

Public Document Pack



Democratic Services
White Cliffs Business Park
Dover
Kent CT16 3PJ

Telephone: (01304) 821199
Fax: (01304) 872452
DX: 6312
Minicom: (01304) 820115
Website: www.dover.gov.uk
e-mail: democraticservices@dover.gov.uk

25 June 2021

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **CABINET** will be held at these offices (Council Chamber) on Monday 5 July 2021 at 11.00 am when the following business will be transacted.

Members of the public who require further information are asked to contact Kate Batty-Smith, Democratic Services Officer on (01304) 872303 or by e-mail at democraticservices@dover.gov.uk.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Nicky', written over a white background.

Chief Executive

Cabinet Membership:

T J Bartlett	Leader of the Council
N S Kenton	Portfolio Holder for Planning, Transport and Regulatory Services
D P Murphy	Portfolio Holder for Housing and Health
O C de R Richardson	Portfolio Holder for Community, Environment and Corporate Property
C A Vinson	Portfolio Holder for Finance, Governance and Digital

AGENDA

1 **APOLOGIES**

To receive any apologies for absence.

2 **DECLARATIONS OF INTEREST** (Page 4)

To receive any declarations of interest from Members in respect of business to be transacted on the agenda.

3 **RECORD OF DECISIONS** (Pages 5-12)

The decisions of the meeting of the Cabinet held on 7 June 2021 numbered CAB 1 to CAB 8 (inclusive) are attached.

4 **ISSUES ARISING FROM OVERVIEW AND SCRUTINY OR OTHER COMMITTEES**

To consider any issues arising from Overview and Scrutiny or other Committees not specifically detailed elsewhere on the agenda.

a Revision of Housing Assistance Policy (Page 13)

To consider the attached recommendations of the Overview and Scrutiny Committee.

EXECUTIVE - KEY DECISIONS

5 **DOVER DISTRICT COUNCIL DRAFT TENANCY STRATEGY AND POLICY 2021-2026** (Pages 14-71)

To consider the attached report of the Head of Housing.

Responsibility: Portfolio Holder for Housing and Health

EXECUTIVE - NON-KEY DECISIONS

6 **ELECTRIC HEATING AND PHOTO-VOLTAIC INSTALLATIONS AT AFFORDABLE HOUSING DEVELOPMENTS AT KIMBERLEY CLOSE, DOVER AND STOCKDALE GARDENS, DEAL** (Pages 72-75)

To consider the attached report of the Housing Development Manager.

Responsibility: Portfolio Holder for Housing and Health

7 **RELEASE OF SECTION 106 MONIES FROM AYLESHAM VILLAGE GARDEN PUBLIC REALM CONTRIBUTIONS**

To consider the report of the Strategic Director (Operations and Commercial) (to follow).

Responsibility: Portfolio Holder for Community, Environment and Corporate Property

8 **EXCLUSION OF THE PRESS AND PUBLIC** (Page 76)

The recommendation is attached.

MATTERS WHICH THE MANAGEMENT TEAM SUGGESTS SHOULD BE CONSIDERED IN PRIVATE AS THE REPORT CONTAINS EXEMPT INFORMATION AS DEFINED WITHIN PART 1 OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AS INDICATED AND IN RESPECT OF WHICH THE PROPER OFFICER CONSIDERS THAT THE PUBLIC INTEREST IN MAINTAINING THE EXEMPTION OUTWEIGHS THE PUBLIC INTEREST IN

EXECUTIVE - KEY DECISIONS

9 **AWARD OF 5-YEAR CONSULTANCY CONTRACT FOR HEATING, WATER AND ELECTRICAL SAFETY WORKS** (Pages 77-83)

To consider the attached report of the Strategic Director (Operations and Commercial)

Responsibility: Portfolio Holder for Housing and Health

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Large print copies of this agenda can be supplied on request.

Declarations of Interest

Disclosable Pecuniary Interest (DPI)

Where a Member has a new or registered DPI in a matter under consideration they must disclose that they have an interest and, unless the Monitoring Officer has agreed in advance that the DPI is a 'Sensitive Interest', explain the nature of that interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a DPI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation permitting them to do so. If during the consideration of any item a Member becomes aware that they have a DPI in the matter they should declare the interest immediately and, subject to any dispensations, withdraw from the meeting.

Other Significant Interest (OSI)

Where a Member is declaring an OSI they must also disclose the interest and explain the nature of the interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a OSI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation to do so or the meeting is one at which members of the public are permitted to speak for the purpose of making representations, answering questions or giving evidence relating to the matter. In the latter case, the Member may only participate on the same basis as a member of the public and cannot participate in any discussion of, or vote taken on, the matter and must withdraw from the meeting in accordance with the Council's procedure rules.

Voluntary Announcement of Other Interests (VAOI)

Where a Member does not have either a DPI or OSI but is of the opinion that for transparency reasons alone s/he should make an announcement in respect of a matter under consideration, they can make a VAOI. A Member declaring a VAOI may still remain at the meeting and vote on the matter under consideration.

Note to the Code:

Situations in which a Member may wish to make a VAOI include membership of outside bodies that have made representations on agenda items; where a Member knows a person involved, but does not have a close association with that person; or where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position. It should be emphasised that an effect on the financial position of a Member, relative, close associate, employer, etc OR an application made by a Member, relative, close associate, employer, etc would both probably constitute either an OSI or in some cases a DPI.

Record of the decisions of the meeting of the **CABINET** held at the Council Offices, Whitfield on Monday, 7 June 2021 at 11.00 am

Present:

Chairman: Councillor T J Bartlett

Councillors: N S Kenton
D P Murphy
O C de R Richardson
C A Vinson

Also Present: Councillor P M Brivio
Councillor K Mills
Councillor H M Williams
Councillor C D Zosseder

Officers: Chief Executive
Strategic Director (Corporate Resources)
Strategic Director (Operations and Commercial)
Head of Governance
Democratic Services Officer

The formal decisions of the executive are detailed in the following schedule.

Record of Decisions: Executive Functions

Decision Status	Record of Decision	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
CAB 1 7.6.21 Open Key Decisions No Call-in to apply Yes Implementation Date 15 June 2021	<u>APOLOGIES</u> It was noted that an apology for absence had been received from Councillor M J Holloway.	None.	To note any apologies for absence.	
Decision Status	Record of Decision	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
CAB 2 7.6.21 Open Key Decisions No Call-in to apply Yes Implementation Date 15 June 2021	<u>DECLARATIONS OF INTEREST</u> There were no declarations of interest.	None.	To note any declarations of interest.	

Decision Status	Record of Decision	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
CAB 3 7.6.21 Open Key Decisions No Call-in to apply Yes Implementation Date 15 June 2021	<u>RECORD OF DECISIONS</u> It was agreed that the decisions of the meeting of the Cabinet held on 17 May 2021, as detailed in decision numbers 112 to 124, be approved as a correct record and signed by the Chairman.	None.	Cabinet is required to approve the Record of Decisions of the Cabinet meeting held on 17 May 2021.	
Decision Status	Record of Decision	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
CAB 4 7.6.21 Open Key Decisions Yes Call-in to apply Yes Implementation Date 15 June 2021	<u>DRAFT DOVER DISTRICT COUNCIL HOMELESSNESS AND ROUGH SLEEPING STRATEGY 2020-2024</u> It was agreed that the Overview and Scrutiny Committee's recommendation, made at its meeting held on 24 May 2021 (Minute No 12), be rejected, noting that it was Government guidance not to use bed and breakfast accommodation for families with children, and 16-17-year-olds, for more than six weeks. The Council's aspiration was never to use this type of accommodation for these groups except in an absolute emergency and then only for a maximum of 10 working days.	To accept the recommendation.	At its meeting held on 24 May 2021, the Overview and Scrutiny Committee considered Cabinet decision CAB 119 of 17 May 2021 and made a recommendation.	
Decision Status	Record of Decision	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)

				consultees (if any)
<p>CAB 5 7.6.21 Open</p> <p>Key Decisions Yes</p> <p>Call-in to apply Yes</p> <p>Implementation Date 15 June 2021</p>	<p><u>REVISION OF HOUSING ASSISTANCE POLICY</u></p> <p>It was agreed:</p> <p>(a) That the existing Private Sector Housing Assistance Policy be amended in order to simplify and improve the assistance available to disabled residents.</p> <p>(b) That the Head of Regulatory Services, in consultation with the Portfolio Holder for Housing and Health, be authorised to make further minor changes to the policy.</p>	None.	<p>Using the powers of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002, local authorities are permitted to give financial assistance to homeowners for repairs and improvements to their homes.</p> <p>The legislation requires local authorities to publish a Housing Assistance Policy. The Council's current policy, adopted in July 2017, requires updating.</p>	
Decision Status	Record of Decision	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
<p>CAB 6 7.6.21 Open</p> <p>Key Decisions No</p>	<p><u>APPOINTMENT OF MEMBERS TO OUTSIDE BODIES 2021/22</u></p> <p>It was agreed:</p> <p>(a) That the following appointments to outside bodies for 2021/22 be approved (with appointments being for one year unless otherwise</p>	None.	Cabinet appoints Members (and sometimes non-Members) to outside bodies annually to	

<p>Call-in to apply Yes</p> <p>Implementation Date 15 June 2021</p>	<p>stated):</p> <p>Action with Communities in Rural Kent Cllr D Beaney Cllr M Rose</p> <p>Aylesham & District Workshop Trust Cllr P Walker</p> <p>Deal Fairtrade Steering Group Cllr T J Bartlett</p> <p>Deal & Sandwich Coastal Community Team Cllr M J Holloway Cllr S H Beer</p> <p>Dover Coastal Community Team Cllr N J Collor Cllr R S Walkden</p> <p>Dover, Deal & District Citizens' Advice Bureau Cllr D Hawkes</p> <p>Dover Fairtrade Steering Group Cllr D Hannent</p> <p>East Kent Spatial Development Co. Cllr T J Bartlett</p> <p>Industrial Communities Alliance Cllr S C Manion</p> <p>JAC Kent Downs AONB Partnership Cllr N S Kenton</p> <p>Kent County Playing Fields Association Cllr T A Bond</p> <p>Kent Forum Cllr T J Bartlett</p> <p>Local Enterprise Partnership Board & Executive Cllr T J Bartlett</p> <p>Local Government Association – General Assembly Cllr T J Bartlett</p>		<p>represent the Council's interests or, in some cases, to act solely on behalf of the bodies.</p> <p>The appointments are of a strategic or community nature, and Cabinet has the option not to appoint representatives where they are fulfilling a community role.</p>	
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	<p>Local Government Association Coastal Special Interest Group Cllr N S Kenton</p> <p>Manston Skills and Education Board Cllr M J Holloway</p> <p>Police & Crime Panel for Kent Cllr O Richardson</p> <p>River Dour Partnership Cllr N J Collor</p> <p>River Stour (Kent) Internal Drainage Board Cllr M D Conolly Cllr P D Jull</p> <p>Sandwich & Pegwell Bay National Nature Reserve Management Committee Cllr S S Chandler</p> <p>South East England Councils (SEEC) Cllr T J Bartlett (sub: M J Holloway)</p> <p>Tourism South East Cllr M J Holloway</p> <p>(b) That the Leader of the Council be requested to nominate an alternative Member to substitute at meetings on an ad hoc basis when the appointed Member is not available (and where the constitution of the body allows this).</p> <p>(c) That the appointment of the Chief Executive to the Kent Forum be approved.</p>			
Decision Status	Record of Decision	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
CAB 7 7.6.21	<u>APPOINTMENT OF PROJECT ADVISORY GROUPS 2021/22</u>	None.	Cabinet is requested to	

<p>Open</p> <p>Key Decisions No</p> <p>Call-in to apply Yes</p> <p>Implementation Date 15 June 2021</p>	<p>It was agreed:</p> <p>(a) That a Climate Change Project Advisory Group be established, with a membership for the Council Year 2021/22 as follows: Leader of the Council (Chairman), Portfolio Holder for Finance, Governance and Digital (Vice-Chairman), and Councillors S H Beer, N J Collor, N S Kenton, K Mills, O C de R Richardson, H M Williams, with a vacant seat to be filled at a later date.</p> <p>(b) That the proposed Terms of Reference of the Climate Change Project Advisory Group be approved.</p> <p>(c) That the membership of the Local Plan Project Advisory Group for the Council Year 2021/22 be approved as follows: Portfolio Holder for Planning and Regulatory Services (Chairman), Chairman of Planning Committee (Vice-Chairman), Chairman of Overview and Scrutiny Committee, and Councillors D G Beaney, E A Biggs, T A Bond, D G Cronk, P D Jull, S C Manion and C F Woodgate.</p> <p>(d) That the membership of the Dover Town Regeneration Advisory Board for the Council Year 2021/22 be approved as follows: Leader of the Council (Chairman), Portfolio Holder for Inward Investment and Tourism (Vice-Chairman), and Councillors E A Biggs, P M Brivio, N J Collor, D Hannent, K Mills, O C de R Richardson, C D Zosseder, with a vacant seat to be filled at a later date.</p> <p>(e) That the membership of the Homelessness Project Advisory Group for the Council Year 2021/22 be approved as follows: Portfolio Holder for Housing and Health (Chairman), Portfolio Holder for Planning and Regulatory Services (Vice-Chairman), and Councillors P M Brivio, S C Manion and H M Williams.</p> <p>(f) That the membership of the Investment Advisory Group for the Council Year 2021/22 be approved as follows: Portfolio Holder for</p>		<p>determine the membership of the Council's Project Advisory Groups for the Council Year 2021/22.</p>	
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	Finance, Governance and Digital (Chairman), Chairman of Governance Committee (Vice-Chairman), and Councillors S H Beer, M J Holloway and C D Zosseder.			
Decision Status	Record of Decision	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
CAB 8 7.6.21 Open Key Decisions No Call-in to apply Yes Implementation Date 15 June 2021	<u>APPOINTMENT OF DOVER JOINT TRANSPORTATION ADVISORY BOARD VICE-CHAIRMAN FOR 2021/22</u> It was agreed that Councillor J S Back be appointed Vice-Chairman of the Dover Joint Transportation Advisory Board for the Council Year 2021/22.	None.	To comply with the terms of reference of the Dover Joint Transportation Advisory Board which require that the chairmanship and vice-chairmanship of the Board alternate annually between Kent County Council and Dover District Council, Cabinet is required to appoint a vice-chairman for 2021/22.	

