
Meeting: Social Care, Health and Housing Overview and Scrutiny Committee

Date: 4 March 2013

Subject: Tenancy Strategy 2013-2018

Report of: Cllr Ms Carole Hegley, Executive Member for Social Care, Health and Housing

Summary: The report proposes that the Council adopts a Tenancy Strategy, in order to fulfil its legal requirements conferred by the Localism Act 2011. The Tenancy Strategy has been developed following a Member's seminar held in August 2012 and through work undertaken by a Member's Task & Finish Group, working on associated Housing issues, to make use of the freedoms and opportunities created by the Localism Act, in response to the National Housing Strategy. It has been subject to a significant amount of consultation over a 12 week period.

Advising Officer: Julie Ogley, Director of Social Care, Health and Housing

Contact Officer: Tony Keaveney, Housing Service

Public/Exempt: Public

Wards Affected: All

Function of: Council

CORPORATE IMPLICATIONS

Council Priorities:

1. Improved educational attainment

The Council is proposing measures in the Tenancy Strategy that will support children to continue their education within the same educational establishment; should the Tenancy Strategy result in a home move for their household.

2. Promote health and wellbeing and protecting the vulnerable

The Council is proposing measures in the Tenancy Strategy that will protect households with health or other support needs.

Financial:

3. The recommendations of this report would be implemented within current resource levels and therefore there are no financial implications.

Legal:

4. The Localism Act 2011 requires local authorities to publish a Tenancy Strategy. The law requires that it contains certain information and that the Council has consulted on it prior to publication. All of these requirements have been met.

Risk Management:

5. Not Applicable.

Staffing (including Trades Unions):

6. Not Applicable.

Equalities/Human Rights:

7. In developing the Strategy considerable efforts have been made to consult with a wide variety of stakeholders in order to understand the potential impacts of the changes.
8. Whilst there is support for the move away from social housing being a home for life in order to make better use of housing stock for vulnerable groups, there are also clear concerns about the needs of vulnerable groups such as older and disabled people in relation to moving and as a result there is considerable support for the mitigating / special circumstances that are being built into the Strategy.
9. There is also concern from some respondents that the need for stability that some children and young people have, exceeds a five year fixed tenancy and protection from needing to change school. This issue was particularly evident amongst families that had experienced homelessness and domestic abuse.
10. The majority of respondents stressed the need for all vulnerable groups to have a real choice of other housing options and appropriate help and support to move on in their lives. A number of respondents were very concerned about the lack of affordable housing and the high level of rents in the private sector. These concerns will need to be effectively addressed in the Council's Housing Green Paper in order for the Tenancy Strategy to have the intended positive effect.
11. There is also a need to be very clear about definitions relating to special circumstances.
12. The principles to help the most vulnerable to improve their lives and to incentivise work and the issues highlighted in this EIA need to be carefully considered and addressed as the policy and procedural guidelines are drawn up.
13. The Housing Green Paper will need to address the issues of ensuring an appropriate supply of housing of different sizes, affordable housing and appropriate private rental accommodation.

Public Health

14. Not Applicable.

Community Safety:

15. Not Applicable.

Sustainability:

16. Not Applicable.

Procurement:

17. Not applicable.

RECOMMENDATION(S):**The Committee is asked to:-**

1. **Consider the feedback received during a 12 week public consultation on the draft Tenancy Strategy 2013-18, at appendices B, C and D.**
2. **Consider in particular the issues highlighted at paragraphs 36 to 42 of this report, to frame an appropriate recommendation to the Executive Committee.**
3. **Consider the Tenancy Strategy at appendix A and provide appropriate comment to the Executive Committee, which shall consider the Tenancy Strategy for adoption on 19th March 2013.**

Background

18. The Localism Act 2011 requires all local authorities to publish a Tenancy Strategy, to which local social housing providers must have regard. The purpose of the Tenancy Strategy is to help shape the policies of social landlords in the area, especially on the extent to which they make use of fixed term tenancies.
19. Registered Providers – social housing landlords – are required to have “due regard” to the Council’s Tenancy Strategy and will be required to publish Tenancy Policies. Ideally, these should reflect the content of the Council’s Tenancy Strategy.
20. The legal purpose of the Tenancy Strategy is to shape landlords’ policies on tenancies. But the terms on which tenancies are granted are only a means to an end. It is an important Member role to make sure the position the Council takes on tenancies, is based on the bigger picture, on housing and more widely.
21. The Tenancy Strategy also sets out the Council’s own position in terms of the type of tenancies the Council will let from April 2013.
22. In Central Bedfordshire the development of the draft Tenancy Strategy has been based on the key principle that members wish to make use of Fixed Term social housing tenancies as part of a new Housing Offer for Central Bedfordshire. It is very much part of a broader agenda of housing reform locally.

Key Principles of the Tenancy Strategy

23. The Council is developing its own housing reform paper. Briefly, this local Housing Green Paper, which initially has been considered by the Task and Finish Group, seeks to drive reform in a number of areas including housing need assessment and housing allocations; responding to homelessness; making best use of stock; developing on-line housing-need assessment and registration; Introductory Tenancies; developing the local housing offer in a way that encourages and supports people to move up the housing ladder; promoting mobility for working households and creating choice in the housing market for older households. The introduction of fixed term tenancies via the Tenancy Strategy is a critical piece in this reform plan.
24. The Tenancy Strategy is based on the principle that a housing register applicant will be provided with a social housing tenancy for a period of time. The household may retain that social housing unit whilst they remain in social need. If the need for the property is no longer there when the review is conducted, the household will be asked to move on. This will enable the Council and Registered Providers to help more households in social housing need over a period of time.
2. The Tenancy Strategy states that the Council will introduce fixed term tenancies in its own housing stock. It also encourages Registered Providers to do the same. The Strategy says that tenancies in its own stock will be fixed for a period of 5 years, with the presumption of renewal unless a household's circumstances have changed meaning that it is inappropriate for the household to continue to live in that particular property.
26. It is a requirement that the Tenancy Strategy clearly sets out the circumstances in which households will NOT have their tenancies renewed. These are set out in the Tenancy Strategy which is found at Appendix A. The Tenancy Strategy states that tenancies should not be renewed if:
 - a) The property is now under-occupied, as some of the original household members have moved on;
 - b) There has been a significant improvement in the household's financial circumstances and they no longer need a social housing property;
 - c) The current property has been adapted to help a resident but it is no longer suitable for the tenant's needs;
 - d) The tenancy has not been conducted satisfactorily;
 - e) The tenant has allowed the property to become severely overcrowded;
 - f) The tenant refuses to participate in the renewal process, and has been offered all the support to do so.

Consulting on the draft Tenancy Strategy

27. The Council is legally required to consult on the draft Tenancy Strategy and has, for the last 12 weeks, carried out a formal consultation exercise.

28. In order to seek the views of as wide an audience as possible, the Council placed the draft Tenancy Strategy, a summary document and a Frequently Asked Questions document onto the *Have Your Say* page of the Council's website. The web link for this survey has been actively promoted with partner agencies and to all those housing register applicants who made contact with the Housing Register team during January 2013. This resulted in 37 online surveys being completed.
29. A series of face-to-face interviews were carried out with service users during the consultation period. This included talking to residents at Bedford Court; and Women's Refuges in Biggleswade and Dunstable, most of whom were bidding for properties and so have a particular interest in tenancy types at this time. Housing staff also attended Job Club sessions to talk face-to-face with service users there. This resulted in 14 face-to-face interviews with housing applicants and service users.
30. A stakeholder workshop was held in January, attended by a range of agencies as well as Registered Providers and Council Members. Agencies who did not attend this have had the opportunity to debate issues via attendance at the Child Poverty Forum and Equalities Forum – where presentations were made by Housing staff and debate facilitated.
31. Housing Staff have been involved in the development of the Tenancy Strategy via facilitated staff workshops – in total, 48 staff attended these.

Summary of consultation feedback

32. Feedback from online survey

The results of the online survey are attached in the excel spread sheet. (Appendix B). This shows broad support for the proposals.

33. Feedback from face to face work with service users and the general public.

Because it is hard to engage effectively with those affected by the proposals in the Tenancy Strategy, a series of face-to-face interviews with those most likely to be affected were carried out. A summary of this feedback is contained within Appendix C. Again, there is broad support for the proposals contained within the Tenancy Strategy.

34. Views of partner agencies

The feedback from this work was positive and broadly supportive of the proposals. Participants highlighted concerns that the review at 5 years should be part of ongoing contact with the tenant over the duration of the fixed term tenancy, and should not "come out of the blue". They also debated whether tenants over pensionable age should be awarded lifetime tenancies, forming the view that on balance they should be.

There was overall support for the concept of effective pre-tenancy briefing or training, to provide guidance on effective tenancy management. The main area of concern raised by participants was that a robust test was developed to properly assess the financial capacity of tenants at review time. They highlighted that this should be related to the housing market at the time of review, and that staff conducting the financial assessment were properly trained and skilled in this area.

35. **Views of Housing Service Staff**

Housing staff attended one of two dedicated workshops held during January. With one or two exceptions, all staff felt that fixed term tenancies for a duration of 5 years were a good idea. There was consensus on the reasons suggested for asking tenants to move on at the review period, with concerns being raised over how financial capacity was to be assessed. This is a recurring theme arising from consultation and operational procedures will be developed to provide guidance to staff on this aspect. There was a debate over what kind of behaviour would be considered as part of the “poor tenancy conduct”, largely around how broad this definition would be. Again, operational procedures will need to be developed to cover this area.

