

Tenancy Strategy for Wirral Council

Draft Document for Consultation

1. INTRODUCTION

The Localism Act 2011 introduces a statutory requirement for local authorities to develop a tenancy strategy. This strategy statement is expected 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.

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

1. the kind of tenancies they will grant;
2. the circumstances in which they will grant a tenancy of a particular kind;
3. where they grant tenancies for a term certain, the lengths of the terms; and
4. the circumstances in which they will grant a further tenancy on the coming to an end of an existing tenancy.

The Strategy Statement will set out the Council's position on how it sees Registered Providers developing and implementing their own tenancy policies and the circumstances the Council is expecting Providers to consider in relation to decision making on the allocation and renewal of tenancies. Whilst it is a statutory function for the Council to publish a tenancy strategy statement there are no powers to enforce this strategy. Its purpose is to ensure some level of consistency across Registered Provider policies, clarity and transparency for prospective and exiting tenants and continuation of the strong partnership between the Council and Registered Providers in delivering services to local people.

It is proposed to review this Strategy annually to ensure it is kept up to date and relevant.

2. DEVELOPING THE STRATEGY AND LINKS TO WIDER POLICY

A Tenancy Strategy for Wirral assists in fulfilling two of the seven key aims of the Borough's Housing Strategy 2011-2026:

1. A need to make better use of the existing stock across all sectors and make homes accessible to meet current and future local housing need; and
2. A need to increase the availability of housing to respond to changes in household projections and deliver affordable homes.

The Strategic Housing Plan contains the following key actions to which the Tenancy Strategy will align:

1. *To maximise the use of social housing stock within the Borough.* Fixed term tenancies could increase turnover of tenants within social housing thereby increasing availability to those who most need this tenure of housing;
2. *Develop and produce a Strategic Tenancy Strategy;*
3. *Responding to changes in the local housing market and people's ability to purchase a home.* Due to current market conditions, first-time buyers are struggling to access mortgages due to the high deposits needed and demand for private rented properties

is high. Fixed term tenancies could assist these residents as there would potentially be more availability in the social sector; and

4. *To improve access to housing options for young people.* Fixed term tenancies, as well as potentially increasing housing availability, may be more suited to younger households whose financial circumstances may improve throughout the tenancy period.

This Tenancy Strategy also has regard to the Borough's Homelessness Strategy and Social Housing Allocations Policy by ensuring vulnerable groups are protected from homelessness and ensuring fixed term tenancies are advertised as such through Property Pool Plus. Will this be possible without restricting access to older people – of could a tenancy be advertised as FT unless allocated to an older person?

3. LOCAL HOUSING MARKET CONDITIONS

The introduction of the fixed term tenancy may prove useful in certain circumstances to assist in freeing-up social housing. Demand for this tenure-type is high and will continue to increase:

- Social housing in Wirral represents 15.8% of all housing stock¹, which is slightly lower than both the North West region (17.9%) and nationally (17.0%)².
- Figures for Wirral from the sub-regional Choice Based Lettings system (Property Pool Plus) show:
 1. There are 3,289 residents currently registered for social housing, with a further 4,064 awaiting assessment and 14,000 having not re-registered from the former Wirralhomes system.
 2. The top two priority bands under Property Pool Plus (urgent and high priority) have a total of 855 applicants currently registered representing 26% of those registered. This percentage is expected to fall as the number registered increases.
 3. Under-occupying households make up 13% of applicants in the high priority banding, almost three times as many as under Wirralhomes.
- In Wirral, over two thirds of newly forming households (63.4%)³ are currently unable to afford general open market homes for sale. They will therefore be looking for other housing solutions including the private and social rented sector for properties for the longer term or until they can afford to buy.
- The 2011 mid-year population estimate shows that the population of Wirral now stands at 319,800 suggesting that the population has grown by 7,507 people (2.4%) since 2001.
- It is projected that the population will increase by 1.2% between 2011 and 2021⁴. The age profile shows a marked projected increase in the older population and a decrease in the number of young people:
 1. The population of those aged 60 and over in Wirral is due to increase by 12%
 2. The population of those aged 90 and over in Wirral is due to increase by 45%
 3. The population of those aged between 16 and 24 is due to decrease by 17%

¹ Wirral Area Mapping Project data, April 2012

² English Housing Survey 2010-11

³ Strategic Housing Market Assessment 2009 Update – p47 para ii

⁴ Interim 2011-based sub national population projections, ONS, Sept 2012

- Feedback from the Housing Strategy consultation with young people highlights that over 85% of 16-24 year olds who responded thought it was important to increase the availability of affordable homes⁵ (including social rented homes).

