



Please ask for Charlotte Kearsey
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The Chair and Members of Cabinet

8 March 2021

Dear Councillor,

Please attend a meeting of the CABINET to be held on TUESDAY, 16 MARCH 2021 at 10.30 am virtually via Microsoft Teams, 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 23 February, 2021.

4. Forward Plan

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

[Forward Plan](#)

Items Recommended to Cabinet via Cabinet Members

Leader

5. Armed Forces Covenant progress and annual action plan (Pages 13 - 28)

Cabinet Member for Health and Wellbeing

6. Modern Slavery Statement 2021/22 (Pages 29 - 40)

Cabinet Member for Housing

7. Tenancy Policy (Pages 41 - 70)

Yours sincerely,

A handwritten signature in black ink, appearing to be 'S. Smith', written in a cursive style.

Local Government and Regulatory Law Manager and Monitoring Officer

CABINET

Tuesday, 23rd February, 2021

Present:-

Councillor P Gilby (Chair)

Councillors Serjeant
Blank
Ludlow
Holmes

Councillors J Innes
Mannion-Brunt
Sarvent
D Collins

Non-voting Members P Innes

*Matters dealt with under the Delegation Scheme

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

No declarations of interest were received.

53 **APOLOGIES FOR ABSENCE**

No apologies for absence were received.

54 **MINUTES**

RESOLVED –

That the minutes of the meetings of Cabinet held on 2 February and 9 February, 2021 be approved as a correct record and signed by the Chair.

55 **FORWARD PLAN**

The Forward Plan for the four month period 1 March to 30 June, 2021 was reported for information.

***RESOLVED –**

That the Forward Plan be noted.

56 **DELEGATION REPORT**

Decisions taken by Cabinet Members during January, 2021 were reported.

***RESOLVED –**

That the Delegation Report be noted.

57 **2021/22 BUDGET AND MEDIUM TERM FINANCIAL PLAN**

The Chief Financial Officer submitted a report on the General Fund budget. The report also included recommendations that would be made to Full Council on budget allocations and the Council Tax level for 2021/22.

The original budget for 2020/21 was approved in February, 2020 when a £16k surplus was reported. During 2020/21 there had been quarterly budget monitoring reports presented to Cabinet and Full Council which evidenced the impact of the coronavirus pandemic and the significant adverse effect on the council's financial position. The revised portfolio budgets for 2020/21 were reported to Cabinet on 15 December, 2020 as part of the first draft General Fund budget report. Since then further work had been undertaken through budget challenge and budget monitoring to identify other possible variances for inclusion in the final budget report. The latest revised budget forecast for 2020/21 reported an £8k deficit.

The budget for 2021/22 had been prepared assuming a council tax increase of £5 for a Band 'D' property, which equates to a rise of 9.6 pence a week for householders occupying Band 'D' properties, towards the future costs of services provided by Chesterfield Borough Council.

Members were also informed of the expenditure estimates for the coming financial year as well as the medium term forecasts for 2022/23 through to 2025/26.

***RESOLVED –**

That it be recommended to Full Council that:

1. The revised budget for 2020/21, as detailed in section 4.3 of the officer's report, be approved.

2. The overall revenue budget summary for 2021/22, as detailed in section 4.5 and Appendix A of the officer's report, be approved.
3. The Collection Fund and the Tax Base forecasts, as detailed in section 4.6 of the officer's report, be noted.
4. The use of the capital receipts flexibility to fund the revenue costs of the ICT improvement programme which will lead to budget savings, as detailed in section 4.7 of the officer's report, be approved.
5. The budget forecasts for 2022/23 and the medium term and the need to address the projected deficits, as detailed in section 4.8 of the officer's report, be noted.
6. The intention to develop a detailed programme and funding strategy for Organisational Development, as detailed in section 4.9 of the officer's report, be noted.
7. The estimates of reserves including maintaining the General Working Balance at £1.5m, as detailed in section 4.10 and Appendix D of the officer's report, be approved.
8. The budget risks and sensitivity analysis, as detailed in Appendix E of the officer's report, be noted.
9. The Council's share of Council Tax for properties in each band be increased on the basis of a £5 increase for a Band 'D' property in 2021/22.
10. The 2021/22 Council Tax Requirement and financing, as detailed in Appendix F of the officer's report, be approved.
11. The Chief Financial Officer's assurances, as detailed in section 4.14 of the officer's report, be noted.

REASON FOR DECISIONS

In order to meet the statutory requirements relating to setting a budget and the council tax.

58 APPROVAL OF THE ANNUAL COUNCIL PLAN DELIVERY PLAN

The Service Director – Corporate presented the Council Plan Delivery Plan for 2021/22. The Delivery Plan set out the key milestones and performance measures that would be applied to keep the Council Plan on target for delivery during year three of the four year plan.

The report explained that the Delivery Plan had been revised to take into consideration the current and potential future impact of the Covid-19 pandemic on the council's priorities. The revisions were detailed in Appendix 2 of the officer's report.

***RESOLVED –**

That it be recommended to Full Council that:

1. The Council Plan Delivery Plan for 2021/22 be approved.
2. The revised Council Plan commitments for the period 2019 through 2023 be approved.
3. The Deputy Leader be granted delegated authority to make amendments to the revised Council Plan commitments and Delivery Plan for 2021/22 should risk assessments and changes to Covid-19 guidance require further amendments to be made.

REASON FOR DECISIONS

To provide a clear statement of the delivery milestones and measures required to maintain progress on our strategic priorities for 2019 – 2023 and respond to Covid-19 response and recovery challenges.

59 LOCAL GOVERNMENT BOUNDARY COMMISSION – COUNCIL SIZE SUBMISSION

The Service Director – Corporate presented a report seeking approval for the draft Chesterfield Borough Council submission on Council size as part of the Local Government Boundary Commission's full review of electoral boundaries within the borough.

The Commission has a statutory duty to review every English local authority and it had been over 20 years since the last electoral review for Chesterfield borough. The review seeks to adjust electoral ward

boundaries to correct inequalities in the average elected member ratio whilst also considering forecasts of future elector numbers.

Stage 1 of the review concentrates solely on Council size; the numbers of elected members per ward and warding boundaries would be considered and consulted upon during stage 2 of the review.

The draft submission was attached at Appendix 1 of the officer's report and recommended reducing the number of elected members elected to Chesterfield Borough Council from 48 to 40.

***RESOLVED –**

That it be recommended to Full Council that the draft submission on Council size be submitted to the Local Government Boundary Commission as part of the full review of electoral boundaries within Chesterfield borough.

REASON FOR DECISION

To actively engage in the Local Government Boundary Commission review by submitting a proposal for Council size that ensures our governance arrangements support the Council's needs and ambitions but also reflect our communities with the principle of locking in electoral fairness for the future.

60 SENIOR PAY POLICY

The Human Resources and Support Services Manager submitted a report seeking approval for the Senior Pay Policy Statement for 2021/22, in accordance with the Localism Act 2011 and the Local Government (Transparency Requirements) (England) Regulations 2014.

The Senior Pay Policy Statement for 2021/22, which was attached at Appendix 1 of the officer's report, included details of how senior pay was set within the Council.

***RESOLVED –**

That it be recommended to Full Council that the Senior Pay Policy Statement for 2021/22, as detailed in Appendix 1 of the officer's report, be approved.

REASON FOR DECISION

This report provides transparency on the Council's policy with regards Senior Pay and meets the requirements of the Localism Act 2011 to publish this policy by 31 March, 2021.

61 CIVIC ARRANGEMENTS 2021/22

The Senior Democratic and Scrutiny Officer submitted a report outlining proposals for the civic year 2021/22 in respect of the election of the Mayor, Deputy Mayor, the Annual Council meeting and associated civic events.

The appointment of the Mayor and Deputy Mayor as Chairman and Vice Chairman of the Council is a statutory appointment under Part 1 of the Local Government Act 1972.

***RESOLVED –**

1. That it be recommended to Full Council that Councillor Glenys Falconer be invited to become Mayor of the Borough for 2021/22.
2. That it be recommended to Full Council that Councillor Tony Rogers be invited to become Deputy Mayor of the Borough for 2021/22.
3. That it be noted that the Annual Council meeting will be held on Wednesday 12 May, 2021.
4. That it be noted that plans for the Annual Civic Service, Parade and Mayoral Dinner are to be confirmed and that arrangements will be made in line with the latest Covid19 guidance.

