

**Report for: Cabinet**

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Date of Meeting:	1 <sup>st</sup> April 2025
Subject:	<b>UPDATED MID DEVON HOUSING TENANCY MANAGEMENT POLICY</b>
Cabinet Member:	Cllr Simon Clist Cabinet Member for Housing, Assets and Property
Responsible Officer:	Simon Newcombe – Head of Housing and Health
Exempt:	None
Wards Affected:	All
Enclosures:	Annex A – MDH Tenancy Management Policy Annex B – MDH Tenancy Management Policy Equality Impact Assessment

**Section 1 – Summary and Recommendation(s)**

The Mid Devon Housing (MDH) Tenancy Management Policy has been reviewed and amended due to the Cabinet decision to end the use of Flexible tenancies. It was last reviewed in 2022 and therefore not many changes are required. The revised Tenancy Management Policy removes any reference to Flexible tenancies.

**Recommendation(s):**

**That the Cabinet adopt updated Mid Devon Housing Tenancy Management Policy and Equality Impact Assessment contained in Annex A and B respectively as recommended by the Homes Policy Development Group.**

**Section 2 – Report**

**1 Introduction**

1.1 The Regulator of Social Housing’s Tenancy Standard provides instruction to all Registered Providers with regard to Tenure which states:

Registered providers 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, and set out:

- a) The type of tenancies they will grant.
- b) Where they grant tenancies for a fixed term, the length of those terms.
- c) The circumstances in which they will grant tenancies of a particular type
- d) 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.
- e) 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.
- f) 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.
- g) 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.
- h) The advice and assistance they will give to tenants on finding alternative accommodation in the event that they decide not to grant another tenancy.
- i) Their policy on granting discretionary succession rights, taking account of the needs of vulnerable household members.

## **2 Policy Review**

- 2.1 Following the Cabinet decision after recommendation by the Homes PDG that the use of Flexible Tenancies be ended the Tenancy Management Policy has been amended to reflect this change of Policy.
- 2.2 In addition to this the previous policy indicated that family members who legally succeeded a tenancy did not have the right to remain in the property if they were under occupying. This was in direct contrast to the Housing Act Ground 15A. Ground 15A is not available when the successor tenant is a spouse or civil partner. If the successor tenant is a spouse or civil partner they can remain and under occupy a home unless the property is adapted housing or sheltered accommodation.
- 2.3 The revised policy has been amended to remove any reference to under occupation by a legal successor.

## **3 Consultation**

- 3.1 Tenants and Members of the Homes PDG were invited to comment on the draft policy between 24/01/2025 – 16/02/2025.

3.2 No comments or concerns were raised by tenants. Cllr Simon Clist, Cabinet Member for Housing, Assets and Property made the following comments which have been implemented:

- Add reference in 3.1 to the types of tenancies available. Wording added: '*See types of tenancies in section 4*'.
- In section 6.1, similar to above, add point to say '*for more information regarding who is eligible for succession, refer to section 6.11*'.
- Further explain what Mesne Profits are. The following sentence was added to 8.8 '*Mesne Profits are when a former tenant remains in occupation after a tenancy has been terminated and means a landlord can claim money from them for continued use of the premises*'.
- Make reference to management moves in Section 14, overcrowding and occupation.

3.3 Despite a lack of response to consultation, it is important that tenants are fully aware of the updated policy. To this end, should the policy be adopted, MDH will proactively signpost the policy on our webpages/Facebook pages and in the next tenant newsletter. Where relevant, particularly in relation to queries, service requests or complaints we will also ensure specific tenants or other stakeholders are also aware of the updated policy as required.

#### **4 Safeguarding and Vulnerable tenants**

4.1 MDH records details of all vulnerable tenants to enable us to support their needs. This includes making reasonable adjustments in dealing with vulnerable tenants so that they are comfortable when we interact with them.

