

EXECUTIVE 18th November 2021

Report Title	Council Housing Policy Update
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Executive Member	Councillor Andy Mercer, Executive Member for Housing & Communities

Key Decision	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is the decision eligible for call-in by Scrutiny?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are there public sector equality duty implications?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information (whether in appendices or not)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Applicable paragraph number for exemption from publication under Schedule 12A Local Government Act 1974	

List of Appendices

- Appendix A** – Tenancy Policy
Appendix B – Tenancy Agreement
Appendix C – Aids and Adaptations Policy

1. Purpose of Report

- 1.1. To seek approval from the Executive for two policies and a new Tenancy Agreement to be adopted by North Northamptonshire Council.

2. Executive Summary

- 2.1 This report has been updated since the Executive Advisory Panel held on 29th October 2021 following requests for further information and clarification regarding the policies and Tenancy Agreement.
- 2.2 Two key council housing policies and a new North Northamptonshire Council Tenancy Agreement are proposed for adoption by the Executive to replace the separate documents which currently exist in the Corby and Kettering housing localities.

- 2.3 The adoption of these key documents will assist in enabling consistency between the two teams within North Northamptonshire Council. Further, tenants will experience a fair and consistent approach when applying to become Council Tenants and or applying for aids and adaptations to properties.

3. Recommendations

- 3.1 It is recommended that the Executive:

- a) Approve the policies and Tenancy Agreement for adoption;
- b) Delegates authority to the Executive Member for Housing and Communities, in liaison with the Executive Director, Adults, Communities and Wellbeing or their delegate, to take any further decisions and/or actions required to implement this policy.

- 3.2 By approving this recommendation, Council officers will be able to: -

- Comply with legislation that requires all social housing providers to have a Tenancy Policy.
- Offer one consistent Tenancy Agreement for the Council as a landlord.
- Provide one tenancy offer to all successful applicants within the North Northamptonshire Council area.
- Continue harmonising our suite of Council Housing policies for Tenancy Management, Housing Management and Property Management.

4. Report Background

- 4.1 North Northamptonshire Council has council housing stock in the Kettering and Corby areas. As at 1st April 2021:
- Kettering 3625 homes, of which 401 are sheltered
 - Corby 4615 homes, of which 536 are sheltered
- 4.2 Prior to vesting day, the sovereign councils had different documents, policies and procedures for the management of their properties. The Council now proposes that a harmonised suite of housing policies are adopted.
- 4.3 A North Northamptonshire Tenancy Policy is required by the Localism Act 2011 and sets out the tenancy offer to successful applicants and council tenants. The main tenancy offer is to grant introductory one-year tenancies to new applicants. Where tenancy conditions are met over that period, a secure tenancy will be offered. Intensive management to assist successful introductory tenancies is provided, which helps the Council to manage sustainable housing neighbourhoods.
- 4.4 Two main exceptions to this are proposed. The first is where a tenant has not managed to stick to the terms of the introductory tenancy. Instead of taking possession proceedings to evict them, unless the breaches are so severe that possession should be applied for, the Council proposes to offer the tenant a 2-

year fixed term tenancy, during which it will work with them to help them attain the skills needed to sustain their tenancy.

- 4.5 The second exception is proposed to protect adapted properties which provide specialist accommodation, or where a significant amount of money has been spent to adapt a property. In order to safeguard this stock and ensure that it is utilised to meet ongoing need with finite resources, a 5-year fixed term tenancy is proposed. In the last year of the 5-year fixed term tenancy, a review will be undertaken with the tenant. If there have been no changes to their circumstances, a further fixed term tenancy will be granted. If circumstances or needs have changed, options to assist the tenant to a more suitable property will be considered.
- 4.6 Fixed term tenancies for purpose built or extensively adapted properties will be through a 5-year term as standard. A decision will be made at the time of offer dependant on the household circumstances, and the Council may offer a longer term if appropriate. The Council is not limited on the number of times that a fixed term tenancy can be renewed and can offer a lifetime secure tenancy following the ending of a fixed term tenancy when it would be appropriate to do so.
- 4.7 The use of fixed term tenancies will be familiar to applicants and tenants in the Kettering locality area. However, it will not be familiar to applicants and tenants in the Corby locality area. More details are provided in the issues and choices section below.
- 4.8 The Council has defined the types of occupation agreement it will use for occupiers of temporary accommodation.

Tenancy Agreement

- 4.9 As a landlord, it is appropriate for the Council to offer and operate one Tenancy Agreement across its area. The proposed Tenancy Agreement is considered to be standard in nature and does not change the offer of service to tenants. Prior to implementing this change however, the Council must undertake a statutory consultation exercise.
- 4.10 There is no requirement for every tenant to sign a new tenancy agreement. The consultation exercise and statutory notices served will be logged alongside the current contractual agreement for future reference. No tenants will lose any existing rights. Tenants with vulnerabilities will be offered additional support with the amendment of their Tenancy Agreements where appropriate.
- 4.11 The Council will continue to review the Tenancy Agreement periodically and make any necessary changes as a result of a change in legislation or regulation, or when it proposes to make any substantial changes in the housing management service. Tenants will be consulted prior to any changes being made.
- 4.12 Officers undertaking Tenancy Agreement signup processes provide information both before and during the sign-up process including welcome meetings and pre tenancy workshops. The sign-up procedures include further information and

advice about the Tenancy Agreement, contact details for key staff members and encouragement to contact the Council about any tenancy issues or concerns.