Particular areas for O&S to consider and make recommendations on.

36. The Member Task Force Review of Strategic Changes in Housing was presented with a summary of consultation feedback on 4 February 2013 and debated possible responses to the feedback. A summary of the feedback, and the Task Force response to it, can be found at Appendix D.
37. Overview and Scrutiny are asked to reflect and comment on the Task Force recommendations, to inform the report to Executive Committee on 19th March.
38. There are two particular areas of debate which Overview and Scrutiny are asked to reflect on, in order to make a recommendation to Executive. Firstly, the Task Force considered consultation feedback that it was disproportionate to ask tenants to downsize from two bedroom to one bedroom accommodation.
39. The Task Force reached the view that one bedroom accommodation was not ideal accommodation even for single people; and that where a tenant was under-occupying a two bedroom property which they could afford to rent, they should not be asked to move to a smaller property as part of the tenancy renewal process.
40. This would constitute a significant departure from the original Tenancy Strategy, for which reason the Overview and Scrutiny Committee are asked to debate the matter and make an appropriate recommendation to Executive Committee.
41. Secondly, the Task Force debated whether or not an upper age limit should apply beyond which there would be an assumption that tenancies would be renewed. This was in response to consultation feedback that compelled moves would be particularly hard on older people; and on the assumption that most fixed term tenants would already have moved on from family sized accommodation by the time they reached retirement age. Thought was given to whether the state retirement age, whatever that is stipulated to be in the years ahead, should be the upper age limit.
42. The Overview and Scrutiny Committee are asked to debate this matter and to make a recommendation to Executive. Members are advised to consider whether or not the upper limit should apply in the same way for tenants of 3 and 4 bedroom accommodation as for tenants who have already downsized from family accommodation.

Conclusion

- 43 The first Central Bedfordshire Tenancy Strategy 2013-18 is a significant Policy that will have far reaching consequences. The Strategy makes the break with the concept of a 'home for life'. In effect, the Policy re-defines the purpose of social housing and makes a break with the origins and purpose of council housing in the 20th century, as being ordinary low cost housing. In effect a social sector is being created, that exists primarily to meet the needs of people with a legally defined social need.
- 44 The thrust of the Tenancy Strategy is that tenancies will be "used and renewed", whilst people remain in housing Need. This is an important point of principle, and could be neatly described as an approach to Renewable Tenancies, that is a sensible, balanced approach in a Central Bedfordshire context, that takes account of local demand and is proportionate to the social consequences of, for example, welfare reform.
- 45 A key point is that success should be measured in terms of how people's circumstances and life choices improve as a result of the housing reform agenda. For example, the positive, 'hand up' type options and initiatives that are created, as the basis for improved social mobility and creating social aspiration. The measure of success for the Tenancy strategy will be in tackling problems like under-occupation and over time, the effectiveness of the Council and partners actions and initiatives to enable people to get on the local housing ladder.

Appendices:

Appendix A – Draft Central Bedfordshire Tenancy Strategy

Appendix B – Copy of feedback from online consultation Survey

Appendix C – Write-up of feedback from face to face consultation

Appendix D – Summary of all feedback and responses

Background papers and their location: (open to public inspection)

Local Housing Green Paper –

www.centralbedfordshire.gov.uk/home-and-housing/housing/housing-policies-strategies/housing-policies-strategies.aspx

Equalities Impact Assessment, a copy of which can be obtained from Tony Keaveney, Housing Service, Watling house, Dunstable or e mail – tony.keaveney@centralbedfordshire.gov.uk , to obtain a copy

Appendix **A**

Tenancy Strategy
2013-18

Housing in Central Bedfordshire
What lies ahead?

DRAFT



Central
Bedfordshire

Central Bedfordshire Council
www.centralbedfordshire.gov.uk

“We, Councillor Mrs Carole Hegley, the Executive Member with responsibility for Social Care, Health and Housing; and Julie Ogley, Director of Social Care, Health and Housing, jointly welcome you to Central Bedfordshire Council’s draft Tenancy Strategy.”



Cllr Mrs Carole Hegley



Julie Ogley

The Localism Act 2011 introduced freedoms for local authorities to offer flexible tenancies to new tenants of social housing, to run for a recommended period of 5 years before coming to an end.

This draft Tenancy Strategy sets out how Central Bedfordshire Council would like to use flexible tenancies, and seeks your views. We are keen to use these new freedoms to develop a new Housing Offer for local people.

In doing this, we want to meet housing need, helping more people to have the opportunity of a council home at a subsidised rent.

We want to use the Tenancy Strategy to support the Council’s aim that Central Bedfordshire should be a great place to live and work for all; by rewarding tenants who show respect for their neighbours and their home.

We propose that from 1 April 2013, new tenants will have a 5 year flexible tenancy. At the end of 5 years, if the tenant is no longer in social need (because they can readily afford to rent or buy privately) the tenant will be asked to

make their own housing arrangements. Tenants may also be asked to seek their own accommodation elsewhere if they have not conducted their tenancy with respect for their home and neighbours.

However, for those tenants that remain in social need, we would prefer to renew their tenancy for a further five years, or to offer a new tenancy in a different home if the existing home no longer matches their needs.

It is important to say that this Tenancy Strategy does not apply to existing council tenants, who will remain as lifetime secure tenants unless some other circumstance brings about the end of their tenancy.

We hope that by using flexible tenancies in this way, more people who are in need will be supported to establish themselves and achieve social mobility. The cornerstone of the Council’s Housing Offer will be positive and based on incentive; so that in time, we establish a view that a home provided in Central Bedfordshire, by a social landlord, is a Privilege and not a Right.

The Strategy sets out the Council's approach in much more detail, but essentially the Council wants tenancies to be used and renewed for those in Need. The central theme of the Strategy is therefore – *Renewable Tenancies*.

Our Tenancy Strategy is part of the Council's wider agenda for the future of housing in Central Bedfordshire, and we are developing a document which sets out this wider agenda for consultation in the near future.

Chief amongst our wider aims are to promote social mobility for social housing tenants, support positive perceptions of social housing, and influence the provision of new affordable and social housing so that it meets both needs and aspirations, and makes the most of a valuable resource.

We look forward to finding out your views on the draft Strategy.

Councillor Mrs Carole Hegley

Executive member responsible for Social Care, Health and Housing

Julie Ogle

Director of Social Care, Health and Housing



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INTRODUCTION

Our Tenancy Strategy sets out how we will continue to achieve our aims in the light of significant changes now taking place. It will provide the basis for changes we make in the management of our own stock, and give guidance to other providers of social housing in Central Bedfordshire.

LEGAL CONTEXT

The White Paper “*Local decisions: a fairer future for social housing*”, published in November 2011, set out the Government’s intentions to radically reform social housing in England. It is based on the premise that social housing should only be for those who need it and should act as a springboard to higher aspirations as individuals’ circumstances improve.

Central to the reforms is the introduction of a time limited tenancy which is subject to review at the end of a fixed term to ensure that the tenant is still in need of the accommodation. In framing their tenancy policies, Providers should have regard to the local authority’s approach to the new freedoms as set out in this, our first Tenancy Strategy 2013-18.

The Tenancy Strategy is therefore principally concerned with tenure reform. It is expected that by giving shorter tenancies to those that are able to move on and access other housing options, stock will be freed up and made available to households in greater need. Indeed, the National Housing Strategy points to long waiting lists, overcrowding and under occupation within the sector as evidence that the system is not currently working.

However, reforms in related areas such as to rent models, allocations policies and measures to address homelessness also impact and in some case overlap with tenure issues. In preparing the Strategy, the Council has had regard to its current Allocation Scheme and Homelessness Strategy, which is required by Government. Consequently, Central Bedfordshire Council has produced a local Housing Green Paper which should be read in conjunction with the Tenancy Strategy and seen in the same light. The Green Paper sets out the complete vision for housing in Central Bedfordshire and like the Tenancy Strategy, is very much evidence based.

PURPOSE OF THE TENANCY STRATEGY

This Tenancy Strategy has two main purposes. The first is to set out Central Bedfordshire Council’s position in relation to fixed term tenancies, and to set out how it intends to apply this to its own housing stock. The second is to give guidance to Registered Providers on the Council’s expectations of their own tenancy policies. All Registered Providers (RP’s) with housing stock in Central Bedfordshire are required to have regard to this Tenancy Strategy.

We ask that Providers in Central Bedfordshire review their own Tenancy Policies after the publication of this Strategy to ensure that, wherever possible, their policies work to complement, and do not contradict, our Tenancy Strategy.

SOCIAL HOUSING IN CENTRAL BEDFORDSHIRE

Increasing population size, coupled with an increasing proportion of older people, represents a significant growing demand for housing and related services. For this reason, a major theme of the Council's Development Strategy and associated work programmes is what we can do to create choice in the local housing market for Older People.

The Strategic Housing Market Assessment (SHMA) uses information on the affordability of housing in Central Bedfordshire and the size of its population, to predict the total new build housing development required in Central Bedfordshire between 2011 and 2031, to meet housing need and demand.

The new housing requirement for Central Bedfordshire identified in the 2009 SHMA is:

- 18 000 new units of market housing
- 6 500 new units of social rented housing
- 2 500 new units of intermediate market housing (housing for people who can afford more than a social rent, but cannot afford to buy on the open market).