The meeting ended at 11.12 am.

ISSUES ARISING FROM OVERVIEW AND SCRUTINY OR OTHER COMMITTEES

REVISION OF HOUSING ASSISTANCE POLICY

Responsibility: Portfolio Holder for Housing and Health

Report of: Head of Regulatory Services

Decision Route

Cabinet	7 June 2021	CAB 5
Overview and Scrutiny Committee	14 June 2021	Minute No 24
Cabinet	5 July 2021	

Overview and Scrutiny Committee Recommendations

The Overview and Scrutiny Committee, at its meeting held on 14 June 2021, endorsed Cabinet decision CAB 5 as follows:

- (a) That the existing Private Sector Housing Assistance Policy be amended in order to simplify and improve the assistance available to disabled residents.
- (b) That the Head of Regulatory Services, in consultation with the Portfolio Holder for Housing and Health, be authorised to make further minor changes to the policy.

Subject:	DOVER DISTRICT COUNCIL DRAFT TENANCY STRATEGY AND POLICY 2021–2026
Meeting and Date:	Cabinet – 5 July 2021
Report of:	Louise Taylor, Head of Housing
Portfolio Holder:	Councillor Derek Murphy, Portfolio Holder for Housing and Health
Decision Type:	Key Decision
Classification:	Unrestricted

Purpose of the report: To seek Cabinet approval of the draft Tenancy Strategy and Tenancy Management Policy attached at Appendices 1 and 2 for wider statutory consultation with stakeholders and service users.

Recommendation:

1. That Cabinet notes the duty placed on the Council by the Localism Act 2011 to prepare and publish a Tenancy Strategy and Tenancy Management Policy.
2. That Cabinet notes and approves the content of the draft Tenancy Strategy.
3. That Cabinet notes and approves the content of the draft Tenancy Management Policy.
4. That Cabinet notes and approvea the draft consultation plan for both the Tenancy Strategy and Tenancy Management Policy
5. That Cabinet delegates to the Strategic Director (Corporate Resources), in consultation with the Portfolio Holder for Housing and Health, authority to make minor amendments to both the strategy and policy arising from the consultation, and thereafter to adopt both documents on behalf of the Council with effect from 1 September 2021.
6. That Cabinet delegates to the Strategic Director (Corporate Resources), in consultation with the Portfolio Holder for Housing and Health, authority to make future minor amendments to the strategy and policy as required.

1. Summary

- 1.1 Section 150 of the Localism Act requires the Council to develop, publish and keep up to date a Tenancy Strategy that provides guidance to partner Registered Providers of Social Housing (RPSH) on the use of different tenancy types and affordable rents in the Dover District
- 1.2 The Act also requires the Council as a social housing landlord to produce a Tenancy Management Policy that has regard to the Tenancy Strategy and sets out how Dover District Council (DDC) will operationally grant and manage tenancies.

- 1.3 In addition to requirements in the Localism Act, the Regulator for Social Housing, consumer standards include a Tenancy Standard outlining further areas of management that the Council should address within their tenancy management policy, specifically the management of mutual exchanges and successions.
- 1.4 The revised strategy and policy are reflective of changing attitudes at both national and local level to the use of flexible fixed term tenancies.

2. Introduction and Background

- 2.1 Under section 150 of the Localism Act, the Council is required to develop and publish a Tenancy Strategy setting out the Council's preferred position on:
- The type of tenancies granted in the district;
 - The circumstances in which particular types of tenancy will be granted;
 - The length of time a tenancy will be granted for;
 - How tenancies will be managed towards the end, including the offer of a new tenancy
- 2.2 It should be noted that although the Tenancy Strategy gives the Council's preferred position, RPSH operating in the district are only required to have regard to this.
- 2.3 The Act also requires the Council as a social housing landlord to produce a Tenancy Management Policy that has regard to the Tenancy Strategy and sets out how DDC will operationally grant and manage tenancies.
- 2.4 Both the Tenancy Strategy and the Tenancy Management Policy published by DDC in 2011 need updating. When amending the existing Tenancy Strategy, the Council is required to invite comment from its RPSH partners.

3. Tenancy Strategy

- 3.1 The Localism Act 2011 introduced a raft of fundamental reforms of social housing tenure.

The most significant of these were:

- Both Local Authorities and RPSH are now able to offer fixed term tenancies of a minimum of 5 years, or in exceptional circumstances 2 years instead of the traditionally longer 'lifetime' secure tenancies
- Local Authorities were allowed more flexibility to set their own Allocations Policies to meet local needs and circumstances
- Local Authorities can now place homeless households in suitable Private Rented Sector housing
- A new model of affordable rents of up to 80% of market rent can be applied to new housing developments and in some cases existing housing stock can be converted when vacant from social rent to affordable rent levels.
- Local Authority stock owners and RPSH must prepare and publish a Tenancy Management Policy setting out the types of tenancy they will use when letting their homes.
- New arrangements have been introduced for tenants seeking to mutually exchange homes in cases involving fixed term tenancies and or affordable rents.

- Changes to the rights of succession has limited those able to succeed to a tenancy on the death of the tenant
- 3.2 As a strategic housing authority Dover District Council has a responsibility to develop and publish a Tenancy Strategy giving guidance to partner Registered Providers of Social Housing (RPSH) on the use of different tenancy types and affordable rents in the District.
 - 3.3 The Tenancy Strategy sets out the strategic position of the Council with regards to the use of, review of and ending of fixed term tenancies, affordable rents, mutual exchanges, succession rights and dealing with tenancy fraud. In most respects the strategic position taken by DDC remains the same as that taken in 2011.
 - 3.4 The significant difference relates to the use of fixed term tenancies in the district, where in light of national and local changes in attitude to their use the Council will no longer be recommending they be used as a preferred tenancy type. The rationale for this is set out below.

4. Flexible Tenancies

- 4.1 One of the key objectives of fixed term tenancies was to enable social housing providers to make the best use of the social housing stock by addressing under occupation and encouraging those people who can afford to do so, to move to other tenures such a private rented accommodation or homeownership.
- 4.2 The appetite for fixed term tenancies among RPSH has been mixed with some local providers electing to use them and others continuing to offer lifetime tenancies.
- 4.3 Dover District Council started using flexible fixed term tenancies for new tenants under the age of 55 in May 2014. Two years later in 2016, the Housing and Planning Act included (as yet unenacted) sections of legislation, that sought to make the use of fixed term tenancies by local authorities mandatory.
- 4.4 The Grenfell Tower fire in June 2017 was one of the UK's worst modern disasters and in the aftermath of this the Government has unveiled important planned changes to the regulation and management of social housing. In its Green paper 'A new deal of social housing' published 14 August 2018 the Government confirmed that it no longer intended to implement the provisions in the Housing and Planning Act 2016 that sought to make fixed term tenancies mandatory for local authorities after listening to residents' concerns.
- 4.5 The Social Housing White Paper published on 17 November 2020 set out a Charter for Social Housing Residents and affirms the Government's continuing commitment to give social housing tenants a greater voice, the right to safe and secure accommodation and of the importance of good quality homes and neighbourhood to live in.
- 4.6 Support for flexible tenancies has changed dramatically since the Council's last Tenancy Strategy published in 2011 and nationally some of the changes detailed above have been the catalyst for some large RPSH and Councils to evaluate the benefits of fixed term tenancies and as a consequence end their offer of these entirely.
- 4.7 The development of this strategy has taken into account the changing national attitude to flexible fixed term tenancies, the responses from our RPSH partners and our own experience of their use. Although they were intended to help social

landlords make the best use of affordable housing there have been a number of significant disadvantages to their use including:

- Tenants feeling concerned and anxious about their futures based on their tenure type.
- Lack of investment by families in their home and community because they feel they will be moved on
- Little impact in terms of stock turnover and vacancies
- Potential conflict with the Government priority to give tenants a stronger voice
- Significant administrative costs involved with the scheme particularly where the majority of tenancies are set to continue.

Further, more detailed analysis of the advantages and disadvantages of the use of flexible tenancies is set out at appendix 3.

5. Position of Registered Providers Operating in the Dover District

5.1 In the formulation of the Tenancy Strategy all RPSH with accommodation in the Dover District were invited to share with the Council their current position on the use of flexible tenancies for their own stock and their future intended use of this type of tenancy.

5.2 There are 13 RPSH operating in the Dover District with a combined total of 2714 units of social housing between them. Of the 13 RPSH, 9 responded directly or have publicly announced their intention to move away from flexible tenancies. The 9 RPSH who responded to the survey represent 82% (2330) of the RPSH stock in the District and 27% of the combined LA & RPSH stock in DDC area.

5.3 The table below illustrates the results attained from the preliminary consultation. 5 of the registered providers did not respond to our preliminary consultation so we could not ascertain their quantity of stock in the Dover area, however government figures released via live tables on dwelling stock revealed that there was a total of 2714 PRP properties in the Dover district.

Registered Provider	Quantity of Housing Stock in DDC area	Are Flexible Tenancies used in the Dover Area?			Number of properties at Affordable Rents	
		Yes	No	Unk.	Quantity	%
Clarion Housing	74	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2	3%
English Rural Housing Association	13	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	0	0%
Orbit Housing Association	222	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	74	33%
West Kent Housing Association	106	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	80	75%
Housing 21	114	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	0	0%
Southern Housing Group	775	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	62	8%
Moat Homes Ltd	123	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	58	47%

Town & Country	592	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	46	8%
Sanctuary Housing**	211*	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Not Known	
Home Group	47*	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not Known	
Riverside	10*	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not Known	
Anchor Hanover	62*	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not Known	
Milldale Housing Cooperative (MBM)	2*	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not Known	
Totals	2714	3	6	4	322	

* *Extracted from Locata 17/05/2021 nationally.*

***Have provided information on flexible tenancies*

5.4 This research demonstrates that locally, fewer RPSH now employ fixed term tenancies, and feedback from some of them was that they feel they are at odds with sustainable communities as well as difficult and costly to administer. They have chosen instead to use probationary tenancies of up to 12 months before granting the 'lifetime' periodic tenancies once the probationary period has been successfully completed.

5.5 In consideration of the information from our partner RPSH and of the potential negative impact their use could have on the stability, health and resilience of our local communities the revised Tenancy Strategy recommends that all social housing landlords operating in the Dover District consider instead offering tenancies with the greatest level of security taking into account the personal circumstances of each household involved.

5.6 Although the tenancy strategy sets out the Councils preferred position it must be remembered that RPSH operating in the district need only have regard to this and might still choose to use flexible tenancies or may be required to as a condition of funding. Where this is the case the Strategy sets out the Councils preferred arrangements for this.

6. DDC Tenancy Management Policy

6.1 As a stock owning authority DDC are also required to develop and publish a tenancy Management Policy setting out how we will operationally manage tenancies for our own properties. This policy applies only to DDC tenants and the key differences between the new version and the 2011 Policy are:

- The phasing out of fixed term tenancies
- Greater clarity regarding joint tenancies

6.2 A copy of the draft Tenancy Management Policy is attached at appendix 2 setting out the types of tenancy the Council propose to offer new tenants in future, how tenancy fraud will be tackled, successions and mutual exchange requests responded to and how tenancies will be brought to an end.

6.3 Since May 2014 DDC have been offering most new tenants a year-long introductory tenancy followed by a five-year flexible tenancy. There are currently 616 tenants with this type of agreement. The redrafted Tenancy Management Policy will mean that future new tenants in the Dover District will usually be offered introductory tenancies followed by lifetime secure tenancies rather than flexible fixed term tenancies. Those

housed temporarily because of homelessness will continue to be offered non secure tenancies under the relevant provisions of the Housing Act 1996.

- 6.4 Tenancies created in May 2014 started to fall due for review from August 2019. Unfortunately a number of these reviews were missed by East Kent Housing and this position was exacerbated by the national lockdowns in response to the Covid pandemic. As a consequence, 64 flexible tenancies rolled over into weekly periodic tenancies. As it was already too late to reoffer a new fixed term tenancy these tenants have been written to and advised that they now have secure tenancies. A further 61 cases will shortly be in the same position and will be dealt with in the same way.
- 6.5 To regularise the position for the remaining fixed term tenants it is proposed that the following action be taken. Until and subject to Cabinet approval, consultation and adoption of the revised tenancy management policy existing flexible tenancies falling due for review will follow the established arrangements and be offered a new fixed term tenancy.
- 6.6 All new tenants will be offered an introductory tenancy of 12 months and advised that this will become a flexible tenancy unless the proposed revisions to the Tenancy Management Policy are approved. This is because a tenancy cannot become a flexible tenancy unless notice of this is given before the tenant signs the tenancy agreement and there will be a period before the policy is formally adopted.
- 6.7 Upon approval and adoption of the revised Tenancy Management Policy those tenants who have already completed their 1 year introductory tenancy and moved into the flexible tenancy period or had their flexible tenancy renewed will be contacted. Where their tenancy is being well maintained and there are no breaches of the tenancy conditions they will be invited to make use of the break clause in their tenancy agreement and give up their current fixed term tenancy and be re offered a lifetime secure tenancy. The effect of this will be to improve their security of tenure and will not affect any of their existing tenancy rights.
- 6.8 In cases where there is a current ongoing breach of tenancy conditions the tenant will be asked to remedy this before any action is taken to change the tenancy type.
- 6.9 Joint tenancies: A Joint Tenancy is where more than one person has the responsibility for meeting the requirements of the tenancy agreement. Both tenants are entitled to stay in the home until the end of the tenancy.
- 6.10 The Tenancy Management Policy provides greater clarity to the situations in which the Council will allow a joint tenancy to be brought to an end in circumstances where one of the joint tenants cannot be traced. It also sets out the circumstances that will be taken into account when requests to create joint tenancies from a sole tenancy are received.

