

Individual Executive Member Decision

Tenancy Strategy

Committee considering report:	Individual Executive Member Decision for the updated Tenancy Strategy
Date ID to be signed:	16/03/2021
Portfolio Member:	Hilary Cole
Forward Plan Ref:	ID4040

1. Purpose of the Report

- 1.1 The purpose of this report is to request approval for the updated Tenancy Strategy that has been developed under Section 150 of the Localism Act 2011

2. Recommendation

- 2.1 For an Individual Executive Member Decision to approve the updated Tenancy Strategy so that it can be adopted and implemented.

3. Implications

- 3.1 **Financial:** There are no financial implications
- 3.2 **Policy:** Under Section 150 of the Localism Act 2011 this policy ensures that we are carrying out our duty as directed
- 3.3 **Personnel:** These changes will affect Registered Providers
- 3.4 **Legal:** There are no legal implications for this Strategy as it is covered under Section 150 of the Localism Act 2011
- 3.5 **Risk Management:** West Berkshire Council would like to see a harmonised set of rent levels, tenancy terms and renewal policies across the district, that are easy to explain to housing applicants and which respond to locally identified needs. However, Registered Providers are independent organisations and the Council recognises that they work across local authority boundaries all of whom will have differing Tenancy Strategies. Consequently, this Tenancy Strategy sets out the broad principles that the Council expects its RP partners to have regard to, rather than a detailed set of policies.
- 3.6 **Property:** No impact on Property

4. Consultation Responses

There was no need to consult on this strategy as it is a directive under Section 150 of the Localism Act 2011. We have however undertaken the review of the existing strategy in partnership with our existing Registered Provider partners and have

taken into account the Council's Housing Strategy, Homelessness Strategy, Allocations Policy, Council Strategy and Sustainable Communities Strategy.

Members:	N/A
Leader of Council:	N/A
Overview & Scrutiny Management Commission Chairman:	N/A
Ward Members:	N/A
Opposition Spokesperson:	N/A
Local Stakeholders:	Registered Providers
Officers Consulted:	All key stakeholders as identified above
Trade Union:	N/A

5. Other options considered

- 5.1 None required

6. Introduction/Background

- 6.1 Under Section 150 of the Localism Act 2011, a duty is placed on all local housing authorities to develop a Tenancy Strategy to guide Registered Providers (RPs) in developing tenancy policies for their own stock. The Localism Act also requires RPs to have regard to the Tenancy Strategy. Further reforms introduced in this Act include the introduction of a new Affordable Rent tenancy which allows rents of up to 80% of market rent to be charged, and the ability to offer tenancies on a fixed term basis.
- 6.2 The previous Tenancy Strategy focussed on the major legislative change notably the introduction of fixed term tenancies. Since its implementation no subsequent review of this strategy has been undertaken. A review of RP use of tenancy types has highlighted a significant move away from offering fixed term tenancies towards the provision of lifetime tenancies that offer tenants greater security and stability.
- 6.3 This Strategy update outlines how West Berkshire Council expects that RPs will engage and consult with the Council when developing their Tenancy Policies, to ensure that they are in line with the principles of West Berkshire Council's Tenancy Strategy. The Council would also expect that RPs engage and consult with residents and stakeholders

7. Supporting Information

- 7.1 A copy of the new policy accompanies this report.
- 7.2 A copy of the changes made accompanies this report.

8. Options for Consideration

- 8.1 Not applicable as the policy is a directive under Section 150 of the Localism Act 2011

9. Proposals

- 9.1 It is proposed that the amended strategy is authorised and approved by the Portfolio member for Development Planning and Housing as an Individual Member decision.

10. Conclusion

- 10.1 This strategy review brings this Tenancy Strategy up to date and reflects recent changes in how Registered Provider partners are managing tenancies in the area. The document supports the aims and aspirations as set out in the Housing Strategy.

