

BARNSELY METROPOLITAN BOROUGH COUNCIL

This matter is a Key Decision within the Council's definition and has been included in the relevant Forward Plan.

Report of the Executive Director of PLACE

LOCAL AUTHORITY HOUSING TENANCY STRATEGY 2019-2024 AND HOUSING TENANCY POLICY 2019-2024

1. Purpose of report

- 1.1 To seek approval of the Local Authority Housing Tenancy Strategy and Tenancy Policy 2019-24.

2. Recommendations

It is recommended that:

- 2.1 Cabinet notes the outcome of the consultation undertaken to review and update the Local Authority Housing Tenancy Strategy 2013, and the subsequent changes made to the Council's Tenancy Policy to reflect this.
- 2.2 Cabinet approves the minor changes made to both documents and endorses their publication.

3. Introduction

- 3.1 The Localism Act 2011 introduced a requirement for local authorities in England to prepare and publish a Tenancy Strategy. Barnsley Council's first strategy was published in April 2013. The legal purpose of a Tenancy Strategy is to help shape the tenancy policies of registered social housing providers who operate in the district. The strategy is now being updated for the period 2019-2024. As BMBC are a stock-owning authority, there is also a requirement to publish a new Tenancy Policy covering the same period.

4. Current Situation

- 4.1 The Localism Act 2011 introduced changes to allow councils and registered providers to grant fixed term tenancies known as 'flexible tenancies'. The Act also placed an obligation on Local Authorities to develop a Tenancy Strategy which would help to shape the tenancy policies of registered providers of affordable housing operating in the local authority's district.
- 4.2 In line with the requirements of the Localism Act, the Local Authority Housing Tenancy Strategy must set out, as a minimum, the matters to which registered providers of social housing for its district are to have regard in formulating tenancy policies in relation to:
- The kinds of tenancies they grant

- The circumstances in which they will grant a tenancy of a particular kind
- Where they grant flexible tenancies, the lengths of the terms; and,
- The circumstances in which they will grant a further tenancy on the termination of the existing tenancy

4.3 Whilst taking a light touch review of the 2013 Tenancy Strategy, officers have removed sections of the Strategy which have been superseded by new legislation and/or which are now referenced elsewhere in the Council's suite of strategic policies.

4.4 The updated documents (Appendices B & C) sets out the Council's Tenancy Strategy and Policy for 2019-24; following an evaluation of the 2013 Strategy and a review of relevant legislative changes which have impacted on the allocation of affordable housing over the last five years.

4.5 It should be noted that there are no proposed changes to the way in which the Council grants its own tenancies, nor the Council's view that whilst there is support for the use of fixed term tenancies in limited, clearly defined circumstances, in the majority of cases the **Secure** or **Assured** tenancy should continue to be issued.

5. Proposal and justification

5.1 It is proposed that Cabinet approve the updated version of the Tenancy Strategy and Tenancy Policy as appended. There are no proposed changes to the way in which the Council grants neither its tenancies nor the view that a secure or assured tenancy should be issued in the majority of cases.

5.2 The production of these documents is a requirement under the consumer standards as set by the Regulator for Social Housing. Whilst a number of different approaches could be taken in terms of the granting of flexible tenancies this is not recommended. The current policy ensures that the Council makes the best use of social housing provision in the Borough whilst assisting in fostering and maintaining stable and vibrant communities.

6. Implications for local people / service users

6.1 The proposed updates to the Tenancy Strategy and Policy will have no new implications for local people and service users. The Council will continue to issue secure tenancies (following a successful 12 month introductory tenancy period) in the majority of cases. Flexible tenancies may be granted where:

- **A tenant/s moves into properties with 4 or more bedrooms.**
- **A tenant/s moves into a purpose built or significantly adapted property.**
- **A tenant/s might otherwise be excluded from the register due to serious breaches of tenancy conditions.**
- **A tenant/s is in receipt of short term support.**

7. Financial implications

- 7.1 Consultations have taken place with representatives of the Service Director – Finance (S151 Officer).
- 7.2 There are no direct financial implications to the council as a result of the proposed strategies and policies proposed in this report.

8. Employee implications

- 8.1 There are no issues arising directly from this report.

9. Communications implications

- 9.1 The updated Tenancy Strategy & Policy will be published on both the Council and Berneslai Homes' website.

10. Consultations

- 10.1 A working group was established to review the current Tenancy Strategy and Policy to ensure that it:
- continues to reflect Government legislation/policy
 - continues to align with the Council's Corporate Plan priorities, the Housing Strategy 2014-33, Letting Policy and Homeless Prevention and Rough Sleeping Strategy 2018-23; and,
 - continues to strike the right balance between ensuring that we are offering our tenants security of tenure whilst making the best use of our housing stock to meet the needs of those who need it most.
- 10.2 The working group comprised of officers from Housing, Berneslai Homes, and Communities (commissioning and Housing Options).
- 10.3 Consultation has been undertaken with all Registered Providers who operate within the borough from both a housing development and housing management perspective.

11. Tackling Health Inequalities

- 11.1 The Tenancy Strategy is an important document in reminding all social housing providers operating in the Borough to ensure that the way in which they determine what type of tenancy is offered meets the requirements of the Equalities Act 2010.
- 11.2 The Tenancy Policy clearly sets out the types of tenancy to be granted, in what circumstances and the right of appeal. The issuing of flexible tenancies for purpose built or major adapted and larger properties assists in being able to make that type of accommodation available to those who are in most need of it.

12. Climate Change & Sustainable Energy Act 2006

12.1 There are no issues arising from this report.

13. Appendices

Appendix 1 – Tenancy Strategy 2019/24 DRAFT document

Appendix 2 – Tenancy Policy 2019 DRAFT document

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Financial Services Consultation



Date 05/07/2019

On behalf of the Service Director (S151 Officer) finance