

NORTH NORTHAMPTONSHIRE SHADOW AUTHORITY

SHADOW EXECUTIVE COMMITTEE

THURSDAY 25TH MARCH 2021

Report Title	Tenancy Agreement and Housing Policies for Day One
Report Author	John Conway, Head of Housing, Kettering Borough Council. john.conway@kettering.gov.uk

List of Appendices

Appendix A - Tenancy Policy

Appendix B - Tenancy Agreement

Appendix C - Aids and Adaptations Policy for Council Tenants

Appendix D - Homelessness policies:

- i. Homelessness Prevention Fund**
- ii. Temporary Accommodation,**
- iii. Private Rented Sector Access fund**
- iv. Discharge of homelessness duties.**

Appendix E - Private Sector Housing Policy

1. Purpose of Report

- 1.1. To seek approval for the draft Tenancy Agreement and a range of new policies which will apply to North Northamptonshire Council's housing and communities service from Day One.

2. Executive Summary

- 2.1 North Northamptonshire Council will be responsible for a wide range of housing-related functions. These span the development of new housing, managing and maintaining the Council's stock of 8,450 homes, preventing and relieving homelessness, and working with landlords and their tenants to improve standards in the private sector.

- 2.2 In preparation for Day One, work has been undertaken in a number of these areas to develop new policies and service-critical documentation for North Northamptonshire Council. At its meeting on 3 February, the Shadow Executive Committee approved the new council's Housing Allocations Scheme. Members are now being asked to approve the draft Tenancy Agreement and a further set of policies. These policies comprise:

- Tenancy policy

- Aids and adaptations policy for council tenants
- Homelessness policies covering the homelessness prevention fund, temporary accommodation, private rented sector access fund, and the discharge of homelessness duties.
- Private sector housing policy.

3. Recommendations

3.1 It is recommended that the Shadow Executive Committee approves:

- i. Tenancy Policy.
- ii. Tenancy Agreement.
- iii. Aids and Adaptations Policy for Council Tenants.
- iv. Homelessness Policies covering the homelessness prevention fund, temporary accommodation, private rented sector access fund, and the discharge of homelessness duties.
- v. Private Sector Housing Policy

3.2 **Reasons for Recommendations:**

- a) To ensure that the customers of the Council receive a fair and equal service at Day One.
- b) To accord with relevant statutory requirements.
- c) To ensure transparency in decision making
- d) To ensure that the Council uses its limited housing stock to best effect.
- e) To contribute towards the transformation of housing services to the benefit of the Council's tenants and households in housing need.

4. Report Background

4.1 Tenancy Policy

4.1.1 The Regulator of Social Housing's Tenancy Standard requires registered housing providers to publish clear and accessible policies which outline their approach to tenancy management. The purpose of a Tenancy Policy, therefore, is to set out information on the various types of tenancy that the Council will offer and its approach when dealing with issues such as rights of succession, assignment, tenancy fraud and termination.

4.1.2 Under the Tenancy Policy, it is proposed that North Northamptonshire Council will generally offer its tenants a lifetime Secure Tenancy after they have satisfactorily held an Introductory Tenancy for a period of twelve months. In certain exceptional circumstances, such as where it has been necessary to extend an Introductory Tenancy on behavioural grounds, a two-year Flexible Fixed Term Tenancy may be used. In addition, certain types of property which are in short supply may be let on a Flexible Fixed Term Tenancy for a minimum period of five years. This may be the case for some larger property types with four or more rooms available for sleeping or where a property has been extensively adapted.

4.1.3 The draft Tenancy Policy also provides information on the various ways in which the Council can support its tenants so that they are able to sustain a tenancy over the long term. These include direct support through the Council's tenancy support workers, the *LifePlan* scheme which supports tenants in taking advantage of education, employment and volunteering opportunities, and the *HomeMove* scheme where practical support is provided to tenants who are looking to move to smaller properties, and indirect support from a range of partner agencies.

