



Please ask for Rachel Appleyard
Direct Line: 01246 345277
Email committee.services@chesterfield.gov.uk

The Chair and Members of Cabinet

3 August 2020

Dear Councillor,

Please attend a meeting of the CABINET to be held on TUESDAY, 11 AUGUST 2020 at 10.30 am, the agenda for which is set out below.

This meeting will be held virtually via Microsoft Teams software, for which members of the Cabinet and others in attendance will receive an invitation. Members of the public will be able to access the meeting online by following the link [here](#).

AGENDA

Part 1(Public Information)

1. Declarations of Members' and Officers' Interests relating to items on the Agenda
2. Apologies for Absence
3. Minutes (Pages 3 - 12)

To approve as a correct record the Minutes of the Cabinet meeting held on 14 July, 2020.

4. Forward Plan

Please follow the link below to view the latest Forward Plan.

[Forward Plan](#)

Items Recommended to Cabinet via Cabinet Members

Cabinet Member for Housing

5. Tenancy Strategy and Tenancy Policy Consultation (Pages 13 - 46)
6. Exclusion of the Public

To move "That under Regulation 21(1)(b) of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part I of Schedule 12A to the Local Government Act 1972."

Part 2 (Non Public Information)

Cabinet Member for Health and Wellbeing

7. Resolution of dispute with Ward Recycling Limited (Pages 47 - 60)

Yours sincerely,

A handwritten signature in black ink, appearing to be 'R. Smith', written over a horizontal line.

Local Government and Regulatory Law Manager and Monitoring Officer

CABINET

Tuesday, 14th July, 2020

Present:-

Councillor P Gilby (Chair)

Councillors Serjeant
Blank
T Gilby
Ludlow

Councillors Holmes
J Innes
Mannion-Brunt
Sarvent

*Matters dealt with under the Delegation Scheme

148 **DECLARATIONS OF MEMBERS' AND OFFICERS' INTERESTS
RELATING TO ITEMS ON THE AGENDA**

No declarations of interest were received.

149 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor D Collins.

150 **MINUTES**

RESOLVED –

That the minutes of the meeting of Cabinet held on 23 June, 2020 be approved as a correct record and signed by the Chair.

151 **FORWARD PLAN**

The Forward Plan for the four month period August to November, 2020 was reported for information.

***RESOLVED –**

That the Forward Plan be noted.

152 **DELEGATION REPORT**

Decisions taken by Cabinet Members during June, 2020 were reported.

***RESOLVED –**

That the Delegation Report be noted.

153 MINUTES OF THE SHEFFIELD CITY REGION MAYORAL COMBINED AUTHORITY BOARD

Minutes of the meeting of the Sheffield City Region Mayoral Combined Authority held on 1 June, 2020 were reported for information.

***RESOLVED –**

That the Minutes be noted.

154 MONTH 2 BUDGET MONITORING 2020/21 & UPDATED MEDIUM TERM FINANCIAL PLAN

The Interim Chief Finance Officer submitted a report to update members on the council's budget position for 2020/21, covering the General Fund Revenue Budget, General Fund Capital Programme and Housing Revenue Account.

An updated General Fund Revenue Budget forecast informed by the month 2 outturn for the financial year 2020/21 was included within section 4 of the officer's report. This showed an anticipated in-year deficit for 2020/21 of £3.246m as a consequence of the Covid-19 pandemic.

Detailed information on the medium-term outlook was provided in section 5 of the officer's report.

***RESOLVED –**

That it be recommended to Full Council that:

1. The budget monitoring position for general fund revenue budget financial performance in the first two months of the financial year 2020/21 and the implications for the general fund revenue budget for 2020/21 and the new medium-term financial plan, as detailed in Sections 4 and 5 of the officer's report, be noted.

2. The changes to the medium-term financial plan, as outlined in Sections 4 and 5 of the officer's report, be approved.
3. The updated capital programme, as outlined in Section 6 of the officer's report, be approved.
4. The arrangements for financing of the capital programme, as outlined in paragraph 6.3 of the officer's report, be approved.
5. The budget monitoring position for the first two months of the financial year 2020/21 and the implications for the Housing Revenue Account budget for 2020/21, as detailed in Section 7 of the officer's report, be noted.

REASON FOR DECISIONS

To actively manage the Council's finances in the current financial year and forecast forward the emerging budget position to future financial years.

155

COMMUNITY INFRASTRUCTURE LEVY (CIL) EXPENDITURE

The Strategic Planning and Key Sites Manager presented a report to update members on progress with regards managing the Chesterfield Community Infrastructure Levy (CIL) programme.

The CIL is a mechanism that allows local planning authorities to raise funds from new development in order to contribute to the cost of infrastructure that is, or will be, needed to support new development. Bids for funding were invited in Spring 2019 and, following assessment in line with the CIL Expenditure Strategy, the report recommended that funding be awarded for the expansion of Poolsbrook Primary Academy, providing additional school places to support planned housing growth in the area.

The report also set out proposals for managing expenditure of the neighbourhood portion of CIL receipts, including non-parished areas of the borough.

***RESOLVED –**

1. That the progress on receipts from the Community Infrastructure Levy (CIL) be noted.
2. That CIL be awarded to support the expansion of Poolsbrook Primary Academy from the CIL funding round for 2019, in line with the assessment set out in Appendix 3 of the officer's report.
3. That the recommendation for managing expenditure of the neighbourhood portion of CIL receipts in non-parished areas of the borough, as detailed in Section 5 of the officer's report, be approved.

REASON FOR DECISIONS

To ensure that CIL expenditure takes place in accordance with the CIL Expenditure Strategy in order to ensure that CIL investment supports planned growth and sustainable development and Chesterfield's continued vitality.

156 CHESTERFIELD BOROUGH LOCAL PLAN

The Strategic Planning and Key Sites Manager presented a report on the new Chesterfield Borough Local Plan 2018-2035. The report also detailed the findings of the Inspectors' Report following the Local Plan's examination in public.

Under the Planning and Compulsory Purchase Act 2004, each Local Planning Authority is required to prepare a Local Plan for their area that addresses priorities for development and use of land. The plan must be based on robust evidence and be in accordance with the National Planning Policy Framework.

The new Local Plan covered the period up to 2035, and documented the overall strategy for the pattern, scale and quality of development including suitable and sufficient provision for:

- Housing, employment, retail, leisure and other commercial development;
- Infrastructure;
- Community facilities;
- Conservation and enhancement of the natural, built and historic environment, and planning measures to address climate change.

Formal consultation on the Local Plan started in January, 2019 followed by hearings held by independent Planning Inspectors in October and November, 2019. A further period of consultation took place earlier this year following Cabinet approval on 25 February, 2020 of the main modifications recommended by the Inspectors. The Inspectors' Report was attached at appendix B of the officer's report.