In 2011, 230 new social rented properties and 140 new units of intermediate market housing were built, exceeding the target to build 300 new affordable homes per year.

In total, housing providers in Central Bedfordshire let 1068 social rented properties during 2011-12 to people on the housing register, in 230 newly built homes and 838 re-lets. The average waiting time, for people that were housed during 2011-12, was around 40 weeks.

At 31 March 2012, there were a total of 4213 households on the housing register for Central Bedfordshire. Of these, 1956 households are in housing need, according to the legal definition.

An estimated 1198 households are under-occupying Central Bedfordshire council tenancies – this is around 20% of tenants. Just over half of these households are aged 65 and over whilst the remainder are headed by a person of working age.



INTRODUCING FLEXIBLE TENANCIES

The Council supports the principle of using fixed term tenancies to make more efficient use of housing stock and to more effectively focus provision on those in most need and those people seeking employment in Central Bedfordshire, who are in housing need. The Council is encouraging Registered Providers to use them within Central Bedfordshire. These new fixed term tenancies should be offered under the arrangements set out in this section of the strategy.

The Localism Act enables registered providers to let affordable housing on fixed term assured tenancies to new tenants, as opposed to the assured (“lifetime”) tenancies they currently use. At the end of the fixed term, and depending on the circumstances of the individual household, tenants could have the following options:

- To remain in their home (either at a social rent or Affordable Rent).
- To move to another social housing property
- To move into the private rented sector.
- To move into home ownership, either via a low-cost home ownership route or otherwise.
- To move on to other more suitable housing

The Council wants fixed term tenancies to be offered to all new tenants after April 1st 2013, unless the tenancy is for a property that is in an independent living scheme or in an extra care housing scheme.



RECOMMENDED LENGTH OF THE TERM

Central Bedfordshire Council intends to let its own tenancies on a fixed term basis, for a period of 5 years.

RENEWAL OF TENANCY

The presumption is that the tenancy will be renewed unless a particular circumstance applies. Where the tenancy is up for renewal, there are certain circumstances that the Council considers Registered Providers should not renew the fixed term. These are as set out below and are the same set of circumstances that the Council will be using as a measure for its own tenancies.

1. There has been a **change in the composition of the household**, which has resulted in the household under occupying the accommodation by one bedroom or more. In these cases (assuming the household remains in housing Need), the provider would be expected to arrange a move to a more suitably sized property within their own stock; or with another Provider, either through a transfer or mutual exchange. Alternatively, where the household is no longer in need, the Provider may support the household to access alternative, suitable accommodation in the private sector.

In determining whether or not a property is classed as under occupied, Providers should have regard to the ‘bedroom standard’.

2. There has been a **substantial improvement in the household’s financial circumstances** (income or assets) to the extent that continued occupation of the property by the household would present a conflict with the charitable objectives or primary purpose of Providers to provide housing for those in necessitous circumstances. Detailed guidance will be published as to what constitutes sufficient income or assets, to justify the refusal of a new tenancy, however the essential test is whether the household could afford accommodation in the local housing market, including shared ownership options; private renting and outright purchase.

3. An **adapted property is no longer suitable for the tenant's needs** e.g. where adaptations have been provided for a disabled person who is no longer resident in the property, the adaptations are no longer required, and there are other families needing this type of adapted accommodation. In these cases, the Council expects that the Provider will arrange for alternative suitable accommodation to be secured either through a transfer or mutual exchange within its own stock or another Provider.
4. **Conduct of tenancy** – If tenancies have not been conducted well during the tenancy term (with regard to rent arrears and/or anti-social behaviour or other breaches of tenancy conditions) the Provider may not wish to offer a new tenancy. One of the key themes of this Strategy is that a social housing tenancy is a privilege and not a right and we expect tenants to act as though this is the case. Any behaviour that is inappropriate will result in the implementation of housing management policies to address this. Where a fixed term tenancy is up for review and renewal, this behaviour will be taken into consideration as part of that review.
5. There has been **misuse of property** – specifically where a property has been used for a Criminal purpose.
6. **Where the tenant is not engaging in the renewal process**, subject to any vulnerability issues that may be constraining the tenant.
7. **Severe overcrowding** – It may be appropriate for tenants to move to larger accommodation.

OLDER PEOPLE

Beyond state retirement age, there is a presumption that tenancies will automatically be renewed regardless of changes in income or household composition.

CHILDREN

Households with school age children will not be expected to move to a location which would require a child to change schools (unless it suits them to do so).

Officers will apply discretion in situations where the welfare of a child might be harmed by a move (for example where there is a safeguarding issue), and the advice of children's social workers will be sought in such cases.

Separated parents who have a 'spare bedroom' which is used by their children will not be treated as under-occupying, for the purpose of Fixed-term Tenancy Renewal, provided that there is a Shared Residency order.

LOCATION OF MOVES

Where a household with special needs is required to move to a new tenancy, they will not be expected to move to a location in which they are unable to access support networks and services on which they rely.

Households in work or training will not be expected to move to a new location as part of the Renewal Process if this would compromise their ability to travel to their work or training.

THE RENEWAL PROCESS

Tenants on a fixed term tenancy will be subject to a review at the end of the fixed term. The landlord must review the tenancy six months before it expires. Providers are expected to contact tenants whose tenancies are due for renewal within a reasonable time period to assess the household circumstances; provide advice; and discuss options available to the household. Government guidance recommends a review period of six months.

However, Providers may want to consider making an initial contact with the household before this to ensure that there is sufficient time for the Provider to arrange alternative accommodation or for the household to purchase a home where this is likely to be deemed necessary.

The Council recognises that there will be circumstances where a tenant does not co-operate with a review. It is especially important that Providers establish whether tenants are vulnerable for any reason and if necessary, ‘go the extra mile’ to engage the tenant in the review process.

It is not the intention of the council to be prescriptive as to the ‘mechanics’ of the reviewing and renewing of fixed term tenancies. This information lies in the domain of the detailed tenancy policies which RP’s will draw up. However, we would highlight some practical considerations to take into account the formulation of those policies:

- On expiry of a tenancy, the onus would be on tenants to provide evidence of a continuing need/eligibility – rather than the landlord have to ‘chase’ information to decide whether to renew or terminate. This onus should be an express condition within the tenancy agreement itself. Failure to provide the necessary information toward the expiry date may provide a presumption that the tenancy will not be renewed; though providers may wish to take further advice on the human rights implications of such as action.
- Families with school age children should not be asked to move if this disrupts children’s schooling. However, a child may be changing schools in the near future and a move is not necessarily disruptive in all circumstances.

TENANCY TRAINING

Central Bedfordshire Council wants fixed term tenancies to support tenants to raise their aspirations and progress up the housing ladder. This means establishing regular contact with tenants so that support and advice can be tailored to their circumstances at different stages of their tenancy.

The first step in this process will be a Tenancy Training programme for Central Bedfordshire Council tenants, at the beginning of the tenancy, to ensure that people start their tenancy with the knowledge they need to look after their home, manage their tenancy and make a positive contribution to their neighbourhoods.

This process will be used to ensure that tenants have a good understanding of the renewal process, and feel secure about the circumstances in which their tenancy will or will not be renewed. This support will be tailored to individual needs.

SPECIAL CIRCUMSTANCES

It is reasonable to anticipate that situations will arise in which the tenancy would not be renewed according to the criteria set out above; but special circumstances of some kind make a move difficult to achieve in practice or detrimental to the household.

Is it not possible to anticipate and list all possible special circumstances in the Tenancy Strategy. Instead, officers will have discretion to consider special circumstances as part of the review process. This discretion will be underpinned with procedural guidelines, developed with regard to Equalities.

HOUSING ADVICE AND ASSISTANCE AT THE END OF FIXED TERM

Well in advance of a tenancy being terminated (at least six months), the Provider must offer advice and assistance to help the tenant find alternative housing. This will include working proactively with the tenant, to assist them to explore their options for alternative housing, which could include home ownership, a privately rented home or a more suitable affordable rented home. This work aims to support the tenant into a viable alternative home.

REVIEW PROCESS

The Localism Act 2011 places a requirement on Providers to have a review process in place for applicants to challenge the following decisions:

- The length of fixed term tenancy to be offered
- A decision not to grant another tenancy on expiry of the current flexible tenancy

With respect to the length of the fixed term; the review may only be requested on the basis that the length of term does not accord with the Council's policy as to the length of the terms of the flexible tenancies it grants.

The Council expects that Providers will have robust and fair appeals processes in place to resolve any disputes that may arise. Further guidance is provided at page 12.

The Council does not expect Providers to use fixed term tenancies as a short cut to enforcement procedures for breaches of tenancy conditions but accepts there may be circumstances where enforcement proceedings are so far advanced that it would not be appropriate to renew a tenancy.

The Council's review process will be published on its website during 2014. The Review process will be developed during the process of undertaking an Equality Assessment, during the autumn/winter of 2012/13. The proposed Review process will be subject to further consultation with people who have commenced new tenancies during 2013 and 2014. The point is that the Council recognises that we should consult with those tenants who have fixed term tenancies. The Council will seek to undertake this process with Registered Providers locally.

If a tenant disagrees with the decision reached by their landlord to terminate their tenancy, they may use the appeal process. Each Registered Provider is expected to set out in its Tenancy Policy, the appeal process established, and tenants should be directed to this for guidance. On a practical level, there is an expectation that the appeals process will be widely published by the Provider in accessible locations, with explicit timescales for decisions to be made.