The issuing of fixed term tenancies to certain household needs careful consideration. Overall there are an estimated 29,741 (20%) households in Wirral with one or more members identified as being vulnerable or having a special need, exceeding the national average of 14%⁶. Of these, 25% i.e. 7435 live in social rented housing. This implies that almost one third of social tenancies in Wirral contain one or more members identified as being vulnerable or having a special need. There is therefore a greater demand in Wirral for social housing from vulnerable households who may require greater stability of tenure than other household types and for who fixed term tenancies may not be appropriate.

4. TYPES OF TENANCY OFFERED

The main types of tenancies RPs will be issuing in Wirral for their social, affordable and intermediate rented properties are as follows:

1. Introductory (starter or probationary) tenancies

These tenancies are used prior to fixed term or assured tenancies being issued. They are for new social housing tenants and normally last for 12 months as a trial period and can be automatically converted into fixed term or lifetime tenancies if the tenancy agreement hasn't been broken.

2. Fixed term tenancies

These can be provided to new tenants. The Government recommends they last for a minimum of five years but can be shorter if necessary. RPs should have regard to the Council's recommendations set out below in relation to the circumstances in which fixed term tenancies can be granted and renewed and also the length of time they are issued for.

3. Lifetime (assured) tenancies

The majority of social housing tenancies issued are assured tenancies and can apply to new tenants, tenants transferring from one RP to another or moving properties with the same RP (known as management moves).

5. CIRCUMSTANCES IN WHICH RPs SHOULD GRANT A TENANCY OF A PARTICULAR KIND

RP's will be expected to allocate properties in line with the Homes and Communities Agency (HCA) tenancy management standards and practices. In respect of those RPs who are Property Pool Plus (PPP) partners, advertisements and the allocations of properties will be as per the PPP allocation policy. RP's can currently select and identify the type of tenancy which will be granted as part of the initial advertisement of properties. PPP will assess these and any fixed term tenancies which are being advertised for a period of less than 5 years will be challenged. As part of this consultation the Council is seeking views from RP's on how the decision on the tenancy type should be built into the PPP advertisement and allocation process.

⁵ Wirral's Housing Strategy 2011-26, page 18

⁶ Wirral's Strategic Housing Market Assessment 2007

However in considering the type of tenancy to be offered for a property, RPs should have regard to the following:

1. Sustainable communities – the need to create and sustain balanced and mixed communities;
2. Individual circumstances – there will be tenancy types that are more suitable than others for particular households, details of which are outlined below; and
3. Housing demand – ensuring that housing need and demand in the area of the properties being let is considered. Fixed term tenancies may be more appropriate in areas of high demand or where the need for a particular house-type is in demand. The Council can assist RPs in this decision making process on a regular basis.

Lifetime tenancies will be more suited to certain potential tenants, particularly where there is a need for long term stability. The Council seeks views from stakeholders on which groups should be offered lifetime tenancies after the standard probationary period, however the Council is proposing they include:

1. Older people aged 55 and over;
2. Prospective tenants that have a lifelong need for care and / or support;
3. Prospective tenants that require an adaptation which will be required for life;
4. Prospective tenants of specialist accommodation.
5. High risk offenders and Schedule 1 offenders
6. Applicants with severe long term health conditions, such as those people receiving Employment Support Allowance in the “Support Group”.
7. Existing tenants granted with a lifetime tenancy after Section 154 of the Localism Act 2011 was enacted who are mutually exchanging their property (unless they are moving to accommodation being let on affordable rent terms)

6. LENGTH OF FIXED TERM TENANCIES

The Homes & Communities Agency expect that most fixed term tenancies are issued for five years. They state that RPs should set out any exceptional circumstances in which they will grant fixed term tenancies for a term of less than five years in general needs housing.

The Council support the views of the Homes and Communities Agency that 5 year fixed term tenancies are issued to give some longer term stability to households All fixed term tenancies issued will be in addition to an introductory tenancy.

