



Agenda

Meeting: **Overview and Scrutiny Committee**
Date: **15 February 2022**
Time: **7.00 pm**
Place: **Council Chamber - Civic Centre Folkestone**

To: **All members of the Overview and Scrutiny Committee**

The committee will consider the matters, listed below, at the date, time and place shown above. The meeting will be open to the press and public.

Members of the committee, who wish to have information on any matter arising on the agenda, which is not fully covered in these papers, are requested to give notice, prior to the meeting, to the Chairman or appropriate officer.

This meeting will be webcast live to the council's website at <https://folkestone-hythe.public-i.tv/core/portal/home>. Although unlikely, no guarantee can be made that Members of the public in attendance will not appear in the webcast footage. It is therefore recommended that anyone with an objection to being filmed does not enter the council chamber.

Although social distancing rules have been relaxed, for the safety of the public, elected members and staff, we will continue to seat members of the public approximately one metre apart. This means that there will be 13 seats available for members of the public, which will be reserved for those speaking or participating at the meeting. The remaining available seats will be given on a first come, first served basis.

All attendees at meetings are kindly asked to wear face coverings, unless they are addressing the meeting.

1. **Apologies for Absence**
2. **Declarations of Interest (Pages 3 - 4)**

Members of the committee should declare any interests which fall under the following categories:

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website www.folkestone-hythe.gov.uk

- a) disclosable pecuniary interests (DPI);
- b) other significant interests (OSI);
- c) voluntary announcements of other interests.

3. **Minutes (Pages 5 - 12)**

To consider and approve, as a correct record, the minutes of the meetings held on 29 November and 7 December 2021.

4. **Minutes of the Finance & Performance Scrutiny Sub Committee (Pages 13 - 22)**

To approve the minutes of the meetings held on 16 November 2021 and 18 January 2022.

5. **The Use of Fixed Term Tenancies for Council Tenants (Pages 23 - 38)**

Report OS/21/13 reviews the use of fixed term tenancies for council housing lettings, to cease using fixed term tenancies and to return to using secure tenancies in the Council's social housing stock.

6. **Dog Control Public Spaces Protection Order (PSPO) and Community Safety Anti-social Behaviour PSPO**

A presentation to be given to committee members on the forthcoming proposals to put in place a new revised Dog Control Public Space Protection Order and to renew the Community Safety ASB Public Space Protection Order.

Declarations of Interest

Disclosable Pecuniary Interest (DPI)

Where a Member has a new or registered DPI in a matter under consideration they must disclose that they have an interest and, unless the Monitoring Officer has agreed in advance that the DPI is a 'Sensitive Interest', explain the nature of that interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a DPI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation permitting them to do so. If during the consideration of any item a Member becomes aware that they have a DPI in the matter they should declare the interest immediately and, subject to any dispensations, withdraw from the meeting.

Other Significant Interest (OSI)

Where a Member is declaring an OSI they must also disclose the interest and explain the nature of the interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a OSI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation to do so or the meeting is one at which members of the public are permitted to speak for the purpose of making representations, answering questions or giving evidence relating to the matter. In the latter case, the Member may only participate on the same basis as a member of the public and cannot participate in any discussion of, or vote taken on, the matter and must withdraw from the meeting in accordance with the Council's procedure rules.

Voluntary Announcement of Other Interests (VAOI)

Where a Member does not have either a DPI or OSI but is of the opinion that for transparency reasons alone s/he should make an announcement in respect of a matter under consideration, they can make a VAOI. A Member declaring a VAOI may still remain at the meeting and vote on the matter under consideration.

Note to the Code:

Situations in which a Member may wish to make a VAOI include membership of outside bodies that have made representations on agenda items; where a Member knows a person involved, but does not have a close association with that person; or where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position. It should be emphasised that an effect on the financial position of a Member, relative, close associate, employer, etc OR an application made by a Member, relative, close associate, employer, etc would both probably constitute either an OSI or in some cases a DPI.

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Minutes

Overview and Scrutiny Committee (co-located meeting with Dover District Council)

Held at: Council Chamber, Dover District Council, White Cliffs Business Park, Dover Kent CT16 3PJ.

Date Monday, 29 November 2021

Present Councillors Gary Fuller, Peter Gane, Michelle Keutenius (Chairman), Patricia Rolfe and Rebecca Shoob (Vice-Chair)

Apologies for Absence Councillor Miss Susan Carey, Councillor Connor McConville, Councillor Terence Mullard and Councillor John Wing

Officers Present: Ewan Green (Director of Place) and Andrew Rush (Regulatory Services & Corporate Contracts Lead Specialist)

Others Present: **Veolia**
David Fitzgerald – Senior Operations Manager
Ben Velmans – Senior Contract Manager
Gary Morrison – Contract Manager
Chris Curtis – Dover representative and Street Cleansing worker.
Terry Harman – GMB Union Representative and Garden Waste Officer

Dover District Council's Overview and Scrutiny Committee Members and officers were also present at the meeting.

25. **Declarations of Interest**

There were no declarations of interest at the meeting.

26. **Update on Veolia Performance and Recovery Plan**

The Chairman of Dover District Council's Overview and Scrutiny Committee and Chairman Folkestone and Hythe District Council's Overview and Scrutiny welcomed those present to the meeting.

Representatives from Veolia introduced themselves, and gave a presentation which updated Members on the East Kent Status Update and Schedule Improvements. A copy of the presentation is appended to these minutes.

The Chairman then invited the two Veolia workforce representatives to speak. They made points including the following:

- More consultation with staff was now happening with regard to route changes.
- Although a 12% pay increase sounded like a lot, the pay was low, and therefore this did not work out as much of an increase. This also made it difficult to attract new staff.
- The main issues had been related to the changes in days, and crews working in areas that they were not familiar with, leading to confusion, particularly if some roads did not show up on tablets.
- The household tonnage had increased due to the Covid lockdowns, more home working and deliveries and had continued.
- There was also a street cleansing issue with purple sacks where litter bins are being misused and used for domestic or commercial waste.

Members then commented on various issues and made points including the following:

- How were the staff finding the echo system to use?
- Were there any 'black out spots', in rural areas, where the Echo system would not work?
- In terms of the pilot starting in the Dover District that day, how much consultation had taken place with staff?
- What percentage of missed collections were food waste?
- At the point when the issues arose, Covid had been around for a year, and we had known Brexit was coming since 2016. What improvements to planning have been made in order to be better prepared, rather than reactive?
- In terms of resourcing, what is the level of resilience now, and what percentage of agency workers were used?
- Are there any plans in terms of business continuity and resilience following the outcome of the pay negotiations ballot, particularly in the event of industrial action?
- With regard to the peak in tonnage growth, would this plateau?
- Had the Ashford transfer station issue been resolved?
- Was good practice shared with other areas, and are there any other improvements to be made in addition to what has been put forward?

