



**EXECUTIVE OVERVIEW
SCRUTINY: 21st OCTOBER
2021**

CABINET: 2nd NOVEMBER 2021

Report of: Corporate Director Place & Community

Relevant Portfolio Holder: Councillor J Wilkie

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SUBJECT: TENANCY STRATEGY 2022-2025

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To seek approval for the publication of the Tenancy Strategy 2022-2025.

2.0 RECOMMENDATIONS TO EXECUTIVE OVERVIEW & SCRUTINY COMMITTEE

2.1 That the Tenancy Strategy 2022 – 2025 be considered and agreed comments be forwarded to Cabinet for consideration.

3.0 RECOMMENDATIONS TO CABINET

3.1 That the agreed comments of the Executive Overview & Scrutiny Committee, set out in Appendix D to the report, be considered.

3.2 That Cabinet approve the Tenancy Strategy 2022 -2025 attached at Appendix A for consultation purposes.

3.3 That the Head of Housing & Regulatory Services, in consultation with the relevant Portfolio Holder, be given delegated authority to make drafting changes arising from any consultation responses received and publish any such revised and final version of the Tenancy Strategy in February 2022.

4.0 BACKGROUND

4.1 The Localism Act 2011 required Councils to publish, by January 2013, a Tenancy Strategy that would inform the development of specific individual tenancy policies

for all Registered Providers of Social Housing (RP's) that operate across the administrative area of West Lancashire.

- A tenancy strategy sets out the Councils broad principles that need to be considered for inclusion in those tenancy policies. It should allow freedom for RP's to balance the housing needs of the borough within the context of their own business requirements
- A tenancy policy is a document prepared and published by RP's which informs existing and prospective tenants (and any other interested party) of a range of matters including those shown in the paragraph below, so that the RP's use of different tenancy types and the housing management approach to each, can be understood.

4.2 In terms of content, the Localism Act requires the following matters to be set out in a Tenancy Strategy so that RP's are aware of the Councils position when preparing their own tenancy policies:

- a) the kinds of tenancies they grant,
- b) the circumstances in which they will grant a tenancy of a particular kind,
- c) where they grant tenancies for a term certain, the lengths of the terms, and
- d) the circumstances in which they will grant a further tenancy on the coming to an end of an existing tenancy.

4.3 This approach was and remains important, because at the time, legislation allowed for flexible and fixed term tenancies to be introduced as a form of rent tenancy by RP's, including local authority housing providers. The introduction of such tenures was born out of the view that such tenancies enable better use of housing stock, help with social mobility and assist from a general housing management perspective.

4.4 RP's tenancy policies, in effect, set out the detail of how the housing provider will introduce, manage and control flexible/fixed tenancies and to which groups of applicant's different tenancies will be granted. Use of flexible/fixed tenancies may facilitate greater freedom in managing tenancies over the longer term, to reflect more appropriately changes to individual circumstances over time, whilst protecting the most vulnerable individuals in need of longer term tenure stability. The Regulator of Social Housing may also require additional matters to be addressed by RP tenancy policies, over and above those set out above.

4.5 In 2013 the Council published a Tenancy Strategy as attached at Appendix B as required by the Localism Act and since then, has undertaken desktop reviews to check if the core content remains fit for purpose. This approach is in line with the requirements of the Localism Act that states:

- *"a local housing authority must keep its tenancy strategy under review, and may modify or replace it from time to time"*

4.6 The aims of the Tenancy Strategy are to ensure that:

- The council fulfills its legal duties under sections 150 and 151 of the Localism Act 2011;

- RP's are aware of the Council's approach to the matters contained in the Tenancy Strategy and that these are reflected, wherever possible, in their own tenancy policies;
- The Council and its partners jointly meet local housing needs with the limited resources available in the most efficient and effective way;
- The kinds of tenancies offered and their terms serve the best interests of both the individual household and the landlord;
- A consistent approach is taken towards the use of Flexible / Fixed Tenancies in the borough;
- Tenancy policies are aligned to facilitate tenant mobility to make best use of the affordable housing stock;
- RP's tenancy policies do not have an adverse effect on homelessness;
- RP's create and maintain mixed and sustainable communities;
- RP's provide support to help vulnerable people sustain their tenancies and ensure that tenants abide by the terms of their tenancies, backed by appropriate sanctions when necessary;
- RP's have housing management policies in place that reflect the requirements of Domestic Abuse legislation;
- Affordable housing is affordable to local people

5.0 CURRENT POSITION

5.1 Following a recent desktop review of the 2013 Tenancy Strategy it is now considered appropriate to publish a new Tenancy Strategy, as attached at Appendix A, which sets out a formal operating period, 2022-2025, and brings the strategy up to date from the perspective of reflecting the current operating environment and language terms.

5.2 The core principles of the Council's previous 2013 Tenancy Strategy remain relevant, in that they are centred on good housing management practice. As a consequence, although the new Tenancy Strategy is a wholesale re-write it does not depart from the previous requirements of the 2013 Tenancy Strategy. It does however introduce additional housing management matters broadly summarised below and expands on previous topics to create a more rounded document.

