

South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge
CB23 6EA

t: 03450 450 500
f: 01954 713149
dx: DX 729500 Cambridge 15
minicom: 01480 376743
www.scambs.gov.uk



9 October 2012

To: Councillor Mark Howell, Portfolio Holder

Jose Hales
Mark Hersom
Bunty Waters

Scrutiny and Overview Monitor
Opposition Spokesman
Scrutiny and Overview Monitor

Dear Sir / Madam

You are invited to attend the next meeting of **HOUSING PORTFOLIO HOLDER'S MEETING**, which will be held in **MONKFIELD ROOM, FIRST FLOOR** at South Cambridgeshire Hall on **WEDNESDAY, 17 OCTOBER 2012 at 5.30 p.m.**

Yours faithfully
JEAN HUNTER
Chief Executive

Requests for a large print agenda must be received at least 48 hours before the meeting.

AGENDA		PAGES
PROCEDURAL ITEMS		
1.	Declarations of Interest	
2.	Minutes of Previous Meeting The Portfolio Holder is asked to sign the minutes of the meeting held on 13 June 2012 as a correct record.	1 - 4
DECISION ITEMS		
3.	HINXTON: Sale of Garage Site, Duxford Road	5 - 8
4.	Tenancy Strategy (Key)	9 - 22
5.	Tenancy Policy (Key)	23 - 36
6.	Lettings Policy - Amendments (Key)	37 - 46
7.	Service Plans 2013-14	47 - 52
STANDING ITEMS		
8.	Tenant Participation Group	
9.	Date of next meeting Wednesday 16 January 2013 at 5.30pm	

CONFIDENTIAL ITEM

10. Exclusion of Press and Public

The press and public are likely to be excluded from the meeting during consideration of the following item in accordance with the provisions of Section 100(a)(4) of the Local Government Act 1972 (exempt information as defined in paragraphs 2 and 3 of Schedule 12A (as amended) of the Act).

11. South Cambridgeshire Hall Catering Service

53 - 60

OUR VISION

South Cambridgeshire will continue to be the best place to live and work in the country. Our district will demonstrate impressive and sustainable economic growth. Our residents will have a superb quality of life in an exceptionally beautiful, rural and green environment. The Council will be recognised as consistently innovative and a high performer with a track record of delivering value for money by focussing on the priorities, needs and aspirations of our residents, parishes and businesses.

OUR VALUES

We will demonstrate our corporate values in all our actions. These are:

- Trust
- Mutual respect
- A commitment to improving services
- Customer service

GUIDANCE NOTES FOR VISITORS TO SOUTH CAMBRIDGESHIRE HALL

While the District Council endeavours to ensure that visitors come to no harm when visiting South Cambridgeshire Hall, those visitors also have a responsibility to make sure that they do not risk their own or others' safety.

Security

Members of the public attending meetings in non-public areas of the Council offices must report to Reception, sign in, and at all times wear the Visitor badges issued. Before leaving the building, such visitors must sign out and return their Visitor badges to Reception.

Emergency and Evacuation

In the event of a fire, a continuous alarm will sound. Evacuate the building using the nearest escape route; from the Council Chamber or Mezzanine viewing gallery this would be via the staircase just outside the door. Go to the assembly point at the far side of the staff car park.

- **Do not** use the lifts to exit the building. If you are unable to negotiate stairs by yourself, the emergency staircase landings are provided with fire refuge areas, which afford protection for a minimum of 1.5 hours. Press the alarm button and wait for assistance from the Council fire wardens or the fire brigade.
- **Do not** re-enter the building until the officer in charge or the fire brigade confirms that it is safe to do so.

First Aid

If someone feels unwell or needs first aid, please alert a member of staff.

Access for People with Disabilities

The Council is committed to improving, for all members of the community, access to its agendas and minutes. We try to take all circumstances into account but, if you have any specific needs, please let us know, and we will do what we can to help you. All meeting rooms are accessible to wheelchair users. There are disabled toilet facilities on each floor of the building. Infra-red hearing assistance systems are available in the Council Chamber and viewing gallery. To use these, you must sit in sight of the infra-red transmitter and wear a 'neck loop', which can be used with a hearing aid switched to the 'T' position. If your hearing aid does not have the 'T' position facility then earphones are also available and can be used independently. You can obtain both neck loops and earphones from Reception.

Toilets

Public toilets are available on each floor of the building next to the lifts.

Recording of Business and Use of Mobile Phones

The Council is committed to openness and transparency. The Council and all its committees, sub-committees or any other sub-group of the Council or the Executive have the ability to formally suspend Standing Order 21.4 (prohibition of recording of business) upon request to enable the recording of business, including any audio / visual or photographic recording in any format.

Use of social media during meetings is permitted to bring Council issues to a wider audience. To minimise disturbance to others attending the meeting, all attendees and visitors are asked to make sure that their phones and other mobile devices are set on silent / vibrate mode during meetings.

Banners, Placards and similar items

No member of the public shall be allowed to bring into or display at any Council meeting any banner, placard, poster or other similar item. The Chairman may require any such item to be removed.

Disturbance by Public

If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room. If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared.

Smoking

Since 1 July 2008, the Council has operated a Smoke Free Policy. Visitors are not allowed to smoke at any time within the Council offices, or in the car park or other grounds forming part of those offices.

Food and Drink

Vending machines and a water dispenser are available on the ground floor near the lifts at the front of the building. Visitors are not allowed to bring food or drink into the meeting room.

EXCLUSION OF PRESS AND PUBLIC

The law allows Councils to consider a limited range of issues in private session without members of the Press and public being present. Typically, such issues relate to personal details, financial and business affairs, legal privilege and so on. In every case, the public interest in excluding the Press and Public from the meeting room must outweigh the public interest in having the information disclosed to them. The following statement will be proposed, seconded and voted upon.

