

Tenancy Policy/Strategy (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 Tenancy Strategy and Tenancy Policy documents were brought to this Committee in June 2022 and Members approved a consultation exercise, which took place between 9 June 2022 and 4 August 2022. Feedback on the consultation is included in this report.

Members are asked to approve the Tenancy Strategy (Appendix A) and Tenancy Policy (Appendix B) for implementation.

Recommendation(s):

That Members approve the revised Tenancy Strategy and Tenancy Policy for implementation effective from 19 October 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 was 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 secure social housing tenants transferring and new entrants to social housing moving into Independent Retirement Living

2-Year flexible tenancies:

- 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:

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 ceases the use of 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 – 2026 recommends:

Secure Tenancies

- All existing social housing tenants with a secure tenancy awarded prior to 1 April 2012 transferring.

- 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.
- Tenants of properties with significant adaptations with more than one bedroom regardless of the age of the children.

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 provided though our homelessness duties 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 and can lead to significant rent loss where occupants are not paying. Use of licences will enable to the Council to end Temporary Accommodation without a lengthy legal process. If the Council subsequently accepts a full housing duty to the licensee, the licensee will be required to sign a non-secure tenancy agreement or non-excluded licence of any accommodation offered pursuant to that duty (including of the same accommodation).

2.7 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 six months, at the end of which it must award a Fixed or Secure tenancy or service notice to end the tenancy.

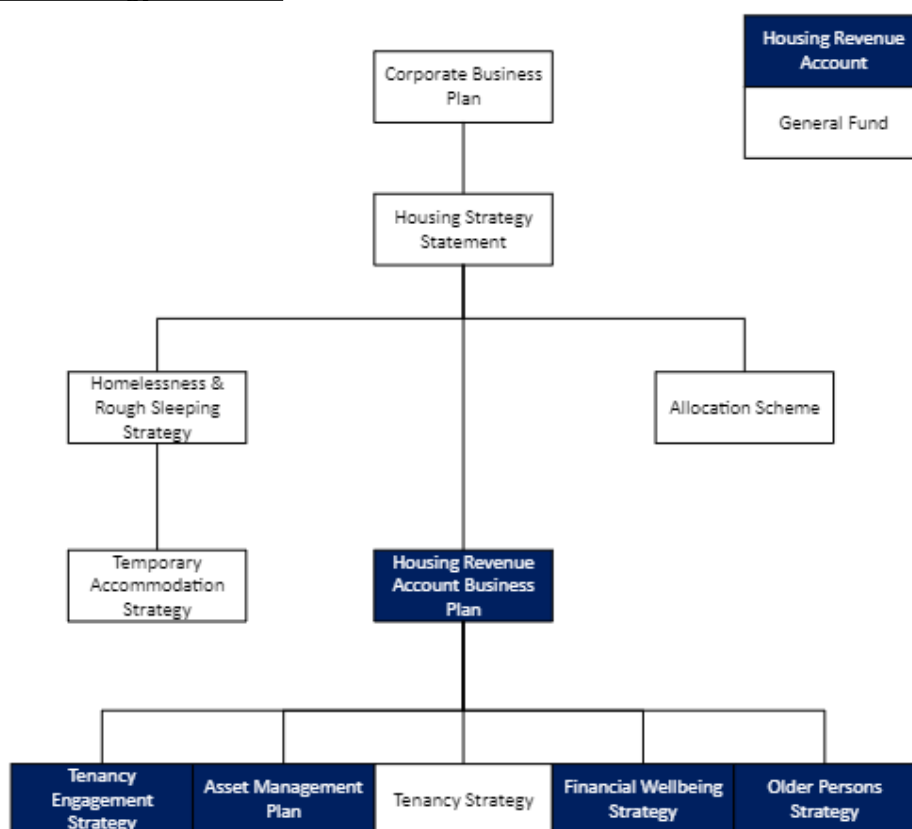
2.8 The shorter tenancy for adapted properties is to ensure that such properties are available for those that require them.