REASON FOR DECISIONS

To enable the Council to confirm the civic arrangements for 2021/22.

62 HOUSING REVENUE ACCOUNT BUDGET 2021/22

The Group Financial Accountant submitted a report on the probable Housing Revenue Account (HRA) outturn for 2020/21, and the budget estimates for 2021/22 through to 2025/26.

The Council was required to produce a 30 year HRA Business Plan that was financially viable, which reflected the views and requirements of tenants, and maintained the Council's housing stock at the Decent Homes Standard in line with the Council's Vision and Council Plan.

The probable HRA outturn for 2020/21 was reported in section 4.3 of the officer's report.

The initial budget forecast for 2021/22 was detailed in section 4.5 of the officer's report.

***RESOLVED –**

That it be recommended to Full Council that:

1. The probable outturn for the current financial year be noted.
2. The draft estimates for 2021/22 and future years be approved.
3. The intention to develop a detailed programme and funding strategy for Organisational Development be noted.

REASON FOR DECISIONS

To keep Members informed about the current financial standing of the Council's Housing Revenue Account and the budget estimates for 2021/22.

63 HOUSING REVENUE ACCOUNT CAPITAL PROGRAMME 2021/22

The Service Director – Housing presented a report seeking approval for the Housing Revenue Account (HRA) Capital Programme for 2021/22, and provisionally for 2022/23 through to 2025/26.

The overall financing strategy continued to focus on maintaining the Council's housing stock at the Decent Homes Standard, improving the non-traditional housing stock, delivering improvements to estate environments and building or acquiring new council housing.

Many of the programmes for 2021/22 had already been procured in 2020/21 to ensure timely delivery including the central heating

programme to remove the risk of large-scale heating failures, the roof replacement programme, the replacement of aging UPVC windows and external wall insulation, and external work to blocks of flats.

The new build housing programme would continue at Brockwell Court and additional new sites had been identified at Markham Court, Middlecroft and Westwood Avenue.

***RESOLVED –**

That it be recommended to Full Council that:

1. The Housing (Public Sector) revised Capital Programme for 2020/21 be approved.
2. The Housing (Public Sector) Capital Programme for 2021/22 be approved and its procurement, as necessary, be authorised.
3. The Housing (Public Sector) Capital Programmes for 2022/23 to 2025/26 be provisionally approved.
4. The in-house Operational Services Division share of the Capital Programme for 2021/22 be approved.
5. Delegated authority be granted to the Service Director – Housing and/or Acting Chief Finance Officer to transfer funds between programmes and budgets to manage the Capital Programme for 2021/22.

REASONS FOR DECISIONS

1. To enable the Council to maintain all council homes at the 'Decent Homes Standard' in line with the Council's Vision and Council Plan.
2. To maintain and improve the condition of the council's public sector housing stock and estate environments.
3. To deliver against the aims of the Borough Housing Strategy and the HRA Business Plan.

64 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 involve the likely disclosure of exempt information as defined in Paragraph 3 of Part I of Schedule 12A to the Local Government Act 1972.

65 GENERAL FUND CAPITAL PROGRAMME

The Group Financial Accountant submitted a report recommending for approval the General Fund Capital Programme for 2021/22.

The report provided details of updated expenditure forecasts, new schemes added to the Capital Programme during the last year and progress made on current major schemes. Members were also made aware of the Council's capital financing arrangements, including the level of capital receipts, and the net financing position.

***RESOLVED –**

That it be recommended to Full Council that the updated General Fund Capital Programme expenditure and financing, as detailed in Appendix A of the officer's report, be approved.

REASON FOR DECISION

To keep Members informed about the council's current General Fund Capital Programme and financing.

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For Publication

Armed Forces Covenant – Chesterfield Borough Council Action Plan

Meeting:	Cabinet
Date:	16.03.21
Cabinet portfolio:	Town Centre and Visitor Economy (Armed Forces Champion)
Directorate:	Corporate

1.0 Purpose of the report

- 1.1 To report on progress made on the Armed Forces Covenant Action Plan for 2019 – 2023 and approve further actions for 2021/22 onwards.

2.0 Recommendations

- 2.1 That members note the progress against the Chesterfield Borough Council Armed Forces Action Plan.
- 2.2 That the updated Chesterfield Borough Council Armed Forces Action Plan is approved for delivery.

3.0 Reasons for recommendations

- 3.1 To demonstrate and reaffirm our commitment and support to the armed forces community.

4.0 Report details

- 4.1 The original Derbyshire Armed Forces Covenant was signed in April 2012. Derbyshire authorities adopted a collaborative approach to build upon the national covenant developed by the Ministry of Defence, working with the Royal British Legion.
- 4.2 As part of our commitment to the 2012 Derbyshire Armed Forced

Covenant Chesterfield Borough Council delivered a range of improvements and initiatives to demonstrate our commitment and support for the armed forces community including:

- Changes to many of our policies and practices to maximise support including housing allocations, homelessness, benefits advice service and concessions on services
- Maintained our commitment to advice services including Derbyshire Unemployed Workers Centre, Citizens Advice Bureau and Derbyshire Law Centre which also support the armed forces community
- Supported the Heroes Welcome scheme
- Enhanced our remembrance and recognition activities with a variety of ceremonies including freedom of the borough for local regiments, commemoration of Armed Forces Day, armistice day and remembrance Sunday commemorations and an extensive World War I 100 year commemoration programme

4.3 The national covenant was revised in 2019 by the Ministry of Defence, again, working with the Royal British Legion. The principles of the covenant remained the same:

- No member of the armed forces community should face disadvantage in the provision of public and commercial services compared to any other citizen
- In some circumstances special treatment may be appropriate especially for the injured or bereaved

These core principles should be taken into account when writing and implementing policies and should be integrated in services, support and engagement activity.

4.4 Derbyshire County Council and all Derbyshire Districts agreed to continue to work collaboratively to develop and commit to a new Derbyshire Armed Forces Covenant in July 2019. A Chesterfield Borough Council Armed Forces Covenant Action Plan to cover the period 2019 – 2023 was developed at the same time to support the overarching covenant activity.

4.5 The Chesterfield Borough Council Armed Forces Action Plan is attached at Appendix 1. During the first two years of the plan significant progress has been made including:

- Developing and signing the Derbyshire Armed Forces Covenant
- Nomination of an Armed Forces Champion
- Effective engagement with the Derbyshire Armed Forces Partnership
- Support the Department for Work and Pensions and Job Centre Plus to deliver the veterans hub (face to face in 2019/20 – virtual in 2020/21)
- Supporting CBC services and partner agencies to promote services, information, events etc. aimed at or of benefit to the armed forces community
- Working with Armed Forces Charities and organisations to develop an annual programme of events and activities to recognise and value the contribution of the armed forces community past and present. This includes Armistice Day, Remembrance Sunday, Armed Forces Day, commemoration of key dates (virtual and Covid-19 secure for 2020/21)
- support the Civic Cadet roles and encourage Armed Forces Cadet Units and other young people via schools, clubs and associations to take part in the annual programme of recognition events and activities (over 400 engaged in 2019/20 with virtual opportunities for 2020/21)
- Attain the Bronze Award in the Ministry of Defence's Employer Recognition Scheme
- Annual leave policy now includes up to 10 days paid leave days per calendar year to undertake reservist duties
- Concessions Policy across all service areas includes Armed Forces
- Improvements to key housing policies to respond to specific needs and circumstances of Armed Forces Community

4.6 Many of these activities are continuing for the remainder of the plan period and some are being enhanced for instance seeking to move from Bronze Award to Silver Award for the Ministry of Defence Employer Recognition Scheme. There are also exciting opportunities for improving future plans as a result of key Census data and the results of the Derbyshire Armed Forces Research project becoming available towards the end of 2021/22.