4.2 The Policy includes a comprehensive section on Tenancy Sustainment which includes the actions we will take to identify vulnerable tenants and how we will assist those tenants who have additional needs.

4.3 The Policy also includes a section on vulnerable tenants and states that:

When making decisions to grant, renew, extend or terminate a tenancy, we will ensure that we take into account:

- Any special circumstances and needs of the household who are vulnerable because of a protected characteristic
- Ensure that the needs and circumstances of the tenant are known before making a decision

#### **5 Policy review**

5.1 MDH will review this Policy every 5 years and as required to address legislative, regulatory, best practice or operational issues. However the Head of Housing and Health is given delegated authority to make minor amendments to the Policy as required by legislative changes, formal guidance or local operational considerations.

5.2 Where material or significant amendments are required the policy will receive a full review and will be brought back to the Homes PDG and Cabinet for consideration. Full tenant consultation will also take place.

## **6 Recommendation**

6.1 In accordance with the above, the following recommendation is made:

1. That the PDG recommends that Cabinet adopt updated Mid Devon Housing Tenancy Management Policy and Equality Impact Assessment contained in Annex A and B respectively.

### **Financial Implications**

This report on its own does not give rise to any financial implication but implementation of the activities set out in the policy will have cost implications.

However, these will either be met from existing resources and funding or require separate business cases and appropriate approval to progress.

The Council's HRA revenue and capital budget/MTFS 2023-28 supports the activities required to maintain the Council's housing stock.

### **Legal Implications**

As a registered provider (RP) of social housing, the Council is obliged to take account of the standards contained within the revised regulatory framework which is administered by the Regulator of Social Housing (RSH). This states that RPs should 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.

### **Risk Assessment**

Failure to have an up to date Tenancy Management Policy would see MDH in breach of the RSH Tenancy Standard.

### **Impact on Climate Change**

There are limited implications and environmental impact arising from this policy. However, employees will give due regard to potential impacts on the environment when conducting activities that require travel through tenant management activity. It must be noted that a significant degree of effective tenancy management can only be conducted by working closely with tenants in their homes and estates away from our main office.

### **Equalities Impact Assessment**

Mid Devon Housing collects data on the diversity of tenants and endeavours to tailor services to meet the needs of all tenants. Our housing estates must be accessible to those with disabilities and we have in place a regular schedule of inspections to ensure that all safety issues are identified and rectified as soon as possible. Information provided by MDH is available in alternative formats, upon request, in order to ensure

that all those living on our estates understand the rights and responsibilities of the Council as a landlord, and tenants and other residents, individually.

The Equalities Impact Assessment is attached to this report in Annex B.

### **Relationship to Corporate Plan**

Homes and social housing are a clear priority within the Corporate Plan. We will work closely with our tenants to ensure they feel safe, secure and happy in their homes. Key part of this is by having an open, transparent and effective tenancy management approach as set out in this policy.

### **Section 3 – Statutory Officer sign-off/mandatory checks**

**Statutory Officer:** Andrew Jarrett

Agree by or on behalf of the Section 151

**Date:** 18.03.25

**Statutory Officer:** Maria De Leburne

Agreed on behalf of the Monitoring Officer

**Date:** 18.03.25

**Chief Officer:** Stephen Walford

Agreed by or on behalf of the Chief Executive

**Date:** 18.03.25

**Performance and risk:** Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

**Date:** 04 March 2025

**Cabinet member notified:** Yes

### **Section 4 - Contact Details and Background Papers**

**Contact:** Simon Newcombe – Head of Housing and Health

Email: [snewcombe@middevon.gov.uk](mailto:snewcombe@middevon.gov.uk)

Telephone: 01884 255255

**Background papers:**

[Tenancy Standard Policy \(middevon.gov.uk\)](https://www.middevon.gov.uk/tenancy-standard-policy)

[April 2024 - Tenancy Standard FINAL.pdf \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/123456/April_2024_-_Tenancy_Standard_FINAL.pdf)