

# Adoption of new Tenancy Strategy 2023

For Cabinet on 27/07/2023

## Summary

**Lead Member:** Cllr Hugo Pound – Cabinet Member for Housing and Planning

**Lead Director:** Paul Taylor- Director of Change and Communities

**Head of Service:** Gary Stevenson – Head of Housing, Health and Environment

**Report Author:** Tobi Phillips – Affordable Housing and Enabling Officer

**Classification:** Public document (non-exempt)

**Wards Affected:** All

Approval Timetable	Date
Management Board	22/05/2023
Portfolio Holder	02/09/2022
Housing Advisory Panel	13/12/2022
Cabinet	27/07/2023

## Recommendations

Officer recommendations as supported by the Portfolio Holder:

1. That Cabinet approve the adoption of the Tenancy Strategy 2023 at Appendix A.

# 1. Introduction and Background

- 1.1 This report recommends the adoption of the updated the new tenancy strategy to align with the policies set out in the Submission Local Plan and the Allocation and Homelessness schemes
- 1.2 The 2011 Localism Act introduced a duty on local authorities to prepare and publish a Tenancy Strategy. Under the terms of the Localism Act, councils in England must prepare and publish a strategy (a “tenancy strategy”) setting out the matters to which the registered providers of social housing for its area are to have regard in formulating policies.
- 1.3 The Tenancy Strategy is an overarching strategy, which gives guidance and information to Registered Providers of Social Housing (RPSH)
- 1.4 The strategy must set out matters which all registered providers of social housing that operate within the borough must consider when framing their own tenancy policies.
- 1.5 The Tenancy Strategy is not an isolated document; it is in conformity with the council's Homelessness Strategy and the council's Allocations Policy. It also has regard to the policies for the supply of new affordable housing in the Borough set out in the Local Plan.

## 2. The purpose of the Tenancy Strategy

- 2.1 The purpose of the Tenancy Strategy is to outline the issues which housing associations must consider when formulating or amending their policies on flexible tenure and affordable housing in the Tunbridge Wells Borough Council area. These policies must relate to:
  - The kinds of tenancies the RRPSH grants
  - The circumstances in which they will grant a tenancy of a particular kind
  - Where they grant tenancies for a certain term, the lengths of the terms granted
  - The circumstances in which they will or will not grant a further tenancy on the coming to an end of the existing tenancy
- 2.2 The submission Local Plan sets out the Council's objective of providing genuinely affordable housing and emphasizes the Council's general approach to tenure provision and partitions the provision of onsite affordable housing as 60% social rent and 40% intermediary/ Shared ownership.
- 2.3 The Tenancy Strategy also caps affordable rent to the Local Housing Allowance which is rent charged on affordable housing up to 80% of market rent ensuring

that properties available to the housing register don't exceed the total housing allowance element of universal credit available to housing need applicants.

- 2.4 The Tenancy Strategy also incorporates & reinforces The Regulator of Social Housing published new Rent Standard which came into effect on 1 April 2020.
- 2.5 The Social Housing White Paper published on 17 November 2020 set out a Charter for Social Housing Residents and affirms the Government's continuing commitment to give social housing tenants a greater voice, the right to safe and secure accommodation and of the importance of good quality homes and neighbourhoods to live in.
- 2.6 The Tenancy Strategy sets out the strategic position of the Council with regards to the use of, review of and ending of fixed term tenancies, affordable rents, mutual exchanges, succession rights.

### **3. Options Considered**

- 3.1 **Option 1** That Cabinet approves the contents of the draft Tenancy Strategy 2023 at Appendix A, updating current strategy.
- 3.2 **Option 2** That Cabinet proposes changes to the draft Strategy at Appendix A.
- 3.3 Tunbridge Wells BC must publish a tenancy strategy in accordance with the localism act 2011, The Council could continue to operate with the ten-year-old Tenancy Strategy of January 2013.