5.0 Alternative options

5.1 Signing the Derbyshire Armed Forces Covenant is voluntary, and Chesterfield Borough Council could choose to disengage from the partnership and not progress this agenda. This however would be extremely damaging to our reputation with key partners including Derbyshire County Council, other Derbyshire Districts and Armed Forces organisations. Significant progress has been made with our partners to demonstrate our commitment and support to the Armed Forces Community and we wish to maintain this momentum.

6.0 Implications for consideration – Council Plan

6.1 Delivery of the Armed Forces Covenant Action Plan is a key commitment within the Council Plan 2019 – 2023.

7.0 Implications for consideration – Financial and value for money

7.1 Since 2012 our commitment to the armed forces community has been built into our core business. Where specific additional activity emerging from the covenant, action plan and partnership have a financial impact, external funding and alternative resourcing models have been sought. This has included applications to the national Armed Forces Covenant Fund.

7.2 The Armed Forces Bill is likely to become an Act of Parliament during 2021/22. Clause 8 of the Bill sets out a proposed statutory duty for all UK public authorities to have due regard to the principles of the Armed Forces Covenant. The Local Government Association have raised the issue of new burdens funding and are currently working with national government to ensure councils are sustainably funded as financial certainty and sustainability will help ensure local government can continue to maintain and improve services, including honouring their important local Covenant commitments.

8.0 Implications for consideration – Legal

8.1 The Armed Forces Bill is likely to become an Act of Parliament during 2021/22. The primary purpose of this Bill is to renew the Armed Forces Act (AFA) 2006 and, in so doing, continue in force the primary legislation governing the armed forces. Clause 8 of the Bill sets out a proposed statutory duty for all UK public authorities to have due regard to the principles of the Armed Forces Covenant. Concerns have

been expressed by the Local Government Association that the Bill lacks detail and that it is therefore difficult to fully understand the implications for local authorities.

9.0 Implications for consideration – Human resources

9.1 Since 2012 our commitment to the armed forces community has been built into our core business. There have however been some competing demands on officer time during 2020/21 due to the Covid-19 pandemic which has led to some re-prioritisation of activities. These are detailed within the updated action plan at Appendix 1.

10.0 Implications for consideration – Risk management

Description of the Risk	Impact	Likelihood	Mitigating Action	Impact	Likelihood
Further disruption to progress due to Covid-19 pandemic.	M	H	Revised timescales in place for some activities to take into account competing demands on officer time. Virtual and Covid-19 secure alternatives developed for activities.	L	M
Armed Forces Bill – new duties.	M	H	Reviewing implications as the Bill progresses through Parliament and as guidance is developed. LGA is working with national government regarding local government engagement and challenges.	L	M

11.0 Implications for consideration – Community wellbeing

11.1 The actions within the Armed Forces Action Plan compliment and enhance the activity taking place as part of the community recovery and resilience plan overall.

12.0 Implications for consideration – Economy and skills

12.1 Part of the action plan is directly aimed at improving employment, skills and training access.

13.0 Implications for consideration - Climate Change

13.1 No specific implications have been identified.

14.0 Implications for consideration - Equality and diversity

14.1 Equality analysis of the Derbyshire Armed Forces Covenant and our action plan has been undertaken with no negative impacts for protected characteristics identified. Our armed forces community includes a diverse range of people so the pledges and actions emerging from the covenant make significant positive contributions to all protected groups.

Decision information

Key decision number	1018
Wards affected	All

Document information

Report author
Donna Reddish – Service Director – Corporate
Background documents
These are unpublished works which have been relied on to a material extent when the report was prepared.
None
Appendices to the report
Appendix 1 – Armed Forces Covenant Action Plan

Armed Forces Covenant Action Plan 2019 – 2023

Action Plan themes are based on the outcomes identified in the Government's "Strategy for Our Veterans: Valued. Contributing. Supported" (Nov 2018). In our plan the term veterans has been replaced with armed forces community to aid inclusion.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/755915/Strategy_for_our_Veterans_FINAL_08.11.18_WEB.pdf

The plan will be updated on an annual basis and progress reported via the Derbyshire Armed Forces Covenant Partnership.

Cross cutting themes

Cross cutting theme 1: Collaboration between organisations					RAG rating
Improved collaboration between organisations offers the Armed Forces Community coherent support					
Action number	Action	Timescale	Member/ Officer lead	Progress	
1	Nominate new Armed Forces Covenant Champion	July 2019	Leader	Cllr Kate Sarvent confirmed as Armed Forces Champion.	✓
2	Provide member and/or officer representation and engagement at Derbyshire Covenant Partnership.	Ongoing	Armed Forces Champion / SD Corporate	Officer/ member representation agreed and actively engaged in partnership activity.	
3	Work with Derbyshire County Council, Derby City Council and Derbyshire Districts to establish an officer working group to progress covenant actions.	October 2019	SD Corporate	Group launched in October 2019 to support Derbyshire Armed Forces Covenant activity and delivery of individual authority action plans. Group continues to be well attended and provides great opportunities to collaborate and share	✓

				knowledge – this has been particularly valuable during the Covid-19 pandemic – for example developing Covid-19 secure remembrance events.	
4	Support the Department for Work and Pensions and Job Centre Plus to deliver the veterans hub. The veterans hub is open to all members of the armed forces including serving, retired, veterans, and reservists. The regular hub sessions focus on health wellbeing, re-employment, volunteering etc.	Ongoing	SD Corporate	<p>Venue provided at the town hall, website and social media promotion and officer support where appropriate.</p> <p>Following changes to government guidance regarding Covid-19 and extensive risk assessment activity Veteran Hub activity has moved into a digital and telephone support space which Chesterfield Borough Council help to promote.</p> <p>The Veteran Hub will return when partners can facilitate a covid-19 secure approach.</p>	
<p>Cross cutting theme 2: Coordination of the Armed Forces Community services</p> <p>The coordination of the Armed Forces Community provision delivers consistent aims and principles over time and throughout the UK, ensuring the Armed Forces Community, their families and the bereaved are treated fairly compared to the local population.</p>					
5	Improve access to information for the armed forces community via the CBC website. This includes developing a	<p>June 2020</p> <p>Revised - August 2021</p>	Communications and Marketing Manager	The Communications and Marketing Team have been under extreme pressures due to the Covid-19 pandemic – in particular developing the Covid-19 website hub, providing up to date information on	

	dedicated Armed Forces web page.			services and support and supporting key national, regional and local campaigns. This activity has a revised delivery date for 2021/22.	
6	Continue to support CBC services and partner agencies to promote services, information, events etc. aimed at or of benefit to the armed forces community.	Ongoing	Communications and Marketing Manager	A range of partnership campaigns supported across our communication channels including Your Chesterfield, website, intranet, social media accounts and members bulletins.	
Cross cutting theme 3: Data on the Armed Forces Community					
Enhanced collection, use and analysis of data across the public, private and charitable sectors to build an evidence base to effectively identify and address the needs of the Armed Forces Community.					
7	Census 2021 includes key Armed Forces data. Encourage high completion rate within Chesterfield Borough.	Oct 20 – April 2021	Assistant Census Liaison Manager / Communications and Marketing Manager	Actively engaging with Office of National Statistics to support maximisation of completion rates in Chesterfield Borough: <ul style="list-style-type: none"> • Social media and web campaign • Information in Your Chesterfield • Pipeline of information to key local groups to cascade to communities • Promotion of alternative completion methods 	
8	Support the Derbyshire Covenant Partnership project aiming to identify the size and	2021/22	SD Corporate – via Derbyshire Armed Forces	Derby University commissioned to undertake the research.	

	needs of the Armed Forces Community within Derbyshire.		Covenant Partnership.	Some delays have been caused due to pandemic – expecting a further update in Spring 2021.	
9	Utilise the above Derbyshire Covenant Partnership project and Census findings to develop our action plan and the Derbyshire Armed Forces Covenant further.	2022/23	SD Corporate	Partnership study will report in 2021/22 and first Census date likely to be available in March 2022. Ward and super out level data is likely to be available in 2023/24.	
Cross cutting theme 4: Public perception and understanding					
The UK population value the Armed Forces Community and understand their diverse experiences and culture.					
10	Sign the revised Derbyshire Armed Forces Covenant.	March 2019	Leader	Signed March 2019. Website, social media and press coverage.	✓
Actions 1,4, 5, 6, 7, 8, 9, 10 contribute to this cross-cutting theme.					
Cross cutting theme 5: Recognition of the Armed forces Community					
The Armed Forces Community feel that their service and experience is recognised and valued by society.					
11	Working with Armed Forces Charities and organisations to develop an annual programme of events and activities to recognise and value the contribution of the armed forces community past and present. This includes Armistice	Annually by April each year for the forthcoming year.	Senior Democratic and Scrutiny Officer	Annual events programme developed in consultation with Armed Forces organisations. Covid-19 secure events and virtual celebrations / remembrance activity developed for 2020/21 including:	