***RESOLVED –**

That it be recommended to Full Council that:

1. The Inspector's Report, attached at Appendix B of the officer's report, be noted.
2. The Local Plan 2018-2035, attached at Appendix A of the officer's report, incorporating the modifications recommended in the Planning Inspectors' Report be adopted by the Council to meet the requirement of Section 38 of the Planning and Compulsory Purchase Act 2004.
3. Delegated authority be granted to the Strategic Planning and Key Sites Manager, in consultation with the Cabinet Member for Economic Growth, to make any minor changes (including formatting and images) necessary to make the Local Plan (that do not materially affect the Plan) and associated documents ready for printing and uploading to the council website.
4. Delegated authority be granted to the Strategic Planning and Key Sites Manager, in consultation with the Cabinet Member for Economic Growth, to make necessary changes to any Supplementary Planning Documents and informal Planning Guidance currently used by the Council to make appropriate reference to the new Local Plan.

REASON FOR DECISIONS

To meet the council's duties under the Planning and Compulsory Purchase Act 2004.

The Internal Audit Consortium Manager submitted a report asking members to review Council compliance with the Code of Corporate Governance during 2019/20, and to approve the Annual Governance Statement and associated action plan for onward submission to, and sign off by the council's Standards and Audit Committee.

The report noted that the Council's Code of Corporate Governance reflected the most recent guidance issued by the Chartered Institute of Public Finance and Accountancy (CIPFA) and the Society of Local Authority Chief Executives (SOLACE).

The Internal Audit Consortium Manager confirmed that the report and various supporting appendices comprising the Annual Governance Statement and associated Action Plan would be presented for final approval at the next meeting of the Standards and Audit Committee on 22 July, 2020.

***RESOLVED –**

1. That the supporting documents to the officer's report, attached at Appendices A, B, C and D, be approved and referred to the Standards and Audit Committee.
2. That a further review of Council compliance with the Code of Corporate Governance be undertaken in 12 months' time.
3. That progress with regard to implementation of the Annual Governance Statement Action Plan be actively monitored by the Corporate Management Team.

REASONS FOR DECISIONS

1. To enable the Cabinet and the Standards and Audit Committee to monitor compliance with the Code of Corporate Governance.
2. In order to comply with the requirements of the Accounts and Audit Regulations 2015.
3. To support the maintenance of sound governance arrangements at the Council.

158 COVID-19 - BUSINESS AND PLANNING ACT 2020

The Monitoring Officer presented a report to update members on the need for two new delegations in response to the Business and Planning Bill enacted in July, 2020. The new delegations had been approved by the Standards and Audit Committee on 2 July, 2020 and would enable the Council to respond promptly to any applications for pavement licences or extension of construction site hours within the statutory timeframes using suitable processes and applying appropriate governance.

***RESOLVED –**

That the delegations proposed to enable the effective discharge of the new executive functions set out in the Business and Planning Act 2020 be noted.

REASON FOR DECISION

To put in place appropriate delegations to enable the provisions of the Business and Planning Act 2020 (which contains measures to respond to the Covid-19 pandemic) to be put into effect.

159 EXCLUSION OF THE PUBLIC**RESOLVED –**

That under Regulation 21(1)(b) of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000, the public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 3 of Part I of Schedule 12A to the Local Government Act 1972.

160 CHESTERFIELD FOOTBALL CLUB - REQUEST FOR LOAN ASSISTANCE

The Chief Executive presented a report to inform members of a request from Chesterfield Football Club Community Trust for a loan of £0.5m from Chesterfield Borough Council (CBC) to support the acquisition and operation of CFC 2001 Limited, trading as Chesterfield Football Club.

Derbyshire County Council's (DCC) Cabinet had met on 16 March, 2020 and approved in principle a loan of £0.5m to the Trust. Both Council's would complete legal due diligence processes to ensure that their respective interests were properly protected. The two £0.5m loans would be jointly secured by a legal charge on the Club's stadium.

The report noted that the loan would be repayable over a period of 15 years, on an annuity basis and with a commercial rate of interest. The loan would be repaid in full if the Trust chose to sell the Club at some point in the future.

The Trust had invited both CBC and DCC to appoint trustees to the Trust Board and the report sought approval for delegated authority to the Chief Executive, in consultation with the Leader, to make the appointment.

***RESOLVED –**

1. That Chesterfield Borough Council provides a loan of £0.5m to Chesterfield Football Club Community Trust to support the acquisition and operation of CFC 2001 Limited, trading as Chesterfield Football Club.
2. That the loan be provided on the terms set out in Sections 4 and 5 of the officer's report.
3. That delegated authority be granted to the Chief Executive, in consultation with the Deputy Leader and in conjunction with the interim Head of Finance and the Procurement and Contracts Law Manager, to finalise the terms of the loan arrangement between Chesterfield Borough Council and Chesterfield Football Club Community Trust.
4. That delegated authority be granted to the Chief Executive, in consultation with the Leader, to respond to Chesterfield Football Club Community Trust's invitation for Chesterfield Borough Council to appoint a trustee to the Trust's Board.

REASON FOR DECISIONS

To support Chesterfield Football Club Community Trust to acquire Chesterfield Football Club, ensuring the Club's survival as a going

concern and sustaining the Club's and Trust's abilities to promote the social, economic and environmental wellbeing of Chesterfield borough.

This page is intentionally left blank

For publication

Tenancy Strategy Update and draft Tenancy Policy (H000)

Meeting:	1.Council 2.Cabinet
Date:	1. 14 th October 2020 2. 11 th August 2020
Cabinet portfolio:	Housing
Report by:	Assistant Director - Housing

1.0 Purpose of report

- 1.1 For Cabinet to adopt the updated Tenancy Strategy.
- 1.2 For Cabinet to approve the draft Tenancy Policy for consultation.

2.0 Recommendations

- 2.1 That Cabinet approves the adoption of the revised Tenancy Strategy.
- 2.2 That Cabinet approves the draft Tenancy Policy for consultation.
- 2.3 That a report is brought to Cabinet with a final draft of the Tenancy Policy for adoption following the completion of the consultation.

3.0 Report details

Tenancy Strategy

- 3.1 Following the Localism Act 2011 each local authority was required to produce a tenancy strategy setting out the guidelines that affordable housing providers in Chesterfield should consider when developing their individual tenancy policies.
- 3.2 The previous local Chesterfield Borough Council Tenancy Strategy was adopted in January 2013.
- 3.3 The strategy had not been reviewed or update since adoption in 2013. The reason for a delay in reviewing and amending the Tenancy Strategy was the introduction of the Housing and Planning Act 2016. This Act proposed that local authorities could no longer offer lifetime tenancies (with some exceptions) and must offer fixed term tenancies with a two to ten-year term. The reviewing and re-writing of the tenancy strategy was to take place once the guidance around fixed term tenancies was published. The 2016 Act did not affect assured tenancies offered by registered providers.
- 3.4 The Government did not produce any revised guidance and by August 2018 it announced that the fixed term tenancies clauses would not be enacted “at this time”. No further indications have been provided by Government as to whether they will reconsider introducing mandatory fixed term tenancies.
- 3.5 As there is no longer a requirement to implement fixed term tenancies the tenancy strategy was reviewed. The principles and approach of the original strategy have been retained. Changes to the document include updating the strategic context and refining the tenancy review process. A copy of the revised strategy for adoption is attached as **Appendix 1**.

