
Subject: ADOPTION OF TENANCY STRATEGY 2021-2026 AND TENANCY MANAGEMENT POLICY

Notification Date: 16 September 2021

Decision taken by: Mike Davis, Strategic Director (Corporate Resources)

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

Delegated Authority: Cabinet decision CAB 13 of 5 July 2021: 'It was agreed that the Strategic Director (Corporate Resources) be authorised, in consultation with the Portfolio Holder for Housing and Health, to make minor amendments to the strategy and the policy arising from the consultation, and thereafter to adopt both documents on behalf of the Council with effect from 1 September 2021.'

Decision Type: Executive Key Decision

Call-In to Apply? Yes (*Call-in will expire at 10.00am on 22 September 2021*)

Classification: Unrestricted

Reason for the Decision: To adopt the Council's Tenancy Strategy 2021-2026 and Housing Management Policy.

Decision: To adopt without amendment the Tenancy Strategy and Tenancy Management Policy following a period of consultation, as detailed in the report below.

1. Summary

1.1 Section 150 of the Localism Act 2011 introduced a duty on Local Authorities (LA) prepare and publish a Tenancy Strategy which informs and provides strategic guidance to Registered Providers of Social Housing (RPSH) on how the Council would like them to operate when preparing their Tenancy Management policies relating to:

- (a) The kinds of tenancies they will grant
- (b) The circumstances in which they will grant a tenancy of a particular kind
- (c) Where they grant tenancies for a fixed term, the length of term; and
- (d) The circumstances in which they grant a further tenancy when the existing one comes to an end

The Tenancy Strategy also considers and gives guidance on the use of affordable rent, and the Council's powers under the Localism Act to meet its statutory obligations to homeless households.

1.2 Alongside the Tenancy Strategy, the Council produced a Tenancy Management Policy which sets out the types of tenancy it will use for its own tenants. One of the main proposed changes to the policy is the Council's decision to phase out the use of flexible tenancies and instead offer all tenants secure tenancies. This decision was informed through a preliminary consultation with RPSHs within the district. The results showed

that most of them had started to either phase out the use of flexible tenancies or stop using them altogether, citing various reasons as mentioned in the Tenancy Strategy.

- 1.3 The Tenancy Strategy and Tenancy Management Policy were agreed by cabinet on 5th July to go out for wider consultation.

2. Consultation and Feedback

- 2.1 The wider consultation for both documents ran for the period of 28 days from 25 July – 21 August.

- 2.2 A range of local stakeholders and consultees were approached via letter or email and invited to review and comment on both documents online. The consultees involved were:

- (a) Registered Providers of Social Housing (RPSH) with stock in the District
- (b) Council housing applicants
- (c) Council tenant representatives
- (d) External agencies (Shelter & Citizens Advice Bureau)
- (e) Other Kent Local Authorities
- (f) District residents
- (g) Existing Council tenants

- 2.3 A dedicated consultation webpage was created which included information on the proposed changes and copies of the documents.

- 2.4 Tenants were made aware of the documents and the consultation via the June 2021 Tenant Newsletter. A QR code was attached to the newsletter which took them directly to the consultation webpage.

- 2.5 Tenants were able to comment on the documents via the Feedback pages.

- 2.6 The consultation was also advertised on Locata.

Tenant feedback

No direct feedback came from Council tenants as a consequence of the newsletter item but positive feedback was given by members of the Dover District Tenant Group.

The group agreed with the revisions made to both documents, particularly the phasing out of fixed term tenancies. Group members were also pleased to see that the Council will continue to use introductory tenancies, and that there is an intention to introduce a robust system of tenancy audits.

External Feedback

One comment (detailed below) was received from a representative of Folkestone & Hythe District Council:

“Hello, I have read the full version of both the draft Tenancy Strategy 2021-2026 and the draft Tenant Management Policy 2021. Overall they are well written, easy to understand documents. The only comment that I have is that you need to check S81ZA(3) of the Domestic Abuse Act 2021 in relation to Section 5.4 of the draft Tenancy Management Policy. Section 5.4 is 'Converting Joint Tenancy to a Sole Tenancy' and I believe that under S81ZA(3) of the new Domestic Abuse Act 2021,

where a joint tenant has been confirmed as the victim of domestic abuse but does not need to relocate the joint tenancy can be ended and the Local Authorities can offer a sole tenancy without the case going through Courts, including the Family Court. I understand that this was the intention of this section of the Domestic Abuse Act being introduced, however, legal advice would need to be sought. This section of the Domestic Abuse Act 2021 may also affect Section 6 'Ending a Tenancy' of DDC's draft Tenancy Management Policy."

Dover District Council Legal Services have been consulted about this and have advised that this part of the new Act is not currently in force, and therefore a change to the policy is not required at present. Once in force, the provision will require Local Housing Authorities to grant a secure tenancy to any victims of domestic abuse to provide a lifetime rather than a flexible tenancy. As the Council has made the decision to move away from the use of flexible tenancies and offer secure tenancies instead, this requirement would be met in any event.

The Strategic Director (Corporate Resources) has delegated authority by virtue of Cabinet decisions taken on 5 July 2021 to make minor changes to both documents should they be required in future.

3. Identification of Options

- 3.1 Option 1: Approve and adopt both documents
- 3.2 Option 2: Approve the Tenancy Strategy only
- 3.3 Option 3: Approve Tenancy Management policy only.
- 3.4 Option 4: Not approve either document

4. Evaluation of Options

- 4.1 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 has been conducted and adoption of the proposed strategy allows the Council to fulfil its statutory duty.
- 4.2 Option 2 Approve and adopt the Tenancy Strategy only. This is not the recommended option as the Council has a duty to provide both documents to fulfil its statutory responsibility.
- 4.3 Option 3 Approve and adopt the 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.
- 4.4 Option 4 Not adopt 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.

5. Resource Implications

- 5.1 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.

6. Climate Change and Environmental Implications

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

7. 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.

8. Appendices

Appendix 1 – Dover District Council Tenancy Strategy 2021 - 2026

Appendix 2 – Dover District Council Tenancy Management Policy