

Maidstone Borough Council Tenancy Strategy 2021-2026

Final Decision-Maker	COMMUNITIES, HOUSING & ENVIRONMENT COMMITTEE
Lead Head of Service	William Cornall
Lead Officer and Report Author	John Littlemore
Classification	Public
Wards affected	All

Executive Summary

Section 150 of the Localism Act 2011 requires the Council to review and keep up to date a Tenancy Strategy that informs registered providers of social housing (RPSH) for its district the kinds of tenancies they grant, the circumstances in which they will grant a tenancy of a particular kind, and the length of terms that tenancies should exist for. When amending the existing Tenancy Strategy, the Council is required to invite comment from its RPSH partners.

Purpose of Report

To seek the Committee's approval on the draft updated Tenancy Strategy and to invite comment from RPSH partners before submitting the final Strategy to the CHE Committee for adoption.

This report makes the following recommendations to this Committee:

1. The Committee approves the draft Tenancy Strategy 2021 -2026 attached at Appendix 1. for consultation with local Registered Providers of Social Housing (RPSH).
2. Having received comments from RPSH, the Head of Housing & Community Services is directed to bring back a further report to enable the Tenancy Strategy 2021 - 2026 to be adopted.

Timetable

Meeting	Date
Communities, Housing & Environment Committee	2 February 2021
Communities, Housing & Environment Committee	6 April 2021

Maidstone Borough Council Tenancy Strategy 2021-2026

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> • Homes and Communities • We do not expect the recommendations will by themselves materially affect achievement of corporate priorities. However, they will support the Council’s overall achievement of its aims as set out in section 4. 	Head of Housing & Community Services
Cross Cutting Objectives	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> • Heritage is Respected • Health Inequalities are Addressed and Reduced • Deprivation and Social Mobility is Improved • Biodiversity and Environmental Sustainability is respected <p>The report recommendations supports the achievement of the Deprivation and Social Mobility is Improved cross cutting objectives by encouraging stable homes.</p>	Head of Housing & Community Services
Risk Management	Already covered in the risk section.	Head of Housing & Community Services
Financial	There are no financial implications arising from the recommendations.	Head of Housing & Community Services
Staffing	We will deliver the recommendations with our current staffing.	Head of Housing & Community Services
Legal	Accepting the recommendations will fulfil the Council’s duties under Section 150 of the	[Team Leader

	Localism Act 2011.	(Contentious)]
Privacy and Data Protection	Accepting the recommendations will have a neutral impact on the volume of data held by the Council. We will hold that data in line with our retention schedules.	Policy and Information Team
Equalities	The recommendations do not propose a change in service therefore will not require an equalities impact assessment	Head of Housing & Community Services
Public Health	We recognise that the recommendations will have a positive impact on population health or that of individuals.	Head of Housing & Community Services
Crime and Disorder	The recommendation will have a neutral impact on Crime and Disorder. The Community Protection Team have been consulted and mitigation has been proposed	Head of Housing & Community Services
Procurement	There are no procurement issues arising from accepting the recommendations.	Head of Housing & Community Services

2. INTRODUCTION AND BACKGROUND

2.1 The existing Tenancy Strategy 2011-2015 is out of date and does not reflect the Council’s position with regard to its existing temporary accommodation stock or ambitions to deliver a number of new social rented accommodation.

2.2 The existing Tenancy Strategy was approved at a time when ‘Fixed Term Tenancies’ were introduced for affordable housing, as it was believed by the Government that lifetime tenancies no longer provided the best use of affordable housing stock. In order to provide some certainty, local housing authorities (LHA) were required by the Localism Act 2011 to adopt and publish a Tenancy Strategy setting out how this would be implemented.

2.3 The purpose of the Tenancy Strategy is contained within s.150 (1) Localism Act 2011 as reads as follows:

A local housing authority 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 district are 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.

- 2.4 The relevant section goes onto to say that LHAs “must have regard to its tenancy strategy in exercising its housing management functions”. At the time of adopting the original Tenancy Strategy, the Council did not have housing stock of its own but the relevance of the section has now gained more importance due to the evolving nature of Maidstone BC’s Housing Services.
- 2.5 Whilst it is a statutory requirement for the LHA to have an adopted Tenancy Strategy and its RPSH partners are required to have due regard to the content of the Strategy; there is no legal requirement for the RPSH to abide by the Council’s Strategy.
- 2.6 When s.150 was enacted, there was a mixed reception and appetite amongst the housing sector to adopt wholesale the new fixed term regime. This led to a diverse approach by local RPSH and the original Tenancy Strategy reflected a broad-brush approach. Since 2012, the use of flexible tenure has fallen out of favour both with successive governments and the housing provider sector. Very few RPSH now employ fixed term tenancies, as they are viewed as not promoting settled communities and are burdensome to administer.
- 2.7 All RPSH in our area instead use probationary tenancies of up to 12 months before granting the ‘lifetime’ periodic tenancies once the probationary period has been successfully completed. It is proposed that MBC adopts a similar approach with our social rent programme and to reflect this within the revised Tenancy Strategy.
- 2.8 The letting of temporary accommodation is not required by the Localism Act to be included within the Tenancy Strategy. However, with the Council managing a significant number of its own units of temporary accommodation, it is an opportunity to set out within the Tenancy Strategy our approach to their letting.

3. AVAILABLE OPTIONS

- 3.1 The Committee could agree the draft Tenancy Strategy at Appendix 1 in order to have a relevant and up to date Strategy to guide its officers and partner RPSH.
- 3.2 The Committee could choose not to update the Tenancy Strategy but this approach is not recommended, as it is a statutory requirement to review the Strategy periodically and would leave the Council open to legal challenge if it has not done so. In addition, as the Council delivers new socially rented homes through its development programme, it is required to have in place a Tenancy Strategy to guide how they will be let.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

4.1 The preferred recommendation is set out in Paragraph 3.1 above, as the updated Tenancy Strategy will:

- Better inform new tenants of the Council.
- Provide a more relevant framework for our RPSH colleagues.
- Ensure the Council fulfils its statutory duty to keep the Tenancy Strategy refreshed.

5. RISK

5.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework. We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

6.1 The length of time in which RPSH are given the opportunity to comment on the amended Tenancy Strategy is not expressed in the legislation. The statutory requirement is set out at s.151 (1) which states:

Before adopting a tenancy strategy, or making a modification to it reflecting a major change of policy, the authority must—

- (a) send a copy of the draft strategy, or proposed modification, to every private registered provider of social housing for its district, and
- (b) give the private registered provider a reasonable opportunity to comment on those proposals.

6.2 It is intended to carry out a relatively short window of 28 days in which to ask the RPSH to comment. The reasons being are twofold:

- The amended Strategy will not directly affect the RPSH, as it will reflect the current situation and, in any case, cannot overrule the RPSH's own adopted policy
- Pragmatically, the next available Committee date for adoption would be 6th April 2021; after that date, the next meeting would not be until June 2021, by which time it is hoped that the Council will be providing its own social housing.

7. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix 1: Maidstone Borough Council Tenancy Strategy 2021-2026
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8. BACKGROUND PAPERS

Localism Act 2011