

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Matthew Hogan, Executive Manager for Growth

To: Policy Development Panel Tuesday, 5 March 2019

(Author: Caroline Hannon Strategic Housing Manager
Jason King, Housing Landlord Services Manager)

Subject Strategic Tenancy Policy

Purpose: To provide an update to Policy Development Panel on SHDC's approach to tenancies and its Strategic Tenancy Policy

Recommendation:

- 1) That the Panel notes the content of the report.

1.0 BACKGROUND

- 1.1 In 2010, the then-government was proactively supporting fixed term tenancies. Through the Localism Act 2011, they introduced a requirement for local authorities to prepare a Strategic Tenancy Policy. The purpose of Strategic Tenancy Agreements was for authorities to communicate their policy relating to fixed term tenancies. Where fixed term tenancies are supported, authorities through their Strategic Tenancy Policy, identified how they would implement their policy ie how long the fixed period would last and the circumstances when tenancies would be extended or terminated. The motivation for enabling authorities to introduce fixed-term tenancies was to give authorities and housing associations greater freedom to manage their housing stock, ensure that social housing is allocated to those who need it most, and to ensure that lifetime tenancies are not given to tenants irrespective of how their circumstances might change in the future. SHDC prepared a tenancy policy which was adopted by Cabinet in 2012. The key feature of our tenancy policy was to introduce fixed term tenancies and support those who wanted to use them.
- 1.2 Since 2010, Government policy has since evolved and fixed term tenancies are no longer being proactively promoted by government. Nationally, there had been very limited take-up of fixed-term and flexible tenancies by councils and housing associations and in August 2018 a new social housing Green paper "[A new deal for social housing](#)" announced that the government will not implement the provisions of the 2016 Act at this time.
- 1.3 The uptake of fixed term tenancies has been limited across the sector, both locally and nationally. This is in part due to the administrative challenges of operating flexible tenancies and concerns within the sector about the risk of successful legal challenge with their use.
- 1.4 The council's approach to tenancies has been a matter of recent discussion. The authority has recently developed a new tenancy agreement which was adopted by Cabinet in February 2019. (Appendix One) The new tenancy agreement is based around a lifetime tenancy approach. The new tenancy agreement was developed through consultation with

the executive and taking into account the government's current direction of travel on tenancy matters.

- 1.5 Consequently, the refreshed tenancy agreement does not mesh with the council's 2012 Strategic Tenancy Policy, which expired three years ago.
- 1.6 There is a lack of clarity concerning the statutory status of Strategic Tenancy Policies given the shift in national government policy. Accordingly, and prompted by PDP's interest in this area, officers have sought legal advice as to whether or not there is still a requirement and/or operational risk from not having such a policy in place.
- 1.7 Once we have received the legal advice, officers will seek a view from internal audit and executive team about whether it is necessary or appropriate to refresh the policy. Policy Development Panel will have an opportunity to consider any refreshed policy.

2.0 REASONS FOR RECOMMENDATION

- 2.1 To make Panel aware of government's direction of travel on tenancy matters.

3.0 EXPECTED BENEFITS

- 3.1 SHDC has already decided upon its approach to tenancies and will continue to offer Introductory and Secure tenancies. The new tenancy agreement reflects changes in legislation and operational practice; improves clarity and the ability for the council to enforce the agreement; as well as strengthening the rights and responsibilities of tenants.
- 3.2 Securing legal advice to understand the requirement to have/update our Strategic Tenancy Policy and the operational risk from not having such a policy in place will improve the council's resilience.

4.0 IMPLICATIONS

In preparing this report, the report author has considered the likely implications of the decision - particularly in terms of Carbon Footprint / Environmental Issues; Constitutional & Legal; Contracts; Corporate Priorities; Crime & Disorder; Data Protection; Equality & Diversity/Human Rights; Financial; Health & Wellbeing; Reputation; Risk Management; Safeguarding; Staffing; Stakeholders/Consultation/Timescales; Transformation Programme; Other. Where the report author considers that there may be implications under one or more of these headings, these are identified below.

4.1.1 Constitutional & Legal

- 4.1.2 The Strategic Tenancy Policy sits outside of the core policy framework for the council. Consequently, any decision concerning the adoption of a revised Strategic Tenancy Policy is an Executive Decision. A future revised versions of a Strategic Tenancy Policy would be presented to PDP for consideration as part of any wider formal decision making process.
- 4.1.3 Securing legal advice to understand the requirement to have/update our Strategic Tenancy Policy and the operational risk from not having such a policy in place will improve the council's resilience.

4.2 Risk Management

4.2.1 Securing legal advice to understand the requirement to have/update our Strategic Tenancy Policy and the operational risk from not having such a policy in place will improve the council's resilience.

5.0 WARDS/COMMUNITIES AFFECTED

5.1 All

Background papers:- Appendix One – SHDC tenancy agreement

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Key Decision: N

Exempt Decision: N