Appendix A

Tenancy Strategy 2013-18

Housing in Central Bedfordshire What lies ahead?



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 Councilís 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 othe 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.

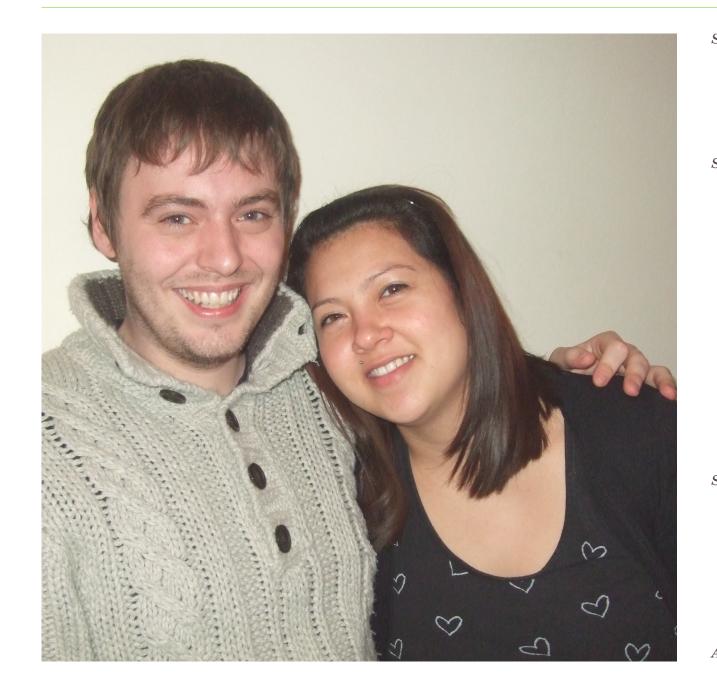
Chief amongst our wider aims are to promote social mobility for social housing tenants, support positive perceptions of social housing, and influence the provision of new affordable and social housing so that it meets both needs and aspirations, and makes the most of a valuable resource.

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 Ogley Director of Social Care, Health and Housing

Contents



Section 1 – Strategic Context	
Introduction	5
Legal Context	5
Purpose of the tenancy strategy	5
Social Housing in Central Bedfordshire	6
Section 2 – New Fixed Term Tenancies	
Introducing Flexible Tenancies	7
Recommended length of Term	$\overline{7}$
Renewal of Tenancy	7
Older people	8
Children	8
Location of moves	8
The Renewal process	8
Tenancy training	9
Special circumstances	9
Housing advice	9
Appeals (review) process	10
Introductory Tenancies	10
Section 3 – Wider considerations	
Considerations in developing the strategy	11
Equalities	11
Economic development and regeneration	11
Succession rights	11
Governance and review of the strategy	11
Consultation process	12
Appendix – Glossary of terms	13

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 lets 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-occuping, 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.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	 All with an interest in housing in Central Bedfordshire are welcome to respond, though the consultation is particularly aimed at the following: 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	Central Bedfordshire Council's Housing Service is responsible for this consultation The Assistant Director Housing is the person directly responsible, and may be contacted as follows: Tony Keaveney, Email: tony.keaveney@centralbedfordshire.gov.uk Tel: 0300 300 5213

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	For further information on this consultation document please e-mail sue.smith@centralbedfordshire.gov.uk Tel: 0300 300 5213 or Ext. 75213
How to respond	Consultation responses can be submitted online by going to : www.centralbedforshire.gov.uk Or by e-mail to: sue.smith@centralbedfordshire.gov.uk Or by post to: Central Bedfordshire council's Tenancy Strategy Consultation FAO Sue Smith – PA to ADHS Watling House High Street North Dunstable Bedfordshire LU6 1LF
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
НВ	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 though 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.

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	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. 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.

A great place to live and work



Central Bedfordshire

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