- 4.13 There is a suite of information provided to new tenants in respect of all of the Council's landlord services. Officers complete a thorough 'sign-up checklist' to ensure that all information is provided. To save confusion, Council contact details are not included within the Tenancy Agreement. Tenants are encouraged identify current contact details through the website and locality offices.
- 4.14 The signing of the Tenancy Agreement, along with all of the pre-tenancy work undertaken, provides a critical opportunity for applicants to be informed about the Council's services and approach to tenancy management.

Adaptations

- 4.15 All adaptations are completed as quickly as practically possible in order to help tenants stay in their homes. Minor adaptations are provided as soon as possible to help the tenant remain as independent as possible in their home, safely and comfortably. Minor and straightforward adaptation requests are usually agreed without requiring a report from an Occupational Therapist.
- 4.16 Where major and complex adaptations are required, it is crucial that the Council seek appropriate advice from a suitably qualified medical professional, usually an Occupational Therapist. Formal adaptation recommendation reports will include an assessment of urgency – such as standard, urgent, or critical. This assessment covers risk to the tenant, and wider household members, and enables a medical professional to determine the best timeframe in which to provide the adaptations. A report from a medical professional will take account of the current housing situation for the tenant and can be reviewed if the situation changes.
- 4.17 The Council's approach to Aids and Adaptations is designed to be flexible and allow options-based decisions on a case-by-case basis. The proposed Policy provides the framework within which this can be achieved.
- 4.18 Where it is not possible to adapt a tenant's current home, guidance, help and support, both practically and financially, is provided to the tenant. The Aids and Adaptations Policy includes details of an options-based approach, including actively seeking direct lets of more suitable properties.

5. Issues and Choices

- 5.1 The continuation of different policy provision in different areas of the Council present obvious risks to the organisation associated with consistency of practice and reputation. Furthermore, it presents issues of inconsistency for tenants, which is difficult to justify. However, the Council has two options to consider:
- a) Do nothing other than maintain the status quo;
 - b) Harmonise the policies across North Northamptonshire;

Maintain the status quo

- 5.2 Leaving the current status quo is not considered a viable option due to the risks that it creates around the fair and consistent management of tenancies, properties and people. Further, maintaining two distinct sets of policies and procedures will not allow for efficiencies of service design as the service is transformed.

Harmonise policies and approach

- 5.3 As set out above, the preferred approach is to adopt one set of housing policies to apply to all of the Council's residential properties. This will reinforce the reality of the new Council rather than perpetuating the approaches adopted by the sovereign councils. It will allow a consistent approach to be adopted and save the Council having to justify a differential approach to its residents. Further, it will enable management to adopt a flexible and responsive approach, utilising staff resources across the North Northamptonshire area as required.
- 5.4 Utilising Fixed Term Tenancies in the two situations detailed will represent a change of approach for tenants in Corby but is consistent with the current approach in the Kettering area. Accordingly, there are positive examples within the Council's area which demonstrate that granting a 2-year fixed term tenancy at the end of an introductory tenancy which has not been conducted satisfactorily, but which does not merit eviction, has led to successful secure tenancies being achieved rather than evictions.
- 5.5 Once a tenant no longer needs an adapted property, the Council can legally commence possession proceedings. The Council has a very limited supply of adapted properties, and finite resources to adapt enough properties to meet demand. The policy proposal in respect of adapted properties will ensure that homes that have been significantly adapted, or are wheelchair accessible, are made available for re-letting when they are no longer required by the tenant.
- 5.6 The proposals should not lead to negative housing situations in the Corby area, moreover the introduction of fixed term tenancies, in the exceptional circumstances mentioned, will support the Council's approach to providing sustainable tenancies.

6. Implications (including financial implications)

6.1 Resources and Financial

- 6.1.1 Housing activities are resourced by the two HRA budgets. There will need to be some planned activity to change all Tenancy Agreements, but this will be accommodated from existing budget and resources.
- 6.1.2 There are no economies of scale to be achieved at this point until the two Landlord Services for Kettering and Corby HRAs are fully aggregated.

6.2 Legal

- 6.2.1 The proposals will help to offset some legal risk.

6.3 Risk

- 6.3.1 There are risks in managing North Northamptonshire Council Housing in the current way as set out in 5.1 above. Having one Tenancy Policy and a harmonised Tenancy Agreement seeks to mitigate these.

6.4 Consultation

- 6.4.1 The Council has consulted with current tenant groups in the Corby and Kettering areas. A Kettering Tenants Forum was organised for 17th February 2021 and extended invitations to all members of Corby Tenants Voice.
- 6.4.2 At the forum were 10 Kettering tenants, two Corby tenants and five Kettering Councillors. The Tenancy Policy, Tenancy Agreement and Aids & Adaptations Policy were presented in draft format and approved by the group in principle
- 6.4.3 The feedback from these groups was positive in supporting the Council's approach and these documents.
- 6.4.4 The Executive Member, Cllr Mercer, has been consulted on the proposals.
- 6.4.5 The two policies, Tenancy Agreement and draft Executive Report were considered by the Council's Senior Leadership Team (18th October 2021) and Executive Advisory Panel on 29th October 2021, and any comments incorporated within this final report.

6.5 Consideration by Scrutiny

- 6.5.1 This has not been reviewed by the Scrutiny Commission; therefore, no comments or recommendations have been received.

6.6 Climate Impact

- 6.6.1 There are no impacts upon climate.

6.7 Community Impact

- 6.7.1 Providing consistent service to communities will be a positive for the residents of North Northamptonshire Council.
- 6.7.2 Creating a consistent tenancy offer will help to maintain sustainable neighbourhoods.
- 6.7.3 Having the same tenancy agreements will make it simpler when tenants want to exchange with another North Northamptonshire tenant from a different locality.

7. Background Papers

7.1 The previous policies of the former district and boroughs.