

Executive

Ward(s) affected: All wards (with social tenure)

Report of: Director of Service Delivery

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Tenancy Strategy

Executive Summary

Under the Localism Act 2011 (s.150), the Council has a duty to prepare and publish a tenancy strategy, which should be periodically reviewed thereafter. Having originally published a tenancy strategy in 2013, the Council has now conducted the required review. The revised strategy sets out how the Council and other social landlords (Registered Providers or housing associations) operating in Guildford will determine the type and length of tenancies to be offered to social tenants in the Borough.

The strategy must include everything that social housing landlords should consider when drawing up their own tenancy policies, including the:

- different types of tenure to be offered
- circumstances under which these different types of tenancies will be granted
- where fixed term tenancies are granted, the lengths of those terms
- circumstances in which a new tenancy will be given should any fixed-term tenancy expire.

The government regulator of social housing sets the Tenancy Standard that requires all social landlords to publish individual tenancy policies, which in turn determine tenancy types and tenancy lengths for new tenants and how they are reviewed on any expiry.

The purpose of the strategy is to set out the Council's approach to the use of flexible and other tenancies. It is intended to provide guidance to Registered Providers (housing associations), informing their policies and practices to ensure that they meet housing need across the whole of Guildford Borough. In addition, it will indicate to housing applicants what they can expect from a tenancy, flexible or otherwise, to:

- make the best use of social housing stock
- meet local housing needs and prevent homelessness
- enable a range of tenure options in a more balanced housing market
- promote sustainable communities.

The tenancy strategy also aims to support the Council's wider aspirations and can assist in improving the focus on community needs, established through dialogue and consultation with local stakeholders and communities and delivered in partnership with other organisations.

In addition, the tenancy strategy permits the council to offer flexible tenure in line with current housing need.

Recommendation to the Executive

To adopt the revised Tenancy Strategy.

Reason(s) for Recommendation:

There is a legal requirement under the Localism Act 2011 for the Council to prepare and publish a tenancy strategy and to review that strategy periodically, which this report addresses. In line with this statutory requirement, all of the social landlords operating in Guildford must consider the Council's over-arching strategy, as set out in the appendices to this report, which has been circulated as a consultation document to each social landlord operating in the Borough, as well as being available online for all stakeholders.

Flexible and other tenancies assist as tools in the efficient management of social housing stock in Guildford, which is valued by the Council's social landlord services' function and other social landlords operating in the borough.

Is the report (or part of it) exempt from publication? No.

1. Purpose of Report

- 1.1 There is a legal requirement under the Localism Act 2011 for the Council to prepare and publish a tenancy strategy and to review that strategy periodically, which this report addresses. The strategy itself sets the over-arching framework that social landlords operating in the Borough should have regard to in framing their individual tenancy policies.

2. Strategic Priorities

- 2.1 The strategy has been drafted to support the current corporate key strategic objective of providing the range of housing that people need, particularly affordable homes, and is also in line with the following strategic housing priorities:

Objective 1 - Delivering more affordable homes: new affordable housing supply and redevelopment and re-use of existing social housing stock

Objective 2 - Providing support to help prevent homelessness or house those in emergency need

Objective 3 - Supporting residents to live safe, healthy and independent lives to promote good health and wellbeing

Objective 4 - Working with our partners to support the delivery of our joint aims and wider community benefits.

- 2.2 The Tenancy Strategy meets the core values of the Council in respect of the provision of timely, reliable and targeted public services that are judged by their quality, their cost effectiveness and relevance to the community's needs.
- 2.3 Measuring the impact of all of our activity against the Council's core values is a key principle of the way we work; our inputs and activities as a service support the Council's strategic objectives. In this specific case that means that we work to ensure local people have access to good quality homes that meet their needs at a price they can afford, and the Tenancy Strategy is a key part of ensuring this.
- 2.4 Further impacts that we would anticipate to influence are an improved quality of life for older people, supported by a flexible approach to meeting individual household need, enabling moves to the most suitable tenure and dwelling type through the strategy and improving the mental health of residents, where residents have access to the right accommodation at the right time of their lives.

