

Bath & North East Somerset Council

MEETING	Cabinet	
MEETING	10th November 2022	EXECUTIVE FORWARD PLAN REFERENCE:
		E 3414
TITLE:	Residential Tenancy Policy	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report: Appendix 1: Residential Tenancy Policy		

1 THE ISSUE

- 1.1 The administration set a manifesto commitment to deliver Council Housing in addition to the social housing currently being delivered through established enabling activities. The first Council owned social rented homes to be delivered through this commitment will shortly be available to rent.
- 1.2 The Residential Tenancy Policy sets out how these homes will be operated and managed by the Council. The policy includes a range of customer facing policies and statements relating to tenure, payments, repairs and maintenance, anti-social behaviour, evictions, complaints policy and data protection etc.

2 RECOMMENDATION

The Cabinet is asked to;

- 2.1 Adopt the Residential Tenancy Policy, attached in Appendix 1.

3 THE REPORT

Background

- 3.1 In November 2021 cabinet approved a decision to progress a number of Council owned sites as 100% affordable housing schemes. The first 7 homes, located at 117 Newbridge Hill, Bath, will shortly become operational and rented to eligible residents.
- 3.2 The attached Residential Tenancy Policy sets out how any social rented homes will be operated and managed by the Council. The policy relates exclusively to residential accommodation where the Council is the landlord of any properties let to social housing tenants through the Homesearch scheme. The policy does not apply to supported housing, shared ownership properties or leased residential homes or any tenancies created to provide Temporary Accommodation for homeless households, in accordance with the Council's statutory duties under Part VII of the Housing Act (1996).
- 3.3 The policy operates alongside the Council's Homesearch Allocation Scheme Policy, which sets out the way social housing is assigned within Bath & North East Somerset and how priorities for those registered with the scheme are determined.

Residential Tenancy Policy

- 3.4 The Residential Tenancy Policy includes a range of customer facing policies and statements relating to tenure, payments, repairs and maintenance, anti-social behaviour, evictions, complaints policy and data protection etc. The policy typically follows established custom & practice in the social housing sector.
- 3.5 The policy is comprehensive but some of the key policies and statements include:
 - The Council will shortlist and nominate applicants for its social housing in accordance with the Homesearch Allocation Scheme Policy.
 - All new tenants will start on a 12mth Introductory Tenancy which if conducted in a satisfactory manner will automatically transition to a Secure Tenancy.
 - Rent will be at social rent levels (the most affordable product and which is typically 50-60% of market rent).
 - Tenants are required to pay their rent and any service charges one month in advance. There are exceptions for residents who have their accommodation funded by Housing Benefit or the housing component of Universal Credit.
 - The policy details the limited situations where a tenancy assignment and succession can be undertaken.
 - Secure tenants are able to rent out rooms in their home to lodgers but cannot sub-let their home without the written consent of the Council.

- Details the Council & tenants' responsibilities in relation to repairs and maintenance, including confirming that the Council will seek to recover costs where items are wilfully or negligently damaged.
- Defines antisocial behaviour, domestic abuse and how the Council will take appropriate action in such instances.

3.6 Due to scale and expediency all housing management functions are currently being delivered inhouse. However, this this decision will need to be reviewed once the general needs programme gains quantum. A future report will be presented on this issue at an appropriate time.

4 STATUTORY CONSIDERATIONS

4.1 The delivery and management of housing is supported by the following:

- Local Authorities (Land) Act 1963 which allows Councils to develop land for the benefit or improvement of their area.
- Local Government Act 2000 (section 2) which allows Councils to act to promote or improve the economic, social or environmental wellbeing of their area.
- Localism Act 2011 (sections 1) which provides the local authority's general power of competence.
- Housing Act 1985 (Part IV) and Housing Act 1996 (Part V) which sets out how Council tenancies operate.
- The Council is registered with the Regulator of Social Housing as a Local Authority Registered Provider of Social Housing.

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

5.1 All housing management functions are funded directly through rental income and there are no direct resource implications from the Residential Tenancy Policy.

5.2 Full details of the scheme funded management functions (which including voids and bad debts) are typically 30% of rental income and are detailed within scheme specific business cases.

6 RISK

6.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision-making risk management guidance. However, it should be noted that the purpose of a comprehensive Residential Tenancy Policy is to facilitate effective tenancy management and thus reduce corporate risk.

7 EQUALITIES

7.1 An equalities impact assessment did not raise any issues. It is also worth noting that the delivery of low-cost housing, particularly affordable housing, has a positive impact on equality. It provides affordable housing options for those residents would be unable to compete on the open-market and may otherwise

be forced to leave the area or reside in unsuitable housing conditions. Nationally social housing also supports a disproportionate number of residents from minority ethnic groups, particularly black households; low-income residents including carers and those with a disability; and lone parents.

8 CLIMATE CHANGE

8.1 Housing is a key contributor to climate change. All housing has, and will be, designed to meet the highest practical energy efficiency standards (AECB or above) for energy efficiency, thus contributing to meeting the Council's Climate Emergency targets.

9 OTHER OPTIONS CONSIDERED

9.1 The Council is obliged to set out how the tenancies will operate in practice. As such not having such a policy was not considered an option.

10 CONSULTATION

10.1 Internal officer consultation, including with s151 Officer and Monitoring Officer.

Contact person	Graham Sabourn, 01255 477949.
Background papers	None.
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