



COUNCIL CABINET
9 June 2021

ITEM 9

Report sponsor: Rachel North, Strategic
Director Communities and Place
Report author: Stuart Smith, Housing Strategy
Development Officer

Tenancy Strategy 2021

Purpose

- 1.1 To seek cabinet approval for the adoption of the new Tenancy Strategy.

Recommendation(s)

- 2.1 To agree the adoption of the new Tenancy Strategy.

Reason(s)

- 3.1 Derby's current Tenancy Strategy requires updating and refreshing. The draft new strategy sets out the Council's position from 2021 onwards. It provides the basis for action for the Council's housing stock and a steer to other Registered Providers (RPs). All providers of social housing must be registered with the Regulator of Social Housing.
- 3.2 In accordance with the Localism Act 2011, the Tenancy Strategy sets out the matters that RPs must 'have regard to' when drawing up their own policies relating to:
 - a) The kinds of tenancies they grant and the circumstances under which they will be granted
 - b) The granting of flexible tenancies and the circumstances under which further tenancies are granted upon the termination of an existing tenancy
- 3.3 The Tenancy Strategy sets out the Council's position on these matters and also our position on the use of Affordable Rents.

Supporting information

- 4.1 The Localism Act 2011 introduced a requirement for local housing authorities in England to prepare and publish a Tenancy Strategy. The purpose of a Tenancy Strategy is to help shape the tenancy policies of RPs operating in Derby, including the council as an owner of housing stock and its Arm's Length Management Organisation (ALMO), Derby Homes. Derby's first Tenancy Strategy was published in 2012.

- 4.2 The proposals in the new Strategy should be considered alongside the Housing Strategy 2020-2030, the Homelessness and Rough Sleeping Strategy 2020-2025 and the Allocations Policy 2020. These each provide details on the housing priorities of the city, our own stock portfolio and our allocation arrangements.
- 4.3 The new Tenancy Strategy will introduce the use of Flexible Fixed Term Tenancies specifically for accommodation in line with Derby's Homelessness and Rough Sleeping Strategy. Twenty one bed flats, dispersed across the city, have been acquired by the Council through government funding of £1.0 million, matched by £1.0 million of Council funding. The provision of accommodation includes support to prepare rough sleepers, or those with a history of rough sleeping, for independent settled housing within two to three years. The use of Flexible Fixed Term Tenancies is a requirement of the Government funding and is the most appropriate to meet the range of circumstances that are presented.
- 4.4 The case for letting larger properties (4 bedrooms and more) and substantially adapted properties on flexible tenancies is considered by the new Tenancy Strategy. Doing so would allow these properties to be made available for those in need when they become under occupied - if for example, when children grow up and move out - or when adaptations are no longer required, because for example the disabled person no longer resides at the property. However, the Strategy specifically commits that should either of those scenario's be considered in future, any proposed change/s will be subject to our standard consultation and formal approval processes to be carried out at that time
- 4.5 The position of the Council is that secure or assured, lifetime tenancies are preferred in the majority of cases. We consider that these are most supportive of our vision for housing and supporting communities.

Public/stakeholder engagement

- 5.1 Council colleagues have been consulted including Housing Options Services and wider council departments. The following were particularly targeted:
- Derby residents
 - Councillors
 - Registered Providers with housing in Derby
 - Housing partners
 - Organisations from the community and the voluntary sector
 - Trusts and charities

5.2 Major elements of the consultation included:

- a) Consultation pages of the council web site ('Your City, Your Say');
- b) Online questionnaire (with option to complete and submit a hard copy);
- c) Direct invitation to Registered Providers
- d) Use of other e-media including "In Touch" and iDerby;
- e) Social media including DCC Twitter and Facebook ;
- f) Diversity forums through an Equalities Impact Assessment (EIA).

Outcomes and resultant changes to the policy

5.3 Feedback from the consultation included a broad range of comments and suggestions which are summarised in Appendix 2.

- The majority of consultees expressed agreement with proposals that secure, lifetime tenancies be used in most cases; that flexible tenancies be available specifically for accommodation for homeless households, and for their potential future use in other specified circumstances (following further consultation).
- 70% said they agreed with the proposed draft Strategy overall.

5.4 The draft Tenancy Strategy at paragraph 5.6 has been broadened in scope in response to a comment regarding the Council's expectation that Registered Providers will have regard to the Local Housing Allowance (LHA) and Social Rent Cap when they are setting Affordable Rents.

5.5 An Equality Impact Assessment (EIA) has been carried out (see Appendix 3). The draft Strategy was considered by a range of officers from the Council and Derby Homes and tenant representatives who live in RP accommodation. The assessment identified no specific detrimental impacts will be caused by the Tenancy Strategy; rather it will have a potential positive benefit for every individual with a protected characteristic.

Other options

- 6.1 An option is to retain the current strategy, although it is scheduled to be renewed and requires refreshing.
- 6.2 Critically the current Tenancy Strategy 2012 does not include the use of Flexible Fixed Term Tenancies for homeless people / rough sleepers, which is required if they are to be provided through Derby Homes' supported accommodation scheme and are a condition of Government Rough Sleeper funding streams.

Financial and value for money issues

- 7.1 There are no new additional financial commitments arising directly from the new policy.

- 7.2 The authority to grant Flexible Fixed Term Tenancies are a condition of Government Rough Sleeper funding streams for tackling homelessness and rough sleeping. Non compliance may result in the loss of funds – a potential capital repayment of £1million and loss of revenue funding of up to £445,000.

Legal implications

- 8.1 The proposed Tenancy Strategy will contribute to fulfilling the Council's statutory obligations to have a fit for purpose Tenancy Strategy.

Climate implications

- 9.1 The Tenancy Strategy sets out the different types of tenancies that are available to the City Council, Derby Homes and Private Registered Providers (primarily Housing Associations) of social housing in Derby, and the circumstances in which these may be granted. This has no implications for impact on the climate.

Other significant implications

10.1 The Council Plan 2019-23: A City of Health and Happiness.

The position of the Council is that secure or assured, lifetime tenancies are preferred in the majority of cases. We consider that these are most supportive of our vision for housing and supporting communities.

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal	Olu Idowu	29/04/2021
Finance	Amanda Fletcher	30/04/2021
Service Director(s)	David Fletcher	04/21
Report sponsor	David Fletcher	
Other(s)	Rachel North	04/21
	Ian Fullagar	

Background papers:	
List of appendices:	
Appendix 1	Draft Tenancy Strategy 2021
Appendix 2	Consultation outcomes and responses
Appendix 3	Equality Impact Assessment