

WELWYN HATFIELD BOROUGH COUNCIL  
CABINET HOUSING PANEL – 31 JANUARY 2024  
REPORT OF THE SERVICE DIRECTOR, RESIDENT AND NEIGHBOURHOOD

TENANCY STRATEGY 2024-2029 AND TENANCY POLICY

**1 Executive Summary**

- 1.1 The Tenancy Strategy 2024-2029 (Appendix A) sets out the Council's commitment, as a provider of social housing, to provision of high-quality housing, thriving neighbourhoods and sustainable communities. The Strategy also sets out how our key objectives for tenants in the borough, and registered providers must have regard to this Strategy. In addition, we have set out in an appendix within the strategy, the considerations that we would like private sector landlords and agents to take account of (although they are not legally required to do so).
- 1.2 The Tenancy Policy (Appendix B) sets out the Council's approach to tenancy management and the issuing and re-issuing of Council Tenancies. In addition, the policy identifies how the council will support tenancy sustainment, tackle tenancy fraud, and manage discretionary succession rights.
- 1.3 We are required to consult with registered providers on the revised Tenancy Strategy and have detailed the proposed questions for the public consultation in Appendix C.
- 1.4 Subject to approval of the draft Tenant Policy and Strategy, we plan to consult for 4 weeks commencing w/c 2 February 2024

**2 Recommendation(s)**

- 2.1 To consider and note the draft Tenancy Policy and draft Tenancy strategy.
- 2.2 If Cabinet Housing Panel unanimously approve the draft Tenant Strategy and Policy, that the Executive Cabinet Member for Housing approve commencement of the public consultation in accordance with their delegated authority.

**3 Explanation**

Tenancy Strategy 2024-2029

- 3.1 The Tenancy Strategy sets out the Council's commitment to providing high quality housing, thriving neighbourhoods and sustainable communities. A contributory factor to achieving this is to ensure that all tenants in the borough hold tenancy agreements that offer them the highest levels of security possible, and that they know and understand their rights and responsibilities.
- 3.2 Provision of a Tenancy Strategy is a requirement of the Localism Act 2011, and the purpose is for the Council to set out what we, and other Registered

Providers of social housing in the borough (Housing Associations), are required to consider when developing or reviewing their Tenancy Policies. This includes:

- The kinds of tenancies they grant
- The circumstances in which they will grant tenancies of a particular type
- Where they grant tenancies for a fixed term, the length of those terms
- The circumstances in 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.

3.3 Whilst private sector landlords and agents are not required to have regard to the Strategy, it does contain recommended good practice for private landlords and letting agents to support our commitment to quality of tenancy throughout our borough.

3.4 The 4 key objectives of the Tenancy Strategy are:

- Secure life-time tenancies are our preferred approach
- Tenants have a clear understanding of their tenancy
- Enable tenants to keep their tenancy for as long as they need them
- If a tenancy ends or is under threat of ending, tenants are assisted to prevent homelessness

3.5 The Strategy also sets out our expectations of the types and terms of tenancy that should be offered by Registered Providers.

3.6 We are required to consult with registered providers on the revised Tenancy Strategy and have detailed the proposed questions for the public consultation in Appendix C.

#### Tenancy Policy

3.7 The Tenancy Policy sets out in the council's approach to tenancy management and the issuing and re-issuing of Council Tenancies. In addition, the policy identifies how the council will support tenancy sustainment, tackle tenancy fraud, and manage discretionary succession rights.

3.8 In particular, the policy sets out more detail regarding the following:

- The granting of Secure Council tenancies
- Legal Assignment and Succession and demotions
- Mutual Exchange
- Fixed term Tenancies
- This policy also explains the type of tenancy we will offer to new and existing tenants of WHBC.

- 3.9 The Council has a preference for secure lifetime tenancies and have ceased issuing new flexible (fixed term) tenancies since November 2023. However, there are also circumstances when it is appropriate to issue non-secure tenancies and licences, and this is explained in the policy.

### **Implications**

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

- 4.1 Under section 150 of the Localism Act 2011, the Council, as a housing provider, must prepare, publish and keep under review a Tenancy Strategy. The strategy must cover the matters that are listed in paragraph 3.2 above.
- 4.2 In addition, the Tenancy strategy must have regard to its housing allocation scheme and its homelessness strategy, which our strategy does.
- 4.3 Under section 151 of the Localism Act 2011, the Council must consult, for a reasonable period, with registered providers in the borough on the Strategy and any revisions of it.
- 4.4 The Social Housing (Regulation) Act 2023 introduced revised Economic and Consumer Standards alongside a new Statutory Code of Practice which are likely to take effect from April 2024. All registered housing providers are expected to adhere to these. The standards relevant to this strategy are:
- Tenancy standard (Tenure)
  - Tenancy standard (Tenancy sustainment and evictions)
  - Rent standard (how rents are set)
  - Transparency, Influence and Accountability standard (information about landlord services)
- 4.5 Regard has been made to these standards in the revision of the Tenancy Policy.

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

- 5.1 There are no direct financial implications. The strategy will be delivered within the existing budget and staff resources.

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

- 6.1 Risks are mitigated by ensuring that the Strategy and Policy have been prepared in accordance with the legislation and the economic and consumer standards.

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

- 7.1 There are no direct implications.

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

- 8.1 There are no direct implications.

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

9.1 There are no direct implications.

## **10 Human Resources Implication(s)**

10.1 There are no direct implications. The Tenancy Strategy and Policy will be delivered within existing staff resources.

## **11 Health and Wellbeing Implication(s)**

11.1 Secure lifetime tenancies are our preferred type of tenancy. There is evidence that secure tenancies have a positive effect on the health and wellbeing of tenants due to less anxiety about the insecure nature of fixed term tenancies.

## **12 Communication and Engagement Implication(s)**

12.1 The Tenancy Strategy and Policy, if approved following public consultation, will be communicated to our tenants and leaseholders via our Community Edit newsletter and made publicly available on our website.

## **13 Link to Corporate Priorities**

13.1 This strategy strongly contributes to one of our five our corporate priorities of 'Homes to be proud of' in WHBC's Business Plan for 2024-27: "Putting Communities at our Heart."

13.2 We recognise that by setting out our policy and strategy towards the offering and management of tenancies, this assists registered providers and private sector landlords and agents to appreciate and take account of our expectations and approach. The intention is to positively support security of tenure for council tenants and other tenants in the borough.

## **14 Equality and Diversity**

14.1 An Equality Impact Assessment (EqIA) was completed (Appendix D) and found no negative impact was identified on any of the protected groups under Equalities legislation.

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Appendices:

Appendix A – Draft Tenancy Strategy 2024-2029

Appendix B – Draft Tenancy Policy

Appendix C – Draft survey questions for the public consultation with registered providers in the borough

Appendix D - EqIA