

CABINET

9 March 2016

Title: Review of Tenancy Management Policies	
Report of the Cabinet Member for Housing	
Open Report	For Decision
Wards Affected: All	Key Decision: Yes
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Accountable Director: Claire Symonds, Strategic Director, Customer, Commercial & Service Delivery	
Summary The Council's landlord service operates under a number of policies which inform the decisions made in managing tenancies and tenants' homes. Some of these policies were adopted at a time when the Council had abundant properties to allocate. The current situation is such that the demand for social housing is very high and still increasing, meanwhile supply continues to diminish. In line with good practice, it is appropriate to review all policies and to ensure that they meet the Council's needs as well as meet industry standards	
Recommendation(s) The Cabinet is recommended to: (i) Adopt the revised Succession Policy as set out at Appendix 1 to the report; (ii) Adopt the revised Management Transfer Policy as set out at Appendix 2 to the report; (iii) Adopt the revised Keeping Dogs and Other Pets Policy as set out at Appendix 3 to the report; (iv) Adopt the new Relationship Breakdown Policy as set out at Appendix 4 to the report; and (v) Authorise the Strategic Director of Customer, Commercial and Service Delivery, in consultation with the Cabinet Member for Housing, to agree the implementation date of the policies and any minor changes considered appropriate following the statutory consultation with tenants.	

Reason(s)

To ensure that best use is made of Council stock and to ensure that properties are allocated to those with a recognised housing need. This should help the Council to 'enable social responsibility'.

1. Introduction and Background

1.1 The Council's landlord service (Housing Management Service) currently operates under a number of policies, which guide decision making on key tenancy issues. These policies were written at a time when the Council's stock was almost double what currently exists. They are also complicated, leaving allowance for misinterpretation and misapplication. As a result, they no longer meet current housing situation and needs.

1.2 Bearing in mind the current level of the Council's housing stock, the general housing situation and the fact that the policies are simply outdated, it is necessary that they are brought up to date and brought in line with good practice and prevailing housing conditions.

1.3 The policies that have been reviewed are:

- Succession of Tenancy;
- Management Transfer ; and
- Domesticated Animals (now to be called "Keeping Dogs and other Pets").

1.4 It is also proposed that a new policy on Relationship Breakdown be introduced.

2. Proposal and Issues

2.1 The issues, as they relate to the current policies, and the proposed changes are as follows:

2.2 Succession of Tenancy Policy

2.2.1 Relevant housing legislation allows for tenancies to be transferred by tenants to specified family members or relatives (Assignment) or for such a transfer to happen upon the death of the tenant (Succession). The legislation only allows for this to happen once but until now, the Council has gone over and above the requirements of the legislation by offering secondary successions and this has sometimes led to single people left occupying 3 or 4 bed houses. This report is proposing to limit this.

2.2.2 The main differences in the current and proposed policies are as follows:

Issues	Current Policy	Proposed Policy
Who can succeed?	As stated by law.	No changes.
Second succession (concessionary offer)	Allowed to all those to whom the law allows a first succession and makes	Only allowed where the original succession was between spouses, who were

	allowance for lodgers to be considered.	joint tenants.
No right to succeed but in occupation of the property upon the death of tenant.	As above.	A concessionary offer would only be made in very exceptional circumstances e.g. where the applicant would qualify for a duty under homelessness legislation and the property is a type and size they would have been allocated in fulfilment of that duty.
Under occupation.	Under occupation by one bedroom in houses and low rise flats or for any number of bedrooms in high rise flats (regardless of floor).	Only allowed where the successor was the spouse of the tenant, to facilitate continuation of living in the matrimonial home. This will only apply if the under occupation is not by more than one bedroom and the property was not adapted (for the deceased tenant).

2.2.3 The revised Succession Policy is attached at Appendix 1. Details of the Equalities Impact Assessment (EIA) undertaken into the impact of the proposed changes are included at Appendix 5.

2.3 Management Transfer Policy

2.3.1 There are occasions where it is no longer reasonable and/or safe for a tenant to continue occupying our property. Under such circumstances, the Council should be able to move them quickly and efficiently.

2.3.2 The main differences in the current and proposed policies are as follows:

Issues	Current Policy	Proposed Policy
Circumstances to be met?	Threats to life and limb, escalating threats and property in need of major works.	Plus Council's interest as defined in the allocations policy.
Supporting evidence.	Tenant required to prove qualification.	Onus is on officers to investigate and obtain necessary evidence to make a decision. This would be similar to investigations into homelessness applications.
Timeline	None. Tenants often remain in property for years after a management transfer has been agreed.	Tenant is moved out immediately into temporary accommodation with a plan to re-house permanently within 6 months.

Priority status.	Management transfer status.	Decant status is awarded, which enables quick re-housing.
Method of Re-housing.	Direct offer.	Can bid on MCIL but one reasonable offer to be made after 6 months, should bids be unreasonable or unsuccessful.
Type of property.	Like for like i.e. property of the same type and size.	A property that meets their needs.
Action against reason for move.	Not required.	Clear action plan against perpetrator must be provided.
Rent arrears.	Not stated, except where there is an ongoing possession proceedings.	Will not stop a management transfer being agreed. Possession proceedings issue remain the same.