7. Tenancy Audits

- 7.1 One of the benefits of conducting flexible tenancy reviews was the opportunity that it presented to have contact with each tenant and identify any issues they were having with their tenancy. Situations where the tenant is struggling or having difficulty maintaining their tenancy or repairs are outstanding would be picked up along with any potential tenancy fraud.
- 7.2 For some time, housing officers have been conducting tenancy audits on a rolling 5-year programme. These visits offer the same opportunity as flexible tenancy reviews

to have contact with existing tenants, establish any support need they have and or desire to move to alternative accommodation.

8. Consultation

- 8.1 It is a requirement of the Localism Act that RPSH are invited to comment on any revisions to the Tenancy Strategy and of s.105 of the Housing Act 1985 that the local authority consult with tenants when making changes to the management arrangements for Council owned homes.
- 8.2 The length of time in which RPSH are given the opportunity to comment on the amended Tenancy Strategy is not expressed in the legislation.
- 8.3 The statutory requirement is set out at s.151(1) of the Localism Act 2011 which states: Before adopting a tenancy strategy, or making a modification to it reflecting a major change of policy, the authority must— (a) send a copy of the draft strategy, or proposed modification, to every private registered provider of social housing for its district, and (b) give the private registered provider a reasonable opportunity to comment on those proposals.
- 8.4 It is intended to carry out a relatively short window of 28 days in which to ask the RPSH to comment. This is on the basis that the largest majority of RPSH operating in the District have already indicated that they no longer intend to use flexible tenancies and for those that chose to still use these the strategy does not overrule their adopted tenancy policy anyway.
- 8.5 The Council's tenants have already been advised via their newsletter that the tenancy policy is under review and the options being recommended to Cabinet. Changes to the use of flexible tenancies will affect 616 tenants who currently have flexible tenancies but in all of these cases the changes proposed actually improve the level of security their tenancy offers them.
- 8.6 In the few cases where there are outstanding issues and it is proposed the tenancy remain of fixed term until these are remedied it is within the tenants gift to remedy these matters and at that point a new secure tenancy will be offered.
- 8.7 Full details of the planned consultation and arrangements for this are included at appendix 4.

9. Identification of Options

- 9.1 Option 1: Approve for wider statutory consultation the draft Tenancy Strategy and Tenancy Policy and delegate to the Strategic Director (Corporate Services) in consultation with the Portfolio Holder for Health and Housing authority to make minor revisions to both documents following the outcome of the consultation exercise and thereafter adopt formally both documents. In the event that significant consultation responses are received in respect of either document, revised versions will be brought back to Cabinet for approval.
- 9.2 Option 2: Approve for consultation the Tenancy Strategy only
- 9.3 Option 3: Approve for consultation the Tenancy Management policy only.
- 9.4 Option 4: Not approve either document

10. Evaluation of Options

- 10.1 Option 1 is the recommended option. The current Tenancy Strategy and Policy are out of date and require updating to ensure the Council fulfils its statutory duties. A full consultation exercise is required with each registered provider operating in the District sent a copy of our draft strategy for comment. Consultation with our own and prospective tenants will be required for the tenancy policy. Adoption of the proposed strategy allows the Council to fulfil its statutory duty.
- 10.2 Option 2 Approve for consultation the draft Tenancy Strategy only. This is not the recommended option as the Council has a duty to provide both documents to fulfil its statutory responsibility.
- 10.3 Option 3 Approve for consultation the draft Tenancy Management Policy only. This is not the recommended option as the Tenancy Management Policy must be drafted with the Tenancy Strategy in mind. The 2011 – 2016 Tenancy Strategy is out of date and will be at odds with the revisions made to the new Tenancy Management policy.
- 10.4 Option 4 Not approve either document. This is not the recommended option as the Council has a statutory duty to provide both and the current versions of these documents are out of date. Failure to develop and publish a Tenancy Strategy and Tenancy Management Policy could result in the failing to meet its statutory duty.

11. Resource Implications

- 11.1 Both the Tenancy Strategy and the Tenancy Management policy will be delivered within existing resources in the Housing Revenue Account (HRA). Housing Officers currently undertake tenancy management functions and the gradual replacement of fixed term tenancies with lifetime secure tenancies will be no more onerous than the current arrangements for review. The purpose of ending fixed term tenancies is to provide tenants with a guaranteed security but this will also enable the council to focus officer time on tenancy management issues, such as preventing tenancy fraud and undertaking tenancy audits.

12. Climate Change and Environmental Implications

- 12.1 There should be no environmental or climate change implications as a consequence of this decision being taken.

13. Corporate Implications

- 13.1 Comment from the Director of Finance (linked to the MTFP) 'Accountancy have been consulted in the writing of this report and have no further comment (AC)'.
- 13.2 Comment from the Solicitor to the Council: The Head of Governance has been consulted during the preparation of this report and has no further comment to make.
- 13.3 Comment from the Equalities Officer: An Equality Impact Assessment has been carried out to identify and mitigate any negative impact upon the protected characteristic groups. The Equality Officer has been consulted during the development of the report and has no further comments to make, other than to remind Members that in discharging their responsibilities they are required to comply with the public sector equality duty as set out in section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/section/149>
- 13.4 Other Officers (as appropriate): None received.

14. Appendices

Appendix 1 – Dover District Council Draft Tenancy Strategy 2021-2026

Appendix 2 – Dover District Council Draft Tenancy Management Policy 2021-2026

Appendix 3 – Advantages and Disadvantages of Fixed-Term Tenancies

Appendix 4 – Proposed Consultation Plan

Appendix 5 - Equality Impact Assessment

15. Background Papers

Current Tenancy Strategy

Current Tenancy Management Policy

Contact Officer: Louise Taylor, Head of Housing & Perry DeSouza, Policy Officer



Tenancy Strategy 2021-2026

Foreword



Cllr Murphy

Dover District Council recognises that having a settled home has a huge impact not only on the health and wellbeing of residents but on their longer-term life chances and the educational achievements of their children. We want the residents in our district to feel a part of the community they live in, to put down roots, build relationships and feel included and settled.

These aspirations are a key priority in our Corporate Plan and at the heart of our Tenancy Strategy which sets out the Council's expectations of Registered Providers with housing in the Dover District as to the kind of tenancies they grant, how they make the best use of the social housing stock available in the district and how this can genuinely affordable and supportive of sustainable communities.

Cllr Derek Murphy – Portfolio Holder for Housing and Health

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INTRODUCTION

The 2011 Localism Act introduced a duty on local authorities to prepare and publish a Tenancy Strategy. The purpose of this strategy is to give Registered Providers of Social Housing (RPSH) operating in the Dover District an indication of the approach the Council would like them to take when preparing their Tenancy Management Policies, implementing the new tenure flexibilities, applying the affordable rent model and the Council’s approach to using new powers to meet its homelessness duty.

This document updates and replaces the Dover District Council Tenancy Strategy 2011 -2016 and has been informed by our Homelessness and Rough Sleeping Strategy 2020-24, our Allocations Policy and our preliminary consultation with RPSH in the District.

NATIONAL CONTEXT

In addition to the requirement that local authorities produce a tenancy strategy a raft of fundamental reforms of social housing tenure were included in the Localism Act. The most significant of these were:

- Local Authorities and Registered Providers of Social Housing (RPSH) are now able to offer tenancies for fixed terms with a minimum of 5 years, or in exceptional circumstances 2 years instead of the traditionally longer 'lifetime' secure tenancies
- Local Authorities are given more flexibility to set their own allocations policies to meet local needs and circumstances
- Local Authorities can now place homeless households in suitable private rented sector housing
- Affordable rents of up to 80% of market rent can be applied to new housing developments and in some cases existing housing stock can be converted when vacant from social rent to affordable rent levels.
- Local Authority stock owners and RPSH must prepare and publish a Tenancy Policy setting out the types of tenancy they will use when letting their homes.
- New arrangements have been introduced for tenants seeking to mutually exchange homes in cases involving fixed term tenancies and or affordable rents.
- Rights to succeed to a tenancy on the death of the tenant have been limited in some cases

In 2016, the Housing and Planning Act went further and set out legislation (yet unenacted) that sought to make the use of fixed term tenancies mandatory.

The Grenfell Tower fire in June 2017 was one of the UK's worst modern disasters and in the aftermath of this the Government have unveiled important planned changes to the regulation and management of social housing. In its Green Paper 'A new deal of social housing' published 14 August 2018 the Government confirmed that it no longer intended to implement the provisions in the Housing and Planning Act 2016 that sought to make fixed term tenancies mandatory for local authorities after listening to residents' concerns.

The Social Housing White Paper published on 17 November 2020 set out a Charter for Social Housing Residents and affirms the Government's continued commitment to give social housing tenants a greater voice, the right to safe and secure accommodation and of the importance of good quality homes and neighbourhoods to live in.

Nationally these changes have been the catalyst for some large RPSH and Councils to evaluate the benefits of fixed term tenancies and the potential they have to undermine their work to create sustainable communities. As a result, many have already expressed their intention to stop offering this type of tenancy.

LOCAL CONTEXT

The Dover District contains two urban areas, a market town and a large rural area made up of dozens of villages and hamlets. Home to the internationally famous White Cliffs, it is the UK's gateway to Europe. The district is within easy travelling distance to London via the M20 and high-speed rail links, and the continent via the Port of Dover and the Eurotunnel.

The district remains one of the most deprived areas in Kent and England. There are high areas of deprivation in many of the wards within the Dover Urban areas (Castle 12.1%; Tower Hamlets 11.8%; St Radigunds 11.7%; Town & Pier 9.9%; Maxton, Elms Vale and Priory 8.8%; Buckland 8.2%). These areas also have the highest rates of unemployment in the district.

In March 2019 social housing represented 12.8% (6990) of the total housing in the district.

HOUSING NEED

The Council receives many enquiries from people looking to rent a home in the district each year. There are currently 2,031 applications on our housing register and there are on average only enough properties available to house around 400 applicants each year.

As a result, many housing applicants, and those with low need, may have to wait longer periods before they are appropriately housed.

The table below illustrates the average wait time and bids per property type and size in the district:

Property type and size	Average bids per property	Average wait times
Sheltered accommodation	51	13 months
Studio general needs	1	15 months
1-bed general needs	42	16 months
2-bed flat or maisonette	32	18 months
2-bed house	102	15 months
3-bed flat or maisonette	14	15 months
3-bed house	59	18 months
4-bed house	28	14 months
Average wait time all property types:		16 months

Numbers are rounded to the nearest whole figure.

Source: Locata, 17 May 2021

Data taken between 1 April 2020 and 31 March 2021

Analysis in the table below demonstrates the number of households already living in social housing in the Dover District who are on the housing register and seeking to move to alternative accommodation within the sector.

Transfers registered by bed need					
1 bed	2 bed	3 bed	4 bed	5 bed	TOTAL
244	137	147	25	10	563

Source: Locata 18 May 2021

The information available on social housing tenant transfer requests demonstrates that locally there is already pressure from families wanting to downsize into smaller units, particularly one bedroomed accommodation. This is also the resource that within in its own stock DDC (Dover District Council) have the fewest numbers of.

Pressure from existing transfer cases and applicants many of whom are high priority usually means that it is difficult to support tenants with flexible tenancies downsize when their flexible tenancy is to be reviewed.

PARTNER RPSH

The tenancy strategy is produced by Dover District Council in its capacity of Strategic Housing Authority, but the Council is also a stock owning authority and at 1 April 2021 owned 4321 units of accommodation. In addition to the Council's own stock there are

¹ [MHCLG](#), Table 115: Private Registered Provider stock, by district, from 1997. Figures correct as from March 2020

13 Registered providers with 2714 units of stock operating in the Dover District.¹

In the formulation of this Strategy all RPSH with accommodation in the Dover District were invited to share with the Council their current position on the use of flexible tenancies for their own stock and their future intended use of this type of tenancy.

Of the 13 RPSH, 9 responded directly or have publicly announced their intention to move away from flexible tenancies. The 9 RPSH who responded to the survey represent 82% (2330) of the RP housing stock in the district and 27% of the combined LA & RP social housing stock in DDC area.

The table below illustrates the results attained from the preliminary consultation. 5 of the registered providers did not respond to our preliminary consultation so we could not ascertain their quantity of stock in the Dover area, however government figures released via live tables on dwelling stock revealed that there was a total of 2714 PRP (Private Registered Providers) properties in the Dover district.

Registered Provider	Quantity of Housing Stock in DDC area	Are Flexible Tenancies used in the Dover Area?			Number of properties at Affordable Rents	
		Yes	No	Unk.	Quantity	%
Clarion Housing	74	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2	3%
English Rural Housing Association	13	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	0	0%
Orbit Housing Association	222	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	74	33 %
West Kent Housing Association	106	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	80	75 %
Housing 21	114	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	0	0%
Southern Housing Group	775	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	62	8%
Moat Homes Ltd	123	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	58	47 %
Town & Country	592	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	46	8%
Sanctuary Housing**	211*	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Not Known	
Home Group	47*	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not Known	
Riverside	10*	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not Known	
Anchor Hanover	62*	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not Known	
Milldale Housing Cooperative (MBM)	2*	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not Known	
Totals	2714	3	6	4	322	

*Extracted from Locata 17/05/2021 **Have provided information on flexible tenancies nationally.