Draft Tenancy Policy

3.6 The Localism Act 2011 required every social landlord to publish a tenancy policy. The aim of a Tenancy Policy is to ensure that the tenants of a social landlord are clear about the policies relating to tenancy management in the context of affordable rents, fixed term tenancies and succession rights introduced under the Localism Act 2011 and Housing and Planning Act 2016. This tenancy policy also sets out the Housing Service's approach to tenancy management, tenancy sustainment and the types of tenancy offered, including:

- The types of tenancies the council will offer
- The circumstances in which tenancies will be granted
- The length of tenancies
- The approach to tenancy management
- The approach to tenancy sustainment
- The approach to tackling tenancy fraud

3.8 The draft Chesterfield Borough Council Housing Service Tenancy Policy is attached as **Appendix 2**.

3.9 The consultation on the new Tenancy Policy will commence once the Tenancy Strategy has been adopted. When consulting with tenants the tenant participation team will undertake consultation using appropriate methodologies that adhere to Covid-19 social distancing measures and Government guidance at the time. Local elected members and the Derbyshire Law Centre will be among the consultees.

3.9 Once the consultation has taken place the amended Tenancy Policy will be brought back to Cabinet for approval.

4.0 **Human resources/people management implications**

4.1 There are no Human Resource Implications.

5.0 **Financial implications**

5.1 There are no financial implications.

6.0 **Legal and data protection implications**

6.1 There are no legal or data protection implications to adopting the Tenancy Strategy or consulting on the draft Tenancy Policy.

7.0 **Equalities Impact Assessment (EIA)**

7.1 The Equality Impact Assessment is attached at Appendix B. No negative impacts for groups with protected characteristic have been identified.

8.0 **Recommendations**

8.1 That Cabinet approves the adoption of the revised Tenancy Strategy.

8.2 That cabinet approves the draft Tenancy Policy for consultation.

8.3 That a report is brought to Cabinet with a final draft of the Tenancy Policy for adoption following the completion of the consultation.

9.0 **Reasons for recommendations**

9.1 To bring the local Tenancy Strategy up to date to include recent legislation.

9.2 To enable a consultation on a new tenancy policy.

Decision information

Key decision number	967
Wards affected	All
Links to Council Plan priorities	To reduce inequality and support the more vulnerable members of our communities

Document information

Report author	Contact number/email
James Crouch	959749
Appendices to the report	
Appendix 1	Tenancy Strategy
Appendix 2	Draft Housing Services Tenancy Policy
Appendix 3	Equality Impact Assessment

This page is intentionally left blank

Chesterfield Borough Council
DRAFT Tenancy Strategy Update 2020

1. Introduction

- 1.1 The aim of the tenancy strategy is to provide guidance to registered providers on the type of tenancies the council wants to see used in lettings in the Chesterfield Borough Council area.
- 1.2 The Localism Act 2011 sought to expand the use of fixed term tenancies in the affordable housing sector in England. As the range of tenancy options increased the Localism Act 2011 required local housing authorities in England to prepare and publish a 'tenancy strategy' setting out the matters to which the registered providers of social housing for its district are to have regard of in formulating policies to:
 - the type of tenancies they grant
 - the circumstances in which they will grant a tenancy of a particular kind
 - where they grant tenancies for a fixed period
 - the circumstances in which they will grant a further tenancy towards the end of an existing tenancy
- 1.3 Any registered provider seeking to utilise fixed term tenancies will also have to publish a tenancy policy in order to be able to do so.
- 1.4 The original tenancy strategy was published in 2012. As the objectives of the original strategy remain relevant a review and refresh to ensure that more recent legislation and local circumstances are updated within the document.
- 1.5 Chesterfield Borough Council's Housing Service will produce a tenancy policy setting out its own tenancy offer after the approval of the revised tenancy strategy.

2. Context

National legislative changes

- 2.1 Since the introduction of the Localism Act 2011 several other pieces of legislation have been enacted that impact on the tenancy offer that can be offered by local authorities and registered providers. A summary of the tenancy types is set out in **Appendix 1**.

Housing and Planning Act 2016

- 2.2 The [Housing and Planning Act 2016](#) legislation sought to introduce fixed term tenancies for new local authority tenancies (with a small number of exceptions). By 2018 the Government stated that provision to end local authorities powers to offer lifetimes tenancies will not be enacted 'at this time.' If the Government changes position then a full review of the tenancy strategy will be required.

Homelessness Reduction Act 2017

- 2.3 The [Homelessness Reduction Act 2017](#) added two new duties to the original statutory rehousing duty:

- A duty to prevent homelessness
- A duty to relieve homelessness

The legislation extends entitlements to help, places a renewed focus on the prevention of homelessness and local joint working, and has the potential to provide more client-focussed, personalised statutory homelessness services.

Secure Tenancies (Victims of Domestic Abuse) Act 2018

- 2.4 The [Secure Tenancies \(Victims of Domestic Abuse\) Act 2018](#) supports victims of domestic abuse in social housing to leave their abusive situation. The bill will require local authorities, when re-housing an existing lifetime social tenant, or offering them a new sole tenancy in their own home, to grant a new lifetime tenancy if the local authority is satisfied that the tenant or a member of their household has been a victim of domestic abuse and the new tenancy is granted in connection with that abuse.

Local policy changes

Council Plan 2019-23

- 2.5 The Council Plan 2019-2023 sets out the council's priorities. The tenancy strategy links into two priorities:

- Improving quality of life for local people
- Providing value for money services

Housing Strategy 2019-23

- 2.6 The tenancy strategy will link into the Council's [Housing Strategy 2029-2023](#), which sets out the council's wider ambitions for housing. The third objective is to 'Meet housing needs in Chesterfield'. Ensuring the tenancy strategy is reviewed and setting out the types of tenancies offered and in what circumstances will play a role in delivering this.

Strategic housing market assessment update

- 2.7 The [Strategic housing market assessment update](#) 2017 identified a small surplus in affordable housing provision in Chesterfield. This surplus was primarily generated by a high turnover of flats in the affordable housing stock. The main driver for the Government introducing fixed term tenancies was to increase the supply of affordable housing to those in genuine need. In Chesterfield Borough the high level of supply reduces the need to introduce fixed term tenancies.

3. Objectives

3.1 The overall objective of the tenancy strategy is:

'To ensure that registered providers of affordable housing in Chesterfield can use their properties as effectively as possible to provide homes for Chesterfield residents in housing need.'

Although the preference of Chesterfield Borough Council is for registered providers operating in the Borough to offer lifetime tenancies, we recognise that the use of flexible tenancies can help meet the overall objective.

3.2 When utilising fixed term tenancies, we expect registered providers to:

- a) Help more people move on from affordable housing once they are able to sustain an alternative solution, such as home ownership or the private rented sector.
- b) Tackle under-occupation by giving local registered providers more opportunity to move people to smaller accommodation if they find themselves in a property that is too big for them. This will release larger properties for those that need them, including overcrowded households.
- c) Encourage tenants to take control of their lives by providing support when it is needed at the time of crisis, but encouraging people to prepare for independence once their situation has improved by making it clear from the start of their tenancy that the arrangement is not necessarily a permanent one.