4.1.4 Other areas on which the Tenancy Policy provides guidance include:

- Joint tenancies
- Transfers and mutual exchanges
- Succession and survivorship
- Assignment
- Abandonment
- Enforcement
- Tenancy fraud
- Local lettings policies
- Decant policies

4.2 Tenancy Agreement

4.2.1 A comprehensive Tenancy Agreement which clearly identifies the respective rights and responsibilities of tenants and the Council provides the basis for a good relationship between tenants and their landlord. It is a legally binding document which gives the tenant the right to live in a property, and the landlord the right to receive rent. With an average of 600 lettings in North Northamptonshire every year, it is important that the Tenancy Agreement is comprehensive, transparent and useful for both tenants and the Council in setting out the basis of their relationship and minimising the risk of potential disputes.

4.2.2 The draft Tenancy Agreement will have a different look and feel to the current tenancy agreements although Secure Tenants will retain all their existing rights. Where there are differences, these are mainly to emphasise that the document is a legal contract and to explain more fully its terms and conditions. In a number of instances, policies which are currently described in other documents such as tenancy offer letters have been brought into the Tenancy Agreement so that it is as comprehensive as possible.

4.2.3 There are a small number of area where there will be differences:

- As a condition of tenancy, any housing-related debt from a previous tenancy can be added to the rent account (This does not currently apply to Kettering tenancies.)
- For tenants in receipt of welfare benefits who receive payments to cover rent commitments, they are required to pass these payments onto the Council. (This is not currently stipulated in the Kettering Tenancy Agreement.)
- New tenants will now be required to pay one week's rent in advance. (Currently, Corby tenants are required to pay four weeks in advance.)

4.2.4 Subject to the approval of the Shadow Executive Committee, from vesting day, all new tenants of North Northamptonshire Council will be offered a tenancy in accordance with the draft Tenancy Policy and Tenancy Agreement.

4.2.5 Existing tenants will be served a Notice of Variation under Section 103 of the Housing Act 1985 on Monday 12 April 2021, to vary their tenancy agreement with an effective date of Monday 10th May 2021.

4.3 **Aids and Adaptations Policy for Council Tenants**

4.3.1 Many council tenants and their families have physical disabilities or long term illnesses which means they have a need for adaptations to their homes so that they can continue to live there on a day to day basis. These needs may be met by adapting their current accommodation or, on occasion, by moving to a property that is more suitable than their existing home.

4.3.2 As of January 2021, approximately 35% of active applicants registered on the Keyways housing register are waiting for a property which is adapted to meet their specific needs. Around 2,000 homes within the Council's stock are currently adapted with at least one major adaptation. There are a very small number of purpose-built or fully adapted properties; these properties have widened doorways, a level access shower and are fully accessible to wheelchair users.

4.3.3 The draft Aids and Adaptations Policy for Council Tenants sets out how the Council will support residents to live independently in their current home, or, where this is not possible or practical, to assist them in finding suitable alternative accommodation.

4.3.4 When a major adaptation is requested, an assessment of needs is undertaken by an occupational therapist. This identifies adaptations required to meet the needs of the disabled person. The Council is not legally obliged to undertake all or any of the recommendation but will use the recommendations to consider the tenant's needs in the context of the resources at the Council's disposal. This involves looking at the feasibility of the proposal in terms of the building's construction and layout, whether suitable alternative adapted or part adapted accommodation is available and the circumstances of the applicant.

4.3.5 Resources for disabled adaptations are limited so the Council will normally only fund major adaptations up to a maximum limit of £30,000. Adaptations are prioritised on the basis of the occupational therapist's assessment of how critical and urgent an adaptation is and the length of time a person has been waiting. Where a tenant is awaiting discharge from hospital, adaptations can be fast tracked.

4.3.6 In cases where re-housing is being looked at as the preferred option, then this must be possible within a reasonable timescale (based on an assessment of risk and availability of accommodation). If it is not possible to find suitable alternative accommodation within a 12 month period, adaptations to the existing property or another property will then be considered.

4.4 Homelessness Policies

4.4.1 Although the housing options teams across the four sovereign councils are required to deliver services in accordance with homelessness legislation, their approach to service delivery can vary significantly on a day-to-day basis. So that policies and procedures across North Northamptonshire can be aligned for Day One, officers have developed new policies in four key areas of activity. This will ensure the Council complies with legal requirements, minimises the risk of legal challenge and that all households homeless or threatened with homelessness, are offered the same level of high-quality assistance. In brief, the policies are:

4.4.2 Homelessness Prevention Fund Policy

This policy sets out when households who are owed the prevention, relief or main housing duties could be considered for a payment from the Fund. This payment may enable them to remain in their existing home, secure alternative housing, or prevent or delay the provision of temporary accommodation.