The Veolia staff representatives then responded to points raised, and made points including the following:

- The Echo system was intuitive and straightforward to use, although the information on the system had been incorrect on occasions.

- Some long term members of staff had left the organisation, but the turnover seemed to have reached a steady state.
- Staff had been consulted on the latest pilot, including union staff. A better effort had been made all round.

The Chairman thanked the workforce representatives for their attendance at the meeting.

Representatives from Veolia responded to the various issues raised and made points including the following:

- Pay negotiations had been an ongoing negotiated process for six months. The ballot was due to close the following day, and it was hoped that GMB would advise the outcome on Wednesday 1 December.
- There were signal blackspots for the echo tablets, but operators always had sight of their work. Any updates to the system are applied once signal returned.
- Advanced business continuity planning had taken place over the summer months. Veolia had put extra resource into East Kent from across the country, impacting on other contracts. The issues had been taken seriously by the company at national level, and local management had felt supported in doing all that they could. The action plan, which involved providing additional resource to resolve the issues, had been in place, but the frustration had been the challenge in finding additional staff resource. Mistakes were made and this had been recognised.
- With regard to food waste collection rates, they did not have the breakdown of this information to hand, but they but accepted that missed food waste collections may be higher.
- A team of 12 drivers had been created, who could be deployed where required. The organisation was looking at recruitment and retention at a national level. Successful engagement had also taken place with four agencies. In terms of the level of agency workers, this was around 5% for drivers, and around 20-25% for street cleansing and refuse operatives. The previous contract had not used agency employees, and it was an aspiration to get back to this.
- It was hoped the pay negotiations offer would be accepted by the union, but if not, further discussions would take place. Industrial action was the worst case scenario, and would be avoided as much as possible. If industrial action did take place, resources would need to be deployed from other contracts.
- In terms of the extra household waste/tonnage, additional resources had been deployed, and there were six additional vehicles used on a day to day basis to collect food and recycling waste. Overtime payments had lessened.
- The quality of recycling was good across East Kent, and contamination rates low. Participation in food waste was lower, but there had been a noticeable increase over the last two years. Further campaigns would take place to promote food waste recycling.
- It was hoped that the increased tonnage had plateaued, recycling rates had increased by 24% and food waste 16% since the pandemic started. With people continuing to work from home, and the changes in society, rates

were likely to remain high. This also included a higher use of food delivery apps, and more home deliveries, which also resulted in a change to the type of waste, such a higher rate of cardboard being recycled.

- In terms of housing and population growth, planning was based on a 2-3% increase per year.
- The contract with KCC for the transfer station would operate until 31 March 2022. It was unclear if KCC intended to extend this contract, or if there were any long term aspirations for a transfer station in Folkestone.
- Veolia continued to look for improvements to the service. Building resilience was the priority, and one of the options being considered was to employ drivers as both drivers and loaders, resulting in a highly skilled and resilient workforce. The 22 staff in the 'grow your own' scheme would be able to operate in a dual role. Good practice was monitored elsewhere, but things that worked well in some areas did not necessarily work well in other areas.

The Cabinet Members for both DDC and FHDC were invited to make comments, and Councillor Peall, FHDC Cabinet Member for Enforcement, Regulatory Services, Waste and Building Control made points including the following:

- The latest version of the presentation was an improvement to what had been provided previously.
- Any proposed changes to routes would need to be approved by both officers, and Overview and Scrutiny Members before he would sign them off.
- He liaised with the Cabinet Member at DDC on a regular basis, so consistent messages to both authorities were important.

Both the Chairman of DDC and the Chairman of FHDC thanked those in attendance at the meeting.

Overview and Scrutiny Committee

Held at:	Council Chamber - Civic Centre Folkestone
Date	Tuesday, 7 December 2021
Present	Councillors Miss Susan Carey, Gary Fuller, Peter Gane, Michelle Keutenius (Chairman), Terence Mullard, Rebecca Shoob (Vice-Chair) and John Wing
Apologies for Absence	Councillor Connor McConville and Councillor Patricia Rolfe
Officers Present:	Andy Blaszkowicz (Director of Housing and Operations), Kate Clark (Case Officer - Committee Services), Ewan Green (Director of Place), John Holman (Assistant Director of Housing), Sue Lewis (Committee Services Officer) and Charlotte Spendley (Director of Corporate Services)
Others Present:	John Bunnett (Managing Director, Otterpool Park LLP) and Mark Dodson (Head of Finance, Otterpool Park LLP)

27. **Declarations of Interest**

Councillor Gary Fuller declared a significant interest with regard to Agenda Item 5 Housing Asset Management Strategy as he is a Council tenant. He moved to the public gallery for this item and did not take part in discussions or voting on this item.

Councillor Michelle Keutenius declared a significant interest with regard to Agenda item 5 as she is a Council tenant. As Chairman of this committee Councillor Keutenius handed over to the Vice Chairman, Councillor Rebecca Shoob for this item and did not take part in discussions and voting.

Councillor Rebecca Shoob declared a disclosable pecuniary interest as she is a director of Otterpool Park LLP. At presentation of this item, Otterpool Park Business Plan, Councillor Shoob moved to the public gallery and did not take part in discussions or voting on this item.

Councillor Ms Susan Carey declared an interest with regard to Otterpool Park Business Plan as a landowner within the area. She remained in the meeting taking part in discussions and voting on this item.

28. **Minutes**

The minutes of the meeting held on 9 November 2021 were agreed and signed by the Chairman.

29. **Minutes of the Finance and Performance Scrutiny Sub-Committee**

The minutes of the meeting held on 16 November 2021 were agreed and signed by the Chairman.

Councillor Keutenius handed over the Chair to Councillor Shoob for the following item and left the meeting. Councillor Fuller left the meeting.

30. **Housing Asset Management Strategy**

The Housing Asset Management Strategy (HAMS) is the primary document in a library of housing strategies that provide a handrail for all future maintenance and development for the HRA housing and commercial portfolio together with other non HRA properties it has responsibility for.

Mr John Holman presented the report and strategy. Due to a technical issue the planned presentation could not be shown to the committee, however it is attached to the minutes.

Councillor John Wing thanked the team and portfolio holder, Councillor Godfrey for the report and outstanding strategy, remarking that the strategy sets a high precedent and guide.

