

Tenancy Policy & Strategy – Request to Commence Consultation (Housing, Maggie Ward)

Synopsis of report:

The Council has a legal responsibility to publish a Tenancy Strategy which it last did in 2018. It must also publish a Tenancy Policy for use in allocation of its own stock and changes in the Tenancy Strategy should be reflected in the Council's Tenancy Policy which was last published in 2015.

Officers have reviewed the Tenancy Strategy and it is deemed appropriate to review the Tenancy Policy at the same time to ensure the documents are consistent.

Draft documents for the Tenancy Strategy and Tenancy Policy are submitted for consideration.

Members are asked to approve a consultation on the proposed Tenancy Strategy and Tenancy Policy.

Recommendation:

That Members approve a consultation exercise for the revised Tenancy Strategy (Appendix A) and Tenancy Policy (Appendix B) to be brought back to this Committee with the results of the consultation in September 2022.

1. Context and background of report

- 1.1 Under the Localism Act 2011 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 term certain, 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.
- 1.2 Prior to 2012 Councils were only able to offer secure “lifetime” tenancies which resulted in very poor use of stock with high levels of under occupation within social housing. The Introduction of the Social Sector Size Criteria had very little impact in Runnymede as it did not apply to anyone over 61 and so only tenants in less popular accommodation took the opportunity to move. The Localism Act 2011 introduced a power for local authorities to offer “flexible tenancies” to new social tenants after 1 April 2012. Flexible tenancies are secure fixed-term tenancies with a minimum term of two years.
- 1.3 Runnymede last published a Tenancy Strategy in 2018. The reviewed draft strategy and policy make new recommendations and therefore it is appropriate to submit them for consultation together.

- 1.3 The Council has a legal responsibility to publish a Tenancy Strategy for use in allocation of its own stock and changes in the Tenancy Strategy should be reflected in the Council's Tenancy Policy which was last published in 2015.
- 1.4 The revised Strategy and Policy have been considered by the Housing Member Working Party and the drafts submitted to committee reflect their comments.

2 Report

- 2.1 The current Tenancy Strategy 2018 recommends using the following tenancies as outlined below. It is considered that some of these tenancies do not provide the level of security that households need.

Secure Tenancies

- All existing social housing tenants transferring and new entrants to social housing moving into Independent Retirement Living

2 year flexible tenancies for:

- Single households under 35 years of age, except where there are evidenced disabilities requiring adaptations;
- Households with evidenced histories of anti-social behaviour within the last five years;
- Households with evidence of poor rent payment history within the last five years;
- Households with children over 18 years old still in education, employment, or training.

5 Year Flexible Tenancies for:

- Households moving into two-bedroom general needs properties;
- Households moving into one-bedroom general needs properties, except where the tenant is under 35 or there is evidence of long term disabilities requiring adaptations.

10 Year Flexible Tenancies

- All other tenancies

- 2.2 Fixed term tenancies should not be used to manage breaches of tenancy conditions such as rent arrears, neglect of the property or ASB, there is legislation for this which should be used in a timely manner. Conduct of the tenancy may be considered within the review but this should be focussed on whether the property is still suitable under the Allocation Scheme in operation or whether the household circumstances have changed to the extent that social housing is no longer required and the tenants can be assisted to move into another tenure.
- 2.3 There have been very few Flexible Tenancy reviews to date and all have resulted in a further fixed term. It is recommended that the Council no longer uses 2-year Flexible tenancies as they do not give the level of security that the Council wants to provide to people entering social housing.
- 2.4 The Tenancy Strategy and Tenancy Policy 2022 – 2025 recommend:

Secure Tenancies

- All existing social housing tenants transferring and new entrants to social housing moving into Independent Retirement Living

5-year Flexible tenancies

- Tenants in properties larger than one bedroom where all members of the household are over 16 years of age.

10-year Flexible Tenancies

- single person households
- couples without children
- households with at least one child under 16.