- Tenancy Sustainment
- Tenant Involvement
- Abandoned Properties
- Addressing Social Housing Fraud
- Nomination Rights
- Incidences of Domestic Abuse
- Converting existing Social Rent properties to Affordable Rent
- New Affordable Rent development in West Lancashire
- Local Housing Allowance rate
- Joint Working

5.3 The Localism Act 2011 does not set a prescriptive publishing format. This means the Council can develop the strategy and use a presentation format of its own choosing. The new Tenancy Strategy, uses a different presentation format which

is aimed at making the strategy easier to read and reference by increasing the number of sub headings related to housing management matters.

5.4 The Tenancy Strategy is written from the council's strategic perspective as the Local Housing Authority, not as a stock-owning landlord of social housing and is aimed at RP's and as such is written for informed readers, such as councillors and housing professionals, and the terms and language reflect this.

5.5 The Tenancy Strategy has a particular function and is not intended to cover the whole range of strategic housing and planning issues, which are ordinarily addressed in other strategies and /or plans, such as:

- Overall housing requirements for the borough, which are contained in the Local Plan
- The need to address a range of housing issues, including affordable housing, which are usually set out in the Housing Strategy
- Interventions to address homelessness and associated matters contained in the Homelessness Strategy
- The allocation of council homes as contained in the Allocations Policy
- The council's internal arrangements for delivering its housing services

6.0 RP'S AND COMPLIANCE REQUIREMENTS

6.1 The Tenancy Strategy must be given "due regard" by the RP's when publishing their own tenancy policy.

6.2 Clearly a number of RP's within West Lancashire operate across much larger geographical areas than just our Borough. They must therefore balance our Tenancy Strategy along with other Council and Borough tenancy strategies to ensure that they give due regard to all of them and also ensure that they reflect their own business requirements.

6.3 The Tenancy Strategy is therefore not a document that requires mandatory compliance by RP's. There is no requirement to compel changes that are inconsistent with our Council Tenancy Strategy as long as the due regard criterion can be evidenced by the RP.

6.4 As part of the Council's strategic housing function there will be a light touch level of monitoring of RP tenancy policies to ensure that RP's consider this Councils Tenancy Strategy when they are due to review their own tenancy policies.

6.5 Any new tenure policy arrangements only apply to new tenancies arising from the date of publication of any new Tenancy Policy and do not apply to any existing tenancies prior to the publication date.

7.0 NEXT STEPS

7.1 A requirement of the Localism Act is that the Council consults with the key stakeholders of the Tenancy Strategy, in this case, RP's with housing stock within the Borough.

7.2 Subject to Cabinet approval, a consultation version of the Tenancy Strategy as shown in Appendix A, will be issued to RP's where they will be given a minimum of six weeks in which to review and provide their comments on the Tenancy Strategy. An indicative timetable is below:

15 November 2021	Consultation period opens - issue RPs with Tenancy Strategy (draft)
9 January 2022	Consultation period closes - collate response received
By 28 January 2022	- review comments received - amend Tenancy Strategy if necessary - proof read and publish

7.3 It is intended to review the consultation comments received and amend the Tenancy Strategy by 28 January 2022 in order that a February 2022 publication date is achieved.

7.4 The Tenancy Strategy 2022-2025 will be made available on the Council website and as such will be available for download. It will also be provided on request to any resident.

8.0 SUSTAINABILITY IMPLICATIONS

8.1 Access to and sustaining tenancies are crucial to vibrant and stable communities. The Tenure Strategy seeks to reflect better focussed use of social housing stock in the Borough for those with continuing housing need

9.0 FINANCIAL AND RESOURCE IMPLICATIONS

9.1 There are no financial and resource impacts by virtue of producing an updated Tenancy Strategy.

9.2 Monitoring and review of the Tenancy Strategy will take place using existing resources.

10.0 RISK ASSESSMENT

10.1 There are no risk issues by virtue of the publication of this Tenancy Strategy.

10.2 The publication of the Tenancy Strategy is a statutory requirement arising out of the Localism Act 2011. To not publish an updated Tenancy Strategy when considered necessary risks noncompliance with the requirements of the Act.

11.0 HEALTH AND WELLBEING IMPLICATIONS

11.1 The publication of a Tenancy Strategy is aimed at trying to make best use of existing social housing stock, in the Borough, in a manner that best meets housing need and uses housing management practices which are fair, equitable, transparent and proactive from the perspective of enabling tenants to keep sustain their tenancies and security of tenure wherever possible. It is envisaged that RP's adopting such practices will therefore contribute to positive health and wellbeing implications for their tenants and the communities where their properties are

located, provided also, that the quality of housing meets legislative requirements and rent levels are as affordable as possible.

- 11.2 Ultimately any housing provided by a RP often represents, to their tenants, more than just a physical structure providing shelter. The building become a home – where families grow, a place to socialise with friends, space to unwind, space to keep their possessions safe and a place to take refuge from the rest of the world and spend most of their time, perhaps now, more than ever in recent times.

Background Documents

There are no background documents (as defined in Section 100D (5) of the Local Government Act 1972) to this Report.

Equality Impact Assessment

There is a significant direct impact on members of the public, employees, elected members and / or stakeholders. Therefore an Equality Impact Assessment is required.

A formal equality impact assessment is attached as an Appendix C to this report, the results of which have been taken into account in the Recommendations contained within this report

Appendices

Appendix A – Second Draft Tenancy Strategy 2022-2025

Appendix B – Tenancy Strategy 2013

Appendix C – Equality Impact Assessment

Appendix D – Minute of Executive Overview & Scrutiny Committee – 21 October 2021
(Cabinet only)