3. Background

- 3.1 The Localism Act 2011 introduced flexible tenancies as a form of tenancy for social landlords. The Act requires local authorities to produce a Tenancy Strategy setting out their position regarding these tenancies and what it expects of social landlords in their local authority area in forming policies for:
- the kinds of tenancies they will grant
 - the circumstances in which they will grant tenancies of a particular type
 - where they grant flexible fixed-term tenancies; the length of terms
 - the circumstances in which a further tenancy may be offered at the end of the fixed term, in the same or a different property.
- 3.2 Flexible tenancies offer a fixed-term, which in most cases is for a minimum of five years. The flexible tenancy supports the government's aim to move away from the 'tenancy for life' approach and, instead, provide social housing at a time of need and throughout the time of need, rather than permanently.
- 3.3 This approach recognises that social housing tenancies are prioritised for those with the greatest current need, such as overcrowding or homelessness. As need changes over time, with homes, for example, let to tenants who could afford to buy a home or rent privately, or where household size changes, then a flexible approach to tenure may assist in the efficient management of social housing stock.
- 3.4 The government intended the changes to assist all social landlords to maximise effective use of their housing stock, and to help more people move on from affordable housing, should those tenants be in a position to sustain an alternative housing solution, such as home ownership or accessing the private rented sector in a suitable property.
- 3.5 The introduction of flexible tenancies did not affect any tenants holding an existing lifetime tenancy.

- 3.6 The Council's Tenancy Strategy must have regard to the Council's own Allocation Scheme and its Homelessness Prevention Strategy and, as the authority is still a stock holding authority, the strategy also sets out our policy for the use of such tenancies.
- 3.7 The strategy aims to define how the Council's tenure policy relates to its housing stock and will apply to all social landlords providing social and affordable rented properties in Guildford borough. In addition, the strategy also sets out standards expected of all social landlords, who are being consulted during its development, as all local social landlords must give due regard to the guidelines to be set out in the final strategy.
- 3.8 Social landlords are required by Homes England and the Regulator of Social Housing, as their regulatory body, to let their homes in a fair, transparent and efficient way, which takes into account the housing needs and aspirations of tenants and potential tenants whom they serve. Social landlords are expected to demonstrate how their lettings:
- make the best use of available housing
 - are compatible with the purpose of the housing
 - contribute to the local authority's strategic housing function and sustainable communities.
- 3.9 Social landlords are also required to publish clear and accessible policies setting out how long tenancies are for, when they will be renewed and the approach to management, including interventions to sustain tenancies and prevent unnecessary evictions and also tackle tenancy fraud.
- 3.10 Many social landlords operate across more than one local authority boundary. Therefore, they may need to acknowledge and regard a number of tenancy strategies tailored to suit individual borough or district's particular circumstances.
- 3.11 The Council considers that prospective tenants should have fair access to the available social housing in the Borough and not be confused by various landlords offering different tenancies or terms. Without broad compatibility between the policies of the social landlords operating in the same borough or district the choices made by housing applicants could be affected and this may affect our ability to meet their housing need. We therefore expect that social landlords engage with and consult with the Council to ensure their policies are in line with the principles of this strategy.

4. Consultations

- 4.1 The principal internal stakeholder consultee was the Landlord Services Manager who expressed support for the continued use of the strategy as a useful management tool supporting the best use of stock, along with the powers that the strategy gives to effectively manage tenancies, including payment of charges lawfully due and anti-social behaviour, as well as effectiveness in educating more vulnerable tenants in the proper use of their homes.

- 4.2 All social landlords operating in the Borough have been included in the consultation, as have all stakeholders through the provision of the consultation document online, which has included being available online on the Council's website and social media pages. Of the social landlords, other than the Council, that did respond, some were operating an emergency service during the current Covid-19 pandemic, providing only 'business critical services' or staffed on a 'skeleton' basis. One response was wholly positive and another comprised provision of the organisation's current tenancy policy.
- 4.3 One enquiry from an individual member of the public arose from the Council's social media publicity for the consultation and the enquiry was directed to the consultation link for the provision of the full information, inviting online feedback.

5. Key Risks

- 5.1 Failure to maintain a tenancy strategy prevents the Council from having the option to provide a range of tenure, which includes flexible tenancies in those cases where it is felt to be an appropriate option.