Members' comments and questions followed:

- Garages – ensure ward councilors are involved in the proposed garage strategy.
- Tenants at the heart of the HAMS, ensure ASB is addressed; estate inspections; consider vulnerable tenants. A Tenants' Handbook is being developed.
- Government grant funding for carbon reduction initiatives may present opportunities for joint bidding.
- Consider lifetime running costs and carbon emissions for example solar energy which could in turn create income. However, looking at, for example, air source heat pumps, these are complex and potentially have high maintenance costs. There is scope within the strategy to explore further.
- Car pools on new developments – members asked that reference is also made to Active Travel encompassing walking and cycling for further carbon reduction particularly in the housing carbon strategy when it is drafted.

Proposed by Councillor Rebecca Shoob
Seconded by Councillor Peter Gane

RESOLVED:

- 1. That report OS/21/10 is received and noted.**
- 2. That the Housing Asset Management Strategy is recommended for approval to Cabinet.**

(Voting: For 5; Against 0; Abstentions 0)

Councillors Fuller and Keutenius returned to the meeting. Councillor Keutenius resumed her Chairman duties for the remainder of the meeting.

31. Budget Strategy 2022/23

The Budget Strategy set out the guidelines for preparing the 2022/23 Budget. It supports the Corporate Plan and aligns with the direction and objectives of the Medium Term Financial Strategy (MTFS). The Budget Strategy takes account of current and future financial issues, it set out the underlying assumptions and initial budget-setting proposals and provided a timetable for delivering a balanced budget in 2022/23.

Points raised by members included:

- Website CMS replacement – further costings and technical details to be provided to members.
- New Homes Bonus – remaining balance in reserve will be utilised by 2023.
- Business Rates – funds of £1.7m were allocated to the Mountfield Business Hub.
- On/off parking income increase relates to an increase in the charging schedule rather than volume.
- Provision of fisherman style huts at the Stade – no further details at present, ideas to be developed.
- Folkestone Airshow contribution – how does this sit with the climate change agenda? The Airshow provides a good tourism boost to the town, benefitting businesses.
- Further plans for Park & Ride? A suitable parking site would be required along with bus driver availability
- Training expenses decrease – originally increased for the Transformation Project rollout. Member training is based on demand and specific training requests would always be considered.

The Chairman was pleased to note that consideration would be given to develop a short video for residents to explain Council Tax and the services that it supports.

Proposed by Councillor Peter Gane
Seconded by Councillor Michelle Keutenius

RESOLVED:

That report OS/21/11 is received and noted.

(Voting: For 7; Against 0; Abstentions 0)

Councillor Shoob moved to the public gallery and did not take part in discussions or voting on the following item.

32. **Otterpool Business Plan (Annual Review)**

The report presented the first annual update of the strategic business plan for Otterpool Park Limited Liability Partnership (LLP). The draft updated plan provided commentary on progress achieved to date and set out the priorities and key milestones for the LLP over the next 12-18 month period. The report was presented to Committee for feedback ahead of Cabinet considering the draft updated Business Plan in January 2022.

Councillor Miss Carey raised an issue with regard to suitable premises for Stanford Parish Council meetings. At present they utilise a building, on the Racecourse site, which is due to be demolished. Mr John Bunnett, Managing Director of Otterpool Park LLP advised he would be happy to look at this.

Councillor Mullard said it was a thorough report, with many assumptions. Mr Bunnett pointed out to members this was a 30 year project, however certain aspects of the development had been firmed up; medical facilities and primary schools. The assumptions made with regard to costs, house/commercial sales and profits are based on conservative projections.

Other points made included the need to consider mixed housing for all ages; employment opportunities; and superfast broadband availability.

Members turned to the planning application timescales and queried if there would be any potential delays. Mr Bunnett advised that QC advice had been given on the draft documentation. Final submissions in support of the application would be completed imminently. This would then be subject to review and a 10 week statutory consultation period with the intention that the Planning and Licensing Committee would consider the application in Summer 2022. Mr Bunnett also added that in terms of sustainability, the site is among the best in the district.

Councillor Wing advised that Lympe Parish Council had concerns for their residents. Mr Bunnett said he would be happy to make contact with the Parish Council to allay their concerns.

Proposed by Councillor Michelle Keutenius
Seconded by Councillor Peter Gane

RESOLVED:
That Report OS/21/12 is received and noted.

(Voting: For 6; Against 0; Abstentions 0)

Minutes

Finance and Performance Scrutiny Sub-Committee

Held at:	Council Chamber - Civic Centre Folkestone
Date	Tuesday, 16 November 2021
Present	Councillors Gary Fuller, Peter Gane, Patricia Rolfe and Rebecca Shoob
Apologies for Absence	Councillor Connor McConville
Officers Present:	Kate Clark (Case Officer - Committee Services), Gavin Edwards (Performance and Improvement Specialist), Cheryl Ireland (Chief Financial Services Officer), Charlotte Spendley (Director of Corporate Services) and Lee Walker (Capital and Treasury Senior Specialist)
Others Present:	None

6. **Appointment of Chairman**

In the absence of this committee's Chairman, Councillor Connor McConville, a Chairman was required to be appointed for this meeting.

Proposed by Councillor Peter Gane
Seconded by Councillor Gary Fuller; and

RESOLVED:

That Councillor Rebecca Shoob was appointed Chairman for this meeting.

(Voting: For 4; Against 0; Abstentions 0)

7. **Declarations of interest**

Councillor Peter Gane made a voluntary announcement as he is a member of Folkestone Town Council which is referred to in Agenda Item 3 Half Year Performance Report 2021/22.

Councillor Patricia Rolfe made a voluntary announcement as she is a member of New Romney Town Council.

Councillors Gane and Rolfe declared a DPI as they are directors of Oportunitas Ltd, dispensations have been applied. These declarations related to Agenda Item 5 General Fund Capital Programme Budget Monitoring 2021/22.

Councillor Rebecca Shoob declared a DPI as she is a director of Otterpool LLP, a dispensation has been applied. Referred to in Agenda Item 3 and 5.

8. **Half Year Performance Report (Q1 & Q2) 2021/22**

Report OS/21/09 provided an update on the Council's performance for the first two quarters of the year covering 1 April to 30 September 2021. The report enabled the Council to assess progress against the approved key performance indicators arising from the Council's new Corporate Action Plan.

Mr Gavin Edwards, Policy and Improvement Specialist, presented this report and advised members of an adjustment to the figures; he noted that the KPI 'All Freedom of Information/Environmental Information Requests to be responded to within the statutory period of (20 working days or lawful extension)', the figures for both quarters had been amended due to an admin error – the correct figures for Q1 are 82.38% and Q2 is 70.56%.

Members asked questions, detailed below under the relevant Service Ambitions:

Positive Community Leadership

- Percentage of Food Premises compliant – systems problems had been encountered and members were assured this is in hand and being addressed.
- Play areas – one site per year seems low. This refers to designated priority play areas, large sites which require substantial funding.

