



Agenda

**Notice of a public meeting of Community Development
Directorate - Executive Members
and Corporate Director Meetings**

To: Councillors Bastiman and Simon Myers.

Date: Wednesday, 11th September, 2024

Time: 10.00 am

Venue:

Under his delegated decision making powers in the Officers' Delegation Scheme in the Council's Constitution, the Chief Executive Officer has power, in cases of emergency, to take any decision which could be taken by the Council, the Executive or a committee. Following on from the expiry of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, which allowed for committee meetings to be held remotely, the County Council resolved at its meeting on 21 July 2021 that, for the present time, in light of the continuing Covid-19 pandemic circumstances, remote live-broadcast committee meetings should continue (as informal meetings of the Committee Members), with any formal decisions required being taken by the Chief Executive Officer under his emergency decision making powers and after consultation with other Officers and Members as appropriate and after taking into account any views of the relevant Committee Members.

The meeting will be available to view once the meeting commences, via the following link - www.northyorks.gov.uk/livemeetings Recordings of previous live broadcast meetings are also available there.

Business

1. Declarations of Interest

Items for decision by the Executive Member for Culture, Arts & Housing

2. Tenancy Strategy, Tenancy Policy and Consultation Plan *(Pages 3 - 46)*
3. Any Other Items of Business
4. Date of Next Meeting

Barry Khan

Enquiries relating to this agenda please contact Tel:
or e-mail

Website: www.northyorks.gov.uk

Assistant Chief Executive
(Legal and Democratic Services)

County Hall
Northallerton

Date Not Specified

North Yorkshire Council

Executive Member for Culture, Arts and Housing

11 September 2024

North Yorkshire Council Tenancy Strategy and Tenancy Policy consultation

Report of the Corporate Director Community Development

1.0 PURPOSE OF REPORT

- 1.1 To seek permission from the Executive Member for Culture, Arts and Housing to undertake consultation on the Council's draft Tenancy Strategy and accompanying Tenancy policy.

2.0 SUMMARY

- 2.1 This report highlights the need for the Council to undertake consultation on its draft Tenancy Strategy (Appendix A). The Tenancy Strategy is a high-level framework of shared objectives and principles relating to tenancy issues which will provide guidance for North Yorkshire Council (NYC) and partners who manage affordable housing across North Yorkshire.
- 2.2 There is an accompanying Tenancy policy which sets out what the Councils' approach will be to management of its homes and covers a broad range of issues including what type of tenancies it will issue. The Draft North Yorkshire Tenancy Policy (Appendix B) harmonises the three existing policies which remain in operation in the former Harrogate, Richmondshire and Selby council areas.
- 2.3 Registered Providers (which includes North Yorkshire Council) are required by law to meet the expectations set out in the Regulator of Social Housing's consumer standards (Tenancy Standard). The draft Tenancy policy has been updated to ensure that we can fulfil the expectations set out in this particular standard.

3.0 BACKGROUND

- 3.1 The Council is required to produce a Tenancy Strategy in order to meet the requirements of section 150 of the Localism Act 2011.
- 3.2 Similarly, the Housing Service (and which includes Landlord Services responsible for the management of the current housing stock and which is primarily located across the Harrogate, Richmond, and Selby, localities) is required to adopt a Tenancy policy to set out how we will manage our homes and what type of tenancies we will grant to meet the requirements set out in the Social Housing Regulation Act 2023.

4.0 TENANCY STRATEGY & POLICY

- 4.1 The Localism Act places an obligation on each local authority to have a tenancy strategy which is drafted in consultation with the housing providers. It sets out the expectations of registered providers operating in the Local Authority area and provides guidance on the Council's preferred approach to tenure and affordability.

- 4.2 North Yorkshire Council has a strategic ambition to become an exemplar social landlord and part of this ambition is the standard that we set, the support we provide and the example that we set to other Registered Provider in the area.
- 4.3 The Tenancy Strategy proposed is based upon the objectives of affordability, sustainability and accessibility. The strategy aims to provide affordable housing tenancies for customers which meet local housing needs, provide support to those who need it, improve choice, and contribute to sustainable communities and economic growth and recovery.
- 4.4 The Tenancy Strategy should be drafted in consultation with Registered Providers in the area. Therefore, if approved the draft will be made available on the public consultation area of the Council website for a period of 8 weeks with a specific start date yet to be agreed. It will also be circulated for comment to the York and North Yorkshire Housing Partnership (YNYHP) and to the Registered Providers operating in the area which are outside of that partnership.
- 4.5 **TENANCY POLICY**
This proposed policy is a revised policy which was initially developed as part of the preparations for Local Government Re-Organisation. It has been refined further still to ensure that it is up to date, reflects current best practice and to confirm that we remain compliant with the Regulator of Social Housing's consumer standards.
- 4.6 Unlike other housing management policies, there was significant variation as to how the former legacy Councils approached this area with regards to the types of tenancies they would issue and the rights they would grant to their tenants.
- 4.7 For example, both Selby and Harrogate chose to use the discretion afforded to them through the Localism Act 2011, to offer secure flexible tenancies for new social housing tenants rather than secure lifetime tenancies. This was because they each viewed this as an opportunity to meet their housing needs in a more flexible way. Richmondshire on the other hand, and in keeping with other registered providers operating across North Yorkshire, took the opposite view. They, together with their tenants, determined that the use of flexible tenancies was inconsistent with their aspirations to develop and support sustainable communities.
- 4.8. It is therefore proposed that NYC will adopt the approach taken by Richmondshire and other registered providers and look to offer the most secure form of tenure to its tenants. This would mean that we would cease to offer flexible tenancies, and all current flexible tenants would convert to fully secure tenants through the operation of time.
- 4.9 The Localism Act 2011 also reduced the rights of succession to spouses and civil partners and which in effect removed the ability for the tenants grown up children or long-term carers who may have lived in the property as their principal home to succeed to the tenancy. Local authorities could however choose to grant such rights if they so wished.
- 4.10 Again, as was the case with the use of flexible tenancies, both Selby and Harrogate opted not to grant such rights meaning that all new tenants from 1st April 2012 onwards had less rights than those who were already tenants at this point. Richmondshire however chose to limit the rights of succession in this way on the basis that the numbers were not that high and successions took place at a difficult time emotionally.
- 4.11 It is therefore proposed that NYC will look to grant these rights of succession to all tenants who qualify and who meet the relevant criteria.
- 4.12 There are a few other minor changes proposed within the draft tenancy policy relating to who can request a joint tenancy and these will form part of the consultation process. Appendix C outlines the key policy points which will form our public consultation.

- 4.13 It is in accordance with North Yorkshire Councils consultation principles that a public consultation be carried out before new policy is adopted or significantly changed. It is intended that the public consultation on the Draft Tenancy Policy, will run concurrently with the consultation period agreed for the Draft Tenancy Strategy.
- 4.14 The draft document will be published on the consultation area of the NYC website and will be promoted to tenants and stakeholders through targeted communications.
- 4.15 The results of our consultation activity will be analysed and taken into consideration in the review of both the strategy and the policy and the outcomes will accompany the subsequent decision report.

5.0 CONTRIBUTION TO COUNCIL PRIORITIES

- 5.1 The Tenancy Strategy and Tenancy policy contribute principally to the following Council priorities:
- Place and Environment: Communities are supported and work together to improve their local area.
 - People: People are free from harm and feel safe and protected.

6.0 ALTERNATIVE OPTIONS CONSIDERED

- 6.1 As a local authority, it is a legal requirement to comply with all relevant legislation and which in this case means the requirements set out within the Localism Act 2011.
- 6.2 As a registered provider of social housing, it is a legal requirement to comply with the Regulator of Social Housing's consumer standards (Tenancy Standard).

Specifically, this particular standard states that, 'Registered providers shall publish clear and accessible policies which outline their approach to tenancy management, including interventions to sustain tenancies and prevent unnecessary evictions and tackling tenancy fraud.'

- 6.3 North Yorkshire Council has already self-referred to the Regulator indicating that it is non-compliant with several requirements across the consumer standards. Failing to harmonise this policy could create a risk of additional non-compliance and further undermine the organisations' credibility.

7.0 FINANCIAL IMPLICATIONS

- 7.1 There are no anticipated financial implications associated with consulting on these draft documents.

8.0 LEGAL IMPLICATIONS

- 8.1 As stated above it is a legal requirement for the Council to have an up-to-date Tenancy Strategy.
- 8.2 It is a requirement of the Regulator of Social Housing Transparency, Influence and Accountability standard for a Registered provider, 'to take tenant's views into account in their decision making about how landlord services are delivered and communicate how tenant's views have been considered.'

8.3 It is also good practice and in line with North Yorkshire Councils own consultation principles to consult on a policy which concerns a significant number of its residents (tenants).

9.0 EQUALITIES IMPLICATIONS

9.1 An initial Equalities Impact Assessment screening form has been completed and reviewed internally. (Appendix D)

9.2 No detrimental effects were identified by the Equalities Impact Assessment screening form however we will complete a full Equalities Impact Assessment following the conclusion of the consultation process as previous versions are now significantly out of date.

10.0 CLIMATE CHANGE IMPLICATIONS

10.1 A climate change impact assessment screening form has been completed acknowledging that there are no significant impacts. (Appendix E)

11.0 POLICY IMPLICATIONS

11.1 The draft Tenancy policy will replace the three existing Tenancy policies.

11.2 The landlord service would adopt the policy, following approval, no later than from 1st April 2025 onwards.

12.0 RISK MANAGEMENT IMPLICATIONS

12.1 The Council (in its role as Social Housing Landlord) risks not being compliant with the Regulator of Social Housings' consumer standards.