	Day, Remembrance Sunday, Armed Forces Day, commemoration of key dates			<ul style="list-style-type: none"> • VE / VJ Day virtual museum display and activities and social media Campaign • Covid-19 secure Remembrance Sunday event and 11th hour ceremony. Assistance and advice to local ceremonies • Remember at Home campaign • Flag flying and social media campaign for Armed Forces Day 	
12	<p>Pomegranate Theatre Chesterfield developing a range of event commemorate VE day including:</p> <ul style="list-style-type: none"> • VE celebration show • The Navy Lark show • WW2 Films 	4 - 8 May 2020	Arts and Venues Manager	Due to Covid-19 restrictions the theatres were not open during this period. Alternative virtual events were developed as described in action 11.	
13	Continue to support the Civic Cadet roles and encourage Armed Forces Cadet Units and other young people via schools, clubs and associations to take part in the annual programme of recognition events and activities.	Ongoing	Senior Democratic and Scrutiny Officer.	Due to Covid -19 restrictions we were unable to include cadet units, schools and young people's clubs and associations in our Remembrance Day event in 2020. However extensive engagement and participation with young people was enabled via our virtual museum, activities schedule and social media campaigns. Prior to Covid-19 attendance at events and activities including Remembrance Sunday	

				had been growing year on year with over 450 children and young people taking part in 2019.	
14	Honour decorated service personnel and the wider remembrance of the sacrifices made by local residents e.g. Legion d'Honneur, Victoria Cross etc. receptions.	Ongoing	Senior Democratic and Scrutiny Officer.	No ceremonies during 2020/21.	

Key themes

Key theme 1: Community and relationships					
The Armed Forces Community are able to build healthy relationships and integrate into their communities.					
Action number	Action	Timescale	Member/ Officer lead	Progress	
Actions across the plan contribute to this theme.					
Key theme 2: Employment, education and skills					
The Armed Forces Community enter appropriate employment and can continue to enhance their careers throughout their working lives.					
15	Attain the Bronze Award in the Ministry of Defence's Employer Recognition Scheme.	June 2019	SD Corporate	Applications completed and status awarded in June 2019.	✓

16	Amend annual leave policy to include up to 10 days paid leave days per calendar year to undertake reservist duties.	2019/20	HR and Support Services Manager	Leave policy amended and approved.	✓
17	Register as an employer with links to our recruitment portal on the Forces Families jobs website.	December 2019	SD Corporate	Registration completed.	✓
18	Work towards the Silver Award of the Ministry of Defence's Employer Recognition Scheme.	2021/22	SD Corporate	<ul style="list-style-type: none"> • Attended MOD Silver Award webinar • Expression of interest completed for Silver Award in 2021/22 • Application form and evidence being developed 	
Key theme 3: Finance and debt					
The Armed Forces Community leave the Armed Forces with sufficient financial education, awareness and skills to be financially self-supporting and resilient.					
Actions 4, 5, 6, 7, 8,9 contribute to this theme.					
19	Signposting to armed forces specific advice and support including SSAFA (The Armed Forces Charity), The Royal British	June 2019 – Revised August 2021.	Communications and Marketing Manager	The Communications and Marketing Team have been under extreme pressures due to the Covid-19 pandemic – in particular developing the Covid-19 website hub, providing up to date information on services	

	<p>Legion, Chesterfield Armed Forces and Veterans Hub.</p> <p>Signposting to advice agency support including Citizens Advice Bureau, Derbyshire Law Centre, Derbyshire Unemployed Workers Centre and other agencies including Credit Union.</p>			<p>and support and supporting key national, regional and local campaigns. This activity has a revised delivery date for 2021/22.</p> <p>It will include the new website pages but also a section on the intranet to assist staff with enquiries.</p>	
<p>Key theme 4: Health and wellbeing All the Armed Forces Community enjoy a state of positive physical and mental health and wellbeing, enabling them to contribute to wider aspects of society.</p>					
20	<p>Introduce concessions available at Queen's Park Sports Centre and the Healthy Living Centre, Staveley for active armed forces members and flexible terms for membership.</p>	2019/20	SD Leisure, Culture and Wellbeing	<p>Agreed as part of the overall concessions policy development.</p> <p>Bespoke flexible membership packages developed for armed services personnel who may be deployed.</p>	✓

Key theme 5: Making a home in civilian society					
The Armed Forces Community have a secure place to live either through buying, renting or social housing.					
21	<p>Implement the Home Options Policy (Choice based lettings scheme) developed in partnership by the Derbyshire and Staffordshire Moorlands Home Options Partnership.</p> <p>Includes various exclusions to local residency requirements and preferences for armed forces applicants</p>	2019/20	SD Housing	Partnership policy and arrangements in place.	✓
Key theme 6: The Armed Forces Community and the law					
The Armed Forces Community leave the Armed Forces with the resilience and awareness to remain law-abiding civilians.					
Currently no actions identified for this theme, but this will be reviewed following the completion of the Derbyshire Armed Forces Covenant Partnership project to assess the size and needs of the local armed forces community.					

For Publication

Modern Slavery Statement (HW000)

Meeting:	Cabinet
Date:	16.03.21
Cabinet portfolio:	Health and Wellbeing
Directorate:	Corporate

1.0 Purpose of the report

- 1.1 To present for approval the council's modern slavery statement for 2021/22

2.0 Recommendation

- 2.1 That the Chesterfield Borough Council modern slavery statement is approved for 2021/22.

3.0 Reasons for recommendations

- 3.1 To demonstrate and strengthen our commitment to prevent and reduce the impact of modern slavery.

4.0 Report details

4.1 Background

The Modern Slavery Act 2015 consolidates various offences relating to human trafficking and slavery. In broad terms:

- 'slavery' is where ownership is exercised over a person
- 'servitude' involves coercion to oblige a person to provide services
- 'forced and compulsory labour' is where a person works or provides services on a non-voluntary basis under the threat of a penalty
- 'human trafficking' involves arranging or facilitating the travel of a person with a view to exploiting them

4.2 Section 52 of the Act imposes a duty on public authorities, including district councils, to notify the Secretary of State (via the National Crime Agency) of suspected victims of slavery or human trafficking.

4.3 Section 54 of the Act imposes a legal duty on organisations, which supply goods and/or services from or to the UK and have a global turnover above £36 million, to publish a slavery and human trafficking statement each financial year. On the introduction of the Act it was unclear if local authorities and other public sector bodies were covered by the requirement. Additional guidance later clarified that public sector bodies do not currently need to comply with this duty.

4.4 Chesterfield Borough Council recognises the huge impact that this crime has on vulnerable people and in our communities so we are committed to working with partner agencies to play our part in eradicating modern slavery. To demonstrate our commitment and highlight how we can help prevent exploitation, Chesterfield Borough Council like many local authorities including Derbyshire County Council and Derby City Council volunteered to develop and implement modern slavery statements from 2018/19 onwards.

4.5 Potential strengthening of legislation

The Government have indicated that they would like to strengthen the legislation around Modern Slavery which is likely to have an impact on the future development of Modern Slavery Statements. This includes:

- Extending section 54 of the Modern Slavery Act 2015 to cover all public bodies with a budget / turnover of £36 million or more
- Introduce mandatory reporting topics to incentivise progress in key areas
- Require all statements to be published on the new Government reporting service by a single reporting deadline each year, to drive compliance and empower investors, consumers and residents to scrutinise action taken
- The Government is also exploring options for civil penalties in line with the development of a Single Enforcement Body for employment rights

4.6 These changes will require legislative change and as yet there has been no indication of when these changes will be made only that it will be *“when parliamentary time allows”*.