Secure or Assured tenants moving to an Affordable rent property

- Tenants holding a secure tenancy and transferring will receive a further secure tenancy unless they are moving to a property on an Affordable rent with more than one bedroom when they will be offered a flexible tenancy of the appropriate length.

Licences / Non secure tenancies

- For Temporary Accommodation the occupants will be offered licences to occupy the property. Currently the Council offers non secure tenancies however occupation can only be obtained with a court order and this can take months. Use of licences will enable to the Council to end Temporary Accommodation without a lengthy legal process.

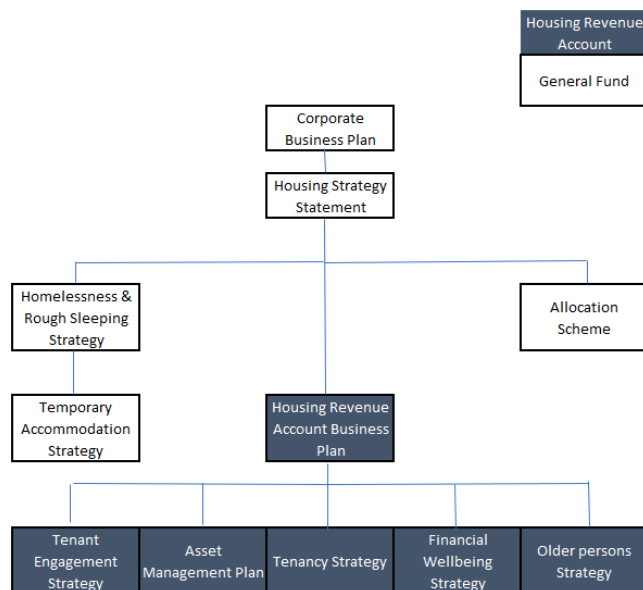
- 2.5 All new tenants will initially have a one-year Introductory Tenancy during which period if this is not conducted appropriately the Council has the opportunity to review the tenancy and extend it for one further period of 6 months, at the end of which it must award a Fixed or Secure tenancy or service notice to end the tenancy.

3. Policy framework implications

- 3.1 The Runnymede Housing Strategy Statement 2021- 26 aims to:

- Ensure good quality affordable housing is available to local people in both the social and private sector
- Support local people to access appropriate housing

3.2 Figure 1 Strategy Structure



4. Resource implications

4.1 None

5. Legal implications

5.1 The duty as a local housing authority to prepare and publish a tenancy strategy is in s. 150(1) of the Localism Act 2011 and under s.150(5) the authority must keep it under review and may modify or replace it from time to time.

5.2 In preparing or modifying a strategy, by s.151 the authority must have regard to its allocation scheme under s. 166A of the Housing Act 1996 and homelessness strategy under s.1 of the Homelessness Act 2002. Before a modified strategy is adopted, it must be sent to every private registered provider of social housing for its district to give them a reasonable opportunity to comment.

6. Equality implications

6.1 An Equality Screening has been carried out and it has been determined a full Equality Impact Assessment is not required.

7. Environmental/Sustainability/Biodiversity implications

7.1 Ceasing the use of 2 year tenancies for vulnerable people will encourage these tenants to invest in their home, make longer terms plan in education, training or employment and sustain their tenancies over a longer period. Short term tenancies create instability and have a high carbon footprint with repeated void works and clearances.

8 Consultation

8.1 The following measures will take place as part of the consultation:

- All Registered Providers currently active within the Borough will be consulted on the Strategy.
- The consultation will be published on the website with a Communications Plan to raise awareness.
- All applicants on the Housing Register will be emailed to advise them of the consultation
- A cross section of existing tenants will be invited to comment on the Strategy and Policy

9. **Timetable for Implementation**

- 9.1 Consultation will be open for 8 weeks following which a report with the results will be brought back to this committee.

10. **Conclusions**

- 10.1 Members are asked to approve a consultation exercise on the proposed draft Tenancy Strategy (Appendix A) and Tenancy Policy (Appendix B).

(To resolve)

Background papers

None