

# REPORT TO CUSTOMER FOCUS SCRUTINY COMMITTEE

Date of Meeting: 30<sup>th</sup> November 2023

Report of: Lawrence Blake

Title: Tenancy Policy and Strategy review

## Is this a Key Decision?

Scrutiny is a non decision making committee

## Is this an Executive or Council Function?

Executive

### 1. What is the report about?

The report summarises the revised Tenancy Strategy and Policy following a review and consultation. It is proposed that the revised Tenancy Strategy and Policy 2023-2027 be adopted and implemented. A copy of the Strategy and Policy documents are appended.

### 2. Recommendations:

That Scrutiny Committee and Executive note and Council approves the new Tenancy Strategy and Policy as summarised in this report.

### 3. Reasons for the recommendation:

The council is required to provide a Tenancy Strategy which contains provisions on expectations for all social landlords who operate in Exeter in areas such as types of tenancies and length of fixed term tenancies if used.

As Exeter City Council is a social landlord with its own housing stock, we are required to have a Tenancy Policy. In this policy, we detail how Exeter City Council will take into account the Tenancy Strategy and issue tenancies.

### 4. What are the resource implications including non-financial resources

With the requirement to review fixed term tenancies being removed from Housing Officers functions this will reduce a small proportion of their workload. This has been more than compensated by the regulatory expectations about compliance and understanding our tenants better and tailoring our services to ensure we deliver fair and equitable services.

### 5. What are the legal aspects?

Legal Services have been consulted and input into the drafting of the policy.

### 6. Report details:

6.1 Although many social landlords who operate in Exeter work across several local authorities it is expected that they will have due regard to the Tenancy Strategy.

The Localism Act of 2011 requires every local authority to publish a Tenancy Strategy, which contains provisions on expectations for all social landlords in the area in relation to:

- The types of tenancies that will be granted
- The length of fixed term tenancies where these are granted
- The circumstances under which a particular type of tenancy will be granted
- The process for reviewing tenancies at the end of the fixed term and the circumstances under which a tenancy may or may not be renewed either in the same property or in a different property
- All social landlords are required to set out the way in which a tenant or prospective tenant may seek a review of:
  - The length of the fixed term
  - The type of tenancy offered
  - A decision not to grant another tenancy upon the expiry of the fixed term

The draft Tenancy Strategy is appended to this report.

6.2 Exeter City Council expects all social landlords with homes in Exeter to set out and publish a Tenancy Policy.

As Exeter City Council is also social landlord with its own housing stock, we are required to have a Tenancy Policy. In the policy we detail how Exeter City Council will address the issues outlined in the accompanying Tenancy Strategy.

This policy will be reviewed every three years; however, we may carry out a review earlier if there are legislative, regulatory or other strategic changes which would have a material impact on any element of this policy.

6.3 Exeter City Council has taken the decision to revert to offering secure lifetime tenancies in all circumstances for its own social housing stock. Where a tenancy is offered to a new social housing tenant or a person who has previously held a social housing tenancy but with a break in tenure, the secure tenancy will be preceded by a 12-month introductory tenancy plus a potential extension of 6 months.

All existing fixed-term tenancies will be transitioned to secure lifetime tenancies following the successful completion of the introductory tenancy.

As well as addressing issues regarding tenancy and tenure type, this Tenancy Policy also sets out how Exeter City Council deals with applications for succession following the change in law brought about by the Localism Act 2011.

6.4 Since 2015 we have offered a 5 or 2 year fixed term tenancy (with an introductory period). No one is offered a less secure tenancy. The tenancy would not be renewed if there are serious breaches of the tenancy agreement or the property is significantly under or over crowded.

Over 1000 fixed term tenancies have been issued since the previous tenancy policy was introduced. Of these 60% have been renewed at the original property, 38% have been extended (2 years) whilst alternative properties are located and 2% were terminated at the point of review.

6.5 Consultation has taken place with both tenants and stakeholders. There were 418 responses received from the consultation of which 81% were supportive of lifetime tenancies. 33% of social landlords operating in Exeter retain the option to issue a fixed term tenancy.

6.6 At the time of the original decision to introduce fixed term tenancies it was expected that the introduction of fixed term tenancies would free up more social housing as people's circumstances changed. With only 2% properties being freed up over 7 years this was not the outcome anticipated.

6.7 It could be argued that by offering tenants lifetime tenancies they will more inclined to engage within the community and neighbourhoods than if on a 5 year tenancy. This accords with the following priorities:

Corporate Plan Priorities include

*"Housing and building great neighbourhoods and communities"*

Exeter Live Better

*"Exeter thrives on community spirit"*

Wellbeing Exeter

*"Community life and social connections are vital to all our health and wellbeing"*

## **7. How does the decision contribute to the Council's Corporate Plan?**

7.1 The delivery of this strategy will contribute to the Council's Corporate Plan, in particular the strategic priority of "housing and building great neighbourhoods".

7.2 The delivery of the objectives within this strategy accord with the principles of being a well-run council as set out in the Corporate Plan. For example value for money services and well managed assets.

## **8. What risks are there and how can they be reduced?**

8.1 There are reputational risks in not having an up to date Tenancy Policy and Strategy. With the introduction of more stringent regulation any inspection of the housing service would expect to review our policies and strategies to ensure they are fit for purpose.

## **9. Equality Act 2010 (The Act)**

11.1 Under the Act's Public Sector Equalities Duty, decision makers are required to consider the need to:

- Eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- Advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- Foster good relations between people by tackling prejudice and promoting understanding.

11.2 In order to comply with the general duty, authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

11.3 In making decisions the authority must take into account the potential impact of that decision in relation to age, disability, race/ethnicity (includes Gypsies and Travellers), sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and new and breastfeeding mothers, marriage and civil partnership status in coming to a decision.

11.4 No potential impact has been identified on people with protected characteristics as determined by the Act because the report is for noting only.

## **10. Carbon Footprint (Environmental) Implications:**

10.1 There are no direct carbon/environmental impacts arising from the recommendations.

## **11. Are there any other options?**

A decision could be made to continue with fixed term tenancies however for the reasons set out in this report this is not considered a viable option.

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## **Local Government (Access to Information) Act 1972 (as amended)**

Background papers used in compiling this report:-

None

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