13.0 REASONS FOR RECOMMENDATIONS

13.1 It is a requirement of the Regulator of Social Housing Transparency, Influence and Accountability standard for a Registered provider, 'to take tenant's views into account in their decision making about how landlord services are delivered and communicate how tenant's views have been considered.'

13.2 It is in accordance with North Yorkshire Councils consultation principles that a public consultation be carried out before this strategy and policy are adopted.

14.0 RECOMMENDATION(S)

14.1 It is recommended that approval is given to publicly consult, using the methodology outlined, on the draft Tenancy Strategy and the accompanying draft Tenancy policy.

APPENDICES:

Appendix A – Draft NYC Tenancy Strategy

Appendix B – Draft NYC Tenancy policy

Appendix C – Points for consultation.

Appendix D – Equalities Impact Assessment screening form

Appendix E – Climate Change Impact Assessment

BACKGROUND DOCUMENTS: none

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Corporate Director – Community Development
County Hall
Northallerton
11 September 2024

Report Authors – Carl Doolan Head of Housing Management & Landlord Services
Hannah Heinemann, Head of Housing Delivery & Partnerships

Presenter of Report – Andrew Rowe, Assistant Director for Housing

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

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North Yorkshire Tenancy Strategy

[Introduction](#) [Strategic Links](#) [Strategy](#) [Action Planning](#)

Introduction

The Tenancy Strategy is a high-level framework of shared objectives and principles relating to tenancy issues which will provide guidance for North Yorkshire Council (NYC) and partners who manage Affordable Housing (Social Rent, Affordable rent and Intermediate housing) across North Yorkshire.

It is sufficiently adaptable to enable us to respond to local variations across the different Housing Market Areas within North Yorkshire and sets out North Yorkshire Council's position on the use and management of tenancies and use of flexible tenancies.

Background

The North Yorkshire Housing Strategy 2024-29 outlines the Council's vision for housing across the area; *good quality, affordable, healthy, and sustainable homes that meet the present and future needs of all of our communities*.

With a population of 619,542, which is a growth by 2.85% since 2011 with an estimated growth to 636,161¹ by 2030 (a 2.9% increase), across a geographical area of over 8,000 square kilometres - housing of the right type and in the right place is a crucial part of supporting sustainable growth.

Across North Yorkshire there are approximately 305,798² homes and tenures are split as follows:



Tenure	Number of homes	%
Owner Occupied	268,771	88%
Social Rented	8,499	3.5%
Private registered providers	26,086	8.5%

Affordable homes are split across the geography, based on previous Borough/District boundaries in the following way.

Lower and Single Tier Authority Data	Local Authority (incl. owned by other LAs)	Private Registered Provider	Other public sector ²	Private sector (P) ¹	Total (P) ¹
Craven	49	2,635	0	26,577	29,798
Hambleton	0	5,954	851	37,871	44,676
Harrogate	3,935	3,790	0	69,993	77,718
Richmondshire	1,470	936	1,587	19,776	23,769
Ryedale	14	3,468	4	24,496	27,982
Scarborough	0	7,164	0	53,145	60,309
Selby	3,031	2,139	0	36,913	42,083
North Yorkshire	8,499	26,086	2,442	268,771	305,798

³https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1074203/LT_100.ods

¹<https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationprojections/datasets/localauthoritiesinenglandtable2>

²https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1074203/LT_100.ods

³https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1074203/LT_100.ods

As the below table demonstrates demand for affordable housing across North Yorkshire is high and continues to outstrip the supply, housing developments alone cannot fill the gap. To help address this, there must be; an efficient use of social housing, work to increase the delivery of affordable housing and continued support provided to vulnerable households.

	NYHC (North Yorkshire Home Choice)	Harrogate	Total
Active Applications (26/07/2024)	6764	2287	9051
New Lettings 2023/24	1426	884	2310
New Lettings 2022/23	1546	683	2229
New Lettings 2021/22	1685	512	2197
New Lettings 2020/21	1711	540	2251
New Lettings 2019/20	1927	658	2585

Table 1 Lettings via North Yorkshire Home Choice and Harrogate Borough Council 2019-2024

Statutory and Regulatory Requirements

This new Tenancy Strategy is drafted in line with Section 150 of the Localism Act 2011 which says that:

(1) A local housing authority in England must prepare and publish a strategy (a “tenancy strategy”) setting out the matters to which the registered providers of social housing for its district are to have regard to in formulating policies relating to -

- (a) The kinds of tenancies they grant
 - (b) The circumstances in which they will grant a tenancy of a particular kind
 - (c) Where they grant tenancies for a certain term, the lengths of the terms, and
 - (d) The circumstances in which they will grant a further tenancy on the coming to an end of an existing tenancy
- (2) The tenancy strategy must summarise those policies or explain where they may be found.

The Social Housing Regulation Act 2023 introduced revised both Economic and Consumer Standards to be introduced alongside a new Statutory Code of Practice from April 2024. All registered housing providers are expected to adhere to these. The standards relevant to this strategy are:

- Rent standard
- Transparency, Influence and Accountability standard (information about landlord services)
- Tenancy standard (Tenancy sustainment and evictions)
- Tenancy standard (Tenure)

This Strategy document outlines the tenancies offered by Registered Providers in North Yorkshire and replaces the previous Tenancy Strategies of the former North Yorkshire Districts and Boroughs.

Strategic Links

National context

There are some key issues which make it necessary to examine the local use of social/affordable housing.

Welfare Reform: The Government has introduced various reforms to the welfare system, meaning that Local Housing Allowance (LHA) is often considerably lower than market rents, and the Single Room Subsidy and the Shared Room Allowance for under 35s restricts access to the private rented sector for this age group.

Local Housing Allowance: The Valuation Office Agency Rent Officers determine Local Housing Allowance (LHA) rates used to calculate housing benefit for tenants renting from private landlords. LHA rates are based on private market rents being paid by tenants in the broad rental market area (BRMA). This is the area within which a person

might reasonably be expected to live. Many households find that the rent is not covered by LHA, which leaves them having to pay the difference from another source, or else accrue arrears which can quickly increase if the shortfall between rent and LHA is significant.

>>For instance: the difference between rent and LHA of a 2-bed house in Harrogate would be £201.37 per month compared to Richmond and Hambleton which is significantly less at £149.59 per month⁴<<

Universal Credit: Universal Credit is a payment to help with households with their living costs. It is paid monthly and is aimed at people on a low income or out of work. It brings six benefits, including Housing Benefit, together into the one payment.

Affordable Rent: An Affordable Rent is set at up to 80% of the market rent (the average rent for local private lettings) inclusive of any service charges, so it costs less than renting privately but is always more than other types of social housing rent.

Tenure Reform: In 2012 Flexible Tenancies were introduced. The rationale for tenure reform was that some households' income can rise through tax and benefit assistance, and as job seeking leads to employment. This can change between households or within the same household over time as circumstances change. Therefore, the reason a household was allocated a property may no longer exist, resulting in properties which are under-occupied, or occupied by households able to afford to rent privately, or even to purchase on the open market.

Cost of Living Crisis: The UK cost of living crisis started in 2021 in which prices for many essential goods (including costs for energy, food, furniture, household items, electricity, and clothing) in the country began increasing faster than household income, resulting in a fall in real income. This is caused in part by a rise in inflation in the UK. While all in the UK are affected by rising prices, it most substantially affects low-income persons. The direction and speed at which the crisis develops is going to put enormous pressure on our residents and communities and in turn our housing services, budgets and waiting lists.

Regional Context

As of May 2024, the Combined Authority of York and North Yorkshire has a Mayor to replace the York North Yorkshire LEP. One of the aims for the Mayor is to improve the supply and quality of housing and secure the development of land or infrastructure.

Housing is central to this plan, and achieving a balanced, well-functioning housing, flexible market will be essential if North Yorkshire is to meet the changing needs of existing residents, those skilled workers and their families looking to migrate in to take advantage of the employment opportunities on offer, and of those (mostly young) households looking to out-migrate for employment and training opportunities.

This includes working with the market to develop homes that are attractive and affordable to younger and older people, digitally connected and energy efficient.

The devolution deal recently agreed for the region allows over £22.6 million to support the building of new homes on brownfield land, deliver affordable homes, and drive green economic growth across York and North Yorkshire.

Local Context

North Yorkshire is increasing the supply of affordable housing to support economic growth and development in the area, along with a determination to see the best use of the area's existing housing stock. However, annual affordable housing completion targets are not currently being met. North Yorkshire Council works in partnership with the York North Yorkshire Housing Partnership which aims to work with the region's new Mayor and North Yorkshire Council to deliver high quality, low carbon, affordable homes.⁵

⁴ [Local Housing Allowance Rates for the Harrogate Local Authority : DirectGov - LHA Rates \(voa.gov.uk\)](#)

⁵ [York North Yorkshire Housing Partnership | Yorkshire Housing](#)

The approved Allocations Policy underpins the ability of people who are in housing need to move to appropriate social and affordable rent housing. With approximately 9051 households currently registered on our waiting lists and only an average of 2177 properties available annually, it is vital the policy strikes the balance between supporting sustainable, settled neighbourhoods, whilst giving priority to those people who are in urgent housing need.

This Tenancy Strategy will underpin that.

