

Appendix D - Summary of consultation feedback on the draft Central Bedfordshire Council Tenancy Strategy; and response of the Member Task Force

Public consultation November 2012 – February 2013

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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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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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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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