The Council expects that tenancies shorter than the 5 year period should only be issued in exceptional circumstances, where appropriate, for the individuals or property. Examples of exceptional circumstances include:-

- Where a property is part of a Leasing arrangement and is not in the ownership of the Registered Provider and would need to revert into private ownership;
- Supported Housing schemes where it's anticipated that the tenant will move on to more settled accommodation within a period of less than five years; and
- Lettings carried out for management reasons such as those for tenants moving into properties to allow emergency works to be carried out in their existing home
- Offers of accommodation to RP staff moving into the area in order to take up employment.

7. CIRCUMSTANCES IN WHICH REGISTERED PROVIDERS SHOULD GRANT A FURTHER TENANCY ON THE ENDING OF A FIXED TERM TENANCY

Fixed term tenancies expiring **will not** usually be renewed where:

1. The household is under-occupying the property or the property is overcrowded, subject to alternative accommodation being available which can be offered to the tenant;
2. The household's financial circumstances enable them to access market housing and there is no reason to seek to retain the household in the area for the purpose of retaining a balanced community;
3. There has been a default on a tenancy agreement (such as non payment of rent or anti-social behaviour);
4. The property was adapted during the tenancy period for someone with a disability and that person is no longer resident there;
5. A person has been granted a property in order to receive support but then refuses to accept that support; or
6. It is identified the property is inappropriate for an individual's needs.

Under these circumstances, no tenancy should be ended without a move-on plan and the RP should engage with the tenant at least six months prior to the end of the tenancy to provide support, advice and assistance in accessing alternative accommodation.

Fixed term tenancies expiring **will** usually be renewed where:

1. The household includes children of school age and there is no alternative accommodation suitable to the households needs. However it must be recognised that children stay with their parents beyond school age, often due to a lack of available affordable housing, and these must be considered on an individual basis.
2. The household includes a disabled person with adaptations to the home that are still required;
3. The household receives some form of housing support or is recognised as being vulnerable; or
4. The tenant or a household member is seriously or terminally ill.
5. The tenant would be approaching the age of 55 within the next 3 years and the property is suitable for a lifetime tenancy.

Other factors informing the decision on renewal will include:

1. The conditions of the tenancy are being maintained; and
2. Where the household is playing an active role in the community.

8. MONITORING AND ENFORCEMENT

There is no guidance from Government stating if and how authorities should monitor whether RPs are "having regard" to Tenancy Strategies. Wirral Council will be aware of fixed term tenancies being issued through the following:

1. The Council requires that any RPs' draft Tenancy Policies are sent to the Housing Strategy Team in order that the Council is aware of RP's intentions to issue fixed term tenancies and they comply with and have regard to the Council's Tenancy Strategy.
2. The Council requires that RPs inform the Council of any fixed term tenancies issued as part of the annual Wirral Area Mapping Project data collection.
3. The Council is made aware of proposed tenancy types in new-build RP properties.
4. Properties advertised through Property Pool Plus with fixed term tenancies will be made known to the Council

The Council will require RPs to inform them when they intend to issue fixed term tenancies and on what properties and will trust that RP's are issuing, terminating and extending fixed term tenancies in accordance with their own Tenancy Policies but that this has regard to the Council's Tenancy Strategy.

9. EQUALITY AND DIVERSITY

A draft Equality Impact Assessment Toolkit has been completed and can be seen in Appendix 1 of this Strategy Statement for comment.

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Equality Impact Assessment Toolkit (from May 2012)

Section 1: Your details

EIA lead Officer: Edward Kingsley

Email address: edwardkingsley@wirral.gov.uk

Head of Section: Ian Platt

Chief Officer: Kevin Adderley

Department: Regeneration, Housing & Planning

Date: 15 November 2012

Section 2: What Council proposal is being assessed?

Wirral's Tenancy Strategy Statement

Section 2b: Will this EIA be submitted to a Cabinet or Overview & Scrutiny Committee?

Yes

If 'yes' please state which meeting and what date

Cabinet – 13th December 2012

Please add hyperlink to where your EIA is/will be published on the Council's website

<http://www.wirral.gov.uk/my-services/community-and-living/equality-diversity-cohesion/equality-impact-assessments/eias-2010/regeneration-housing-planning>

Section 3: Does the proposal have the potential to affect..... (please tick relevant boxes)

- Services**
- The workforce**
- Communities**
- Other** (please state eg: Partners, Private Sector, Voluntary & Community Sector)

Registered Providers of Social Housing (RPs) in Wirral and their new tenants.

If you have ticked one or more of above, please go to section 4.

