

Scrutiny Report



08 September 2022

Tenancy Policy and Tenancy Strategy

Name of Scrutiny Committee **Community and Housing Scrutiny Committee**

Report sponsor **Victoria Collins**
Director of Adult Services

Report author **Todd Ricketts**
Neighbourhood Services Manager
Todd.ricketts@milton-keynes.gov.uk

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|---|----------------------------|
| Exempt / confidential / not for publication | No |
| Council Plan reference | Not in Council Plan |
| Wards affected | All wards |

Introduction

Milton Keynes Council has reviewed and revised its Tenancy Policy and Tenancy Strategy. These will be presented at Cabinet on 20 September 2022.

As a social landlord MKC is required to have a Tenancy Policy by the Regulator of Social Housing, under the Localism Bill 2011, all Social Housing Providers have a duty to produce a Tenancy Policy which meets the requirements of the 'Tenancy Standard' under the umbrella of 'Consumer Standards' which is part of the Standards all providers must meet, note that the 'Economic Standard' does not apply to Local Authorities, bar rents.

The Localism Act of 2011 also requires local authorities to produce a Tenancy Strategy. Registered providers must have due regard of the tenancy strategy when they are producing their policies. The Committee's thoughts on these documents are appreciated before being presented to Cabinet on September 20.

Tenancy Policy

All local authorities that are providers of social housing are subject to a regulatory requirement to publish clear and accessible policies which outline their approach to tenancy management including interventions to sustain tenancies and prevent unnecessary evictions and tackle tenancy fraud. Local authorities should periodically update their housing policies to ensure they remain relevant to all current legislative and regulatory requirements.

The Regulator of Social Housing requires all local authorities offer tenancies or terms of occupation which are compatible with the purpose of the accommodation, the needs of individual households, the sustainability of the community, and efficient use of its housing stock. Local authorities are expected to meet all applicable statutory and legal requirements in relation to the form and use of tenancy agreements or terms of occupation.

The purpose of the policy sets out how the council, acting as a landlord, will provide and manage social housing in Milton Keynes. The policy relates to the lettings of all social and affordable rental properties which includes adapted and sheltered (over 55s) housing. It does not cover hostels, temporary accommodation or other forms of supported housing which might be allocated under the council's housing allocation scheme or a local lettings scheme.

The policy will be used to create operational documents (procedures) which are solely aligned to the policy and ensure practical application of the directions within the policy itself. The policy will be published on the Council's website following formal adoption at Cabinet.

Tenancy Strategy

All local authorities must have a Tenancy Strategy that explains to providers of social housing (commonly known as housing associations) what they must take account of when drawing up their own policies for:

- The types of tenancies they will grant
- The circumstances in which they will grant a tenancy of a particular kind
- Where the current tenancy is for a certain term, the length of the term, and
- The circumstances in which they will grant a further tenancy on the coming to an end of an existing tenancy.

The Tenancy Strategy explains where tenancy policies of social housing providers can be found. The Council must take account of its Tenancy Strategy when carrying out its own housing management functions, the Tenancy Strategy also directs providers of social housing:

- To always consider granting sure tenancies first and the longest tenancy possible in the circumstances
- When a fixed term tenancy is granted, this should be for a minimum of five years and in exceptional circumstances for a minimum of two years
- A fixed term tenancy should be renewed for either another fixed term or for an assured tenancy
- Publish processes for making complaints or pursuing reviews against tenancy decisions; and
- Provide advice and assistance in finding a tenant accommodation where a tenant's fixed term tenancy is not renewed.

There is a statutory duty to consult with providers of social housing which have stock in the Milton Keynes local authority area before adopting a new tenancy strategy or making a modification to it reflecting a major change of policy. The statutory consultation was conducted with Registered Providers operating within Milton Keynes from 5 December 2021 – 20 February 2022. Regarding the Tenancy Strategy, 4 out of 31 responded, and relevant comments fed into the strategy. We recognise this response was low, and attempted to garner more interest, however it was not forthcoming.

The strategy will be published on the Council's website following formal adoption at Cabinet.

Annex A – Milton Keynes Council Housing Policy (Agenda Item 6a)

Annex B – Milton Keynes Council Tenancy Strategy 2022 (Agenda Item 6b)