Dover District Council is committed to making the best use of affordable housing stock in the district, recognising that it is still a scarce resource but mindful always that one of our key priorities is

to continue to support healthy, resilient, and sustainable communities.

The development of this strategy has taken into account the changing national attitude to flexible fixed term tenancies, the responses from our RPSH partners and our own experience of their use.

Although intended to support social housing landlords to make better use of their stock by regular review of the circumstances of its tenants and the opportunity to move them to more suitably sized accommodation, the flexible tenancy review process poses challenges to social housing landlords who may not have suitable alternative accommodation available to them at the time of a tenancy review.

Our partner RPSH and our own in-house team also cite disadvantages in respect of:

- Tenants feeling concerned and anxious about their futures based on their tenure type.
- Lack of investment by families in their home and community because they feel they will be moved
- Little impact in terms of stock turnover and vacancies
- Potential conflict with the Governments expressed priority to give tenants a stronger voice

- Significant administrative costs involved with the scheme particularly where the majority of tenancies are set to continue.

In recognition of national and local trends moving away from the use of flexible tenancies and to help Dover District Council realise its ambitions to have strong, safe and sustainable communities our revised strategy now encourages social housing landlords operating in the district to help their tenants feel settled and a part of the community they live in by offering them the most secure type of tenancy they can, based upon their individual family circumstances and move away from the use of shorter term fixed period tenancies.

GUIDANCE FOR RPSH – TENANCY TYPES

INTRODUCTORY/STARTER TENANCIES

The Council supports the use of introductory or probationary ('starter') tenancies which were introduced under earlier legislation: Part 5 of the Housing Act 1996. An introductory or probationary tenancy is a one-year 'trial' tenancy and as long as the terms of the tenancy agreement are met automatically move on to a longer more secure tenancy type. Introductory and starter tenancies enable social landlords to obtain possession of a property more easily where there have been problems with the way in which the tenancy has been conducted. The landlord will be expected to follow the

correct legal process if it decides to seek possession and the Council would also encourage landlords to make use of powers granted under Section 179 of the Housing Act 2004 to extend introductory tenancies granted after 2 June 2005, where there are continuing doubts about the conduct of a tenant, or where there have been problems of anti-social behaviour to provide sufficient time to try and resolve problems.

The Council also expects landlords to meet the appeal requirements of the legislation

SECURE TENANCIES

A secure tenancy is a lifetime tenancy without a fixed term that is granted by the Council and can only be ended if the tenant breaches their tenancy conditions during the tenant's lifetime or in certain prescribed conditions set out in legislation.

A secure tenancy can only be granted by Councils which are local housing authorities.

FLEXIBLE SECURE TENANCIES (FIXED TERM TENANCY):

A flexible tenancy gives tenants the similar rights to a lifetime secure tenancy, but only last for a fixed period. Introduced by the Localism Act 2011, this tenancy type can only be granted by the Council.

Dover District Council has been using flexible fixed term tenancies since May 2014 but will with the adoption of this strategy and

where appropriate having taken into account the individual circumstances of each application offer an introductory tenancy followed by a lifetime secure tenancy for future lettings.

Those living in DDC stock who currently have flexible fixed term tenancies will be moved to more secure lifetime tenancies.

ASSURED TENANCIES

An assured tenancy can be granted either with or without a fixed period by RPSH. The Council would expect landlords using these types of tenancy to follow prescribed processes when seeking possession and to have robust appeals processes in place where they are required.

ASSURED SHORTHOLD TENANCIES:

An assured shorthold tenancy (AST) can be issued by an RPSH of social housing and a private landlord. It is recommended this type of tenancy is not used by RPSH for Social Rent or Affordable Rent properties.

DEMOTED TENANCY:

If a tenant has been involved in anti-social behaviour it is possible to seek a demotion order for their tenancy for a 12-month period. This is achieved by obtaining a court order. A demoted tenancy reduces a tenant's rights and facilitates the eviction process if required.

At the end of the 12-month period, if the tenant has complied with the court order their tenancy will automatically revert to a secure or fixed term tenancy. The Council supports the use of demoted tenancies to help better manage anti-social behaviour.

GUIDANCE FOR RPSH -FLEXIBLE TENANCIES

Dover District Council encourages all landlords operating in the District to offer the most secure tenancy possible, this can be assessed on an individual household, but we accept that some RPSH may still have tenants who have a fixed term tenancies or situations where they may be expected to continue to take advantage of fixed term tenancies. Where this is the case the Council would want the following actions taken and factors considered:

TENANCY POLICIES

The Council expects every RPSH managing social housing in the district to publish a clear and transparent Tenancy Policy which should cover the following items:

- The kinds of tenancies they will grant
- the length of the terms of tenancies where they are granted for a fixed term
- The circumstances under tenancies of a particular type are granted

- The circumstances under which a tenancy may or may not be reissued at the end of the fixed term, in the same property or in a different property
- The way in which a tenant or prospective tenant may appeal 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 expiry of the fixed term
- Their policy on considering the needs of those who are vulnerable, by reason of age, disability or illness, and households with children, including through tenancies which provide a reasonable degree of stability; and
- The advice and assistance given to tenants on finding alternative accommodation in the event they decide not to grant a further tenancy.
- Their approach to tackling tenancy fraud.

TENANCY AGREEMENT AND FLEXIBLE TENANCIES

Dover District Council would wish to see RPSHs:

- Offering clear advice to all tenants being housed by them about the type of tenancy they are being offered at the point of sign up, along with the reasons for offering that type of tenancy and the process for reviewing the fixed term tenancy
- Tenancy agreements used that set out clearly the type of tenancy and any rights specific to that type of tenancy.

- Fixed term tenancies granted for a minimum of 5 years, with consideration given for longer periods of time in specific circumstances.
- Longer fixed term tenancies considered for families with young children, older households and for vulnerable tenants who would benefit from the increased stability offered.
- The Council also believes that it would be appropriate to offer some members of the armed forces who successfully apply for housing, a lifetime tenancy. The Council believes that the following criteria should be used for determining which tenants this should be applied to: (a) a person who is serving in the regular forces or who has served in the regular forces within five years of the date of their application for an allocation of housing under Part 6 of the 1996 Act; (b) a person who is serving or has served in the reserve forces and who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to that service.
- Tenants going into Sheltered or Extra Care Housing should be given lifetime tenancies
- Shorter term tenancies (2 years) should only be used in exceptional circumstances, for example: where the accommodation is only intended to be short term

REVIEW ARRANGEMENTS FOR FLEXIBLE TENANCIES

When review arrangements for flexible tenancies take place the Dover District Council would want to see:

- RPSH having clear explanations of their review process for flexible tenancies, detailing how frequently a fixed term tenancy will be reviewed and what factors will be considered as part of that review.
- Reviews taking place at least 9 months prior to the end of the tenancy.

ENDING FLEXIBLE TENANCIES

In situations where a registered provider intends ending a fixed term tenancy without there being a breach of tenancy conditions DDC would wish to see:

- Reasonable efforts made to offer suitable alternative accommodation and consideration given to extending the tenancy until alternative suitable accommodation can be made available.
- At least 6 months written notice to a tenant if the tenancy is not renewed.
- The reasons for ending the tenancy set out clearly along with information for the tenant on how to make an appeal.
- RPSH should inform the Housing Options Team at Dover District Council when a decision has been made to end a tenancy and the reasons for ending the tenancy.
- Decisions to end a fixed term tenancy by accelerated possession proceedings should be proportionate and tenants

should be provided with clear, accessible guidance on the RPSH internal process.

LOCAL LETTINGS PLANS

The Council believes that local lettings plans can play a role in helping to achieve balanced, sustainable communities. However, they should only be used where it can be clearly demonstrated they will have a positive community benefit and should be subject to regular review.

KENT HOMECHOICE

The Council encourages RPSHs (Registered Providers of Social Housing) operating in our District to use the Kent Homechoice choice based letting system when letting homes. When advertising properties, landlords should clearly indicate the duration of the tenancy being offered and the rent that will be charged. Details of how to access the landlord's tenancy policy should also be provided.

AFFORDABLE RENTS

Gross market rent is the rental total a property would generally be expected to be let for in the private housing sector. The gross

market rent is determined by factors such as the property size, location, and service provision.

Affordable rents should not exceed 80% of gross market rent and must be inclusive of service charges where applicable. The Council recognises that affordable rent is an important tool for developers when creating financially viable housing programmes in the district

Evidence suggests that affordable rent levels in parts of Dover District would fall within the Local Housing Allowance (LHA) rate and that the difference between an average social rent charged by registered providers and an average affordable rent in the DDC district may be lower than in many other local authority districts in Kent.

However, the Council recognises that market rent levels can vary significantly across the district and that in higher value areas, there is the possibility that the affordable rent for some property types could exceed the LHA rate. Given these local market variations it is expected that RPSH would discuss development proposals with the Council at an early stage so that proper consideration can be given to the potential impact of charging affordable rents on a scheme-by-scheme basis. The Council's view is that wherever possible affordable rent levels should not exceed LHA rates.

RPSH should also try to ensure that affordable rent levels do not create a benefits trap for its tenants, and in doing so hinder or deter household members from looking for work. Where affordable rents

are used, RPSH should have robust suitability and income/expenditure checks in place to prevent this.

RPSH must comply with the terms and conditions of any agreements with Homes England or the secretary of State when setting affordable rents.

Dover District Council recognises the importance to RPSH business plans of rent levels in their existing stock and wants to work with them to use existing housing assets to maximise their capacity to develop new affordable homes. RPSH may convert existing social rent properties into affordable rents in certain circumstances, but must ensure that a housing supply delivery agreement is obtained with Homes England

The Council expects that affordable rent properties will be allocated in the same way that social rent properties are now. The existing regulatory obligation on providers to co-operate with local authorities' strategic housing function on the allocation of social rent properties will also apply to affordable rent.

The Council recognises that the tenancy rights protection given to tenants looking to transfer to another social rent property does not apply to affordable rent properties and that this has the potential to discourage tenant mobility. The Council would want to see landlords offering transferring tenants the same type of tenancy they already have although at the higher affordable rent level.

MUTUAL EXCHANGES

Mutual exchanges are an important option available to help tenants to improve their housing situation and for landlords to make more effective use of their housing stock.

The introduction of affordable rents and fixed term tenancies has implications for tenants who wish to exercise their right to mutual exchange. The Localism Act created a new mechanism for mutual exchanges to protect certain lifetime tenants.

If assured lifetime and secure lifetime tenants who were granted their tenancy before the 1 April 2012 exchange with a flexible tenant, their existing tenancies are surrendered, and a new tenancy is issued to each party. The previously secure or assured lifetime tenants are granted another secure or assured lifetime tenancy. The fixed term tenant is granted a new tenancy, but there is no particular provision regarding its status. It will be a matter for the RPSH to decide what type of tenancy to offer.

The Council encourages RPSH to grant security equal to that which is being given up, even if they are not obliged to do so, to ensure that mutual exchanges remain an effective tool to manage housing stock. RPSH should ensure that tenants who are mutually exchanging are aware of the implications to their tenancy, including:

- Any changes to their secure or assured status.

- Any change in rent level between Social Rent and Affordable Rent.
- Any gain or loss of the Right to Buy

SUCCESSION

The Localism Act 2011 changed the legal entitlement of succession of a new secure, introductory, or demoted tenancy (i.e., to take over the tenancy of a person who has died).

The legal right to succession for post 1 April 2012 tenancies is limited to a spouse, civil partner, or cohabiting partners. While this excludes other close relatives living with the tenant at the time of their death, RPSH will be free to allow discretionary successions to additional groups. The Council wishes to avoid the possibility that this change will result in more households becoming homeless and seeking assistance with re-housing.

RPSH are therefore expected to use their discretion and put in place measures that will avoid this.

DOMESTIC ABUSE

The Council wants to ensure that survivors of Domestic Abuse will not fear losing security of their tenure if they need to move to escape domestic abuse.

The Council expects RPSH to abide by The Secure Tenancies (Victims of Domestic Abuse) Act 2018 and ensure that when they are rehousing an existing secure tenant who has needed to move or who has recently moved from their social home to escape domestic abuse, are grant a secure tenancy for their new home.

The impact of this on the turnover of social housing stock should be minimal and should be offset by the subsequent eviction of the perpetrator from the former home, thereby releasing another affordable property.

TENANCY FRAUD

The Council recognises that affordable housing is a limited resource, and therefore it expects RPSH to place great importance on tackling social housing fraud of any kind.

There are various types of social housing fraud RPSH should remain vigilant and be aware of. These include:

- Making a false declaration or submitting fraudulent documents at the application stage to obtain a tenancy
- Unlawful subletting, or where certain subletting is not permitted in a tenancy agreement
- Non-occupation by the tenants of their social housing property as this is not their main or principal home

- Unlawful tenancy succession or wrongful succession to a person who does not qualify and or submitted false information to acquire the property; and
- Where a false Right to Buy application has been submitted.

RPSH should have robust internal audit policies and processes in place to detect possible fraudulent or corrupt actions by tenants and staff.

HOMELESSNESS

Councils continue to have a duty to house homeless people who are eligible for such assistance under related legislation, in priority need and unintentionally homeless.

However, under the previous rules, people who became homeless were able to refuse offers of accommodation in the private rented sector and wait for a suitable social home to be offered to them. This can result in households being temporarily housed in expensive temporary accommodation until such a home becomes available.