A Thriving Environment

- Missed bins – other issues had been encountered, not just crews unfamiliar with routes.

Quality Homes and Infrastructure

- Homelessness – approaches have increased, members asked for more details of these approaches.
- Affordable homes – timeframes and delivery. The pandemic has affected delivery, Mr Edwards will come back to members with further details.
- Homelessness prevented – do the figures include clients who fail to keep in contact with the Council? Mr Edwards will provide further details.
- Members asked for further details on percentage of major planning applications determined.

Transparent, Stable, Accountable and Accessible

- Members asked for further details on Freedom of Information and Subject Access Requests and also asked about additional resourcing,

training and improvements to processes. Problems has occurred due to level of workload, redactions and dealing with complex issues. It was confirmed that there is a Council data protection officer.

- Data breaches – members were advised that one breach had been reported to the ICO.

Proposed by Councillor Peter Gane
Seconded by Councillor Patricia Rolfe

RESOLVED:

That report OS/21/09 and Appendix 1 are received and noted.

(Voting: For 4; Against 0; Abstentions 0)

9. General Fund Revenue Budget Monitoring - Quarter 2 2021/22

The monitoring report C/21/48 provided a projection of the end of year financial position of the General Fund revenue budget, based on expenditure to the 31 August 2021.

Members concentrated their comments on the following:

- Council Tax Collection – the decrease in income is due to the temporary stop on court action and costs due to the pandemic. Recovery action has now commenced again.
- Waste Contract - have extended staffing resources been taken into account? The main resources have come from Customer Services, however senior officers would be asked to provide information of allocation of resources.
- Would there be a plan to report officer time and resource? An exercise is underway, including discussions with Veolia.

Proposed by Councillor Peter Gane
Seconded by Councillor Patricia Rolfe

RESOLVED:

That Report C/21/48 is received and noted.

(Voting: For 4; Against 0; Abstentions 0)

10. General Fund Capital Programme Budget Monitoring 2021/22

Monitoring report C/21/45 provided an initial projection of the current financial position for the General Fund capital programme profiled for 2021/22, based on expenditure to 31 August 2021 and identifies variances compared to the latest approved budget.

Proposed by Councillor Peter Gane
Seconded by Councillor Patricia Rolfe

RESOLVED:
That C/21/45 is received and noted.

(Voting: For 3; Against 0; Abstention 1)

11. **HRA Budget Monitoring - Quarter 2 2021/22**

Monitoring report C/21/46 provided a projection of the end of year financial position for the Housing Revenue Account (HRA) revenue expenditure and HRA capital programme based on net expenditure to 31 August 2021.

Members comments included:

- Highview scheme – how close to carbon neutrality would this scheme be? Work is underway at present exploring this possibility.
- Bad debt provision is £300K in total, increased by £100K.
- Ross House – application to the Decarbonisation Fund, work to commence in latter part of this financial year.
- Capital receipts – how is this predicted? An estimate is made, at present, £1.5mn per year which equates to approximately 10 to 15 property sales per year. Members asked if previous years' figures could be provided.

Proposed by Councillor Patricia Rolfe
Seconded by Councillor Gary Fuller

RESOLVED:
That report C/21/46 is received and noted.

(Voting: For 4; Against 0; Abstentions 0)

Finance and Performance Scrutiny Sub-Committee

Held at:	Council Chamber - Civic Centre Folkestone
Date	Tuesday, 18 January 2022
Present	Councillors Gary Fuller, Peter Gane, Connor McConville (Chairman), Patricia Rolfe and Rebecca Shoob
Apologies for Absence	None
Officers Present:	Andy Blaszkowicz (Director of Housing and Operations), Kate Clark (Case Officer - Committee Services), Ewan Green (Director of Place), Charlotte Spendley (Director of Corporate Services) and Lee Walker (Capital and Treasury Senior Specialist)
Others Present:	None

12. **Declarations of interest**

Councillor Patricia Rolfe declared a DPI as she is a director of Oportunitas Ltd. A dispensation has been applied.

Councillor Peter Gane also declared a DPI as a director of Oportunitas with an applicable dispensation.

Councillor Rebecca Shoob declared a DPI as she is a director of Otterpool Park LLP. A dispensation has been applied.

All members remained in the meeting, taking part in discussions and voting on all items.

Councillor Gary Fuller declared a significant interest as a F&HDC housing tenant. He did not take part in discussions or voting on Agenda Item 5 (HRA Budget Monitoring Q3 2021/22) and Agenda Item 8 (Draft HRA Revenue and Capital Original Budget 2022/23).

13. **General Fund Revenue Budget Monitoring - 3rd Quarter 2021/22**

Monitoring Report C/21/65 provided a projection of the end of year financial position of the General Fund revenue budget, based on expenditure to the 30 November 2021.

Comments and questions raised by members included:

- Business rates appeal – Members noted the position following the revaluation of Dungeness B Power Station appeal. Officers advised that the Council are in a pooling arrangement with other Kent authorities and hoped that they would be able to advise on the long term impact with the quarter 4 projections.
- Development control fees – Members asked for clarification on the decreased income projected. Could be due to the types of applications received and fee variations. The Director of Place offered to provide further details.
- Waste contract – additional costs to Council, will these be settled by the contractor? Extra staff were recruited to Customer Services to handle increased calls. Time spent was from core officer base. Recharging is annual, no further details available at present.
- Decrease in Council Tax collection – general collection is going well, however the challenge has been securing courts dates although this situation is improving.

Proposed by Councillor Patricia Rolfe
Seconded by Councillor Peter Gane: and

RESOLVED:
To receive and note report C/21/65

(Voting: For 5; Against 0; Abstentions 0)

14. **General Fund Capital Programme Budget Monitoring 2021/22**

Monitoring report C/21/60 provided an updated projection of the current financial position for the General Fund capital programme profiled for 2021/22, based on expenditure to 30 November 2021 and identified variances compared to the latest approved budget.

Members were advised that the General Fund MTCP will be presented to Cabinet on 10 February 2021 and not 23 February as mentioned in the report.

Members commented on reprofiling figures which mainly affected larger proposed developments.

Disabled Facilities Grant – figure shown is an underspend, however all applications received had been dealt with.

Proposed by Councillor Patricia Rolfe

Seconded by Councillor Rebecca Shoob

RESOLVED:

To receive and note report C/21/60.

(Voting: For 4; Against 1; Abstentions 0)

Councillor Fuller left the Chamber and did not take part in discussions or voting on the following item.

15. HRA Budget Monitoring Quarter 3 2021/22

Monitoring report C/21/62 provided a projection of the end of year financial position for the Housing Revenue Account (HRA) revenue expenditure and HRA capital programme based on net expenditure to 30 November 2021.

