

**Decision Maker:** **EXECUTIVE**  
For Pre-decision scrutiny by the Renewal, Recreation and Housing Committee on 16<sup>th</sup> March 2022

**Date:** 30<sup>th</sup> March 2022

**Decision Type:** Urgent Executive Key

**Title:** **AGREEMENT FOR THE USE OF VARIOUS TENANCY AGREEMENTS FOR BROMLEY OWNED HOUSING**

**Contact Officer:** Lynnette Chamielec, Assistant Director of Housing  
Lead Officer Tel: 0208 313 4009 E-mail:  
[Lynnette.chamielec@bromley.gov.uk](mailto:Lynnette.chamielec@bromley.gov.uk)

**Chief Officer:** Sara Bowrey, Director of Housing, Planning & Regeneration.

**Ward:** All

---

## 1. REASON FOR REPORT

- 1.1 As a result of the Council owning its own Housing Stock Officers are seeking formal approval for the Council to adopt the use of a variety of Tenancy Agreements for Bromley Owned Housing.
- 

## 2. RECOMMENDATION(S)

- 2.1 The Renewal, Recreation and Housing PDS Committee are asked to note the report and provide their comments for consideration by the Executive.

The Executive are asked to:

- 2.2 Agree for Housing officers to grant the following Tenancy Agreements to Bromley Residents residing in Bromley owned housing as set out in para 3.10 of this report.
- 2.3 Delegate Authority to the Director of Housing, Planning & Regeneration in consultation with the Director of Corporate Services to finalise the Tenancy Agreements and implement and issue to individual tenants.

- 2.4 To note that Officers are working with Campbell Tickell to produce a full suite of amended and/or new Policies and Procedures that will come back to the Executive in June/July 2022 that will support the Councils statutory obligations with regards to its own housing.

### Impact on Vulnerable Adults and Children

1. Summary of Impact: The Council's house building programme is focused on affordable housing and seeks to ensure that vulnerable adults and young people are supported to remain in their own homes wherever possible or to secure alternative suitable and sustainable accommodation solutions.
- 

### Corporate Policy

1. Policy Status: Existing Policy: The new tenancy agreements support existing priorities set out in the Council's Housing Strategy to support Bromley Residents into permanent homes.
  2. BBB Priority: Children and Young People Excellent Council Safe Bromley Supporting Independence:
- 

### Financial

1. Cost of proposal: Not Applicable:
  2. Ongoing costs: Not Applicable:
  3. Budget head/performance centre: Housing Needs Budget
  4. Total current budget for this head: £7.7m (2022/23)
  5. Source of funding: Existing Revenue Budget
- 

### Personnel

1. Number of staff (current and additional): N/A
  2. If from existing staff resources, number of staff hours'/A
- 

### Legal

1. Legal Requirement: Statutory Requirement: See Section 8
  2. Call-in: Applicable:
- 

### Procurement

1. Summary of Procurement Implications: N/A
- 

### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): There are approximately 1,700 households in Temporary Accommodation to whom the Council owes a statutory duty, of which around 1,166 are in costly forms of nightly paid temporary accommodation.
- 

### Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable

2. Summary of Ward Councillors comments: N/A

### **3. COMMENTARY**

- 3.1 The Council transferred its housing stock to Clarion Housing Association (formerly known as Broomleigh) in 1992. In July 2020 Council approved the re-opening and setting up of a Housing Revenue Account (“HRA”) for the provision of affordable housing.
- 3.2 The Council was registered as a provider of social housing by the regulator on 29 September 2020 (Reg no: 5103). Under the regulations the Council can hold up to 200 units of accommodation outside of the HRA. The Council have the authority of the Secretary of State to hold the initial 60 units that are currently being developed within the General Fund.
- 3.3 The Executive approved the initial 3 Council led developments at Burnt Ash Lane Kevin Fenton Mews), Bushell Way (Chris Whitty Place) and Anerley Car Park (George Grove Road). Under the Housing & Regeneration Act 2008 and the Housing and Regeneration Act 2008 (Registration of Local Authorities) Order 2010 despite the initial 60 properties being held in the General Fund and regardless of the management and accounting arrangements in place for the social housing stock, as the Council is the landlord of the social housing they will be regulated as a registered provider and are required to satisfy certain legal requirements.
- 3.4 In September 2021, the Director of Housing, Planning and Regeneration through the Assistant Director of Legal awarded a contract via an exemption from competitive tendering to Trower’s & Hamlin to author a number of Tenancy Agreements for the use for tenants residing in Bromley owned properties with a view to Discharging the Council’s statutory housing duties.