4.7 Modern Slavery Statement for 2021/22

The modern slavery statement for 2020/21 is attached at Appendix 1. The statement includes:

- Modern Slavery Act requirements
- The Modern Slavery Charter
- The standards we will meet and expect others we do business with to meet
- Procurement and supply chains
- How modern slavery links into our policies and plans
- Training and awareness raising
- Partnership working

4.8 The statement will be reviewed annually and published on the council's website.

5.0 Alternative options

5.1 The development of a Modern Slavery Statement is not currently (although it is likely to be in the near future) a mandatory requirement for local authorities so we could choose not to produce and publish a statement. This however is viewed as a backward step as we have previously made a voluntary commitment to produce annual statements and undertake key work to prevent and reduce modern slavery.

6.0 Implications for consideration – Council Plan

6.1 The actions and activities within the statement support and underpin the Council Plan and are a key consideration in the delivery of priorities.

7.0 Implications for consideration – Financial and value for money

7.1 Chesterfield Borough Council spends in excess of £40 million each year on supplies and services from other organisations to help us to deliver our Council Plan and provide over 50 services to our communities. Our Procurement Strategy and plans have clear commitments and actions to prevent modern slavery within our supply chains. This is part of our value for money assessment.

8.0 Implications for consideration – Legal

- 8.1 The Modern Slavery Act 2015 consolidates various offences relating to human trafficking and slavery with section 52 of the Act imposing specific reporting duties for public authorities. Chesterfield Borough Council currently voluntarily complies with the provisions in section 54 of the Act regarding Modern Slavery Statements.
- 8.2 The Government have indicated that they would like to strengthen the legislation around Modern Slavery which is likely to have an impact on the future development of Modern Slavery Statements. This situation will be monitored and adjustments made to our supporting and reporting activity to comply with the new provisions here relevant.

9.0 Implications for consideration – Human resources

- 9.1 Chesterfield Borough Council has a programme of mandatory safeguarding training for all employees and elected members. This includes content about modern slavery and human trafficking and enables them to identify and know how to report suspected or disclosed incidents.
- 9.2 We carry out inspections of food premises, other commercial premises, industrial buildings and domestic residential properties. Staff engaged in these activities receive a higher level of training to enable them to spot issues of concern relating to modern slavery and understand how to support and respond to concerns.

10.0 Implications for consideration – Risk management

Description of the Risk	Impact	Likelihood	Mitigating Action	Impact	Likelihood
Failure to respond to legislative requirements of the Modern Slavery Act 2015 – section 52.	H	M	Modern Slavery forms part of our Safeguarding Policy and procedures. This includes reporting responsibilities. Learning and development activity in place.	M	L

			<p>Key partnership working with Derbyshire Safer Neighbourhoods Board, Derbyshire Adult Safeguarding Board and Derby and Derbyshire Safeguarding Children Board.</p> <p>Derbyshire Districts Safeguarding Partnership also in place to share intelligence, best practice and learning.</p>		
Failure to comply with anticipated legislative changes – Modern Slavery Act S54.	H	M	<p>Currently voluntarily complying with legislation.</p> <p>Extensive experience of similar reporting mechanisms through Gender Pay Gap reporting systems.</p>	M	L

11.0 Implications for consideration – Community wellbeing

11.1 The Modern Slavery Statement and actions demonstrate and strengthen our commitment to prevent and reduce the impact of modern slavery – supporting some of the most vulnerable people within our communities.

12.0 Implications for consideration – Economy and skills

12.1 The Procurement Strategy is a key part of the Modern Slavery Statement. With a £40 million plus annual spend we can strongly influence the success of the borough, helping to strengthen our local economy and improve the wellbeing of local people through the goods and services we choose to buy, the suppliers we select, the influential relationships we maintain with suppliers and through the commercial opportunities we are able to offer within the borough.

13.0 Implications for consideration – Climate Change

13.1 There are no specific implications around Climate Change.

14.0 Implications for consideration – Equality and diversity

14.1 Equality analysis of our approach to reducing modern slavery and its impacts has been considered and no negative impacts for protected characteristics identified. These arrangements make significant positive contributions to all groups but in particular younger people, people with disabilities and migrants who are disproportionately affected by modern slavery. This is reviewed annually as the statements are updated.

Decision information

Key decision number	1017
Wards affected	All

Document information

Report author
Donna Reddish – Service Director – Corporate
Background documents
These are unpublished works which have been relied on to a material extent when the report was prepared.
None
Appendices to the report
Appendix 1 – Modern Slavery Statement

Modern Slavery and Human Trafficking Statement 2021/22

1.0 Introduction

- 1.1 Chesterfield Borough Council is committed to preventing slavery and human trafficking in its corporate activities, and ensuring that its supply chains are free from slavery and human trafficking.
- 1.2 This Modern Slavery and Human Trafficking Statement sets out the Council's actions to understand potential modern slavery risks related to its business and put in place steps that are aimed at ensuring that there is no slavery or human tracking in its own business, and its supply chains.
- 1.3 This Modern Anti-Slavery and Human Trafficking Statement relates to actions and activities during the financial year 1 April 2021 to 31 March 2022.

2.0 The Modern Slavery Act 2015

- 2.1 The Modern Slavery Act 2015 consolidates various offences relating to human trafficking and slavery. In broad terms:
- 'slavery' is where ownership is exercised over a person
 - 'servitude' involves coercion to oblige a person to provide services
 - 'forced and compulsory labour' is where a person works or provides services on a non-voluntary basis under the threat of a penalty
 - 'human trafficking' involves arranging or facilitating the travel of a person with a view to exploiting them
- 2.2 Section 52 of the Act imposes a duty on public authorities, including district councils, to notify the Secretary of State of suspected victims of slavery or human trafficking. Section 54 of the Act imposes a legal duty on organisations, which supply goods and/or services from or to the UK and have a global turnover above £36 million, to publish a slavery and human trafficking statement each financial year. The public sector is not covered by this piece of legislation however as Chesterfield Borough Council engages in commercial activities by providing services (statutory and discretionary), and its annual turnover is greater than £36million we have decided to produce an annual statement on a voluntary basis.

3.0 Standards

- 3.1 Chesterfield Borough Council will meet the following standards and also expects those with whom it does business with, to meet these standards:
- To support every individual's human right to live free from abuse, servitude and inhumane treatment
 - To promote ethical business and operational practices in corporate activity and the services delivered
 - To take appropriate steps to ensure that slavery and human trafficking is not taking part in any of its business or supply chains
 - To take reports of witnessed, suspected or disclosed concerns of slavery and human trafficking seriously
 - To take appropriate steps with relevant partner agencies to address actual instances of slavery and human trafficking.
- 3.2 In December 2018 Chesterfield Borough Council signed up to the Co-operative Party Charter against modern slavery. The charter recognises the important role that local authorities in the UK can play in reducing modern slavery, in particular through its procurement activity and supply chains. We are using the charter as an improvement tool to strengthen our policies, procedures and practices to maximise our impact particularly in the prevention of modern slavery.

4.0 Procurement and supply chains

- 4.1 Chesterfield Borough Council spends in excess of £40 million each year on supplies and services from other organisations to help us to deliver our Council Plan and provide over 50 services for our communities. Examples of things we buy include waste collection services, energy, vehicles, catering products, building works, specialist consultancy support, seeds, equipment and IT software.
- 4.2 During 2020/21 we moved to an in-house procurement service designed to strengthen the Council's capacity and expertise in procurement and successfully deliver the Procurement Strategy 2020 – 2023. Modern Slavery prevention forms a key part of our new strategy. A new ICT system is also being developed which

captures all the Council's procurement activity in one place to improve data quality and visibility of procurement activity and spend.

- 4.3 Within our procurement process, Chesterfield Borough Council expects all suppliers of goods and services to comply with all applicable laws, statutes, regulations [and codes] from time to time in force [including [but not limited to] the Modern Slavery Act 2015, their own anti-slavery policy (where applicable) and this Modern Anti-Slavery and Human Trafficking Statement.
- 4.4 All new suppliers for new or extended contracts are required to self-certify during the tendering process whether the Modern Slavery Act applies to them and that they meet the requirements of the Act.
- 4.5 The Council also requires its contractors and sub-contractors engaged activities with children and vulnerable adults to have safeguarding policies, procedures and training in place and to comply with the reporting procedures in the Council's Safeguarding Policy.

