

**DECENT & AFFORDABLE HOMES PDG  
11 AUGUST 2015**

**HOUSING SERVICES TENANCY POLICY**

**Cabinet Member** Cllr Ray Stanley  
**Responsible Officer** Housing Services Manager

**Reason for Report:** To review the Housing Services Tenancy Policy.

**RECOMMENDATION(S):** The Cabinet approves the revised Housing Services Tenancy Policy.

**Relationship to Corporate Plan:** The Council must run the Housing Service efficiently and effectively in accordance with legislative requirements and the provisions of the regulatory framework.

**Financial Implications:** Failure to have a clear policy relating to the use of flexible tenancies could result in complex and expensive legal challenges.

**Legal Implications:** The Homes and Communities Agency (HCA) expects registered providers (RP's) to offer tenancies or terms of occupation which are compatible with the purpose of the accommodation, the needs of individual households, the sustainability of the community and the efficient use of their housing stock. Having a clearly defined policy ensures consistency of approach and ensures that no resident is treated any more fairly or unfairly than any other.

**Risk Assessment:** Failure to provide housing management staff with policies to use in the course of their day to day activities could result in a less consistent and effective service.

**1.0 Introduction**

- 1.1 As a RP of social housing, the Council is regulated by the HCA. The regulatory framework consists of a number of standards and the Council is expected to comply with the provisions of those relating to consumer regulation.
- 1.2 Regulatory requirements relating to tenure are contained within the Tenancy Standard. This requires RP's to offer tenancies or terms of occupation which are compatible with the purpose of the accommodation, the needs of individual households, the sustainability of the community and the efficient use of their housing stock.
- 1.3 RP's are required to 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, and set out:
  - The type of tenancies they will grant;

- Where they grant tenancies for a fixed term, the length of those terms;
- The circumstances in which they will grant tenancies of a particular type;
- Any exceptional circumstances in which they will grant fixed term tenancies for a term of less than five years in general needs housing following any probationary period;
- The circumstances in which they may or may not grant another tenancy on the expiry of the fixed term, in the same property or in a different property;
- The way in which a tenant or prospective tenant may appeal against or complain about the length of fixed term tenancy offered and the type of tenancy offered, and against a decision not to grant another tenancy on the expiry of the fixed term;
- Their policy on taking into account the needs of those households who are vulnerable by reason of age, disability or illness, and households with children, including through the provision of tenancies which provide a reasonable degree of stability;
- The advice and assistance they will give to tenants on finding alternative accommodation in the event that they decide not to grant another tenancy; and
- Their policy on granting discretionary succession rights, taking account of the needs of vulnerable household members.

1.4 The Council is committed to improving the Housing Service. The review of this policy reflects changes in good practice and allows for any legislative changes to be updated accordingly. It will provide a framework for staff to enable them to be consistent in their approach to delivering the Housing Service. It will empower staff as it will provide guidance to them on how they should approach tenancy management, including interventions to sustain tenancies and prevent unnecessary evictions.

1.5 The Tenancy Policy was adopted at the meeting of the Decent and Affordable Homes Policy Development Group in January 2013. The policy is due to be reviewed by January 2017.

1.6 Tenants Together approved the draft Tenancy Policy at their meeting on 11 June 2015.

1.7 Members are asked to consider the proposed changes and agree the adoption of the reviewed policy.

## **2.0 Proposed policy changes**

2.1 The policy has been updated to take account of government guidance. The guidance states that registered providers shall develop and provide services that will support tenants to maintain their tenancy and prevent unnecessary evictions.

2.1 The revised policy clarifies the position relating to the different types of tenancies and length of terms we offer including a new section on tenancy

changes, which contains a provision to create a new tenancy, for example a joint to sole tenancy.

- 2.2 In addition, the policy clarifies what happens at the end of a fixed term and the options available to the tenant.
- 2.3 The Housing Service is committed to tackling tenancy fraud and we will take action to take possession of a property where it has been obtained by the making of a false or misleading statement. The steps that we will take to prevent and reduce cases of tenancy fraud have been highlighted in the policy.
- 2.4 Finally, other changes to the policy include the provision of information about the Housing Services approach to tenancy management. The exceptional circumstances where we may renew a tenancy where it would not normally meet the criteria. This may include circumstances where severe financial hardship may result if a tenancy was not renewed or where such a decision may have an adverse effect on the welfare of the tenant and their household.

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**Circulation of the Report:** Councillor Ray Stanley, Management Team

**List of Background Papers:** A copy of such papers to be made available for public inspection and included on Website