
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