

The Vale of Glamorgan Council

Cabinet Meeting: 20 November, 2017

Report of the Cabinet Member for Housing and Building Services

Tenancy Management Policy

Purpose of the Report

1. To introduce a Tenancy Management Policy which sets out in detail how the Council will manage tenancy related matters.

Recommendations

1. That Cabinet approves the Tenancy Management Policy attached at [Appendix A](#) to this report.

Reason for the Recommendation

1. The Tenancy Management Policy describes how the Council creates, changes and ends tenancy agreements. The Policy ensures the Council follows current legislation and enables tenants to exercise their rights, as set out in the tenancy agreement; it also provides a reference point for housing staff to make their decisions.

Background

2. When a tenant accepts an offer of a Council property they sign a tenancy agreement which includes a wide range of rights and responsibilities in relation to the occupation of the home. Many of the conditions are prescribed by legislation i.e. right to repair, right to sublet etc., however many other aspects are a matter for the landlord to determine e.g. how many successions are permitted, who can succeed a tenancy, what type of agreements are issued to new tenants etc. The Tenancy Management Policy sets out the Council's position with regard to matters over which it has discretion.
3. The Policy has been introduced to reflect current legislation and consolidates some separate Policies into one document. In doing so, this makes it easier for tenants to understand and exercise their rights. It also provides a reference point for staff and ensures decisions are made in a consistent way.
4. It is expected that new tenancy agreements will be implemented as part of the Renting Homes Act 2016. The tenancy agreements will include some differences in the existing secure tenancy agreements and this Policy will be amended and updated

after further guidance has been issued by Welsh Government, however, the issues set out in this document are Policy matters for the Council to determine rather than requirements set out in the Housing legislation.

Relevant Issues and Options

5. The Council has made a decision to issue all new tenants with introductory tenancy agreements; this means they have fewer rights than secure tenants during the introductory period. Provided there have not been any breaches of the tenancy, they convert automatically to a secure tenancy 12 months after the start date. The decision to issue introductory tenancies was taken as part of a range of measures to address anti-social behaviour (ASB) and meant that possession action was easier and quicker during the probationary period (this is because there is no requirement for the landlord to prove a breach of tenancy). The introductory tenancy regime continues to play a part in the management of ASB by providing reassurance to existing tenants and a deterrent to new tenants. For this reason, the continuation of the introductory tenancy scheme is included within the Tenancy Management Policy.
6. The Tenancy Management Policy also sets out clearly the position regarding successions and the creation of joint tenancies. This means only one succession is allowed per household and after that, any remaining members of the deceased's household are not automatically entitled to continue to reside at the property. This can be controversial as some families have occupied the same property for many years; however there is deliberate intent behind this position. The Council is trying to prevent homes being held in perpetuity by the same family. There are in the region of 4,000 households registered on the waiting list for Council homes, many of who are in desperate housing need. Their prospects for being rehoused depend on suitable vacancies being generated. Giving existing occupants the right to continue to reside in properties would effectively frustrate the process, extend the waiting time for applicants and limit the Council's ability to meet its obligations under the homeless legislation. It is for this reason the Tenancy Management Policy expressly permits one succession only and prevents the creation of joint tenancies between parents and children and between siblings.
7. The Council is committed to ensuring its homes are kept in good condition by the tenants and sets out to visit homes periodically and undertake inspections. There are over 3,800 council homes and this can create a significant resource requirement for staff if all homes are visited regularly. Instead, this Policy proposes that business intelligence reports identify vulnerable tenants or tenancies at risk and this informs our property inspection programme. Information such as that relating to tenants who have not allowed access for gas servicing, tenants who have not reported any repairs, perpetrators of ASB, can act as triggers and identify tenants who can then be prioritised for a visit. This smarter working will result in greater efficiencies by focussing staff time towards the tenants who will most benefit from added support or intervention.

Monitoring and evaluation

8. There are no specific Key Performance Indicators (KPI's) linked to the Tenancy Management Policy, however performance will be monitored via tenant satisfaction and the formal complaints process. This allows any issues or concerns to be identified at an early stage and for remedial action to be agreed.

Resource Implications (Financial and Employment)

9. The Tenancy Management Policy will be delivered within existing resources. The staff team currently consists of two Senior Neighbourhood Managers, four Neighbourhood Managers and four Neighbourhood Assistants, who deal with all first line requests and issues relating to tenancies.

Sustainability and Climate Change Implications

10. This policy seeks to protect the supply of social rented properties and ensure the Council is able to continue to meet the need for current and future tenants.

Legal Implications (to Include Human Rights Implications)

11. The key legal requirements related to tenancy management are set out in the Housing Act 1985, Renting Homes (Wales) Act 2016 and associated legislation.

Crime and Disorder Implications

12. There are no specific Crime and Disorder implications arising from this Policy.

Equal Opportunities Implications (to include Welsh Language issues)

13. The Policy takes into account the needs of tenants from a variety of backgrounds as well as people with protected characteristics.
14. An Equality Impact Assessment has been carried out to ensure that the Policy does not discriminate or disadvantage any tenants with protected characteristics.

Corporate/Service Objectives

15. This Policy is consistent with the overarching vision within the new Corporate Plan, namely 'Strong Communities with a Bright Future' as well as several of the Well Being Outcomes, including 'An inclusive and Safe Vale', and ' An Environmentally Responsible and Prosperous Vale'.
16. It is also consistent with some of the core objectives (which support the Well Being outcomes), in particular: reducing poverty and social exclusion.

Policy Framework and Budget

17. This is a matter for Executive decision by Cabinet.

Consultation (including Ward Member Consultation)

18. This report will affect all council tenants and therefore no individual ward member consultation has been undertaken.

Relevant Scrutiny Committee

19. Homes and Safe Communities.

Background Papers

None.

Contact Officer

Rob Thompson - Senior Neighbourhood Manager.

Officers Consulted

Committee Reports
Operational Manager Finance

Responsible Officer:

Miles Punter - Director of Environment and Housing Services