

A summary of responses to Cheshire East Council's

# **Tenancy Strategy Consultation 2020**

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Report produced 22 January 2021 the Research and Consultation Team, Cheshire East Council. Email [RandC@cheshireeast.gov.uk](mailto:RandC@cheshireeast.gov.uk) for further information.

# Introduction

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## Purpose of the Engagement

Between October 2020 and January 2021 Cheshire East Council consulted key stakeholders on its newly drafted Tenancy Strategy. This strategy had been drafted in-line with Section 150 of the Localism Act 2011.

Throughout the 12-week consultation the council sought views from local social landlords, present and future social housing applicants on Cheshire HomeChoice, residents, Elected Members, and any other interested parties.

Consultation responses are to be considered before a final version of the strategy is adopted and published on the Cheshire East Council website.

## Engagement methodology

The engagement was also widely promoted, most notably through:

- **[Insert detail]**.

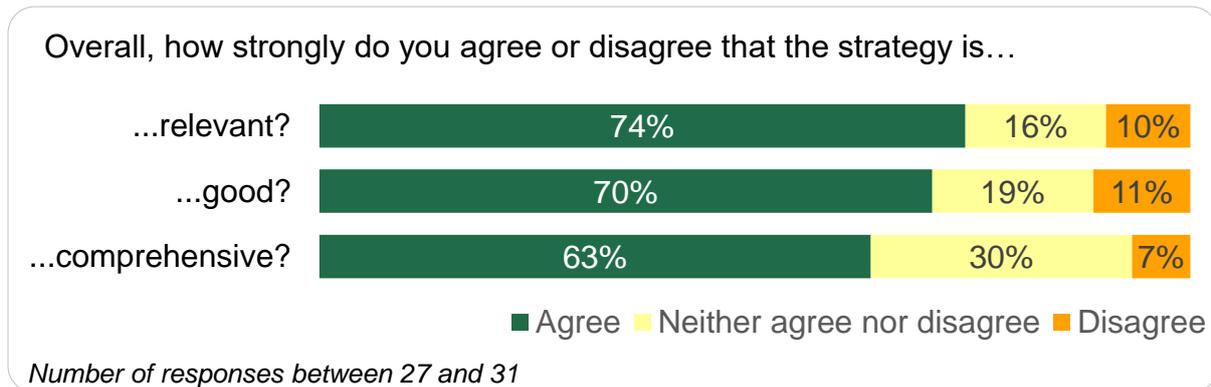
In total 32 responses were received to the consultation, including:

- 31 survey completions
- 1 direct email.

## Overall views on the strategy

Of those that responded to the survey:

- 74% agreed the strategy is relevant.
- 70% agreed the strategy is good.
- 63% agreed the strategy is comprehensive.



## Rating different aspects of the strategy

Survey respondents were asked to rate their level of agreement with 8 different statements about the newly drafted strategy.

They were most likely to agree that:

- Lifetime tenancies should be issued to vulnerable households such as elderly people, sheltered and supported housing for older people, people with learning difficulties, and enduring mental health issues (87% agree).
- If a Fixed Term Tenancy is issued to a family it should be for a minimum of 5 years or until the youngest child reaches school leaving age, whichever is the latter (84% agree).

And were least likely to disagree that:

- Households on Fixed Term Tenancies should not see their tenancies end for rent arrears or anti-social behaviour or neighbour nuisance, which should be dealt with under normal possession procedures, to see if the issue can be resolved to prevent homelessness (58% agree).
- The balance is correct between flexibility for social landlords, and clarity for customers and potential customers (53% agree).

Levels of agreement with each statement are given in the table below.

