

CHESHIRE EAST COUNCIL

Cabinet Member for Prosperity

Date of Meeting: 12th March 2012
Report of: Strategic Housing Manager
Subject/Title: Tenancy Strategy
Portfolio Holder: Councillor J Macrae

1.0 Report Summary

- 1.1 The Localism Act 2011 places a requirement on all local authorities to produce a Tenancy Strategy which outlines our approach to flexible tenancies and enables Registered Providers of social housing to formulate their own tenancy policies. This report outlines the content of the Cheshire East draft Tenancy Strategy and seeks permission to consult.

2.0 Recommendation

- 2.1 To grant permission to proceed with the formal consultation on the draft Tenancy Strategy.

3.0 Reasons for Recommendations

- 3.1 In order to allow stakeholders and members of the public to comment on the draft policy we are proposing a 12 week period of consultation.

4.0 Wards Affected

- 4.1 All wards

5.0 Local Ward Members

- 5.1 All Local Ward Members

6.0 Policy Implications

- 6.1 Carbon reduction - none
6.2 Health

Housing is fundamental to the wellbeing and prosperity of the Borough. There are direct connections between access to affordable, sustainable housing and health, educational attainment, carbon reduction and care for older people. The policy review aims to ensure that access to limited social housing stock is fair and transparent.

7.0 Financial Implications (Authorised by the Director of Finance and Business Services)

7.1 There are no financial implications.

8.0 Legal Implications (Authorised by the Borough Solicitor)

8.1 The Localism Act 2011 (sections 150 - 153) places a duty on all Local Authorities to prepare and publish a Tenancy Strategy within 12 months of the provision coming into force. The strategy has to set out the matters to which registered providers of social housing in its district are to have regard to in formulating policies relating to tenancies and should contain the following:

- The kind of tenancies they grant,
- The circumstances in which they will grant a tenancy of a particular kind,
- Where they grant tenancies for a term certain, the lengths of the terms and
- The circumstances in which they will grant a further tenancy on the coming to an end of an existing tenancy.

Before adopting a Tenancy Strategy Local Authorities must:

- Send a copy of the draft strategy, or proposed modification, to every private registered provider of social housing for its district, and
- Give the private registered provider a reasonable opportunity to comment on those proposals.
- Consult such other persons as the Secretary of State may by regulations prescribe.

The authority must also have regard to:

- Its current allocation scheme under section 166A of the Housing Act 1996,
- Its current homelessness strategy under section 1 of the Homelessness Act 2002

9.0 Risk Management

9.1 The Tenancy Strategy only outlines the circumstances in which Registered Providers have to take due regard. There is nothing which stipulates that they must adhere to the strategy and therefore when formulating their policies they may decide not to follow the guidance of the Local Authority. We have tried to mitigate against this by working with the three main Registered Providers when producing the strategy to ensure that the content is workable for them.

10.0 Background and Options

- 10.1 The Localism Act 2011 places a duty on all local authorities to produce a Tenancy Strategy which sets out the matters which Registered Providers of social housing should have regard to when formulating their own tenancy policies.
- 10.2 In 2011 Cheshire East Strategic Housing services started a process of consultation with Registered Providers in order to work with them to produce a strategy which would meet the priorities of the authority, whilst ensuring that we did not make it too restrictive and unworkable for Registered Providers.
- 10.3 A workshop took place in November 2011 with both Members of Cheshire East and Board Members of the three main Registered Providers where the issue of flexible tenancies was debated. The comments and opinions influenced the development of the draft strategy.
- 10.4 The ability to offer flexible tenancies was met with a positive response and it was felt that it would enable us to use flexible tenancies as an opportunity to address key issues within the Borough, such as; how to make best use of Cheshire East's limited affordable housing stock, how to tackle under-occupation and how to improve stock turnover.
- 10.5 Contained within the strategy's vision are the issues we would expect a registered provider to consider when determining tenancy terms including:
- Enabling families to grow and develop without the threat of having to uproot their children from schools, which could threaten their educational attainment.
 - Enable those with special needs to establish support networks, access services and have a property adapted if necessary.
 - Give those needing an opportunity to turn their lives around the ability to access settled accommodation for an appropriate period of time.
 - Make the best use of our housing stock, reducing levels of under occupation and overcrowding across the authority.
- 10.6 When developing the strategy consideration was given to the local context, the local housing market, affordability rates, and need and demand and the findings are outlined within the strategy.
- 11.0 Type of tenancies** -The strategy outlines the type of tenancies available to registered providers which includes:

- Full assured social rent
- Full assured affordable rent
- Fixed-term social rent
- Fixed term affordable rent

We have also stated that we believe RP's should grant the most secure form of tenancies which are compatible with the purpose of the accommodation, the needs of the individual households, sustainability of the community and the efficient use of their housing stock and we have recommended that:

- Fixed-term tenancies should normally be offered for a minimum period of five years, including any probationary period.
- In certain circumstances, tenancies exceeding a five year period (for example a lifetime tenancy) may be granted for some tenants where appropriate, in order to provide an additional degree of stability and security. Cheshire East Council recommends that the following circumstances should be given due regard for tenancies exceeding five years: households who have dependent school-aged children attending a local school; those living in adapted properties, and those with a long-term support need.

12.0 Renewal of tenancies - outlined within the strategy is the renewal of tenancies and we have stated that we would expect in the majority of cases tenancies to be renewed taking into consideration the current circumstances of the household and the need for a property of the type and size that they presently occupy. It is also stated that in the event that a tenancy is not renewed due to under occupancy then the household would be given priority in line with Cheshire East's allocations policy.

13.0 Circumstances in which a tenancy would not be granted -In relation to the circumstances in which a tenancy should not be renewed the strategy states that in the following circumstances registered providers may consider not renewing the tenancy and these include:

1. Property under-occupied (this may not apply to young childless couples or those with families that may expand)
2. Property which is severely overcrowded – as defined in line with the Homechoice Allocations Policy (to prevent low quality housing conditions developing)
3. Suitability of property e.g. (where a property could suit the needs of another potential occupier of greater need- a bungalow for an elderly

couple or an adapted property that is no longer occupied by a person needing those adaptations.

4. The tenant has been a perpetrator of domestic violence, victims of DV who need to move to a more suitable location would be dealt with via tenancy management as will tenants suffering harassment or needing to move under the witness protection programme.
 5. To balance tenant mix in an estate/development- this would need to be linked into any local lettings policies or neighbourhood/estate plans where they are used.
 6. Change in tenant's circumstances- tenant has demonstrably a high enough income to comfortably afford market housing (to purchase) & arguably the social housing they are occupying would be better used by someone in greater need.
 7. The conduct of the tenant throughout the fixed term is deemed to be unacceptable- this could include ASB, rent arrears or property management issues.
- 13.1** The strategy outlines what is expected of RP's should they not renew a tenancy, which includes giving six months notice and providing them with housing advice which will enable them to make informed housing decisions.

14.0 Access to Information

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