The Localism Act allows local authorities meet their homelessness duty by providing good quality private rented homes. Government believes that this option could provide an appropriate solution for people experiencing a homelessness crisis, at the same time as freeing up social homes for people in real need on the waiting list.

While there is no certainty that this change will result in more homeless households being re housed in the private rented sector, the Council welcomes it as an additional tool we can use to tackle and prevent homelessness.

The Council will seek to ensure that any offer of private rented housing is appropriate to the needs of the household and the minimum length of any tenancy will be 12 months.

MONITORING AND REVIEW

The Council will wish to monitor the effectiveness and extent to which the new provisions are implemented. This will include monitoring:

- The number of fixed term tenancies issued by PRSH
- The number of reviews carried out and tenancies renewed/not renewed
- Reasons for non-renewal of tenancies
- The number of under occupying households re-housed
- The number of mutual exchanges
- The number and location of social rented homes converted to affordable rent
- The number of homeless households re housed in the private sector

It will also consider changes in market conditions and the impact this may have on affordable rent levels and housing affordability as well as the impact of welfare benefit changes, particularly housing benefit.

This monitoring and review will inform future changes to the strategy, and we will expect registered housing providers to assist with this process by providing statistical information when requested.

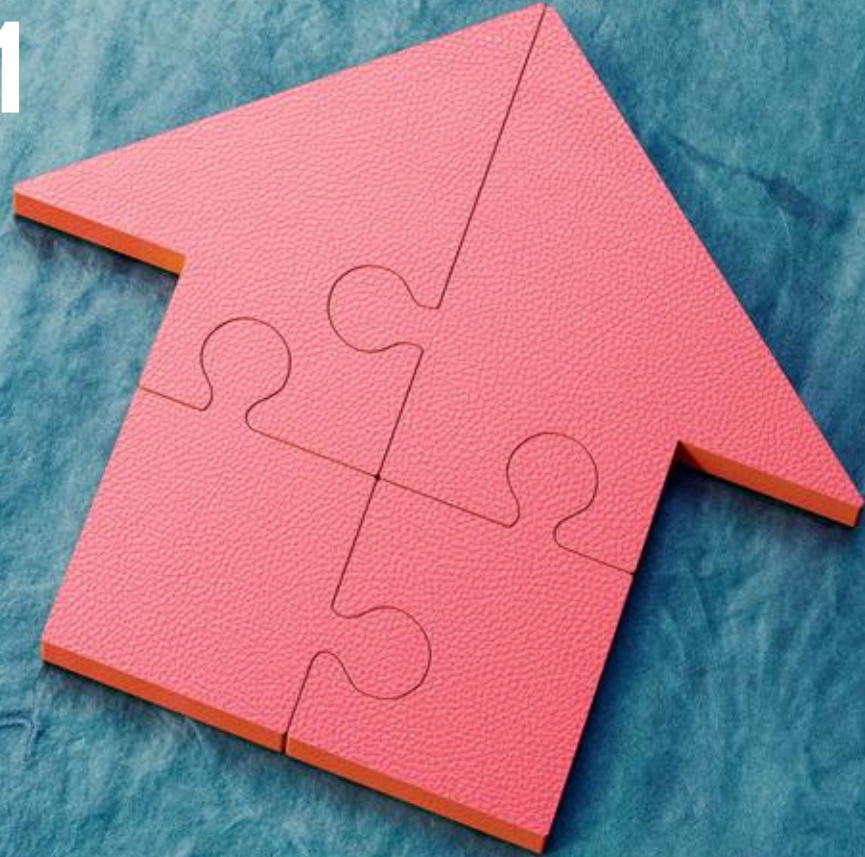
Any significant changes that arise due to changes in legislation, regulation of guidance will be taken through the Council's Cabinet process for consideration.

EQUALITIES

A full Equality Impact Assessment of this strategy has been undertaken to assess the impact of the strategy on the different equality groups with the intention of implementing remedial action where the impact is negative and maximising access to services for everyone.



Tenancy Management Policy 2021



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1. INTRODUCTION

The Localism Act 2011 requires the Council to produce and publish a tenancy strategy indicating the approach the Council would like Registered Providers of Social Housing (RPSH) with accommodation in their area to take when preparing their Tenancy Policies and implementing the tenure reforms included in the Localism Act. All social housing landlords are also required to publish a clear and accessible tenancy management policy which has regard to the content as set out in the Tenancy Strategy. This includes:

- the types of tenancy granted
- how a person's circumstance will be considered when deciding the type of tenancy to grant
- the length of time a tenancy will be granted for; and
- how tenancies will be managed towards the end including the offer of a new tenancy

The tenancy management policy must also take into account the consumer standards as outlined by the Regulator for Social Housing which require social housing landlords to address the management of mutual exchanges and successions within their tenancy management policy.

The purpose of this policy is to ensure current and future Council tenancies are managed consistently and supports the Council's vision for Dover residents who are renting to have a clear

understanding of their tenancy, their rights and the level of security their tenancy offers them.

This document is written from the council's perspective as a Stock owning landlord and applies to Dover District Council tenancies only. RPSH should refer to the Tenancy Strategy which outlines the Council's expectations of them in the preparation of their own tenancy management policies.

2. POLICY AIMS

The aims of this policy are:

- to meet the requirements of the Regulator of Social Housing, Tenancy Standard
- to deliver the objectives and aims of the Tenancy Strategy 2021 - 2026
- to clearly outline the types of tenancies offered by the Council and what could lead to a change in tenancy type e.g. demotion
- to ensure tenants understand their rights and responsibilities
- to support the Council's policy on tackling Anti-Social Behaviour

3. RELATED DOCUMENTS

This document should be read alongside the Council's Tenancy Strategy, Allocations Policy, Homelessness and Rough Sleeper Strategy 2020-2024, the Housing Service Neighbour Nuisance and Anti-Social Behaviour policy, and the Dover District Local Plan which sets out a clear commitment to make Dover District a great place to live and work, where people feel that they have opportunities to change their lives for the better.

4. TYPES OF TENANCY

4.1 FLEXIBLE TENANCIES

Section 154 of the Localism Act 2011 gives local authorities the power to offer new social tenants flexible tenancies for a certain term (i.e. fixed term tenancies). A fixed term tenancy is a secure tenancy normally for a period of 5 years but for no less than 2 years in certain circumstances where this is permitted. These tenancies are either renewed for a further fixed term or ended after the tenancy period depending on the tenant's circumstances when reviewed.

Since May 2014 Dover District Council has offered new tenants, an introductory tenancy followed by a 5-year fixed term tenancy. The revised Dover District Council Tenancy Strategy 2021 – 2026 takes

into account changes in the use of this type of tenancy at both a national and local level and recommends instead that RPSH operating in the area offer their tenants the most secure type of tenancy depending on the individual circumstance of the family.

Upon adoption of the Tenancy Strategy 2021 – 2026 and the Tenancy Management Policy existing Dover District Council tenants who have a fixed term tenancy and have not breached the terms of it will be invited to use the break clause in their current flexible tenancy agreements and be reoffered a secure lifetime tenancy or continue until the end of their fixed term and then be offered a secure lifetime tenancy. Those who are in breach of their tenancy conditions will retain their fixed term tenancy until the breach is remedied.

4.2 INTRODUCTORY TENANCIES

Section 124 of the Housing Act 1996 made introductory tenancies available for local authorities. They can be used only where a secure tenancy would usually exist and once introduced must be used for all new tenants except where set out below.

The Council believes that introductory tenancies are an effective tool that can be used as part of a comprehensive strategy to deal with anti-social behaviour.

All new tenants will be granted an introductory tenancy for a period of 12 months. This 'trial' period allows tenants to demonstrate that they can sustain a tenancy and comply with the terms of the tenancy agreement. Tenants on an introductory tenancy do not have the same rights as tenants on secure or fixed term tenancies.

Introductory tenants:

- Cannot make major improvements to the property
- Cannot swap properties with another council tenant; and
- Cannot apply to buy their property through the Right to Buy scheme

Upon completion of the trial period the Council will grant the tenant a secure tenancy which includes the rights as listed in 4.3, unless:

- The tenant has broken the tenancy agreement and the Council has started action to evict the tenant; or
- The Council has given notice of extension to extend the introductory period for a further 6 months

Introductory tenancies will not be used where:

- Someone is a secure tenant of a local authority immediately before the offer of accommodation (not necessarily the same local authority) or a secure or assured tenant of a housing association; or
- Where a secure tenancy is being assigned, including by way of a mutual exchange.

The use of introductory tenancies will help the Council achieve the following:

- Deter new tenants from behaving anti-socially or criminally
- Reduce Anti-social Behaviour and nuisance behaviour among new tenants
- Encourage community stability and cohesion
- Reduce the impact of residents who behave anti-socially
- Enable early action for any serious breach of the tenancy agreement
- Encourage regular payment of rent

4.3 SECURE TENANCIES

A secure tenancy is a lifetime tenancy meaning it cannot expire and can only be brought to an end if the tenant breaches their tenancy conditions or in circumstances specified in the Housing Act 1985. The Council will grant a secure tenancy if (immediately before the tenancy began) the applicant was:

- A secure tenant
- An assured tenant (not an assured short hold tenant) of social housing where the landlord is a registered social landlord; or
- An introductory tenant who has successfully completed their trial period

- Existing Secure Tenants who need to move or have recently moved from their social home to escape domestic abuse.

A secure tenancy gives the tenant security of tenure and the following statutory rights:

- Right to buy their home (this does not include sheltered or extra care housing)
- Repair their home if we fail to do so
- Make improvements or alterations to their home (subject to permission)
- Have lodgers or sublet part of the property (subject to permission)
- Exchange homes with another tenant via mutual exchange
- In some circumstances pass on their tenancy when they die

A person under the age of 18 years cannot hold a legal tenancy. In cases of minors seeking tenancies, the Council will require another member of the minor’s family or another trusted adult to hold the tenancy in trust for the minor’s benefit until they reach 18 when the tenancy will pass to them.

4.4 DEMOTED TENANCIES

A demoted tenancy presents the Council with an alternative to suspended possession proceedings in the case of anti-social behaviour. The tenant of a demoted tenancy does not lose their

home but has less security and fewer rights. It is broadly like an introductory tenancy.

The Council will serve a four-week notice of its intention to seek to demote a tenancy for 12 months where the tenant, or someone living with or visiting the tenant has:

- Engaged or threatened to engage in antisocial behaviour; or
- Used or threatened to use the property for an unlawful purpose

The Council will apply for a court order to provide authorisation of the demoted tenancy.

If the tenant has complied with the court order at the end of the 12-month period, their tenancy will revert to a secure tenancy. If the tenant has not complied with the order, the Council will:

- serve a four-week notice with decision to seek possession of the property; and
- obtain a possession order to evict the demoted tenant.

A demoted tenant will have the opportunity to appeal the decision to seek to evict and the Council will review the decision if requested. If the outcome review upholds the decision to seek possession of the property, the Council can apply to the Court for a possession order and end the demoted tenancy. If the review finds the Council

should not uphold the decision to seek possession, the tenancy will revert to a secure tenancy.

The Council will not demote a tenancy more than once. If a tenant whose tenancy has previously been demoted has reverted to a secure tenancy, then reoffends, the Council will take steps to end the tenancy.

4.5 NON-SECURE TENANCIES

These are tenancies usually given to people who are being housed temporarily under the Council's homelessness duties. They are generally used for interim accommodation pending a full review of the household's circumstances.

4.6 TEMPORARY ACCOMMODATION TO ALLOW MAJOR WORK TO TAKE PLACE

If a Council home requires major works, for example because of a serious fire, a decant to a temporary accommodation will be offered if the Council considers it unsafe for a household to remain at home during the work. The tenant(s) will be offered a licence agreement for the duration of the works.

When works are completed, the tenant(s) will be served with Notice to end the Licence agreement, return to their Council home, and continue their secure tenancy.

5. SOLE AND JOINT TENANCIES

The Council offers both sole and joint tenancies to new households moving into a new Council home. This is subject to eligibility.

5.1 SOLE TENANCY

A sole tenancy is where one member of the household signs the tenancy and is responsible for ensuring the household fulfils the responsibilities set out within the tenancy agreement. Where there is a breach of tenancy, the sole tenant is accountable, even if a member of their household or guest is responsible.

5.2 JOINT TENANCY

A Joint Tenancy is where more than one persons has responsibility for meeting the requirements of the tenancy agreement. Each tenant is entitled to stay in the home until the end of the tenancy and have equal rights to the tenancy.

The Council will offer joint tenancies to a maximum of two people. The tenancies listed in section 2 could be granted on a joint tenancy basis in the following circumstances:

- the proposed joint tenants are both eligible for housing as defined by legislation and
- where the proposed joint tenants are married or civil partners or

- where the proposed joint tenants live together, and the relationship is an 'established' one i.e. evidence is produced showing they have lived together for at least 12 months prior to the joint tenancy application

5.3 CONVERTING A SOLE TENANCY TO A JOINT TENANCY

Requests from existing sole tenants that a joint tenancy be granted to them and another person, are considered on a case-by-case basis at the council's discretion. These requests are granted very rarely to minimise the risk of tenancy fraud.

Any applications for a sole tenancy to be converted to a joint tenancy will be refused under the following circumstances:

- The household cannot provide proof of marriage or civil partnership, or of joint residency for at least 12 months prior to the application
- There is outstanding action against the household for a breach of tenancy
- There are outstanding rent arrears
- There is a history of tenancy breaches
- The tenancy has been demoted
- The applicant is already named on another a tenancy
- The tenancy has already been assigned to the sole tenant
- The tenancy has been succeeded to by the sole tenant

5.4 CONVERTING A JOINT TENANCY TO A SOLE TENANCY

In some situations, a household may wish to convert their joint tenancy to a sole tenancy.

