

**REPORT TO THE SCRUTINY PANEL COMMUNITY LEADERSHIP
MEETING OF DATE 6TH DECEMBER 2012**

Status: Recommendation
Title: Draft Tenancy Strategy
Originator: Jim Wheeler
Where from: N/A
Where to next: Executive

Objective: A Tenancy Strategy that provides guidance to Registered Providers about the approach that Harborough District Council wishes them to adopt in their tenancy policies

1. Outcome sought from Panel

- 1.1 Advice and comment on the draft Tenancy Strategy as part of public consultation on the document prior to consideration of the final draft by the Executive in January

2 Background

- 2.1 The Localism Act 2011 places a duty on all local authorities to publish a Tenancy Strategy within one year of the commencement date for Section 150 (15th January 2012) which Housing Associations (Registered Providers of Social Housing) must take into account in setting their own tenancy policies.
- 2.2 Registered Providers can now offer tenancies at a social rent or affordable tenancies (with rents up to 80% of market rents) as fixed term tenancies for a specified period instead of offering a "Tenancy for Life." The minimum period for this type of fixed term tenancy is two years. They must publish clear and accessible tenancy policies that outline their approach to tenancy management, taking into account the guidance included in the local authority's Tenancy Strategy and the requirements of the Directions on Regulatory Standards 2012.
- 2.3 The draft Tenancy Strategy attached as Appendix (A) will provide guidance for Registered Providers who own social housing in Harborough District, about the approach that the Council wishes to see them take in framing their own tenancy policies, including local guidance on the use of new flexible tenancies.

3 Points for discussion

- 3.1 Is there anything missing from the guidance in the draft Tenancy Strategy?
- 3.2 Are there any households who should have either a lifetime tenancy or a fixed term longer than five years (who they are and what should be the minimum term)?
- 3.3 What is the best way of monitoring the impact of the Tenancy Strategy?

4 Equality Impact Assessment Implications/Outcomes (attach completed EIA)

- 4.1 The draft of the Equality Impact Assessment in Appendix (B) has been developed alongside consultation on the draft tenancy strategy. It will take account of the results of further consultation referred to in paragraph 11.5 below.

5 Impact on Communities

- 5.1 The draft Tenancy Strategy enables Registered Providers to achieve flexibility in allocation of tenancies to meet the diverse needs of home seekers. However, it also ensures longer term security of tenure particularly for older people, families and disabled persons to maintain sustainable communities in Harborough District.

6 Legal Issues

- 6.1 The provisions of the Localism Act about Tenancy Strategies and flexible tenancies are set out in Part 7 of the Act. (www.legislation.gov.uk) Section 150 sets out what registered providers of social housing must have regard in their tenancy policies, including:

- § The kinds 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.

- 6.2 Registered Providers must meet the standards for types of tenure and tenancy policies set out in section 2 of the Directions on Regulatory Standards 2012. www.homesandcommunities.co.uk

7 Resource Issues

7.1 Some Registered Providers are converting vacant social rented homes to other tenures to increase resources available to support development of new affordable homes.

7.2 The draft Tenancy Strategy recognises that that new homes let at “affordable rent” will be the primary means of providing future affordable housing development, particularly for schemes which rely upon funding from the Homes and Communities Agency. However, social rent is still needed for tenants on low incomes. The draft Tenancy Strategy also says that the Council will continue to monitor housing need and promote provision of lower cost social rented housing where required and feasible via affordable housing contributions in S106 Agreements. Existing budgets enable the Council to make forecasts of housing need and this is supplemented by evidence from choice-based letting.

7.3 Monitoring can be managed with existing resources such as the Abris software used to generate management/performance reports for choice based letting.

8 Community Safety Implications

8.1 Registered Providers have the option of using probationary tenancies for a fixed period up to eighteen months to manage the potential risk of community safety issues arising from new tenancies.

9 Carbon Management Implications

9.1 None arising from this report

10 Risk Management Implications

10.1 The county wide consultation referred to below in paragraphs 11.1 and 11.2 identified a risk that Registered Providers who operate across several local authority areas may be unable to respond to the varying requirements of tenancy strategies produced by different local authorities. However, this risk has been mitigated through consultation and involvement of Registered Social Providers with housing stock in Harborough District.

10.2 There is a risk that widespread conversion of existing tenancies may have a significant impact on the availability of social rented housing in the District. However, the draft Tenancy Strategy says that Registered Providers should have regard to the impact of tenancy conversion on the availability of social rented housing in Harborough District, particularly for housing types where unmet need is greatest. There is also provision in the draft Tenancy Strategy for monitoring tenancy conversions to Affordable Rent, including sizes, types and location of homes.

11 Consultation

11.1 The starting point for development of the draft Tenancy Strategy for Harborough District was a scenario planning workshop in November 2011 organised by North West Leicestershire District Council and attended by representatives of all the District Councils in Leicestershire, as well as a wide range of key stakeholders including statutory and non-statutory partners.

11.2 The workshop considered how the different perspectives of stakeholders could be balanced, and whether or not there should be different approaches to reflect the varying needs of home seekers and tenants; including for example general needs family accommodation and non-family housing, accessible and adapted housing, and long term specialist housing with support such as sheltered housing and extra care. The outcomes of the county wide workshop have been taken account in developing the draft tenancy strategy for Harborough District.

11.3 A specific meeting has also been held with Seven Locks to discuss tenancies.

11.4 A Harborough Housing Forum event took place on the 22nd November 2012. The Forum included workshops for discussion of issues related to the review of the Housing and Homelessness Strategies for Harborough District and the draft tenancy strategy. Feedback from the draft tenancy strategy workshop is attached as Appendix (C).

11.5 A revised draft of the tenancy strategy, which takes into account feedback from the the Harborough Housing Forum and the recommendations of this Scrutiny Panel, and the draft equality impact assessment will be published in December on the Harborough District Council website for wider public consultation for a period of at least four weeks. It will also be circulated at the same time to Registered Providers managing affordable social housing in Harborough District prior to submission to the Executive for approval at its meeting on 29 January 2013.

11.5.1 The Strategy will therefore be published in draft ahead of the statutory obligation and be likely adopted within the same month. Registered providers have already been involved in the development of the Strategy.

12 Background Papers

None

Previous report(s): None

Information Issued Under Sensitive Issue Procedure: N

Appendices: *list any appendices here including title and filename in brackets (e.g. Performance Data 2010 (perfddata.doc)).*

A. Draft Tenancy Strategy (Tenancy Strategy for Harborough District – draft 5)

B. Draft Equality Impact Assessment

C. Housing Forum Consultation