5.0 Policies and plans

- 5.1 Chesterfield Borough Council has a range of policies and plans in place which reflect its commitment to acting ethically and with integrity to prevent slavery and human trafficking in its operations:
- Vision and Council Plan - The Council's vision is 'Putting our Communities First' and our Council Plan includes a key objective of improving quality of life for our communities.
 - Safeguarding Children and Vulnerable Adults Policy and Procedure – sets out how the Council will safeguard and promote the welfare of children and vulnerable adults who come into contact with its services and activities. The policy covers how the Council should comply with the duty to notify the Secretary of State of suspected victims of slavery and human trafficking.
 - Whistleblowing Policy – encourages all its employees to report concerns about any aspect of service provision, conduct of officers and others acting on behalf of

the Council, or the supply chain. The policy is designed to make it easy to make disclosures without fear of discrimination and victimisation.

- Employee Code of Conduct – is the ethical framework that employees work to, which makes clear the actions and behaviour expected of them when representing the Council. The Council strives to maintain the highest standards of employee conduct and ethical behaviour and breaches are investigated.
- Recruitment Policy – sets out robust procedures for vetting new employees, which ensures they are able to confirm their identities and qualifications. To comply with the Asylum, Immigration and Nationality Act 2006, all prospective employees are asked to supply evidence of their eligibility to work in the UK. References are also requested and followed up.
- Procurement Strategy and documentation – these have been reviewed and include modern slavery and safeguarding requirements.
- Equality and Diversity Policy and Strategy - sets out the Council’s legal obligations under the Equality Act 2010 and the various ways the Council meets its duties.

6.0 Training and awareness

6.1 Chesterfield Borough Council has a programme of mandatory safeguarding training for all employees and elected members. This includes content about modern slavery and human trafficking and enables them to identify and know how to report suspected or disclosed incidents.

6.2 We carry out inspections of food premises, other commercial premises, industrial buildings and domestic residential properties. Staff engaged in these activities receive a higher level of training to enable them to spot issues of concern relating to modern slavery and understand how to support and respond to concerns.

6.3 Procurement training for all managers has been improved. This includes content about modern slavery.

7.0 Partnership working

7.1 Chesterfield Borough Council has a strong track record of working in partnership with other agencies to respond to safeguarding, slavery and trafficking issues. This

includes supporting the Derby and Derbyshire Modern Slavery Partnership via the Safe Derbyshire Partnership and the Organised Crime Partnership led by Derbyshire Police. We work with colleagues to develop a common understanding and partnership approach to the threats, vulnerabilities and risks relating to slavery and human trafficking. This approach is also applied to our strategic migration work locally, countywide and regionally.

- 7.2 We also work with a range of agencies to safeguard children and vulnerable adults. This includes supporting the work of the safeguarding boards, Chesterfield Children's locality partnership and district Councils safeguarding network.

This Modern Anti-Slavery and Human Trafficking Statement is approved by the Council's Corporate Leadership Team and endorsed by Cabinet. It will be reviewed and updated as necessary and published on an annual basis.

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For publication

Housing Services Tenancy Policy (H000)

Meeting:	Cabinet
Date:	16 March 2021
Cabinet portfolio:	Housing
Report by:	Assistant Director - Housing

1.0 **Purpose of report**

- 1.1 For Cabinet to adopt and approve the use of the Housing Services Tenancy Policy.

2.0 **Recommendations**

- 2.1 That Cabinet approves the adoption and implementation of the Housing Services Tenancy Policy.

3.0 **Report details**

Background

- 3.1 In October 2020 full Council approved the adoption of the revised Tenancy Strategy. A Tenancy Strategy is a statutory requirement for a local authority to set out its preferences for the types of tenancies used by Registered Providers of Social Housing operating in their area.
- 3.2 Following the adoption of the Tenancy Strategy the Council in its role as a social landlord needed to produce an updated Tenancy Policy that reflects the revised Tenancy Strategy.
- 3.3 The aim of the Tenancy Policy is to ensure that the tenants are clear about the policies relating to tenancy management in the context of fixed term tenancies and succession rights introduced under the Localism Act 2011 and Housing and Planning Act 2016.

3.4 The Tenancy Policy sets out the approach to tenancy management, tenancy sustainment and the types of tenancy we will offer as a housing service, 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

3.4 The Housing Services Tenancy Policy is attached as **Appendix 1**.

Tenancy types

3.5 Under the Localism Act 2011 Registered Social Landlords have been able to offer fixed term tenancies of between 2 and 10 years. In the Housing and Planning Act 2016 fixed term tenancies were to be made mandatory. However, this legislation has not been enacted and the government has not at this time indicated any intention to do so. As such there is no proposal to introduce fixed term tenancies for any properties in Chesterfield Borough Councils housing stock.

3.6 Chesterfield Borough Housing Services proposes to continue with offering introductory and secure tenancies

Tenancy management - Assignment

3.7 There are no proposed changes to the assignment of tenancies. Tenants can:

- assign their tenancies by mutual exchange (a redrafted mutual exchange policy is included in the tenancy policy as an Appendix)
- By direction of a court order
- With the Councils permission assign their tenancies to those who are eligible to succeed to a tenancy

Mutual Exchange

3.8 As a mutual exchange is a type of tenancy assignment the updated Housing Services Mutual Exchange policy is included as an appendix within the Tenancy Policy.

3.9 The principles of the policy remain unchanged with the only changes being to clarify definitions and timescales.

Tenancy management - Succession

3.10 Succession is when a tenant dies and pass on their tenancies to an eligible person. As part of the Localism Act 2011 the Government changed the legislation on who was eligible for succession depending on when the tenancy started. Tenants from pre-April 2012 have a wider range of people succeed their tenancies than those who became tenants after April 2012. This is set out in the policy.

Tenancy Management sole to joint tenancies

- 3.11 There is no legal right to the granting of a joint tenancy from a sole tenancy. This is a matter for discretion of the landlord. The consultation considered whether Chesterfield Borough chooses to offer the opportunity to have a joint tenancy granted after being a sole tenant in specific circumstances or decides to follow the legislation and not offer sole to joint tenancies. Following a mixed response, a continuation of the existing policy position to not grant sole to joint tenancies except in exceptional circumstances.

4.0 Consultation

- 4.1 A programme of consultation with tenants and other stakeholders was carried out on the draft policy between Monday 18th January and 1st February 2021.
- 4.2 The consultation included an online questionnaire promoted through the Council website, engagement with all members of the 'CHAT' tenant group and an online session with the Tenants challenge panel. There were 54 responses on paper or online and 8 tenants challenge panel members attended the online session. The results of the consultation are attached as **Appendix 2**.
- 4.3 The feedback on the Tenancy Policy was positive. The contributions led to several amendments to the policy primarily to clarify definitions and increase understanding of the terms being used.

5.0 Implications for consideration – Council Plan

- 5.1 The Tenancy Policy helps the Housing Service deliver the Council Plan priority of 'To improve quality of life for local people' and the objectives:
- Provide quality housing and improve housing conditions across the borough
 - Help our communities to improve their health and wellbeing
 - Reduce inequality and provide support to vulnerable people

6.0 Financial Implications

- 6.1 There are no financial implications in adopting the Housing Service Tenancy Policy.

7.0 Legal and data protection implications

- 7.1 The Localism Act 2011 requires Chesterfield Borough Council as a Social Housing Landlord to produce a Tenancy Policy.

8.0 Implications for consideration – Human Resources

8.1 None

9.0 Implications for consideration - risk assessment

Description of the Risk	Impact	Likelihood	Mitigating Action	Impact	Likelihood
Lack of up to date Tenancy Policy if Housing regulator chooses to inspect Chesterfield Borough	M	L	Adopt Tenancy Policy	L	L

10.0 Implications for consideration - community wellbeing

10.1 In setting out the use of secure rather than fixed term tenancies in the tenancy policy means that tenants can settle into communities without the need to considering a move in the future.