"I propose that the Press and public be excluded from the meeting during the consideration of the following item number(s) in accordance with Section 100(A) (4) of the Local Government Act 1972 on the grounds that, if present, there would be disclosure to them of exempt information as defined in paragraph(s) of Part 1 of Schedule 12A of the Act."

If exempt (confidential) information has been provided as part of the agenda, the Press and public will not be able to view it. There will be an explanation on the website however as to why the information is exempt.

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of the Housing Portfolio Holder's Meeting held on
Wednesday, 13 June 2012 at 5.30 p.m.

Portfolio Holder: Mark Howell

Councillors in attendance: Pippa Corney, Alison Elcox, Jose Hales,
Lynda Harford, Mark Hersom, Ray Manning,
Mick Martin, Ben Shelton, Hazel Smith,
Edd Stonham, Bunty Waters and Tim Wotherspoon

Officers:

Debbie Barrett	Traveller Site Team Leader
Jenny Clark	Lands Officer
Jonathan Dixon	Principal Planning Policy Officer (Transport)
Julie Fletcher	Housing Performance Improvement Team Leader
Anita Goddard	Housing Operational Services Manager
Stephen Hills	Affordable Homes Director
Ian Senior	Democratic Services Officer

1. DECLARATIONS OF INTEREST

Councillor Alison Elcox declared a personal interest by virtue of being a South Cambridgeshire landlord.

Councillor Jose Hales declared a personal interest as a member of Melbourn Parish Council.

Councillor Lynda Harford declared a personal interest as a letting agent.

Councillor Mark Howell declared a personal interest as an employee of the Papworth Trust, a charity that includes a Registered Social Landlord.

Councillor Ben Shelton declared a personal interest as an employee of a letting agent in Cambridge.

2. MINUTES OF PREVIOUS MEETING

The Housing Portfolio Holder signed, as a correct record, the Minutes of the meeting held on 21 March 2012,

3. GYPSY & TRAVELLER ACCOMMODATION NEEDS ASSESSMENT - INTERNAL REVIEW

The Housing Portfolio Holder considered a report about the outcome of the Gypsy and Traveller Accommodation Needs Assessment internal review.

The Housing Director reminded those present about the history and source of this study, including its previous consideration by the Housing Portfolio Holder in October 2011. He pointed especially to paragraphs 12 to 14 of the report as containing the principal matters to be considered. The Housing Director stressed the importance of applying the correct methodology in calculating Need, given the unique demands placed on South Cambridgeshire in the context of the nine Local Authorities covered by the study.

Those present were happy with the information now before them, and raised no queries about changes made since October 2011. Of the two Options detailed in the report though, they were unanimous in their support of Option A as the best way of progressing this matter. They argued that Option B was likely to deliver broadly the same data, and consume both time and money that could be better directed elsewhere. In response to concern about an assumed turnover in pitch occupation of 4%, the Housing Director assured Members that, while 4% was a fair assumption for the time being, that figure would be reviewed for accuracy on a five-yearly basis.

The Housing Portfolio Holder **approved** the Gypsy and Traveller Accommodation Needs Assessment as part of the evidence base to inform Council planning framework (Option A in the report) subject to the correction to the cumulative total of new pitches estimated for South Cambridgeshire, taking the forward projection of future need from the year 2021 down from 47 pitches to 20 pitches.

4. MELBOURN: GARAGE TO THE REAR OF CAR PARK, HIGH STREET

The Housing Portfolio Holder considered a report on the future of the garages at the rear of the car park off High Street, Melbourn.

Councillor Jose Hales (a local Member) observed that the garages were not extensively used. Describing the garages as a "blot on the landscape", he said that Melbourn Parish Council was planning to spend £30-40,000 on enhancing the car park, and was prepared to contribute towards the cost of demolishing the garages.

The Housing Portfolio Holder **agreed** to extend the long lease of the car park at High Street, Melbourn to Melbourn Parish Council to include the garage site to the rear of the car park, subject to Melbourn Parish Council contributing 50% of the cost of demolition and clearance or £3,000 (whichever is the lesser), South Cambridgeshire District Council meeting its own legal costs, and the terms of the lease extension remaining the same as those for the existing lease of the car park.

5. INTERIM AMENDMENTS TO THE LETTINGS POLICY

The Housing Portfolio Holder considered a report seeking his agreement to make interim changes to the Council's existing lettings policy in order to enable applicants to bid for properties that are in line with the Local Housing Allowance (LHA) size criteria, and to make available all properties within the Council's stock (other than that designated as sheltered accommodation or for those over pensionable age), for letting to general needs households, without age restrictions.

The Portfolio Holder said that the principal motive behind the proposal was to make sure, as far as was possible, that people did not fall into debt following housing benefit changes being made by central Government. The Housing Director added that officers from the Affordable Homes and Benefits sections were working together in preparation for the changes coming into effect from April 2013, and that it was estimated that approximately 500 families in the District are likely to be affected. He conceded that claimants would still lose Housing Benefit even if they wanted to move to smaller dwellings but there were no suitable properties available.

The Housing Portfolio Holder said that in offering people the option to downsize, the Council could not guarantee to do so in the village of choice. The Housing Director added that an alternative option to finding smaller properties for individuals might be to try and match up two or three people and offer a property that met all of their needs, or for existing tenants to take on lodgers. Options to tackle the issues of under-occupation are currently being investigated.

The Housing Portfolio Holder **agreed** to the amendments to the lettings policy to take immediate effect to enable:

1. **Option A** - Applicants to bid on the appropriate size of property for their household in line with the LHA criteria.
2. **Option C** - The Council to treat all properties (except those specially identified as sheltered housing or housing for people of pensionable age) as general needs accommodation without any age criteria/ restrictions.