3.3 The council is aware that registered providers often work across many local authority areas but where possible the council would like to ensure all tenancy policies are transparent and so far as possible, equitable to housing applicants. Registered providers are expected to provide information and consult on their tenancy policies with both tenants and the council.

4. Tenure offer

Type and length of tenancy

- 4.1 The council's preference is for registered providers to offer a lifetime tenancy to tenants. If registered provider intends to use a fixed-term tenancy it should be for a minimum period of ten years. The council believes this ensures social housing residents in Chesterfield have a reasonable degree of security whilst also allowing registered providers to make best use of stock without creating a significant administrative burden.
- 4.2 The council supports properties being let at social and affordable rents to households on the Housing Register. The council expects that all affordable rent' properties the Council has nomination rights to will be let to households in need, as prioritised via the allocations policy.

The Council supports registered providers using introductory tenancies

- 4.3 Introductory tenancies are tenancies often for 1 year, which provides the tenant with a trial period. Tenants can then progress to fixed term or secure tenancies. The introductory tenancy is a useful tool for landlords to address issues such as anti-social behaviour.

Fixed Term Tenancies of less than ten years

- 4.4 The Council will support tenancies of less than ten years in the following circumstances:
- a) Where the tenancy is offered in a property which is due to be decanted for regeneration purposes.
 - b) In 'exceptional circumstances', for example where a tenant has not managed a previous tenancy well or has a history of anti-social behaviour or non-payment of rent.
- 4.5 The Council expects registered providers to offer tenancies of at least ten years duration to vulnerable households. In these situations, a longer fixed term with an assumption to renew or a lifetime tenancy will be suitable. The Council supports this approach in cases such as, but not limited to, the following:
- a) people with a long and enduring illness or condition of a serious nature and where a person's circumstances are unlikely to change;
 - b) older people in sheltered accommodation;
 - c) families with disabled children (where in the medical examiners view a longer tenancy would provide stability);
 - d) people leaving care; and
 - e) injured ex-service personnel.

- 4.6 Secure tenancy rights of existing housing association tenants should be protected so as not to discourage downsizing or movement within the housing association stock and cross borough mobility schemes.
- 4.7 In cases of domestic abuse where a tenant of social housing either flees their property or makes an application to turn their joint tenancy into a sole tenancy, the Council supports a 'like for like' approach. In all circumstances where a tenant has a lifetime tenancy, a tenancy with the same security of tenure must be offered if the registered provider is satisfied that the person or member of the person's household is or has been the victim of domestic abuse carried out by another person and the registered provider grants a new tenancy for reasons connected with that abuse. This is in line with the Secure Tenancies (Victims of Domestic Abuse) Act 2018 and the Council expects registered providers to follow this approach as the legislation includes 'assured tenancies' within the definition of a 'qualifying tenancy' under the Act.

5. Fixed term tenancy reviews

- 5.1 The Council expects tenancies generally to be renewed and fixed term tenancies should not detract from maintaining stable communities. Tenants with longer fixed term tenancies are more likely to invest in their homes and contribute to their communities. Any Registered Provider utilising fixed term tenancies must have a published tenancy review criteria.
- 5.2 When tenancy reviews take place they should be carried out no later than six months prior to the end of the tenancy allowing enough time for information to be collated and considered as well as allowing time for appeals. The Council recommends earlier reviews in certain circumstances such as under-occupation where a registered provider is likely to need to source suitable alternative accommodation.
- 5.3 Prior to coming to the end of an existing fixed term tenancy of a property in Chesterfield Borough registered providers should review the tenant's household circumstances and housing options, in a manner that is sensitive to their needs, to determine:
- a) Whether they can (where income and savings allow) be assisted to purchase another suitable property outright or on a shared ownership/ equity basis; and
 - b) Whether another tenancy should be offered, and if so, should this be at the same property or one or more different properties
- 5.4 In making these decisions, they should consider the following:
- Household profile - under occupation may be one of the principle reasons that a tenancy is not renewed and smaller accommodation (appropriate to the household's size) offered as an alternative
 - Tenancies may also not be renewed where the property has been extensively adapted for a person with disabilities and where the person with a disability no longer resides in the property
 - Household income and financial circumstances - making decisions on tenancy renewal registered providers should work positively with tenants who have had a substantial positive change in financial circumstances to highlight opportunities to either purchase a shared ownership property or buy on the open market.
- 5.5 The council is of the view that registered provider tenants should not be penalised by non-renewal of tenancies for improving their economic circumstances.
- 5.6 The council recognises that there may be circumstances in which it would be unreasonable to expect someone to move even if the above criteria applied,

and will expect a registered provider to allow a tenancy to continue if any of the following apply:

- Those with health, disability and care needs the process of tenancy review should involve input from relevant health and social care professionals and carers with a presumption to renew. This should also consider if the tenant is a care leaver and continuing to receive support from social care.
- The council expects that for households with children, registered providers should, except for in exceptional circumstances, renew the tenancy. If the tenancy is not renewed, registered providers should consider any impact moving home will have at critical points in education, such as when taking examinations.
- The council would expect pensioner households to be moved on a voluntary basis, noting there may be some exceptions. The need to be near medical and caring/family support networks should always be factors for registered providers to consider when offering alternative accommodation for older and vulnerable households.
- The tenant or a member of their household is suffering from a terminal illness
- The tenant is a foster carer and the tenancy needs to continue to enable them to fulfil this role.

Non-Renewal of Fixed Term Tenancies

- 5.7 Where tenancies are not renewed for breach of tenancy on grounds such as the behaviour of the tenant(s) and their household members during the tenancy, issues in relation to anti-social behaviour, non-payment of rent or general management of the tenancy by the tenant, registered providers should work with tenants, providing adequate time and advice for the household to find alternative accommodation.
- 5.8 If a non-renewal of tenancy is being done on income grounds then the Register Provider should also provide adequate time and advice for the household to find alternative accommodation.
- 5.9 In addition, the Housing Options team at Chesterfield Borough will be able to assist tenants with a wide range of advice to help them resolve the issues arising out the termination of their tenancies. This will include signposting to other departments within the Council and to voluntary organisations that help people with their housing issues.
- 5.10 If a household is likely to become homeless as a result of the ending of a fixed term tenancy then the Registered Provider should notify Chesterfield Borough Council's Homelessness team at the earliest opportunity.

Appeals

- 5.11 If a tenant disagrees with the decision reached by their landlord to terminate their tenancy, they must have recourse to an established and published appeal process.

- 5.12 Applicants who are appealing their decision should have the right to request general information about their tenancy review from their landlord, including the facts that have been taken into account and the reasons for terminating their tenancies. An applicant who is unhappy with a decision made under this policy should in the first instance contact their landlord to explain why they think that the decision is unreasonable.
- 5.13 The landlord's right of possession may be challenged in the county court only on the grounds that the landlord has made a legal error or a material error of fact.

