

## BOROUGH OF KETTERING

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<b>Report Originator</b>	Leona Mantle – Tenancy Services Manager	<i>Fwd Plan Ref No:</i> A19/004	
<b>Wards Affected</b>	All	18 <sup>th</sup> September 2019	
<b>Title</b>	<b>REVIEW OF TENANCY POLICY</b>		

**Portfolio Holder: Cllr Mark Rowley**

### **1. PURPOSE OF REPORT**

To seek Executive Committee approval of the updated Tenancy Policy which sets out the council's revised approach to the types and length of tenancy we will grant.

### **2. INFORMATION**

- 2.1 The overarching objective of this tenancy policy (**Appendix 1**) is to ensure that the Council make best use of resources, to help to ensure that tenants receive the right amount of support to sustain their tenancy for the time they are in need of the accommodation.
- 2.2 Other aims of the policy are to ensure that the Council's housing stock is used as effectively as possible and that applicants, tenants, staff and Elected members are clear about the policy in the context of tenancy types granted, tenancy changes, managing changes and ending tenancies.
- 2.3 All social landlords are required to have a tenancy policy as part of the tenancy standards, which fall under the consumer standards.
- 2.4 Social landlords using flexible tenancies (FTs) must have a tenancy policy as in order to secure the ending of a tenancy they have to demonstrate that they have complied with that policy.

### **3. SUMMARY OF THE POLICY – KEY CHANGES**

- 3.1 The main change is to review our approach to Fixed Term Tenancies.
- 3.2 In April 2013 we embarked upon the use of 5-year Fixed Term Tenancies, to follow a successful Introductory Tenancy. Where a tenancy required extending beyond the 12 month Introductory period we utilised 2 year Fixed Term Tenancies.
- 3.3 We currently have 580 5-year Fixed Term Tenancies, this is a figure that will continue to grow as we re-let properties. This is creating a large amount of required resources and not providing the benefits that we initially thought.

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- 3.4 It takes on average 2 hours officer time in the office and 1.5 hour visiting so 3.5 hours in total. Currently this represents approximately 400 hours of officer time. By September 2020, we project this time to increase to 480 hours and by September 2012 to 560 hours.
- 3.5 In consulting with tenants who are on Fixed Term Tenancies, the feedback was similar to other providers. Our tenants find them confusing, they can create anxiety and instability, stop tenants from making their house or flat into a home and prevent community involvement.
- 3.6 The main driver for introducing Fixed Term Tenancies was to make better use of housing stock. So far we have little evidence of this, we have only ended 2 fixed term tenancies. We ended one in 2017/18 for under-occupation by 2 bedrooms and failure to engage with us to resolve the situation. The other one was ended in 2018/19 for tenancy breaches in respect of seriously poor condition of property.
- 3.7 We continue to incentivise moves through HomeMove, as an example of the success of the project we moved 19 customers through the project during 2018/19.
- 3.8 Where we can evidence success from FTTs is in line with our sustainability approach, including pro-active tenancy management action plans agreed with tenants, for new tenancies under our introductory tenancy regime.
- 3.9 Where we are still working with tenants and want to extend their introductory tenancies in order to continue to create a positive landlord / tenant relationship, we utilise the use of a 2-year Fixed Term Tenancy if they need longer to address tenancy issues. These could be lower level ASB / nuisance, or lower level rent arrears, where possession proceedings are considered neither proportionate nor desirable.
- 3.10 During the last year 2018-19, we extended 16 Introductory Tenancies out of a total of 134. Currently we have 31 tenants on 2-year Fixed Term Tenancies altogether.
- 3.11 This represents a far more manageable workload and focuses our resources to provide additional support and intervention to those tenants who require it.
- 3.12 We have robust housing management processes in terms of the use of rent arrears process, Community Protection Notices, Closure Orders and Possession Proceedings and as a Local Authority are able to escalate serious tenancy issues through to mandatory possession when required. We have a good track record of bringing tenancies to an end, where required, whether they are Introductory tenancies, Fixed Term tenancies or Secure tenancies.
- 3.13 We would like to propose a decision to adjust Tenancy Policy accordingly. We believe the best way forward for KBC in this matter is to move to offering new tenants an Introductory Tenancy for one year (unless they qualify for a secure tenancy at that time), with a view to offering them a secure life time tenancy once they have successfully completed this probationary period.

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3.14 There are exceptions where we would maintain an offer of a fixed term tenancy.

For any extended Introductory Tenancies, where the tenant has not completely fulfilled their action plan and possession proceedings would not be proportionate, then we would like to retain the use of a Fixed Term 2 Year Tenancy. We believe this will dramatically reduce the required resources, but still enable the team to work with new tenants to sustain their tenancies.

Where we are letting a specialist housing solution which is a very limited resource, we propose to offer a Fixed Term Tenancy of a minimum of 5 years. Examples include larger family accommodation, such as 3 bed parlour houses or 4/5 bed homes; fully adapted accessible family accommodation which is in very short supply.

Tenancy Offer table confirms tenancy types offered.

Household type	Tenancy Type	Proposed length of new tenancy	Reason
All New Tenants	Secure	Lifetime	To provide tenants with the security and safety of a secure tenancy.
<b>EXCEPTIONS</b>			
Tenants whose Introductory Tenancy has been extended due to conduct within the tenancy (and requiring more intensive support to ensure tenancy sustainability).	Fixed Term	2 year	To enable the tenant to work intensively with the Tenancy Services Team to sustain their tenancy.
Specialist Housing Solutions Such as: 3 Bed parlour property 4 or 5 bed property or larger Fully adapted specialist accommodation.	Fixed Term	5 year minimum	To ensure best use of very limited stock. The properties will be identified prior to advertising on Keyways and Keyways advert will clearly state tenancy type to be offered.

#### **4. CONSULTATION AND CUSTOMER IMPACT**

4.1 The changes to this policy have taken into account feedback from a consultation exercise. We surveyed 25 customers who are currently on a Fixed Term Tenancy. 17 responded to state they were either concerned or very concerned regarding the stability of their tenure. Only 5 respondents thought that we should continue utilising 5-year Fixed Term Tenancies.

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4.2 The Tenants Forum participated in the review of the offer of Fixed Term Tenancies. At the Tenants Forum Meeting in June 2019, it was proposed that the Tenancy Policy be amended to end the use of Fixed Term Tenancies, except for in exceptional circumstances. Examples of exceptional circumstances include: where an introductory tenancy has been extended due to conduct within the tenancy, to enable housing services to work intensively with the tenant.; larger family homes and specialist accommodation.

### **5. POLICY AND RESOURCE IMPLICATIONS**

5.1 We have approximately 3700 homes within our management and a key priority is tenancy sustainment. By having an approach that seeks to sustain tenancies with the appropriate levels of support our communities will continue to be places where tenants want to live. Tenants on lifetime tenancies will also be able to get more involved in their local communities, without the worry of being displaced.

5.2 No additional resource implications arising from these amendments.

5.3 No HR issues identified as a result of the policy review.

### **6. LEGAL AND EQUALITY IMPLICATIONS**

6.1 The Tenancy Policy will be monitored to ensure that it continues to reflect requirements under the legal framework and any relevant case law that effects its operation.

### **7. CLIMATE CHANGE IMPLICATIONS**

7.1 None as a result of this report.

### **8. RECOMMENDATION**

8.1 It is recommended that the Executive Committee agrees to the proposed Policy amendments attached to this report.

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