The Council will check whether this is lawfully possible under section 91 of the Housing Act 1985. The tenant who wishes to remove themselves from the tenancy will be required to complete a Deed of Assignment.

Where an assignment cannot be agreed between joint tenants, those who are married or in a civil partnership can apply to the Family Court to transfer the tenancy.

The Council must be notified if one of the joint tenants moves out of the home. If after 24 months both joint tenants have not resolved their tenancy situation, or the absent tenant has not made contact, the remaining tenant can apply to the Council for a new replacement sole tenancy.

This is subject to:

- No applications have been made to transfer the tenancy via Assignment or Court Order
- There are no outstanding breaches against the tenancy (this will not apply where the absent tenant was sole cause of antisocial behaviour)
- There are no outstanding rent arrears

- The home being specifically adapted for the absent tenant (in this case an alternative home may be offered)
- The home being of a suitable size to meet the needs of the remaining tenant (in this case an alternative smaller property may be offered)

If a request to convert a joint tenancy to a sole tenancy is agreed by the Council the remaining tenant will be asked to serve a termination notice. The Council will then issue a replacement tenancy.

Prior to issuing a replacement tenancy, the Council will write to the absent tenant giving 14 days’ notice to object and provide evidence as to why the tenancy should not be replaced.

6. ENDING A TENANCY

6.1 WHERE THE TENANT WISHES TO END THE TENANCY

Tenants may decide to end their tenancy at any time. To terminate a tenancy the tenant must give the Council 4 full weeks’ notice in writing, starting from a Monday. A termination notice can be:

- Sent in an email to housing@dover.gov.uk
- In writing to: Housing Team, White Cliffs Business Park, Dover CT16 3PJ; or

- The tenant or the person with Power of Attorney (proof of this status is required) must sign and return our Tenancy Termination Notice.

Once the Council receives the Tenancy Termination Notice, this starts the four-week notice period for the tenancy ending. All tenancies will end on a Monday.

Up until the end date, tenants will be responsible for paying rent. If a tenant requires to vacate the property earlier than the 4-week notice period, they must advise the Council that they intend to do this. The tenant will not be allowed to enter the property after this date.

When leaving all tenants must give ‘vacant possession’, which means that, the tenant must:

- leave the property in a clean condition and in a good state of repair and decoration
- clear all their belongings, furniture, items in the loft, gardens and outbuildings and all rubbish; and
- leave with no people or pets still living in the property

If a tenant does not leave the property clean and clear, they will be charged for the cost of cleaning and clearing out the property.

6.2 WHERE THE COUNCIL WISHES TO END THE TENANCY

The Council will seek to support tenants and help them maintain their tenancies but will take action to end tenancies in circumstances where:

- the tenant has breached their tenancy conditions
- the tenancy is for a property which the Council needs possession of so that a redevelopment or regeneration scheme can proceed; or
- the tenancy has been obtained fraudulently

If the Council ends a tenancy because of a tenancy breach the tenant will be referred to the Housing Options team.

6.2.1 COUNCIL TERMINATION OF AN INTRODUCTORY TENANCY

Where the tenancy is an introductory tenancy, regular reviews of the tenancy will take place in the 12-month introductory period.

If a tenant fails to pass the 12-month introductory tenancy and or a subsequent 6 months extension period, the Council may seek possession through service of notice under section 127 Housing Act 1996 at any time. In these circumstances tenants will be offered the right to review.

6.2.2 COUNCIL TERMINATION OF A SECURE TENANCY

The Council may terminate a secure tenancy by seeking possession under the grounds set out in Schedule 2 of the Housing Act 1985. The Council will seek a possession order from the Court if a tenant or household do not leave the property when the notice expires. This includes mandatory grounds for possession for anti-social behaviour in section 84A Housing Act 1985.

6.3 DEATH OF A TENANT

In the unfortunate event of a death of a tenant, the tenancy can be transferred to an eligible family member. This is known as succession (see section 9). If there is no eligible family member to succeed the tenancy the Council will end the tenancy by serving a notice formally ending the tenancy.

7. ASSIGNMENT

In some cases, the Court will order the assignment of a tenancy between joint tenants. In these cases, copies of the relevant Court order will be requested.

Secure tenants may also have the right to assign their tenancy with the agreement of their landlord where:

- A succession to the tenancy has not previously taken place

- An assignment of the tenancy (other than as a consequence of mutual exchange or by Court order) has not previously taken place and
- The proposed assignee would be eligible for housing under the council's Housing Allocation Scheme and eligible to succeed to the tenancy on the death of the tenant

Tenancy assignments use up the right of succession and a tenancy can only be succeeded once, someone who was granted their tenancy as a succession cannot carry out an assignment.

8. SUCCESSION

When a secure tenant dies, another family member may be entitled to inherit their tenancy. This is known in legal terms as a Succession. There can only ever be one succession to a council tenancy.

Under section 86A of the Housing Act 1985, a tenancy that started before 1 April 2012 can be succeeded by the following family members:

- husband/wife
- civil partner
- unmarried heterosexual partner
- same-sex partner
- grandfather/grandmother
- father/mother

- brother/sister
- uncle/aunt
- nephew/niece
- son/daughter
- stepson/stepdaughter
- adopted child
- Grandson/granddaughter

Where the successor is under 18 years of age a trustee will need to be agreed to hold the tenancy in trust for them until their 18 birthday.

For secure council tenancies created after 1 April 2012, there is no right for a family member to succeed, unless the tenancy agreement allows it. In normal circumstances, the following members can succeed a tenancy after 1 April 2012:

- Husband/wife
- Civil partner (registered under the Civil Partnership Act 2004)
- Co habiting partner

To succeed a tenancy, the Council will check:

- The date the tenancy started
- If the individual is one of the persons listed above

- Whether the deceased was using the home as their main or principal home up until the date of death for at least 12 consecutive months.
- The successor was also living at the home during this period whilst married, in a civil partnership or co habiting

The Council will not agree to a succession in the following situations:

- If the applicant is unable to prove that they are a family member or that they live/had lived at the address.
- If a tenancy has already been succeeded as it cannot be succeeded again. This also applies if there has been an assignment of the tenancy.

Eligible successors to a council tenancy will have the same type of tenancy as the person who died. For example, if they had an introductory or a demoted tenancy, it will remain introductory or demoted until the full trial or demotion period has passed.

In cases where the successor is a close family member (described above) and the property they are occupying is considered too large or unsuitable the Council will offer a tenancy of a suitable alternative property to the successor.

9. MUTUAL EXCHANGES

Mutual exchange is the process through which secure and assured tenants can assign their tenancy to another secure or assured

tenant. Flexible tenants may also apply to exchange homes in this way and there are special provisions in place when flexible tenants wish to exchange homes with a secure tenant with a tenancy that came into effect prior to 1 April 2012.

Secure or assured tenants whose tenancy commenced before 1 April 2012 wishing to exchange properties with a tenant holding a flexible or fixed term tenancy are entitled to have their exchange (if approved) achieved by surrender and re-grant of new tenancies.

The Council encourages the use of mutual exchange for tenants who wish to downsize, upsize, or who want to change their location as an alternative to a transfer even if they are not obliged to do so.

The council will ensure that tenants who decide to mutually exchange are aware of any implications to their tenancy, such as:

- Any changes to their Secure or Assured status
- Any change in rent level between Social Rent and Affordable Rent; and
- Any gain or loss of the Right to Buy

Tenants should use the website HomeSwapper to advertise their property. Once an exchange has been agreed between both tenants an application form must be completed on HomeSwapper.

Once the Council has received the application form, the Council will:

- process the application

- carry out an inspection of the applicant's current property; and
- ask the tenant to sign a letter confirming acceptance of the new property and its current condition.

If the tenant is moving to a home owned by another landlord, the Council will provide a tenant reference and request a reference for the incoming tenant.

Only once the Council has agreed to the exchange may this happen. An exchange must not happen if the tenant has not received written permission from the Council.

If the Council refuses an application the reasons for the refusal will be provided in writing to the applicant. Examples of when an application for mutual exchange may be rejected or only conditionally approved include situations where:

- It would result in a Council home being under-occupied or overcrowded
- There are outstanding rent arrears that need to be cleared before the exchange can progress; or
- The Council is in the process of taking action legal action for breach of tenancy against the tenant or action under other grounds of the Housing Act 1985.

10. USE OF THE PRIVATE RENTED SECTOR

Dover District Council continues to have a duty to house homeless people who are eligible for such assistance under related legislation, in priority need and unintentionally homeless. The Localism Act allows local authorities meet their homelessness duty by providing good quality private rented homes. The Council will seek to ensure that any offer of private rented housing is appropriate to the needs of the household and the minimum length of any tenancy will be 12 months.

11. MONITORING AND REVIEWING TENANCIES

11.1 MONITORING INTRODUCTORY AND DEMOTED TENANCIES

All new Council tenancies will be introductory tenancies. The tenant will be monitored throughout the 12-month introductory or demoted tenancy.

Housing Officers will contact and visit introductory tenants throughout this 12-month period, specifically at 6 weeks, 3 months, 6 months, and 9 months. At 9 months Housing Officers will complete a formal introductory tenancy review and assess whether the tenancy should be allowed to continue, extended, or terminated. This decision will take into account:

- whether a tenant has paid their rent in full and on time

- whether there have been reports of anti-social behaviour

During visits to the home, officers will also assess how the property is being treated and if there is any malicious damage. Such cases will be treated as a serious tenancy breach and the tenant(s) will be charged for any repairs or maintenance carried out.

Tenants will be informed in writing of the outcome of review. If the Tenants disagrees with the recommendation, they have the right to appeal.

11.2 MONITORING SECURE TENANCIES

To monitor secure tenancies, the Council will undertake a programme of tenancy audits. Additionally, it will monitor contact reports from other residents flagging concerns with a tenant(s).

The Council can audit a Council home at any point. Tenants will be notified at least 24 hours in advance of a tenancy audit-taking place. The purpose of a tenancy audit is to ensure the Councils records are accurate. During these audits, officers will be looking for the following:

- Changes to the household
- Identify households who may require support or an intervention e.g. hoarders
- Ensure the home has not been damaged or altered without permission

- Ensure pets are not being kept without permission
- Update tenancy records

All of Council homes will be audited at least once over a 5-year period. Issues or concerns identified in an audit may be visited more than once. The Council can carry out an unannounced tenancy audit, in response to:

- Alleged damage to the property or significant disrepair
- Safeguarding concerns for the tenant; or
- Suspected tenancy fraud.

In addition to the tenancy audits, tenants can update information about themselves and members of their household by contacting the Housing Management team. This includes listing who lives in the home or whether a member of the household has a disability.

12. TENANCY SUSTAINMENT

The Council will provide several support mechanisms for its tenants to enable them to sustain their tenancies. These include:

- A new tenancy visit or phone call conducted within 6 weeks of the tenancy start date to ensure that all new tenants are receiving the support they need

- Further structured home visits where necessary during the first 12 months of the tenancy at 3, 6 and 9 months to assess the conduct of the tenancy and if there are any additional support needs that are not currently being met
- Regular tenancy audits to update our tenant profile information and ensure properties are being maintained.
- Update and regularly review web services to ensure that there is clear, concise and easily accessible information for Council tenants on the points raised in this policy.
- A comprehensive needs assessment for those requiring supported housing pre-tenancy offer, at tenancy commencement and via on-going support where appropriate
- Provision of information and services that go beyond the normal role of the landlord e.g. signposting for debt and welfare benefit advice, financial inclusion information, affordable warmth information and assistance to gain and maintain employment and training opportunities
- Developing constructive partnerships with agencies that can assist with the provision of, support and services to vulnerable residents, in particular:
 - Social Services
 - Citizens Advice Bureau - Shelter
 - Kent County Council Supporting People team
 - Probation
 - NHS Trusts

- Providing training for our staff that equips them with the knowledge of support services available from other agencies and know how to access them

13. TENANT INCENTIVE SCHEME

The council is committed to ensuring that homes are made available to those who need them. The Council will continue to operate a Tenant Incentive Scheme as a way to encourage older households to move from family sized homes to smaller ones and free up larger homes for those who need them.

The Council will provide a grant for the voluntary move and for each room given up. This will be paid following the move and is provided to assist with removal costs and other related expenses.

Any debt owed to the Council will be recovered from this grant.

14. TACKLING TENANCY FRAUD

DDC will investigate fully all reports of suspected tenancy fraud using all the enforcement tools available including civil and criminal remedies and the repossession of the property where the tenancy fraud is proven. The Council will actively pursue any potential tenancy fraud in cases including:

- Sub-letting without permission from DDC

- Unauthorised assignment (including by mutual exchange)
- Wrongly claimed succession
- Right to buy fraud
- Obtaining a tenancy by false statement or knowingly withholding relevant information; and
- Not using the property as an only or principal home

In the case of successful criminal or civil action, the Council may actively publicise the result in order to deter further tenancy fraud.

15. TACKLING ANTI-SOCIAL BEHAVIOUR

The Council is committed to taking positive action in conjunction with our partners, to deal with all forms of anti-social behaviour to ensure that residents are able to enjoy peace, quiet and security in and around their homes, whilst remaining tolerant of the reasonable behaviour of others.

Examples of Anti-social behaviour includes but not confined to:

- Drunken or threatening behaviour
- Physical violence
- Violence against women and girls
- Hate related incidents
- Vandalism, graffiti, and damage to property
- Noise
- Misuse of communal areas/public space loitering

- Verbal abuse/harassment/intimidation – to staff, contractors, tenants or any other member of the community
- Litter/rubbish/fly-tipping
- Pet and animal nuisance
- Nuisance from vehicles
- Garden nuisance

The Council will work proactively in tackling anti-social behaviour in the interests of individual residents and communities, recognising that such actions have a direct impact on the sustainability of communities and neighbourhoods.