Members sought clarification on provision and repayment of bad debts as well as the rephrasing of the Highview scheme.

Proposed by Councillor Peter Gane
Seconded by Councillor Patricia Rolfe

RESOLVED:

To receive and note report C/21/62.

(Voting: For 4; Against 0; Abstentions 0)

Councillor Fuller returned to the Chamber and took part in discussions and voting on the following items.

16. Treasury Management Strategy Statement 2022/23 and Treasury Management Monitoring Report 2021/22

Report C/21/61 set out the proposed strategy for treasury management for 2022/23 including Treasury Management Prudential Indicators. The report also provided an update on the council's treasury management activities that have taken place during 2021/22 against the agreed strategy for the year.

Mr Lee Walker, Capital & Treasury Senior Specialist, provided a presentation to members which is attached to these minutes.

The presentation was divided into three sections, Mr Walker asked members for comments and questions at each section as well as referring to the report.

Introduction and summary:

TM code changes – would member training be available? Tendering is progressing for TM advisory service and training will then be arranged.

Section A – TM Monitoring Report 2021/22

- Public Works Loan Board rate 4.69% seems high? This rate is for existing borrowing and advice from Arlingclose is that repaying higher interest loan debt would be cost prohibitive at present.

Section B – TM Strategy Statement 2022/23

- HRA debt – could this be redeemed? Council's policy is to improve current stock, build further homes and not to reduce the HRA Capital Financing Requirement. Housing values will increase further. The expanding asset base and increased revenue will compensate against the additional costs of borrowing. This will be reviewed in the HRA Business Plan.
- Liability Benchmark increasing rapidly? This shows capital investment costs for large developments namely Otterpool Park and Princes Parade. Ultimately revenue streams will have an impact on the net borrowing requirement leading to its reduction over time.

Members thank Mr Walker and the finance team for their hard work in preparing this report.

Proposed by Councillor Peter Gane
Seconded by Councillor Patricia Rolfe; and

RESOLVED:

To receive and note report C/21/61.

(Voting: For 5; Against 0; Abstentions 0)

17. Draft General Fund Budget 2022/23

Report C/21/67 set out the Council's Draft General Fund Budget for 2022/23.

The Director of Corporate Services, Mrs Charlotte Spendley, presented the report, referring to point 2.3. Also mentioning the funding gap of £1.11mn, some use of reserves would be required.

Members commented as follows:

- Rising energy costs – energy market is extremely volatile and this will be reviewed again ahead of the final budget being set.
- Members noted the tax base position at a slight increase, figures are to be finalised.
- Although there are savings to be made, these will not affect services.
- GF Reserves figure – no definitive figure to aim for, down to judgement, CIPFA do not provide specific guidance on reserve balances required
- Contingency levels? There is a small budget for contingencies which is monitored by the Corporate Leadership Team.

Mrs Spendley advised members that the budget consultation is open for comments and would ask members to encourage residents to respond. Also, a

short video has been produced explaining Council Tax, this is now live on the Council's website. A second video is being produced which will explain how to pay your Council Tax and assistance available for residents.

Proposed by Councillor Connor McConville
Seconded by Councillor Patricia Rolfe

RESOLVED:
To receive and note report C/21/67.

(Voting: For 4; Against 1; Abstentions 0)

Councillor Fuller left the Chamber and did not take part in discussions or voting on the following item.

18. **Draft Housing Revenue Account Revenue and Capital Original Budget 2022/23**

Report C/21/66 set out the Housing Revenue Account Revenue and Capital Budget for 2022/23 and proposes an increase in weekly rents and an increase in service charges for 2022/23.

Proposed by Councillor Connor McConville
Seconded by Councillor Patricia Rolfe

RESOLVED:
To receive and note report C/21/66.

(Voting: For 4; Against 0; Abstentions 0)

Prior to the closure of the meeting, members thanked all officers involved for their work in producing the complex reports.

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This report will be made public on 7 February 2022

Report Number: **OS/21/13**

To: Overview and Scrutiny Committee
Date: 15 February 2022
Status: Key Decision for Cabinet – scheduled for 23 March 2022
Responsible Officer: Tom Harding, Neighbourhood Management Senior Specialist
Cabinet Member: Cllr Godfrey, Portfolio Holder for Housing and Special Projects

SUBJECT: The Use of Fixed Term Tenancies for Council Tenants

SUMMARY: This report reviews the use of fixed term tenancies for council housing lettings, to cease using fixed term tenancies and to return to using secure tenancies in the Council's social housing stock.

REASONS FOR CABINET RECOMMENDATIONS:

1. The use of fixed term tenancies is out of step with national government thinking on reducing the so called 'stigma' attached to social housing.
2. Fixed term tenancies have proven to be inefficient and a burden on resources.
3. Fixed term tenancies have not met the ambitions expected of them when they were first introduced.

RECOMMENDATIONS:

1. To receive and note report OS/21/13.
2. To note that Cabinet will be asked to approve the amendments to the FHDC Housing Service Tenancy Policy (as set out in Appendix 1) that will allow for the cessation in issuing fixed term tenancies, and the reversion to the use of secure tenancies for permanent council housing lettings.
3. To note that Cabinet will be asked to authorise officers to investigate and implement the most effective way to convert existing fixed term tenancies to secure tenancies.
4. To provide feedback on the use of fixed term tenancies for Council tenants.

1. BACKGROUND

1.1 Secure tenancies

The Housing Act 1980 introduced long-term security of tenure for most social housing tenants. The level of security of tenure offered by these tenancies has led to them being described as 'secure tenancies'. This means that, with some limited exceptions, if a secure tenant does not breach the conditions of their tenancy agreement, their tenancy will last as long as the tenant wants it to.

1.2 Fixed Term Tenancies

The Localism Act 2011 gave local authorities and housing associations the discretionary power to offer tenancies on a fixed term basis to new tenants after 1 April 2012.

The Government's reasoning at the time was to give social landlords greater freedom to manage their housing stock and tenants. Fixed term tenancies enable a review of the tenants' circumstances at the end of the fixed term to identify the most suitable housing option, which (in theory), may include moving the tenant on from social housing into the private or home ownership sector, or promoting other tenures such as shared ownership. This would then theoretically free up much needed and limited stock for others who need it. Fixed term tenants enjoy similar rights as secure tenants. These rights include the right to buy and right to repair. Although, unlike secure tenants, fixed term tenants do not have a statutory right to improve properties or be compensated for those improvements.

FHDC introduced the use of fixed term tenancies in 2013.

