

WIRRAL COUNCIL

CABINET

20TH DECEMBER 2012

SUBJECT:	TENANCY STRATEGY STATEMENT
WARD/S AFFECTED:	ALL
REPORT OF:	DIRECTOR OF REGENERATION, HOUSING & PLANNING
RESPONSIBLE PORTFOLIO HOLDER:	COUNCILLOR GEORGE DAVIES
KEY DECISION?	YES

1.0 EXECUTIVE SUMMARY

1.1 The purpose of this report is to seek Members' views on the Tenancy Strategy Statement in Appendix 1 prior to wider consultation with Registered Providers of Social Housing and the general public. The development of a tenancy strategy by local authorities is a statutory requirement of the Localism Act 2011.

2.0 BACKGROUND AND KEY ISSUES

2.1 The Government expects a tenancy strategy to set out the local authority's vision for the way in which social housing is let within their area. In particular, it must address the way in which the authority expects the new type of tenancy introduced by the act (the fixed-term tenancy) to be used by all providers in the local authority area. Fixed term tenancies can only be provided to new tenants and the Government recommends they last for a minimum of five years but can be shorter if necessary.

2.2 The Strategy must contain the matters to which Registered Providers of social housing (RPs) must "have regard" in formulating policies relating to:

- a) the kind of tenancies they will grant;
- b) the circumstances in which they will grant a tenancy of a particular kind;
- c) where they grant tenancies for a certain term, the lengths of the terms; and
- d) the circumstances in which they will grant a further tenancy on the coming to an end of an existing tenancy.

A Tenancy Strategy therefore assists the Council in protecting certain groups of people in the use of Fixed Term Tenancies as well as being aligned to key actions within the Council's Strategic Housing Plan.

2.3 In developing the Strategy Statement, the Council has obtained the views of RPs with social housing stock in the Borough on their current or intended use of fixed term tenancies. Of the 11 RPs that responded to the request for views, none had yet issued any fixed term tenancies. Family Housing Association, Riverside and Wirral Partnership Homes (WPH) intend to use fixed term tenancies in the future, representing two thirds of Wirral's social housing stock.

2.4 RPs were required to produce Tenancy Policies any time from April 2012 and they must be published in order to begin using the new tenure flexibilities under the Localism Act (although having a Tenancy Policy does not necessarily mean the RP has decided to use fixed term tenancies). Of the RPs with housing stock in the Borough, Liverpool Housing Trust, Riverside and Your Housing Group (including Arena and Leasowe Community Homes) have informed the authority of their draft or interim policies. RP Tenancy Policies must “have regard” to the authority’s Tenancy Strategy and so other RPs are waiting for the local authorities to finalise their Tenancy Strategies before developing their own.

2.5 The majority of RPs responding to the questionnaire will not be using fixed term tenancies for a number of reasons, including:

- fixed term tenancies not supporting their philosophies to develop and maintain sustainable communities;
- the administrative burden that fixed term tenancies would create;
- the nature of their stock (e.g. high numbers of one and two bedroom flats) means the problems of under occupation don’t feature as widely for them; and
- that changes in tenants’ circumstances don’t necessarily fit in with the end of the fixed term.

The majority of tenancies issued will be of at least five years’ duration however both Riverside and WPH have stated they may issue them for less than five years in certain circumstances.

2.4 The Council’s Tenancy Strategy Statement has also been developed by having regard to local housing market conditions, current and projected population make-up, the Council’s Social Housing Allocations Policy and its Homelessness Strategy. As a result, the Strategy Statement identifies specific groups of people which should not be offered fixed term tenancies and identifies groups to which RPs should grant a further tenancy on the ending of a fixed term tenancy. The Statement will be reviewed annually to ensure it is kept relevant.

2.5 It should be noted that there is no guidance from Government stating if and how authorities should monitor whether RPs are “having regard” to the local authority’s Tenancy Strategy. Members should also be aware that there are no powers to enforce the Strategy. The Council will, however, have an overview of RPs’ intentions on the use of fixed term tenancies. RPs will be required to inform the Council when they intend to issue fixed term tenancies and on what properties. As RPs are regulated and inspected by the Homes & Communities Agency (HCA) in relation to their Tenancy Standards within the Regulatory Framework, the Council will use this process to establish that RPs are issuing, terminating and extending fixed term tenancies in accordance with their own Tenancy Policies and that this has regard to the Council’s Tenancy Strategy.

2.6 The draft Tenancy Strategy Statement is within Appendix 1.

3.0 RELEVANT RISKS

3.2 The Tenancy Strategy needs to be clear about the issues which RPs should have regard to when setting their Tenancy Policies. This will lead to more balanced and sustainable communities and protect households that the local authority views as being vulnerable and more suited to lifetime tenancies.

4.0 OTHER OPTIONS CONSIDERED

4.1 The development of a Tenancy Strategy is a statutory requirement of the Localism Act 2011 and so no other options have been considered.

5.0 CONSULTATION

5.1 To assist with the development of an initial draft document, questionnaires were sent to all RPs with social housing stock in the Borough to gain views on their current or future use of fixed term tenancies. 11 RPs responded and these responses have helped shape the Tenancy Strategy Statement.

5.2 Following Cabinet Member's comments on the draft Tenancy Strategy Statement contained within Appendix 1, RPs will be asked to comment on the draft Statement and at the same time wider consultation will occur through the draft Statement's publication on the internet with a consultation questionnaire.

6.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

6.1 None.

7.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

7.1 The Strategy has been prepared using existing Council staffing resources and will be made available for comment through the Council website. There are no financial or asset implications.

8.0 LEGAL IMPLICATIONS

8.1 The development of a Tenancy Strategy is a statutory requirement of the Localism Act 2011.

8.2 There is no guidance from Government stating if and how authorities should monitor whether RPs are "having regard" to the local authority's Tenancy Strategy and the Council has no powers to enforce the Strategy. The Council will, however, have an overview of RPs' intentions on the use of fixed term tenancies. As RPs are regulated and inspected by the HCA in relation to their Tenancy Standards within the Regulatory Framework, the Council will use this process to establish that RPs are issuing, terminating and extending fixed term tenancies in accordance with their own Tenancy Policies and that this has regard to the Council's Tenancy Strategy.

9.0 EQUALITIES IMPLICATIONS

9.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

(a) Yes and impact review is attached (<http://www.wirral.gov.uk/my-services/community-and-living/equality-diversity-cohesion/equality-impact-assessments/eias-2010/regeneration-housing-planning>).

10.0 CARBON REDUCTION IMPLICATIONS

10.1 None.

11.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

11.1 None.

12.0 RECOMMENDATION/S

12.1 Members approve the Tenancy Strategy Statement in Appendix 1 prior to wider consultation with RPs and the general public.

13.0 REASON/S FOR RECOMMENDATION/S

13.1 The recommendations are key to the development of a Tenancy Strategy which is a statutory requirement of the Localism Act 2011.

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APPENDICES

Appendix 1 – Draft Tenancy Strategy Statement

REFERENCE MATERIAL

1. Questionnaires received from RPs on their current or intended use of fixed term tenancies;
2. Draft RP Tenancy Policies;
3. Tenancy Strategies of other local authorities;
4. “Writing an effective tenancy strategy”, Local Government Association, June 2012; and
5. “Local decisions on tenure reform”, Shelter, July 2012.

SUBJECT HISTORY (last 3 years)

Council Meeting	Date