COMMUNITY & ENTERPRISE OVERVIEW AND SCRUTINY COMMITTEE

Date of Meeting	Wednesday 11th March 2020
Report Subject	Tenancy Management Policy
Cabinet Member	Cabinet Member for Housing
Report Author	Chief Officer (Housing and Assets)
Type of Report	Operational

EXECUTIVE SUMMARY

The Tenancy Management Policy sets out how Flintshire County Council manages the types of tenancies it provides under current legislation and in the discharge of its statutory obligations as a landlord.

The Policy seeks to ensure that effective systems are adopted for the efficient management and administration of housing services both now and in the future.

RECOMMENDATIONS

1	That Scrutiny notes the Tenancy Management Policy and provides its observations and comments for further consideration by Officers.

REPORT DETAILS

1.00	**EXPLAINING THE TENANCY MANAGEMENT POLICY**
1.01	Flintshire County Council manages 7,271 homes and is committed to providing an effective and efficient tenancy management service that reflects best practice, complies with legislation and protects the rights of tenants as well as minimising risk to the Council.
1.02	This report and attached policy document covers tenancy management. Tenancy enforcement will be submitted in the coming months as part of an ongoing review and development of a suite of Housing Service policies and operational procedures, to ensure that there is a consistent, robust and equitable approach to managing our properties and estates.
1.03	The tenancy management teams are located in Flint and are currently split into two teams; one dealing with neighbourhoods and the other dealing with new customers. This current configuration is under review as part of the ongoing housing restructure work and is, subject to appropriate consultation, likely to move to a model of delivery which sees change into one focussed team covering the customer from the commencement of a tenancy to the end.
1.04	As one of the largest landlord in Flintshire, it is important to ensure our tenants are able to sustain their tenancy. The economic climate and the negative impact welfare reforms may have on our tenants can make this very challenging for them. Although not all of our tenants are affected by welfare reforms, they are all susceptible to financial exclusion as it only takes the loss of a job or breakdown in relationship to substantially change circumstances and create a need for advice and support.
1.05	The Tenancy Management Policy contains a number of sections which usefully explain the following: • Pre tenancy assessments • Tenancy types • Succession • Mutual exchange • Changes in name • Sole sand joint tenancy • Ending a tenancy • Tenants who are admitted to hospital or residential care • Lodgers and subletting • Compensation • Decants • Estate walkabouts • Customer focus Equality and Diversity • Performance Management

1.06	**Communal Areas**
1.07	In order to comply with current fire safety regulations and also to keep the communal areas of our schemes, whether it be sheltered or general needs, safe and free from hazards FCC has adopted a sterile communal area approach to all internal communal areas. This means that all communal areas are not to be utilised for the storage of items which could pose a risk in the event of a fire – either due to combustibility or hindering egress in the event of an evacuation.
1.08	**Welsh Government Changes to Tenancies**

1.09	It is important to note that Welsh Government have been working on a new legislative framework for tenancies. The Renting Homes (Wales) act 2016 has received Royal Assent and is passing though the various legislative processes within Welsh Government. When fully enacted this Act will introduce significant changes to the way we issue tenancies and manage them.
	
	In summary the Act:-
	
	• Is based on the Law Commissions 2006 Renting Homes Report
	• Will have a single legal framework for social and private renting in Wales
	• Will enable a single 'social tenancy' for Wales
	• Provide clarity on rights and responsibilities through a single contract
	• Have model contracts freely available to all
	• Have two levels of contracts:-
	  - Secure Contracts: high level of security provided by law which replaces secure and assured tenancies, can also be used by private landlords
	  - Standard contract: low level of security under law; greater security can be agreed through fixed terms; replaces assured shorthold tenancies, Introductory and demoted tenancies
	• Provide a legal basis for supported housing

2.00	**RESOURCE IMPLICATIONS**
2.01	There is a dedicated team of Housing Officers responsible for delivering Housing Services. Currently the team is divided into three areas: • New Customer team – responsible for pre-tenancy assessments, allocations and managing introductory tenancies • Neighbourhood team – responsible for managing neighbourhoods and secure tenancies • Tenancy Enforcement team – responsible for managing all breach of tenancies including anti-social behaviour

3.00	**IMPACT ASSESSMENT AND RISK MANAGEMENT**
3.01	If the Council does not provide a robust and efficient service in managing its estates, then the housing service will be at risk of:

- Long term voids
- Increase in anti-social behaviour
- An increase in litigation
- Poor reputation
- Having inadequate resources

Ways of Working (Sustainable Development) Principles Impact

Long-term	Positive – Providing sustainable tenancies in safer, cleaner neighbourhoods.
Prevention	Positive - Preventing homelessness through ensuring there is adequate support and accommodation to cater for a range of needs.
Integration	Positive – Increased integration between services and partner organisations.
Collaboration	Positive – Increased collaboration between services and partner organisations.
Involvement	Positive – Service user involvement to help shape effective services so that support is timely and person centred

Well-being Goals Impact

Prosperous Wales	Positive – providing good quality and affordable homes
Resilient Wales	Positive – Creating services that are prevention focused and build resilience to avoid households becoming homeless specifically vulnerable persons
Healthier Wales	Positive – Reduction in homelessness and increase in targeted support for mental health
More equal Wales	Housing service is delivered in a way that is inclusive for all
Cohesive Wales	Positive – Safer and well-connected neighbourhoods
Vibrant Wales	Positive – encourages tenants to be more involved in their community
Globally responsible Wales	Neutral

4.00	CONSULTATIONS REQUIRED/CARRIED OUT
4.01	The current Tenancy Agreement and conditions were implemented in 2010 following extensive consultation with tenants in accordance with the Housing Act 1985. As noted above The Renting Homes (Wales) Act 2016 has received Royal Assent but is still not in force with commencement dates still pending. Upon commencement the Act will change the tenancy regime in Wales creating only two types of 'Occupation Contracts' with the 'Secure Contract' being applicable to Local Authority tenants. This policy will be updated to reflect the changes upon commencement of the Act and a full consultation will be carried out with tenants, elected members and stakeholders.

5.00	APPENDICES
5.01	Appendix 1 – Draft Tenancy Management Policy

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	None.

7.00	CONTACT OFFICER DETAILS
7.01	**Contact Officer:** Dawn Kent – Housing Manager **Telephone:** 01352 703526 **E-mail:** dawn.kent@flintshire.gov.uk

8.00	GLOSSARY OF TERMS
8.01	**Pre Tenancy Assessment:** Carried out prior to an offer of a property to ensure affordability checks are completed and identify any support needs to ensure tenancy is sustainable **Tenancy Agreement**: legal document between tenant and landlord **The Renting Homes (Wales) Act 2016**: completely rewrites the position in Wales in relation to residential tenancies. It is intended to entirely replace the secure tenancy and assured tenancy regimes which currently operate under the Housing Act 1985 and Housing Act 1988 respectively with the new concept of the occupation contract.