4.4.3 How homeless households will be helped to secure alternative accommodation in the private rented sector is detailed in the Private Rented Sector Access Fund Policy (see 4.4.6).

4.4.4 Temporary Accommodation Policy

This policy sets out how the Council will meet its statutory duties and exercise its powers in relation to the provision and withdrawal of suitable temporary accommodation for homeless households. This includes when to provide temporary accommodation and how different types of temporary accommodation will be allocated and prioritised.

4.4.5 In recognition of the stress and disruption that can be experienced by homeless households who are being placed into temporary accommodation, the policy sets out the Council's aim to provide temporary accommodation in the applicants 'home area' where possible (and where safe and suitable to do so) and minimise temporary accommodation placements outside of North Northamptonshire. The policy also sets out the Council's position in relation to minimising the use of bed and breakfast or hotel accommodation.

4.4.6 Private Rented Sector Access Fund Policy

This Policy sets out when the households who are owed the prevention, relief or main housing duties could be considered for a payment from the fund to secure suitable and affordable accommodation in the private rented sector.

4.4.7 The Fund will be used to make offers of suitable private rented sector accommodation to discharge prevention, relief and main housing duties owed to households who are homeless or threatened with homelessness. Where the Council does this, it will do so in accordance with the Discharge of Homelessness Duties (Accommodation Offers) Policy (see 4.4.8).

4.4.8 Discharge of Homelessness Duties (Accommodation Offers) Policy

This policy sets out how the Council will seek to discharge its duties through offers of accommodation to homeless households (in both the social and private rented housing sectors) which must comply with the relevant suitability requirements.

4.4.9 Where it is proposed to use the social housing sector, the policy should be read in conjunction with the Keyways Housing Allocations Scheme. Qualifying applicants owed the prevention, relief or main housing duties will be placed on 'autobid', and they will be required to select up to four locality areas within which their bids will be made. On occasion, the Council will seek to make offers of suitable private rented sector accommodation in the applicant's 'home area' where possible and where safe and suitable to do so.

4.5 Private Sector Housing Policy

4.5.1 The Private Sector Housing Policy describes the key areas delivered by the housing service and sets out the proposed housing grants criteria as required by The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002.

4.5.2 Local authorities are required by the Housing Grants, Construction and Regeneration Act 1996 to provide mandatory Disabled Facilities Grant. These grants pay for adaptations which enable residents to remain in their homes, where this is the most appropriate option for them. The maximum grant is £30,000 per property for applicants over 18 years old.

4.5.3 Other grants can be offered by local authorities on a discretionary basis. The draft policy proposes offering four types of discretionary grant. In each case these have the potential to offer customers a better solution and result in a cost saving to the Council in comparison to a Disabled Facilities Grant for example. The discretionary grants are:

- Discretionary Disabled Facilities Grants
 - Repair and make good to wall, ceiling or floor finishes disturbed by adaptation work
 - Extended warranties on stair lifts, hoists, through floor lifts, step lifts, etc.
 - Contribution where a means test has established that the applicant has to make a contributory payment but they have insufficient savings.
 - Additional amount towards works that are recommended by the Occupational Therapist that exceed £30,000.
- HomeMove Grants (Private Sector)
 - A cost-effective alternative to the mandatory Disabled Facilities Grant which helps an applicant to move to a more suitable property
- Renovation Grants
 - Helping vulnerable households on low incomes to improve their homes in order to meet the Decent Homes Standard
- Landlord Improvement Grants
 - Minor repairs for privately rented accommodation offered to homeless households

4.5.4 Each of the grants have specific eligibility criteria, terms and conditions and with the exception of the mandatory Disabled Facilities Grant are available subject to sufficient budget being available.

4.5.5 Aside from the grant framework, the policy sets out key private sector housing functions such as:

- Long term empty properties
- Houses in Multiple Occupation (HMOs)
- Immigration Inspections
- Support for tenants

5. Issues and Choices

5.1 In order to support transformation of North Northamptonshire's housing service, it is desirable that a consistent approach to tenancy management and other key housing policies is adopted at an early stage in the Council's life. The approval of the policies discussed in this report and a standard Tenancy Agreement will help to ensure that customers across North Northamptonshire will receive a consistent level of service irrespective of their address.