Previously, across North Yorkshire, local tenancy strategies have differed, with locally preferred approaches to the types of tenancies offered. This new Tenancy Strategy outlines North Yorkshire Council's position on tenancies and how they should be used.

There are 28 Registered Providers operating in North Yorkshire alongside the Council which is a stockholder.

Strategy

Aim

The aim of the Tenancy Strategy is:

To provide affordable housing tenancies for customers which meet local housing needs, provide support to those who need it, improve choice, and contribute to sustainable communities and economic growth and recovery.

Objectives

The objectives of the Tenancy Strategy are:

- Affordability
- Sustainability
- Accessibility

Affordability

This Strategy adopts the definition of Affordable Housing that is set out in the National Planning Policy Framework:

“Housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers)”

To ensure that our homes are affordable to those who need them we favour rents and service charges that are not in excess of Local Housing Allowance levels.

Registered Providers should also have regard to Council policies on affordability and any requirements of S106 agreements.

Sustainability

Mixed and Balanced Communities

We will use information from the North Yorkshire Strategic Housing Market Assessment and local intelligence to better understand local housing markets and to help us to influence tenure decisions.

In the spirit of partnership working housing providers will be expected to inform and discuss proposals for disposals of affordable housing stock with North Yorkshire Council.

When considering the number of properties which will be re-let at an Affordable Rent Registered Providers have regard to the following;

- The pattern of re-lets by location, property size and type
- The need to ensure that under-occupiers wishing to downsize are not discouraged to do so
- The need to ensure a reasonable supply of family-sized accommodation at social rents
- The need to ensure that properties in rural areas can be let to those working locally on low incomes

- The shortage of wheelchair accessible accommodation

Whilst we do not expect Registered Providers to consult NYC on each conversion, an overall approach should be agreed.

Length of Tenancy

Key to the sustainability of a tenancy is security of tenure. Where it is appropriate in local circumstances, we will support the use of some or all of the following tools to sustain tenancies:

Introductory Tenancies – Introductory Tenancies allow landlords a trial period to assess the suitability of the tenancy. The trial period lasts for 12 months from the date the tenancy starts. Introductory Tenancies can be extended for a further 6 months.

Secure tenancies – We recognise that these may be appropriate for particular client groups- notably householders that are over retirement age and those who are considered to be vulnerable due to illness, disability, or another specified reason. Secure tenancies are therefore likely to be appropriate for sheltered accommodation/warden assisted housing, and other restricted housing e.g. bungalows.

Flexible tenancies - North Yorkshire Council acknowledges that, in some scenarios, Flexible Tenancies, where tenancies are fixed for a number of years rather than Secure tenancies, may help to respond to local circumstances and pressures, enabling ourselves and Registered providers to make the best use of their stock whilst taking care of the most vulnerable households.

The Council realises that Registered providers may wish to offer fixed term secure tenancies for new tenants. In order to ensure lettings, remain sustainable and support households with families it is proposed that five-year tenancies should be the minimum, with two year fixed term tenancies being offered in exceptional circumstances. All Registered providers operating in North Yorkshire will continue to give Secure tenancies to occupants aged 60 years or over and to tenants of permanent supported accommodation.

Review of Tenancies: At the end of a fixed tenancy period housing providers can choose whether to renew the tenancy and there are various issues/circumstances housing providers may wish to consider when making a decision not to renew a tenancy.

To encourage the best use of our scarce affordable housing stock we will encourage tenants to downsize from a property that they are currently under-occupying to a smaller home that better meets their housing needs and household makeup. Traditionally such clients have been older people whose families have grown up and left homes but, in the future, this is likely to change because of the impact of Housing Benefit changes.

Providers will also encourage existing tenants who themselves or a member of their households no longer require an adapted property to move voluntarily to a more appropriate home.

Good Tenant Scheme

This is an incentive scheme for the current tenants of partner and participating landlords who live in the North Yorkshire Home Choice partnership area excluding former Harrogate, which operates its own housing register at this time. To qualify, tenants must meet all the following criteria:

- lived in their current property for 3 years
- have not been in breach of their tenancy agreement
- have had no rent arrears in the last 3 years
- the property must be in a good state of repair & decoration and suitable to let without any additional work (over and above the required safety checks)
- give permission to their landlord to show their property to prospective tenants prior to them moving out.

Tenants who meet the criteria will be awarded additional priority of one band above their assessed housing need up to a maximum of Gold band.

Accessibility

As part of this Strategy, we are also striving to improve our support, advice, access, and equality for customers. We will achieve this through the following:

Through North Yorkshire Home Choice we aim to deliver a single housing register with all homes allocated according to a new allocations policy. This policy is predicated on a number of principles - including to promote flexibility and fairness in the allocation of scarce affordable housing.

Through North Yorkshire Home Choice we will continue to enable mobility to allow people to access employment, training and to give or receive care. Housing providers will also participate in national arrangements for home swap services. (E.g. Homeswapper).

We will seek to provide vulnerable people with more sustainable housing options.

Landlords should have policies and procedures in place to ensure that their services are tailored to meet the needs of vulnerable groups. Through North Yorkshire Home Choice and the allocation policies of other providers we will seek to ensure that processes and allocations policies are accessible to vulnerable people.

We will champion the proper linking of advice and assistance at any tenancy reviews with Adult Social Care Assessment processes.

We will encourage the provision of properties to meet the needs of specific groups such as older people, victims of domestic violence, mental health, learning difficulties and physical disabilities.

Registered Provider Policies

Registered providers are asked to have regard to the policy framework established in this Strategy in reviewing their own Tenancy Policies.

In addition, the Council requests that it is consulted on regarding the development of Tenancy Policies which guide social lettings in North Yorkshire.

The Council requests that Registered Providers publish their latest Tenancy Policy on their webpages

Strategy Review

The Tenancy Strategy will be monitored annually and reviewed on a five-year cycle unless monitoring demonstrates the need for an earlier review and/or other matters (such as a shift in national policy) necessitate an earlier change.

North Yorkshire Tenancy Policy

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1. Introduction

- 1.1 The Regulatory Framework for Social Housing in England from April 2012, published by the Homes and Communities Agency (now Homes England) in March 2012, requires the Council to publish clear and accessible policies, which outline their approach to tenancy management in social housing, including interventions to sustain tenancies and prevent unnecessary evictions, and tackling tenancy fraud. The Regulatory Framework specifies what should be included in a tenancy policy.
- 1.2 The Tenancy Policy is written in line with the council's Tenancy Strategy, the objectives of which are:
- Affordability
 - Sustainability and;
 - Accessibility
- 1.3 The policy sets out our approach to tenancy management, tenancy support and tenancy types offered for council housing tenants and future tenants.
- 1.4 In implementing the policy we comply with the relevant legislation, including, but not exclusively: the Housing Act 1996, the Homelessness Act 2002, the Data Protection Act 2018, the Human Rights Act 1998, the Equality Act 2010 and the Localism Act 2011. We also take due account of Case Law, best practice and government Regulations and Guidelines such as The Charter for Social Housing Residents.

2. Scope of the Policy

- 2.1 This Tenancy Policy applies to North Yorkshire Council's own housing stock under Part VI Housing Act 1996 in accordance with the Council's published Allocation Policy. Those people to whom the Council may owe a duty to secure accommodation under the homelessness provisions of Part VII Housing Act 1996 or Homelessness Reduction Act 2017 will be granted non-secure tenancies or licences where they are accommodated in a Council Hostel and are not covered by this policy.
- Any reference to the 'Council' means North Yorkshire Council.
- 2.2 *The Tenancy Policy applies to new tenancies granted after April 1st 2025 and those existing introductory and flexible tenancies which are reviewed after April 1st 2025. Those secure tenancies awarded prior to April 2025 will continue to be covered by the policy of the time and authority at which they were granted. * Legal opinion currently being sought.
- 2.3 The Policy covers the following matters:
- [The Granting Of Council Tenancies;](#)
 - [The Monitoring And Review Of Introductory Tenancies;](#)
 - [Variations To Tenancies And Termination](#)
 - [Mutual Exchanges](#)
 - [Legal Assignment And Succession Rights](#)
 - [Tenancy Sustainment](#)
 - [Rents](#)
 - [Anti-Social Behaviour](#)
 - [Tenancy Fraud](#)
 - [Complaints](#)
 - [Equality And Diversity](#)

3. Granting of Council Tenancies

3.1 This policy relates to the allocation of social (Council) housing under Part VI Housing Act 1996 in accordance with the Council's published Allocation Policy.

3.2 Those people to whom the Council may owe a duty to secure accommodation under the homelessness provisions of Part VII Housing Act 1996 or Homelessness Reduction Act 2017 will be granted non-secure tenancies or licences where they are accommodated in Council owned dwellings including hostels and any which may be designated specifically for rough sleepers. Offers of non-secure accommodation are not allocations under Part VI Housing Act 1996.

Joint Tenancies

3.3 An applicant can make an application for a joint tenancy with their spouse or civil partner (this includes cohabiting partners in a long-term committed relationship who have resided together for at least 12 months) provided that they are eligible and meet the qualification criteria set out in the Council's Allocation Policy.

3.4 The Council may also permit joint applications or grant joint tenancies with other persons including siblings. Any request for such a tenancy will be considered depending on the individual circumstances of the case.

Tenancy Types Offered

3.5 A summary of the types of tenancy offered by the council is included at [Appendix A](#)

3.6 **Introductory tenancies will be offered to all New Council Tenants**

North Yorkshire Council operates an Introductory Tenancy Scheme, under the Housing Act 1996. Under s.124 Housing Act 1996, in general, all new tenancies granted by the Council will automatically be introductory tenancies.

