

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Portfolio Holder for HRA and Private Sector Housing and Executive Director - Commercialisation (S151)

To: Cabinet, 15 December 2020

(Author: Vikki Cherry Housing Services Manager)

Subject Tenancy Management Policy

Purpose: To seek approval of the Tenancy Management Policy

Recommendation(s):

- 1) That Members adopt the Housing Tenancy Management Policy
- 2) That amendments to the appendices of the Policy and minor operational amendments are delegated to the Housing Landlord Services Manager in consultation with the Portfolio Holder for HRA and Private Sector Housing.

1.0 BACKGROUND

1.1 South Holland District Council's Housing Services Team manages approximately 4000 properties. The Tenancy Management Policy sets out how we manage Introductory and Secure tenancies including:

- Succession, assignment and mutual exchange
- Right to buy
- Joint tenancies
- Relationship breakdown
- Running a business from home
- Sub-letting and lodgers
- Gardens
- Infestations
- Keeping animals and pets
- Anti-Social Behaviour
- Access
- Abandonment
- Disabled aids and adaptations
- Termination of tenancies
- Rent and use and occupation accounts
- Other breaches of tenancy
- Decanting to alternative accommodation
- Management of introductory tenancies
- Monitoring tenancies and the condition of our properties
- Safeguarding
- Personal property and insurance
- Tenancy fraud

- 1.2 The introduction of a Tenancy Management Policy and supporting procedures will ensure a consistent and transparent approach is delivered, and will be a point of reference for Officers to base decisions on. Many items in the policy relate to items prescribed by housing legislation.
- 1.3 In 2017, the council undertook a fundamental review of a number of Place based services. This included all teams within the Housing Service. The focus on the review was to
- meet identified savings targets;
 - re-design services to address long-standing cultural and performance issues;
 - *future proof* the services so that they are well placed to meet service demands
 - ensure best value and high performance in the delivery of frontline services.

A phased approach to these objectives has been delivered with the teams now able to move to further process, procedurally redesign and implement technological improvements.

- 1.4 We have reviewed our approach to tenancy management to ensure that our procedures support our vulnerable tenants and take appropriate action against tenants who wilfully fail to manage their tenancy appropriately as per their tenancy terms and conditions.
- 1.5 The Policy seeks to bring together the Council's established working methods with current best practice and legislation.

2.0 **OPTIONS**

- 2.1 To adopt the Housing Tenancy Management Policy. To delegate amendments to the appendices of the Policy and minor operational amendments to the Housing Landlord Services Manager in consultation with the Portfolio Holder for HRA and Private Sector Housing.
- 2.2 That we do nothing and continue to operate without policies in place.

3.0 **REASONS FOR RECOMMENDATION(S)**

- 3.1 To provide a policy on tenancy management to ensure consistency across the district and Housing Department.
- 3.2 To set out the Council's approach to tenancy management and provide a document that Officers and Members can refer to.

4.0 **EXPECTED BENEFITS**

- 4.1 The introduction of this policy will ensure Officers have a policy to refer to, ensuring consistency across the district. This provides reputational benefits whereby we take a firmer approach with tenants that have the ability to manage their tenancy successfully but choose not to.

5.0 **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.

5.1 **Constitutional & Legal**

5.1.1 Housing matters, including this policy, are executive functions and are therefore a matter for the Cabinet to determine. This policy has been reviewed by Housing solicitors, Capsticks. Many items in this policy are set by housing law, namely the Housing Act 1985, Housing Act 1996 and the Localism Act 2011.

5.2 **Corporate Priorities**

5.2.1 This policy supports the following corporate priorities:

- Your home – mitigating and preventing homelessness by managing tenancies effectively, being a landlord of choice and supporting elderly people to stay in their home
- Your place – managing estates within communities to ensure they are attractive places to visit, live and work
- Your health and wellbeing – assessing vulnerable tenants regularly and referring to partner agencies to influence and lead early intervention activities to support, reduce and prevent complex needs. Delivering sustainable tenancies.
- Our Council – ensuring that Officers report and manage concerns regarding safeguarding and modern day, making us a landlord of choice.

5.3 **Crime and Disorder**

5.3.1 This policy sets out the Council's approach as a landlord to Anti-Social Behaviour and other tenancy breaches.

5.3.2 We will support the police and other statutory agencies to take action against tenants where they have sufficient evidence to do so. Upon criminal convictions being granted, we will consider additional enforcement action against the tenancy.

5.3.3 The policy sets out our approach to tenancy fraud.

5.4 **Equality and Diversity / Human Rights**

5.4.1 Any action taken by the Council under the policy will be subject to all fundamental human rights obligations. An equality impact assessment will be completed to identify any potential Public Sector Equality Duty issues.

5.4.2 Where we identify (or a customer advises us of) a vulnerability we will look to make reasonable adjustments to our services accordingly to meet the needs of those individuals. This may include altering the way we communicate with a customer to adjusting the service that we offer to that person. Each case will be judged on its individual merits to avoid a one size fits all approach.

5.4.3 Tenants whose first language is not English may require additional support to ensure they fully understand the terms of their tenancy agreement. Copies of the letters will be translated upon request. Officers have access to Language Line telephone translation when visiting tenants in their homes, and in the office.

5.4.4 The Council is committed to providing a high quality aids and adaptations service to enable disabled tenants to live safely and more independently within their homes, through efficient management of resources and funding.

5.4.5 A tenant remains responsible for their garden regardless of their personal circumstances and is therefore expected to make suitable arrangements for the continued maintenance and upkeep. Officers will signpost tenants to agencies such as Citizens Advice for support in claiming disability benefits where they are not physically able to maintain their garden due to a disability and do not have a support network to assist. Tenants will also be offered a move to a property with a smaller garden.

5.5 **Consultation**

5.5.1 Housing Officers, the Portfolio Holder for HRA & Private Sector Housing, and Policy Development Panel have been consulted with. An allowance for discretionary successions has been included in the policy as a result of feedback from Policy Development Panel. It is proposed that delegation to approve these successions is awarded to the Housing Landlord Services Manager.

5.6 **Health & Wellbeing**

5.6.1 Sustainable tenancies will support the health and wellbeing of residents of South Holland.

5.6.2 Aids and adaptations to homes will enable disabled people to continue to live in their home.

5.6.3 Where a tenant is hoarding, the Council will take a non-judgemental approach which balances the needs of the individual against the severity of the impact that their hoarding has on them, the property and neighbouring residents. We will work with partner agencies including Adult Services, the Mental Health Team and Fire Services to support tenants that hoard.

5.6.4 The policy sets out our approach to infestations.

5.7 **Safeguarding**

5.7.1 Vulnerable households will be assessed regularly and referrals made to agencies for support. Safeguarding needs are regularly considered for tenants. Our approach will continue to be to support tenants to rectify tenancy breaches.

5.7.2 We will continue to involve partner agencies and challenge them where we feel vulnerable households are not receiving the support they require. We will support victims of Domestic Abuse and involve agencies to protect them. We will also conduct risk assessments for tenancy enforcement and ASB cases to ensure reasonable adjustments are completed. We will work with partner agencies including Adult Services, the Mental Health Team and Fire Services to support tenants that hoard.

6.0 **WARDS/COMMUNITIES AFFECTED**

6.1 All wards are affected.

7.0 ACRONYMS

7.1 ASB – anti social behaviour

Background papers:- None

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Key Decision: N

Exempt Decision: N

This report refers to a Discretionary Service

Appendices attached to this report:

Appendix A - Tenancy Management Policy