DRAFT

Appendix 1: Tenancy types

Social rented tenancies

- Offered by Local Authorities as secure tenancies and registered providers of social housing as assured tenancies.
- Tenancies are lifetime tenancies. If the household keeps to the terms of their tenancy agreement, they can remain in the property.

Flexible tenancies

- All social landlords can offer a flexible fixed term tenancy as an alternative to a traditional secure or assured tenancy
- Individual landlords have the flexibility to decide what length of tenancy they should offer – based on their current levels of housing stock and the needs of individual tenants.
- A 'flexible tenancy' can be offered on a minimum fixed term of five years, or exceptionally a tenancy for no less than two years - but with longer terms if they wish.
- Under a flexible tenancy, the tenants' circumstances will be reviewed at least 6 months before the end of the tenancy to assess if the tenancy should be extended.

Affordable rent

- Affordable rent is not a tenure type. Affordable rent is a product that can be offered as part of a secure, assured or a flexible, fixed term tenancy
- Registered providers will be able to charge rents of up to 80% of market rents – these will be higher than the social rents currently charged.
- Affordable rent tenancies are intended to provide an alternative to social rent.
- Affordable rent tenants will be eligible for housing benefit.

Potential tenancy/ rent products registered providers can offer:

	Traditional tenancy (secure or assured)	Fixed term tenancy
Social rent	Local authority – secure tenancy Registered provider – assured periodic tenancy let at a social rent	Local authority – flexible tenancy let at a social rent Registered provider – fixed term assured shorthold tenancy let at social rent
Affordable rent	Local authority – secure tenancy let at an affordable rent Registered provider – assured periodic tenancy let at an affordable rent	Local authority – flexible tenancy let at affordable rent Registered provider – fixed term assured shorthold tenancy let at affordable rent

This page is intentionally left blank

Housing Services Policy Document

Title:	Tenancy Policy		
Approved by:	Carl Griffiths – Housing Options Manager Mike Moore – Neighbourhoods Manager Liz Cook - Assistant Director Housing Date - Cabinet	Issued:	XXXX 2020
Covers:	Neighbourhoods Housing Options	Review date:	XXXX 2025 or if legislation changes

1. Executive summary

1.1 The aim of this policy is to ensure that the tenants and leaseholders are clear about the policies relating to tenancy management in the context of affordable rents, fixed term tenancies and succession rights introduced under the Localism Act 2011 and Housing and Planning Act 2016. This policy sets out the approach to tenancy management, tenancy sustainment and the types of tenancy we offer, including:

- The types of tenancies the council will offer
- The circumstances in which tenancies will be granted
- The length of tenancies
- The approach to tenancy management
- The approach to tenancy sustainment
- The approach to tackling tenancy fraud

2. Introduction

- 2.1 The [Tenancy Standard](#) issued by the Regulator of Social Housing states that registered providers of social housing shall publish clear and accessible policies which outline their approach to tenancy management, including interventions to sustain tenancies and prevent unnecessary evictions, and tackling tenancy fraud
- 2.2 Under the Localism Act 2011, local authorities with a strategic housing authority are required to have a Tenancy Strategy setting out the issues which registered providers operating in the local area must have regard to when deciding the type of tenancies to offer. The Council's Tenancy Strategy which can be found at ([insert link when update strategy published](#)).
- 2.3 As a social landlord as well as a strategic housing authority Chesterfield Borough Council's Housing Service must consider and take into account the objectives of the tenancy strategy in its tenancy policy.
- 2.4 The tenancy policy will apply to all the current and prospective tenants of Chesterfield Borough Council.

3. Objectives

3.1 The delivery of the approaches set out in the tenancy policy will deliver the Council Plan objectives of 'Improving quality of life for local people' and 'Provide quality housing and improve housing conditions across the Borough'. In setting out the tenancy policy the Council wants to:

- Help those in housing need access a home that meets their needs
- Help to build sustainable and healthy communities
- Help to make decisions about who lives where and in what type of tenancy
- To be the social landlord of choice
- Meet the needs of tenants and residents by being the outward facing anchor organisation in our communities

4. Tenancy Types

4.1 The types of tenancy offered by Chesterfield Borough Council's Housing Service meet the requirements of the Council Tenancy Strategy 2020-2025.

Introductory Tenancies

4.2 All new tenants of the Council, apart from those who are existing tenants of another council or a registered provider, are given an Introductory Tenancy. An Introductory Tenancy is a trial period lasting 12 months and provide an opportunity for new tenants to ensure they understand their rights and obligations under the terms of the tenancy agreement and are able to maintain their tenancy satisfactorily. The intention is therefore to prevent unnecessary evictions. If there are no problems during the trial period, then the tenancy automatically becomes either a secure tenancy.

4.3 Introductory Tenancies do not have all the rights of a secure tenant. Tenants could be evicted more quickly and easily if they break the tenancy agreement. They do not have the right to:

- Exchange with another tenant
- Improve the property
- To sublet
- Take in a lodger
- Full rights to succession
- The right to buy, but the Introductory Tenancy will count towards the entitlement period if they choose to buy later.

4.4 Included within the offer of any Introductory Tenancy will be details of the tenancy that will be offered at the successful completion of the 12 months introductory period. Under some circumstances the Introductory Tenancy may be extended to 18 months. This will

Appendix 2

occur if there are concerns about how the tenancy is being conducted and notice of the intention to increase the introductory period will be given by the 10th month of the tenancy. Where a tenant has not satisfactorily completed an Introductory Tenancy a Notice of Possession Proceedings will be served. The tenant has a right to review this decision as set out within the Tenancy Agreement.

Secure tenancies

- 4.5 If the introductory period or the extension period, as applicable, is completed successfully then an introductory tenancy automatically becomes a secure tenancy. A secure tenancy is a lifetime tenancy where a tenant can remain as long as they do not break the rules of the tenancy agreement
- 4.6 The council will also grant a secure tenancy where before the tenancy began the applicant was:
- A secure tenant: or
 - An assured tenant (not an assured shorthold tenant) of social housing where the landlord is a registered social landlord
- 4.7 A secure tenancy gives the tenant security of tenure and the following statutory rights:
- Right to buy
 - Right to repair
 - Right to take in lodgers
 - Right to sublet part of the property with the Council's permission
 - Right to exchange
 - Right to consultation and information

Fixed term tenancies

- 4.8 The Localism Act 2011 gave local authorities the power to be able to offer flexible tenancies for a term certain (i.e. fixed term tenancies) to new social tenants. The Housing and Planning Act 2016 sought to make all social landlord offer all new tenancies as fixed term tenancies (with a small number of exceptions). However, in 2018 the Government stated that it did not intend to enact this part of the legislation therefore the Council can still choose to offer lifetime tenancies. The current Tenancy Strategy 2020-2025 does not seek their use in Chesterfield.
- 4.9 A fixed term tenancy is a secure tenancy for a period of not less than 2 years. The Council preference is to grant lifetime tenancies.

