

**REPORT TO:** Housing Portfolio Holder

17 October 2012

**AUTHOR/S:** Director of Housing

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## **TENANCY POLICY**

### **Purpose**

1. To seek approval from the Housing Portfolio Holder for the Council's new Tenancy Policy.
2. This is a key decision because it is significant in terms of its effects on communities living or working in an area comprising two or more wards.

### **Recommendations**

3. That the Housing Portfolio Holder approves the Tenancy Policy attached as Appendix A with the recommendation that lifetime tenancies will continue to be awarded to all tenants over the age of 65 and for tenants with long term disabilities that require specially adapted properties to meet their needs.

### **Reasons for Recommendations**

4. The policy encapsulates existing practice and those variations agreed by the Housing Portfolio Holder in March 2012. The exceptions to this are designed to align the policy with best practice as detailed in the options section.

### **Background**

5. Local authorities are required to produce and publish a Tenancy Policy to indicate how they intend to manage tenancies following the tenancy reform provisions contained within the Localism Act 2011. This is a regulatory requirement in accordance with the provisions of the act.
6. The Tenancy Policy is intended to be an overarching document that sets out how the Council will approach tenancy management. The Policy states:
  - The type of tenancies to grant
  - Period of the fixed term
  - Circumstances in which different tenancies are granted
  - Circumstances in how we deal with the end of a flexible tenancy
  - Appeal process

### **Considerations**

7. Secure tenancies are the most common form of tenancy issued by local authorities. The relevant provisions are found in Part IV of the Housing Act 1985. Amendments have been made by the Housing Acts 1988 and 1996. To gain possession of a secure tenancy, the landlord must use one or more of the statutory grounds.
8. The council currently offers secure tenancies to all new tenants from the housing waiting list and those that were rehoused as homeless, tenants transferring within our

stock and those tenants transferring from another registered provider: local authority or housing association.

9. The Localism Act provides councils with the opportunity to introduce new flexibilities in their Tenancy Policy and this report sets out the key choices to be made in deciding how to use the powers. This flexibility provides us with the opportunity to address issues such as under-occupation, stock turnover and best use of our housing stock. A five-year fixed tenancy is the typical length of tenancy being proposed.
10. In March 2012 the Housing Portfolio Holder set out the main options he wished to be included within the new policy. The new Tenancy Policy is attached as Appendix A.
11. Since the March Portfolio Holder meeting, further good practice and guidance has been issued by various bodies including the publication, Local Decisions on Tenure Reform, by Shelter, July 2012.
12. The proposed new Tenancy Policy is largely in line with this guidance with the exception of tenancy terms for the elderly and the long term disabled. The Equalities Impact Assessment has been carried out for the new Tenancy Policy as drafted but account has also been taken of the recommended alteration to the treatment of elderly and disabled applicants. A more benign outcome is achieved if this alternative is adopted.
13. The new Tenancy Policy also incorporates the adoption of an introductory tenancy period for all new tenants. Introductory tenancies give landlords the opportunity to present the tenant with a trial period. If there are any problems associated with an introductory tenancy, the landlord may obtain possession by a court order after following due process, and it is not required to prove any grounds for possession. These tenancies are seen as a fast track tool to deal with anti-social behaviour.
14. The other main area of change is to adopt new restrictions to the rights to succeed a council tenancy (upon the death of a tenant) for all new tenants.
15. It is proposed that the new Tenancy Policy will take effect from 1 April 2013 allowing time for legal documentation to be produced and the new terms to be communicated to prospective tenants.

## Options

16. The Housing Portfolio Holder is invited to consider the following four options.

Issue	Included within new Tenancy Policy	Alternative option
<b>1. Secure tenancies for older people and disabled people</b>	To offer flexible tenancies for a fixed period of 10 years.	To retain secure 'lifetime' tenancies for all offers of housing to older people (aged 65+) and disabled people (long term disability requiring a specially adapted property).  <b>Recommended change</b>
<b>2. Secure tenancies for all other people</b>	To discontinue offering secure 'lifetime' tenants and offer flexible tenancies for a fixed period of 10 years. Twelve months before the end of the flexible tenancy we will commence the	To continue to offer secure 'lifetime' tenancies for all other people.

	review process. Tenants will not be asked to move unless suitable alternative accommodation that meets their needs can be found	
<b>3. Introductory tenancies</b>	To introduce introductory tenancies to all new tenants except those transferring internally where they previously held a secure tenancy or those transferring from an external provider where they previously held a secure or assured tenancy.	Not to introduce introductory tenancies but continue to offer secure tenancies across the board
<b>4. Succession</b>	To allow only one succession for spouses and partners	To maintain the status quo for succession, allowing qualifying family members provided they meet the appropriate criteria

### Implications

17.	Financial	The Tenancy Policy does not have any direct financial implications.
	Legal	Further legal advice will be sought to ensure that the new documentation required such as new tenancy agreements are in accord with good legal practice.
	Staffing	Where additional staffing resources are required these have been identified within the Affordable Homes Staffing restructure report approved by the Housing Portfolio Holder in January 2012.
	Risk Management	The Affordable Homes Risk Log will be reviewed to include any risks identified for particular projects within the Tenancy Policy.
	Equality and Diversity	The Tenancy Policy is an overarching document for all groups.
	Equality Impact Assessment completed	Yes
	Climate Change	None

### Consultations

18. The Localism Act 2011 has been discussed with the Council's consultative forum the Tenant Participation Group, and the need for a Tenancy Policy has been outlined to that group. Details affecting tenancies, mutual exchanges and changes to succession were featured in an article in the tenants' newsletter.

### Effect on Strategic Aims

19. We will make sure that South Cambridgeshire continues to offer outstanding and sustainable quality of life for our residents. Access to appropriate housing is a critical factor in providing and maintaining sustainable communities.

## **Conclusions / Summary**

20. The Localism Act 2011 provides the Council with the opportunity to introduce new flexibilities into the Tenancy Policy. This report sets out a proposed new Tenancy Policy that adopts some of the flexibilities aimed at ensuring that Council homes are best used to meet the needs of the local population. Care has been taken to take account of those for whom a fixed term tenancy would not be advantageous and so an amendment to the proposed Tenancy Policy is recommend for those over 65 and those with long term disability that require special adaptations to the property they occupy.

**Background Papers:** the following background papers were used in the preparation of this report:

None

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