



## **BUSINESS SUPPORT OVERVIEW & SCRUTINY COMMITTEE**

**25 OCTOBER 2018**

### **DRAFT TENANCY STRATEGY 2018**

Report from: Mark Breathwick, Head of Strategic Housing

Author: Helen Miller, Senior Housing Strategy and Partnerships Officer

This report seeks Members' comments on the new draft Tenancy Strategy 2018. The previous Tenancy Strategy was drafted in 2012 and there have been changes in legislation which require it to be updated.

#### **1. Budget and Policy Framework**

1.1 The approval of the Tenancy Strategy is a matter for Cabinet.

#### **2. Background**

2.1 Medway Council's existing Tenancy Strategy was approved in December 2012. The new version is significantly shorter, is clearer in its preference for fixed term tenancies, has been simplified and has no action plan. This draft strategy takes into account the Housing and Planning Act 2016 and changes to previous national policy direction.

2.2 As required by the Localism Act 2011, the strategy provides guidance that registered providers should have regard to when formulating policies relating to;

- 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.

- 2.3 The Localism Act 2011 amended government policy to allow social landlords to provide introductory and fixed term tenancies. This was to address the government's concerns that some households with social housing tenancies may no longer have a need for social housing.
- 2.4 The Government's preferred option is for households that are not moving into specially designated housing, for example sheltered or extra care housing, to be offered a fixed term tenancy. Households moving into specially designated housing would be offered lifetime tenancies. Introductory 12 month tenancies were also introduced that could be offered to new tenants before a fixed term tenancy was offered.
- 2.5 At least six months before the end of the fixed term social tenancy the landlord would reassess the households housing needs including assessing the size of the households and their income. They would then inform the tenant whether their tenancy would be renewed or they would be asked to leave the property. The government's intention is that the use of fixed term tenancies would ensure households that no longer have a need for social housing would move out and seek a home on the open housing rental or purchase market, leading to a small increase of the number of social lets becoming available each year.
- 2.6 Following the Tenancy Strategy 2012, Medway Council began offering introductory tenancies to new tenants, followed by a five year fixed term tenancies. Currently no other social landlord in Medway offers fixed term tenancies. Registered Providers generally have housing stock in more than one council's area.
- 2.7 Advice was sought from colleagues with responsibility for the Allocations Policy and Homechoice and our Medway Council Tenancy Policy when drafting this Strategy.
- 2.8 The Ministry of Housing, Communities and Local Governments Green Paper called "A new deal for social housing", released in August 2018, does not provide guidance that should prevent the progress of the Tenancy Strategy 2018.

### **3. Advice and analysis**

- 3.1 A Diversity Impact Assessment has been completed. This did not identify impacts for this strategy relating to people with protected characteristics, however it did identify a potential benefit for low income households. The use of fixed term tenancies may result in a slight increase in the number of social rented homes becoming available for allocation each year so increasing the likelihood of a low income household being offered a social tenancy.
- 3.2 This strategy is shorter and easier to read than the previous version. It is clearer in the way it encourages social housing providers to consider offering fixed term tenancies.

### **4. Risk management**

- 4.1 Please see details of risks below:

<b>Risk</b>	<b>Description</b>	<b>Action to avoid or mitigate risk</b>	<b>Risk rating</b>
That the strategy does not remain relevant.	Some provisions within the Housing and Planning Act 2016 have not been implemented and no date has been set for this.	The strategy can be re-written as needed.	D3

## **5. Consultation**

5.1 As required by the Localism Act 2011 the draft Tenancy Strategy was sent to every provider of social housing with stock in Medway. It was also posted on the Council's website. The consultation ran from 1 to 31 August 2018. Just one response was received from a housing association. This showed they had understood the draft and posed no objections or questions.

## **6. Financial implications**

6.1 The draft Tenancy Strategy does not entail any budgetary commitments above those already planned for.

## **7. Legal implications**

7.1 The Localism Act 2011 requires every local housing authority to prepare and publish a Tenancy Strategy.

7.2 The strategy must set out the matters to which the registered providers of social housing for its district are to have regard in formulating policies relating to their tenancies.

7.3 There are no other legal implications.

## **8. Recommendation**

9.1 Members are asked to scrutinise the draft Tenancy Strategy 2018 and forward any comments to Cabinet.

## **Lead officer contact**

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## **Appendices**

Appendix 1 - Current Tenancy Strategy  
Appendix 2 - Revised Draft Tenancy Strategy  
Appendix 3 - Diversity Impact Assessment

## **Background papers**

None