



**Prosperous Communities
Committee**

Tuesday 7th December 2021

Subject: West Lindsey Tenancy Strategy

Report by:

Assistant Director Homes and Communities

Contact Officer:

Sarah Elvin
Homes, Health and Wellbeing Team Manager

sarah.elvin@west-lindsey.gov.uk

Purpose / Summary:

Provide update and review of existing Tenancy Strategy and propose new Strategy for approval

RECOMMENDATION(S):

- 1. Committee approve the adoption the new West Lindsey Tenancy Strategy.**
- 2. Committee agree that any future housekeeping amendment to the Strategy can be delegated to the Assistant Director for Homes and Communities in consultation with the Chair of Prosperous Communities Committee.**

IMPLICATIONS

Legal: None

(N.B.) Where there are legal implications the report **MUST** be seen by the MO

Financial:

None – this strategy is for Registered Providers to “have regard to” when implementing their own Tenancy Policies as per the Localism Act 2011 and so no resource is required to deliver this strategy.

FIN/121/22/SJB

Staffing:

None - This strategy is for Registered Providers to “have regard to” when implementing their own Tenancy Policies as per the Localism Act 2011 and so no resource is required to deliver this strategy. Reviewing the strategy when required will be delivered within the Homes, Health and Wellbeing Team Manager role.

(N.B.) Where there are staffing implications the report **MUST** have a HR Ref

Equality and Diversity including Human Rights :

An Equality Impact Screening / Pre-Assessment was undertaken for this Strategy and it was determined that a Part 2 was not required for this strategy. West Lindsey are not going to be delivering services based on this strategy.

NB: Please explain how you have considered the policy's impact on different groups (for example: young people, elderly, ethnic minorities, LGBT community, rural residents, disabled, others).

Data Protection Implications :

None – no information will be collected and held by West Lindsey under this strategy

Climate Related Risks and Opportunities: None

Section 17 Crime and Disorder Considerations:

This strategy supports the use of Starter Tenancies by Registered Providers if a person has been evicted from their previous properties for Anti-social behaviour reasons. This is seen as a suitable reason for utilising this type of tenancy and allows Registered Providers the correct management through their own tenancy policies to ensure the right levels of support can be offered in these circumstances to try to prevent anti-social behaviour within socially rented properties and communities.

Health Implications:

Ensuring that people have a safe, secure and suitable home is a fundamental element to a person's health. This strategy sets out how West Lindsey would like to see Registered Provider partners making best use of their existing housing stock and in turn going some way to meeting the housing need of the residents of West Lindsey.

Title and Location of any Background Papers used in the preparation of this report :

Wherever possible please provide a hyperlink to the background paper/s
If a document is confidential and not for public viewing it should not be listed.

Risk Assessment :

None

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

x

Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

No

1 Introduction

- 1.1 The Localism Act 2011 brought in the requirement for all Local Authorities, regardless of whether they are stock holding, to produce a Tenancy Strategy.
- 1.2 The main purpose of the Tenancy Strategy is to make best use of existing housing stock with mechanisms such as flexible tenancies, succession rights and affordable rented tenures.
- 1.3 The strategy sets out West Lindsey District Council's preferred approach to managing existing housing stock. The legislation clearly states that Registered Providers should "have regard" to the Local Authority Strategies when developing their own Tenancy Policies. Even though the Strategy has no statutory weight, it can help to guide the work of Registered Providers and achieve consistency across the sector.
- 1.4 In 2013, West Lindsey in partnership with City of Lincoln and North Kesteven produced a joint tenancy strategy for Central Lincolnshire. This aligned the authorities across the housing market area in one strategy although the approaches set out within this strategy were different for each district.
- 1.5 The existing Strategy expired in 2018. After further discussions with North Kesteven District Council and City of Lincoln Council it was decided West Lindsey would produce a strategy for only West Lindsey. This was in part due to the other authorities needing to take a different approach as stock holding authorities.
- 1.6 This gave West Lindsey to opportunity to reflect and review the existing strategy and ensure the right strategy could be put in place for the district.

2. Review

- 2.1 In order to develop the new strategy, a review of the existing strategy was undertaken to determine its impact and understand the requirements going forward.
- 2.2 Alongside this, a review of the Registered Providers Tenancy Policies was also undertaken. This was to assist with determining which parts of previous Strategy had been embedded but also to evaluate whether all RP's were operating in a similar way so consistency is in place across the sector.
- 2.3 Both reviews form part of the new strategy, which can be found at appendix 1.

3. Consultation

- 3.1 The Localism Act 2011 states that new strategies must be consulted upon with the Registered Providers that operate within the area.
- 3.2 A copy of the draft strategy along with a pro-forma for completion was sent to 11 Registered Providers. They were given a six-week period to respond to the proposed strategy. Three responses were received.
- 3.3 All details received as part of the consultation and how the strategy has reflected those responses is included within the strategy.

4. The Strategy

- 4.1 The updated strategy takes a simpler approach to the mechanisms available within the Localism Act 2011 and focuses on the following areas:
 - Fixed Tenancies
 - Existing social housing tenants
 - Succession of tenancies
 - Affordable rents
- 4.2 The reason for focusing on these areas is that it is thought these areas are where the biggest impact can be made in relation to making the best use to existing social housing stock.
- 4.3 **Fixed Tenancies** - West Lindsey support the use of fixed term tenancies to ensure social housing stock is available for those who need it most. Registered Providers have fed back they do not intend to use fixed term tenancies, however, should that decision change, it is important that how West Lindsey view fixed term tenancies is set out within this strategy.
- 4.4 **Existing social housing tenants** – existing housing tenants should be given the same security of tenure when moving to a more suitable property so as not to deter them from moving.
- 4.5 **Succession of tenancies** – the Localism Act 2011 sets out that succession is not to be given to anyone except a spouse or partner where previously any family member living at the property for more than 12 months could succeed a tenancy. If Registered Providers wish to deviate from this succession criteria, it must either be set out within the tenancy policies or written specifically into individual tenancy agreements.
- 4.6 **Affordable rents** - The concept of affordable rent was introduced as an alternative to social rent to help fund development of new affordable housing. Social rented housing has a rent level determined through the National Rent Regime. Affordable rented housing is not subject to the new National Rent Regime and rents can be set at a level of up to 80% of the market rent. All Registered Providers who have entered into a contract with Homes England will be able to charge affordable rents.

- 4.7 To ensure there is an internal governance process for reviewing the strategy, there has been a review period of three years built into the strategy itself. This will consist of reviewing Registered Providers policies and reflecting any necessary changes required within the strategy based on that review. If there are minor housekeeping changes, it is suggested, that these be delegated to the Assistant Director for Homes and Communities and the Chair of Prosperous Communities Committee for approval. The strategy can also be updated at any time through the usual governance process should new legislation or guidance be issued that would have an impact on the strategy.

5. Recommendations

- 5.1 **Committee approve the adoption the new West Lindsey Tenancy Strategy.**
- 5.2 **Committee agree that any future housekeeping amendment to the Strategy can be delegated to the Assistant Director for Homes and Communities in consultation with the Chair of Prosperous Communities Committee.**