Minors and tenancies

- 4.X As a person under the age of 18 years cannot hold a legal tenancy we will seek to grant the tenancy to an adult, perhaps a member of the minor's family or to another adult. This person would hold the tenancy in trust for the minor's benefit until they reach 18.

5. Managing Tenancies

Appendix 2

- 5.1 We ensure that tenants are aware of their rights and obligations when they sign up for their tenancy. These terms are set out in the tenancy agreement. Chesterfield Borough Council has a series of tenancy management policies outlining its approach to other tenancy issues and management of the housing stock. These are available on request and are published online.

Assignment of tenancy

- 5.2 Secure tenants can pass on (assign) their tenancy to another person in the following circumstances:
- By mutual exchange (see section below)
 - Under certain court orders
 - With the Council's permission to a person who would be qualified to succeed to the tenancy if the tenant died immediately before the assignment.
- 5.3 In some circumstances a tenant may assign their tenancy to another person who complies with certain criteria as laid out in their tenancy agreement. Generally, the right to assign is limited to the same people who can succeed a tenancy.
- 5.4 If a tenant assigns their tenancies without permission such as if a mutual exchange takes place without permission of the landlord as defined by the Housing Act 1985, the parties involved will normally be required to leave the properties.
- 5.5 Other assignments – if the consent of the Council is required and the tenant does not obtain the Council's consent, possession proceedings will normally be taken by the Council.

Mutual exchanges

- 5.6 Secure tenants have the right to exchange their home by assigning the tenancy to another secure tenant of a local authority or a registered social landlord such as a housing association.
- 5.7 In order for a tenant to exchange their home with another tenant they must get our written permission first and the other tenant must get permission from their landlord. Either landlord may attach conditions to the agreement which have to be met before the exchange can take place. These may, for example, be to clear any rent arrears and/or correct any breach of tenancy conditions.
- 5.8 More detail on the Mutual Exchange Policy can be found in **Appendix X**

Succession

- 5.9 The right to succession is the right to remain in the property as a tenant when the tenant dies. The Localism Act 2011 introduced changes to the rights of tenants. Those who became tenants after 1st April 2012 have a more limited right to succession (see table 1) and the right to retain their status as a Lifetime tenant no longer applies if they transfer to a property that has been designated for a Flexible tenancy.

Table 1: Right of Succession

Appendix 2

Tenant before 1 st April 2012	Tenant after 1 st April 2012
<ul style="list-style-type: none"> • Husbands and wives (spouses) and registered civil partners automatically succeed providing they are living in the property at the time of bereavement and there has not been a previous succession. • If there is no spouse/registered civil partner, another family member who has been living with the tenant for at least twelve months may qualify to succeed. However, they may be asked to move if the property is one that they would not qualify for because of its size or type. In these circumstances, alternative accommodation is offered, and they need not move until 6 months after the bereavement. • If a couple are not married, then legally the surviving partner has to be treated as a family member, not as a spouse. 	<ul style="list-style-type: none"> • Succession to a Lifetime or Flexible Tenancy entered into after 1 November 2012 only applies to the spouse or civil partner including a person who was living with the tenant as if they were civil partners of the deceased tenant. • A third person (e.g. son or daughter) cannot then succeed to the tenancy on the death of the tenant

5.10 The Housing and Planning Act 2016 contained measures to further restrict the right to succeed to a secure tenancy to spouses and civil partners and those who live together irrespective of when the tenancy was entered into. However, this part of the Act has not been, as yet brought into force.

5.11 If there is a sole, secure tenant who has not succeeded to the tenancy, then the tenancy can be passed on to a spouse or civil partner providing that they are living with the tenant when the tenant dies. If the tenant has no spouse or civil partner, then certain close members of the family may be able to succeed to the tenancy if they have been living with the tenant for at least twelve months at the date of the death of the tenant. We may ask a successor to move to another home if the home they have succeeded to is larger than they would be eligible for. Under the Localism Act the statutory right of succession to a secure tenancy for family members has been abolished. As such statutory succession will be limited to spouses, civil partners and those in equivalent relationships.

Sole to joint tenancy – do we want to consider these? Version 1

5.12 There is no right to the granting of a joint tenancy, nor to add a tenant to an existing tenancy. If a tenant requests a joint tenancy this is a matter which is at the discretion of the landlord. For housing applicants where the proposed joint tenants are both eligible for housing as defined by legislation, the tenants could be granted a joint tenancy. Existing sole tenants can request a joint tenant be added to their tenancy in the following circumstances:

Appendix 2

- Where the proposed joint tenant is married to or is a civil partner of the existing tenant: or
- Where the proposed joint tenants live together, and the relationship is an established one i.e. evidence is produced showing they have lived together for at least 12 months prior to the application. If the sole tenant is in breach of any of the tenancy conditions the joint application may be refused.

- 5.13 The Council will not normally agree to joint tenancy requests between generations –to a person who is entitled to succeed to that tenancy (e.g. mother and daughter) as this could compromise its ability to make the best use of its housing stock.
- 5.14 However, the Council recognises that, in exceptional circumstances, joint tenancies may be granted to protect the occupation rights of vulnerable individuals. The Council will consider these requests on a case by case basis. Those deemed to be joined applicants through the allocations process will be offered a joint tenancy if they are allocated a council property.

Sole to joint - Version 2:

- 5.xx Once a tenancy has commenced Chesterfield Borough Council will not seek to amend the tenancy from a sole to joint tenancy.
- 5.xx If a sole tenancy ends as a result of the tenant's death, normal succession rules will apply.
- 5.xx The Council can offer joint tenancies across generations. This can be offered if someone is being offered a house with additional bedrooms because they have non-dependant family members living with them, all of the adults can be added onto tenancy agreement.
- 5.xx However, the Council recognises that, in exceptional circumstances, joint tenancies may be granted to protect the occupation rights of vulnerable individuals. The Council will consider these requests on a case by case basis. Those deemed to be joined applicants through the allocations process will be offered a joint tenancy if they are allocated a council property

Joint to sole tenancy

- 5.15 Joint tenants are responsible individually and together for keeping to the tenancy conditions and making sure that rent and other charges are paid.
- 5.16 Service of a Notice to Quit (NTQ) in writing by one or both of the joint tenants will end a joint tenancy. If a NTQ is received from only one of the joint tenants the Council will endeavour to contact the other joint tenant who may be absent from the property. The tenant will be advised to seek legal advice regarding the implications of changes to a tenancy.
- 5.17 *Where one of the joint tenants may wish to remain in the property the request for a sole tenancy should be considered before the remaining tenant is required to give NTQ. Tenants are able legally to hold 2 tenancies although this is not ideal. If one of the joint tenants wants to move to another social tenancy they should be advised on how to end the existing joint tenancy (i.e. through the service of a NTQ) but a failure to do so should not be a barrier to starting a new tenancy. Remove as unnecessary.*

Ending a tenancy

Appendix 2

- 5.18 If you wish to end your tenancy, you must give us a minimum of four full weeks' notice in writing to expire on a Monday.'
- 5.19 'If you are joint tenants, any one of you can end the tenancy by giving us four weeks' notice in writing to end on a Monday. This means the whole tenancy ends for all joint tenants. The council will decide if any of the joint tenants can stay in the home.