1.3 The Council's Current Approach

All new tenants are given a twelve-month introductory tenancy. Following successful completion of the introductory tenancy, a fixed term tenancy of three years (for general needs tenants) is given. This makes a total of four years. Independent Living tenants (sheltered and semi-sheltered housing), are issued a 9 year fixed term tenancy on completion of the introductory tenancy of 12-months, making a total fixed term of 10 years.

The fixed term tenancy is reviewed around nine months before the tenancy is due to end. This includes carrying out an assessment of the household's circumstances and income, and a property inspection. A Notice is then served on the tenant outlining what the Council intends to do at the end of the tenancy. This may include to:

- Give the tenant a new fixed term tenancy of four years at the same home (however, in exceptional circumstances a new two year fixed term tenancy may be given if there have been persistent minor breaches of the tenancy agreement)

OR

- End the tenancy and provide advice and assistance in finding an alternative home.

A tenant has the right to appeal any proposal by the Council not to give them another tenancy of their home, and procedures are in place to deal with this, although as will be explained in more detail below, this appeals process has never been used.

If the decision is made to not grant another tenancy, a further Notice will be served on the tenant giving not less than two months' notice in writing stating that the Council requires possession of the property. Appropriate advice and assistance will be provided to help the tenant find alternative accommodation. It is an expectation of the current FHDC Tenancy Strategy, that any decision not to renew should not result in a homelessness application being made.

1.4 The Numbers (all as at 14/01/22)

Since their introduction in 2013, a total of 1634 fixed term tenancies have been issued. This includes 'renewals' where a tenancy has come to the end of its fixed term, and a new fixed term tenancy has been issued to the household.

The current position is as shown in the table below:

Tenancy Type	Number
4 year fixed term	508
10 year fixed term	373
Introductory, to convert to 4 year	77
Introductory, to convert to 10 year	83
Other	13
total	1054
% of total stock	31% approx.

Approximately 70% of tenants still hold secure tenancies either because their tenancy began before 2013, or because the tenant has moved either by internal transfer or mutual exchange and retained their secure tenure.

254 tenancies have reached the end of their 1st fixed term and been reviewed. On review, **all have been issued with a new fixed term tenancy** and none have had a new tenancy refused.

Approximately 30 tenancies are coming up to the end of their 2nd fixed term tenancy within the next 6 months, and based on the history of reviews carried out so far, it is not expected that any will 'fail' the tenancy review and so will be offered a 3rd fixed term tenancy.

1.5 The original aims and objectives of the fixed term tenancy, and have they been met?

As mentioned in 1.2 above, the Government's reasoning at the time for tenancies on a fixed term was to give social landlords greater freedom to

manage their housing stock. Also to give social housing tenants the opportunity to move into our tenure, including home ownership, should they so wish. This would increase the amount of available social housing for those on the waiting list.

The table below sets out the original aims and objectives in more detail and considers whether they have been met for FHDC.

<p>Aim 1 - Fixed Term tenancies encourage social landlords to make the best use their housing stock.</p> <p>There is a high demand for social housing and fixed term tenancies provide an opportunity to create movement in the housing stock when tenants financial circumstances change; helping to make the best use of it for those most in need.</p>	<p>FHDC Situation - When looking at the reviews completed so far, tenants' income circumstances have not generally changed significantly over the fixed term, and in no cases has the household income level increased above the threshold that would lead to the tenancy not being renewed. Currently, 67% of (all) tenants are in receipt of Housing Benefit or Universal Credit to help pay their rent. Experience so far indicates these tenants would be likely to still be in receipt of benefits at the end of their fixed term. This means they are not in a position to consider more costly alternative housing options such as home ownership or private rent. Overall, it is extremely unlikely that tenants' income levels will change significantly enough to lead to the 'freeing-up' of housing stock.</p> <p>The Fixed term tenancy regime may actually act as a disincentive to tenants seeking work or better paid work, if there is a risk this could lead to them losing their home.</p>
<p>Aim 2 - Fixed Term tenancies have the opportunity to address over and under occupation in social housing.</p> <p>The 'one size fits all' secure tenancy model could contribute to an imbalance between the size of households and the homes in which they live, creating over time over and under occupation. Under the Council's current Tenancy Policy, if a Fixed Term tenant's home becomes too large for their needs or is no longer suitable for their needs, the Council could propose giving the tenant another tenancy but with a different property at the end of the fixed term. This in theory assists in</p>	<p>FHDC Situation</p> <p>The fixed term tenancy has never been used to deal with over-crowded households, as the vast majority of over-crowded households are already seeking more appropriate housing and are simply limited by the lack of suitable stock available to them.</p> <p>Most properties are fully occupied at the start of a tenancy and there is no evidence so far to indicate that households have become under-occupied by the time of their 1st or 2nd review. As time goes on, and children become adults etc., this may become more of an issue – but by that</p>

<p>ensuring tenants live in properties suitable for their needs.</p>	<p>time the tenancy will have been running for in excess of 12 years and raises questions about the ethics of requiring people to move out of their long-standing home. This touches on the view of the stigmatisation of social housing tenants as mentioned in 1.6 below.</p> <p>The Council already operates a downsizing incentive scheme where under-occupying tenants who register are placed in Band B of the Housing Register and can receive a financial incentive if they successfully bid for a smaller property.</p>
<p>Aim 3 - Fixed Term tenancies incentivise and support households to make the transition into private and home ownership tenures.</p> <p>The fixed term tenancy approach takes the view that some households may need social housing at a point in time but may not need it indefinitely. An original aim of Fixed Term tenancies was to ensure that a person's housing circumstances do not become a barrier to fulfilling aspirations for transition into private and home ownership tenures.</p>	<p>FHDC Situation</p> <p>Whilst the fact that a council tenancy is not permanent may in theory incentivise people to consider other housing options in the longer term, this is outweighed by the need for tenants to feel secure in their own homes and community through the guarantee of a long term home. There is no evidence that fixed term tenancies do support households into private renting or home ownership. Whilst we are proud of our housing service, it is fair to say that for some people if they were in a position to move into home-ownership, they probably would do so whether they had a fixed term tenancy or not.</p> <p>The lack of long-term security can in fact be a barrier to residents feeling settled and investing in their homes and their community. Even relatively low cost decisions such as whether or not to buy new carpets, or refurbish a garden will be affected if the tenant has no guarantees that they will be able to remain in their home for longer than four years.</p>
<p>4 – Using the tenancy review as a tool to deal with tenancy breaches – Whilst this was not a stated aim in the Localism Act 2011, it was initially thought that the 'break' in a tenancy would be a useful tool to deal with minor breaches of tenancy.</p>	<p>FHDC Situation</p> <p>Serious breaches of tenancy are dealt with as they occur and do not wait until the tenancy is due for review. The Council has robust procedures in place for dealing with tenancy breach, which are more effective than relying on the end of a fixed term tenancy.</p>

	<p>If a situation arose where a fixed term tenancy was ended due to a breach of the tenancy condition, the Council may still have an obligation to the tenants under the provisions of Homelessness legislation. This relates especially to families with children or adults with a recognised priority need. It would not be in the Council's interest to go through the lengthy process of bringing a fixed term tenancy to an end, only for the Housing Options team to have to pick them up as a homeless household.</p>
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1.6 The National Government position

Since the Localism Act 2011 was introduced, the Government's position on the use of fixed term tenancies in social housing has moved significantly. The Housing and Planning Act 2016 introduced provisions for the phasing out of secure tenancies, but the regulations, (that were intended to provide further detail on how local authorities will issue fixed term tenancies and what type of tenants will still be offered secure tenancies), have never been released.

