

**CABINET**  
**12 JANUARY 2021**

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**TENANCY POLICY 2020 – 2025**

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**Responsible Cabinet Member -**  
**Councillor Kevin Nicholson, Health and Housing Portfolio**

**Responsible Director – Ian Williams**  
**Director of Economic Growth and Neighbourhood Services**

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**SUMMARY REPORT**

**Purpose of the Report**

1. For Members to approve the updated version of the Council's Tenancy Policy in respect of our housing stock, as attached at **Appendix 1**.

**Summary**

2. The current Tenancy Policy requires updating to meet the following requirements:
  - (a) To ensure that Housing Services make best use of the Council owned stock.
  - (b) To target Council housing for those in most need.
  - (c) To ensure that properties continue to meet resident's needs.
3. The Tenant's Board have been consulted and support the changes. An Equality Impact Assessment has been completed and is attached at **Appendix 2**.
4. This matter was also considered by Health and Housing Scrutiny Committee on 21 October 2020 and no amendments were recommended to the proposal.

**Recommendation**

5. Members are asked to approve the Tenancy Policy 2020-2025.

**Reasons**

6. The recommendation is supported by the following reasons:
  - (a) To make best use of the Council's housing stock
  - (b) To maximise security of tenure

**Ian Williams**  
**Director of Economic Growth and Neighbourhood Services**

## **Background Papers**

Background papers were not used in the preparation of this report.

Claire Gardner-Queen: Ext 5934

S17 Crime and Disorder	There is no impact on the Council's Crime and Disorder responsibilities as a result of this report
Health and Well Being	There is no impact on Health and Well Being as a result of this report
Carbon Impact and Climate Change	There is no impact on Carbon Impact and Climate Change as a result of this report
Diversity	This report supports the promotion of diversity
Wards Affected	All wards with Council properties will be affected by this report
Groups Affected	Council tenants will be affected by this report
Budget and Policy Framework	This report does not represent a change to the budget and policy framework
Key Decision	This is not a key decision
Urgent Decision	This is not an urgent decision
One Darlington: Perfectly Placed	The report has no particular implications for the Sustainable Community Strategy
Efficiency	This report supports Housing Services to make best use of Council owned stock
Impact on Looked After Children and Care Leavers	This report has no impact on Looked After Children or Care Leavers

## **MAIN REPORT**

### **Information and Analysis**

7. The Housing Act 1980 covers long term security of tenure. The level of security of tenure offered by these tenancies led to them being described as "life-time tenancies" because essentially unless the tenant breaches the conditions of the tenancy agreement they cannot be evicted.
8. The Localism Act 2011<sup>1</sup> introduced a power for local authorities to offer flexible tenancies to new tenants. It also placed a duty on local authorities to publish a Tenancy Policy. The original Tenancy Policy was agreed in 2012 which introduced flexible tenancies and was reviewed in 2017.
9. A flexible tenancy is a form of secure tenancy that is granted for a fixed term of a minimum of between two and ten years. We currently offer all flexible tenancies

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<sup>1</sup> Resulting in changes in April 2012 to the Regulatory Standards

for a period of five years and at the end of the fixed period can decide to offer the tenant a further fixed term, offer them a secure tenancy or not renew the tenancy.

10. After 8 years of flexible tenancies less than 3% of the total stock is let on a flexible tenancy, equating to 150 flexible tenancies in total. There has been limited take-up of flexible tenancies by local authorities and housing associations nationally and in Darlington we have not declined the extension of a flexible tenancy since they were introduced in 2012.
11. In 2012 we introduced flexible tenancies for:
  - (a) Rural properties
  - (b) 4-bedroom properties
  - (c) Properties that have been extensively adapted (over £7500)
  - (d) 2-bedroom extra care properties
  - (e) Properties in areas of major modernisation and regeneration
  - (f) Properties for foster families
  - (g) New properties
12. The updated policy proposes to amend flexible tenancies to apply to:
  - (a) Properties that have been extensively adapted; and
  - (b) To properties in areas of regeneration.
13. This will allow Housing Services to ensure the properties and adaptations continue to meet resident's needs and reduce homes that have been highlighted for regeneration standing empty for longer than necessary.

### **Outcome of consultation**

14. The Tenant's Board were consulted in early September 2020 and support the amendments to the Policy.

### **Equality Impact Assessment**

15. A desktop Initial Equality Impact Assessment screening form has been carried out and a full EIA is not considered as appropriate or proportionate as there is no significant adverse impact on any particular group.