Abandonment of tenancy

5.20 Where, following investigation it appears to us that a tenant has abandoned their property we may serve a Notice to Quit to end the tenancy. When the Notice expires, we may repossess the property. There may be circumstances when the Council may treat the tenancy as ended by reason of abandonment, in which cases we may resume possession of the property without serving a Notice to Quit and accept the implied surrender of the tenancy.

5.21 More details on our approach / approach / process procedure (Appendix X)

May wish to be separate policy /considered outside tenancy policy - TBD

6. Tenancy Sustainment

- 6.1 Chesterfield Borough Council will support tenants as much as possible to sustain their tenancies.
- We will offer advice and support when signing tenants up for new tenancies.
 - We will ensure that tenants are informed about their tenancy rights and obligations when tenancies are signed for.
 - We will offer advice and assistance on financial matters, particularly where tenants may experience difficulty with rent payments. This will include assistance with forms for help with rent costs and financial budgeting.
- 6.2 If further assistance is required our tenancy sustainment officers will look at the needs of our more vulnerable tenants and either directly or by referring them to another service, help them to:
- Identify what is important to keep their home and understand their responsibilities as a tenant.
 - Live peacefully within their neighbourhood and get on with their neighbours
 - Manage money; deal with debt including rent arrears and claim benefits.
 - Improve health and wellbeing.
 - Use local services – doctors, council offices, advice agencies.
 - Get support from agencies who specialise in particular needs eg mental ill health, alcohol misuse, young people, teenage parents, or people who have experienced domestic abuse.

7. Tenancy Fraud

The Councils approach to tenancy fraud

7.1 Tenancy fraud may include any of the following.

- Attempting to obtain a council property using false documents
- Unlawfully subletting the property as prescribed in the Prevention of Social Housing Fraud Act 2013.

7.2 Chesterfield Borough Council will take appropriate action against any tenant found to be committing tenancy fraud. The Council will consider taking criminal action against tenants who unlawfully sub-let their properties using powers granted under the Prevention of Social Housing Fraud Act 2013. A secure tenant will commit an offence, if in breach of an express or implied term of their tenancy agreement; they sub-let or part with possession of the whole or part of the property and know that the action is in breach of their tenancy agreement.

May wish to be separate policy / considered outside TBD

8. Monitoring and review

- 8.1 The tenancy policy will cover the period 2020 to 2025 or until there is significant legislative change requiring the policy to be reviewed.
- 8.2 No additional monitoring is proposed. Routine management information produced from Northgate
- 8.3 The Council's [complaints process](#) can be utilised if a tenant does not feel the policy has been correctly applied.

Appendix X Mutual Exchange

1.0 Definitions

- 1.1 This Policy has been created to ensure that all applications for a mutual exchange are dealt with fairly and consistently and to ensure that tenants are clear about the rules and processes Chesterfield Borough Council will follow when receiving a request for an exchange.

Mutual exchange

- 1.2 A Mutual Exchange is a right laid down in legislation (Housing Act 1985) and is when two or more tenants 'swap' properties with each other and in doing so, pass on any legal interest in the tenancy. When a mutual exchange takes place, each party involved takes on the original terms of the tenancy agreement of the person they have swapped with. A secure Council tenant has the right to mutually exchange homes with another Council or registered social landlord tenant anywhere in the United Kingdom subject to certain terms set out in the Housing Act 1985.

Secure tenants

- 1.3 Secure tenants were created by the Housing Act 1985. Under Section 92 of the Act, secure tenants have the following rights subject to approval:

Section 92 – Assignments by way of Exchange

- (1) It is a term of every secure tenancy that the tenant may, with written consent of the landlord, assign the tenancy to another secure tenant or to an assured tenant (in the case of an assured tenant, the landlord must be a Registered Social Landlord).
- (2) Consent will not be withheld except on one or more of the grounds set out in the Act, and if withheld otherwise than on one of those grounds will be treated as given.
- (3) The landlord may not rely on any of the grounds set out in the Act unless he has, within 42 days of the tenant's application for consent, specified in writing to the tenant the ground for refusal and reasons for it.
- (4) Where rent lawfully due from the tenant has not been paid or an obligation of the tenancy has been broken or not performed, the consent required may be given subject to a condition requiring the tenant to pay the outstanding rent, remedy the breach or perform the obligation.

2.0 Implications of a mutual exchange

Secure and assured tenancies

- 2.1 When applying to exchange all applicants are advised to check the type of tenancy they will be receiving. Most registered social landlords offer assured tenancies whereas local authorities offer secure tenancies. The type of tenancy may place certain restrictions on certain entitlements; therefore the Council advises all tenants to check these details prior to exchange.

Succession rights

Appendix 2

- 2.2 If a person receives a tenancy by way of succession whether that is following the death of a tenant or assignment, and later moves under mutual exchange, their status as a successor still stands and the tenancy cannot be passed on to another successor, since succession rights can only take place once.

Tenants Incentive Scheme, Decorating Vouchers and Removal Costs

- 2.3 Tenants moving by way of mutual exchange do not qualify for decorating vouchers and are responsible for their own removal costs and incidental expenses.

Property Improvements

- 2.4 If a tenant wishes to swap homes with a tenant who has made major alterations to their property, the tenant should seek to confirm with the landlord that approval for the work was granted, and if any particular conditions apply. Once the exchange has completed the incoming tenant may be responsible for maintaining the alteration and for putting right any future defects should they occur.

3.0 Policy

- 3.1 Tenants interested in a mutual exchange can seek an exchange by registering with Homeswapper at www.homeswapper.co.uk and help and advice is available from On the Move.
- 3.2 Eligible tenants can exchange with other eligible tenants anywhere within the United Kingdom. Applicants can only move to a property that has up to one bedroom above their needs. Applicants are also restricted to moving to a property that would be too small to meet the needs of their household.
- 3.3 The Council advises that all those taking part in a mutual exchange should visit the property before agreeing to the exchange. Tenants who exchange must accept the property in its present state and any damage caused by the outgoing tenant becomes the responsibility of the incoming tenant and will need to be repaired at their expense. The Council will only carry out repairs for which it is responsible and are specified in the Tenant's Handbook.
- 3.4 When an exchange has been agreed they must contact their landlord for permission to carry out the exchange. CBC tenants are required to complete and return a mutual exchange form. If the tenancy is a joint tenancy, both parties need to sign the form.
- 3.5 Housing Services has a maximum of 6 weeks (42 calendar days) in which to agree or refuse the exchange. During that time an inspection of the property will be carried out and will inform the tenant of repairs that are the tenant's responsibility. If the Council fails to make a decision on the application within 42 days, then the exchange will be automatically entered into.
- 3.6 Housing Services will confirm in writing if the exchange can take place. All parties must receive written permission from their landlord before the exchange can progress.
- 3.7 Mutual exchanges between secure and assured tenants exchange via a Deed of Assignment where each tenant takes over the other tenants tenancy type and terms. New Tenancy Agreements are not signed. Once the exchange has been agreed, the parties

Appendix 2

receiving a tenancy from CBC must arrange an appointment to sign the Deed of Assignment. After this the move can take place.

