

Thursday, 21 November 2024

## Report of the Portfolio Holder for Housing, Homelessness and Planning

### Council Housing - Tenancy Management Policy

#### Exempt Information

None

#### Purpose

To request approval for the adoption of the Tenancy Management Policy 2024, setting out the Council's approach to offering tenancies as well as how we will manage and sustain tenancies.

#### Recommendations

It is recommended that Cabinet:

1. Approve the draft Tenancy Management Policy set out at **Appendix A** and subsequent publication on the Council's website.
2. Delegate authority to the Executive Director Communities in consultation with the Portfolio Holder for Social Housing, Homelessness & Planning to make the final amendments to the Tenancy Management Policy (**Appendix A**).
3. Approve the completion of a full review and consultation on the types of tenancies the Council grant and report back separately to Cabinet during the Summer of 2025/26.

#### Executive Summary

The need for a Tenancy Management Policy arises out of a range of social housing reforms set out in the Localism Act 2011 and through changes to the regulatory standards that all social landlords are expected to meet.

As set out in the Regulator of Social Housing's (RSH) 'Tenancy Standard', all social housing landlords are required to publish a clear and accessible Tenancy Management Policy which outlines their approach to tenancy management, including interventions to sustain tenancies and prevent unnecessary evictions and tackling tenancy fraud.

The proposed Tenancy Management Policy set out at **Appendix A** is the latest version which has been co-designed together with the Tenant Consultative Group and continues to meet the Regulator of Social Housing's statutory requirements as detailed above.

The policy has been updated with the aim of making it easier and clearer for tenants to understand their tenancy, the level of security their tenancy offers, their rights and responsibilities and what they can expect from the Council as their landlord. With the overall principles, aims, scope and approach of the policy remaining unchanged as per the initial Tenancy Management Policy which came into effect in April 2013 and previously approved by Cabinet. A summary of the policy revisions is set out on page 2 of the Tenancy Management Policy at **Appendix A**.

The aim of this Tenancy Management Policy is to set out how the Council will manage and help sustain tenancies from the point at which a tenancy is granted (tenancy commencement date), through to the point it ends (tenancy termination date) and the stages during its lifespan. It will also continue to ensure current and future tenancies with the Council are managed fairly, transparently and consistently in-line with relevant legal and statutory requirements.

A summary of the tenancy types the Council continues to grants and policy detail is set out in the report below.

The Tenancy & Estate Management Team who are responsible for managing tenancies and applying this tenancy management policy on day-to-day basis, will be undertaking a full day of face-to-face tenancy management legal training with Anthony Collins Solicitors on 12<sup>th</sup> November 2024 at Marmion House, to ensure they fully understand and can competently deliver their responsibilities on behalf of the Council.

Subject to Cabinet approval, next year the Council will undertake a comprehensive review including tenant consultation on the types of tenancies it grants including the option of introducing `Introductory Tenancies` and ending the use of flexible fixed term tenancies, with a separate report being submitted to Cabinet during the summer of 2025 with the consultation findings and recommendations.

## **Background**

### Tenancy Management Policy Scope & Detail

This policy will apply to all tenants who hold a tenancy with Tamworth Borough Council and will cover information on the key areas listed below:

- The types of tenancies we grant
- The circumstances in which we grant a tenancy of a particular kind
- Where we grant tenancies for a certain term, the lengths of the terms
- The circumstances in which we grant a further tenancy that's coming to an end of its existing tenancy and clear guidance on the appeals procedure
- Sustaining tenancies
- Tenancy rights and responsibilities
- Tenancy changes including succession
- Mutual exchanges, transfers, downsizing & decants
- Tenancy enforcement
- Ending a tenancy
- How to appeal

Full details of all the above and tenancy types below is set out in the attached draft Tenancy Management Policy 2024 at **Appendix A**.

## Tenancy Types Granted

The types of tenancies the Council grants remain unchanged as per the original Tenancy Management Policy 2013, previously approved by Cabinet. A brief description is set out below.

Tenancy Type	Who this will be offered
Use & Occupations Agreement (temporary)	<ul style="list-style-type: none"> <li>✓ Customers who do not have exclusive occupation of the property</li> </ul>
Secure Tenancy (lifetime)	<ul style="list-style-type: none"> <li>✓ <u>Existing</u> secure Tamworth Borough Council tenants (with tenancy start dates prior to 1 April 2013) who transfer to another social rent Tamworth Borough Council owned property.</li> <li>✓ Secure tenant with another local authority and:               <ul style="list-style-type: none"> <li>○ the move is from one council to another,</li> <li>○ the tenant was a social housing tenant prior to 1 April 2012 and has remained a social tenant ever since</li> <li>○ the property they are moving to is at a social rather than affordable rent</li> </ul> </li> <li>✓ Assured tenant with a private registered provider and:               <ul style="list-style-type: none"> <li>○ the tenant was a social housing tenant prior to 1 April 2012 and has remained a social tenant ever since</li> <li>○ the property they are moving to is at a social rather than affordable rent</li> </ul> </li> <li>✓ Tenants moving into properties designated for older people this includes bungalows, high rise flats, sheltered housing</li> <li>✓ Tenants moving into one-bedroom general needs properties and one-bedroom affordable rent properties. This does not include one bedroom disabled adapted bungalows.</li> </ul>
Non-Secure Tenancy (temporary)	<ul style="list-style-type: none"> <li>✓ Tenants moving into Temporary Supported Housing Accommodation</li> </ul>
5 Year Flexible Fixed Term Tenancy	<p>New tenants to Tamworth Borough Council that are moving into:</p> <ul style="list-style-type: none"> <li>✓ 2-bedroom properties. Excludes properties designated for elderly including sheltered &amp; high rise</li> <li>✓ 3-bedroom properties</li> <li>✓ 4-bedroom properties</li> <li>✓ 5-bedroom properties</li> <li>✓ 6-bedroom properties</li> <li>✓ 7-bedroom properties</li> <li>✓ All disabled adapted properties including 1- &amp; 2-bedroom general needs bungalows let to under 50's. (This does not include designated properties for the elderly; high rise flats, bungalows, sheltered and extra care.)</li> <li>✓ All affordable rent properties</li> <li>✓ Other properties not specifically referred to in this table</li> </ul>

2 Year Flexible Fixed Term Tenancy	✓ Tenants moving into properties where there is an in principal decision to demolish or regenerate.
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### Financial Implications

There are no financial implications arising from this report.

### Equalities Implications

Please see Community Impact Assessment Appendix for full details.

### Timetable

Finalise tenancy management policy and publish on council website and promote via tenant's newsletter and tenant's portal	By end Dec 2024
Review tenancy management policy (tenancy types granted) & set out consultation publications with support from legal	By end July 2025
Undertake tenancy management policy tenant consultation on proposed tenancy types	By end August 2025
Report back to Cabinet with consultation feedback and recommendations	By end October 2025

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### Appendices

Appendix A – Draft Tenancy Management Policy 2024

Community Impact Assessment – Tenancy Management Policy 2024