

CABINET

**Council Housing Tenancy Policy
12th March 2013
Report of Head of Health and Housing Services**

PURPOSE OF REPORT			
To set out the requirement for the council as a social housing provider to approve and publish a Tenancy Policy.			
Key Decision	<input checked="" type="checkbox"/>	Non-Key Decision	Referral from Cabinet Member
Date of notice of forthcoming key decision			11 February 2013
This report is public.			

RECOMMENDATION OF COUNCILLOR LEYTHAM

- (1) That Cabinet approves the council housing Tenancy Policy (Annex A).

1 Introduction

- 1.1 The Localism Act requires local authorities to produce and publish a Tenancy Strategy, to which local social housing providers must have regard. Cabinet approved the council's Tenancy Strategy in January 2013.
- 1.2 Tenancy Policies are a requirement of the Homes and Communities Agency in its role as the social housing regulator, and must be produced by all landlords (council departments, Arms Length Management Organisations (ALMOs) and housing associations).
- 1.3 As a social housing provider the council is required to adopt and publish a Tenancy Policy and in doing so must have regard to the Council's Tenancy Strategy.

2 Proposal Details

- 2.1 Having regard to the recently approved council's Tenancy Strategy, the council housing Tenancy Policy (Annex A) brings together existing policy and practice in a clear and accessible way which outlines the council's approach to tenancy management, including interventions to sustain tenancies and prevent unnecessary evictions, and tackling tenancy fraud.
- 2.2 The social housing regulator requires the following aspects to be covered in the policy:

- The type of tenancies a social housing provider will grant.
- Where a social housing provider grant tenancies for a fixed term, the length of those terms.
- The circumstances in which a social housing provider will grant tenancies of a particular type.
- Any exceptional circumstances in which a social housing provider will grant fixed term tenancies for a term of less than five years in general needs housing following any probationary period.
- The circumstances in which a social housing provider may or may not grant another tenancy on the expiry of the fixed term, in the same property or in a different property.
- 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.
- 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.
- The advice and assistance a social housing provider will give to tenants on finding alternative accommodation in the event that they decide not to grant another tenancy.
- Their policy on granting discretionary succession rights, taking account of the needs of vulnerable household members.

2.3 The proposed council housing Tenancy Policy is set out in Annex A.

3 Details of Consultation

3.1 In setting out the council housing Tenancy Policy regard has been had to the council's Tenancy Strategy as well as best practice guidance from the chartered Institute of Housing. The District-wide Tenants' Forum has also been consulted during the development of the council's Tenancy Strategy and also on the proposed Tenancy Policy. The Tenancy Policy has also been discussed at the District-wide Tenants' Forum Tenancy Quality Group. There have been no adverse comments; the Forum and the Quality Group are supportive of the approaches being proposed.

4 Options and Options Analysis (including risk assessment)

	Option 1: To approve the proposed council housing Tenancy Policy	Option 2: Approve the council housing Tenancy Policy with amendments
Advantages	The council will meet its statutory obligations.	None
Disadvantages	None	If amendments are made, it will be necessary to undertake further consultation.
Risks	No additional risks identified	Implementation of the policy would be delayed and the council could be open to legal challenge.

5. **Officer Preferred Option (and comments)**

5.1 The adoption of the Tenancy Policy will ensure that the council meets its statutory obligations and will enable tenants and prospective tenants to understand the council's approach to tenancy management.

6. **Conclusion**

6.1 The adoption of the Policy will meet the aims and objectives set out in the report.

RELATIONSHIP TO POLICY FRAMEWORK

The adoption of this policy supports the council's priority of health and wellbeing in particular ensuring an enhanced quality of life of local residents through access to good quality housing, and reduce homelessness

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

The implementation of the policy will have a positive impact and will help ensure that the council is meeting its equality obligations.

LEGAL IMPLICATIONS

The regulatory standards for social housing require a Tenancy Policy to be established.

FINANCIAL IMPLICATIONS

Rental assumptions within the budget fit with the proposed policy, subject to the impact of welfare reforms. Such reforms could result in the need for earlier review of the policy, as provided for under section 13.

Separately, the Council needs to be very clear about the nature of any advice given to tenants or other parties regarding rents or financial matters more generally and this will be ensured through exercise of the policy and associated audit.

OTHER RESOURCE IMPLICATIONS

Human Resources:

No implications

Information Services:

No implications

Property:

No implications

Open Spaces:

No implications

SECTION 151 OFFICER'S COMMENTS

The S151 Officer has been consulted and her comments have been incorporated into the report.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments.

BACKGROUND PAPERS

None

Contact Officer: Chris Hanna

Telephone: 01524 582516

E-mail: channa@lancaster.gov.uk

Ref: C110