- None** (please stop here and email this form to your Chief Officer who needs to email it to equalitywatch@wirral.gov.uk for publishing)

Section 4: Does the proposal have the potential to maintain or enhance the way the Council (please tick relevant boxes)

- Eliminates unlawful discrimination, harassment and victimisation
- Advances equality of opportunity
- Fosters good relations between groups of people

If you have ticked one or more of above, please go to section 5.

- No** (please stop here and email this form to your Chief Officer who needs to email it to equalitywatch@wirral.gov.uk for publishing)

Section 5:

Could the proposal have a positive or negative impact on any of the protected groups (race, gender, disability, gender reassignment, age, pregnancy and maternity, religion and belief, sexual orientation, marriage and civil partnership)?

You may also want to consider socio-economic status of individuals.

Please list in the table below and include actions required to mitigate any potential negative impact.

Which group(s) of people could be affected	Potential positive or negative impact	Action required to mitigate any potential negative impact	Lead person	Timescale	Resource implications
Disability	Positive – the Tenancy Strategy recommends that fixed term tenancies will not be used for prospective tenants where the household requires an adaptation to the home which is required for life.				
Age	Positive – the Tenancy Strategy recommends that older people aged 55 and over are not offered Fixed Term Tenancies to ensure stability of tenure during later life.				
Pregnancy & Maternity	Positive – the Tenancy Strategy recommends that where children are part of the household and an offer of a fixed term tenancy property has been made, a tenancy period of longer than five years is considered to ensure continuity of education or where stability is				

	needed for other reasons relating to life chances.				
Socio-economic	Positive – the Tenancy Strategy encourages the use of fixed term tenancies in certain circumstances which should increase the availability of social housing for low income households.				

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Section 5a: Where and how will the above actions be monitored?

Registered Providers of Social Housing (RPs) intending to produce Tenancy Policies will be expected to share drafts with the Council to make them aware of their intentions to issue Fixed Term Tenancies. These tenancies will also be monitored through annual Wirral Area Mapping Project (WAMP) returns; RPs will be expected to provide data relating to the tenancies of their properties. Properties with Fixed Term Tenancies advertised through Property Pool Plus and the proposed tenancy types of any new build schemes will also be made aware to us.

Section 5b: If you think there is no negative impact, what is your reasoning behind this?

The Tenancy Strategy contains matters to which RPs must have regard in formulating policies relating to:

1. the kind of tenancies they will grant;
2. the circumstances in which they will grant a tenancy of a particular type;
3. where they grant tenancies for a certain term, the lengths of the terms; and
4. the circumstances in which they will grant a further tenancy on the coming to an end of an existing tenancy.

The Strategy therefore aims to ensure there are no negative impacts on protected groups with the introduction of Fixed Term Tenancies. This will be kept under review.

Section 6: What research / data / information have you used in support of this process?

1. Wirral's Housing Strategy 2011-26
2. Strategic Housing Market Assessment 2009 Update
3. Office for National Statistics data
4. Responses from RPs to a questionnaire on their use of fixed term tenancies.

Section 7: Are you intending to carry out any consultation with regard to this Council proposal?

Yes

If 'yes' please continue to section 8.

If 'no' please state your reason(s) why:

(please stop here and email this form to your Chief Officer who needs to email it to equalitywatch@wirral.gov.uk for publishing)

Section 8: How will consultation take place and by when?

Consultation with all RPs via questionnaires has already taken place. The draft Strategy will be sent to all for comment and made available on the website for public comment once approved by Cabinet in late December 2012.

Before you complete your consultation, please email your preliminary EIA to equalitywatch@wirral.gov.uk via your Chief Officer in order for the Council to ensure it is meeting its legal requirements. The EIA will be published with a note saying we are awaiting outcomes from a consultation exercise.

Once you have completed your consultation, please review your actions in section 5. Then email this form to your Chief Officer who needs to email it to equalitywatch@wirral.gov.uk for re-publishing.

Section 9: Have you remembered to:

- a) Add appropriate departmental hyperlink to where your EIA is/will be published (section 2b)
- b) Include any potential positive impacts as well as negative impacts? (section 5)
- c) Send this EIA to equalitywatch@wirral.gov.uk via your Chief Officer?

- d) Review section 5 once consultation has taken place and send your completed EIA to equalitywatch@wirral.gov.uk via your Chief Officer for re-publishing?

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