How strongly do you agree or disagree...	Agree	Neither agree nor disagree	Disagree	Base
...that Lifetime tenancies should be issued to vulnerable households such as elderly people, sheltered and supported housing for older people, people with learning difficulties, and enduring mental health issues?	87%	3%	10%	31
...that if a Fixed Term Tenancy is issued to a family it should be for a minimum of 5 years or until the youngest child reaches school leaving age, whichever is the latter?	84%	3%	13%	31
...the draft Tenancy Strategy is not proposing an open-ended approach, which gives social landlords total freedom to issue the types of tenancies they want, neither is the approach prescriptive, in expecting only the use of one type of tenancy.	73%	7%	20%	30
...that the overall presumption in the Draft Tenancy Strategy for a further tenancy to be granted at the end of a fixed term tenancy is correct?	68%	13%	19%	31
...that shorter-term tenancies may be used in areas of stock management and in areas of wider regeneration?	63%	20%	17%	30
...that in areas of high demand, or properties in short supply, such as larger properties, short-term tenancies may be issued in agreement with Cheshire East, avoiding a 'post code lottery' where turnover is high in a particular settlement sub-area?	59%	14%	28%	29
...that households on Fixed Term Tenancies should not see their tenancies end for rent arrears or anti-social behaviour or neighbour nuisance, which should be dealt with under normal possession procedures, to see if the issue can be resolved to prevent homelessness?	58%	3%	39%	31
...the balance is correct between flexibility for social landlords, and clarity for customers and potential customers?	53%	17%	30%	30

## Comments on the strategy

Respondents were also given the opportunity to comment on the strategy, with 10 comments received in the survey, and one via email.

The comments have been grouped together under the following categories.

### General support for the strategy

This does read to have a good balance between flexibility for the RP and their own Tenancy Policy but also considering the wider housing need requirement of Cheshire East, so we are all on the same page in terms of addressing housing need and providing secure and sustainable homes for our customers.

### Support for social housing & criticism of landlords

(Rents should be low, protect those who need social housing) Rent levels for tenancy of privately-owned houses should be in line with that paid by tenants in existing affordable houses. The current situation with home ownership encourages those with the most i.e. someone who inherits a house to keep it as a second property and to rent it to those who are unable to get a foot on the ladder of property ownership.

This discrimination is wrong and while there is a place in the overall housing market for privately rented property as a short-term solution to meet property needs, it should not be the solution for longer term needs e.g. 5 years +. As such CEC is encouraged to take whatever steps it can to reduce the attractiveness of renting out property to supplement income for those lucky enough to have more than one house.

There should be no opportunity for any landlord to exploit tenants or to ignore their rights. It is essential that any strategy serves to protect the vulnerable and reduce homelessness through evictions.

Disley Parish Council would expect providers of social housing to provide the necessary support to tenants to avoid homelessness. In the current economic climate, an increasing number of people of working age are likely to face financial hardship. Household's on Fixed Term Tenancies should not see their tenancies end for rent arrears. In the case of anti-social behaviour or neighbour nuisance, we would expect providers of social housing to work with tenants/Cheshire East Council/police as appropriate to provide a satisfactory outcome for all concerned, given the adverse impact on neighbouring households. Ending the tenancy should be avoided if possible but the adverse impact on neighbouring households should be considered of equal importance. Disley and Newtown Neighbourhood Plan Policy H2 supports any proposals to enhance and improve the quality or quantity of social housing units for the elderly. Policy H1 supports new development schemes for extra care housing for people aged 55 and over.

### Support for landlords & criticism of social housing

You always need to remember whose house this is. It belongs to the landlord, who should be able to get it back when it is needed. If tenants want the high level of security shown in this survey, they need to get their own property.

There needs to be a clear path for tenants to understand. At the end of the tenancy they need to know from the offset the options when this comes to an end i.e. can it be extended, or they need to move out.

There is a contradiction here: you say that there is a housing shortage yet give scarce social housing for a lifetime to people who don't need it. Why should people whose situation has bettered and are earning a really good wage and able to pay much more in rent get to live in a subsidised home? It's not good to see a new car on the drive when you know that they are paying £250 a month.

Response to the statement – If a Fixed Term Tenancy is issued to a family it should be for a minimum of 5 years or until the youngest child reaches school leaving age, whichever is the latter?

My only concern is that we might be seen as penalising families with older children moving into larger properties on fixed term tenancies if we are looking to offer them only five years whilst their neighbour may benefit from a tenancy of up to 15 years if they have a young child in the household.

#### Detailed & specific responses

- 1) Lifetime homes should also include the physical disability client group.
- 2) There remains an issue around fixed term tenancies where adjustments may be required to the home relating to health/disability - DFGs may be used to fund the necessary works but housing associations will need to consider permissions if the tenancy is on a short term basis and think through any subsequent future lettable issues. The Council would therefore need to consider how it made use of this mandatory grant in relation to short term tenancies. A possible solution would be to introduce 'exceptions' i.e. where major adaptations are required and provided during the fixed term, permission is conditional on conversion to a long term tenancy. This will prevent the potential waste of valuable resources (DFG), prevent lettable issues arising into the future and provide suitable long term solutions for the disabled person/family.

NB. – in the stock listing in the policy it has Staffordshire HA – which should be updated to Staffs Housing and note that Staffs Housing is part of Honeycomb Group.

Generally don't agree with the use of fixed term tenancies. It would be better to use starter tenancies which convert to permanent tenancies. Most landlords are no longer using them. Honeycomb Group / Staffs Housing has never used them for general needs lettings. Short term tenancies in social housing should only be used for when linked to housing for a purpose e.g. specialist supported accommodation. Are victims of DA included in your definition of vulnerable. Secure Tenancies (Victims of Domestic Abuse) Act 2018 already ensures that when the mandatory fixed term tenancies provisions in the Housing and Planning Act 2016 were implemented, lifetime tenants who suffer domestic abuse would retain lifetime security, when granted a new tenancy by a local authority for reasons connected with the domestic abuse. The Social Housing Green Paper said that Gov would seek to bring forward legislation to make sure that similar protections for victims of domestic abuse are in place where, as now, local authorities offer fixed term tenancies at their discretion (this is currently being done via the DA Bill). More clarity needed around situations when a tenancy of less than 5 years might or should be given.

Finally question accuracy of information and analysis in terms of the private rented sector on pages 8-9 and Appx 2. LHA figures from 2019-20 are used rather than 2020-21 for analysis which provides a bit of a distortion of what housing benefits / universal credit pay on private properties and the differences between that and the average rent levels – using 2020-21 figures the gap is much smaller on most properties as they were all uprated in April 2020.

The Strategy does not seem to address:

- "The Right to Buy" and its impact on the stock of social housing – is this left as a problem for RP's.
- Where the circumstances of tenants change e.g. income changes or size of a household may no longer align with the original allocation criteria.

The private rental market has seen rent levels rise despite the large numbers of open market and affordable homes constructed in the past 5 years. Affordable rent is set at 80% of the market rent. Local Housing Allowance - seems to be split into a higher rate for the north of CE, and a lower rate for Congleton and the southern area (including Sandbach) so for Sandbach only 2 bed "Affordable Rent" properties would be within the Local Housing Allowance, all other property options would require top-up payments from other sources which are highly likely to lead to tenants struggling to afford the rent payments.

Fixed Term tenancies

[These tend to be the standard offering in the private rental market, with 6/12 month renewable Shorthold Assured Tenancy (SAT's) agreements.]

The strategy appears to be passing responsibility to the RP and their tenancy agreements for under-occupancy

CE do not want tenancy agreements ending for rent arrears and anti-social behaviour. Whilst Sandbach Town Council support the proposed use of a pre-action protocol for RP's to manage rent arrears, we would not want the stock of social housing to become misallocated due to non-payment of rent. Sandbach Town Council are also concerned that RP's are expected to rely on court decisions

regarding Anti-social behaviour - neighbours should expect early resolution of anti-social behaviour, they should not have to wait until courts intervene.

Would request for clarity within the strategy regarding the following concerns: The restricted offering of Fixed-term agreements, favouring lifetime tenancy, rather than the use of SAT's in the private sector? Need to ensure the best use of the limited housing stock for the local RP's, need an explicit policy on how to recycle properties where the tenant could subsequently afford to either purchase or rent in the open market [e.g. a periodic review of tenant's income and housing needs using updated allocation criteria]. Address "The Right to Buy", is this still an issue, is it to be managed by the RP's.

# Conclusions

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## Consultation responses

32 consultation responses seem a limited number to draw strong conclusions from, though it is traditionally difficult to get a large number of responses from strategy consultations. Based on the number of responses however results should probably be treated as indicative only.

## A positive overall impression

Among those that responded, it is positive to see a high level of agreement that the strategy is relevant, good and comprehensive, with little disagreement this is the case.

## Differences of opinion

There were significant differences of opinion about the various statements made about the strategy, with respondents most likely to disagree about:

- The issuing of short-term tenancies in areas of high demand.
- Tenancies not ending due to rent arrears.
- The balance being correct between flexibility for landlords and customers.

Comments were received about the strategy including:

- General support for the strategy.
- Support for social housing & criticism of landlords.
- Support for landlords & criticism of social housing.
- Detailed & specific responses.