3.7 All new council tenants will be offered an introductory tenancy for the trial period of 1 year, with the potential to extend the trial period by a further six months. The tenancy will continue to be an introductory tenancy during the trial period.

3.8 New council tenants are those people who will have received an offer of an allocation of housing under Part VI Housing 1996 under the council's Allocation Policy but are not already secure tenants of a Council or assured tenants of a Registered Provider.

3.9 At the end of the Introductory Tenancy, subject to review, a lifetime tenancy will be offered.

4. Review of Introductory Tenancies

4.1 All new Council tenancies are automatically introductory tenancies for the first 12 months of the tenancy (the introductory trial period). During this period, the tenancy does not have the same protection as a secure tenancy. The tenancy can be terminated, by order of the court, on the mandatory ground under s.127 Housing Act 1996, subject to service of notice, and the tenant's right to review.

- 4.2 The Council will use the introductory tenancy trial period to carefully assess the suitability of introductory tenants. If successful, the tenant will be offered a lifetime secure tenancy.
- 4.3 If this introductory trial period is not satisfactorily completed, the Council:
- can extend the introductory trial period by up to 6 months (in extending the introductory period, the Council is not providing any security of tenure);
 - or seek possession upon the mandatory basis at any time before the end of the introductory trial period or extended introductory trial period.
- 4.4 If no action is taken to terminate the tenancy within the introductory trial period or extended introductory trial period, then the tenancy will automatically become a secure or flexible tenancy in accordance with the agreement as to the type of tenancy which would follow the introductory tenancy.
- [Monitoring Introductory Tenancies](#)
- 4.5 The Council requires introductory tenants to positively demonstrate, by their conduct during the introductory trial period, that they are suitable recipients of a secure or flexible tenancy. This means the Council expects Introductory Tenants to wholly comply with all the tenancy terms during the introductory trial period.
- 4.6 Any problems or potential problems with compliance with the tenancy terms and conditions will be investigated by the council and brought to the Tenant(s) attention at the earliest opportunity, recorded on the housing management file and the Tenant will be reminded of their obligation to comply with their tenancy agreement and the potential consequences of not doing so.
- 4.7 At least 3 months prior to the end of the introductory trial period, a formal introductory tenancy review should be completed.
- 4.8 If, because of monitoring the introductory trial period, the Tenant(s) has failed to wholly or substantially comply with all the tenancy terms, then the Council should either:
- Extend the trial period by 6 months; or
 - Serve a Notice of Proceedings of Possession (NOPP).
- 4.9 Whatever the decision, the tenant will be informed of their right to a review and of the appeals process.
- [Monitoring and Review of Extended Introductory Period](#)
- 4.10 Where the introductory trial period has been extended, the council will continue to monitor the Introductory Tenant(s) compliance with their tenancy agreement for the remainder of the extended introductory trial period.
- 4.11 At least 3 months prior to the end of the extended introductory trial period, a further review will be undertaken as to whether to allow the tenant to progress to a secure or flexible tenancy or whether a NOPP should be considered to terminate the tenancy. The decision to take action to terminate the tenancy must be proportionate to the circumstances of the case.
- [Notification of Review Decision and Right to Review](#)
- 4.12 The Tenant(s) will be notified in writing of the outcome of the decision on the review, and whether:

- (a) the tenancy will be terminated; or
- (b) the tenancy will be extended for 6 months and reviewed again (a tenancy may only be extended once); or
- (c) the tenancy will become a secure or secure flexible tenancy at the end of the introductory trial period.

Successful Completion of Introductory Tenancy Period

- 4.13 On the successful completion of the initial or extended trial period (that is, without a Notice of Proceedings for Possession having been served), the tenant will automatically become a secure tenant or flexible secure tenant according to the original offer of tenancy

5. Variations to Tenancies and Termination

Termination by the tenant

- 5.1 A tenant may end their tenancy at any time by giving the Council at least four weeks written notice. There is no particular form of notice required and notice may be given by letter, but it must be clear that the tenant's intention is to end the tenancy.
- 5.2 Failure to give proper notice will leave the tenant responsible for rent and other charges.
- 5.3 In the case of a joint periodic tenancy, either tenant can end the whole tenancy, without the consent of the other. The Council may, in its absolute discretion grant a replacement tenancy to the remaining sole tenant, taking into account all the circumstances of the case.
- 5.4 In respect of flexible tenancies, then 4 weeks' notice must be given in writing by both tenants and in accordance with any tenancy terms.
- 5.5 The Council may, at its discretion, accept a shorter period of notice than 4 weeks. In this case, to ensure certainty, the Council should write to the tenant accepting the short notice. This would be treated as a surrender of the tenancy.
- 5.6 Tenants will be required to make good any damage and must allow the Council to inspect the property before they leave. In default, the Council will carry out any repairs and may re-charge these to the former tenant. In these circumstances a surrender of the tenancy would not be accepted.
- 5.7 At the end of the four weeks' notice period, tenants must vacate their home and hand all keys back in accordance with the tenancy agreement and handbook. All rent due must be paid. All family members, occupants and pets must also leave the property at this time. Where unauthorised occupants are left in occupation legal proceedings will commence for vacant possession of the property.

Termination by the Council

- 5.8 The Council may commence termination of secure tenancies at any time by seeking possession upon any of the statutory grounds set out in the Housing Act 1985 from time to time. This includes the mandatory ground for possession on the grounds of ASB in s.84A Housing Act 1985.
- 5.9 The Council may also terminate a tenancy by Notice to Quit upon the death of the tenant where there is no statutory or contractual successor.

5.10 The Council may also terminate a tenancy which ceases to be secure, for example by reason of the tenant condition not being satisfied (e.g. where the tenant has ceased to occupy the property as his only or principal home or has sub-let or parted with occupation of the property).

5.11 The Council may also commence the termination of tenancies for the purpose of demolition, redevelopment, repair or improvement or in accordance with the Council's policies and procedures.

6. Mutual exchange

6.1 This section sets out the policy relating to mutual exchanges under Section 92 of the Housing Act 1985 (dealing with assignments), and requests for transfer under s.158 Localism Act 1996. Introductory tenants are not able to request mutual exchange.

6.2 Homeswapper and similar sites enable existing social housing tenants (this means tenants of councils and housing associations) the opportunity to swap their home with another, often called 'mutual exchanges', once they have the permission of all landlords involved.

Responding to Requests for Mutual Exchange

6.3 The Council will respond to mutual exchange applications within 42 days of the application, or the Council cannot rely on the grounds for refusal set out in Schedule 3 of the Act.

6.4 The Council will only refuse a request for a mutual exchange for a limited number of reasons, which are defined by law (The Housing Act 1985 and the Housing Act 2004) (included at Appendix E).

Additionally, further conditions could be appended to exchange agreements where the following are true:

- the exchange will result in under-occupation
- where there are rent arrears or other breaches of tenancy (e.g. ASB) until the arrears are cleared or the ASB issues resolved
- where the property to be vacated has not been kept in a good condition

6.5 If the Council refuse consent for a mutual exchange, the Council will give the full reasons for this. There is a right of review against this decision.

Grant of Tenancy by Mutual Exchange

6.6 A mutual exchange operates by assignment of the tenancy under s.92 Housing Act 1985. It is the tenancy to which secure status under Pt. 4 Housing Act 1985 attaches, although that status as a successor travels with the individual under s.88(3) Housing Act 1985.

6.7 Accordingly, in most cases, new tenants by way of mutual exchange do not need to sign a new tenancy agreement as they will automatically become tenants under the original tenancy (see Assignment below). The new tenant's full details should however be obtained for the Council's records.

7. Legal Assignment and Succession

Assignment

- 7.1 An assignment is where a tenancy is transferred to another person. The incoming tenant (assignee) 'steps into the shoes' of the outgoing tenant (assignor) and occupies under the same terms, taking on the rights and responsibilities of the tenancy.
- 7.2 Section 91 of the Housing Act 1985 allows assignment under the following three grounds:
- Assignment by way of exchange (mutual exchange)
 - Assignment to someone who would be qualified to succeed the tenant on the tenant's death
 - Where a court makes a Property Transfer Order in connection with matrimonial proceedings or civil partnership proceedings, or proceedings under the Children Act 1989.
- 7.3 Introductory and secure tenants have the right to assign the tenancy to a person who has a statutory right of succession to the tenancy.
- 7.4 The Council must be satisfied that the assignee would be entitled to succeed to the tenancy upon the tenant's death. An assignment of a tenancy will count as succession to the tenancy and so no further succession rights will arise after the assignment of a tenancy.
- [Succession](#)
- 7.5 There can only ever be one statutory succession to a council tenancy.
- 7.6 The surviving tenant of a joint tenancy will automatically take over that tenancy, but no-one else will be able to succeed when that person dies. If the person who died was a sole tenant, the husband, wife or civil partner, or a family member can succeed provided they can evidence that they were living in the home at the time of death.
- 7.7 For lifetime (secure) tenancies which started before 1 April 2012, if there is no surviving spouse or civil partner, a family member may be able to succeed if they can demonstrate that they have been living at the home for at least a year before their death.
- 7.8 The Localism Act 2011 allows for local authorities to limit the rights of succession (and assignment) to spouse / civil partner. In particular, it limits the ability for the tenant's grown-up children or long-term carers who have lived in the property as their principal home, to succeed to the tenancy should the tenant die or go into long term care.

