

Report to: **Executive**  
Date: **14 October 2021**  
Title: **Tenancy Strategy Review 2021**  
Portfolio Area: **Homes / Cllr Judy Pearce**

Wards Affected: **All**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken: Upon the expiry of the Call-in period – 5.00pm on Monday, 25 October

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## **RECOMMENDATION**

### **That the Executive:**

- 1. Approves the reviewed Tenancy Strategy 2021- appendix 2; and**
- 2. Authorises the Head of Housing, in consultation with the portfolio holder for Homes, to make any necessary minor amendments to the Tenancy Strategy 2021.**

## **1. Executive summary**

- 1.1. The purpose of this report is to seek Member approval of the reviewed Tenancy Strategy 2021, attached at appendix 2.
- 1.2. The Localism Act 2011 places a duty on all local authorities to produce a Tenancy Strategy, to sit alongside its Housing Strategy and Allocations Policy. On 8<sup>th</sup> November 2012 this Council adopted a Tenancy Strategy, minute reference E.53/12. Minor amendments were made in 2016 delegated to the Head of Place Making (see appendix 1). This is now out of date.

- 1.3. The implementation of a new Tenancy Strategy, to supersede the current out of date version, is a key action in the Housing Strategy Action Plan 2021.
- 1.4. The Localism Act 2011 also requires local authorities to review their tenancy strategies from time to time. In line with the latest good practise and legislation changes, we have updated our Tenancy Strategy (see appendix 2). This went through a period of consultation with our partner Registered Providers between 4th June 2021 and 9th July 2021.
- 1.5. The main change to the revised Tenancy Strategy 2021 is that we are asking Registered Providers to charge no more than 2 weeks rent in advance. We also emphasise that we now seek Social Rent tenure on new housing developments in accordance with the adopted JLP Supplementary Planning Document 2020.

## 2. **Background**

- 2.1. Under Section 150 of the Localism Act 2011, Councils have a duty to prepare and publish a Tenancy Strategy. The Strategy must set out the matters to which Registered Providers of social housing for their area are to have regard in formulating policies and these relating to:
  - The types of tenancies they grant
  - The circumstances by which they will grant a tenancy of a particular type
  - The length of certain tenancies
  - The circumstances in which they will grant a further tenancy on the coming to an end of an existing tenancy

Registered Providers are expected to have due regard to the Council's Tenancy Strategy in developing their tenancy policies, but do not have to comply with them if they do not wish to do so.

- 2.2. A Devon wide Tenancy Framework was adopted in February 2012, following widespread consultation with Devon Local Authorities, Registered Providers and other stakeholders. The framework highlights those areas of tenancy policy where broad principles are shared by some or all of the Local Housing Authorities in Devon. This Tenancy Strategy 2021 is informed by the Devon wide Tenancy Framework, but also reflects the current local context and priorities in the South Hams.
- 2.3. On 8th November 2012 the Executive approved the current Tenancy Strategy. Minor updates were made to the document in 2016 (appendix 1) and these updates were delegated for approval to the Head of Environmental Health and Housing in consultation with the Portfolio Holder. Since that time, there have been major changes in housing legislation and welfare reform, as well as increased affordability issues across the sector. Registered Providers' "Rent in Advance" policies can

vary, with some charging 8 weeks rent in advance. This is not affordable for many on low incomes.

### 3. **Outcomes/outputs**

- 3.1 In response to these changes, the Council has reviewed its Tenancy Strategy to put forward a more holistic approach to managing social housing in the district to which local Registered Providers should have regard in formulating their policies. In preparing the reviewed Tenancy Strategy, the following Council plans/strategies have been considered:

Corporate Strategy  
Housing strategy 2021 - 2026  
Homelessness strategy 2017 - 2022  
The Devon Home Choice allocation policy and partner agreement

- 3.2 In summary, the overarching aims of this revised Tenancy Strategy Are to:

1. Comply with the legislation
2. Encourage a wide range of housing options
3. Promote affordability
4. Make the best use of the available social housing stock
5. Ensure that vulnerable households are able to access appropriate accommodation
6. Promote mobility within social housing and other housing tenures
7. Promote clarity

More specifically Registered Providers are encouraged to:

1. Charge rents under the local housing allowance rate
2. Publish clear and accessible policies on tenancy management
3. Create clear and transparent advertisements on Devon Home Choice
4. Charge no more than 2 weeks rent in advance
5. Co-operate with the Council to make the best use of stock
6. Bid for social grant where available
7. Assist the local authority to maintain tenancies and prevent homelessness
8. Limit the conversion of social rents to affordable
9. Promote mobility within the sector
10. Take precautions to tackle tenancy fraud

- 3.3 Under the Localism Act 2011, the Council has a duty to consult with all Registered Social housing Providers in the District. This consultation opened on 4<sup>th</sup> June 2021 and ended on 9<sup>th</sup> July 2021. A summary of the consultation responses can be found in appendix 3 and to which we have had regard in reviewing the Tenancy Strategy.

#### 4. **Options available and consideration of risk**

If we do not review and update the Tenancy Strategy, it will remain out of date and will not reflect current local issues of housing need and affordability. The review of our Tenancy Strategy is a key action in our Housing Strategy Action Plan 2021 – 2026.

#### 5. **Proposed Way Forward**

Executive is asked to approve the reviewed Tenancy Strategy 2021 attached in Appendix 2.

Executive is also asked to delegate the making of future minor amendments to the Head of Housing in consultation with the portfolio holder for HOMES.

#### 6. **Implications**

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	The Council has a duty to prepare and publish a tenancy strategy that will be considered when exercising its housing management functions. It is under a further duty to keep its tenancy strategy under review, and may modify or replace it from time to time. The proposals in the report secure compliance with those duties.
Financial	N	There are no direct financial implications arising from this report.
Risk	Y	Failure to review the Tenancy Strategy risks the Council being in breach of its statutory duty, but more importantly, risks decisions in respect of its housing management functions being based on inaccurate and out-of-date policies.
Comprehensive Impact Assessment Implications		
Equality and Diversity	Y	An Equality Impact Assessment has been undertaken and no major change is required. It has not identified any potential for discrimination or adverse impact and all opportunities to promote equality have been taken.
Safeguarding	Y	

Community Safety, Crime and Disorder	N	
Health, Safety and Wellbeing	Y	Asking Registered Providers to charge no more than 2 weeks rent in advance, helps affordability pressures in the district. Financial pressures adversely affect residents' wellbeing.
Other implications		

### **Supporting Information**

#### **Appendices:**

Appendix 1: Tenancy Strategy 2016

Appendix 2: Reviewed Tenancy Strategy 2021

Appendix 3: Summary of consultation responses

#### **Background Papers:**

None