Subject to Call-In:

Yes: ☐ No: ☒

The item is due to be referred to Council for final approval	<input type="checkbox"/>
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>
Delays in implementation could compromise the Council's position	<input checked="" type="checkbox"/>
Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months	<input type="checkbox"/>
Item is Urgent Key Decision	<input type="checkbox"/>
Report is to note only	<input type="checkbox"/>

Wards affected: All

Strategic Priorities Supported:

The proposals contained in this report will help to achieve the following Council Strategy priorities:

- ☒ **PC1: Ensure our vulnerable children and adults achieve better outcomes**
☒ **PC2: Support everyone to reach their full potential**

Officer details:

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11. Appendices

- 11.1 Appendix A – Data Protection Impact Assessment – Stage One
11.2 Appendix B – Equality Impact Assessment – Stage One
11.3 Appendix C - updated Strategy

Appendix A

Data Protection Impact Assessment – Stage One

The General Data Protection Regulations require a Data Protection Impact Assessment (DPIA) for certain projects that have a significant impact on the rights of data subjects.

Should you require additional guidance in completing this assessment, please refer to the Information Management Officer via dp@westberks.gov.uk

Directorate:	Place
Service:	Development and Planning
Team:	Housing Services
Lead Officer:	Nick Caprara
Title of Project/System:	Tenancy Strategy
Date of Assessment:	02/03/2021

Do you need to do a Data Protection Impact Assessment (DPIA)?

	Yes	No
<p>Will you be processing SENSITIVE or “special category” personal data?</p> <p><i>Note – sensitive personal data is described as “data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation”</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will you be processing data on a large scale?</p> <p><i>Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will your project or system have a “social media” dimension?</p> <p><i>Note – will it have an interactive element which allows users to communicate directly with one another?</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will any decisions be automated?</p> <p><i>Note – does your system or process involve circumstances where an individual’s input is “scored” or assessed without intervention/review/checking by a human being? Will there be any “profiling” of data subjects?</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will your project/system involve CCTV or monitoring of an area accessible to the public?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will you be using the data you collect to match or cross-reference against another existing set of data?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will you be using any novel, or technologically advanced systems or processes?</p> <p><i>Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If you answer “Yes” to any of the above, you will probably need to complete [Data Protection Impact Assessment - Stage Two](#). If you are unsure, please consult with the Information Management Officer before proceeding.

Appendix B

Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; this includes the need to:**
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
 - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

What is the proposed decision that you are asking the Executive to make:	Individual Executive Member Decision for amendment to the Tenancy Strategy
Summary of relevant legislation:	Section 150 of the Localism Act 2011
Does the proposed decision conflict with any of the Council's key strategy priorities?	No
Name of assessor:	Nick Capara
Date of assessment:	02/03/2021

Is this a:		Is this:	
Policy	No	New or proposed	No
Strategy	Yes	Already exists and is being reviewed	Yes
Function	No	Is changing	No
Service	No		

1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	To implement the changes to the Tenancy Strategy
Objectives:	To remain compliant under Section 150 of the Localism Act 2011 in ensuring that we maintain and review the Tenancy Strategy.
Outcomes:	To harmonised set of rent levels, tenancy terms and renewal polices across the district.
Benefits:	To provide a better understanding of rent levels and tenancy terms which respond to locally identified needs.

2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this. (Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)		
Group Affected	What might be the effect?	Information to support this
Age	None	Changes are internal processing only

Disability	None	Changes are internal processing only
Gender Reassignment	None	Changes are internal processing only
Marriage and Civil Partnership	None	Changes are internal processing only
Pregnancy and Maternity	None	Changes are internal processing only
Race	None	Changes are internal processing only
Religion or Belief	None	Changes are internal processing only
Sex	None	Changes are internal processing only
Sexual Orientation	None	Changes are internal processing only
Further Comments relating to the item:		

3 Result	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	No
Please provide an explanation for your answer: No it will respond to locally identified needs and enhance quality of life for many residents.	
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?	No
Please provide an explanation for your answer: No it will respond to locally identified needs and enhance quality of life for many residents.	

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

4 Identify next steps as appropriate:	
Stage Two required	No
Owner of Stage Two assessment:	

Timescale for Stage Two assessment:	
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Name: Nick Caprara

Date: 02/03/2021

Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) (rachel.craggs@westberks.gov.uk), for publication on the WBC website.