8. Tenancy Sustainment

- 8.1 The Council has over 8500 social rented properties and is committed to ensuring that tenants are well informed about their rights, responsibilities and how to access services. A wide range of information will be available to them including a tenant's handbook, a range of leaflets, information on the website and regular newsletters.
- 8.2 The Council will, through its Tenant Involvement Strategy, keep tenants informed of the issues which affect them and their homes and communities, and the Council will work to ensure residents have a proper say in decision making.
- 8.3 The Council will support tenants to sustain their tenancies; this includes working closely with support workers where appropriate and assisting tenants to manage their finances through providing access to benefits and energy advice.

8.4 The Council recognises that tenants can become vulnerable at any point in their tenancy for a number of reasons such as illness, age or financial difficulties and where we are made aware of difficulties we will, as a responsible landlord, provide appropriate support.

8.5 Ending a social housing tenancy and seeking possession for a breach of tenancy conditions is always a last resort and is only ever considered after all available support has been offered but has been declined or failed. Even once possession is being pursued, support will continue to be offered. Throughout any possession proceedings tenants will be clearly advised of the seriousness of the situation and of their legal rights

9. Rents

Social Rents

9.1 Most of our properties will be rented at ordinary social rent levels. This is calculated using the value of the property and the average earnings in the area. The Council agrees rent increases each year that usually follow the Government's rental policy statement. Some homes also attract service charges in relation to various services that occupiers would usually have to provide or pay for themselves, e.g. heating, caretaking, communal area cleaning and window cleaning. These service charges will be set annually, based on actual costs.

Affordable Rents

9.2 The Council intends to develop new homes either to replace homes that are no longer sustainable, or to increase opportunities to help more people in housing need. In line with the national "Affordable Rent" model, these homes may be charged at rents (including any service charges) that are up to 80% of the open market rent in the area but will not be above the maximum level applicable for housing benefit. In practice, affordable rents will be set at a level affordable to local people, where 'affordable' means that no more than 40% of income should be spent on housing costs.

10. Anti-Social Behaviour

10.1 'Anti-social behaviour' is a broad term for describing different types of behaviour but for the purposes of this policy we mean behaviour that:

- is capable of causing a nuisance or annoyance to any person; and
- which directly or indirectly relates to or affects the landlord's housing management functions; or
- conduct which consists of, or involves using or threatening to use, housing accommodation owned or managed by the landlord for an unlawful purpose.

10.2 We expect our tenants to behave responsibly and with consideration and not to commit or allow their family, household members, visitors or pets to commit acts of ASB. This includes harassment, noise nuisance, annoyance or disturbance, whether to other residents, their visitors or other people in the area including council employees and contractors working on our behalf. These expectations are clearly set out in the tenancy agreement and are fully explained to all new tenants at sign-up.

North Yorkshire Council will take action against tenants in cases of anti-social behaviour.

11. Tenancy Fraud

- 11.1 We will not tolerate fraud which allows applicants to prioritise themselves unfairly over other applicants and will stipulate this within our revised tenancy agreement.
- 11.2 This will include but is not restricted to incorrect or false information being provided on an application for housing, or where a succession has been requested. Action may include loss of the home, in which case an application as homeless may be turned down following assessment as the loss may be deemed to be intentional.

12. Miscellaneous

- 12.1 **Management Transfer of properties** The Council may need to undertake major works to a property, in which case may require the tenant to move to an alternative property. If this does happen this may affect the tenants' right of succession and assignment.
- 12.2 **Property Condition** The Council will ensure that its properties are maintained to a good state of repair and are fit for human habitation.

13. Complaints

- 13.1 The Council will deal with all tenancy related complaints in accordance with the Housing Ombudsman's Code for Complaint Handling.
- 13.2 The Council will regularly report on its complaints performance and publish any outcomes and lessons learnt in correspondence with tenants and its annual report.
- 13.3 Tenants will regularly be reminded of the complaints procedure and signposted to the various means of complaining, as well as being provided with details of the Housing Ombudsman's Code for Complaint Handling and the Ombudsman's contact details.

14. Equality and Diversity

- 14.1 Accessibility – we are committed to ensuring that our services, policies and properties are accessible to all. Our reasonable adjustments policy means that we will take any reasonable steps to ensure that those who require additional support to contact us can do so easily. We will regularly collect and monitor equalities information, to ensure that no one will be treated any less favourably than anyone else because of age, disability, gender reassignment, marital status and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.
- 14.2 Adaptations – we are committed to ensuring that tenants are allocated homes which meet their needs but that, thereafter, should their needs change, the Council will provide assistance in terms of housing adaptations and/or transfers to suitable properties.

15. Policy Review

- 15.1 This Tenancy Policy will be subject to regular review and any changes will be agreed with the relevant Executive Member. Any significant changes will be consulted on, and an impact assessment completed.

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Glossary

Assignment	This is passing on a tenancy to someone else. This can only be done with our written permission and usually only to someone with a right of succession. The only exceptions are if a court orders an assignment because of a relationship breakdown or if tenants, or if tenants are exchanging their homes (mutual exchange).
North Yorkshire Allocation Policy	A single allocation policy, which determines who is eligible for housing and the priority they are given, operates across North Yorkshire.
Succession	If the tenant dies then in certain circumstances anyone living with the tenant as a wife, husband or civil partner can take over the tenancy.
Rents	
<i>Affordable rent</i>	An affordable rent is a rent up to 80% of the market rent. This term is only used for those properties built with grant funding from Homes England which we have agreed to let at this level of rent.
<i>Intermediate/sub-market rent</i>	Intermediate and sub-market rents are below a market rent
<i>Market rent</i>	A market rent is the rent of a similar properties let on the open market
<i>Social rent</i>	A rent that is calculated by a formula set by the Government that takes into account value, size and local earnings
Tenancies	
<i>Introductory Tenancy</i>	This is a probationary tenancy granted to new tenants for a period of 12 months. If the tenant conducts the tenancy satisfactory then they will be granted a Secure Tenancy. If they do not comply with the tenancy conditions the probationary tenancy can be extended up to a total of 18 months or the tenancy can be terminated through a possession order from the courts.
<i>Secure Tenancy</i>	This is a tenancy which gives the tenant long-term security. We can only evict the tenant if we get a possession order from the courts.
Tenancy Strategy	Under the localism Act 2011, all local authorities must have a tenancy strategy setting the type of tenancies it will offer, the length of any fixed term and what happens at the end of the fixed term.