### **4. Preferred Option and Reason**

- 4.1 **Option 1** is the Preferred Option as the Tenancy strategy has not been reviewed since its initial conception in 2012, welfare reform and the new local plan presents an opportunity for the tenancy strategy to be reviewed to ensure tenancies strategies are in line with the council's current policy positions.

### **5. Consultation on Options**

- 5.1 The nominations agreement has been drafted with regard to the guidance and input from Kent Housing Group and Registered Housing providers operating within the borough.

## **Recommendation from Cabinet Advisory Board**

5.2 The Communities and Economic Development Cabinet Advisory Board were consulted on 12 July 2023 and agreed that the recommendation set out in the report be supported.

## **6 Implementation**

6.2 Once adopted the new tenancy strategy will be available to our housing association partners and our housing applicants for guidance. and will be available online to be accessible, immediate adoption is recommended

## **7 Appendices and Background Documents**

Appendices:

- Appendix A: Draft Tenancy Strategy

## 8 Cross-Cutting Issues

### A. Legal (including the Human Rights Act)

Under section 150 of the Localism Act, local housing authorities must prepare and publish a tenancy strategy setting out the matters to which the registered providers of social housing for its district to have regard in formulating policies relating to:

- a) the kinds of tenancies they grant,
- b) the circumstances in which they will grant a tenancy of a particular kind,
- c) where they grant tenancies for a term certain, the lengths of the terms, and
- d) the circumstances in which they will grant a further tenancy on the coming to an end of an existing tenancy

A local housing authority must have regard for its tenancy strategy in exercising its housing management functions, must keep its tenancy strategy under review, and may modify or replace it from time to time.

Robin Harris Team Leader Contentious & Corporate Governance Mid Kent Legal Officer  
04/07/2023

### B. Finance and Other Resources

The Tenancy Strategy has no financial implications for the council  
Tobi Phillips Affordable Housing and Enabling Officer 20/06/2023

### C. Staffing

The Tenancy Strategy has no staffing implications for the council  
Tobi Phillips Affordable Housing and Enabling Officer Emailed 20/06/2023

## D. Risk Management

As the council isn't a stock holding authority issuing tenancies the tenancy strategy has no tenancy risk implications.

Tobi Phillips Affordable Housing and Enabling Officer email 20/06/2023

## E. Environment (inc. Biodiversity) and Sustainability

The Tenancy Strategy has no Environmental implications for the council

Affordable Housing and Enabling Officer 20/06/2023

## F. Community Safety

The Tenancy Strategy helps to enforce tenancy strategies and procedures which can help promote affordable housing tenure which could lead to safer communities

Confirmed Tobi Phillips Affordable Housing and Enabling Officer 20/06/2023

## G. Equalities

Under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken.

The aims of the Duty are:

- (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,
- (ii) (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and
- (iii) (iii) foster good relations between people who share a

protected characteristic and people who do not share it. Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

This report relates to the following aim of the equality duty: -

- To eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act.
- To advance equality of opportunity between people who share a protected characteristic and people who do not share it

- To foster good relations between people who share a protected characteristic and people who do not share it.

An Equality Impact Assessment has been undertaken as part of this review and the information gathered and reviewed did not identify any negative impact or difference for people with the legal defined protected characteristics.

The tenancy strategy requires that housing associations provide equality impact assessments for their individual rent and tenancy strategy, the strategy has the potential to promote equality of opportunity as the use of lifetime tenancies for the most vulnerable ensures this.

Confirmed Tobi Phillips Affordable Housing and Enabling Officer 20/06/2023

## **H. Data Protection**

The Tenancy Strategy has no Data Protection implications and doesn't involve the processing of personal information for the council

Tobi Phillips Affordable Housing and Enabling Officer 26/06/2023

## **I. Health and Safety**

The Tenancy Strategy has no health and safety implications for the council

Confirmed Tobi Phillips Affordable Housing and Enabling Officer 20/06/2023

## **J. Health and Wellbeing**

The Tenancy Strategy can help facilitate the provision of affordable housing which can promote the overall wellbeing of the community

Confirmed Tobi Phillips Affordable Housing and Enabling Officer 20/06/2023