Subsequently, the Government announced in the 'A New Deal for Social Housing' Green Paper in August 2018 that it has decided not to implement the provisions of the legislation at this time.¹

A shift in the Governments' view in recognising the value of secure tenancies can be further evidenced in the provisions contained in the Secure Tenancies (Victims of Domestic Abuse) Act 2018. This specifically requires that, where a secure tenant is moving due to domestic abuse, they should retain their existing security of tenure and not be offered a fixed term tenancy.

1.7 The Administrative Burden

As set out in section 1.4 above, FHDC currently has over 1000 fixed term tenancies, and this number is increasing. Approximately 254 fixed term tenancies have been reviewed, and so far, none has led to the return of a unit of social housing. This number is increasing and it is calculated that 150 reviews will fall due during the year 2022/2023.

The review involves a desktop review of the tenancy history, an interview with the tenant, a property inspection and a review of the tenant's financial circumstances. It has been calculated that – including the associated time for preparation, monitoring and management and so on – each fixed term tenancy review takes approximately 3.5 hours to fully complete. This results in an estimated 525 hours (14 weeks) of unproductive officer time per year,

¹ [A new deal for social housing \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/748222/a-new-deal-for-social-housing-green-paper.pdf)

and increasing. It is considered that this time could be much better spent on delivering services to tenants, and ensuring the health and safety of the estate.

If it is necessary to take legal action against a tenant with a fixed term tenancy, this can be significantly more complicated (and therefore expensive) than it would be for a normal secure tenancy.

Because secure tenancies are less complicated from an administrative and legal perspective, the end of fixed term tenancies would reduce the burden on other teams such as Case Management and Income Teams.

This is an inefficient use of officer time and as we move in to a phase within the housing service where we are looking to increase efficiencies and effect savings an administrative burden at this level is not sustainable.

1.8 Peer Review

Of the three other Local Authorities that used to be part of East Kent Housing, all have either stopped using fixed term Tenancies, or are in the process of doing so.

Nationally, the use of fixed term tenancies is low, the Governments' Equality Impact Assessment on Tenancies in May 2016 said that in 2014/15 only 15% of social housing tenancies were let on a fixed term basis.

1.9 FHDC Tenancy Policy

The types of tenancy that FHDC will offer is set out in the FHDC Housing Service Tenancy Policy. If the decision to cease the use of fixed term tenancies is approved, this Policy will need to be amended. Details of the current wording of the Policy and the proposed amendments, are attached at Appendix 1.

1.10 Existing Fixed Term Tenancies

If the decision to cease the use of fixed term tenancies is approved, there will be a question over what to do with the 1000+ fixed term tenancies that are currently in place. These could either be left to 'run their course' and be converted to secure tenancies as they expire, or there could be a programme of work to get all current fixed term tenancies converted to secure tenancies as soon as possible.

There are benefits and difficulties with both options, so if the main recommendation of this report is approved, officers would investigate and decide on the most efficient, low risk and cost effective course of action.

2. CONSULTATION

2.1 A summary of this report is to be presented to the Strategic Tenants' Advisory Panel (STAP) on 10 February.

2.2 Subject to any comments for STAP, a wider (non-statutory) consultation with council tenants is scheduled to be completed in advance of the

Cabinet meeting in March 2022. If this consultation raises any significant issues or concerns about these proposals, the situation will be reviewed and will not be taken forward until the matters raised have been fully considered.

Because the proposals are for the benefit of existing and future tenants, it is not anticipated that the consultation will raise any significant issues.

3. OPTIONS

- 3.1 There are no other practical options. If the recommendations are not approved, the Council will continue with the use of fixed term tenancies.

4. RISK MANAGEMENT ISSUES

- 4.1 There is not a great deal of risk management involved in this issue

Perceived risk	Seriousness	Likelihood	Preventative action
Council tenancies will not be checked or reviewed on a regular basis.	medium	low	<ol style="list-style-type: none"> 1. The Housing Service has an ongoing programme of Tenancy Audits where tenants are interviewed and their circumstances checked. This helps ensure that we know our tenants and can deal with any issues. 2. The Council will maintain the system of Introductory Tenancies whereby all tenants who are new to social housing are met with at least three times during the first year, and their conduct reviewed before the tenancy can convert to a secure tenancy.
Council tenants will remain in homes they no longer 'need'.	medium	low	An under-occupation incentive scheme is in place with cash incentives to tenants who give up larger homes.
The Council will be less able to deal with breaches of tenancy or 'problem' tenants	medium	low	The Council has clear procedures in place for dealing with breach of tenancy including the Rent Arrears Procedure and the ASB Procedure. These breaches are dealt with as they arise.

7. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

7.1 Legal Officer's Comments

There are no legal implications arising directly from this report.

7.2 Finance Officer's Comments

There are no financial implications arising directly from this report.

7.3 Diversities and Equalities Implications

If the recommendations are approved, the Tenancy Policy Equalities Impact Assessment will be reviewed and updated to reflect the changes.

It is considered that the diversity and equalities implications are all positive however for numerous reasons including the following.

7.3.1 All Council tenants will have the same tenancy, there will not be the 2-tier system based purely on how long someone has been a council tenant that exists at the moment.

7.3.2 Families with school age children will have the security of knowing that their tenancy will not be disrupted during the children's' education.

7.3.3 Households where a member is or becomes disabled will have the security of the guarantee of a long-term home, so they will be able to consider long term arrangements such as care, or adaptations.

7.4 Climate Change Implications (AT/HS)

As this is an administrative change, these proposals have no particular climate change implications.