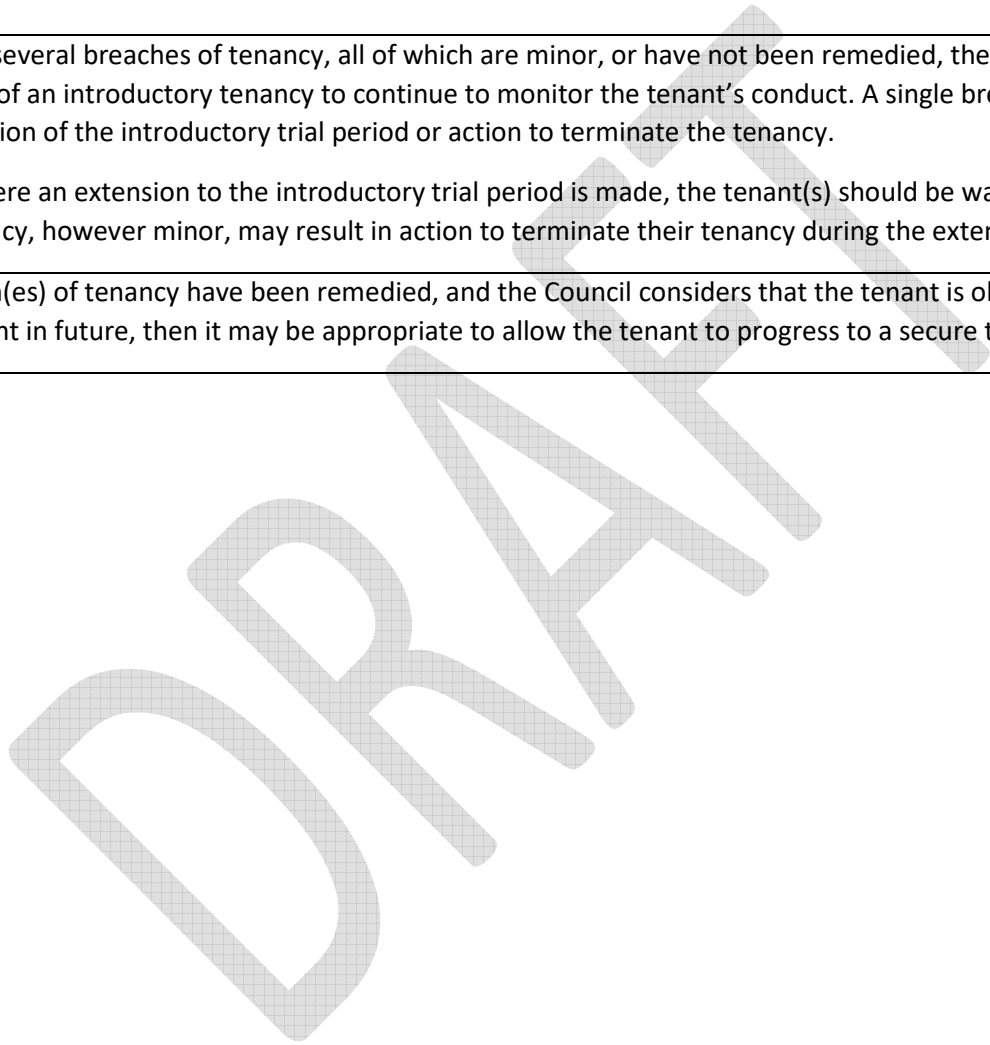
Appendix A – Tenancy Types

Type of Tenancy	Relevant legislation	Brief description
Non-secure tenancies	Common law Protection from Eviction Act 1977 Schedule 1 Housing Act 1985 s.89 Housing Act 1980	Certain types of tenancy cannot be secure tenancies. These are specified in Schedule 1 of the Housing Act 1985 and include tenancies granted to homeless persons and asylum seekers, and properties let to the Council for use as temporary housing accommodation under Sch.1, paragraph 6 of the Housing Act 1985. These will also be used in accommodation owned by the Council to support rough sleepers or those at risk of rough sleeping.
Service licences	Common Law Protection from Eviction Act 1977 Schedule 1 Housing Act 1985 Ground 7 Sch 2 Housing Act 1985	Service licences or non-secure tenancies may be granted to persons in consideration of their employment (such as residential caretakers). Such persons will usually be service licensees or service tenants and will not have security of tenure. Service licences may also occasionally be used for very short-term arrangements. Legal Advice should be sought when considering such a licence.
Introductory tenancies	Housing Act 1996 Housing Act 1985	Introductory tenancies are subject to a 12 month 'probationary' or trial period during which the tenancy may be terminated on a mandatory ground in accordance with this policy. The trial period may also be extended by 6 months. All new Council tenancies are introductory tenancies.
Weekly periodic (lifetime) secure tenancies	Housing Act 1985	These are traditional Council tenancies, often known as lifetime tenancies, which last from week to week until terminated in accordance with specified Grounds for Possession (Schedule 2 Housing Act 1985) or where terminated following receipt of the required Notice to Quit from the tenant.

Appendix B – Introductory Tenancy Review Criteria

Event	Action
Rent Arrears	<p>In most, but not all cases where a tenant has accrued more than 2 months' rent arrears, this will usually justify the service of a NOPP.</p> <p>In other cases, the Officer should consider:</p> <ul style="list-style-type: none"> (a) Whether the default has been remedied and any arrears cleared; (b) If not, whether the default will be remedied and the arrears cleared before the end of the trial period; (c) Whether the failure to pay rent has occurred once, or on several occasions; (d) The reasons for non-payment; (e) Whether the tenant(s) have kept to past promises of payment; (f) Whether the Tenant(s) are realistically likely or to be able to pay the rent promptly in advance in the future. <p>Where the tenant(s) has agreed to a repayment plan and has kept to that plan for at least 3 months, then they should be allowed to proceed to a secure tenancy.</p>
Anti-social Behaviour	<p>If the breaches of tenancy relate to ASB, then the Officer should take into account the ASB Policy generally.</p> <p>Serious breaches of tenancy will normally justify the service of a NOPP. (see below).</p>
Other serious breach of tenancy	<p>If the breach(es) of tenancy are serious or on-going, then the Council will usually seek to serve a NOPP and terminate the introductory tenancy following an order of the court prior to the formal review process.</p> <p>The Council will also usually seek to terminate the introductory tenancy where it considers that the tenant is objectively unlikely to be able or willing to comply substantially or fully with all of the terms of the tenancy agreement in future.</p> <p>In cases where the Council takes action to terminate an Introductory Tenancy then the tenant may be considered intentionally homeless in respect of any subsequent application for housing.</p>

<p>Deterioration in condition of property</p>	<p>Officers will carry out an inspection of the property prior to concluding the review to assess the condition of the property and the tenant’s compliance with the terms as to keeping the interior of the property in a reasonable condition.</p>
<p>Minor breaches of tenancy</p>	<p>Where there are several breaches of tenancy, all of which are minor, or have not been remedied, then the Council considers that this may justify a 6-month extension of an introductory tenancy to continue to monitor the tenant’s conduct. A single breach of tenancy which is more than minor may also justify extension of the introductory trial period or action to terminate the tenancy.</p> <p>In such cases, where an extension to the introductory trial period is made, the tenant(s) should be warned at the earliest opportunity that further breaches of tenancy, however minor, may result in action to terminate their tenancy during the extended trial period, before it becomes secure.</p>
<p>Breaches of tenancy remedied</p>	<p>Where the breach(es) of tenancy have been remedied, and the Council considers that the tenant is objectively able and willing to comply with the tenancy agreement in future, then it may be appropriate to allow the tenant to progress to a secure tenancy.</p>



Appendix C – Grounds for Refusal of a Mutual Exchange Application

Ground 1

The tenant or the proposed assignee is subject to an order of the court for the possession of the dwelling-house of which he is the secure tenant.

Ground 2

Proceedings have been begun for possession of the dwelling-house of which the tenant or the proposed assignee is the secure tenant on one or more of grounds 1 to 6 in Part I of Schedule 2 (grounds on which possession may be ordered despite absence of suitable alternative accommodation), or there has been served on the tenant or the proposed assignee a notice under section 83 or 83ZA (notice of proceedings for possession) which specifies one or more of those grounds and is still in force.

Ground 2A

Either—

(a) a relevant order, a suspended anti-social behavior possession order or a suspended riot-related possession order is in force, or

(b) an application is pending before any court for a relevant order, a demotion order, an anti-social behaviour possession order or a riot-related possession order to be made, in respect of the tenant or the proposed assignee or a person who is residing with either of them.

A “relevant order” means—

an injunction under section 152 of the Housing Act 1996 (injunctions against anti-social behaviour);

- an injunction to which a power of arrest is attached by virtue of section 153 of that Act (other injunctions against anti-social behaviour);
- an injunction under section 153A, 153B or 153D of that Act (injunctions against anti-social behaviour on application of certain social landlords);
- an anti-social behaviour order under section 1 of the Crime and Disorder Act 1998;
- an injunction to which a power of arrest is attached by virtue of section 91 of the Anti-social Behaviour Act 2003 or section 27 of the Police and Justice Act 2006.
- an injunction under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014;
- an order under section 22 of that Act.
- an “anti-social behaviour possession order” means an order for possession under Ground 2 in Schedule 2 to this Act or Ground 14 in Schedule 2 to the Housing Act 1988.
- a “demotion order” means a demotion order under section 82A of this Act or section 6A of the Housing Act 1988.
- a “riot-related possession order” means an order for possession under Ground 22A in Schedule 2 to this Act or Ground 14ZA in Schedule 2 to the Housing Act 1988.

Where the tenancy of the tenant or the proposed assignee is a joint tenancy, any reference to that person includes (where the context permits) a reference to any of the joint tenants.

Ground 2B

The dwelling-house is subject to a closure notice or closure order under Chapter 3 of Part 4 of the Anti-social Behaviour, Crime and Policing Act 2014.

Ground 3

The accommodation afforded by the dwelling-house is substantially more extensive than is reasonably required by the proposed assignee.

Ground 4

The extent of the accommodation afforded by the dwelling-house is not reasonably suitable to the needs of the proposed assignee and his family.

Ground 5

The dwelling-house:

(a) forms part of or is within the curtilage of a building which, or so much of it as is held by the landlord, is held mainly for purposes other than housing purposes and consists mainly of accommodation other than housing accommodation, or is situated in a cemetery, and

(b) was let to the tenant or a predecessor in title of his in consequence of the tenant or predecessor being in the employment of:

- the landlord,
- a local authority,
- a development corporation,
- a housing action trust
- a Mayoral development corporation,
- an urban development corporation, or
- the governors of an aided school.

Ground 6

The landlord is a charity and the proposed assignee's occupation of the dwelling-house would conflict with the objects of the charity.

Ground 7

The dwelling-house has features which are substantially different from those of ordinary dwelling-houses and which are designed to make it suitable for occupation by a physically disabled person who requires accommodation of the kind provided by the dwelling-house and if the assignment were made there would no longer be such a person residing in the dwelling-house.

Ground 8

The landlord is a housing association or housing trust which lets dwelling-houses only for occupation (alone or with others) by persons whose circumstances (other than merely financial circumstances) make it especially difficult for them to satisfy their need for housing and if the assignment were made there would no longer be such a person residing in the dwelling-house.

Ground 9

The dwelling-house is one of a group of dwelling-houses which it is the practice of the landlord to let for occupation by persons with special needs and a social service or special facility is provided in close proximity to the group of dwelling-houses in order to assist persons with those special needs and if the assignment were made there would no longer be a person with those special needs residing in the dwelling-house.

Ground 10

The dwelling-house is the subject of a management agreement under which the manager is a housing association of which at least half the members are tenants of dwelling-houses subject to the agreement, at least half the tenants of the dwelling-houses are members of the association and the proposed assignee is not, and is not willing to become, a member of the association.

Reference to a management agreement includes a section 247 or 249 arrangement, as defined by section 250A (6) of the Housing and Regeneration Act 2008.