16. EQUALITY AND DIVERSITY

This policy supports the Council's commitment to championing equality and ensuring procedures are in place, so all residents are treated fairly and without unlawful discrimination in line with the Equality Act 2010.

A full Equality Impact Assessment has been completed and has identified that there is no negative impact to protected characteristics with the implementation of this policy.

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Appendix 4: The advantages and disadvantages of using flexible tenancies

Advantages	Disadvantages
<p>Social housing landlords can make better use of their affordable housing by moving families on when or if their circumstances change and they no longer need that size properties or can afford to move into another form of housing.</p> <p>Reduces under occupation of family homes</p> <p>Opportunity to review with the tenant their Tenancy Agreement and to consider whether their current property meets their needs including location</p>	<p>The review process is intended to create an opportunity to consider the individual circumstances of each flexible tenant and move them to smaller accommodation or encourage them to move into home ownership or the private sector if they can afford this. The proportion of tenants whose circumstances improve enough to purchase a property, or move into the private rented sector is very low. Families requiring larger accommodation join the housing register and wait and their flexible tenancy is renewed while they do this.</p> <p>Alternative accommodation of any size is not readily available and there is a shortage of smaller accommodation particularly 1 bedroom units in Dover District Council (DDC) stock for flexible tenants to move into. Our allocation policy means that those most in need are offered properties first and as most flexible tenants are adequately housed their applications attract low priority.</p> <p>DDC already has an incentive scheme in place to assist older tenants wishing to transfer to a smaller property, and the current benefit cap also encourages tenants who are in receipt of housing benefit to downsize when the needs arises.</p> <p>Forcing tenants to downsize into a smaller property or move out into the private sector increases stress and anxiety for the household who inevitably fear that they could be made homeless.</p> <p>Tenants who feel less settled and believe they will be moved on are less likely to take responsibility for their home and invest their time and money into it. This could result in higher repair costs.</p>

	<p>Moving families about is disruptive for those with children who might be asked to move away from friends, family support networks and schools</p> <p>Moving tenants because their income exceeds a notional income threshold could discourage people from taking more work to boost their income.</p> <p>Increasing the turnover of tenancies on our estates is not supportive of the Council's desire to see strong, healthy, resilient communities.</p>
<p>The conduct of some tenants may be improved if they believe their tenancy will not be renewed.</p>	<p>The complicated process to end a flexible tenancy during the life of the tenancy for any reason is one of the main disadvantages of their use. Recent case law confirms that to have a successful outcome the tenancy agreement must contain a forfeiture clause and this process must be used rather than straightforward possession action. Fortunately the DDC tenancy agreement does have the appropriate clauses but the process to bring to an end a tenancy using this process is much more complicated and costly.</p> <p>In other situations tenants who have their review conducted 9 months before the tenancy expires may have been conducting their tenancy appropriately. If in the final months of their tenancy their conduct deteriorates it is too late to start the process of not renewing their flexible tenancy for this reason.</p> <p>Even if the Council does not wish to offer a further tenancy due to tenant's conduct, the Council is still obliged to offer advice on future housing options which may be very contradictory to the reality of the reason for eviction.</p>
<p>Flexible tenancy reviews may reduce rent arrears if tenants clear their debts to secure a new fixed term tenancy</p>	<p>Where a tenant has accrued rent arrears and the court has awarded the Council a Suspended Possession Order, it would be reasonable to renew the flexible tenancy where the tenant has complied with the court order. However, if the arrears have not been cleared at the end of the flexible tenancy, any court order is negated by the signing of a new tenancy and the rent arrears become former tenant arrears.</p> <p>The Council's tenancy conditions allow these arrears to be added to the tenant's rent account, but the court order can no longer be relied on to enforce payment. It is not common practice for courts to set a Suspended</p>

	<p>Possession Order at a higher level that would clear rent arrears by the end of the flexible tenancy period.</p>
<p>Admin burden</p>	<p>DDC started using flexible tenancies in May 2014 and to date there is no evidence that their use has increased stock turnover or vacancy rates.</p> <p>Flexible tenancies automatically become a lifetime tenancy at the end of the fixed term unless the landlord grants a new tenancy or is in the process of obtaining possession through the courts. If the tenant is unavailable either because of ill health or deliberately to sign the new agreement in time the tenant becomes a secure tenant by default.</p> <p>The Housing & Planning Act 2016 acknowledged this issue and amended the law as follows: 'unless the landlord grants a new tenancy, a further five-year fixed-term tenancy will arise automatically at the end of the fixed term. That does not prevent the landlord from bringing the original tenancy to an end, but it gives the tenant some protection, while ensuring that the tenancy does not roll over into a lifetime tenancy.' This section of the Housing & Planning Act 2016 has not been brought into force.</p> <p>Flexible tenancy reviews are conducted by Housing Officers. Each one take approximately 2 hours to arrange, complete a home visit and draft paperwork for. If a new tenancy is agreed a further 2 or 3 hours on average will be spent contacting the tenant to arrange for the new tenancy to be signed and set up in the IT system. This is an average cost per case of £108.75</p> <p>If an appeal against the decision is reached a senior officer will be required to hear this and this will take in the region of 5 -6 hours to prepare for, to review and respond to at a cost of £ 165.18 per case.</p> <p>Dover District Council currently have 616 flexible tenancies of our total stock of 4321</p>

	<p>This means that the current administrative cost of reviewing each case once will be</p> <p>£66,990 for review and tenancy agreement signing</p> <p>£10,075 assuming 10% of cases are taken to appeal.</p> <p>£77,065 total</p> <p>This figure increases as more flexible tenancies are created and would rise to £250,536 if 2000 flexible tenancies were created within our stock. It should be noted this is per review and each flexible tenancy requires review every 5 years.</p> <p>To date none of the flexible tenancies reviewed in the District have resulted in tenants being moved into smaller accommodation or into the private sector.</p> <p>Our current IT system (Northgate) does not have the capacity to help monitor the need for a FT review and as a result a further administrative burden and cost is placed upon the team from the need to monitor the timing of reviews through the use of spreadsheets.</p> <p>The time spent on managing flexible tenancies reduces the amount of time that housing staff have to deal with nuisance behaviour and support for vulnerable tenants.</p> <p>If we want to change our tenancy terms and conditions a process is set out clearly in the Housing Act 1985 that allows Local Authority landlords to write to all tenants and put them on notice of the changes proposed. This cannot be done with tenants who have flexible tenancy agreements and in this case each individual tenant would need to consent to the proposed changes to terms and conditions. If they did not agree they would continue with the existing terms and conditions until their flexible tenancy expired.</p>
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Plan for Consulting on the Draft Dover Tenancy Strategy 2021-2025 and Tenancy Policy

Name of Document	Draft Dover Tenancy Strategy and Draft Tenancy Policy
Topic	<p>This consultation plan has been written for the simultaneous consultation of the Draft Dover Tenancy Strategy 2021-2026 and Tenancy Policy 2021.</p> <p>The draft Dover Tenancy Strategy 2021-2026 intends to meet the legal requirements of section 150 of the Localism Act 2011 and to give Registered Providers in the Dover District high level guidance on the approach and aims the Council would like them to take when preparing their Tenancy Policies, implementing tenure flexibilities, the application of the new affordable rent model and the Council's approach to implementing new powers to meet its homelessness duty.</p> <p>The draft Tenancy Policy 2021 intends to meet the legal requirements of the Localism Act 2011 to give due regards to the objectives and priorities of the Council's Tenancy Strategy 2021-2026, as well as the consumer standards as outlined by the Regulator for Social Housing with regards to the management of mutual exchanges and successions. The Policy will convey how the Council will manage its tenancies and explains the rights and responsibilities of tenants.</p>
Period	<p>25 July 2021 – 21 August 2021</p> <p>The consultation period will be 28 days. Initial consultation with key stakeholders was carried out at the strategy scoping stage and therefore a reduced consultation period is considered appropriate.</p>
Promotion and Publicity	<ul style="list-style-type: none"> • Alerts on the Council website and Housing web page • Notification to all relevant statutory and non-statutory agencies by email or letter • Notification to providers of social housing operating within the district by email or letter • Notification to existing and new tenants and housing applicants through the tenant magazine and other such newsletters and Keep Me Posted.
List of Consultees	<ul style="list-style-type: none"> • Registered providers of social housing operating in the district. • Existing council tenants via tenant newsletter

	<ul style="list-style-type: none"> • Housing applicants / potential future tenants via locata webiste • Elected members of Dover District Council • Neighboring Local Authorities • Other external organisations e.g. CAB
Methodology	<ul style="list-style-type: none"> • Communicate with consultees via email providing a web link to on-line version of the document. • Electronic copies will be made available to all consultees; but • Hard copies will be provided if requested • Consultees can also make representations by letter or using our feedback form. • Consultees who do not have an email address will be contacted by letter.
Data analysis	<ul style="list-style-type: none"> • A compilation of feedback received together with officer responses will be reported back with the final version of the strategy for officer approval. • The final report with summary of comments and Council response will be sent electronically to everyone who has submitted a comment.
Feedback	<ul style="list-style-type: none"> • Responses will be sent to everyone who submits a comment, explaining the process by which their comments will be considered and the relevant timescale • The final report with summary of comments and Council response will be sent electronically to everyone who has submitted a comment.
Costs	<p>Costs will be kept to a minimum:</p> <ul style="list-style-type: none"> • consultation work will be undertaken in-house • electronic communication will be our default position and preferred source of communication • postage & printing (estimated £50)



EQUALITY IMPACT ASSESSMENT

DRAFT

Tenancy Strategy 2021 – 2026 and Tenancy Policy 2021

Overview

1. The Public Sector Equality Duty placed a duty on all public bodies to have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

2. The duty has the following three aims:

- To remove or minimise disadvantages suffered by people due to their protected characteristics.
- To take steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people.
- To encourage people with certain protected characteristics to participate in public life or in other activities where their participation is disproportionately low.

3. The protected Characteristics are:

- Age
- Disability
- Gender
- Gender reassignment
- Pregnancy and maternity
- Race
- Religion, belief, or lack of belief
- Sexual orientation
- Marriage and Civil partnership. (For this characteristic the duty only applies to the first aim to eliminate discrimination.)

Equality Impact Assessment form (DRAFT)

Division:	Corporate Resources					
Service, Policy or Function:	Strategic Housing					
Lead Officer:	Perry DeSouza, Housing Policy Officer					
Title of policy, function, or service:	Tenancy Strategy and Tenancy Policy					
Type of Decision	Adoption					
Type of Document	Existing	<input type="checkbox"/>	New / Proposed	<input checked="" type="checkbox"/>	Changed	<input type="checkbox"/>

Aims of the decision <ul style="list-style-type: none"> • Objectives • Intended outcomes • Key actions • Who and how many will be affected 	<p><u>Tenancy Strategy</u></p> <p>Local housing authorities are required under the Localism Act 2011 to publish a Tenancy Strategy. The Strategy should provide high level strategic guidance to social landlords operating in their area on how to manage their housing stock, and who are expected to give due regard to the Strategy when developing their own tenancy policies. The Strategy should provide guidance to social landlords regarding:</p> <ul style="list-style-type: none"> • The kinds of tenancies they grant • The circumstances in which they will grant a tenancy of a particular kind
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- Where they grant fixed term tenancies, the length of tenancies, the review and expected process for ending them
- The circumstances in which they will grant a further tenancy when a fixed term tenancy comes to an end.

The Strategy also provides guidance in respect of other key social housing reforms provided for in the legislation:

- The new affordable rent model
- The ability for Council's to discharge their homelessness duty to households by securing appropriate accommodation in the private sector.

The draft strategy sets out how the Council aims to achieve these priorities and monitor progress.

The strategy aims to have a positive effect on social housing tenants by helping to provide clarity on tenancies, their rights and responsibilities, and security.

It should be noted that the Strategy only provides guidance to Private Registered Providers (PRP) that they are only required to give due regard to, it does not seek to influence the basis on which social housing is allocated, but rather the type and length of tenancy that successful applicants for social housing should be offered.

Tenancy Policy

The Tenancy Policy has been written in accordance with the requirements of the Localism Act 2011, and the consumer standards as outlined by the Tenancy Standard. The document pays regards to the aims and objectives of the Tenancy Strategy and provides guidance to existing and new Council tenants on the types of tenancies and circumstances they are granted, their rights and responsibilities, mutual exchanges, successions, changes to tenancies and tenancy management.

General

The main groups and individuals who would be affected by the draft Tenancy Strategy and Policy are those in need of social or affordable housing. We will therefore seek the views of this group during the consultation process, and we believe their views will largely support the guidance given in both documents.

Both documents are intended to benefit households who need access to affordable housing, but the Tenancy Strategy is aimed primarily at social landlords who provide social housing in the district and who will be developing new affordable housing in the future.