11.0 Implications for consideration - economy and skills

11.1 In setting out the use of secure rather than fixed term tenancies in the tenancy policy will mean that tenants can settle into employment and training without the need to consider a move in the future if their economic prospects improve.

12.0 Implications for consideration - climate change

12.1 Setting out the use of secure rather than fixed term tenancies in the Tenancy Policy will mean that tenants can live in their homes for as long as they wish. Combined with the provision of tenancy sustainment services provided by the housing service ensuring the length of tenancy are as long as possible this will have positive impacts on climate change through a reduction in void works and costs related to preparing properties ready for re-letting.

13.0 Implication for consideration - equality and diversity

13.1 An equalities impact assessment is attached as **Appendix 3**.

Decision information

Key decision number	1016
Wards affected	All

Links to Council Plan priorities	To reduce inequality and support the more vulnerable members of our communities
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Document information

Report author	Contact number/email
James Crouch	9749
Appendices to the report	
Appendix 1	Housing Services Tenancy Policy
Appendix 2	Consultation responses
Appendix 3	Equalities Impact Assessment

Form to return to Democratic Services with report (will be removed before publication)

Officers/members consulted on the report	
Communications	<input type="checkbox"/>
Human resources	<input type="checkbox"/>
Finance	<input type="checkbox"/>
Legal	<input type="checkbox"/>
Information assurance	<input type="checkbox"/>
Consultation and engagement	<input type="checkbox"/>
Equality, diversity and human rights	<input type="checkbox"/>
Cabinet member portfolio holder (and consultee cabinet member if applicable)	<input type="checkbox"/>
Comments from Cabinet Member (if applicable)	

Title:	Tenancy Policy		
Approved by:	Liz Cook - Assistant Director Housing Date - Cabinet March 2021	Issued:	March 2021
Covers:	Neighbourhoods Team Housing Options	Review date:	March 2025 or if legislation changes

1. Executive summary

1.1 The aim of the tenancy policy is to ensure that the tenants 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 [here](#).
- 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

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 provides 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 to prevent unnecessary evictions. If there are no problems during the trial period, then the tenancy automatically becomes 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
 - The right to buy
- 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 may 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 (for example because of non-payment of rent or anti-social behaviour) a Notice of Possession Proceedings may 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 (some exceptions apply)
 - 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 certain term (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's preference is to grant lifetime tenancies.

Minors and tenancies

- 4.10 As a person under the age of 18 years cannot hold a legal tenancy, Housing Services 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.

Demoted tenancies

4.11 A demoted tenancy is a form of tenancy that reduces the tenants' security of tenure and rights for a period of 12 months (effectively the security of tenure is reduced to that of an introductory tenancy). The use of demoted tenancies is done through the Council's anti-social behaviour policies and is an alternative to possession proceedings where a tenant is causing nuisance through antisocial behaviour. The tenant does not automatically lose her/his home and can regain her/his original tenancy and security of tenure after 12 months unless there has been a subsequent breach of the demoted tenancy which may lead to a possession order. The use and application of demoted tenancies is set out in the of anti-social behaviour policy that can be viewed [here](#).

5. Managing tenancies

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 [here](#).

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.

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. However, a joint tenancy is not capable of being assigned to just one of the joint tenants.

5.4 To be eligible both the tenant and the assignee must be living at your tenancy address and it must be your only or main home. Unless the assignee is a husband or wife or civil partner they must be able to prove they have been living with you at your home for at least the past 12 months.

- 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 1**

Succession

- 5.9 The right to succession is the right to remain in the property as a tenant when a original tenant has died. The Localism Act 2011 introduced changes to the succession rights of tenants. Those who became tenants after 1st April 2012 have a more limited right to succession (see table 1 below).

Table 1: Right of Succession

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 (which includes a cohabitee) who has been living with the tenant for at least 	<ul style="list-style-type: none"> • Succession to a Lifetime or Flexible Tenancy entered into after 1 April 2012 only applies to the spouse or civil partner or a cohabitee. • A third person (e.g. son or daughter) cannot then succeed to the tenancy on the death of the tenant

<p>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.</p> <ul style="list-style-type: none"> • If a couple are not married, then legally the surviving partner has to be treated as a family member, not as a spouse. 	
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- 5.11 For tenants whose tenancies began before 1st April 2012 a sole, secure tenant who has not previously succeeded to the tenancy can pass their tenancy to a spouse or civil partner providing that they were living with the tenant when the tenant died. If the tenant has no spouse or civil partner, then certain close members of the family (including a cohabitee) 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.
- 5.12 As per the Localism Act 2011 for tenants whose tenancies began after the 1st April 2012 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.
- 5.13 The Housing and Planning Act 2016 contained further measures to 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, as of December 2020, been brought into force.

Sole to joint tenancy

- 5.14 There is no right to the granting of a joint tenancy, nor to add a tenant to an existing tenancy.
- 5.15 Once a tenancy has commenced Chesterfield Borough Council will not seek to amend the tenancy from a sole to joint tenancy. If a sole tenancy ends as a result of the tenant's death, normal succession rules will apply.

- 5.16 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.

Joint to sole tenancy

- 5.17 Joint tenants are responsible individually and together for keeping to the tenancy conditions and making sure that rent and other charges are paid.
- 5.18 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.
- 5.19 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.

Ending a tenancy

- 5.20 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.
- 5.21 If you are a joint tenant, 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

- 5.22 Where, following investigation, it appears to the Council that a tenant has abandoned their property we may serve a Notice to Quit to end the tenancy. When the NTQ expires, we may repossess the property. There may be circumstances when the Council may treat the tenancy as ended by reason of surrender by the tenant (for example the return of keys and/or a notice of termination from the tenant) , in which cases we may resume possession of the property without serving a Notice to Quit and accept the express or implied surrender of the tenancy.

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

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.

8. Monitoring and review

8.1 The tenancy policy will cover the period 2021 to 2026 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.

Final draft

Appendix 1. Mutual exchange policy

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

- 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 therefore cannot be succeeded to again.

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 from moving into 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 tenant's tenancy type and terms. New Tenancy Agreements are not signed. Once the exchange has been agreed, the parties 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 the Council's 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.

Final draft

Appendix 2 - Glossary

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. Provided there are no subsequent problems, 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 / Flexible 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.

Implied surrender - when the landlord and tenants conduct is inconsistent with an intention to continue with the tenancy.

Introductory Tenancy - An introductory tenancy is a probationary or trial tenancy granted to a new tenant that allows the local authority landlord to decide if they are a good tenant.

Notice of possession proceedings – A serving of a s128 notice on an introductory tenant that a landlord must serve before applying to the court for a possession order

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 repossess 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.

Tenancy in trust – Where a trustee holds the legal title to the tenancy on behalf of a minor (under 18 years of age). The tenancy has been granted to a third party, a 'trustee' such as an older relative, friend or social worker, and held on trust for the minor until they reach the age of 18.

Housing Tenancy Policy Survey Report, February 2021

1. Summary

Questionnaire format: Paper/Web
 Responses: Total – 54
 Date range: January – February 2021

2. Introduction

Tenants, the wider community, and organisations were asked to provide feedback on a number of proposals to change the existing Housing Tenancy Policy for current and prospective tenants of Chesterfield Borough Council. The purpose of the policy update is to bring it in line with current guidance and best practice.

3. Questionnaire results

Q1. Are you: a tenant, seeking to become a tenant, or a third party/agency?

Are you: a tenant, seeking to become a tenant, or a third party/agency?		
	Number	Percent
A tenant	49	94.2%
Seeking to become a tenant	0	0%
A third party / agency	0	0%
Other:	<ul style="list-style-type: none"> • Private owner • Private • Ex-council tenant 	

Q2. Do you think the proposed policy is easy to understand?

Do you think the proposed policy is easy to understand?		
	Number	Percent
Yes, fully	19	38%
Yes, partly	24	48%
No	2	4%
Don't know / not sure	5	10%

Q3. Do you think the proposed policy is informative?

Do you think the proposed policy is informative?		
	Number	Percent
Yes, fully	2	55.6%
Yes, partly	15	33.3%
No	1	2.2%
Don't know / not sure	4	8.9%

Q4. Do you think the proposed policy is detailed enough?