2. 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. The Tenancy Strategy must summarise the Council's Tenancy Policies or explain where they may be found. The Tenancy Strategy must have regard to its tenancy strategy in exercising its housing management functions.

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. Once adopted, the Council must make a copy of everything published as part of its Tenancy Strategy available at the Civic Offices for inspection at all reasonable hours, without charge, by members of the public, and provide (on payment if required by the Council of a reasonable charge) a copy of anything so published to any member of the public who asks for one.

6. **Equality implications**

6.1 An Equality Screening has been carried out and noted that the Tenancy Strategy objectives are likely to benefit a range of tenants, including those with the protected

characteristics of disability and age and there is no indication that any group is likely to be adversely affected. The main purpose of the strategy is to maximise use of the social housing stock in the Borough and therefore housing must be restricted to those in most need. This will include a significant proportion of people with protected characteristics.

- 6.2 It is intended to improve monitoring of equality data, particularly around the use of fixed term tenancies and the ending of these tenancies. More information is now routinely collected for applicants on the Housing Register, and we will analyse the characteristics of those offered RBC fixed term tenancies and the outcome of these tenancies; and encourage RP partners to share this data with us as part of quarterly monitoring of their lettings. Subsequent analysis will highlight any discriminatory impacts of the use of fixed term tenancies. If any negative impacts on those with protected characteristics are found, a further equalities screening assessment and if required a full impact assessment will be carried out and mitigating actions completed as necessary.
- 6.3 This updated Strategy and supporting Policy increase the level of security offered to some applicants whilst retaining fixed term tenancies to ensure best use of the social housing stock in the Borough.

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 An 8-week consultation exercise took place:
- A condensed overview of the policy and strategy was published on our website, consultees could share their thoughts on the consultation by submitting a form online.
 - Emailed 81 housing applicants who had applied since May 2022 and were representative of the age groups on the register with a short overview and link to our website.

Current Housing Register Applicants

Age Band	% of Age Band
60 and over	16.16%
Between 25 and 39	38.88%
Between 40 and 45	9.68%
Between 45 and 49	8.86%
Between 50 and 54	6.48%
Between 55 and 59	7.05%
Under 25	12.88%
Total	100.00%

Applicants consulted

Age Band	% of Age band
60 and over	23.19%
Between 25 and 39	37.68%
Between 40 and 45	5.80%
Between 45 and 49	7.25%
Between 50 and 54	11.59%
Between 55 and 59	7.25%
Under 25	7.25%
Total	100.00%

- An article was published on our online newsletter, Tenants Online
- Consulted with Shelter
- Emailed 14 Registered Providers with housing stock in Runnymede

8.2 Only three prospective tenants responded and of these two responded 'I like the changes' and one said there should be lifetime tenancies.

8.3 Three Registered Providers responded, Southern Housing Group are only offering assured periodic (lifetime) tenancies and Mount Green HA are no longer using flexible/fixed term tenancies and will convert existing ones to a full assured tenancy at the end of their 5 years. Optivo who own the Affordable Housing for NHS workers at St Peter's Hospital responded to say that they have not offered Flexible tenancies since 2019.

8.4 It is apparent that across the social housing sector Registered Providers are moving away from flexible tenancies. There is an ongoing cost to these, there is a significant resource required to review the tenancies and ending tenancies will lead to an increase in void costs and rent loss. The use of flexible tenancies could have a low impact on the income of any landlord and so it is understandable that since there is no legal requirement to offer flexible tenancies these organisations will opt for lifetime tenancies. Under occupation of their housing stock is not an issue as they have no responsibility for housing need.

9. Timetable for Implementation

9.1 The Tenancy Strategy and Tenancy Policy will be implemented with immediate effect following approval.

10. Conclusions

10.1 Members are asked to approve Tenancy Strategy and Tenancy Policy.

(To resolve)

Background Papers

None