

WAVERLEY BOROUGH COUNCIL

COUNCIL

19 JULY 2022

Title:

TENANCY STRATEGY

Portfolio Holder: Co-Portfolio Holders for Housing: Councillors Paul Rivers and Nick Palmer

Head of Service: Andrew Smith, Head of Housing Delivery and Communities

Key decision: Yes

Access: Public

1. Purpose and summary

To adopt the revised Tenancy Strategy.

2. Recommendation

The Executive recommends to Council that the Tenancy Strategy be adopted. The Strategy to come into effect on Monday 5 September 2022 in line with the revised Tenancy Agreement and Tenancy Policy.

3. Reason for the recommendation

To adopt a Tenancy Strategy that sets out how social housing in the borough will be let, to meet housing needs, provide tenants with long term security in their home and create sustainable communities. The strategy had been updated following consultation and the decision to stop issuing flexible tenancies¹ to Council tenants.

4. Background

4.1 The Landlord Service Advisory Board and Co-Portfolio Holders for Housing received a [Flexible Tenancy Review paper](#) on the officers proposal to end the use of Flexible Secure Tenancies on 24 February 2022.

4.2 The Board supported the proposal and the Co-Portfolio Holders agreed to progress the officers' implementation plan. It was noted that any change to the type of tenancies granted would need to be reflected in the Council's Tenancy Policy and Tenancy Strategy.

¹ Flexible tenancies are secure Local Authority tenancies for a fixed term

4.3 The Portfolio Holder, following statutory tenant consultation, has the delegated authority to amend the type of tenancies granted, conditions of tenancy and the Tenancy Policy.

4.4 The statutory tenancy consultation period commenced on 4 April and closed on 29 May seeking council tenants' views on the use of flexible tenancies and updated conditions of tenancy. Officers also used the timeframe to consult more widely on revisions to the Tenancy Policy and Tenancy Strategy, in the event that the Council ceased issuing Flexible tenancies.

4.5 The Landlord Services Advisory Board reviewed the consultation results and proposed tenancy amendments on 30 June 2022.

4.6 The Co-Portfolio Holder for Housing made a formal decision on 5 July 2022 to:

- end the use of flexible tenancies for council homes,
- update conditions of tenancy, and
- adopt the revised Tenancy Policy.

4.7 The Housing Tenancy Strategy states the type of tenancies the Council recommends are issued by registered landlords in the borough providing affordable housing.

4.8 The proposed strategy can be found at [Annexe One](#). Summary of proposed amendments:

Remove text	Include reference to:	Update
<ul style="list-style-type: none"> • flexible tenancy references • length of tenancy table • local letting plans 	<ul style="list-style-type: none"> • Housing Affordability study • Waverley affordable rent caps 	<ul style="list-style-type: none"> • change ethos from maximising use of homes to cohesive communities • stock profile and registered applicants data

4.9 The proposed strategy has been updated to reflect the decision to stop promoting flexible tenancies. Officers took the opportunity to update the strategy to reflect the current stock and applicant profiles, the [Housing Affordability Study](#), change the language and include amendments to affordable rent caps and affordable rent conversions.

4.10 No objections were received from local registered landlords and two commented that they had also stopped issuing flexible tenancies and one had never implemented them.

5. **Relationship to the Corporate Strategy and Service Plan**

The strategy supports the Council's Corporate commitment to promote 'Good quality housing for all income levels and age groups' and aim to 'be the best council landlord in the South East and to be acknowledged so by our tenants.'

6. Implications of decision

6.1 Resource (Finance, procurement, staffing, IT)

There are no direct financial implications of moving from flexible tenancies as residents of Waverley stock are charged the same level of rent in flexible tenancies as secure tenancies. There will be resource savings in time spent ensuring flexible tenancy requirements are met.

6.2 Risk management

Current legal risk regarding type of tenancy following five year review and financial risk to respond to legal investigations and any compensation payments. Reputational risk of intrusive reviews and/or on ending flexible tenancy due to under occupation or increase in income with no alternative accommodation available.

6.3 Legal

Legal advice has been sought from the Legal Services team and from Counsel regarding both the processes the Council wishes to follow in relation to the proposed tenancy changes, and the amendments to the Council's tenancy agreement conditions that would update the agreement in line with recent statutory and tenancy management changes.

6.4 Equality, diversity and inclusion

Currently younger tenants received a different type of tenancy to older tenants in senior living schemes and those whose tenancies started pre September 2014. A full Equality Impact Assessment will be completed for any future change in tenancy agreement, tenancy policy and tenancy strategy.

6.5 Climate emergency declaration

Proposal to cease flexible tenancies will contribute to reduced paperwork and officer travel.

7. Consultation and engagement

7.1 Early consultation with Housing Team leaders, Fraud officer, local registered landlords and Tenants Panel were supportive of proposal.

7.2 Statutory consultation from 4 April to 29 May with:

- tenant legal notices,
- tenant face to face events,
- website consultation page,
- online, email and phone feedback facilities,
- direct contact with statutory and voluntary stakeholders,
- use of members bulletin and housing staff email,
- monthly reports to Landlord Services Advisory Board from February
- social media promotion,
- press release and
- Affordable Housing Provider Forum.

8. **Other options considered**

To do nothing would result in the continuation of tenants feeling uncertain about their future, due to lack of security in their homes, and ongoing administrative process resources with no outcome for the housing service or residents.

9. **Governance journey**

Executive Briefing 21 June 2022

Landlord Services Advisory Board 30 June 2022

Executive 5 July 2022

Full Council 19 July 2022

Annexes:

Annexe 1 – Proposed Tenancy Strategy

Background Papers

There are no background papers, as defined by Section 100D(5) of the Local Government Act 1972).

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Agreed and signed off by:

Legal Services: February 2022

Head of Finance: February 2022

Strategic Director: June 2022

Portfolio Holder: June 2022