6. TENANT PARTICIPATION GROUP

The Housing Portfolio Holder announced that the Tenant Participation Group had not asked to address Members at this meeting.

7. FORWARD PLAN

Those present noted a draft Forward Plan for 2012-13.

8. DATE OF NEXT MEETING

The next scheduled Housing Portfolio Holder meeting would take place on Wednesday 19 September 2012, starting at 5.30pm.

The Meeting ended at 6.00 p.m.

This page is left blank intentionally.

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Housing Portfolio Holder

17 October 2012

AUTHOR/S: Director of Housing

SALE OF GARAGE SITE AT DUXFORD ROAD, HINXTON**Purpose**

1. To seek agreement by the Housing Portfolio Holder for an open market sale of the garage site off Duxford Road, Hinxtton, as outlined on the plan.

Recommendations

2. That the Housing Portfolio Holder agrees for the garage site off Duxford Road, Hinxtton to be placed for sale on the open market.

Reasons for Recommendations

3. The site is too small to offer potential for the development of new housing.
4. The site is surplus to Council requirements.

Background

5. The future of this site is being considered as part of the Council's review of garage sites.
6. The site consists of 4 units, 3 of which are rented. The units are not in good condition and one is being damaged by tree roots.
7. The site has been valued by Pocock & Shaw at £20,000 to be retained in garage use.
8. The tenant of 103 High Street (Council property) was asked if they were willing to give up part of their rear garden in order that the site could be increased in size, thus providing possible potential for redevelopment. They were not willing to do this and pointed out that they had already given up some of the rear of their garden many years ago for the existing garages to be built.
9. UK Power Networks lease from the Council the electric sub-station at the rear of the site and although it is not currently in use, they have confirmed that they wish to retain their lease in order to keep it on reserve for the future, unless a suitable alternative site could be offered.

Considerations

10. For the above two reasons, no extra land is available to expand the site and it is too small for the development of a new dwelling.
11. A request was received from the owner of the adjacent property at 101 High Street to purchase the site in order to rebuild the garages and let them out. Interest from other parties in purchasing the site has also been received.

12. Refurbishing or rebuilding the garages by the Council would incur significant cost and they would remain the responsibility of the Council.

Options

13. Option One - Offer the site on the open market to be sold for garage use only.
14. Option Two -Retain the site in Council ownership and consider refurbishment or replacement.

Implications

15. Financial	Option One could result in a capital receipt for the Council and Option Two would incur substantial maintenance costs.
Legal	Legal advice will be sought to carry out the sale.
Staffing	None
Risk Management	No risks associated with sale.
Equality and Diversity	None
Equality Impact Assessment completed	No Not relevant
Climate Change	None

Consultations

16. The Parish Council fully support the sale of the site to be retained for garage use only.
17. The Trustees of the Ann Howsden Charity that owns the adjacent bungalows at 2, 4, 6 and 8 Duxford Road are strongly opposed to any redevelopment of this site and wish to see it being upgraded and retained as garages for rent.

Effect on Strategic Aims

18. **AIM: To make sure that South Cambridgeshire continues to offer outstanding and sustainable quality of life for our residents**
Selling this site for rebuilding or refurbishing of the garages would significantly improve this area and continue to provide garages for rent in the local community

Conclusions / Summary

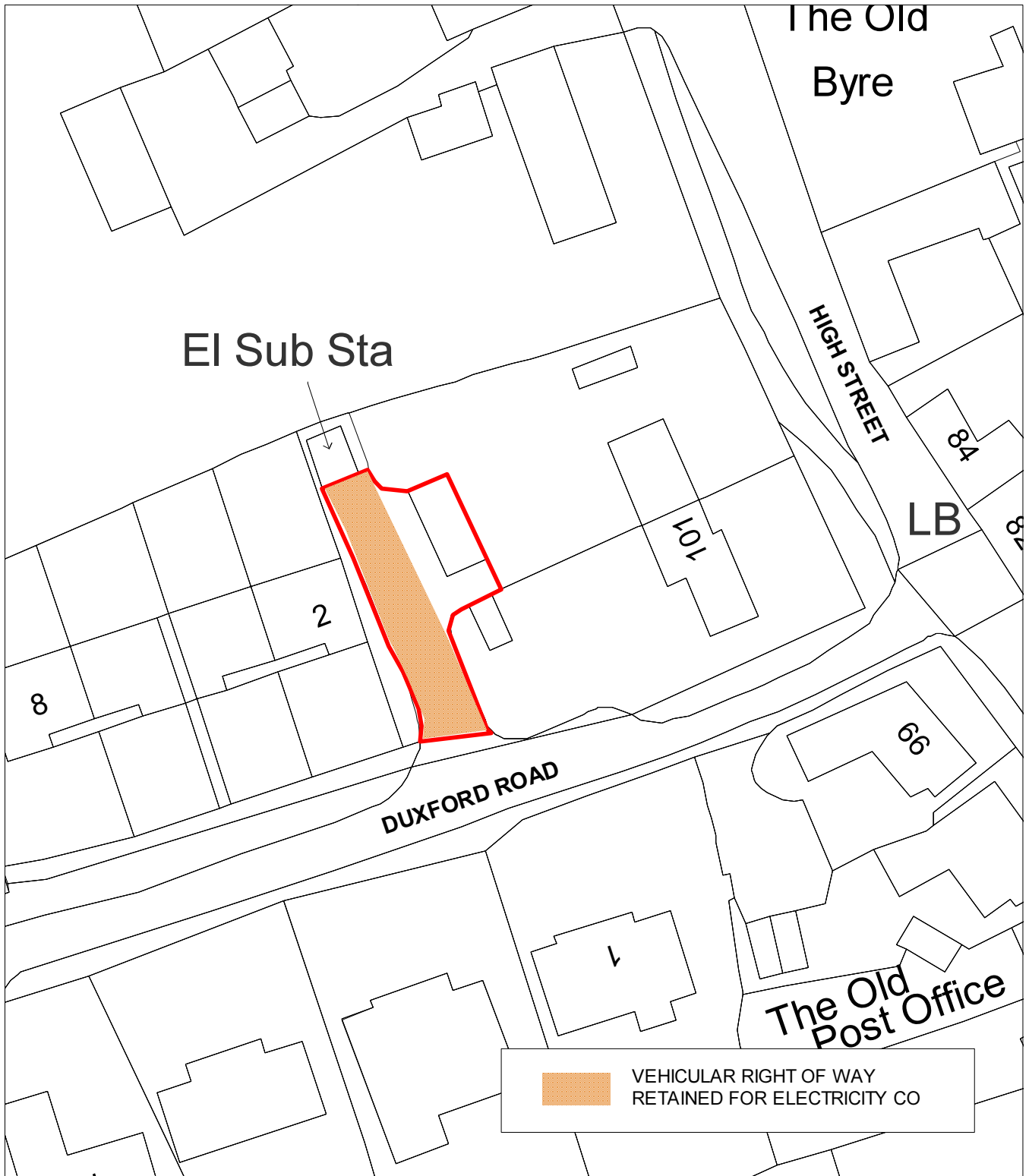
19. This garage site is too small for redevelopment and interest from more than one party has been received in purchasing it to be improved and retained as garages for rent. Refurbishing or rebuilding the garages by the Council would incur significant cost and they would remain the responsibility of the Council.