Do you think the proposed policy is detailed enough?		
	Number	Percent
Yes, fully	23	51.1%
Yes, partly	14	31.1%
No	4	8.9%
Don't know / not sure	4	8.9%

Q5. Do you think the proposed policy is helpful?

Do you think the proposed policy is helpful?		
	Number	Percent
Yes, fully	17	39.5%
Yes, partly	19	44.2%
No	2	4.7%
Don't know / not sure	5	11.6%

If you answered no to any of the above, please tell us why:

- *Many council tenants are pensioners*
- *An audio policy could be considered for those with issues reading*
- *Some of the wording is a little difficult and would need someone with them when reading the document to explain*
- *Perhaps use bullet points or different format*

Q6. Do you agree with the Council's proposal not to consider the use of fixed term tenancies?

Do you agree with the Council's proposal not to consider the use of fixed term tenancies?		
	Number	Percent
Yes, fully	30	57.7%
Yes, partly	11	21.2%
No	11	21.2%

Comments:

- *Fixed term tenancies should NOT be allowed, tenants must feel secure and free from fear of being evicted/having their tenancy terminated which in-turn would more than likely lead to homelessness/depression and further expenses for the council through having to re-home tenants.*
- *12 months is not long enough in some cases e.g. where a person has previous criminal record*

Q7. Do you support the council's proposal to only offer introductory and secure tenancies?

Do you support the council's proposal to only offer introductory and secure tenancies?		
	Number	Percent
Yes, fully	35	68.6%
Yes, partly	12	23.5%
No	4	7.8%

Comments:

- *I think the way the council does it at the moment, starting with the introductory leading to a secured tenancy works well, I am unsure what other tenancies are available or could be offered*
- *As above but with the addition of my personal experience at previous address. Probationary tenancy review was missed and tenant became secure despite evidence being provided. Another two years of terrible behaviour before evicted. Expense to council and affected my health*
- *Well explained*

Q8. Do you think the Council should choose 'Option 1' or 'Option 2' regarding the consideration of sole to joint tenancies?

Do you think the Council should choose 'Option 1' or 'Option 2' regarding the consideration of sole to joint tenancies?		
	Number	Percent
Option1 - (Will consider sole to joint tenancy if tenant has married or co-habited for 12 months or more. Will also consider this on a case by case basis to protect vulnerable individuals.)	36	73.5%
Option 2 (Will not consider any sole to joint tenancies except those considered on a case by case basis to protect vulnerable individuals)	13	26.5%

Comments:

- *It only seems right to offer people who have lived together for a length of time the right to a joint tenancy.*
- *I feel it is fair that people living together for some time should be offered it*
- *Some younger people living with parents all the time would need help when moving on to new property. It is very strange for them and scary so help would be needed*
- *Vulnerable people need to be protected*

Q9. Do you support the council's proposal for our mutual exchange policy?

Do you support the council's proposal for our mutual exchange policy?		
	Number	Percent
Yes, fully	36	72%
Yes, partly	11	22%
No	3	6%

Comments:

- *If tenants want to exchange homes and all parties are happy, then I see no issues*
- *That the exchange meets a disabled person's needs before permission is granted*
- *I don't think it's fair that incoming tenant pay for repairs to a property that wasn't caused by them. The tenant responsible for the damage should pay and put the property in good order or else not be given permission to exchange*
- *Good proposal*

Q10. Does the glossary make it easy to understand the terms used in the policy?

Does the glossary make it easy to understand the terms used in the policy?		
	Number	Percent
Yes	39	81.3%
No	9	18.8%

Please write any additional words that you would include in the glossary, or changes you would make here:

- *Flexible Tenancy*
- *Introductory Tenancy*
- *Notice of Possession Proceedings*
- *Implied Surrender*

All subsequently added to Glossary

Q11. Do you have any other comments on the proposed Tenancy Policy?

- *Very easy and clear to understand*
- *A great improvement and a great job of making Tenancy Policy clear*
- *Some comments and additions were sought at a recent TCP meeting which fully explains the policy*
- *It would be helpful to make it clear to those considering a mutual exchange at what point they are legally able to still back out of/legally enforce the exchange and how long after this point before the exchange actually takes place. I'm not sure if this is covered by the housing act.*
- *The terms and conditions on the keeping/breeding of animals should be addressed. Several neighbours keep and breed dogs, keep chickens, and one has over 100 pigeons which attract thousands of flies and cause health issues for those around him*
- *The policy should be discussed with new tenants to ensure it's understood rather than just shoving a copy to them without considering tenants potential level of understanding*
- *It is concerning that a disabled tenant is not able to purchase their home even after living in it for over 30 years. Could this not be revised so that very long-term residents could consider purchasing their council home after so many years of living in it? Will spouses have to leave the home if the disabled person dies?*
- *Full protection must be maintained for remaining partners, adult children, and any long-term household maintaining adult who has given up their own home to care for and maintain home.*
- *Links on draft proposal are dead links and full details cannot be viewed*
- *Previous tenants should leave the property in a good clean manner or risk being charged a fee. Our council house was left in a disgusting state.*
- *I think the joint tenancy blanket policy of one tenant being unable to stay in the property, if it's a house and there are no under 16's, is unfair. Also the termination of the joint tenancy if one person leaves the property leaves the other tenant in a vulnerable position. If a house and not under occupied the tenant should not be forced to move out, other circumstances should be taken into account and where possible this should be*

done before the tenant is placed in the position of vulnerability. In some cases this will prevent the need for the occupants to take up multiple lets which seems to defeat the object of using housing stock in the best way.

- *Repair request included*
- *Request not to use demoted tenancy just go to NTQ or possession order*
- *I found it very difficult to move when my mother died and I had to move out as my mum had lived there since they were built and I was born there. I understand it would be better for a family to live there but consideration must be taken with a long-term tenant. I was lucky as your staff were very caring*
- *I don't agree with demoted tenancies as this just allows the anti-social behaviour to continue*
- *I think some points could be put in bullet point format or maybe set out to be more user friendly*

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Chesterfield Borough Council

Equality Impact Assessment - Preliminary Assessment Form

The preliminary impact assessment is a quick and easy screening process. It should identify those policies, projects, services, functions or strategies which require a full EIA by looking at negative, positive or no impact on any of the equality groups.

Service Area: HOUSING SERVICES
Section: SERVICE DIRECTOR - HOUSING
Lead Officer: LIZ COOK

Title of the policy, project, service, function or strategy the preliminary EIA is being produced for: **TENANCY POLICY**

Is the policy, project, service, function or strategy:

- Existing
Changed
New/Proposed

Q1 - What is the aim of your policy or new service?

The aim of the Tenancy Policy is to ensure that the tenants are clear about the policies relating to tenancy management in the context of 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 will offer as a housing service, 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

Q2 - Who is the policy or service going to benefit?

The policy will benefit tenants and prospective tenants understand the tenancy offer and management provided by Chesterfield Borough Housing Services.

Q3 - Thinking about each group below, does, or could the policy, project, service, function or strategy have an impact on protected characteristics below? You

may also need to think about subgroups within each characteristic e.g. older women, younger men, disabled women etc.

Please tick the appropriate columns for each group.

Group or Protected Characteristics	Potentially positive impact	Potentially negative impact	No impact
Age – including older people and younger people.			X
Disabled people – physical, mental and sensory including learning disabled people and people living with HIV/Aids and cancer.			X
Gender – men, women and transgender.			X
Marital status including civil partnership.			X
Pregnant women and people on maternity/paternity. Also consider breastfeeding mothers.			X
Sexual Orientation – Heterosexual, Lesbian, gay men and bi-sexual people.			X
Ethnic Groups			X
Religions and Beliefs including those with no religion and/or beliefs.			X
Other groups e.g. those experiencing deprivation and/or health inequalities.	X		

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.

Q4 - Should a full EIA be completed for this policy, project, service, function or strategy?

Yes

No

Q5 - Reasons for this decision:

Adopting the tenancy policy will not have a negative impact on any group with a protected characteristic.

Please e-mail this form to the Policy Service before moving this work forward so that we can confirm that either a full EIA is not needed or offer you further advice and support should a full EIA be necessary.