#### **Summary of Business Case**

- 3.5 The Council has an existing framework of policies through the Allocations Policy and Tenancy Strategy and Tenancy Management policy in addition to policies and procedures through existing contracts to manage our tenancies that support the use of Introductory and Secure Tenancy agreements for Bromley residents.
- 3.6 As the Council has not held its own stock for a considerable amount of time and are relatively new as a registered Social Housing Provider due to the small number of properties at this stage, these existing frameworks and contracts with Registered Providers will enable the robust and fair management of our tenancies and our ambition to sustain those tenancies .
- 3.7 As Bromley increases its own stock, we will need to develop a number of our own additional policies and procedures to support our robust management and to ensure that we continue to meet all of our statutory responsibilities in respect of being a Social Housing Landlord in addition to ensuring that we introduce a financially sustainable model now and in the future.
- 3.8 Officers are already working with Campbell Tickell on its policies and procedures in relation to the Council becoming a Social Housing Provider and owning its suite of policies and procedures to ensure compliance as a statutory landlord including the aligning of the Orchard & Shipman Policies and Procedures in the interim whilst they manage these properties on behalf of the Council. Further Policies, Procedures and Frameworks will be brought forward for Member’s consideration in early Summer 2022.
- 3.9 In addition to the Policies, Procedures and frameworks and given the nuances of the various different types of Bromley owned stock and the wider transformation programme Officers are proposing to bring a Gateway 0 report back to the Executive in Summer 2022 setting out the procurement principles with a Gateway 1 report to follow in the Autumn of 2022 setting out the

business case and details of any proposed Procurement for the longer-term Housing Management arrangements.

3.10 It is anticipated that the initial 60 properties will be ready for tenancing over the next 6 to 8 weeks and Officers are looking to grant the following tenancies to these households and all future households accommodated in Bromley owned stock moving forward in compliance with our statutory duties and tenancy policy to support the sustainment of households within longer term permanent accommodation:

- New tenants moving in to one of our homes will be offered an introductory tenancy for a period of 12 months.
- If the tenancy proves to be successful for all parties, then a tenant will be moved onto a Secure tenancy.
- If concerns are identified during the Introductory Tenancy a tenant will be offered a Fixed Term Tenancy for a further period of 4 years, to enable the Council and its partners to support the longer-term sustainability of that tenancy. (Although the Council reserves the right to end the tenancy if it is required).
- If the Fixed Term Tenancy is successful, the tenant will be converted to a Secure Tenancy after the fixed term period.
- Existing tenants who hold a Secure Tenancy will be offered the Secure Tenancy Agreement.
- As a last resort, if there is a breach of tenancy and the breach cannot be resolved by non-legal remedies, then we will take legal action to resolve the issue or to recover possession of the property. Where appropriate demotion of an already secure tenancy as a viable alternative to repossession may be considered.

### **Service Profile / Data Analysis**

3.11 More than 5,000 households' approach with housing difficulties which could lead to homelessness each year. There are currently approximately 1,700 Bromley households in Temporary Accommodation these are predominantly located outside, the borough. This includes c.1,166 households in costly and unsatisfactory nightly paid Temporary Accommodation. It costs the Council an average of £6,100 per household in Nightly Paid accommodation, this in turn puts a strain on LBB's budgets which impacts on other services.

## **4. IMPACT ASSESSMENTS**

4.1 The Management of these units will enable the Council to support residents to remain close to specialist services and schooling and minimise the cost of providing essential support services such as SEN transport. The units also enable the Council to maintain close access to employment for those that work locally. The proposed tenancies will assist in the robust management of our new housing stock with clearly detailed responsibilities for both tenants and the Council as the landlord.

## 5. POLICY CONSIDERATIONS

- 5.1 The Council has a number of statutory rehousing duties. This Contract will support the Council to ensure a sufficient supply of accommodation to meet its statutory rehousing duties as a statutory landlord.
- 5.2 The Council has a published Homelessness and Housing Strategies, which sets out the approved strategic policy in terms of homelessness and housing provision. This includes temporary accommodation and settled housing provision to reduce the reliance on nightly paid accommodation. The Council already works with a range of providers in the provision of affordable housing and the option of an HRA increases the range of options available to maximise access and supply to affordable housing provision.
- 5.3 The Council are working with Campbell Tickell on its suite of policies and procedures in relation to the Council becoming a Social Housing Provider and owning its own housing stock to ensure that all the required policies and procedures are in place to ensure compliance as a statutory landlord including the aligning of the Orchard & Shipman Policies and Procedures in the interim whilst they manage these properties on behalf of the Council.

## 6. IT AND GDPR CONSIDERATIONS

- 6.1 There are no direct IT or GDPR considerations as a result of agreeing to grant the different types of Tenancy agreements. The issuing of the Tenancy Agreements will be managed by the Council's appointed Managing Agent Orchard & Shipman where we have already covered of the exchange of data and the GDPR implications. Officers will continue to consult with the Head of Information as required.

## 7. PERSONNEL CONSIDERATIONS

- 7.1 There are no direct resource implications as a result of agreeing to grant the different types of Tenancy agreements. Any future resource requirements will be set out and addressed in future reports.

## 8. LEGAL CONSIDERATIONS

- 8.1 A tenancy agreement creates a legally binding contract between landlord and tenant. The Council needs to have in place the different types of tenancy agreements listed in paragraph 3.10 to distinguish between tenancy types. The terms and conditions of tenancy will specify the obligations and rights of landlord and tenant and set out other legal essential terms.

<b>Non-Applicable Sections:</b>	Financial Considerations, Procurement Rules, Strategic Property, Impact Assessments, Procurement and Project Timescales and Governance Arrangements, Stakeholder Engagement, Social Value and Local / National Priorities, Market Considerations, Options Appraisal and Preferred Option
Background Documents: (Access via Contact Officer)	[Title of document and date]