Background Papers: the following background papers were used in the preparation of this report:

None.

Contact Officer: Jenny Clark – Lands Officer
Telephone: (01954) 713336

GARAGE SITE, DUXFORD ROAD, HINXTON



BASED ON THE ORDNANCE SURVEY MAPPING WITH THE PERMISSION OF THE CONTROLLER OF HER MAJESTY'S STATIONERY OFFICE ©CROWN COPYRIGHT. UNAUTHORISED REPRODUCTION INFRINGES CROWN COPYRIGHT AND MAY LEAD TO PROSECUTION OR CIVIL PROCEEDINGS.

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL LICENCE NO 100022500 2011

Scale 1:500



This page is left blank intentionally.

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Housing Portfolio Holder

17 October 2012

AUTHOR/S: Director of Housing

TENANCY STRATEGY**Purpose**

1. To seek approval from the Housing Portfolio Holder for the adoption of the Tenancy Strategy and the launch of the Strategic Housing Information Portal (SHIP).
2. This is not a key decision.

Recommendations

3. That the Housing Portfolio Holder approves the Tenancy Strategy as set out in Appendix B and the development of the SHIP

Reasons for Recommendations

4. To comply with new legislation under the Localism Act 2011 that states local authorities have a duty to publish a Tenancy Strategy.

Background

5. The Council published an Interim (tenancy strategy) Statement in April 2011 outlining its position in relation to the new delivery model for affordable housing, Affordable Rents. The aim of the Interim Statement was to give an early indication of the Council's key principles to help guide investment decisions for new affordable housing schemes in South Cambridgeshire. The statement was well received by Registered Providers (housing associations) operating in the District.
6. The Localism Act 2011 made it a legal requirement for all local authorities to publish a full Tenancy Strategy in place by April 2013.

Considerations

7. The Tenancy Strategy is intended to ensure that Registered Providers are clear on the Council's objectives for new affordable housing in the District. It is not designed to be prescriptive but to help Registered Providers formulate their own policies based on current evidence and the local context.
8. It is proposed that the Council adopts an approach that allows flexibility to enable Registered Providers to comply with any funding agreements with the Homes and Communities Agency (HCA) and to take into account their own policies. In taking this approach it is hoped that the Council can continue its excellent partnership working with Registered Providers to maximise the opportunities for affordable housing in the District whilst still ensuring we meet the needs of the most vulnerable.

9. The key elements to the Tenancy Strategy include:
- (a) **Affordable Rents** – as part of the Council's enabling role we would wish to have early discussions around the level and mix of Affordable Rent and recommend that Affordable Rents should not be set higher than the Local Housing Allowance rates for this area.
 - (b) **Conversion to Affordable Rents** – Registered Providers are asked to take a strategic approach to conversions and consider areas where it would provide for a more balanced community, especially in areas where there are high levels of social rent.
 - (c) **Stock Disposals** – generally we would support stock rationalisation where the housing stock is offered to another Registered Provider as affordable housing or where a property has insurmountable management or maintenance problems.
 - (d) **Use of Fixed Term/Flexible Tenancies** – the Council supports the use of fixed term/flexible tenancies for the primary purpose of making best use of existing stock. As a minimum 5 year tenancies should be offered to ensure tenants have a degree of stability in their home and are able to feel part of and contribute to their community.
 - (e) **Expiry of a Fixed Term/Flexible Tenancy** – the Council is committed to ensuring that the use of fixed term/flexible tenancies and their termination does not lead to an increase in homelessness and therefore expect registered providers to generally offer tenancy renewal or alternative accommodation.

Options

10. The Council has the option of producing a traditional document in paper form that tried to encapsulate all of the different elements related to the development of affordable housing in the District. The complexity of the issues related to development and planning mean that this could have resulted in a very large and unwieldy document that would have been costly to produce, difficult to keep up to date and unlikely to be read.
11. An alternative option is to place the Tenancy Strategy within a web based tool.
12. The Strategic Housing Information Portal (SHIP) is a proposed web-based portal that aims to provide relevant up to date information at the touch of a button, with the Tenancy Strategy being the key document that sits within the evidence/information base. Appendix A contains a summary diagram of how the SHIP is expected to be structured.