6. Financial Implications

- 6.1 There are no capital costs and no revenue implications. The preparation of the Tenancy Strategy and the consultation with social landlords operating in Guildford, has been carried out within existing resources.

7. Legal Implications

- 7.1 Sections 150-153 of the Localism Act 2011 impose a duty on the Council to adopt a tenancy strategy and review it from time to time. The strategy must set out matters which other registered providers of social housing in Guildford are to consider when developing their own policies, in relation to:
- the kinds of tenancies they grant
 - the circumstances in which they will grant a particular kind of tenancy if they grant fixed term tenancies, the lengths of those terms; and
 - the circumstances in which they will grant a further tenancy when the existing tenancy comes to an end.
- 7.2 There is no statutory time limit to review the strategy, simply that it should be reviewed 'from time to time'. When preparing or modifying the strategy, the Council must have regard to its allocation scheme and its homeless strategy.
- 7.3 The Council must consult with every private registered provider of social housing in the district, giving them a reasonable opportunity to comment on the proposed strategy. The Secretary of State can, by regulations, include other bodies to consult, but has not yet done so.
- 7.4 The final version of the tenancy strategy must be available for inspection by members of the public at the Council's offices, free of charge and at all

reasonable hours. If asked for a copy, the Council must provide one, however it can charge a reasonable amount for doing so.

- 7.5 Where the Council decides to grant a fixed-term tenancy of a particular length, tenants can request a review of the decision only on the basis that the decision is not compliant with its policies on tenancy lengths. Where the Council decides not to grant a further tenancy on expiry of the existing one, the tenant can again request a review on wider grounds, but the review must in particular consider whether the decision is in accordance with the relevant policies on whether or not to grant a new tenancy. As both of these will be included in the tenancy strategy, it is important to ensure that the strategy is robust.

8. Human Resource Implications

- 8.1. None.

9. Equality & Diversity Implications

- 9.1 The Tenancy Strategy will be subject to an Equality Impact Assessment screening and the Council expects all social landlords to carry out their own Equality Impact Assessments for their individual tenancy policies.

10. Climate Change/Sustainability Implications

- 10.1 None.

11. EAB Comments:

- 11.1 The EAB of 10 09 2020 requested the following:
- figures on current tenure: non-secure (61); introductory (161); flexible (985); secure (c4,000 – allowing for some voids amongst the total stock)
 - A single page information factsheet, possibly including case studies, be created with the assistance of the Council's Communications Team for viewing on-line or printing from the Council's website as a means of engaging and informing tenants and potential tenants regarding the Tenancy Strategy and tenancy conditions.
 - A summary document to accompany reports such as the Tenancy Strategy providing consultation responses and proposed changes stemming from those responses be provided in future to inform councillors' considerations and recommendations.
 - The delivery of additional social housing to meet local need be pursued to provide homes for people currently on the Council's housing waiting list.

12. Suggested issues for Overview & Scrutiny

- 12.1 There is a legal requirement for the Council to review the Tenancy Strategy periodically. If required a summary of the operation of the strategy, including all relevant statistics, can be presented annually to members, as part of an ongoing review of the strategy's operation and effectiveness as a management tool for the

Council's social landlord function, which periodically also includes responses to any legislative change, something to which the Council's housing function must respond effectively in a timely manner.

13. Summary of options

- 13.1 There is a legal requirement under the Localism Act 2011 for the Council to publish a tenancy strategy and to review that strategy periodically.

14. Conclusion

- 14.1 In line with the statutory requirement under the Localism Act 2011 for the Council to publish a tenancy strategy and to review that strategy periodically, the social landlords operating in Guilford must also, in turn, consider the Council's overarching strategy, as set out as the Consultation Tenancy Review, attached as an appendix to this report. Flexible and other tenancies assist landlords as tools in the efficient management of social housing stock in Guildford, which is valued by the Council's housing landlord services' function and other social landlords.

15. Background Papers

None.

16. Appendices

Appendix 1: Consultation Tenancy Strategy & Review document.
Appendix 2: Tenancy Strategy 2020 with 2013 clauses to show all changes made.
Appendix 3: Tenancy Strategy 2020
Appendix 4: Tenancy Strategy Summary (draft).