Where a tenancy is not to be renewed, the Council expects that the Provider will provide good quality advice and will work with the tenant to find alternative suitable accommodation. The Council expects the Provider to provide assistance to the tenant in securing this alternative housing, especially where the tenant is vulnerable. The Council is keen to see details within RP's own Tenancy Policies, on how they intend to manage this process.

RP's must be mindful of the need to ensure homelessness is prevented in all cases, and must, where there is a risk of homelessness, work closely with the Council's Housing Advice and Assistance Service at the earliest possible opportunity. A protocol will be developed and agreed with Providers to cover how this will work in practice.

INTRODUCTORY (PROBATIONARY) TENANCIES

Central Bedfordshire Council will introduce Introductory Tenancies from April 2013. Consultation with tenants has taken place and there is significant support for Introductory Tenancies. The fixed term tenancy will follow on from this, meaning that the five year tenancy will be granted upon successful completion of the introductory tenancy period. This will have the effect of letting the initial tenancy for a period of six years before the first review is conducted.

By law, during the probationary period, tenants with an introductory tenancy do not have all of the same rights as secure tenants and have less protection from eviction than do secure tenants.

It is this reduced protection from potential eviction, which is regarded as the effective tool in terms of preventing any anti social behaviour. Any new tenant who is found to cause anti social behaviour will be advised in the strongest terms, that should this behaviour continue, then their tenancy is at risk, as the Council is able to gain possession of their property more easily than if it was a secure tenancy.

CONSIDERATIONS IN DEVELOPING THE TENANCY STRATEGY

In developing the Tenancy Strategy, thought has been given to the implications in key areas, which include:

- Equalities Implications and the duty on local authorities to promote Equality
- Vulnerable People
- Homelessness
- Welfare Reform
- Private Rented Sector
- Economic development and regeneration

The material impacts and implications are considered in this section of the Tenancy Strategy. They are also considered in terms of the local Housing Green Paper and it should be stressed that this is an evidence based strategy. The evidence that underpins this Strategy is available as a separate document – www.centralbedfordshire.gov.uk/home-and-housing/housing/housing-policies-strategies/housing-policies-strategies.aspx

EQUALITIES

A full Equalities Impact Assessment (EIA) of this Strategy will be undertaken during the consultation period. Its purpose is to assess the impact of the Strategy on the different equality groups with the intention of implementing remedial action where this impact is negative and maximising access to services for everyone. Wherever possible, we will implement any actions or steps identified by the EIA as soon as it is practical to do so.

This Strategy seeks to protect vulnerable people from being uprooted from settled, suitable accommodation.

We would anticipate all registered Providers undertaking EIA's of their own tenancy policies.

Registered Providers may also wish to consider how best to use FTT's with families with school age children or other households where longer tenancies may be appropriate.

ECONOMIC DEVELOPMENT AND REGENERATION

The Council wishes to promote neighbourhoods which are economically mixed; and to avoid implementing fixed term tenancies in such a way that poverty becomes more concentrated in certain areas.

Households will not have to move on income grounds unless their circumstances are substantially improved, and for those who can readily afford to pay more for their housing, Right To Buy and Pay to Stay options will allow such households to stay put where this is their preference.

SUCCESSION RIGHTS

Succession rights for existing tenants are unchanged. For new Tenancy agreements after 1st April 2013, the Council will offer succession rights in line with the new legislation. This means that with effect from the 1st April, succession rights will be limited only to spouses or civil partners of the deceased tenant, not to other family members. The need to make best use of existing social housing stock is the driver for this.

For tenancies entered into after 1st April, the Localism Act has limited succession to spouses or civil partners of the deceased tenant. However, landlords are able to grant additional succession rights under the terms of the Tenancy Agreement.

We expect RP's to make their policy on succession for all tenancy types and the granting of any additional rights clear and take account of the needs of vulnerable household members. Registered Providers should include in their Tenancy Policy, a position on managing successions and assignments that has due regard to legal requirements and which focuses on securing an outcome that secures the best use of accommodation and prevents homelessness.

GOVERNANCE AND REVIEWING OUR TENANCY STRATEGY

Each Provider is responsible for its own individual tenancy policies, as well as arrangements for Review and Appeals. However, it is proposed that the Council will establish a monitoring group consisting of representatives of RP's

and other key stakeholders. This group will support the Council in its role of monitoring and reviewing the effectiveness of this Strategy. This will be achieved by monitoring of trends that can then be used to inform future policy.

This will include the number of flexible tenancies let, outcomes of these, bidding activity on fixed term tenancy adverts and so on. The first review meeting will be held 6 months after publication of the Strategy, and ongoing review arrangements will be timetabled thereafter.

Although covering the period 2012-2015, the Strategy will (initially) be reviewed annually with Registered Provider input. In addition, the views of tenants who have fixed term tenancies will be sought and taken into consideration.

Who will the Council consult with	<p>All with an interest in housing in Central Bedfordshire are welcome to respond, though the consultation is particularly aimed at the following:</p> <ul style="list-style-type: none"> • Registered Providers (Housing Associations) • Charities and non-statutory agencies involved in the Provision of Housing or Housing Related Support • Voluntary and Community Organisations • Resident and Tenants’ Groups • Households currently awaiting accommodation from the housing register • Individual tenants / members of the public • Councillors (Elected Members) including Town and Parish Councillors • Private Sector Landlords
Responsibility for this consultation	<p>Central Bedfordshire Council’s Housing Service is responsible for this consultation</p> <p>The Assistant Director Housing is the person directly responsible, and may be contacted as follows:</p> <p>Tony Keaveney, Email: tony.keaveney@centralbedfordshire.gov.uk Tel: 0300 300 5213</p>

CONSULTATION PROCESS

The Council have established a Task and Finish Group, to examine the Tenancy Strategy and to review consultation responses.

This is a draft document and the council will be engaged in wide ranging consultation with the following groups before it is finalised, and adopted by the Council’s Executive Committee in the spring of 2013.

Timescale	This consultation will run from 9th November 2012 until 5.00 p.m. on Friday 1st February 2013
Enquiries	<p>For further information on this consultation document please e-mail sue.smith@centralbedfordshire.gov.uk</p> <p>Tel: 0300 300 5213 or Ext. 75213</p>
How to respond	<p>Consultation responses can be submitted online by going to : www.centralbedfordshire.gov.uk</p> <p>Or by e-mail to: sue.smith@centralbedfordshire.gov.uk</p> <p>Or by post to:</p> <p>Central Bedfordshire council’s Tenancy Strategy Consultation FAO Sue Smith – PA to ADHS Watling House High Street North Dunstable Bedfordshire LU6 1LF</p>
After the Consultation	We will publish a summary of the consultation responses and the finalised Tenancy Strategy

Note:- some terms used within the Tenancy Strategy will be more precisely defined within policy and procedure documents, in accordance with the principles set out in the Tenancy Strategy, and with due regard to the Equality Impact Assessment. These terms include:-

- 'substantial improvement in financial circumstances'
- 'poor tenancy conduct'
- 'special needs'
- 'adapted property'

ASB	Anti Social Behaviour
AST	Assured Shorthold Tenancy
CBL	Choice Based Lettings
DCLG	Department for Communities and Local Government
FTT	Fixed Term Tenancies or 'Flexible Tenancies'. At the end of the fixed term the tenancy is either renewed or terminates.
HCA	Home and Communities Agency – the main provider of grant funding for Affordable Housing in England
HB	Housing Benefit
LHA	Local Housing Allowance
PRS	Private Rented Sector
RP or Provider, or Registered Provider	Registered Provider of Social Housing. Usually refers to housing associations though associations through Local Authorities that own housing stock are also included. They are registered with the HCA.
EIA	Equalities Impact Assessment – assess the likely or actual effects of strategies, policies or services on people in respect of disability, gender and racial equality. It helps to ensure the needs of people are taken into account when we develop and implement a new strategy, policy or service or make a change to a current strategy, policy or service or make a change to a current strategy, policy or service.

Affordable Housing	Housing options available to residents who cannot afford to rent or buy a home in the open market. Affordable housing includes social rented housing, affordable rented housing and intermediate housing solutions such as shared ownership.
Affordable Rent	Rents offered by RP's of social housing at up to 80% of the rent that would be charged if the property were let in the open market.
Extra Care Housing	Housing designed for frailer older people with varying levels of care and support available on site. People who live in Extra Care Housing have their own self contained homes. Extra Care Housing is also known as very sheltered housing, assisted living, or 'housing with care'.
Fixed Term Tenancy	A tenancy offered for a specified period of time.
General Needs Accommodation	Accommodation which will meet the needs of households without any specific support needs.
Housing Register	A list of households who wish to be rehoused by a social landlord including tenants of social landlords who wish to transfer. Often referred to as a waiting list.
Section 106 Agreement	Section 106 of the Town and Country Planning Act 1990 allows a local planning authority to enter into a legally-binding agreement or planning obligation with a landowner in association with the granting of planning permission. The obligation is termed a Section 106 Agreement.