Implications

13. Financial	The cost of setting up the SHIP will be very low and the subsequent cost of keeping information up to date will also be very low.
Legal	<p>The Council has a duty under the Localism Act 2011 to publish a Tenancy Strategy by April 2013. This proposal meets that obligation.</p> <p>The Council also has a legal obligation to consult with all of the housing associations on the District. The consultation section below details how this requirement has been met.</p> <p>The details of the Tenancy Strategy itself are not legally enforceable.</p>
Staffing	None
Risk Management	The main risk is in not meeting the legal obligation to have the strategy in place.
Equality and Diversity	The strategy has regard to the housing needs of the whole district.
Equality Impact Assessment completed	<p>No</p> <p>Decision is not related to a change in Council policy.</p>
Climate Change	None

Consultations

14. Initial consultation was undertaken face-to-face with some of the main providers of social housing in the District to understand better their position with regards to management of their stock and development of new affordable housing. The main themes coming out of the consultation was that Registered Providers were also concerned with regards to affordability issues and that tenants should have an element of stability to enable them to be part of community life. Many had also entered into HCA Agreements to enable them to provide additional affordable housing and were therefore required to make use of the Affordable Rent model if they were to build in the District.
15. The SHIP, containing the draft Tenancy Strategy, has been circulated to all Registered Providers operating in the District, local Members and other key partners. Very little feedback has been received, with only one parish council expressing their concern at the *“downgrading of social rent to affordable rent”* and that they *“feel that priority needs to be given to the supply of housing at social rent rather than affordable rent”*.

Consultation with Children and Young People

16. None

Effect on Strategic Aims

17. We will make sure that South Cambridgeshire continues to offer outstanding and sustainable quality of life for our residents. Access to appropriate housing is a critical factor in providing and maintaining sustainable communities.
18. The Tenancy Strategy will be reviewed on an annual basis to ensure that we continue to meet our key aims and that the impacts of the introduction of Affordable Rents and fixed term/flexible tenancies do not adversely affect particular groups within the District.

Conclusions / Summary

19. The Strategic Housing Information Portal (SHIP) provides a wealth of information and evidence that should be taken into consideration when developing individual tenancy policies. Its aim is to help steer Registered Providers in the right direction to help them to formulate their own policies based on current evidence and the local context, with the Tenancy Strategy acting as evidence based guidance.

Background Papers: the following background papers were used in the preparation of this report:

- Working towards a local tenure strategy – CIH Publication June 2011
- Local Tenancy Strategies and the new role of local housing authorities in leading tenure policy – Shelter Publication August 2012

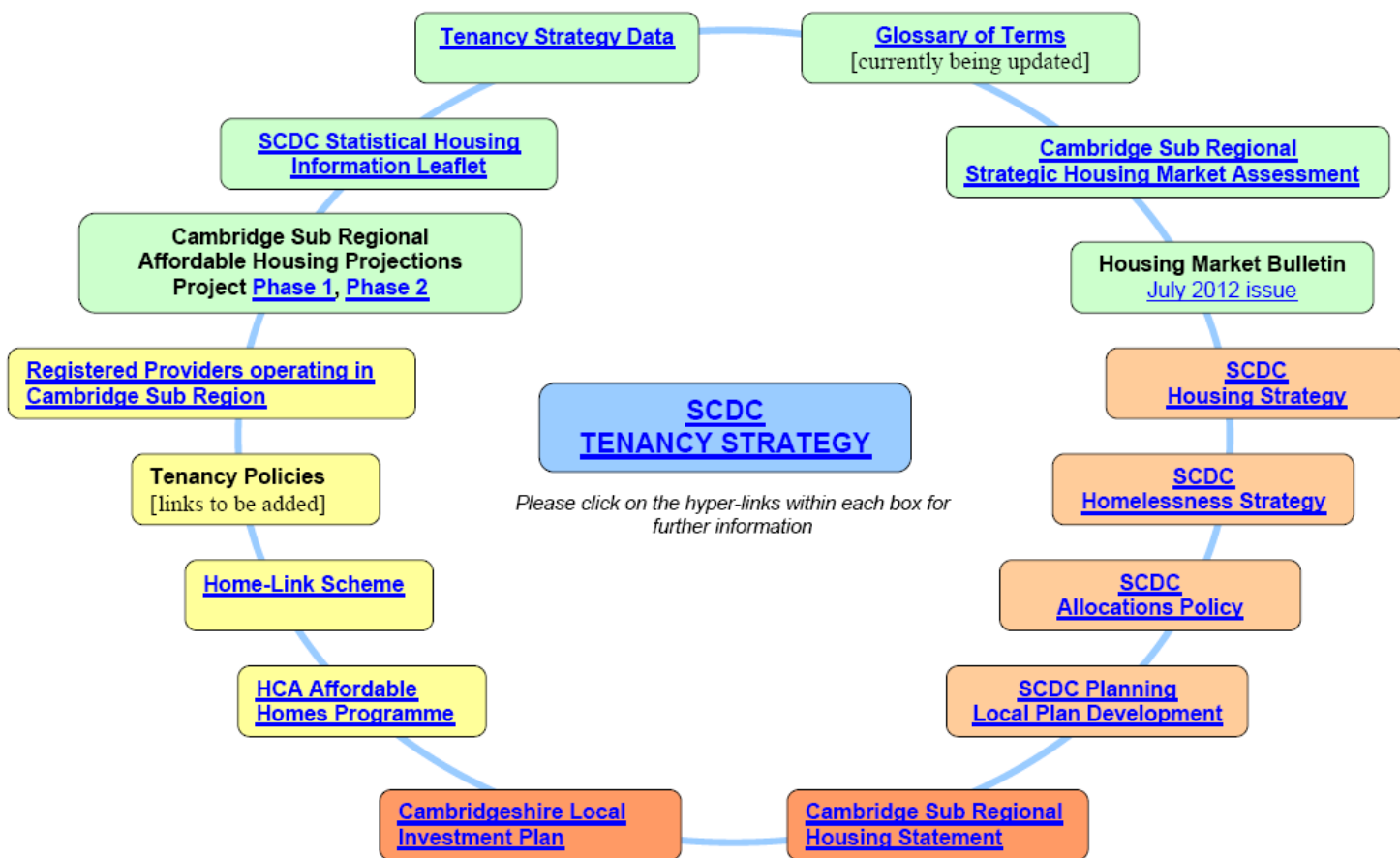
Contact Officer: Julie Fletcher – Housing Performance Improvement Team
Leader
Telephone: (01954) 713352

