

WELWYN HATFIELD BOROUGH COUNCIL  
CABINET HOUSING PANEL – 22 JANUARY 2018  
REPORT OF THE DIRECTOR (HOUSING & COMMUNITIES)

TENANCY POLICY AND FLEXIBLE TENANCY PROCEDURE

**1 Executive Summary**

- 1.1 The purpose of this report is to seek authority to update the Council's Tenancy Policy to remove references to the Housing Trust and also to align the policy with the Tenancy Strategy which was published in 2013.
- 1.2 The previous tenancy policy was approved in April 2012 by the Trust's board.
- 1.3 The Council has been granting five year flexible term tenancies since November 2013 and the review process for these is due to commence in November 2017. Now that this process is about to commence on current tenancies, the functional details of the review process have been identified, including reporting, and have been updated in a new procedural document to provide better guidance for staff who will be carrying out these reviews
- 1.4 There are no changes in the updated policy to the grounds for refusing to renew a flexible tenancy at the end of the five year term. These are the same as already approved in April 2012.
- 1.5 Appendix 1 shows the current Tenancy Policy of 2012.
- 1.6 Appendix 2 shows the updated Tenancy Policy of 2017.
- 1.7 Appendix 3 shows the new review procedure guide for staff.

**2 Recommendation(s)**

- 2.1 That members recommend the revised policy to Cabinet for adoption by Council.
- 2.2 That the Director (Housing and Communities) is given delegated authority, in consultation with the Executive Member for Housing, to amend the flexible tenancy review procedure in future in line with any future legal changes.

**3 Explanation**

- 3.1 The Tenancy Policy sets out the Council's own policy regarding the type of tenancies to be issued in its housing stock. This includes the issuing of flexible tenancies to the majority of new tenants other than the five exempt groups:
  - 1) People moving into sheltered housing.
  - 2) People moving into a home specifically adapted for their needs.
  - 3) Existing tenants who are moving to a smaller home (downsizing).

- 4) Existing tenants who already have a secure tenancy granted before 01 April 2012 and who transfer to another Council home.
  - 5) Existing tenants who already have a secure tenancy granted before 01 April 2012 and move via mutual exchange to a property with a flexible tenancy already in place.
- 3.2 Flexible term tenancies enable the Council to tackle under-occupation by ensuring that households whose flexible term is coming to an end are adequately housed based on their need. There is a presumption that the vast majority of tenancies will be renewed.
- 3.3 The review of flexible tenancies starts in the last year of the 5 year tenancy period, this process is clearly set out in the procedural guidance that will be used by staff.
- 3.4 The Tenancy Policy supports the Council’s corporate priority “Meet the Borough’s Housing Need” and allows the Council to effectively manage the borough’s housing stock.
- 3.5 Since November 2013 we have issued the following tenancies:

Tenancy type	Number
Secure tenancies, general needs stock (transfers)	464
Secure tenancies, sheltered accommodation (lettings & transfers)	499
Secure tenancies by mutual exchange	349
Five year flexible tenancies by mutual exchange	18
Five year flexible tenancies, general needs stock (lettings)	930
<b>TOTAL</b>	<b>2260</b>

- 3.6 There are 58 tenancies which need to be reviewed in the period November 2017 to May 2018. We are writing to each tenant to advise them of the review process based on the current tenancy policy and will be carrying out the review once the updated policy has been approved.
- 3.7 The main focus of this policy review was to ensure that the Tenancy Policy was more consistent and aligned to the Tenancy Strategy and other associated policies.

**What has been updated / changed:**

- 3.8 When the Tenancy Policy was agreed in 2013, it referred to the Housing Trust as carrying out the review processes. All references to the Trust have now been removed. *(See existing policy, as appended)*
- 3.9 The revised policy has also been updated to take out procedural detail from the current policy as this is not considered appropriate for a policy document. This information has then been developed into a procedural document as appended.
- 3.10 The legally mandated procedural guidance for tenants who wish to seek a review of a decision not to renew a flexible tenancy is now also in a separate document that can be issued to tenants separately on request. *(See review procedure, as appended)*

- 3.11 The Allocations Policy included information on offering a two year flexible tenancy in cases where a tenant is asked to move to smaller accommodation, but where the tenant is unable to find this accommodation before the end of the five year term. This has now been included in the Tenancy Policy.

### **Implications**

#### **4 Legal Implication(s)**

- 4.1 Under the Localism Act 2011 every local authority must publish a Tenancy Strategy in place by January 2013. The Tenancy Policy is required to guide staff and inform the public on what type of tenancies are granted in the Council's own housing stock. The Tenancy Policy must be aligned to the Tenancy Strategy.

#### **5 Financial Implication(s)**

- 5.1 There are no financial implications as a result of this policy review as the processes will be carried out by existing staff as part of their day to day activities.

#### **6 Risk Management Implications**

The risks related to this proposal are:

- 6.1 Legal compliance and reputational risk - The revised policy is clearer and there is greater transparency for both staff and tenants and therefore this should mitigate any risks for the Council.

#### **7 Security & Terrorism Implication(s)**

- 7.1 None

#### **8 Procurement Implication(s)**

- 8.1 None

#### **9 Climate Change Implication(s)**

- 9.1 None

#### **10 Link to Corporate Priorities**

- 10.1 The subject of this report is linked to the Council's Corporate Priority "Meet the Borough's Housing Need" and specifically to the requirement to effectively manage the borough's housing stock.

#### **11 Equality and Diversity**

- 11.1 An Equality Impact Assessment (EIA) has been carried out in connection with the proposals that are set out in this report.
- 11.2 No negative impact was identified on any of the protected groups under equalities legislation.

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Background papers to be listed (if applicable)

Appendix 1 - Current Tenancy Policy

Appendix 2 - Updated Tenancy Policy

Appendix 3 - Flexible Tenancy Review Procedure