Points for consultation

Aspect	Current	Proposed	Alternatives to consider
Flexible Tenancies (5-year fixed term)	Flexible tenancies were operated by both Selby and Harrogate but were never adopted by Richmondshire.	Cease to offer Flexible Tenancies and convert existing ones to fully secure tenancies over time (specialist legal advice is being sought to confirm how this will work in practice).	<ul style="list-style-type: none"> Retain flexible tenancies and extend to all new tenants including Richmondshire. Retain flexible tenancies for some tenants in certain situations such as those who have been offered larger homes or homes which have been significantly adapted for example.
Succession rights	Both Selby and Harrogate opted to restrict succession rights to tenancies which started after the 1 st April 2012. Richmondshire opted to grant discretionary rights of succession to treat all tenants equally.	Adopt the approach taken by Selby and Harrogate and limit the rights of succession to those set out in statute for all new tenants. The policy will make it clearer when discretion can be applied.	<ul style="list-style-type: none"> To adopt the approach taken by Richmondshire and guarantee all tenants equal rights of succession.
Joint tenants	Harrogate was fairly strict in limiting who could be offered a joint tenancy and then only to persons in a relationship with anything else by exception only (however there was no clarity as to what amounted to such an exception). Richmondshire took a similar approach, but Selby was silent on the subject.	To allow a wider group of persons to be offered a joint tenancy including siblings in recognition of the cost of living and the lack of single person accommodation within our stock.	<ul style="list-style-type: none"> Retain the current approach and limit the offer of a joint tenancy to those in a relationship. Widen the group of persons who can be offered a joint tenancy but only to those who have an existing history of living together such as siblings.
Introductory tenancies	Both Harrogate and Richmondshire offered introductory tenancies to all new tenants. Selby opted to offer secure tenants to those moving into Sheltered Housing, those over pensionable state age or those deemed "vulnerable" without the requirement to complete a probationary period.	To offer introductory tenancies to all new tenants as we do experience issues with both older tenants and those moving into Sheltered Housing, and which are impactful on other residents in those schemes.	<ul style="list-style-type: none"> Adopt the Selby approach and offer secure tenancies to certain groups of tenants immediately with no requirement to offer an introductory tenancy first.

Equality impact assessment (EIA) form: evidencing paying due regard to protected characteristics

(form updated June 2023)

Draft Tenancy Strategy and Tenancy Policy

If you would like this information in another language or format such as Braille, large print or audio, please contact the Communications Unit on 01609 53 2013 or email communications@northyorks.gov.uk.



যদি আপনি এই ডকুমেন্ট অন্য ভাষায় বা ফরমেটে চান, তাহলে দয়া করে আমাদেরকে বলুন।

如欲索取以另一語文印製或另一格式製作的資料，請與我們聯絡。

اگر آپ کو معلومات کسی دیگر زبان یا دیگر شکل میں درکار ہوں تو برائے مہربانی ہم سے پوچھئے۔

Equality Impact Assessments (EIAs) are public documents. EIAs accompanying reports going to County Councillors for decisions are published with the committee papers on our website and are available in hard copy at the relevant meeting. To help people find completed EIAs, we also publish them in our website's Equality and Diversity section. This will help people to see for themselves how we have paid due regard in order to meet statutory requirements.

Name of Directorate and Service Area	Community Development - Housing
Lead Officer and contact details	Hannah Heinemann – Head of Housing Delivery and Partnerships
Names and roles of other people involved in carrying out the EIA	Carl Doolan – Head of Housing Management and Landlord Service Matthew Brown – Housing Policy and Strategy Officer
How will you pay due regard? for example, working group, individual officer	This overarching EIA has been carried out by the Housing Strategy and Policy Officer with support from Head of Housing Management and Landlord Service. Full public consultation was undertaken. Individual EIAs will be carried out on each of specific projects and decisions required to achieve our strategy goals and the methods used will vary appropriately.
When did the due regard process start?	July 2024

Section 1. Please describe briefly what this EIA is about. (for example, are you starting a new service, changing how you do something, stopping doing something?)

Approval to consult on the Tenancy Strategy and Tenancy Policy for North Yorkshire.

To adopt a tenancy strategy is good practice, providing an agreed strategic approach to tenancy management within housing services and for our external partners such as Registered Providers.

The Tenancy Strategy is a high-level overview of the strategic vision for across North Yorkshire, which will underpin the Tenancy Policy for across North Yorkshire Council to deliver its housing management function.

Section 2. Why is this being proposed? What are the aims? What does the authority hope to achieve by it? (for example, to save money, meet increased demand, do things in a better way.)

The purpose of the strategy and policy is to inform stakeholders including registered providers, officers, residents, and council tenants about the Council's vision for housing management relating to tenancies across North Yorkshire.

Our key objectives are to have a single approach across North Yorkshire for both council tenants and registered providers.

The strategy and policy have been drafted following LGR where we need to have one approach to ensure we are legally compliant.

Section 3. What will change? What will be different for customers and/or staff?

The Tenancy Strategy and Policy provides the framework for the housing management service. Adoption of the strategy will signify the council's commitment to providing long term housing security for our customers across North Yorkshire.

Section 4. Involvement and consultation (What involvement and consultation has been done regarding the proposal and what are the results? What consultation will be needed and how will it be done?)

We will be looking to consult a range of groups in relation to the strategy and policy.

In terms of the strategy, we will be looking to consult our partners such as registered providers who are members the York North Yorkshire Housing Partnership (YNYHP) and other registered providers who are not part of the NNYHP but work within North Yorkshire.

For the policy, we will consult our tenants by conducting focus groups and giving tenants the opportunity to input their thoughts. We will also consult housing management employees.

Once we get feedback from all the relevant consultees, we will analysis the responses and amend the draft documents.

Section 5. What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?

Approval to consult of the strategy and policy will have limited budget implications due to requirement to consult tenants. However, after the consultation stage there will be no budget implications.

Section 6. How will this proposal affect people with protected characteristics?	No impact	Make things better	Make things worse	Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.
Age	✓			<p>North Yorkshire has a lower proportion of young people than the national average- 24.5% under 25 compared to 29.2% nationally.</p> <p>In 2021, 25% of the county's adult population was over the age of 65. This is higher than the national percentage of 18.4%.</p> <p>By 2035, 32.60% of North Yorkshire's total population will be aged 65+ and 5.97% will be aged 85+.</p> <p>Nationally 23.26% will be 65+ and 4.05% will be 85+ by 2035.</p> <p>By recognising the needs of our residents at different life stages we will be able to identify opportunities to tailor our services to specific age groups. Detailed EIAs will be undertaken on specific projects implemented to realise these ambitions.</p> <p>The strategy recognises differing demographic needs across North Yorkshire including both the ageing population and also the needs of younger persons and families.</p>
Disability		✓		<p>North Yorkshire has a lower proportion (19.3%) of people with a disability or long-term limiting illness whose day-to-day activities are limited a lot- against the national average of 23.69%.</p> <p>However, this will rise to 20.89% of the 65+ population in North Yorkshire, against a national average of 24.86%.</p> <p>By recognising the needs of our residents who may be more vulnerable or have specific accessibility and adaptability requirements we will improve access to</p>

				<p>housing for these groups. Detailed EIAs will be undertaken on specific projects implemented to realise these ambitions.</p> <p>By having a strategy and policy, which provides secure tenancies, it provides additional housing security for those with a disability.</p>
Sex	✓			<p>The proportion of females is slightly higher (51%) than that of males (49%).</p> <p>This pattern is reflected across all localities, with the exception of Richmondshire where the large number of predominantly male military personnel have the effect of reversing the proportions.</p> <p>Our ambitions will not have any anticipated impacts on people specifically due to them sharing this particular protected characteristic.</p>
Race	✓			<p>North Yorkshire has a much lower proportion (4.77%) of people who identify with a non-UK identity than the national average (12%).</p> <p>Our ambitions will not have any anticipated impacts on people specifically due to them sharing this particular protected characteristic.</p>
Gender reassignment	✓			<p>In the 2021 census 1478 (0.28%) of residents across North Yorkshire identified themselves as transsexual or with a gender identity different to that registered at birth.</p> <p>Our ambitions will not have any anticipated impacts on people specifically due to them sharing this particular protected characteristic.</p>
Sexual orientation	✓			<p>In the 2021 census 11,291 (2.2%) of residents across North Yorkshire identified themselves as Lesbian, Gay, Bisexual, or Other (LGB+).</p> <p>Our ambitions will not have any anticipated impacts on people specifically due to them sharing this particular protected characteristic.</p>
Religion or belief	✓			<p>North Yorkshire has higher levels of Christians (55.6%) than the national average (46.2%), and lower levels of all other religions than the national average. Percentages of those with no religion or not</p>

				<p>stating their religion are broadly similar to the national average.</p> <p>Our ambitions will not have any anticipated impacts on people specifically due to them sharing this particular protected characteristic.</p>
Pregnancy or maternity	✓			<p>In 2021 there were 5133 live births in North Yorkshire.</p> <p>In 2020 the conception rate per 1000 for under 18's was 10.9. This is below the rate for England (13).</p> <p>In 2020/21 4.2% of deliveries in North Yorkshire were to mothers from ethnic minorities, compared to the England value of 21.6%.</p> <p>Our ambitions will not have any anticipated impacts on people specifically due to them sharing this particular protected characteristic.</p>
Marriage or civil partnership	✓			<p>A higher percentage of North Yorkshire's population is married or in a civil partnership (53.7%) than the national average (46.8%)</p> <p>Our ambitions will not have any anticipated impacts on people specifically due to them sharing this particular protected characteristic.</p>