APPENDIX A

STRATEGIC HOUSING INFORMATION PORTAL (SHIP)
CONTAINING THE TENANCY STRATEGY

The diagram below demonstrates the layout of the SHIP as a web-based information portal where all the evidence, information and research relating to housing in the area can be found at the touch of a button that feeds into the Tenancy Strategy.

STRATEGIC HOUSING INFORMATION PORTAL (SHIP)



This page is left blank intentionally.

Appendix B

Putting the **HEART** into Housing

Health & Wellbeing

Economic Growth & Development

Affordable Housing

Reducing Fuel Poverty and
promoting energy efficiency

Tackling Homelessness



South
Cambridgeshire
District Council

South Cambridgeshire District Council

TENANCY STRATEGY

October 2012

‘Ensuring social housing in South Cambridgeshire is used as effectively as possible so that it meets the housing needs of its residents who are unable to access accommodation in the private sector ‘

Contents

Introduction

Why do we need a Tenancy Strategy?	3
Aims of the Tenancy Strategy	3
Key Evidence	4
Consultation	4

Guidance on Tenancy Options

Use of Affordable Rents	4
Conversion to Affordable Rents	5
Stock Disposals	5
Use of Fixed Term/Flexible Tenancies	5
Length of Tenancy	6
Expiry of a Fixed Term/Flexible Tenancy	6
Advice and Assistance at the end of a Fixed Term/Flexible Tenancy	6
Transferring Tenants	7
Mutual Exchange	7
Probationary Tenancies	7
The Right to a Review	7
Development on Growth Sites on the fringes of Cambridge	7

Monitoring and Reviewing the Tenancy Strategy

Introduction

Why do we need a Tenancy Strategy?

The Localism Act 2011 places a duty on the local housing authority to prepare and publish a Tenancy Strategy setting out the broad objectives to which registered providers should have due regard in formulating their Tenancy Policy, which must include -

- a) the kinds of tenancies they 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 length 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

In preparing the Tenancy Strategy, the Council has also reviewed its Allocations Scheme to take into account changes in the welfare reform and within the Localism Act to “*give back to local authorities the freedom to determine who should qualify to go on their housing waiting list*”. We will also be reviewing our Homelessness Strategy during 2012 to ensure the Tenancy Strategy, Allocations Scheme and Homelessness Strategy are all aligned taking into account the changes in housing policy over the last few years. The Council’s Housing Strategy was published in March 2012 and is the over-arching housing-related strategic document for South Cambridgeshire.

Aims of the Tenancy Strategy

The overarching objective of our Tenancy Strategy is to ensure that the social housing stock in South Cambridgeshire is used as effectively as possible so that it meets the housing needs of South Cambridgeshire residents who are unable to access accommodation in the private sector.

Our Housing Vision is *to provide good quality housing across all tenures that is accessible to all – that enhances residents’ quality of life, their health and wellbeing, that supports economic growth and social opportunities, alongside improved energy security and reduced carbon footprints.*

That we **Make Best Use of Existing Stock** through *promoting safe and sustainable communities, ensuring people are living in the right homes at a time that is right for them.*

Housing Strategy – March 2012

The demand for social housing in South Cambridgeshire significantly outweighs supply and as an identified area of growth, we want to ensure that the Tenancy Strategy is flexible enough to balance financial viability for new affordable housing as well as meeting the needs of the most vulnerable within our district.

Key Evidence

The Strategic Housing Information Portal (SHIP) that the Tenancy Strategy sits within provides a wealth of information and evidence that should be taken into consideration when developing individual Tenancy Policies. It is not the Council's intention to be prescriptive but to steer registered providers in the right direction to help them to formulate their own Policies based on current evidence and the local context, with the Tenancy Strategy acting as guidance based on this information.

The Council has undertaken considerable work in preparation for its Tenancy Strategy. Through the Cambridge Sub-Regional Housing Board, a Projections Project has been commissioned to model the future of affordable housing tenures, gauging the effect of Affordable Rent. Further phases of the project include modelling the effect on affordability, identifying where new housing products 'fit' in our housing market and what the effect the new products may have on housing need across our sub-region in the longer term.

The Strategic Housing Market Assessment, Housing Strategy, Local Investment Plan and in particular the Tenancy Strategy data all provide an evidence base to help formulate Tenancy Policies and Development Plans.

Consultation

The Council also undertook initial consultation with some of the main providers of social housing in the District to understand better their position with regards to management of their stock and development of new affordable housing. The main themes coming out of the consultation was that registered providers were also concerned with regards to affordability issues and that tenants should have an element of stability to enable them to be part of community life. Many had also entered into Homes & Community Agency (HCA) Agreements to enable them to provide additional affordable housing and are therefore required to make use of the Affordable Rent model if they are to build in the district.

