

Report to Stronger Communities Select Committee

Date of meeting: 21 September 2021



Portfolio: Housing Services

Subject: Review of the Tenancy Policy

Officer contact for further information: Jennifer Gould Director Community and Wellbeing

Democratic Services Officer: R Perrin

Recommendations/Decisions Required:

1. To note the outcome of the stage 1 initial consultation on the review of the Tenancy Policy 2015- 2022 which is due for renewal in April 2022; and
2. To approve the recommendation to consult with stakeholders over the proposal not to make any material changes to the terms of the current Tenancy Policy when publishing the draft Tenancy Policy 2022-2027 for stage 2 formal consultation between October-December 2021.

Report:

1. As a stockholding Local Housing Authority Epping Forest District Council has a statutory duty to publish both a Tenancy Strategy or framework (setting out the matters to which the registered providers of social housing within its district are to have regard when formulating their tenancy policies), and a Tenancy Policy with regards to its own stock.
2. The Tenancy Policy must incorporate:
 - a. the kind of tenancies that will be granted
 - b. the circumstances in which a tenancy of a particular kind will be granted
 - c. where tenancies are granted for fixed terms, the lengths of the terms
 - d. the circumstances in which a further tenancy will be granted upon expiry of the existing tenancy.
3. EFDC adopted the West Essex Tenancy Strategy on 22 October 2012 and published Version 1 of the current Tenancy Policy on 27 July 2015. The Tenancy Policy was originally due for review in July 2020.
4. In July 2020 the Portfolio holder for Housing agreed minor changes to the Tenancy Policy including the extension of 2-year tenancies to 10-year tenancies, and to postpone the full periodic review of the policy by two years to July 2022 (to take account of the impact of Covid 19 on the consultation process).
5. The full review of the Tenancy Policy began in May 2021 along with simultaneous reviews of the Housing Allocations Policy, the Homelessness and Rough Sleeping Strategy and the overarching Housing Strategy (as there are a number of interdependencies and they are all due for renewal in 2022). A series of consultation events took place between July 2021 and August 2021 including bitesize briefing sessions with Members of the Council, residents, professional partners, other statutory services and staff, and an on-line survey which closed on 30 August 2021.

6. The initial stage 1 consultation found the majority of respondents thought that EFDC should continue to issue 10-year fixed term tenancies for general needs applicants. Half of the respondents said some tenancies should be longer or shorter than 10 years depending on the household circumstances. Typically suggesting longer or lifetime tenancies for elderly or vulnerable people, and shorter tenancies for families who may eventually be able to afford to buy or downsize as their children move out.

7. A Government Equalities Impact Assessment in 2016 found that nationwide far fewer councils and housing associations had introduced fixed term tenancies than had been anticipated. A recent desk-top analysis of councils in Essex found that of the other stockholding councils Castlepoint, Colchester, Basildon and Harlow are issuing lifetime tenancies rather than flexible tenancies. And whilst Rochford is not a stockholder it has reported that many of the Registered Providers operating in the area have ceased issuing flexible tenancies because of the disproportionate burden of the review process on their resources.

8. To date none of the 10-year fixed term tenancies in EFDC have reached the point of review.

Reason for decision: To enable EFDC to progress to stage 2 of this consultation exercise, thereby fulfilling its statutory obligation to consult prescribed stakeholders on any major change to the Tenancy Policy and the associated policies and strategies; before presenting the outcome of the reviews respective recommendations to Cabinet for approval in Spring 2022.

Options considered and rejected: Issuing shorter fixed term tenancies for some or all applicants, issuing longer fixed term tenancies for some or all applicants and reverting to issuing lifetime tenancies for all applicants.

Consultation undertaken:

Invitations to participate in live bitesize briefings or view pre-recorded briefings and complete an online survey were sent to:

- Council tenants and leaseholders
- Partner agencies and community groups with an interest in housing in the district
- Private registered providers of social housing in the district
- District, borough and city councils in the county
- Members of the Council
- Clerks of parish and town councils to forward to their respective elected members.

The survey and associated information was also published on the Council website and the intranet.

The generic survey ensured every participant was asked the same set of questions. 71 participants completed the survey. The results of the survey have been analysed and will be reproduced as a report for circulation and publication as part of the review.

Resource implications: None

Legal and Governance Implications: None

Safer, Cleaner, Greener Implications: None

Background Papers:

West Essex Tenancy Strategy 2012

Tenancy Policy 2015-2022

The Big 4 Initial Consultation – Findings (Draft) September 2021

Impact Assessments: n/a

