible Tenancies is made in both documents should Registered Providers or the Council wish to use this tenancy type in exceptional circumstances at a future date. The Councils previous Policy provided

that Flexible Tenancies would be used. The revised policy seeks to make the use of Flexible Tenancies optional rather than mandatory. It is the Council's intention to grant Introductory Tenancies and then Secure Tenancies as a matter of course.

5.0 Financial Implications

- 5.1 There are no direct financial implications for the Council. However, there could be additional administrative costs should flexible tenancies be adopted in future as a legal timescale and review process would need to be developed and implemented.

6.0 Corporate Implications

6.1 Employment Implications

None directly

6.2 Legal Implications

The Localism Act 2011 states the Council must adopt a Tenancy Strategy and must have regard to it in exercising its housing management functions. The previous policy was adopted in 2016, and stated the Council would offer Flexible Tenancies. The Council did not, offering only introductory and secure tenancies. No tenants have been prejudiced by the above non-compliance; secure tenancies provide a higher tenure. The adoption of the revised policy, excluding Flexible Tenancies, rectifies the position.

6.3 Corporate Plan Implications

The draft Tenancy Strategy 2023 contributes towards the Council's Corporate Plan which aims to:

Help tackle anti-social behaviour and crime through strong and proportionate action; Support and safeguard the most vulnerable; With partners, encourage independent living and keep residents healthy and happy in their homes.

6.4 Risk Impact

There is no direct impact on Corporate or Service Delivery Risk Registers contained within this report.

7.0 Community Impact

Consultation

- 7.1 A consultation will be undertaken on the framework set out in the draft Tenancy Strategy 2023 and draft Tenancy Policy 2023.
- 7.2 The consultation period will start on Monday 20 November and close on Monday 18 December 2023.
- 7.3 The responses and results of the consultation period will be analysed and the results presented to the Committee in early 2024.
- 7.4 The consultation will operate as follows:-

- the draft Tenancy Strategy 2023 and draft Tenancy Policy 2023 documents will be posted on the Council's website
- as appropriate for each document tenants and the Council's tenant's voice group, council staff, registered providers and housing related support providers across the District will be contacted electronically (either by email or text) advising of these documents and where appropriate their comments are invited. Contact information will include a link to the draft Tenancy Strategy and draft Tenancy Policy documents with advice to read these two documents before answering the smart survey on these documents. Wherever possible and to meet green / paper reduction, the survey will be completed electronically online
- consultation via a smart survey will open to all tenants either digitally, in person with tenants at coffee mornings and via the tenants' voice group
- where there is no access to electronic communication, the Council can send manual (paper) instructions on how to access these documents or a paper copy
- a link to the draft Tenancy Strategy 2023 and Tenancy Policy 2023 will be included in all consultation information
- responses / comments on the survey can be left as part of the Council's Smart Survey
- comments on the surveys will be checked weekly
- evaluation of comments on both documents will be made at the end of the consultation period
- feedback from the consultation: The Smart Survey system can collate comments. The comments in turn will then be grouped together for feedback and put into a report for Members.

Equality and Diversity Impact

- 7.5 An Equality Impact Assessment has been completed and is attached to this Report (at Appendix C).

Social Value Impact

- 7.6 Wherever possible the Council would like to offer safe and secure homes to its tenants with the assurance of a degree of security of tenure.

Properties will be provided with the appropriate tenure for our tenants according to their circumstances to support them to maintain their tenancies and also make the best use of council stock.

Environmental Sustainability

- 7.6 Not applicable in the context of the report.

8.0 Conclusions

- 8.1 Both the draft Tenancy Strategy 2023 and draft Tenancy Policy 2023 require updating to ensure compliance with the Council's duties under the Localism Act 2011 and subsequent legislation.

9.0 Background Papers

Tenancy Strategy and Tenancy Policy 2016
Allocations Policy 2020