	<p>The Strategy and Policy are intended to help deliver an approved Housing Strategy objective relating to making best use of the available social housing stock, while encouraging stable and cohesive communities and environments.</p>
<p>Information and Research</p> <ul style="list-style-type: none"> • <i>Summary of research and information</i> • <i>What data was used to research the proposals</i> • <i>List anything that may affect people with protect characteristics</i> 	<p>The previous Tenancy Strategy was reviewed as part of the process of drafting this strategy to highlight areas of change, improvement and recission.</p> <p>To help inform this strategy:</p> <ul style="list-style-type: none"> • We carried out a preliminary consultation with Private Registered Providers to establish: <ul style="list-style-type: none"> ○ How much rented stock they have in the DD area ○ Whether they were using flexible tenancies, and explanations/rationale for or not using them ○ What length of term they were giving if they used flexible tenancies ○ How much of their stock is at affordable rents; and ○ What they were charging at affordable rent for different tenancy types <p>This information was collated into a report and outlines the findings. This report helped to inform the draft Strategy and subsequent Policy.</p> <ul style="list-style-type: none"> • We collected data and evidence from our own records about the housing demand, types of tenancies offered, demographics and types of tenure preferred • Reviewed existing DDC housing policies • Reviewed the Corporate Plan and Local Plan <p>Data sources used in the research included the below:</p> <ul style="list-style-type: none"> • KCC Strategic Commissioning Statistical Bulletin (kent.gov.uk) (Housing Rents) • KCC Strategic Commissioning Statistical Bulletin (kent.gov.uk) (Property Sales) • KCC Strategic Commissioning Statistical Bulletin (kent.gov.uk) (Population Estimates) • ONS - Unemployment - Office for National Statistics (ons.gov.uk) • ONS - House price to residence-based earnings ratio - Office for National Statistics (ons.gov.uk) • DDC State of the District 2019-2020 • KCC Area profiles - Kent County Council

	<ul style="list-style-type: none"> • HoC Library Social housing: flexible and fixed-term tenancies (England) - House of Commons Library (parliament.uk) <p>The information gathered and reviewed did not identify any negative impact or difference for people with the legal defined protected characteristics.</p>
<p>Consultation</p> <ul style="list-style-type: none"> • <i>Has there been any specific consultation?</i> • <i>What were the consultation results?</i> • <i>Did the consultation analysis show any difference for people with protect characteristics?</i> • <i>What conclusions did you draw from the consultation?</i> 	<p>Please see above.</p> <p>A preliminary consultation was carried out in March-April 2021 with Private Registered Providers (PRP) in the district to gather data on fixed term tenancies, whether they were being used or abolished, and to find out on a local level what was happening. Data was also gathered around Affordable Rent tenures, the percentage of properties under that rent scheme and amounts charged per tenure.</p> <p>The results from the preliminary consultation have been provided in the Cabinet report. This information was used to inform and support the drafting of the Tenancy Strategy in guiding PRPs on the Council’s expectation when using certain types tenancies, and what was expected when PRPs decided to end tenancies. The results and feedback from preliminary consultation also informed the proposed recission of Flexible Tenancies in the Council’s own Tenancy Policy, and the reversion to granting Secure Tenancies to existing and new council tenants.</p> <p>The report for Cabinet is for agreement to go out to formal consultation with PRP, existing council tenants, applicants, new council tenants, other Local Authorities (within East Kent) and external agencies such as CAB, on both the Tenancy Strategy and Policy.</p> <p>Once agreed, there will be a 28-day consultation period with the above consultees. A consultation plan has been drafted and attached to this report which sets out how the Council will consult with consultees and how the results and feedbacks will be documented.</p> <p>Preliminary consultation did not show any differential impact for people with protected characteristics, however this draft EIA will be reviewed and amended as necessary following the consultation period.</p>

Assessing if the decision is likely to be relevant to the three aims of the Equality Duty		
Aim	Yes	No
Eliminate discrimination, harassment, victimization	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Foster good relations between persons who share a relevant protected characteristic and persons who do not share it	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If you have decided that this decision is relevant to the three aims of the Equality Duty, use the section below to show how it is relevant and what the impact will be.			
Protected Characteristic	Relevance Low/Medium/High	Impact of the decision Positive/Neutral/Negative	Mitigation
Age	Low	Neutral No differential impact anticipated. Older tenants moving into specialist supported housing (e.g. sheltered housing) will continue to be granted 'lifetime' tenancies which is a positive impact for this group. This group will receive the same level of service regardless of their age.	None needed
Disability	Low	Neutral The Strategy recommends that prospective tenants with a long-term enduring health problem or disability should continue to be given Lifetime Tenancies.	The Strategy seeks to mitigate the potential impact of affordable rents to disabled households by recommending that such rents do not exceed Local Housing Allowance rates.

		<p>Disabled households often have lower incomes and the introduction of affordable rents may have detrimental impact with regards to accessible housing options for this group.</p> <p>This group will receive the same level of service regardless of their disability.</p>	
Gender reassignment	Low	<p>Neutral</p> <p>No differential impact anticipated. The Strategy does not discriminate or disadvantage anyone having had gender reassignment, they will receive the same level of service regardless of their Gender reassignment.</p>	None needed
Gender	Low	<p>Neutral</p> <p>No Differential impact anticipated. The Strategy does not discriminate or disadvantage anyone due to their gender, a household/person will receive the same level of service regardless of their gender.</p>	None needed
Marriage and Civil Partnership	Low	<p>Neutral</p> <p>No differential impact anticipated. The strategy and Policy do not discriminate or disadvantage anyone due to their relationship/marital status. They will receive the same level of service regardless of whether they are married, in a civil partnership or not.</p>	None needed
Pregnancy and Maternity	Low	<p>Neutral</p> <p>No differential impact anticipated. The Strategy and Policy do not discriminate or disadvantage if someone is pregnant or has a child or children. They will receive the same level of service regardless.</p>	None needed

Race	Low	Neutral No differential impact anticipated. The Strategy and Policy do not discriminate or disadvantage on the grounds of race, a household/person will receive the same level of service regardless of their race.	None needed
Religion, belief of lack of belief	Low	Neutral No differential impact anticipated. The Strategy and Policy do not discriminate or disadvantage anyone due to their religion, belief or lack of belief, they will receive the same level of service.	None needed
Sexual Orientation	Low	Neutral No differential impact anticipated. The Strategy and Policy do not discriminate or disadvantage anyone due to their sexual orientation, they will receive the same level of service.	None needed

Subject: ELECTRIC HEATING AND PHOTO-VOLTAIC INSTALLATIONS AT AFFORDABLE HOUSING DEVELOPMENTS AT KIMBERLEY CLOSE AND STOCKDALE GARDENS

Meeting and Date: Cabinet - 5 July 2021

Report of: Rachel Collins, Housing Development Manager

Portfolio Holder: Councillor Derek Murphy, Portfolio Holder for Housing and Health

Decision Type: Non-Key Decision

Classification: Unrestricted

Purpose of the report: To agree additional funding to install electric heating at Kimberley Close and Photo-Voltaic (PV) installations at both Kimberley Close and Stockdale Gardens.

Recommendation:

- (a) To approve additional budget to upgrade the incoming electricity main to Kimberley Close, allowing electric heating to be installed. Allied with the electric heating of both developments.
- (b) To approve additional budget for the installation of enhanced Photo-Voltaic systems to both Kimberley Close and Stockdale Gardens developments.

1. Summary

- 1.1. Cabinet has previously approved projects to build a total of 24 flats as interim housing for homeless people at two DDC-owned sites at Kimberley Close, Dover and Stockdale Gardens, Deal.
- 1.2. The additional expenditure of £160k (£6,666 per flat) will allow electric heating to be installed in all 24 flats, avoiding the use of gas-fired boilers, and provide enhanced PV installations to all the buildings.
- 1.3. These measures will significantly reduce the environmental impact of the developments and reduce the long-term heating costs for the tenants, helping mitigate fuel poverty concerns whilst housed in the accommodation.
- 1.4. Dover District Council's net zero carbon target will include avoiding the use of gas as a fuel and it is considered sensible to avoid its use in all new build affordable housing going forward, including those currently being delivered.

2. Introduction and Background

- 2.1. On 2nd October 2017 Cabinet approval for the development projects was granted, with future decisions delegated to the Strategic Director (Corporate Resources), in consultation with the Strategic Director (Operations and Commercial) and the Portfolio Holder for Housing and Health.
- 2.2. Planning consent has been obtained for both projects to provide 16 Studio flats at Kimberley Close and 8 one-bedroom flats at Stockdale Gardens for interim accommodation.
- 2.3. The projects have been tendered and Jenner Contractors Ltd have been appointed under a JCT Design & Build Contract to deliver the accommodation. These appointments were agreed under the Delegated Executive Key Decision dated 29th September 2020.
- 2.4. The tenders returned for each of the developments were based on the use of gas for space and water heating, however this has been reviewed during the tender assessment and design process, considering the imminent changes in legislation regarding the use of gas for residential heating and the effect this has on the environment.
- 2.5. The decision was taken early in the technical design process to increase the thermal performance of the building envelopes to allow an electric heating system to be installed either now or in the future, bearing in mind the anticipated changes to the Building Regulations to discourage the use of gas and the likely increase in the supply cost of gas and the effect this will have on DDC's Tenants energy bills. The upgrade of the building envelopes at both sites has been achieved at no extra cost to the contract.
- 2.6. The Future Homes Standard is a set of standards that will require new build homes to be subject to higher energy standards in the future. In 2019 the Ministry of Housing Communities & Local Government put out a consultation paper on changes to Part L (conservation of fuel and power) and Part F (ventilation) of the Building Regulations for new dwellings. Because the government already has in law a target to bring all greenhouse gas emissions to net zero by 2050, they are looking at ways to ensure compliance and achievability with the target. With that in mind, the idea is to start looking at how new builds are constructed now, to ensure the future standards are met.
- 2.7. However, to date the Future Homes Standards that are being consulted on, have not yet become law and the full details of what will become law are still being mapped out through further consultations. It is likely that what comes out of the consultations will be implemented in law in, or around 2025. It is widely accepted that part of the Future Homes Standards, will mean that any new domestic property would not be permitted to be connected to the gas grid and fossil fuel heating systems would also not be permitted. Currently, for new builds erected now, this is still permitted in law.
- 2.8. In their negotiations with UK Power Networks (UKPN) for the Stockdale Gardens site, Jenner Contractors have confirmed that the required increased capacity of the new incoming electricity main can be achieved at no extra cost to the contract. Therefore, we are proceeding with electric heating at this development.
- 2.9. UKPN have advised that there is currently insufficient capacity in the electricity network at Kimberley Close to provide a suitably sized incoming supply and additional reinforcement work will be necessary.

- 2.10. During consultations with the Asset Management Team, due to the type of accommodation at Kimberley Close (single room bedsits of short duration tenancy), the use of gas boilers in each unit will present challenges to the operation and maintenance of the properties going forward. Ongoing maintenance and inspections will have to be undertaken at each change in tenancy, incurring additional and ongoing maintenance costs.
- 2.11. At the end of their design life the gas boilers will most likely have to be replaced with electric heating, due to the change in Government environmental policy. The electricity upgrade as described in 2.9 would then need to be carried out to allow the change in heating system at that time if it is not undertaken as part of the new-build contract. This will involve increased costs and significant disruption to the tenants.
- 2.12. Running cost comparisons have been carried out between gas and electricity, which has noted that currently the cost of electric heating will be more expensive than gas. It should be noted that this is likely to change in the near future as the use of gas is discouraged.
- 2.13. To offset this increase and provide additional green energy generation to reduce the carbon footprints of the developments, costs have been provided for enlarged PV installations to both developments.
- 2.14. Installing the PV installations will more than offset the current additional running cost of electric heating for the tenants and support these remaining low for the foreseeable future.

3. Identification of Options

- 3.1. Option 1 – Agree to the UKPN upgrade at Kimberley Close to allow electric heating to be installed, together with the additional PV installations at both sites to reduce running costs for tenants and reduce the carbon footprints of the developments, totalling £160k.
- 3.2. Option 2 – not proceed with the UKPN or PV upgrades and retain gas heating at Kimberley Close.

4. Evaluation of Options

- 4.1. Option 1 is the recommended option as this will allow electric heating to be installed in all 24 flats, future proofing the developments against the phasing out of gas. The increased use of green technology will also provide benefits of reducing both the tenants heating costs and the carbon footprints of the developments.
- 4.2. Option 2 is not recommended as it does not reflect the Council's carbon reduction targets and the likely future requirement for residential buildings.

5. Resource Implications

- 5.1. The schemes remain viable with the increased budget of £160k. The total scheme funding will be a mix of Retained Right-to-Buy receipts, HRA reserves and borrowing, to be determined by the Section 151 officer on completion of the scheme.

6. Climate Change and Environmental Implications

- 6.1. There is a strong desire to ensure that housing provided by the Council is constructed with consideration to its impact upon the environment – not only immediately but also in the long term.
- 6.2. The building envelopes are being constructed to reduce heat loss and improve the efficiency of the electric heating being installed, reducing the effect on the environment.
- 6.3. These developments will exceed building regulations in relation to Conservation of Fuel and Power, and the proposals demonstrate the use of green technologies by extensive installations of PV panels, serving each dwelling.

7. Corporate Implications

- 7.1. Comment from the Section 151 Officer: Members are reminded that the Council's revenue and capital resources are under pressure and so they will wish to assure themselves that all proposals progress the Council's priorities, are the best option available and will deliver value for money. (AC)
- 7.2. Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make. (BD)
- 7.3. Comment from the Equalities Officer: This report does not specifically highlight any equality implications, however in discharging their duties members are required to comply with the public sector equality duty as set out in Section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/section/149>

8. Appendices

None.

9. Background Papers

Cabinet report Development of Interim Housing - 2 October 2017

Delegated Executive Key Decision dated 29th September 2020

Contact Officer: John Mount - Housing Development Officer - ext 42252

DOVER DISTRICT COUNCIL

NON-KEY DECISION

EXECUTIVE

CABINET – 5 JULY 2021

EXCLUSION OF THE PRESS AND PUBLIC

Recommendation

That, in accordance with the provisions of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000, the public be excluded from the remainder of the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in the paragraph of Schedule 12A of the 1972 Act set out below:

<u>Item Report</u>	<u>Paragraph Exempt</u>	<u>Reason</u>
Award of 5-Year Consultancy Contract for Heating, Water and Electrical Safety Works	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted