

Committee: Housing Board

Agenda Item

Date: 23rd October 2012

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Title: Draft Tenancy Policy

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Summary

1. The West Essex Tenancy Strategy has been finalised and will be going to Cabinet for approval on 25th October. The council now needs to formulate a local tenancy policy that has regard to this this tenancy strategy.
2. This report provides members with options that they may wish to see incorporated into the Uttlesford Tenancy Policy.

Recommendations

3. The Housing Board agrees the broad outline of a tenancy policy for Uttlesford which officers will then bring before the next Housing Board as a draft Uttlesford Tenancy Policy document.
4. Points that the Housing Board may wish to give recommendations on are:-
 - a) In principle does the council wish to introduce flexible tenancies
 - b) If flexible tenancies are to be introduced should this be for only certain types of property
 - c) The reasons a flexible tenancy would not be renewed
 - d) Exceptions for who would not be given a flexible tenancy

Financial Implications

None

Background Papers

Localism Act 2011
West Essex Tenancy Strategy

Impact

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Communication/Consultation	Web and partner agencies
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Community Safety	N/A
Equalities	EIA required before policy is finalised
Health and Safety	N/A
Human Rights/Legal Implications	Implications for the type of tenure the council will offer to future tenants and on what grounds tenancies will not be renewed. The policy will need to comply with legislation and be compatible with the Human Rights Act.
Sustainability	N/A
Ward-specific impacts	All wards
Workforce/Workplace	N/A

Situation

6. The Localism Act 2011 introduced new flexibilities for local authorities and registered providers (RPs) to offer social housing tenancies for a fixed-term. The Act also introduced a new statutory duty on local authorities to publish a tenancy strategy that has been developed in consultation with RPs. The new flexibilities of the Act are designed to ensure the best use of social housing stock.
7. The council has been working with Epping and Harlow councils to produce a West Essex Tenancy Strategy. This is an overarching strategy that registered providers and the council's housing departments must have regard to when deciding on their tenancy policy.
8. Members now need to consider the stance they wish to see the council take with regard to a local Uttlesford Tenancy Policy. Whether Members wish to see the council adopt fixed term tenancies, if so, what length they should be, which type of properties they should apply to and under what circumstances they would not be renewed.
9. The rationale for having fixed term tenancies is to reduce the instances of under-occupation, where a tenant is occupying a house larger than their needs require. Ending a fixed term tenancy in these circumstances would require the tenant to move to smaller more suitable sized accommodation, whilst allowing a larger property to be allocated to a family in need. This could be seen as making a better use of limited stock. For this reason it can be argued that there is little advantage in using fixed term tenancies for older persons accommodation.
10. One of the largest RPs in the district has decided not to offer fixed term tenancies but to continue to offer assured tenancies on all its properties. Other

registered providers have already adopted policies which will see them shortly introduce fixed term tenancies.

11. A neighbouring council is suggesting to members the introduction of a trial policy that would offer 9 year fixed term tenancies on all properties with three or more bedrooms with a 1 year introductory tenancy. At the end of the fixed term then tenancy would not be renewed if
 - a) If the tenant has committed serious acts of anti-social behaviour or any other serious breaches of tenancy conditions, including significant rent arrears within the defined criteria to be included in the Tenancy Policy;
 - b) If the tenant is under-occupying the accommodation (when taking into account people required to live with the tenant e.g. family members and not lodgers etc), then a further Flexible or Secure Tenancy as appropriate will be offered on a suitable smaller property, provided all of the other requirements of the agreed assessment criteria are met;
 - c) If the tenant is statutorily overcrowded in the accommodation a further tenancy (Flexible or Secure as appropriate) will be granted for a larger property, provided all of the other requirements of the agreed assessment criteria are met; and
 - d) If the property has been extensively adapted and;
 - I. there is no-one in occupation who is in need of these adaptations; and
 - II. there is an applicant on the Housing Register who is in need of the adapted accommodation;then a further Flexible or Secure Tenancy (as appropriate) of an alternative suitable property be offered, provided all of the other requirements of the agreed assessment criteria are met;
12. As well as the circumstances above, Members may also wish to consider whether a tenant's financial circumstances may be a reason for not renewing a fixed term tenancy.
13. If fixed term tenancies are adopted then Members must consider whether they would like to see any special circumstances stated in the policy for when a new fixed term tenancy would be granted, even if the criteria for not renewing it had been met. These are stated in the Tenancy Strategy as being such circumstances as:-
 - a) The tenant or a member of their household is suffering from a terminal illness; the tenant or a member of their household has a disability, verified by occupational therapy / community care assessments.
 - b) The tenant is an active foster carer and a new flexible tenancy should be granted to enable them to continue to fulfil this role.

- c) The tenant is a care leaver and still receiving support from social services because of this.
- d) The tenant has children taking GCSE or A level examinations at a local school
- e) The tenant is participating in a Family Intervention Project programme

14. Once members have given officers a steer on how they would like Uttlesford's tenancy policy to be formulated a draft tenancy policy will be brought before members for further discussion before it goes to Cabinet for adoption.

Risk Analysis

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Risk	Likelihood	Impact	Mitigating actions
The Council do not investigate full potential/impact of flexible tenancies	1 – low – different options available to the Council will be discussed at housing board	2 – impact of under occupation will not be addressed in the future	Housing board to look at different options to enable an informed decision to be made on a local policy

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.