Social Housing	Housing that is let at low rents and on a secure basis to people in housing need. It is generally provided by councils and not-for-profit organisation such as housing associations.
Tenancy Fraud	There are many types of tenancy misuse, for example, not using the property as the 'sole or principal home', obtaining a property through false statements and obtaining a property by using false documents.
Under Occupation	This is a mismatch between the number of occupants of a dwelling and the number of bedrooms, according to the Bedroom Standard.
The bedroom standard	<p>The 'Bedroom standard' is used as an indicator of occupation density. A standard number of bedrooms is allocated to each household in accordance with its age/sex/marital status composition and the relationship of the members to one another. A separate bedroom is allocated to each married or cohabiting couple, any other person aged 21 or over, each pair of adolescents aged 10 - 20 of the same sex, and each pair of children under 10. Any unpaired person aged 10 - 20 is paired, if possible with a child under 10 of the same sex, or, if that is not possible, he or she is given a separate bedroom, as is any unpaired child under 10.</p> <p>This standard is then compared with the actual number of bedrooms (including bed-sitters) available for the sole use of the household, and differences are tabulated. Bedrooms converted to other uses are not counted as available unless they have been denoted as bedrooms by the informants; bedrooms not actually in use are counted unless uninhabitable.</p>

A great place to live and work



**Central
Bedfordshire**

Contact us...

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by email:
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centralbedfordshire.gov.uk

on the web:
www.centralbedfordshire.gov.uk

write to:
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Priory House
Monks Walk
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Shefford
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SG17 5TQ

Appendix B - Tenancy Strategy Consultation

37 responses

Q1. How far do you agree or disagree with the proposed fixed-term tenancy of five years?

	Count	%	
Strongly agree	11	30%	54%
Tend to agree	9	24%	
Neither	4	11%	
Tend to disagree	5	14%	
Strongly disagree	7	19%	
No answer	1	3%	
Total	37	100%	

Q2. Do you have any comments to make about the five year fixed term tenancy?

1. The proposal states that there will be only a introductory tenancy or a 5 year fixed tenancy. However there are certain circumstances when a tenant who fails the renewal criteria will not be forced to move. e.g. when a child in the family is sitting A levels that year. In that case, will the 5 year renewal apply? 2. Homelessness If as a result of the renewal decision, a tenant will be made homeless with they be found temporary accommodation or remain in the property. 3. Succession Rights If only a spouse of civil partner will have succession rights the following cases will be unfairly disadvantaged: • Grown up children who have cared for an elderly parent, when the parent dies will be forced to move out of their family home. • Vulnerable adults who may be made more vulnerable by their parent death will have to find alternative accommodation. • In a society where marriage is becoming less common and more people are in9 term st able relationships, it is discriminatory to only allow couples who are married or have civil partnerships to have succession rights 4. Appeal Process If the tenant decides to appeal a decision, would the tenancy be extended or

Consideration must be given to any possible adverse effects particularly on children in the household or elderly people - forcing a move could be very unsettling and lead to other problems which ultimately have a cost (such as antisocial behaviour, care needs etc). But the 'home for life' current situation is fundamentally wrong.

Excellent idea and one which caters for change in a families circumstances.

From the view of a housing repairs inspector, there may be increased maintenance costs because a limited tenancy will not encourage tenants to take on any improvements to the property themselves, and in some cases, the condition of the property may decline.

<p>I don't think the public sector should be replicating the poor security offered in the private sector. While five years may be longer than six months it still does not allow tenants to plan for the longer term. This not only affects them directly but also their immediate community as tenants are less likely to engage in community activities or care about its upkeep if they have no long term stake in it.</p>
<p>I think this could be seriously disrupting for children when they are at school. If they think they will have to move away from their school and their friends it could result in illness.</p>
<p>In cases where people have to give up their homes, for example, when a single elderly person has a large home, they should be re-housed within their current community. Sheltered housing should be weighted to local people, of local origin, or have local links.</p>
<p>It is an absolute necessity when housing is scarce. It will deter people from making an application to the council believing it is a home for life. When so many people living within the private sector are subject to a fixed term of only six months to a year, why should anyone be offered a home for life, unless they are committing to a mortgage?</p>
<p>Its a good idea</p>
<p>My feeling is that it will help with the housing situation, however I am concerned about the impact this will have on families if they have children and they are moved this could cause problems with schooling etc. There is also the concern that this could potentially be unsettling for families as they won't necessarily feel they can make the property home if they may be moved in 5 years because of their circumstances.</p>
<p>None</p>
<p>Offering people the limited option of private rented accommodation as opposed to continued tenancy will introduce a greater level of uncertainty and will have consequences for people with complex issues</p>
<p>Situations change and housing needs can be different. Important that they should be appropriate. However this shouldn't be seen as a means of eviction for tenants who behave properly and whose needs haven't changes at end of 5 year period</p>
<p>Tenancy should be fore a fixed period but why as long as 5 years</p>
<p>These would presumably remove the "right to buy" from new tenants. RTB and its successor is a good scheme in principle but it is because local authorities were not permitted to use the proceeds of such sales to build more social housing to replace that sold, that there is now such an acute shortage of social housing and such long waiting lists. The idea that tenants can be encouraged to move on after a fixed period might help to release social housing from those no longer in need, and also to ensure that families are in the most appropriate size of housing.</p>
<p>This is not appropriate for older peoples housing / services</p>
<p>This should not be back dated to include current tenant - but SHOULD include offspring i.e. child, step child etc</p>

This will create a transient population with little attachment to the parish. I can not understand how you expect the current high standards to be maintained with a fixed term tenancy. We expect, and gain from, all settled social housing to discover their natural leaders. If these are to be (removed the area will become less settled and less easy to maintain. The proposal has economic merit but absolutely no social merit for the area under consideration or any other area within CBC. The proposal should be rejected.
Too long
Will need the resources available to monitor tenancies that this will involve a lot of work. May need to consider monitoring every year.
Adults with autism need stability and certainty in their lives. Whilst I can see positives in generally implementing the 5 year tenancy, if an adult with autism finds accommodation that they feel comfortable and secure in, generally, little will change in their lives regarding the type of accommodation that they need
As Registered Provider of social housing Guinness South has no current plans to introduce fixed term tenancies. However, we continue to review the position subject to changes in Government Policy and would formally review this position should the circumstances dictate. (Ian Kavanagh, Operation Manager, Guinness South)
Concerns over process of renewal or exit strategies both from resourcing viewpoint - additional work for staff, and; for the recognition and provision of support for those who may not be considered 'vulnerable' or reach minimum criteria and recognition as needing support, such as those with mental health issues, or long term health issues who are 'independent' but may deteriorate through the process, as has been seen with the changes to the incapacity system, plus the increased costs that may be associated with high levels of appeal against decision not to renew.
Good to be able to review people's personal circumstances and gives others the opportunity to move up the list quicker.

Q3. How far do you agree or disagree with the introductory tenancy

	Count	%	
Strongly agree	20	54%	70%
Tend to agree	6	16%	
Neither	6	16%	
Tend to disagree	0	0%	
Strongly disagree	4	11%	
No answer	1	3%	
Total	37	100%	

Q4. Do you have any comments to make about the introductory tenancy?

A good control on behaviour - long overdue
Anti social behaviour should put tenants in breach of their tenancy do not see why this is necessary

As stringent as the Allocations policy and checking process is, there will always be people who are able to gain priority through collusion or fraudulence. An introductory tenancy will promote resolution of any issues which show up in the early stages of the tenancy, and if resolution cannot be reached, enable the LA to evict more easily.
Excellent idea. Prevents problem families from getting a foothold and causing serious nuisance to law-abiding tenants.
Good Idea
If tenants do not receive tenancy training or do not know how to maintain a tenancy this may make it more likely that they will lose their accommodation. The introduction of this measure needs to sit alongside greater emphasis on tenancy support and sustainment.
If you have disruptive tenants who are making everyone's life terrible, then you can remove them a lot quicker.
It works really well in other areas
None
The introductory tenancy arrangement is a "try before you buy" probationary set-up and I think it has advantages for both the tenant and the Local Authority.
There is a danger of the tenant being moved away from their community, in which they have built up familiarity, feeling of belonging and friendships.
This is not appropriate for older peoples housing / services
This seems a fair approach although I do not have knowledge beyond the bald facts
This will not deliver stable communities in the rural area and social tenants are to be moved like cattle from where they have built and invested in their needs
Very good idea, especially if there are bad tenants
Providing the appropriate long term support is in place, anti social behaviour is rarely an issue from adults with autism. What is not uncommon is that they can be victimised because of their unusual behaviour and I am aware of several instances where rehousing has been necessary as they are victims. Therefore probationary tenancies are valuable for potential victimisation, but unsettling for adults with autism.
Provision of tenancy training and high quality literature to inform new tenants of their responsibilities, rights, access to assistance, communications pathways etc, could be beneficial in ensuring successful completion of introductory tenancies and transfer to fixed term tenancies

Q5. How far do you agree or disagree that tenancies should not be renewed if...

