

TENANCY STRATEGY 2021

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1. INTRODUCTION

- 1.1. The Localism Act 2011 places a statutory duty on local authorities to produce a Tenancy Strategy to guide registered providers¹ in their area in the development of tenancy policies for their own housing stock.
- 1.2. Dartford Borough Council's Tenancy Strategy was first published in 2013. This set out the Council's objective for using the discretionary powers introduced in the Localism Act 2011 to grant flexible tenancies, which are fixed term secure tenancies and are used as an alternative to secure lifetime tenancies. The Council started issuing flexible tenancies from May 2014.
- 1.3. Since then, the Government has reversed its support for plans to make it mandatory for local authorities to use fixed term tenancies, due to the recognition of the importance of housing stability for those who rent in the social housing sector.
- 1.4. Following a review of the flexible tenancy regime carried out by the Council, this new Tenancy Strategy embraces the spirit of having a secure home in a balanced and stable community by setting out the objective to end the use of flexible tenancies in Council owned stock, and granting lifetime tenancies to all existing flexible tenants and new tenants. For new tenants, an introductory tenancy will precede the lifetime tenancy.
- 1.5. Where other registered providers choose to grant fixed term tenancies, this Tenancy Strategy sets out the expectations the Council has on their use.
- 1.6. The aim of the Tenancy Strategy for Dartford is to ensure that the Council manages its tenancies in such a way that it can offer housing to those with the highest housing priority, and to encourage registered providers of housing to provide housing services, which complement those of the Council.

2. PURPOSE

- 2.1. The Localism Act 2011 requires local authorities to develop a Tenancy Strategy setting out the matters which registered providers of social housing should have regard to when formulating their policies for their own stock, relating to:
 - a) The kinds of tenancies they grant
 - b) The circumstances in which they will grant a tenancy of a particular kind
 - c) Where they grant tenancies for a certain term, the lengths of the terms granted
 - d) The circumstances in which they will or will not grant a further tenancy on the coming to an end of the existing tenancy.
- 2.2. The Council expects registered providers to have regard to this Tenancy Strategy in developing or updating their tenancy policies so that tenants and housing applicants across the Borough understand the types of tenancies available.

¹ Registered providers include local authority landlords and housing associations (including not-for-profit and for-profit organisations)

- 2.3. This Tenancy Strategy has been developed having regard to the Council's Homelessness and Rough Sleeper Strategy and the Housing Allocations' Policy. It also meets the Council's Corporate Plan's strategic aim to facilitate quality, choice and diversity in the housing market, to assist in meeting housing need in the Borough, and to deliver high quality housing services to service users.
- 2.4. This Tenancy Strategy will be supplemented by a Tenancy Policy for the Council's own housing stock. The Tenancy Policy will contain more detail regarding the Council's approach to ending the use of flexible tenancies, following the objectives set out in this Strategy.

3. DARTFORD'S PROFILE

- 3.1. The Borough of Dartford is situated in North West Kent, abutting South East London. It includes the historic market town of Dartford on the River Darent, and a number of smaller communities to the east and south. It has 112,600 residents.
- 3.2. The Borough has been experiencing economic regeneration in recent years, with major large-scale developments underway, including in the Ebbsfleet area and the Town Centre.
- 3.3. Other major developments in the pipeline include the London Resort theme park on Swanscombe Peninsula. There are also major transport improvement schemes in the planning stages, including the Lower Thames Crossing.
- 3.4. Dartford experiences upward pressure on the price of housing, due to its proximity to London and relatively good transport connections. Currently, this is most noticeable in the private rented sector although similar effects are evident in other sectors of the housing market from time to time.
- 3.5. The coronavirus pandemic has had significant impacts on life in the Borough. This has led to restrictions on personal activities, including requiring people to stay at home, which in turn has impacted the economy, jobs and businesses. Before the country went into lock down, in February 2020, the unemployment rate was 2.3%. In May 2020, the rate increased to 6.0%, and as at May 2021 it stands at 5.2%. The impacts of the pandemic may have a long-term effect on the Borough and its residents, including their housing options, affordability and stability.

4. DARTFORD'S HOUSING

- 4.1. The Borough is divided into twenty wards with the total number of dwellings being approximately 47,310.
- 4.2. The Council currently owns 4,230 homes (July 2021) in the Borough (8.9% of total dwellings) of which 96.2% meet the Decent Homes Standard. The average monthly rent for a Council property in the Borough is £402.60. Registered providers own approximately 2,010 dwellings giving a total of 6,240 (13.1% of

total dwellings) in the social housing sector. The average monthly rent for a registered provider property in the Borough is £468.00.

- 4.3. The remaining 41,070 dwellings are within the private sector (86.8%) which is made up of privately rented and owner-occupied dwellings.

