



REPORT TO:	Policy Development Panel
DATE:	28 February 2022
SUBJECT:	Housing Tenancy Management Policy
PURPOSE:	To consider the updated Housing Tenancy Management Policy
KEY DECISION:	No
PORTFOLIO HOLDER:	Councillor Christine Lawton, Portfolio Holder - HRA & Private Sector Housing
REPORT OF:	Jason King, Assistant Director - Housing
REPORT AUTHOR:	Vikki Cherry, Housing Services Manager
WARD(S) AFFECTED:	All Wards
EXEMPT REPORT?	No.

SUMMARY

This report contains the draft Housing Tenancy Management Policy. This document is an existing policy that has been updated to reflect the latest legislation and operational practice.

RECOMMENDATIONS

1. That Policy Development Panel provides feedback on the Housing Tenancy Management Policy.
2. That Policy Development Panel recommends adoption of the Housing Tenancy Management Policy to Cabinet.

REASONS FOR RECOMMENDATIONS

To ensure that the Council meets the latest requirements of the Regulator of Social Housing, references the latest legislation and reflects the current operational practice. The draft document requires Cabinet's approval before it can be adopted.

OTHER OPTIONS CONSIDERED

Do nothing – the Council could decide not to adopt the updated policy and continue to use the original policy. This option is not recommended – it is good practice to update policies on a regular basis.

1. BACKGROUND

- 1.1 The Housing Tenancy Management Policy was adopted by Cabinet in 2020. The policy has been updated to reflect operational practice and changes in legislation.
- 1.2 As a social landlord, South Holland District Council is entering a new era of regulation. The **Social Housing (Regulation) Bill** is a government bill that seeks to facilitate a new, proactive approach to regulating social housing landlords on consumer issues such as safety, transparency and **tenant engagement**. Updating Housing policies assists us in preparation for inspection by the Regulator.

2. REPORT

- 2.1. Tenancy management is an important role for the Council as a responsible social landlord of just under 4000 properties. The Policy has been reviewed and updated.
- 2.2. The key updates are as follows:
 - Reference to the new Housing Comments, Compliments, Complaints and Compensation Policy
 - Inclusion of our Rough Sleepers accommodation
 - Reference to the Regulator of Social Housing's Charter for Social Housing, specifically regarding our management of Anti-Social Behaviour
 - Clarification on how we handle disputes between neighbours about fencing
 - Clarification on our approach to adaptations – carrying out recommendations from Occupational Therapists that are necessary, and not a request of the tenant.
 - Reference in the insurance section regarding how we inform tenants of the need for them to insure their contents
 - Reference to the National Fraud Initiative in the fraud section.
- 2.3. An allowance for discretionary successions continues to be included in the policy as requested by Members previously. (A briefing paper on successions is included with this report due to the complexity of the legislation). Delegation has been updated to the Assistant Director – Housing to reflect new job titles.
- 2.4. The policy continues to ensure that additional steps are taken where a tenant is vulnerable. We continue to take enforcement action against tenants who wilfully fail to manage their tenancy appropriately as per their tenancy terms and conditions.
- 2.5. The Policy reflects the Regulator of Social Housing's Charter for Social Housing by ensuring tenants are safe in their home, and have a good quality home and neighbourhood to live in. The Policy seeks to bring together the Council's established working methods with current best practice and legislation.

3. CONCLUSION

3.1 Adoption of the updated Housing Tenancy Management Policy will ensure our current operational practice is reflected in policy.

4. EXPECTED BENEFITS TO THE PARTNERSHIP

4.1 Not applicable.

5. IMPLICATIONS

5.1 SOUTH AND EAST LINCOLNSHIRE COUNCILS PARTNERSHIP

5.1.1 None.

5.2 CORPORATE PRIORITIES

5.2.1 The Policy will support the following Corporate Priorities:

- Our Council - Continue to ensure that our regulatory and statutory services remain fully compliant with all current and emerging legislation.
- Your Home – We will be a landlord of choice for our council housing tenants.
- Your place – Working together to improve the quality of public spaces and making our Housing estates attractive places that people want to visit, live and work in
- Your health and wellbeing – ensuring that our services continue to enable our communities to remain healthy and safe.

5.3 STAFFING

5.3.1 Current staffing resource across the Housing department will continue to support the delivery of the policy. Housing staff have been consulted on the amendments to the policy.