Q5a. The property is now under-occupied, as some of the original household members have moved on

	Count	%	
Strongly agree	10	27%	62%
Tend to agree	13	35%	

Neither	4	11%
Tend to disagree	4	11%
Strongly disagree	4	11%
No answer	2	5%
Total	37	100%

Q5b. There has been a significant improvement in the households financial

	Count	%	
Strongly agree	14	38%	68%
Tend to agree	11	30%	
Neither	4	11%	
Tend to disagree	3	8%	
Strongly disagree	1	3%	
No answer	4	11%	
Total	37	100%	

Q5c. The current property has been adapted to help a resident but it is no

	Count	%	
Strongly agree	10	27%	70%
Tend to agree	16	43%	
Neither	5	14%	
Tend to disagree	2	5%	
Strongly disagree	1	3%	
No answer	3	8%	
Total	37	100%	

Q5d. The tenancy has not been conducted satisfactorily

	Count	%	
Strongly agree	22	59%	70%
Tend to agree	4	11%	
Neither	5	14%	
Tend to disagree	3	300%	
Strongly disagree	0	0%	
No answer	3	8%	
Total	37	100%	

Q5e. The tenant has allowed the property to become severely overcrowded

	Count	%	
Strongly agree	16	43%	73%
Tend to agree	11	30%	
Neither	4	11%	
Tend to disagree	3	8%	
Strongly disagree	0	0%	
No answer	3	8%	
Total	37	100%	

Q5f. The tenant refuses to participate in the renewal process

	Count	%	
Strongly agree	16	43%	59%
Tend to agree	6	16%	
Neither	7	19%	
Tend to disagree	3	8%	
Strongly disagree	1	3%	
No answer	4	11%	
Total	37	100%	

Q6. Do you have any comments to make about the renewal process?

A significant improvement in the household's financial circumstances must be properly measured and defined to account for the difference between the cost of social housing and the cost of private housing otherwise there is a risk that more expensive private housing would simply render the household as either no better off or even worse off in real terms.

1. Under-occupancy In determining under occupancy the 'bedroom standard' will be used. Does that mean that the same exemptions will apply as apply for Housing Benefit? E.g. children at university, specially adapted properties where the tenant needs the adaptation? 2. It is recognised that there are insufficient 1-bedroom properties in Central Beds. For tenants who remain in housing need, what will happen if no suitable smaller property can be found before the renewal of the tenancy. 3. Substantial Improvement in Household's financial position a) If the improvement in the Household income is due to a young adult leaving education and starting work, will this trigger this criterion? If the family are forced to look at private rental or home ownership, this could cause financial difficulties in the future when the young adult moves out of the family home. b) This will be a disincentive to work longer hours, find a higher paid job or, for those on benefits or about to leave school, to find any job. An adapted property no longer suitable for the tenants needs The draft proposal suggests that this will only happen if the tenancy comes up

Each circumstance should be considered

Houghton Regis Town Council considered this consultation on 17th January. It was Resolved to note the consultation and to welcome measures to improve the efficiency of the use of social housing stock subject to: The measures outlined in the Strategy were supported provided that safeguarding measures were put in place to ensure that tenants were provided with suitable alternative accommodation should they be required to relocate; The wording describing the circumstances where the Council believed that the tenancy should not be renewed was too wide ranging and required more careful definition; In relation to succession rights it was considered that should the situation arise that siblings live together provision should be made in the strategy to accommodate this situation. I hope that these comments can be taken into consideration. Regards Clare Evans Town Clerk .

I am worried about mixed messages regarding working?

I don't understand the second point - surely if the household finances improve they will be paying a higher rent (i.e. commercial rate) anyway and therefore this money could be used to add to the housing stock? I don't live in social housing so I don't know how the system works but this is surely a more practical solution than forcing people to move. Penalising people for earning more money is already creating an environment where people choose not to earn over a certain amount of money to stay within boundaries. Whilst the 'need' may be less, surely a rent increase is better as circumstances can easily change the other way. Forcing children to move house just because their dad has been promoted seems unfair.

If it takes five years to terminate a tenancy because it has not been conducted satisfactorily suggests that measures at the Council's disposal have not been properly used. The new measure should not be a replacement for poor housing management. While the Council needs to make good use of its stock the introduction of these new tenancies will be disruptive to families and potentially increase the number of moves within the stock. This increases workloads and administration, as will the monitoring of the tenancies in the first place. If the Council wishes to move people it should help with incentives and other assistance e.g. many older people are reluctant to move because they do not have assistance to do so.

If the property is now under-occupied if the householder is moved against their wishes it is essential that they remain within the same community, i.e. the village or town where they are already living, and they should not be moved until a smaller house in the same village/town is available. It is extremely important, as it is likely to cause stress and illness to take them away from the community who know them and can care for them if needed. If you move them out of the community you would be isolating them.

It is not clear what sanctions are available to the Council if the tenant refuses to co-operate. Withdrawing a tenancy or evicting a tenant surely means that the tenant is then in need of emergency accommodation in either the same Council area or another Council's area.

Its the basic humane right for a person to have a roof over their head A person may be only a short time better of financially due to economic circumstances. There is no thing as job security and with high unemployment and this is the case for an assured tenancy when you become unemployed
Need more info, what happens if CBC decide to renew but not the existing tenancy?
None
Not all circumstances apply to the under-occupied scenario - the household might be under-occupied whilst children are at university or college, but they may come back to live with their parents, as they can't find their own home. The renewal process might create unnecessary worry to tenants that they may be moved every five years. Without the security of tenure, there may be less inclination to look after and maintain their properties.
Original tenant Should be able to continue to occupy the premises, provided they have paid rent, no asbos, i.e. behaved in a responsible way
Q5 (1) Suitable alternative housing within the same community must be available before this could be implemented unless the tenant expressly wishes to move from the current community. Q5 (6) Control measures should be implemented to ensure that tenants with specific educational or mental health issues are offered specific one-to one consultation to ensure non-renewal of a tenancy is not as a result of failing to "understand" the policy.
Q5 needs a great deal of information before a reasonable judgement can be made. The question is reasonable but it is driven by economic necessity. I would prefer to pay my rates and support those who are not clearly seen in the questions.
This is not appropriate for older peoples housing / services
Decisions around renewal of a property which has been adapted but is considered no longer suitable may benefit from joint working with Social Care and Health to access potential additional adaptations, increased provision of support and care in the community and the social isolation impact of non-renewal. Potential move on from local support networks, familiarity with surroundings, particularly of relevance to early stages of demementia(increasing levels of sufferers of working age possible) could cause deterioration in health, particularly mental heath, and depression. This may be more aarent in rurual locations, possibly.
Most rented accommodation is for a one year contract so this could lead families vulnerable and continually needing to move on so no stability. There needs to be an appeal process to allow individual needs to be assessed.

Q7. Are you responding as an individual or as an organisation?

	Count	%
Individual	27	82%
Organisation	10	30%
No answer	0	0%
Total	37	112%

Q8. What is your age?

	Count	%
30 or under	3	9%
31-50	11	33%
51-70	11	33%
71+	1	3%
No answer	11	33%
Total	37	112%

Q9. Are you:

	Count	%
Male	12	36%
Female	15	45%
No answer	10	30%
Total	37	112%

Q9. Is your gender identity the same as the gender you were at birth?

	Count	%
Yes	23	70%
No	1	3%
Prefer not to say	2	6%
No answer	11	33%
Total	37	112%

Q10. Do you have a long-standing illness, disability or infirmity?

	Count	%
Yes	5	15%
No	20	61%
No answer	12	36%
Total	37	112%

Q11. Are you currently a social housing tenant?

	Count	%
Yes	3	9%
No	23	70%
No answer	11	33%
Total	37	112%

Q12. Which of these activities best describes what you are doing?

	Count	%
Permanent employee in full-time job	13	39%
Temporary employee in full-time job	4	12%
Permanent employee in part-time job	0	0%
Temporary employee in part-time job	0	0%
Self employed full or part-time	2	6%
On a government supported training programme	0	0%
Full-time education	0	0%
Unemployed and available for work	0	0%
Permanently sick/disabled	1	3%
Wholly retired from work	5	15%
Looking after the home	0	0%
Other (landlord/ farmer)	1	3%
No answer	11	33%
Total	37	112%

Q13. To which of these groups do you consider you belong?

	Count	%
British	20	61%
Irish	0	0%
European	2	6%
Other White background	0	0%
Bangladeshi	0	0%
Indian	0	0%
Pakistani	0	0%
Other Asian background	0	0%
Caribbean	0	0%
African	0	0%
Other Black background	0	0%
White & Black Caribbean	0	0%
White & Black African	1	3%
White & Asian	0	0%
Other mixed background	0	0%
Arab	0	0%
Gypsy/ Romany/ Irish Traveller/ Show people	0	0%
Chinese	0	0%
Other	1	3%
No answer	13	39%
Total	37	112%

Q14. What is your Religion or belief?

	Count	%
Buddhist	1	3%
Christian	15	45%
Hindu	0	0%
Jewish	0	0%
Muslim	0	0%
Sikh	0	0%
No religion	10	30%
Other	0	0%
No answer	11	33%
Total	37	112%

Q15. What is your sexual orientation?

	Count	%
Lesbian/ gay woman or gay man	0	0%
Bisexual	0	0%
Heterosexual	20	61%
Prefer not to say	5	15%
Other	1	3%
No answer	11	33%
Total	37	112%

Q16. What is your home postcode?

BH23 8AA

LU1 4EJ

LU3 4DY

LU5 6DJ

LU56NH

LU7 1RX

MK17

MK41

MK45

MK45 1EN

MK45 2TB

MK45 4PA

NN4

PE19 8UQ

SG16 6AS

SG166HJ

sg18 8qq

SG5 4AN

SG7 6NU

Q17. If you are responding as an organisation, what type of organisation are you?

