

REPORT TO:	HOUSING & COMMUNITY SERVICES COMMITTEE	AGENDA ITEM: 10
DATE OF MEETING:	01 FEBRUARY 2024	CATEGORY: RECOMMENDED
REPORT FROM:	STRATEGIC DIRECTOR (SERVICE DELIVERY)	OPEN
MEMBERS' CONTACT POINT:	JOHN COMBER INTERIM HEAD OF HOUSING john.comber@southderbyshire.gov.uk	DOC:
SUBJECT:	REVIEW OF TENANCY STRATEGY & TENANCY POLICY	
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: HCS01

1.0 Recommendations

- 1.1 That the Committee approves the draft Tenancy Strategy 2023 and Tenancy Policy 2023 which has now been through the consultation process as set out in 7.0 of the Report to Committee made on 16 November 2023.

2.0 Purpose of the Report

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

3.0 Executive Summary

- 3.1 That the draft Tenancy Strategy 2023 will meet the statutory requirements of the Localism Act 2011 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 updated Tenancy Strategy and Tenancy Policy will replace the respective versions adopted by the Council.

4.0 Detail

- 4.1 The draft Tenancy Strategy 2023 set 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 Council's 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 Tenancy Strategy 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 Consultation started on Monday 20 November and closed on Monday 18 December 2023.

7.2 The responses and results of the consultation period have been analysed and the results are as follows:

- Three responses were received to the Smart Survey which indicates that both the Policy and Strategy are fit for purpose
- One response asked for an easy-to-read option. The Council has produced easy to read versions of certain documents and once approved, a request will be made to apply this format to both the Tenancy Policy and Tenancy Strategy

- Once approved final versions of the Tenancy Strategy 2023 and Tenancy Policy 2023 will be posted on South Derbyshire District Council's website to include easy read versions

Equality and Diversity Impact

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

Social Value Impact

- 7.6 As previously reported, 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

- 7.4 Not applicable in the context of the report.

8.0 Conclusions

- 8.1 Both the Tenancy Strategy and Tenancy Policy required updating to ensure compliance with the Council's duties under the Localism Act 2011 and subsequent legislation and this has been undertaken and consulted on.

9.0 Background Papers

Tenancy Strategy 2012-2017 and Tenancy Policy 2013
Allocations Policy 2020