

WAVERLEY BOROUGH COUNCIL
EXECUTIVE
- 6 NOVEMBER 2012

Title:

DRAFT TENANCY STRATEGY

[Portfolio Holder: Cllr Keith Webster]

[Wards Affected: All]

Summary and purpose:

To present the Draft Tenancy Strategy to the Executive. To seek the Executive's support for the principals of the strategy and their approval to commence consultation.

How this report relates to the Council's Corporate Priorities:

Affordable Housing – the strategy provides guidance to all social housing providers on the Council's expectations regarding the type of tenancies to be used.

Equality and Diversity Implications:

The adoption of the Tenancy Strategy, that all social housing providers must have due regard to, will ensure all tenants are fairly treated.

Environment and Climate Change Implications:

Not applicable

Resource/Value for Money Implications:

The consultation and publication will be met within existing resources at minor costs.

Legal Implications:

The Council has a duty under Section 150 of the Localism Act 2011 to publish a Tenancy Strategy, and a local housing authority must have regard to its Tenancy Strategy in exercising its housing management functions.

Background

1. All local authorities have a duty to develop and publish a Tenancy Strategy by 13 January 2013. Officers have developed a draft Tenancy Strategy for Members' consideration and, subject to their approval, wider consultation during November.

Introduction

2. The Tenancy Strategy sets guidance for all social housing providers on how to implement new flexibilities within Localism Act. All Registered Providers in the borough will be required to “have regard to” the Council’s Tenancy Strategy when developing their own Tenancy Policy.
3. The Strategy will enable the use of flexible and fixed tenancies, affordable rents and sets guidance for their appropriate use. The objectives of the Strategy are to:
 - make the best use of affordable housing stock, and
 - meet the housing needs of Waverley residents who are unable to secure a home for themselves in the private sector.

Proposals for Tenancy Strategy

4. There are a range of options available to local authorities on considering how to implement or not the new freedoms of the Localism Act. The table sets out the recommended proposals for the Strategy and the alternative options available:

| Proposals made | Options for alternatives | Risks of alternative |
|--|---|--|
| Support use of flexible and fixed tenancies | Not support use | Fail to make best use of stock |
| Five year fixed term (regulation minimum) | any longer term eg 7, 10, 15 year | Fail to make best use of stock |
| Applicants suitable for flexible tenancies, all but OAPs in Sheltered accommodation | All OAPs, disabled, families with school age children, sheltered only | Fail to make best use of stock |
| Exceptions for two year tenancies: <ul style="list-style-type: none"> • ASB perpetrator • ASB geography • Overcrowding • Notice of Seeking Possession • Move on/Supported accommodation | | Regulations state to be exceptional circumstances. Open to legal challenge |
| Circumstances tenancy not reissued: <ul style="list-style-type: none"> • Under occupied • No longer suitable for needs • Tenants circumstances | | Circumstances to be fair, reasonable and clearly stated. Open to legal challenge |

| | | |
|--|---|--|
| <p>changed eg income</p> <ul style="list-style-type: none"> • Not engaged with review process • Possession proceedings commenced as breach of tenancy • Disposal or refurbishment of property | | |
| Support use of Affordable Rents | not support use | Reduce future supply of affordable housing |
| Not permit family units to be converted to Affordable Rents | No restrictions on Affordable Rents | Family homes unaffordable for low income families |
| Not permit more 60% conversion to Affordable Rents | Higher % or No restrictions on Affordable Rents | Reduce number of social rent properties |
| Keep Affordable Rents below the Local Housing Allowance rates for the area | No restrictions on Affordable Rents | Affordable rents unaffordable to those in housing need particularly in rural areas |

5. There will be an opportunity to amend the proposals after adoption as the Tenancy Strategy will be reviewed on an annual basis to ensure the objectives are achieved.

Consultation

6. The draft Strategy was developed in collaboration with local housing associations and current tenants and applicants. Further consultation will occur for a four-week period commencing 7 November, subject to Executive approval, on the draft Strategy. Officers will write to Housing Associations, statutory stakeholders and the Tenants Panel and have an online survey form.

7. The Consultation Questions are set out below:

Q1 To what extent do you agree or disagree with the objectives of the draft Tenancy Strategy?

- To make the best use of the affordable housing stock; and
- To meet the housing needs of Waverley residents who are unable to secure a home for themselves in the private sector

Q2 To what extent do you agree or disagree with the tenancy lengths proposed for each household group?

- Lifetime tenancy to older people in sheltered accommodation
- Five-year tenancy for all others

Q3 To what extent do you agree or disagree with the exceptional circumstances to grant a tenancy for less than five years?

- If an Introductory tenancy has been extended due to anti-social behaviour
- If a household is statutorily overcrowded, but no alternative accommodation has been secured
- In a geographical area where shorter tenancies could help to tackle anti-social behaviour
- Where a Notice of Seeking Possession has been issued due to rent arrears and the Court has accepted a payment agreement which the tenant has kept to
- In supported or move on accommodation to meet the objectives of the scheme

Q4 To what extent do you agree or disagree with the circumstances where a further term would not be granted?

- Property is under-occupied – eg. children have moved out
- Property is no longer suitable for the tenant's needs – eg. an adapted property is no longer required
- Tenant's circumstances have changed – eg. the tenant has sufficient income to be able to afford market housing; the tenant has come into legal ownership of another home or property
- Tenant and/or their advocate do not engage in the tenancy review process
- Possession proceedings have commenced or a tenancy obligation has been broken – eg. anti-social behaviour, rent arrears
- Disposal or refurbishment of property

Q5 To what extent do you agree or disagree that the Council should expect housing associations to exclude certain properties from Affordable Rents?

- No more than 60% of stock

Q6 To what extent do you agree or disagree with the Council restricting Affordable Rents to less than the Local Housing Allowance rate for the area?

- The LHA is set annually by the Valuation Office Agency Rent Officers for each Broad Rental Market Area and is the maximum rent that can be met by benefits

Conclusion

8. The draft Tenancy Strategy provides the Council with an opportunity to set out how it expects social housing tenancies to be adopted in Waverley and to make the best use of the stock and assist those in housing need.

Recommendation

The Executive is asked to:

1. Support the objectives and proposals, incorporating any changes to the proposals considered appropriate by the Executive, of the Tenancy Strategy;
2. Agree that Officers commence the consultation exercise; and
3. Receive a subsequent report on the consultation responses and proposed final Tenancy Strategy at the Executive meeting on 4 December 2012 and Council on 11 December 2012.

Background Papers

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

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