Housing Association or Social Landlord

Housing Association or Social Landlord

Voluntary Organisation or Charity

Voluntary Organisation or Charity

Voluntary Organisation or Charity

Town or Parish Council

Town or Parish Council

Town or Parish Council

Town or Parish Council

Public Services Commissioner

APPENDIX C

Tenancy Strategy Consultation November '12 – February 2013 Face to face interviews

Bedford Court

Resident 1 (mother plus 1)

"I'm very happy with 5 years – I won't need the same kind of property forever. It seems very reasonable because my circumstances might change"

Resident 2 (couple)

"I'm happy with that approach – it sounds absolutely fine"

Resident 3 (couple plus teenager)

"It seems like a good idea. I've had 7 children & my circumstances have changed lots". When asked about how 5 years was as a duration – "it's not too long and it's not too short, and from my point of view I'm not tied to a property"

Resident 4 (mother & child)

"It would be fairer I suppose for people sitting on the waiting list. Bit concerned about the areas people would be asked to be moved to – I would want to stay near my family. I wouldn't want to move out of the area"

Resident 5 (single person)

Commented that he would like to see more information on the proposals (directed him to website). Said that he thought it would be very useful to tackle under-occupation and he gave a couple of examples of single people living in 3 and 4 bedroom council houses. He said "I'm aware of a circumstance where someone is in a 3 bedroom house and won't move". He added "But I'm not keen on moving people into the private sector".

Resident 6 (couple)

Sceptical of the proposals but could see that it would be useful for under-occupation. Gave examples of people they knew under-occupying. Commented that there were long waiting lists and people under-occupying wasn't fair.

Resident 7 (single person)

Disagreed with the proposals as she said she was looking for permanent accommodation and wanted to be able to buy her council house. She said "I've been homeless and I want my next place to be settled and to buy it".

Women's Refuges - in north & south of the district

Focus groups in each refuge – 3 participants in one, 5 in the other

Where tenant is asked to move because of under-occupation

- Mixed feelings on under occupation, can see that if a person is significantly under occupying then it's good to free up the accommodation for a family, but on the whole preference for people to be allowed to stay put – especially if they are old. There should be encouragement and it should be a choice to move.

- Strong feelings where the tenants are older and the home has been a family home 'I grew up in that house, I'd hate to see my mum have to move into a flat'.
- Might be some situations where the circumstances justify the person having to downsize – ie example of a family that got a bigger house because they were foster carers, and when they stopped fostering they should have moved back into a smaller house – but it should be on individual circumstances.

Other general thoughts

All residents expressed concern with 5 year tenancies, citing the lack of security and stability – 'there will be the worry that you might have to move', concerns about home making in that situation, about settling children into schools that they might have to leave. Although residents agreed that that having to move wouldn't be as bad if it was in the same area, and didn't cause children to need to change schools, but 'even just moving is hard'.

Disagree with asking people to move because their finances have improved. 'I'll have got a job after 5 years and they'll say 'get out', described as 'punishing people for improving their circumstances' and 'not fair'. Residents suggested making sure it's over a period, not a snapshot of improved income.

Concern about effect on people moving into private rent in marginal circumstances – previous experience of high rents, 'I've never been so broke', difficulties raising deposits, benefit caps and thresholds, feeling that you are much more vulnerable to ending up 'in a loop' if you are in private rent and you lose your job, and ending up homeless and in a hostel again. Will outgoings be taken into account – ie number of children, single parenthood, debts. More sympathetic to people moving out if their circumstances have improved such that they are very comfortably off.

People who are really ill shouldn't be expected to move.

Particular circumstances of people coming out of a refuge into a tenancy – someone in this situation has often already had to move their children to a different area. 'I've promised my daughter, "this is where we're going to live now".' Children in that situation shouldn't have to face upheaval again after 5 years.

There was concern that you could end up living closer to the person you have fled from; people who have already had to start a new life with their children, in a different area, shouldn't have to face the possibility of moving to a new area again.

Job Clubs

The 14 people interviewed at job club were a mix of social housing tenants, private tenants and owner-occupiers.

Most interviewees broadly agreed with the draft Tenancy Strategy, provided there was somewhere suitable for tenants to move to, and that finances had been assessed fairly. 'People shouldn't sit on family houses after their children have moved out'.

Widespread agreement with the use of 5 year tenancies to tackle anti-social behaviour, 'You are lucky to get a council place, you should look after it', alongside concern about

tackling existing nuisance neighbours – ‘It needs shaking up’, ‘It won’t be fair if you’re not doing something about my nuisance neighbour’.

People who agreed on principle with freeing up family houses reflected that it would be preferable if people didn’t have to move against their wishes, ‘Too much of a big stick’, with more emphasis on positive incentives.

Some interviewees were concerned about the difficulties of implementing the Strategy in a way which fairly took account of individual’s circumstances – ‘How far away is too far (to move)?’, ‘What if they can’t afford the removal costs’, ‘Older people get used to their neighbours’.

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No.	Positive comments	Who / how many people	Equalities or other implications	What is proposed by the Member Task Force in response to this
1	Its reasonable to move if circumstances change / 5 years is a reasonable length of time.	6 people	N/A	N/A
2	Fixed term tenancies are a good way of matching social housing stock with people in housing need.	9 people; Stakeholder workshop; 1 voluntary organisation/charity.	Positive, helping to meet needs of people in housing need and waiting for a social rented home.	N/A
3	Fixed term tenancies are a good tool in tackling anti-social behaviour.	12 people (in addition to 23 of 33 online respondents who 'agreed' with this aspect of the Tenancy Strategy); the Equality Forum; Housing staff workshop; Stakeholder workshop.	Positive, helping to address the impacts of anti-social behaviour on households.	N/A
4	Its good not to be tied to a property.	2 people	Positive, these respondents (both prospective tenants) felt that they would benefit from the potential for greater mobility.	N/A

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No.	Positive comments	Who / how many people	Equalities or other implications	What is proposed by the Member Task Force in response to this
5	This policy will result in less loss of stock due to Right To Buy.	1 person	N/A – comment based on a misconception that RTB will not be part of the ongoing housing offer to tenants who have improved their finances.	N/A
6	Its wrong that a tenant should be offered a 'home for life'.	2 people	N/A	N/A
7	The council may use the 'tenancy conduct' criteria heavy-handedly. People with disabilities may be treated unfairly if they are reported as perpetrators of asb and their behaviour is a direct result of their disability.	2 people; The Equalities Forum.	Implications if a tenancy is not renewed, on the grounds of behaviour that is related to a disability.	Comment not considered by the Member Task Group because it was received after the end of the formal consultation period. Suggest that policy and procedure guidelines be developed, with regard to the EIA, in order to ensure that this is applied proportionately and in a way that avoids unfair treatment of any person to which a 'protected characteristic' applies.

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8	This shouldn't lead to evictions where the needs haven't changed and the tenancy hasn't been conducted well.	1 person	None – the draft Tenancy Strategy is explicit that tenancies will be renewed in these circumstances.	N/A
9	5 years is too long.	1 person	Government guidance is that tenancies of less than 5 years should only be used in exceptional circumstances.	N/A
10	5 years is not long enough / less security of tenure will cause stress and uncertainty.	12 people; Two Town and Parish Council responses; The Equality Forum; Stakeholder workshop.	Potential for worry and stress to impact negatively on the wellbeing of households who are vulnerable in some way and/or do not understand the tenancy review process.	Offer training and support so that tenants understand the circumstances in which their tenancy might not be renewed, including tailored support for people with particular problems such as mental ill-health and learning disability.

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11	Children who have experienced homelessness after fleeing domestic violence will usually be resettling in a new area; given the traumatic circumstances of their change of home, they should be offered longer than 5 years.	8 individuals (all homeless and in a refuge).	It could be argued that there is a case to address the particular disadvantage faced by a family in this situation.	Propose to leave the tenancy strategy as it is, - no special treatment in these circumstances, but as a matter or procedure and policy to offer tailored support in these circumstances so that tenants and their children feel secure about the circumstances in which the tenancy would not be renewed.
12	Where tenancies are not renewed, tenants should be able to move to suitable property within the same community and remain within easy reach of friends / relatives / services.	Six individuals; three Town and Parish Councils; The Equality Forum; The Child Poverty Forum; Housing staff workshop.	Potential for adverse impact on any household that is obliged to move to a different area, with Equalities Implications where 'protected characteristics' apply.	Retain within the strategy the requirement that moves must not prevent people from accessing their work or training; or prevent people with special needs from accessing their usual support network.
13	The policy will impact harder on people in rural areas with a limited supply of alternative accommodation.	1 person	Geographical analysis of lettings / housing markets required to understand if there will be an impact, and if so how this could be managed.	As a matter or procedure and policy, there will be officer discretion within the review process to take account, if necessary, of difficulty related to limited supply in a rural area.