8. CONTACT OFFICERS AND BACKGROUND DOCUMENTS

Councillors with any questions arising out of this report should contact the following officer prior to the meeting

Tom Harding, Neighbourhood Management Senior Specialist

T: 07395 258426

DD: 01303 853715

Email: tom.harding@folkestone-hythe.gov.uk

The following background documents have been relied upon in the preparation of this report: None

Appendices:

Appendix 1: Current and proposed wording to the FHDC Tenancy Policy

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TENANCY POLICY

Date of policy	March 2021
Date for review	March 2024
Policy author	Helen Sudbury, Housing Operations Lead Specialist
Policy owner	John Holman, Assistant Director Housing
Approved by	Cabinet 17.3.21

REVISION HISTORY			
Version	Date	Revision description	Revision author
0.1	October 2020	Draft policy	Helen Sudbury
0.2	24 November 2020	Updated in light of EIA	Jonathan Hicks

NEW POLICY / POLICY REVIEW	
New policy	Yes
Early review – change in legislation	
Early review – significant changes in practice	
Review due – significant changes	
Review due – cosmetic changes or unchanged	
Other reason	

REASON FOR NEW POLICY / SUMMARY OF CHANGES
New Housing Service for FHDC October 1 2020

CONSULTATION	
List of people/roles who have been consulted	Date
STLB	
HMT	

Housing Operations Legal Services	
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EQUALITY IMPACT ASSESSMENT	Completed	Date
	YES	24/11/20

DISSEMINATION		
Role	Awareness	Essential
All housing and associated staff	Yes	

TRAINING		
Role	Trainer	Date completed
Team managers		30.4.21

MONITORING AND COMPLIANCE		
Method	Responsibility	Frequency

1. Purpose of the Policy

1.1 The purpose of this policy is to set out the tenancies offered by Folkestone and Hythe District Council (FHDC) and the way in which we administer tenancy related matters.

2. Legal / Regulatory Framework

2.1 As part of The Regulator of Social Housing's regulatory framework, within the Tenancy Standard, it is a requirement that registered providers publish a Tenancy Policy.

2.2 The primary legislation with regard to FHDC tenancies is the Housing Act 1985 (as amended).

3. The Policy

3.1 Access to housing

3.1.1 FHDC administers its housing waiting list, within the Kent Homechoice choice-based lettings scheme. Those who wish to access our housing or transfer within it must apply to the housing waiting list.

3.1.2 Tenants moving directly from another social landlord will be offered a tenancy that is no less secure than the one they are leaving.

3.2 Types of tenure that FHDC offers

3.2.2 Ownership; our development programme includes building homes for shared ownership. We also have leasehold properties within our existing stock portfolio.

Remove

~~3.2.3 Secure tenancies; for those tenants who had secure tenancies prior to the policy change, to offer secure flexible tenancies, in December 2012.~~

~~3.2.4 Secure flexible tenancies; for those who have become new tenants since the policy change not to offer life time tenancies in December 2012. Secure flexible tenancies are offered for a period of 4 years, including the one year introductory tenancy period.~~

Replace with

3.2.3 FHDC will offer secure tenancies to new tenants and to existing tenants transferring within the council stock.

3.2.5 Introductory tenancies; which may be extended to eighteen months to deal with any serious tenancy breaches and may be failed if those breaches are not satisfactorily resolved.

Remove

~~3.3 In some circumstances, where a housing applicant has a history of anti-social behaviour, but we are not going to exclude them, we may wish to allocate two year tenancies, including the Introductory tenancy period.~~

~~3.4 Applicants for independent living and semi-sheltered accommodation are offered a ten year tenancy including the one year introductory tenancy.~~

4. Tenancy sustainment

4.1 Our primary aim is to ensure successful tenancies, and we have a range of activities to ensure tenancy sustainment and prevent unnecessary eviction.

4.2 Prior to the end of Secure Flexible tenancies, there is a review process to ensure that the tenants' circumstances still qualify them for social housing and there are no serious breaches of tenancy. If they do and there are no breaches, a new tenancy will be granted. This review process includes an appeal mechanism in the event of the tenant being dissatisfied with the outcome.

5. Joint tenancies

5.1 Tenants who make a joint housing application will be offered a joint tenancy. We will grant joint tenancies on request by any two persons living together as partners, regardless of gender or marital status. Applications for joint tenancies between other relatives or friends will only be granted in exceptional circumstances.

5.2 The creation of a joint tenancy during the lifetime of the tenancy will be considered providing the partners have lived together for a minimum of 12 months.

6. Assignment

6.1 Assignment is the transfer of a tenancy from the tenant to another party.

6.2 Unless the assignment is brought about by an order of the court or by way of succession, both the tenant and the landlord will need to sign a Deed of Assignment.

7. Succession

7.1 FHDC administers successions in line with legislation.

7.2 FHDC may in exceptional circumstances grant a new tenancy to someone who was living with the tenant at the time of their death where FHDC is not required to do so by law.

8. Mutual exchanges

8.1 FHDC is committed to providing tenants with as many options for moving home as possible. We will subscribe to Homeswapper to facilitate tenants' applications for mutual exchanges and will administer requests in accordance with our Mutual Exchange Procedure.

9. Grounds for possession

9.1 In order to gain possession of a tenancy we will use the appropriate Ground in Schedule 2 of the Housing Act 1985 (as amended).

9.2 For Introductory tenancies we will use a Notice Requiring Possession under Section 21 of the Housing Act 1988.

9.3 Where mandatory grounds for possession are used, FHDC operates an appeal process prior to such a possession claim being made.

10. Key controls and reporting

10.1 All the activities in this Policy have associated detailed procedures so that employees operate within the regulatory and legislative frameworks.

11. Associated Documents

11.1 This Policy should be read in conjunction with the associated documents:

- Allocations Policy
- Flexible Tenancy Reviews Procedure
- Assignment Procedure
- Succession Procedure
- Mutual Exchange Procedure
- Grounds for Possession Procedure

12. Equality and Diversity

12.1 FHDC recognise that different people and communities may have specific needs which may require flexible approaches. We also appreciate that some groups or individuals may experience discrimination and disadvantage. This may be due to their protected characteristics under the Equality Act 2010. We believe that everyone should be treated with dignity, respect and fairness, regardless of their characteristics.

12.2 Our properties are allocated through a choice-based lettings system to ensure that people are housed in line with their housing need.

12.3 An Equality Impact Assessment has been carried out on this policy which will be updated in line with policy reviews (see below,) to ensure there is no discrimination and opportunities to improve equality and access are maximised.

12.4 In exceptional circumstances (for example, where offices are closed for long periods of time) we will review our procedures and practices to ensure our services remain as accessible as possible and no groups are disproportionately affected.

12.5 Where people are unable to access on-line services we will support them or signpost them for support to enable them to access such services.

13. Review

13.1 This Policy will be reviewed every 3 years by the person who is in the job role of the author. If necessary, this Policy will be reviewed sooner to incorporate legislative, regulatory, best practice developments, council decision or address operational issues.