- 3.8 Tenants must not move home without the permission of all the landlords involved and before the Deed of Assignment has been signed.
- 3.10 If certain conditions are met then the landlords must grant any existing secure or assured tenant an assured tenancy (if a housing association) or secure tenancy (if local authority) existing tenants security of tenure will not be downgraded as a result of the exchange. However, the protection only applies to tenure and not the level of rent they pay.

4. Eligibility

- 4.1 In order to participate in a mutual exchange, persons must be social housing tenants of a local authority or a registered social landlord and must hold either a secure or assured tenancy.
- 4.2 In addition, the Council will normally only allow tenants to exchange where they have fully complied with the tenancy conditions, do not have any outstanding rent arrears and the property is in a good state of repair.

5. Grounds for refusal

- 5.1 The grounds for refusal are set out in schedule 3 of the Housing Act 1985 (a copy of these can be found on the Council's website).
- 5.2 If Housing Services refuse an application for a mutual exchange the Council must, by law, write to the outgoing and incoming tenant within 42 days to inform them of them of our decision. Only the tenant that has caused the refusal will be advised of the reasons why.
- 5.3 We will advise the tenant if their application could be considered at a later date and will provide details of what the tenant or other party needs to do in order for their application to be considered. This could include, for example, paying off arrears, reinstating the property back to a reasonable standard and ensuring that improvements are in good repair. We may also ask the tenant to remove any home improvements that are beyond repair.

Appendix X - Glossary of terms

Affordable rent – Rented housing provided by Local Authorities and Private Registered Providers of social housing to households that are eligible for social rented housing. Affordable rent is subject to rent controls that require a rent of no more than 80% of the local market rent.

Demoted Tenancy – A demoted tenancy is a form of tenancy that reduces the tenants' security of tenure and rights for a period of 12-18 months. Moving a tenant onto a demoted tenancy presents social landlords with an alternative to possession proceedings where a tenant is causing nuisance through antisocial behaviour. The tenant does not lose her/his home and can regain her/his original tenancy and security of tenure after 12 to 18 months.

Fixed term tenancy – A tenancy which runs for a fixed period of time and is reviewed, and either a new fixed term tenancy granted or terminated, at the end of the fixed term.

Notice to Quit - A formal legal notice terminating a tenancy.

Secure Tenancy – A secure tenancy means the tenant can keep their home for as long as they want, unless there is a legal reason for the landlord to repossession the home.

Tenancy Strategy – A document which, under the Localism Act, all local housing authorities are required to produce, setting out the matters to which Registered Providers have regard to in formulating tenancy policies.

Tenancy Policy – A policy which, under the Regulatory Framework, Registered Providers are required to have in place showing various information, including: the types of tenancy they will grant, the length of any fixed terms, circumstances in which fixed term will / will not be renewed.

Chesterfield Borough Council Equality Impact Assessment - Full Assessment Form

<i>Title of the policy, project, service, function or strategy:</i>		Tenancy Strategy Update and draft Tenancy Policy
<i>Service Area:</i>	Housing Services	
<i>Section:</i>	Business Planning and Strategy	
<i>Lead Officer:</i>	James Crouch	
<i>Date of assessment:</i>	07/20	
<i>Is the policy, project, service, function or strategy:</i>		
<i>Existing</i>	<input type="checkbox"/>	
<i>Changed</i>	Y	
<i>New / Proposed</i>	Y	

Section 1 – Clear aims and objectives

1. What is the aim of the policy, project, service, function or strategy?

Following the Localism Act 2012 each local authority was required to produce a tenancy strategy setting out the guidelines that affordable housing providers in Chesterfield should consider when developing their individual tenancy policies.

A Chesterfield Borough is also a affordable housing provider it is required to produce a Tenancy Policy. The Localism Act 2011 required every social landlord to publish a tenancy policy. The aim of a Tenancy Policy is to ensure that the tenants of a social landlord are clear about the policies relating to tenancy management in the context of affordable rents, fixed term tenancies and succession rights introduced under the Localism Act 2011 and Housing and Planning Act 2016.

--

2. Who is intended to benefit from the policy and how?
Tenants of social landlords in the Borough

3. What outcomes do you want to achieve?
Clarity for local affordable housing providers on the types of tenancies to be offered with Chesterfield Clarity for tenants of Chesterfield Borough Council as to their landlord position on tenancy management issues such as tenancy types, tenancy assignment, succession and mutual exchange.

Section 2 – What is the impact?

4. Summary of anticipated impacts. *Please tick at least one option per protected characteristic. Think about barriers people may experience in accessing services, how the policy is likely to affect the promotion of equality, knowledge of customer experiences to date. You may need to think about sub-groups within categories eg. older people, younger people, people with hearing impairment etc.*

	Potentially positive impact	Potentially negative impact	No disproportionate impact
Age	Y	<input type="checkbox"/>	<input type="checkbox"/>
Disability and long-term conditions	Y	<input type="checkbox"/>	<input type="checkbox"/>
Gender and gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	Y
Marriage and civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	Y
Pregnant women and people on parental leave	<input type="checkbox"/>	<input type="checkbox"/>	Y
Sexual orientation	<input type="checkbox"/>	<input type="checkbox"/>	Y
Ethnicity	<input type="checkbox"/>	<input type="checkbox"/>	Y
Religion and belief	<input type="checkbox"/>	<input type="checkbox"/>	Y

Section 3 – Recommendations and monitoring

If you have answered that the policy, project, service, function or strategy could potentially have a negative impact on any of the above characteristics then a full EIA will be required.

5. Should a full EIA be completed for this policy, project, service, function or strategy?

☐ Yes

Y No

No disproportionate negative impact identified for any group with a protected characteristic:

Section 6 – Knowledge management and publication

Please note the draft EIA should be reviewed by the appropriate Service Manager and the Policy Service **before** WBR, Lead Member, Cabinet, Council reports are produced.

Reviewed by Head of Service/Service Manager	Name:	James Crouch
	Date:	14/07/20
Reviewed by Policy Service	Name:	Donna Reddish
	Date:	24/07/20
Final version of the EIA sent to Policy Service	<input type="checkbox"/>	
Decision information sent to Policy Service	<input type="checkbox"/>	

By virtue of
Regulation 21(1)(A) of the Local Authorities (Executive
Arrangements) (Access to Information) (England)
Regulations 2000.

Document is Restricted

This page is intentionally left blank

By virtue of
Regulation 21(1)(A) of the Local Authorities (Executive
Arrangements) (Access to Information) (England)
Regulations 2000.

Document is Restricted

This page is intentionally left blank

By virtue of
Regulation 21(1)(A) of the Local Authorities (Executive
Arrangements) (Access to Information) (England)
Regulations 2000.

Document is Restricted

This page is intentionally left blank