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	Negative comments and concerns	Who / how many people	Equalities or other implications	What is proposed by the Member Task Force in response to this
14	Fixed term tenancies are not appropriate for older people's housing and services; older people are more likely to suffer adverse impact on their wellbeing if compelled to move.	10 people; 1 specialist Housing Provider; The Equality Forum.	Age is a protected characteristic in Equalities Legislation.	There should be an upper age threshold, set at the legal retirement age at any point in time, beyond which tenancies will automatically be renewed.
15	Using flexible tenancies to resolve anti-social behaviour should not be a replacement for tackling it effectively at an earlier stage. Unfair on tenants who's nuisance neighbour is a secure tenant if this tool takes on too much significance in ASB practice.	6 people; one Town and Parish Council; The Equality Forum.	Asb can be targeted at, and/or have greater emotional impact on people with protected characteristics; therefore effective practice around asb is an equalities issue.	Retain in the strategy, as consultation showed that on the whole, using fixed term tenancies as a tool against anti-social behaviour was popular with agencies and the public, provided that it was not a substitute for timely and effective action during the tenancy.
16	This policy will be a disincentive for people to improve their financial circumstances; people will feel they are being punished for their efforts and aspirations. The process will be intrusive, 'I want to just move in and get on with my life'.	13 people; The Child Poverty Forum.	Potential impact / mixed messages to people about improving their social mobility.	Use a process of Tenancy Training and ongoing support and engagement to ensure that there are no misconceptions about the level of income required before an improvement in circumstances might affect the future of the tenancy. Use the process to foster aspirations and target positive incentives.

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	Negative comments and concerns	Who / how many people	Equalities or other implications	What is proposed by the Member Task Force in response to this
17	Make sure that people who are asked to move on financial grounds can definitely afford to rent or buy in the local market without struggling. Assess affordability rather than income. Take the household's outgoings, responsibilities and debts into account. Thresholds might need to vary across localities. Take into account assets as well as income.	17 people; The Equality Forum; The Child Poverty Forum; Housing staff workshops; Stakeholder workshop.	Possible adverse effect on any households which moves and is not able to afford the alternative accommodation without a struggle.	The financial assessment process and criteria will be developed as a matter of procedure and policy.
18	This will be detrimental to the social fabric of an area – churn; new, possibly less well-off residents; people not putting down roots.	4 people; The Equality Forum; Aspley Guise Parish Council	Possible conflict with regeneration and tackling area-based poverty. Educational outcomes and levels of crime, for example, are usually better in economically mixed neighbourhoods.	Add to the Tenancy Strategy an explicit statement to the effect that economically mixed neighbourhoods are to be encouraged, and that the implementation of the strategy will seek to promote this, in the way that income is assessed and in the promotion of 'Pay to stay' and Right To Buy options.

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19	Right To Buy and 'Pay to stay' are fairer options than moving home for people who have improved their financial circumstances; and will contribute to the economic mix on estates.	2 people; The Child Poverty Forum; Housing staff workshop.	May be alternatives to tenancy renewal for people who have a claim to stay in their home on Equalities grounds but sufficient resources to pay more for their housing.	As above – an explicit statement in the Tenancy Strategy will highlight Right To Buy and 'Pay to stay' as desirable options in this situation.
20	If people are only under-occupying by one bed room and can afford to pay for it, they should be allowed to stay. Making people move from 2 to 1 bed accommodation is 'overkill'. One bed accommodation is not ideal even for single people, contributing to isolation and depression.	9 people; Child Poverty Forum; Hightown Praetorian Housing Association.	Balance between meeting the needs of people who are waiting for a 2 bed property; and allowing people who already have a 2 bed property to stay there. Potential for adverse impact on people who move, and on people who stay longer on the waiting list.	Propose to O&S that they debate the possibility that a household under-occupying a two bed home should not be asked to move to a one bed home as part of the tenancy review/renewal process.

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21	What if people can't afford the removal costs?	1 individual	Possible adverse impact on anyone with a constrained income, and equalities implications where a protected characteristic applies.	No specific comment recorded.
22	Its normal for young adults to return to the family home during their transition to establishing an independent life. It's socially beneficial if people have a 'safety net' during this period of their lives. If they are in full time education elsewhere, this will still be their 'only or principle home'.	2 people; Stakeholder workshop.	Possible adverse impact on any household.	As a matter of procedure and policy, there will be officer discretion within the review process to take account, if necessary, of any special circumstances around a tenant's grown-up children.
23	It is disruptive for children to have to move, especially if they have to change school and/or move away from friends.	10 people; The Equality Forum; The Child Poverty Forum.	Possible adverse effect on grounds of age – children will be powerless in this situation; there is a statutory duty to them in respect of Equalities legislation, and a statutory duty to	Retain in the strategy a statement that households will not be compelled to move where this would cause a child to have to change schools; and further that officers will apply discretion to take into account circumstances which may make a move detrimental to the welfare of a child; and will seek input from children's social workers in such

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			promote the welfare of children (Children Act 2004, s 11).	cases.
24	What about separated parents who need a spare bedroom to accommodate access arrangements.	1 person; The Equality Forum.	Possible adverse impact on children in this situation; as a housing authority the question is whether this is justified by the need to match occupants more tightly with bedrooms.	'Spare bedrooms' used for access arrangements to the tenant's children will not be treated as under-occupation provided that there is a Shared Residency order.
25	What about emotional attachment to the family home?	2 people.	Possible adverse impact on any household, may be an equalities issue where a 'protected characteristic' applies.	There may be situations in which it is proportionate to take this into account – see 'Special circumstances', item x.
26	If would be better if there was enough housing to go around; or if people could be encouraged to move with attractive alternatives rather than compelled to move.	9 people	None specific.	No specific comment recorded.
27	Concerns about the costs of staffing and maintenance. More churn in the stock, higher	4 individuals; The Equality Forum; 1 Public Services Commissioner (responding	Potential knock-on effect on tenants of increased	This concern should be addressed as a matter of procedure and policy.

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	maintenance costs, staff time managing flexible tenancies.	online).	management and maintenance costs.	
28	Definitions used throughout the strategy should be more tightly defined.	1 Town and Parish Council; The Child Poverty Forum; Housing staff workshop; Stakeholder workshop.		The terms 'Substantial improvement in financial circumstances'; 'poor tenancy conduct'; 'special needs'; and 'adapted property' will be precisely defined through the development of policy and procedural guidelines for the implementation of the tenancy. These will be developed with due regard to EIA.
29	What about disabled people who need a spare room for a carer; or couples that need separate bedrooms because of medical conditions?	3 people; The Equality Forum.	Adverse impact on disabled people if need for a spare bedroom not taken into account.	This concern should be addressed as a matter of procedure and policy.
30	How will the implementation of fixed-term tenancies cater to the circumstances of those who may not be recognised as vulnerable/in need of support – ie some people with mental health problems; people with physical health problems who are independent but deteriorate during or as a result of the process.	1 organisation responding online.	Potential adverse impact on people who fall within a protected characteristic but are not readily recognisable as such.	This comment was not presented to the Task and Finish group because it was received after the end of the formal consultation period. Suggest that this concern is accounted for in the way that policy and procedural guidelines are developed.

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31	<p>Exceptional circumstances -:</p> <p>During the consultation, there was debate amongst stakeholders as to whether or not the strategy should identify specific exceptional circumstances in which a tenancy would be renewed even if there was under-occupation.</p>	<p>The exceptional circumstances identified and debated were-:</p> <ul style="list-style-type: none"> • A move would cause harm to a tenant with mental ill-health. (1 person; Housing Staff Workshop Stakeholder workshop). • A move would be 'disabling' to a tenant with sensory impairment; (1 person; the Equality Forum). • The property has been adapted for a household member; (1 person) • A move would take place whilst a child was sitting GCSE's or A levels; • A household 	<p>All of the suggested exceptions have implications around the duty to promote equality and remove disadvantage.</p>	<p>Each of these circumstances should be considered as a matter for officer discretion in the review process, supported by the development of policy and procedural guidelines.</p>

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		<p>member is seriously or terminally ill; (3 people; Housing staff workshop);</p> <ul style="list-style-type: none"> Adapted home is no longer required because the tenant's child has died. (1 person) 		
32	<p>Need to build time and regular contact with the tenant (yearly reviews suggested) into the tenancy management and review process, so that the process of developing the tenant's aspirations is 'front-loaded' and the housing manager understands what support they need to manage their tenancy and improve their circumstances.</p>	<p>Equality Forum; Housing staff workshops; Stakeholder workshops; Housing staff workshop.</p>	<p>Positive impacts.</p>	<p>This should be addressed as an aim of the Tenancy Training and support programme, to be implemented as an element of the Tenancy Strategy.</p>
33	<p>Equality Forum suggest that the Strategy should contain an ethical statement of its council's intentions in respect of good Equalities practice, and which demonstrates</p>	<p>The Equality Forum</p>	<p>Potentially positive.</p>	<p>No specific comment recorded.</p>

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	compassion for the poor and disadvantaged.			
34	Needs to be an appeals process so that individual needs can be considered.	1 voluntary organisation/charity.	The appeals process will need to be designed to be accessible to all.	It is explicit in the draft Tenancy Strategy that a robust appeals process should be in place for council tenants and the tenants of Registered Providers.
35	Concern about the degree to which HA's will follow the guidelines in the Tenancy Strategy, harder for HA fixed-term tenants to know where they stand.	1 person waiting to take up a Paradigm offer of a fixed term tenancy.		This comment was not considered by the Member Task and Finish Group as it was received after the end of the formal consultation period.

All consultation feedback is summarised here, including 37 online responses; 2 emailed responses from Town and Parish councils; 14 interviews with local people attending job clubs; 7 interviews with residents of Bedford Court; 5 interviews with residents of Biggleswade DV refuge and 3 interviews with residents of Dunstable DV refuge. Also meetings of the Equality Forum and Child Poverty Forum, 2 housing staff workshops and one stakeholder workshop.

The headline figures from the consultation (including responses from individuals but not groups) are:-

38 people broadly agree 25 people broadly disagree 5 people neither agree nor disagree overall