

WIRRAL COUNCIL

CABINET

13TH JUNE 2013

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

1.0 EXECUTIVE SUMMARY

1.1 The purpose of this report is to seek Members' approval and endorsement of Wirral's Tenancy Strategy Statement following public consultation with stakeholders and Registered Providers of social housing. 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.

2.3 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.

TENANCY STRATEGY CONSULTATION

2.4 At Cabinet on 13th December 2012, Members approved the draft Tenancy Strategy Statement prior to wider consultation with RPs and the general public. This wider consultation occurred in January and February 2013 and in addition to being posted on the Council's website was publicised directly to all RPs with social housing stock in the Borough and to prospective tenants who had registered their e-mail address with Property Pool Plus.

2.5 All responses from RPs were in favour of the Strategy content. The majority of responses from the public were also positive, with just two consultees against the use of fixed term tenancies altogether. A summary of the questionnaire responses is set out as Appendix A to this report. However, set out below is a table of the key issues raised through the consultation and the action proposed by officers.

Consultation Question	Key issues raised	Response
1. Are there any additional factors which need to be considered in deciding the type of tenancy offered for a property?	In addition to those tenancies listed, Assured Shorthold Tenancies (ASTs) are one of the main types of tenancies issued by RPs.	ASTs have been added to the list.
2. Do you agree with the groups of people the Strategy suggests should be offered lifetime tenancies? If not, please suggest which groups should be removed or added to the list and the reasons why.	<p>a) For shared supported accommodation in some circumstances it may not be appropriate to offer assured tenancies.</p> <p>b) People aged 55 and over shouldn't automatically be excluded from fixed term tenancies as they may have dependents.</p> <p>c) Strategy must take account of dependents who need lifelong care/support or a lifelong adaptation requirement.</p> <p>d) Why are Schedule 1 offenders automatically given lifetime tenancies?</p>	<p>a) Strategy amended to acknowledge use of license agreements for specialist accommodation in some circumstances and that tenancies should be used where appropriate.</p> <p>b) Strategy amended so that people aged 55 and over must have dependents living with them if they're to be excluded from fixed term tenancies.</p> <p>c) Dependents are now acknowledged in the Strategy when assessing exclusions from fixed term tenancies in certain circumstances.</p> <p>d) The local authority has a duty to manage risk from certain offenders in the community. Tenure stability assists with this, the likelihood of reoffending and in reducing support costs required to manage this process.</p>
3. Do you agree that fixed term tenancies should be issued for a 5 year period except in exceptional circumstances? Please provide reasons if you disagree with this approach.	No alternatives were suggested.	None needed.
4. Do you agree with the	a) Unfair to end a tenancy if	a) Strategy amended so that

<p>circumstances suggested where a fixed term tenancy will not usually be renewed? If not, please tell us why.</p>	<p>household has paid for major adaptations themselves.</p> <p>b) Household financial circumstances can change quickly due to current economic climate therefore shouldn't use this as a basis to end tenancy. How will financial suitability to move on be assessed fairly?</p>	<p>tenancy should only be ended if RP or local authority has funded major adaptations which are no longer needed.</p> <p>b) Amended Strategy has deleted circumstance where "household's financial circumstances enable them to access market housing". Will also assist RPs trying to encourage unemployed tenants in to employment so shouldn't be act as a disincentive.</p>
<p>5. Is the time period of six months prior to the end of a tenancy long enough to provide support, advice and assistance in accessing alternative accommodation? If not, please suggest an alternative time period.</p>	<p>Longer time periods of nine and 12 months were suggested by some consultees due to the amount of time it takes to save for deposits, new furniture, appliances and removal costs.</p>	<p>Six months should be viewed as a minimum and tenants may need greater time periods depending on their individual needs. Individual RPs will also be able to set longer time periods if they feel this is necessary.</p>
<p>6. Do you agree with the circumstances suggested where fixed term tenancies will usually be renewed and the other factors informing the decision on renewal? If not, please tell us why.</p>	<p>The Strategy should acknowledge that non-dependent children who are above school age may be living in the property and the tenancy should be renewed, not just households with school-age children and that alternative accommodation for consideration should be in the immediate area.</p>	<p>The Strategy has been amended as suggested.</p>
<p>7. Please provide any comments you may have on the Council's monitoring and enforcement of the Tenancy Strategy.</p>	<p>Provide Council contact details in the Strategy should tenants find their landlord is not "having regard" to the Tenancy Strategy.</p>	<p>Although the Council can liaise with RPs on this issue, it has no power to enforce the Strategy. The Strategy has however been amended to make clear the general complaints procedure for RP tenants.</p>
<p>8. Please provide any additional general comments you may have on the Council's Tenancy Strategy.</p>	<p>None directly related to the Strategy content; a couple of consultees disagreed with the use of fixed term tenancies altogether.</p>	<p>Fixed term tenancies will be appropriate in certain circumstances and may prove useful in assisting the availability of social housing, as explained in section 3 of the Strategy.</p>

2.6 The revised Tenancy Strategy Statement with the amendments outlined above is within Appendix B.

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, the Council consulted and engaged with 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 helped shape the draft Tenancy Strategy Statement.

5.2 Following Cabinet Members' approval on the draft Tenancy Strategy Statement, the document underwent further consultation with RPs and also with the wider public including targeted publicity to potential RP tenants. The action taken in response to the issues raised from this consultation is set out in Section 2 of this report.

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 B.

13.0 REASON/S FOR RECOMMENDATION/S

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

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APPENDICES

Appendix A – Consultation Responses
Appendix B – Tenancy Strategy Statement
Appendix C – Equality Impact Assessment

REFERENCE MATERIAL

1. Consultation responses.

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Cabinet	13 th December 2012