Section 7. How will this proposal affect people who...	No impact	Make things better	Make things worse	Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.
..live in a rural area?	✓			<p>The population in North Yorkshire is generally sparser than the national average (77 people per square kilometre as opposed to 434 nationally). In some parts of the county this is lower still (Ryedale 36, Richmondshire 38, Craven 48, Hambleton 69).</p> <p>Our ambitions will not have any anticipated impacts on people specifically due to them sharing this particular protected characteristic.</p>
...have a low income?	✓			<p>The proportion of households in deprivation in North Yorkshire reduced between 2011 and 2021. In 2011 52.1% of households in North Yorkshire were deprived in at least</p>

				<p>one of the four dimensions (employment, education, health and disability, housing).</p> <p>By 2021 this had fallen to 46.7%. This 5.4 percentage point reduction in North Yorkshire compared with a 5.9 percentage point reduction across England as a whole, with the proportion of households in deprivation in North Yorkshire remaining below the national average.</p> <p>Our ambitions will not have any anticipated impacts on people specifically due to them sharing this particular protected characteristic.</p>
...are carers (unpaid family or friend)?	✓			<p>Carers' allowance claimants make up 0.98% of North Yorkshire's population.</p> <p>This is lower than the average for England (1.42%) but there are variations across the county. It is likely, however, that these figures do not reflect the true number of people carrying out caring roles in the county as many do not claim allowances.</p> <p>Our ambitions will not have any anticipated impacts on people specifically due to them sharing this particular protected characteristic.</p>
..... are from the Armed Forces Community	✓			<p>North Yorkshire has 29,831 Armed Forces Veterans. Richmondshire has the highest proportion of Armed Forces Veterans in North Yorkshire at 9.5% (3,962), which is the third highest nationally.</p> <p>The proportion of veterans in Richmondshire is more than double the national average rate, which is 3.8%.</p> <p>Harrogate has the highest number of Armed Forces Veterans in North Yorkshire with 7,076 (5.2%).</p> <p>Our ambitions will not have any specific impact on those from the armed forces community and we will deliver services in line with the Armed Forces Covenant.</p>

Section 8. Geographic impact – Please detail where the impact will be (please tick all that apply)

North Yorkshire wide

✓

Section 8. Geographic impact – Please detail where the impact will be (please tick all that apply)

Craven district	
Hambleton district	
Harrogate district	
Richmondshire district	
Ryedale district	
Scarborough district	
Selby district	

If you have ticked one or more districts, will specific town(s)/village(s) be particularly impacted? If so, please specify below.

The Tenancy Strategy and Policy is the Council's overall high-level strategic plan. The Policy will have specific impact to customers within the Harrogate, Richmondshire and Selby areas where North Yorkshire Council have housing stock.

Section 9. Will the proposal affect anyone more because of a combination of protected characteristics? (for example, older women or young gay men) State what you think the effect may be and why, providing evidence from engagement, consultation and/or service user data or demographic information etc.

The proposal will not affect anyone more because of a combination of protected characteristics.

Section 10. Next steps to address the anticipated impact. Select one of the following options and explain why this has been chosen. (Remember: we have an anticipatory duty to make reasonable adjustments so that disabled people can access services and work for us)	Tick option chosen
1. No adverse impact - no major change is needed to the proposal. There is no potential for discrimination or adverse impact identified.	✓
2. Adverse impact - adjust the proposal - The EIA identifies potential problems or missed opportunities. We will change our proposal to reduce or remove these adverse impacts, or we will achieve our aim in another way which will not make things worse for people.	
3. Adverse impact - continue the proposal - The EIA identifies potential problems or missed opportunities. We cannot change our proposal to reduce or remove these adverse impacts, nor can we achieve our aim in another way which will not make things worse for people. (There must be compelling reasons for continuing with proposals which will have the most adverse impacts. Get advice from Legal Services)	
4. Actual or potential unlawful discrimination - stop and remove the proposal – The EIA identifies actual or potential unlawful discrimination. It must be stopped.	
Explanation of why the option has been chosen (include any advice given by Legal Services.)	
Our ambitions and high level outcomes as detailed in the Tenancy Strategy and Policy aspire to improve housing service delivery for everyone in North Yorkshire both tenants and customers for RP's.	

Section 11. If the proposal is to be implemented how will you find out how it is really affecting people? (How will you monitor and review the changes?)

We will use service data; customer contact, complaints to ensure that services are not negatively impacting on any protected characteristic.

Section 12. Action plan. List any actions you need to take which have been identified in this EIA, including post implementation review to find out how the outcomes have been achieved in practice and what impacts there have actually been on people with protected characteristics.

Action	Lead	By when	Progress	Monitoring arrangements

Section 13. Summary Summarise the findings of your EIA, including impacts, recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

Our ambitions in the Tenancy Strategy and Policy will result in a North Yorkshire wide approach to tenancy management which will lead to a better outcomes for all North Yorkshire Council tenants and customers of our registered providers within North Yorkshire of secure tenures.

The anticipated impacts of our ambitions are therefore positive ones.

Due regard to equalities will be paid when making decisions on actions to realise these ambitions and, where appropriate, these will be subject to full EIAs.

Section 14. Sign off section

This full EIA was completed by:

Name: Matthew Brown
Job title: Housing Policy and Strategy Officer
Directorate: Community Development
Signature:

Completion date: 26th July 2024

Authorised by Assistant Director: Andrew Rowe

Date: 3 September 2024

Climate change impact assessment

The purpose of this assessment is to help us understand the likely impacts of our decisions on the environment of North Yorkshire and on our aspiration to achieve net carbon neutrality by 2030, or as close to that date as possible. The intention is to mitigate negative effects and identify projects which will have positive effects.

This document should be completed in consultation with the supporting guidance. The final document will be published as part of the decision making process and should be written in Plain English.

If you have any additional queries which are not covered by the guidance please email climatechange@northyorks.gov.uk

Please note: You may not need to undertake this assessment if your proposal will be subject to any of the following:

Planning Permission
Environmental Impact Assessment
Strategic Environmental Assessment

However, you will still need to summarise your findings in the summary section of the form below.

Please contact climatechange@northyorks.gov.uk for advice.

Title of proposal	Tenancy Strategy and Tenancy Policy
Brief description of proposal	Approval to consult on the Tenancy Strategy and Tenancy Policy for North Yorkshire
Directorate	Community Development
Service area	Housing
Lead officer	Andrew Rowe
Names and roles of other people involved in carrying out the impact assessment	Matthew Brown & Carl Doolan
Date impact assessment started	July 2024

Options appraisal

The Tenancy Strategy and Tenancy Policy IS AN legal requirement in line with Section 150 of the Localism Act 2011, which states:

(1) A local housing authority in England must prepare and publish a strategy (a “tenancy strategy”) setting out the matters to which the registered providers of social housing for its district are to have regard in formulating policies relating to -

- (a) The kinds of tenancies they grant
 - (b) The circumstances in which they will grant a tenancy of a particular kind
 - (c) Where they grant tenancies for a certain term, the lengths of the terms, and
 - (d) The circumstances in which they will grant a further tenancy on the coming to an end of an existing tenancy
- (2) The tenancy strategy must summarise those policies or explain where they may be found.

The Tenancy Strategy is a high-level overview of the strategic vision for across North Yorkshire, which will underpin the Tenancy Policy for North Yorkshire Council to deliver its housing management function.

Climate change and the potential environmental impacts of our strategy are key considerations for the Housing Service and the detailed analysis of specific projects will be carried out as they come forward for political decision.

What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?

The strategy and policy will be delivered within existing service budgets and will be cost neutral.

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p>Positive impact (Place a X in the box below where relevant)</p>	<p>No impact (Place a X in the box below where relevant)</p>	<p>Negative impact (Place a X in the box below where relevant)</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> Changes over and above business as usual Evidence or measurement of effect Figures for CO₂e Links to relevant documents 	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>	
<p>Minimise greenhouse gas emissions e.g. reducing emissions from travel, increasing energy efficiencies etc.</p>	Emissions from travel		X				
	Emissions from construction		X				
	Emissions from running of buildings		X				
	Emissions from data storage		X				
	Other		X				
<p>Minimise waste: Reduce, reuse, recycle and compost e.g. reducing use of single use plastic</p>			X				
<p>Reduce water consumption</p>			X				

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p>Positive impact (Place a X in the box below where relevant)</p>	<p>No impact (Place a X in the box below where relevant)</p>	<p>Negative impact (Place a X in the box below where relevant)</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents 	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
<p>Minimise pollution (including air, land, water, light and noise)</p>		X				
<p>Ensure resilience to the effects of climate change e.g. reducing flood risk, mitigating effects of drier, hotter summers</p>		X				
<p>Enhance conservation and wildlife</p>		X				
<p>Safeguard the distinctive characteristics, features and special qualities of North Yorkshire's landscape</p>		X				

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p>Positive impact (Place a X in the box below where relevant)</p>	<p>No impact (Place a X in the box below where relevant)</p>	<p>Negative impact (Place a X in the box below where relevant)</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents 	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
<p>Other (please state below)</p>		<p>X</p>				

Are there any recognised good practice environmental standards in relation to this proposal?

N/A

Summary Summarise the findings of your impact assessment, including impacts, the recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

The Tenancy Strategy and Tenancy Policy shows that there will be no environmental impact in itself, its vision, or strategic themes.

Sign off section

This climate change impact assessment was completed by:

Name	Matthew Brown
Job title	Housing Policy and Strategy Officer
Service area	Housing
Directorate	Community Development
Signature	
Completion date	26th July 2024

Authorised by Assistant Director: Andrew Rowe

Date: 3 September 2024