6. Implications (including financial implications)

6.1 Resources and Financial

6.1.1 There are no resource or financial implications arising from the proposals.

6.2 Legal

6.2.1 Tenancy Policy, Tenancy Agreement and Aids and Adaptations Policy for Council Tenants

The Regulator of Social Housing's Tenancy Standard requires registered providers of social housing to publish clear and accessible policies which outline their approach to tenancy management, including interventions to sustain tenancies, prevent unnecessary evictions and tackle tenancy fraud.

6.2.2 Under Sections 102 and 103 of the Housing Act 1985, the Council is required to consult and take into account tenants' views where it is proposing to vary the terms of a tenancy agreement.

6.2.3 Under Section 105 of the Housing Act 1985, the Council is required to consult and take into account tenants' views on matters of housing management. These include changes in the practice or policy of the Council.

6.2.4 Homelessness Policies

Part 7 of the Housing Act 1996 sets out the powers and duties of local housing authorities where people apply to them for accommodation or assistance in obtaining accommodation in cases of homelessness or threatened homelessness.

6.2.5 The Homelessness Reduction Act 2017 placed an additional duty on local authorities to intervene at an early stage to prevent homelessness in their areas. It also required councils to provide homelessness services to all those affected, not just those who have 'priority need'.

6.2.6 **Private Sector Housing**

The Regulatory Reform (Housing Assistance) Order 2002 requires each local authority to detail the housing related grants that they offer and the criteria for applying for these grants. In order to ensure the new authority is safe and legal it is necessary to adopt the policy in advance of vesting day.

6.3 **Risk**

6.3.1 If the draft policies and the Tenancy Agreement in particular, are not adopted, delivering a consistent, transparent and customer-focused housing service will be more challenging and could leave the Council open to legal challenge and reputational damage. However, the transformational nature of the proposals in this report also provide an opportunity to deliver improved services to customers of the new council from Day One.

6.4 **Consultation**

6.4.1 **Tenancy Policy, Tenancy Agreement and Aids and Adaptations Policy for Council Tenants**

Tenant representatives from both Kettering and Corby attended a meeting of the Tenants Forum on 17 February and received a presentation on the proposed Tenancy Policy, Tenancy Agreement and Aids and Adaptations Policy for Council Tenants. During the discussion at the Forum, representatives expressed their support for each of the proposed policies and the Tenancy Agreement.

6.4.2 **Homelessness Policies**

Feedback was sought from customers about their experiences of homelessness services provided by the sovereign councils. The aim of the research was to understand what the existing housing options services do well, what they do not so well, and how this learning could help to inform service planning for the new Council.

6.4.3 The project team produced a report of findings from the research which has been considered in drafting the policies (and will be considered in the ongoing shaping of the housing options service for the new Council). Considering operational inconsistencies across the housing options services of the sovereign councils, the research supports the request to align services from Day One.

6.5 **Consideration by Overview and Scrutiny**

6.5.1 Not applicable

6.6 **Climate Impact**

6.6.1 Not applicable

6.7 **Community Impact**

6.7.1 The policies covered by this report will have a significant impact on particular groups within the community in North Northamptonshire. These include tenants of North Northamptonshire Council, households who are homeless or

threatened with homelessness, tenants of private landlords and people in need of disabled adaptations to their homes. As far as the individual policies are concerned, the aim is to operate in a consistent and transparent manner and ultimately to provide a high quality of service to customers.

6.7.2 With regard to the draft Tenancy Agreement, the Council's tenants will have a reasonable expectation to live in their homes without fear of disturbance or anti-social behaviour from their neighbours. The Tenancy Agreement will be an important part of the Council's toolkit for addressing such behaviour and ensuring that the Council's housing estates are peaceful and harmonious places to live.

6.8 Equalities

6.8.1 A series of Equality Impact Assessments have been carried out and are available at this [weblink](#) via the North Northants Shadow Authority webpages. Members will see from this assessment that no negative impacts have been ascertained.

7. Background Papers

7.1 There are no background papers relating to this report.