Guidance on Tenancy Options

Use of Affordable Rents

The Council takes a flexible approach to working with both the HCA and registered providers to provide a package that will deliver a proportionate mix of affordable housing at varying Affordable Rent levels to meet a range of housing needs across the District.

As part of the Council's enabling role, we would wish to have early discussions around the level and mix of Affordable Rent. Affordable Rents must not exceed 80% of market rent and we strongly recommend that they should not be set higher than the Local Housing Allowance rates for this area.

Conversion to Affordable Rents

We understand that in order to secure HCA funding from the 2012-2015 Affordable Homes Programme, agreeing a rent conversion policy may have been necessary. On this basis the Council supports the need for setting targets for converting a proportion of stock from social to Affordable Rents or shared ownership in order to provide further investment into affordable housing.

However, as the majority of future lets will be on newbuild properties which are likely to be set at an Affordable Rent, we would wish to see that the majority of the remaining relet properties help meet the needs of those in highest housing need and encourage mobility within the existing stock. Therefore the levels of conversion should be proportionate to the number of relets and take into account any nomination agreements or local lettings plans.

In setting targets, registered providers are asked to take a strategic approach to conversions and consider areas where it would provide for a more balanced community, especially in areas where there are high levels of social rent.

We will monitor the level of conversions and locations as part of the monitoring of the Strategy to ensure there is a balance of tenure types and rent levels distributed across South Cambridgeshire to meet the diverse needs of the District.

Stock Disposals

The Council's prior consent for any stock disposal should be sought. Generally, we would support stock rationalisation where the housing stock is offered to another registered provider as affordable housing or where a property has insurmountable management or maintenance problems.

Use of Fixed Term/Flexible Tenancies

The principles set out in this section apply to homes let at both Social Rents and Affordable Rents.

The Council supports the use of fixed term/flexible tenancies for the primary purpose of making best use of existing stock, especially in tackling under-occupation in the longer term or making best use of adapted properties, or in some cases where households are able to secure alternative appropriate housing at the end of their initial tenancy. It also acknowledges the need for registered providers to have the ability to rebase Affordable Rents when a tenancy comes to the end of its fixed term in order to raise further investment.

However, this flexibility needs to be balanced against the need to ensure households have stability and security so that they feel part of and contribute to the community. In particular, these flexibilities should not be detrimental to the stability or health and wellbeing of vulnerable households and appropriate support must be available in terms of tenancy sustainment if fixed term/flexible tenancies are used without exception. The Council would also expect that the use of fixed term/flexible tenancies would not see an increase to the risk of homelessness.

A landlord's Tenancy Policy should be clear and transparent to ensure that their tenants are aware and understand the use of fixed term/flexible tenancies so that they have a degree of certainty about their tenancy.

Length of Tenancies

As a minimum, fixed term/flexible tenancies should be fixed at 5 years or more to ensure tenants have a degree of stability in their home and are able to feel part of and contribute to their community. The Council would not support less than five years, other than in exceptional circumstances such as supported move-on accommodation where it is anticipated the tenants would be able to live independently after this period. For the Council's own stock it is intended to offer a minimum tenancy of 10 years in most cases.

The Council would expect registered providers to be clear from the outset when setting the fixed term/flexible tenancy on the criteria to be applied for not renewing at the end of the tenancy period, which should be clearly stated in the Landlord's Tenancy Policy.

Fixed term/flexible tenancies do not give tenants a statutory right to terminate the tenancy before the end of the term and registered providers should consider giving tenants this right via a specific clause in their Tenancy Agreement.

Expiry of a Fixed Term/Flexible Tenancy

The Council is committed to ensuring that the use of fixed term/flexible tenancies and their termination does not lead to an increase in homelessness and therefore expect registered providers to generally offer tenancy renewal or alternative accommodation. We would therefore encourage there to be a presumption for renewal of tenancy in most circumstances. Where this is not the case, for example where a household's circumstances have changed to the extent that they can access the private market, it is expected that appropriate advice and support will be given to enable the household to move to **suitable** and **appropriate** accommodation that is both **affordable** (i.e. housing costs amount to no more than a third of gross household income) and **available** (i.e. within the household's locality for employment, school, family support, etc).

Registered providers should set out clearly within their Tenancy Policy how frequently a fixed term/flexible tenancy will be reviewed and the nature of the review, including what factors will be considered. Where financial circumstance is considered as a factor, it should be stated clearly within the Tenancy Policy what the trigger points are (i.e. level of household income and/or savings, etc).

It is recommended that registered providers should not allow fixed terms to run into insecure periodic tenancies but should renew the tenancy at the expiry of a fixed term.

In terms of the conduct of the tenancy, it is important that the review of the fixed term/flexible tenancy is not used as an alternative to the usual remedies to address breaches of tenancy. On that basis the Council would not expect a registered provider to decide not to renew due to the way the tenant has conducted the tenancy, unless formal possession action is already underway or being considered and that the tenant has been given ample opportunity to rectify the situation.

Advice and Assistance at the end of a fixed term/flexible tenancy

The Council expects registered providers to provide tenants with appropriate advice and assistance about their housing options at the time they conduct a fixed term tenancy review and at the point a decision is made that a tenancy will not be renewed. They must take responsibility to ensure the household receives sufficient advice and support to enable them to find alternative accommodation and should not refer tenants as a matter of course to the Council's Housing Options & Advice Team for assistance. However, the Council should be

informed at the earliest stage where a tenancy is unlikely to be renewed and alternative accommodation has not been found.