5. HOUSING APPLICATIONS AND ALLOCATIONS

- 5.1. Under the Localism Act 2011, local authorities are able to decide which categories of applicant should qualify to join the housing register, although the statutory 'reasonable preference' categories remain in place. Local authorities are also able to give additional reasonable preference to certain groups for other reasons. The Council's Housing Allocations' Policy sets out how social housing properties will be allocated to eligible applicants in housing need.
- 5.2. The Council's housing register currently shows that there are 963 people who are waiting for accommodation. Of these 51 (5.29%) are in priority Band A. The following table shows a breakdown of all bands by bedroom size and number of applicants.

Band	Studio/ 1bed	2 bed	3 bed	4 bed	5 bed	TOTAL
A	24	8	14	4	1	51
B	81	184	241	34	0	540
C	87	82	49	2	0	220
D	69	51	28	3	1	152
E	-	-	-	-	-	-
TOTAL	261	325	332	43	2	963

- 5.3. Over the last three years the average number of lettings to Council tenancies were 269, equating to 6.3% turnover of stock. The average number of lettings to housing association properties totalled 112.

6. TENANCY POLICIES

- 6.1. The Regulatory Framework for Social Housing in England² sets out the specific standards that registered providers must meet. Within this Framework, the Tenancy Standard³ and the Tenant Involvement and Empowerment Standard - 2017⁴ places a number of requirements on registered providers, including the letting of their homes in a fair, transparent and efficient way and taking into account the housing needs and aspirations of tenants and potential tenants.

6.2. Registered providers:

- 6.2.1. must demonstrate to the Council how their lettings:

a) make the best use of available housing

² 31 March 2015

³ 1 April 2012

⁴ 1 July 2017

- b) are compatible with the purpose of the housing
- c) contribute to their local authority's strategic housing function and sustainable communities.

6.2.2. must have clear application, decision-making and appeals processes.

6.2.3. must publish clear and accessible policies, which outline their approach to tenancy management, including interventions to sustain tenancies and prevent unnecessary evictions, tackling tenancy fraud, and set out:

- a) The type of tenancies they will grant
- b) Where they grant tenancies for a fixed term, the length of those terms
- c) The circumstances in which they will grant tenancies of a particular type
- d) Any exceptional circumstances in which they will grant fixed term tenancies for a term of less than five years in general needs housing following any probationary period
- e) The circumstances in which they may or may not grant another tenancy on the expiry of the fixed term, in the same property or in a different property.
- f) The way in which a tenant or prospective tenant may appeal against or complain about the length of fixed term tenancy offered and the type of tenancy offered, and against a decision not to grant another tenancy on the expiry of the fixed term
- g) Their policy on taking into account the needs of those households who are vulnerable by reason of age, disability or illness, and households with children, including through the provision of tenancies which provide a reasonable degree of stability
- h) The advice and assistance they will give to tenants on finding alternative accommodation in the event that they decides not to grant another tenancy.
- i) Their policy on granting discretionary succession rights, taking account of the needs of vulnerable household members.

6.2.4. should make tenancy policies accessible online and provided upon request to any tenant.

7. INTRODUCTORY AND STARTER TENANCIES

7.1. Introductory and starter tenancies are a type of trial tenancy that last up to 12-months, which can be extended up to 18-months. During the trial period, the tenant has fewer rights than a lifetime or fixed term tenant. After successful completion of the trial period, the tenant becomes a lifetime tenant or fixed term tenant, depending on the landlord's tenancy policy.

7.2. Introductory and starter tenancies provide an effective housing management tool, to ensure that new tenants understand their obligations under their tenancy agreement and can do so successfully. The Council recommends that all registered providers in the Borough continue to make use of introductory and starter tenancies or consider including them in their policy framework if they are not already in use.

8. LIFETIME TENANCIES

- 8.1. Lifetime tenancies are secure or assured periodic tenancies where, with some limited exceptions, if tenants do not breach the conditions of their tenancy agreement, their tenancy will last as long as the tenant wants it.
- 8.2. Lifetime tenancies are the Council's preferred tenancy type. The Council encourages all registered providers in the Borough to provide maximum security of tenure without a fixed term wherever possible. Lifetime tenancies enable residents and their families to feel secure, with a long-term connection to their neighbourhoods.
- 8.3. The Council's objective as a social landlord is to grant all of its existing flexible tenants with a lifetime tenancy. For new tenants, the Council will grant a 12-month introductory tenancy before granting a lifetime tenancy once the trial period has been successfully completed.