5.4 CONSTITUTIONAL AND LEGAL IMPLICATIONS

5.4.1 This policy does not form part of the major Policy Framework and can be approved by Cabinet.

5.4.2 Housing matters, including this policy, are Executive functions and are therefore a matter for the Cabinet to determine. Many items in the Tenancy Management Policy are set in Housing legislation, namely the Housing Act 1985, Housing Act 1996 and the Localism Act 2011.

5.5 DATA PROTECTION

5.5.1 None. Privacy notices are published on our website.

5.6 FINANCIAL

5.6.1 None.

5.7 RISK MANAGEMENT

5.7.1 The policy reduces the risk of sanctions by the Regulator and/or Housing Ombudsman. Our approach to managing disabled adaptations reduces the risk of an equality challenge. The policy supports successful enforcement against tenancy breaches.

5.8 STAKEHOLDER / CONSULTATION / TIMESCALES

5.8.1 We have consulted with the following:

- Portfolio Holder - HRA & Private Sector Housing
- Section 151 Officer
- Monitoring Officer
- Community Safety Manager
- Housing Officers
- Capsticks Solicitors.

5.8.2 There have been no further consultation with tenants as there are no fundamental changes to the policy.

5.9 REPUTATION

5.9.1 Adoption of these documents reduces the risk of reputational damage caused by enforcement from the Social Housing Regulator and/or the Housing Ombudsman (of which is published on the Ombudsman's website and social media channels). The Tenancy Management Policy sets out firm approach to tenancy breaches where tenants wilfully breach their terms and conditions.

5.10 CONTRACTS

5.10.1 None.

5.11 CRIME AND DISORDER

5.11.1 We will support the Community Safety Team, Police and other statutory agencies to take enforcement action against residents and tenants where there is sufficient evidence to do so. Upon criminal convictions being granted, we will consider additional enforcement action against the tenancy. The Tenancy Management Policy sets out our approach to tenancy fraud.

5.12 EQUALITY AND DIVERSITY/ HUMAN RIGHTS/ SAFEGUARDING

5.12.1 The Council is committed to treating everyone fairly and shall ensure that it complies with the Equality Act 2010. The document is accessible to all. An Equality Impact Assessment has been completed and does not identify any potential Public Sector Equality Duty issues.

5.12.2 Documents have been designed to be fully inclusive regardless of the ethnicity, gender, sexuality, religious belief, or disability of service users or residents.

5.12.3 The approach adopted within the Tenancy Management Policy focuses on understanding individual circumstances in order to provide appropriate advice and support. As standard, consideration is given to language barriers, accessibility and cultural issues which may affect a tenant's ability to manage their tenancy or seek advice on problems, and resolutions which take account of the individual's beliefs and abilities.

5.12.4 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.

5.12.5 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.

5.12.6 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 and referred into our Cost of Living Response Team.

5.12.7 Safeguarding needs are regularly considered for tenants. Our approach will continue to be to support tenants to rectify tenancy breaches. We will continue to involve partner agencies and challenge them where we feel vulnerable households are not receiving the support they require. We support victims of Domestic Abuse and involve agencies to protect them. We work with partner agencies including Adult Services, the Mental Health Team and Fire Services to support tenants that hoard.

5.13 HEALTH AND WELL BEING

5.13.1 Successful tenancy management supports the health and wellbeing of our residents. Aids and adaptations to homes will enable disabled people to continue to live in their home. 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.

5.14 CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

5.14.1 None.

5.15 LINKS TO 12 MISSIONS IN THE LEVELLING UP WHITE PAPER

5.15.1 The documents support the mission of “Housing - Improve living standards”. Successful tenancy management will improve wellbeing and pride in place.

6. ACRONYMS

6.1 None

APPENDICES

(If none then insert the word 'None' and delete the below text/boxes).

Appendices are listed below and attached to the back of the report: -

APPENDIX A

Housing Tenancy Management Policy

APPENDIX B

Background Paper: Right to Succession

BACKGROUND PAPERS

No background papers as defined in Section 100D of the Local Government Act 1972 were used in the production of this report.

CHRONOLOGICAL HISTORY OF THIS REPORT

A report on this item has not been previously considered by a Council body.

REPORT APPROVAL

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