2.3.3 The revised Management Transfer Policy is attached at Appendix 2. Details of the Equalities Impact Assessment (EIA) undertaken into the impact of the proposed changes are included at Appendix 5.

2.4 **Keeping Dogs and Other Pets Policy (previously referred to as Domestic Animals Policy)**

2.4.1 It is a common human nature to want to keep pets. As a good landlord, the Council should be able to facilitate and support this rather than be a barrier. There are a number of legislations guiding which animals can be kept as pets. This policy ensures that the requirements set out in these legislations are met.

2.4.2 The Council has introduced a pilot dog registration scheme. It is necessary that tenancy conditions are aligned to Council policy, so all dog owners will be asked to be part of any scheme the Council agrees.

2.4.3 The main objective of this policy is to support reasonable and responsible pet owners and to prevent anti social behaviour e.g. flats being overrun with cats or large animals kept in balconies. Enforcement of this policy will be proportional to support this objective.

2.4.4 The main differences in the current and proposed policies are as follows:

Issues	Current Policy	Proposed Policy
Who can keep a dog?	Tenants who live in houses or ground floor flats.	All tenants.
What type of animal(s) can be kept?	As stated by law.	No changes.
Is landlord permission required?	Yes.	No changes.
Is dog registration required?	No.	Yes.

2.4.5 The revised Keeping Dogs and Other Pets Policy is attached at Appendix 3. The Equalities Impact Assessment (EIA) undertaken into the impact of the proposed changes is included at Appendix 6.

2.5 Relationship Breakdown Policy

2.5.1 It is not uncommon for relationships between tenants, who are joint tenants, to breakdown. When this happens, both parties often look to the Council to re-house them. In addition, there are other circumstances where the Courts may decide to award a tenancy that was previously held jointly or held by one partner, to one partner, a child or another adult.

2.5.2 The main issues introduced by the policy are as follows:

- Applying the tests according to homelessness legislation to determine which partner should be re-housed.
- To take into account the circumstances of each partner, with a view to providing appropriate support for them, with the backdrop of ensure the most appropriate use of Council accommodation.

2.5.3 The new Relationship Breakdown Policy is attached at Appendix 4. Details of the Equalities Impact Assessment (EIA) undertaken into the impact of the proposals are included at Appendix 5.

3. Options Appraisal

3.1 The only other option to consider, apart from making these changes, is to do nothing. This is not a reasonable option as the current policies are outdated and no longer meet the industry standard and good practice.

4. Consultation

4.1 All managers and team leaders in the Housing department were consulted on the proposals at a dedicated session.

4.2 The proposals were presented to and endorsed by the Living and Working Select Committee at its meeting on 3 November 2015 and the Corporate Strategy Group on 21 January 2016.

4.4 As these are proposals that affect tenancy conditions, housing legislation requires that tenants are consulted. This report seeks the agreement of Cabinet to proceed with this consultation.

5. Financial Implications

Implications completed by: Carl Tomlinson, Group Accountant

5.1 There are no financial implication resulting from the introduction of a relationship breakdown policy and the changes to the existing tenancy management policies proposed in this report.

5.2 Any administrative costs associated with these policies will be contained within the existing the HRA budget.

6. Legal Implications

Implications completed by: Martin Hall, Housing Solicitor/Team Leader

6.1 The report recognises the need to review existing policies both in the context of recent developments in legislation, but also in view of the prevailing housing conditions.

6.2 The report reflects changes in the entitlement of potential successors following the Localism Act and consideration may want to be given as to whether additional family members will be given the right to succeed under the terms of the Tenancy Conditions.

6.3 The report notes the need to consult with tenants regarding the changes, and I would recommend this proposal be agreed by cabinet.

7. Other Implications

7.1 **Contractual Issues** – Tenancy law requires that tenants are consulted on any changes that affect the management of their homes. This consultation will be carried out, should this proposal be agreed by Cabinet.

7.2 **Staffing Issues** – Should the proposals be agreed by Cabinet, staff procedure manuals will be updated and staff will be given appropriate training to implement.

7.3 **Corporate Policy and Customer Impact** – The proposals in this report, align tenancy policies with the Council's homelessness management and allocations policy. An equality impact assessment has been carried out.

7.4 **Safeguarding Children** – the proposals in this report, ensures the needs of children, as it relates to their family homes, are prioritised.

7.5 **Health Issues** – the proposals in the report, facilitates health and wellbeing of tenants by extending the capacity to keep dogs to those who live in flats.

7.6 **Crime and Disorder Issues** – the proposals in this report addresses crime and disorder issues in a number of ways. These are:

- Ensuring that tenancy action is taken against perpetrators of domestic violence and
- Ensuring that all dogs kept in homes meets legislation and social acceptable standards by requiring them to be registered under the Council's dog registration scheme.

Public Background Papers Used in the Preparation of the Report:

- The current Succession of Tenancy, Management Transfer and Domesticated Animals policies (<http://moderngov.barking-dagenham.gov.uk/ieListDocuments.aspx?CId=180&MId=8152&Ver=4>)

List of appendices:

- Appendix 1 – Succession Policy
- Appendix 2 – Management Transfer Policy
- Appendix 3 – Keeping Dogs and Other Pets Policy
- Appendix 4 – Relationship Breakdown Policy
- Appendix 5 – EIA Change in Circumstances
- Appendix 6 – EIA Keeping dogs and other pets