

Report to the Cabinet

Report reference: C-069-2012/13

Date of meeting: 15 April 2013



**Epping Forest
District Council**

Portfolio: Housing

Subject: Tenancy Policy

Responsible Officer: Roger Wilson (01992 564419).

Democratic Services Officer: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

- (1) That, subject to the proposed changes at Appendix 2, the Cabinet accepts the recommendations of the Housing Scrutiny Panel in its report at Appendix 1 and adopts the new Tenancy Policy;**
- (2) That, following consultation with the Tenants and Leaseholders Federation, partner agencies, Parish and Town Councils and partner Registered Providers, the Cabinet notes the outcome and agrees the suggested changes to the new Tenancy Policy as set out at Appendix 2; and**
- (3) That the new Tenancy Policy takes effect from 1 September 2013.**

Executive Summary:

The Cabinet is being asked by the Housing Scrutiny Panel to accept its recommendations set out in the attached report at Appendix 1 and adopt the Council's new Tenancy Policy. It is recommended that the implementation be delayed until 1 September 2013 for the reasons set out in the report. A consultation exercise has been undertaken on the Tenancy Policy. The table attached as Appendix 2 to the report sets out the response and the suggested changes.

Reasons for Proposed Decision:

To ask the Cabinet to accept the recommendations of the Housing Scrutiny Panel and adopt the new Tenancy Policy, subject to the suggested changes set out in Appendix 2 to the report in response to the consultation.

Other Options for Action:

To not agree the recommendations of the Housing Scrutiny Panel.

To make alternative changes to the draft Tenancy Policy.

Report:

1. The Cabinet is being asked by the Housing Scrutiny Panel to accept its

recommendations set out in the attached report at Appendix 1 and to adopt the Council's new Tenancy Policy.

2. It was proposed to the Panel that the new Tenancy Policy would come into force on 1 July 2013. However, it is now recommended that the implementation be delayed until 1 September 2013. This is due to the unexpected delays with reviewing the Housing Allocations Scheme (for the reasons set out in the report elsewhere on the Agenda), which will also be implemented on 1 September 2013. As both these documents are interlinked, it is important that they are implemented on the same date.

Review of the Pilot Scheme to Grant Flexible (fixed-term) Tenancies

3. It is recommended in the attached report of the Housing Scrutiny Panel that the Panel are asked to review the success of the pilot scheme to grant Flexible (fixed-term) Tenancies on all properties of 3 bedrooms or more after 12 months of commencement and submit a report to Cabinet on its review. On review, the Panel will be asked to take into account the following issues:

- The number of Flexible Tenancies granted;
- A breakdown of the "protected characteristics" of the homeseekers granted Flexible (fixed-term) Tenancies;
- The number and nature of any complaints received;
- Whether to continue, discontinue or extend the scheme to include 2 bedroom properties; and
- Any other matters raised by Officers.

4. Furthermore, the Cabinet are asked to note that since the meeting of the Housing Scrutiny Panel, the Chancellor announced in his budget that the Government intends to take steps towards allowing social landlords to charge market rents to social tenants on incomes of more than £60,000 per year. The Government has said that it will provide further details on how it will take these changes forward and the proposed timescale, in due course. The Director of Housing has included an Item in a recent Council Bulletin on this issue for Members' information. The way in which the Government take these changes forward may have an impact on the Housing Scrutiny Panel's considerations on review on whether to means test Flexible (fixed term) Tenants as part of the Assessment Criteria at the end of the Flexible Tenancy period (Recommendation 2 (b) of the Housing Scrutiny Panel's report attached at Appendix 1 refers).

Consultation on the Tenancy Policy

5. A consultation exercise has been undertaken on the Tenancy Policy in conjunction with the Housing Allocations Scheme and has now been completed. Only five responses were received. The table attached as Appendix 2 to the report sets out the response and the suggested changes.

Resource Implications:

None.

Legal and Governance Implications:

Housing Act 1985

Localism Act 2011

Homes and Communities Agency's Regulatory Framework for Social Housing in England

Safer, Cleaner and Greener Implications:

None.

Consultation Undertaken:

As set out in the report.

Background Papers:

None.

Impact Assessments:

Risk Management

No risks have been identified. Should any be identified, these will be taken into account as part of the review of the Tenancy Policy after 12 months of operation. Having a Tenancy Policy removes the risk of not complying with both the Localism Act 2011 and the Homes and Communities Agency's Regulatory Framework for Social Housing in England.

Equality and Diversity

Did the initial assessment of the proposals contained in this report for relevance to the Council's general equality duties, reveal any potentially adverse equality implications? No

Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken? Yes

What equality implications were identified through the Equality Impact Assessment process?

The Housing Scrutiny Panel undertakes an annual review of the ethnicity of homeseekers on the Housing Register, compared with the ethnicity of those allocated accommodation. In addition, the ethnicity of homeseekers on the Housing Register awaiting sheltered accommodation compared with the ethnicity of those allocated sheltered accommodation is monitored separately.

The reason for the review is to identify whether or not there are any indications to suggest the Council may be discriminating against any one ethnic group and is undertaken by the Panel, in consultation with the Tenants and Leaseholder's Federation.

If the Cabinet adopt the new draft Tenancy Policy, the Housing Scrutiny Panel in consultation with the Tenants and Leaseholders Federation, will be asked to monitor the ethnicity of homeseekers on the Housing Register compared to the ethnicity of those who are granted Flexible (fixed-term) Tenancies, again to identify whether or not there are any indications to suggest the Council may be discriminating against any one ethnic group.

How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group?

See the section above.

Appendix 2

Consultation Response to the Draft Tenancy Policy

Organisation	Consultation Response	Comments/Suggested Changes
Tenants and Leaseholders Federation	<p>That any references to Flexible Tenancy be amended to “Flexible (fixed-term) Tenancies” to make it clearer to tenants and applicants</p> <p>Clarify in Paragraph 7.2 that, a Flexible (fixed-term) Tenancy will be for 8 ½ years, where introductory tenancies are extended from 12 to 18 months (due to concerns about a tenant’s conduct which are not sufficient to proceed to Court for possession), making the tenancy 10 years in duration</p>	<p>Agreed - Changes to be made to the Tenancy Policy</p> <p>Agreed – Changes to be made to the Tenancy Policy</p>
North Weald Bassett Parish Council	The Parish Council noted the consultation and had no comments	None
Chigwell Parish Council	The Parish Council agrees with the document	None
Ongar Town Council	The Town Council has no formal comments to make regarding the consultation but Councillors would like to express their appreciation to EFDC housing officers for the hard work in producing the document	None
Loughton Town Council	Loughton Town Council agreed to express support to the District Council for the document	None