

WAVERLEY BOROUGH COUNCIL

EXECUTIVE - 4 DECEMBER 2012

---

**Title:**

**TENANCY STRATEGY**

**[Portfolio Holder: Cllr Keith Webster]**

**[Wards Affected: All]**

---

**Summary and purpose:**

The purpose of this report is to present the Tenancy Strategy to the Executive and report on the consultation findings. The report also requests the Council's approval to adopt the Tenancy Strategy to provide guidance to social housing providers on the Council's expectations regarding the type of tenancies to be used.

---

**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 making best use of the stock.

**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. Officers completed an Equality Impact Assessment for the Tenancy Strategy to ensure it reflects the needs of Waverley's communities and complies with legislative requirements.

**Environment and Climate Change Implications:**

There are no environment or climate change implications.

**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 and carried out 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 is a range of options available to local authorities on considering how to implement or not the new freedoms of the Localism Act.
5. Please see below table to demonstrate the recommended proposals for the strategy and the alternative options available:

<b>Proposals made</b>	<b>Options for alternatives</b>	<b>Risks of alternative</b>
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"> <li>• ASB perpetrator</li> <li>• ASB geography</li> <li>• Overcrowding</li> <li>• Notice of Seeking Possession</li> <li>• Move on/Supported accommodation</li> </ul>		Regulations state to be exceptional circumstances Open to legal challenge
Circumstances tenancy not reissued: <ul style="list-style-type: none"> <li>• Under occupied</li> <li>• No longer suitable for needs</li> <li>• Tenants circumstances changed eg income</li> </ul>		Circumstances to be fair, reasonable and clearly stated Open to legal challenge

<ul style="list-style-type: none"> <li>• Not engaged with review process</li> <li>• Possession proceedings commenced as breach of tenancy</li> <li>• Disposal or refurbishment of property</li> </ul>		
Support use of Affordable Rents	not support use	Reduce future supply of affordable housing
Not permit more 60% conversion to Affordable Rents	No restrictions on Affordable Rents Restrict type of property converted	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

6. 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**

7. The draft strategy was developed in collaboration with local housing associations and current tenants and applicants. Further consultation was carried out in November, following Executive approval.
8. Officers wrote to Housing Associations, statutory stakeholders, Town and Parish Councils, Equality and Diversity Forums and the Tenants Panel to invite their views. The consultation was advertised on the Council and HomeChoice websites and on the display screens in the offices.
9. Members were advised of the consultation via the weekly “what’s on” email. All members were invited to the Corporate Overview and Scrutiny Committee on 26 November when the draft tenancy strategy was considered.
10. An online survey form was developed to record views and comments from all.

### **Consultation Results**

11. Officers received eight online responses and one further separate response to the consultation.
12. The complete survey responses can be found at [Annexe 1](#). The consultation found that respondents were broadly in agreement with the objectives of the strategy, length of tenancy, exceptional circumstances for shorter term

tenancies, circumstances for not granting further tenancy and use of Affordable Rent.

13. However 50% of respondents disagreed with the proposal to restrict Affordable Rents to less than the Local Housing Allowance (LHA) rate for the area.
14. The Corporate Overview and Scrutiny Committee supported the objectives and proposals set out in the draft tenancy strategy and had no additional comments for the consultation.

### **Tenancy Strategy**

15. Officers gave consideration to the results and views following consultation. The majority of respondents agree with the proposals and officers find there are no major amendments to be made to the Draft Tenancy Strategy. A number of minor amendments are suggested to ensure clarity of the strategy.
16. The changes refer to:
  - Removal of guidance regarding family sized accommodation and affordable rents. Following conversations with our housing association partners it is felt that it would be too prescriptive to prohibit Affordable Rents for family homes and could limit the number of new affordable homes.
  - Change of phrase to “aim to” keep affordable rents within LHA. Following responses officers recognise our housing association partners’ contractual obligations to the HCA regarding affordable rents.
17. Please refer to Annexe 2 for the proposed Tenancy Strategy.

### **Conclusion**

18. The consultation supports the objectives and proposals of the Tenancy Strategy. The strategy provides the Council an opportunity to state 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 recommend to the Council that

1. the objectives and proposals of the Tenancy Strategy be supported; and
2. the Tenancy Strategy for Waverley be adopted.

---

### **Background Papers**

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

---

**CONTACT OFFICER:**

**Name:** Annalisa Howson

**Telephone:** 01483 523453

**E-mail:** [annalisa.howson@waverley.gov.uk](mailto:annalisa.howson@waverley.gov.uk)

## ANNEXE 1

The Consultation Questions and Responses are set out below:

Q1 To what extent do you agree or disagree with the objectives of the 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 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 areas 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 circumstance 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 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 with 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