

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
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Appendices to the report	
Appendix 1	Housing Services Tenancy Policy
Appendix 2	Consultation responses
Appendix 3	Equalities Impact Assessment