9. FIXED TERM TENANCIES

- 9.1. Fixed term tenancies are secure tenancies with a statutory minimum term of two years. At the end of the fixed term, the registered provider may decide to offer the tenant another fixed term tenancy; offer a lifetime tenancy; or not renew the tenancy.
- 9.2. Although the Council as a registered provider will no longer grant fixed term tenancies, it recognises that some registered providers may still wish to offer fixed term tenancies. Where registered providers do use fixed term tenancies, the Council expects the following factors to be taken into account:
 - In most instances, fixed term tenancies should be granted for a minimum of five years
 - Where fixed term tenancies for less than five years are offered, registered providers must outline their justification for doing so in their tenancy policy. Shorter tenancies of two years should be used only in exceptional circumstances and are not encouraged.

9.3. Tenancy reviews

If using fixed term tenancies, registered providers must clearly set out in their tenancy policy how they will review a tenancy prior to the end of the fixed term. This should include details of any financial limits that may prevent the granting of a further tenancy, and how the registered provider will decide if a property continues to meet a household's needs.

The tenancy review should primarily be an opportunity for both registered provider and tenant to consider if the current home still best meets the tenant's needs and how it might be possible to meet the tenant's future housing aspirations.

Where the tenancy review is being carried out with a vulnerable tenant, the Council expects registered providers to take all reasonable steps to ensure that the tenant can fully participate in the review.

The Council expects the review to take place in adequate time before the tenancy is due to come to an end to allow sufficient time for a tenant to find alternative housing if the tenancy is not renewed and alternative accommodation has to be sought by the tenant.

If the circumstances of the tenant are broadly similar to those at the time of the original letting, there should be a presumption that a fixed term tenancy will be renewed.

In circumstances where the tenancy is likely to be renewed, but the property is no longer suitable for the tenants' needs, it would be suitable to offer the tenant an alternative and more suitable property under a new fixed term tenancy where, for example:

- The property is no longer suitable in size for the tenant due to under or over occupation
- The property has been extensively adapted for someone with a disability who no longer lives with the tenant, and this would allow the property to be released for someone who will benefit from the adaptations.

9.4. Appeals

Tenants and prospective tenants may appeal against the length of the fixed term tenancy offered by registered providers, and the type of tenancy offered, and also against a decision not to grant another tenancy on the expiry of the fixed term.

The Council expects registered providers' tenancy policies to:

- Set out to whom appeals or reviews should be made (this is expected to be a more senior officer that was not involved in the original decision) and how they can be made
- Give timescales for dealing with appeals or reviews
- Set out how the tenant can take their appeal or review further if they are dissatisfied with the response i.e. to a tenant panel or Housing Ombudsman and where they may get independent advice
- Be accessible and easily available i.e. published on websites and available in local offices.

9.5. Providing advice and assistance

Where a fixed term tenancy is not renewed at the end of the fixed term, the registered provider must ensure appropriate housing advice is provided to help the tenant find alternative accommodation. The main purpose of this advice and assistance will be to ensure tenants are aware of the different housing options available to them, given their particular circumstances, and have appropriate

support to access those different options. All reasonable steps to prevent homelessness should be taken.

As the Council has a statutory responsibility to provide homelessness advice and assistance, it expects registered providers to notify it in advance when a tenancy is not to be renewed and no alternative housing arrangements have been found (under the Homelessness Reduction Act 2017 Duty to Refer).

10. COMPLAINTS

- 10.1. If a social housing tenant or housing applicant is dissatisfied with the service they have received from their registered provider regarding a tenancy decision, the registered provider must have a clear process in place to handle complaints.
- 10.2. Registered providers are required to comply with the Housing Ombudsman's Complaint Handling Code, which sets out how to respond to complaints effectively, swiftly and fairly. It is recommended that registered providers set out how a complaint can be made in their tenancy policy.

11. EQUALITY AND DIVERSITY

- 11.1. The Council is committed to welcoming and valuing diversity, promoting equality of opportunity and tackling unlawful discrimination in accordance with the Equality Act 2010. The Council, in delivering this Tenancy Strategy, will have regard to the Public Sector Equality Duty and ensure that no individual is discriminated against based on their sex, sexual orientation, marital status, pregnancy and maternity, gender reassignment, race, religion, belief, disability or age.
- 11.2. The Public Sector Equality Duty is a duty on the Council and that responsibility cannot be delegated to a contractor/service provider and is a continuing duty.
- 11.3. This Tenancy Strategy has been subject to a Customer Access Review to assess the impact it will have on equality. The review concluded there were no known circumstances of a negative equality impact.
- 11.4. A Customer Access Review has also been carried out on the Council's Tenancy Policy. The Council equally expects all registered providers to carry out equality impact assessments on their own tenancy policies.

12. REVIEW

- 12.1. The Council will review this Tenancy Strategy every three years or earlier to address legislative, regulatory, best practice and operational issues.