

**North East Derbyshire District Council**

**Cabinet**

**27 November 2025**

**Tenancy Policy**

**Report of Councillor N Barker, Leader of the Council and Portfolio Holder for  
Strategic Leadership and Finance**

Classification: This report is public

Report By: **Lee Pepper**

Contact Officer: Diane Parker

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**PURPOSE / SUMMARY**

The Localism Act 2011 placed a new duty on local housing authorities to prepare and publish a Tenancy Policy. These provisions came into force on 15 January 2012. The Tenancy Policy has been reviewed since implementation with the latest being November 2025.

The aim of the Tenancy Policy is to set out the types of tenancies used by the Council and matters to which Registered Providers of social housing in the district are to have regard in formulating their tenancy policies when using their flexibilities as social landlords.

A key amendment in the Choice Based Lettings and Allocations Policy is to remove Flexible Tenancies as these types of tenancies are no longer offered by the council, therefore these also need removing from the Tenancy Policy as a tenancy option.

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**RECOMMENDATIONS**

1. Cabinet to agree the proposed amendments to remove Flexible Tenancies from the Tenancy policy and adopt the draft policy.

Approved by the Portfolio Holder – Cllr Barker, Portfolio Holder for Strategic  
Leadership and Finance)  
(Delete completely for Scrutiny Reports)

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## IMPLICATIONS

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**Finance and Risk:** Yes ☐ No ☒

**Details:**

On Behalf of the Section 151 Officer

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**Legal (including Data Protection):** Yes ☐ No ☒

**Details:**

There are no legal implications to the amendments and data protection will be in accordance with the Council's and Rykneld Homes Limited's data protection and GDPR policy and procedures.

The policy is in line with legislation.

On Behalf of the Solicitor to the Council

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**Staffing:** Yes ☐ No ☒

**Details:**

There will be no staffing implications as existing employees at Rykneld Homes Limited and the Councils Housing Options team will implement the amendments.

On behalf of the Head of Paid Service

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<b>Decision Information</b>	
<b>Is the decision a Key Decision?</b> A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:  <b>NEDDC:</b> <b>Revenue - £125,000 <input type="checkbox"/> Capital - £310,000 <input type="checkbox"/></b> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
<b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)	No
<b>District Wards Significantly Affected</b>	All indirectly
<b>Equality Impact Assessment (EIA) details:</b>	
<b>Stage 1 screening undertaken</b> <ul style="list-style-type: none"> <li>Completed EIA stage 1 to be appended if not required to do a stage 2</li> </ul>	Yes, superseded by stage 2
<b>Stage 2 full assessment undertaken</b> <ul style="list-style-type: none"> <li>Completed EIA stage 2 needs to be appended to the report</li> </ul>	Yes, appended.

<b>Consultation:</b> <b>Leader / Deputy Leader</b> <input checked="" type="checkbox"/> <b>Cabinet</b> <input type="checkbox"/> <b>SMT</b> <input type="checkbox"/> <b>Relevant Service Manager</b> <input checked="" type="checkbox"/> <b>Members</b> <input checked="" type="checkbox"/> <b>Public</b> <input checked="" type="checkbox"/> <b>Other</b> <input checked="" type="checkbox"/>	Yes  Details: Consultation was carried out for the key amendment to policy with: <ul style="list-style-type: none"> <li>• Members (email/online survey)</li> <li>• Scrutiny committee</li> <li>• The public (online survey)</li> <li>• Waiting list applicants (letter and online survey)</li> <li>• Other housing providers and external organisations online survey.</li> <li>• Advertised on social media</li> <li>• The consultation survey was available on Rykneld Homes website with a link from the Council's website</li> </ul>
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<b>Links to Council Plan priorities;</b> <ul style="list-style-type: none"> <li>• <b>A great place that cares for the environment</b></li> <li>• <b>A great place to live well</b></li> <li>• <b>A great place to work</b></li> <li>• <b>A great place to access good public services</b></li> </ul>
A great place to live well A great place to access good public services

## REPORT DETAILS

### 1 **Background** *(reasons for bringing the report)*

- 1.1 The Tenancy Policy provides a statutory framework for how social rented housing is provided in the district, it also links with the Choice Based Lettings and Allocations Policy and Homelessness Code of Guidance and outlines the Council's position on the following social housing reforms:

- Affordable Rent
  - Flexible Fixed term Tenancies
  - Discharge of Homelessness Duty by offer of accommodation in the private rented sector
  - Change to Succession Rights.
- 1.2 Flexible Tenancy's were offered as part of a pilot scheme prior to this type of tenancy being introduced nationally as a statutory requirement, this was never introduced, therefore the use of flexible tenancies is not a regulatory requirement.
- 1.3 Although these tenancy types were an option very few were issued and more recently these are no longer offered to applicants.
- 1.4 A full consultation has been carried out for 28 days, ending 5 September 2025, receiving 205 respondents. 85.8% of the respondents agreed with the proposed amendment to remove Flexible Tenancies.

## **2. Details of Proposal or Information**

- 2.1 There has been limited use of Flexible Tenancies and only used for Domestic Violence cases for applicants with equity. Due to the Domestic Abuse Act 2021 these applicants can no longer have Flexible Tenancies and must be issued with a secure/assured tenancy.
- 2.2 Flexible Tenancies has been identified as a key policy amendment when reviewing the Choice Based Lettings and Allocations Policy.
- 2.3 The Key proposed amendments is to remove Flexible Tenancies as a tenancy option from policy due to no longer offering these types of tenancies.
- 2.4 The Tenancy Policy requires amending in line with the Choice Based Lettings and Allocations policy.
- 2.5 The draft policy can be found in **Appendix 1**.

## **3 Reasons for Recommendation**

- 3.1 Removing Flexible Tenancies ensures any tenancy offered through Rykneld Homes on behalf of the Council will be a secure lifetime tenancy.
- 3.2 Issuing lifetime tenancies gives more security and stability to those who are in most housing need requiring settled accommodation.

## **4 Alternative Options and Reasons for Rejection**

- 4.1 An alternative option was not to amend the policy, however this would not be in line with the proposed amendments to the Choice Based Lettings and Allocations Policy, therefore this was rejected.

- 4.2 If Flexible Tenancies remain in the policy, not offering these types of tenancies could be challenged by the Regulator of Social Housing.

## DOCUMENT INFORMATION

Appendix No	Title
1	Draft Tenancy Policy
2	EIA
<b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet you must provide copies of the background papers)	