Transferring Tenants

Tenants who held an existing tenancy (either secure or assured) on the 1st April 2012 (when the Localism Act 2011, S.154 came into force) must be given a tenancy with no less security where they choose to move to another social rented home. This means that existing tenants' security of tenure will be protected should they transfer to another social rented home, regardless of whether it is with the same landlord or another.

This requirement does not apply where tenants choose to move to accommodation let on Affordable Rent terms. In these circumstances an existing tenant, with an assured or secure tenancy could be offered a fixed term/flexible tenancy.

Mutual Exchange

Fixed term/flexible tenancies include the right to a mutual exchange. The Localism Act 2011 contains a specific right for a tenant with a lifetime tenancy (secure or assured) to take this form of tenancy with them on mutual exchange, which can only then be affected issuing a new tenancy. The lifetime tenant gets a lifetime tenancy and the tenant who was previously on a flexible tenancy may be offered a further flexible tenancy. This protection only applies to tenants who have a secure/assured tenancy at the time the Localism Act 2011 came into force (namely 1st April 2012) and only applies to the type of tenancy – not the rent level.

Probationary Tenancies (also known as Starter or Introductory Tenancies)

The Council supports the use of probationary tenancies, which can be used by registered providers offering fixed term/flexible tenancies. As set out in the Tenancy Standard, probationary tenancies shall be for a period of 12 months, or a maximum of 18 months where reasons for extending the probationary period have been given and where the tenant has the opportunity to request a review. The length of the fixed term/flexible tenancy should exclude the probationary period.

The Right to a Review

Registered providers should include within their Tenancy Policy the way in which a tenant or a prospective tenant may appeal against or complain about the length of a fixed term/flexible tenancy offered or the type of tenancy offered, and against a decision not to grant another tenancy on the expiry of the fixed term.

Developments on Growth Sites on the Fringes of Cambridge

There are a number of sites on the edges of Cambridge, the development of which is being managed jointly between South Cambridgeshire District Council and Cambridge City Councils. For new homes on these sites, rent levels should be consistent across each phase of development, regardless of where each home is located in relation to the district boundary.

Arrangements around use of fixed term/flexible tenancies, length of tenancy and tenancy renewal on sites where nomination rights are shared between the two Councils will be agreed in the local Lettings Plan developed for each area, which may differ in some respects to this Strategy. Where differences arise, the Local Lettings Plan will take precedence in relation to those differences.

Monitoring and Reviewing the Strategy

The Tenancy Strategy will be reviewed on an annual basis to ensure that we continue to meet our key aims and that the impacts of the introduction of Affordable Rents and fixed term/flexible tenancies do not adversely affect particular groups within the District. As part of the Strategy's monitoring function we will look at:

- Conversions of relets to Affordable Rent – numbers, sizes, types and location of homes.
- Affordable Rent levels compared to social rent.
- Bidding patterns through the Home-Link CBL Scheme, including housing needs bands of successful applicants.
- Number of new tenancies that are fixed term rather than lifetime.
- Lengths of fixed term tenancies
- Outcomes at the end of fixed term tenancies
- Trends in homelessness, transfers including mutual exchange, overcrowding and under-occupation.
- Trends in rent arrears, tenancy failures and repossessions.
- Number of new tenants in receipt of Housing Benefit and trend in total housing benefit payments
- New affordable homes being built and trends in new-scheme viability.

Published by South Cambridgeshire District Council
October 2012

For further information regarding this document please contact:
Julie Fletcher – Housing Performance Improvement Team Leader
Tel: 01954 713352 or email julie.fletcher@scambs.gov.uk

South Cambridgeshire District Council
South Cambridgeshire Hall,
Cambourne Business Park
Cambourne, Cambridge CB23 6EA

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Housing Portfolio Holder

17 October 2012

AUTHOR/S: Director of Housing

TENANCY POLICY

Purpose

1. To seek approval from the Housing Portfolio Holder for the Council's new Tenancy Policy.
2. This is a key decision because it is significant in terms of its effects on communities living or working in an area comprising two or more wards.

Recommendations

3. That the Housing Portfolio Holder approves the Tenancy Policy attached as Appendix A with the recommendation that lifetime tenancies will continue to be awarded to all tenants over the age of 65 and for tenants with long term disabilities that require specially adapted properties to meet their needs.

Reasons for Recommendations

4. The policy encapsulates existing practice and those variations agreed by the Housing Portfolio Holder in March 2012. The exceptions to this are designed to align the policy with best practice as detailed in the options section.

Background

5. Local authorities are required to produce and publish a Tenancy Policy to indicate how they intend to manage tenancies following the tenancy reform provisions contained within the Localism Act 2011. This is a regulatory requirement in accordance with the provisions of the act.
6. The Tenancy Policy is intended to be an overarching document that sets out how the Council will approach tenancy management. The Policy states:
 - The type of tenancies to grant
 - Period of the fixed term
 - Circumstances in which different tenancies are granted
 - Circumstances in how we deal with the end of a flexible tenancy
 - Appeal process

Considerations

7. Secure tenancies are the most common form of tenancy issued by local authorities. The relevant provisions are found in Part IV of the Housing Act 1985. Amendments have been made by the Housing Acts 1988 and 1996. To gain possession of a secure tenancy, the landlord must use one or more of the statutory grounds.
8. The council currently offers secure tenancies to all new tenants from the housing waiting list and those that were rehoused as homeless, tenants transferring within our

stock and those tenants transferring from another registered provider: local authority or housing association.

9. The Localism Act provides councils with the opportunity to introduce new flexibilities in their Tenancy Policy and this report sets out the key choices to be made in deciding how to use the powers. This flexibility provides us with the opportunity to address issues such as under-occupation, stock turnover and best use of our housing stock. A five-year fixed tenancy is the typical length of tenancy being proposed.
10. In March 2012 the Housing Portfolio Holder set out the main options he wished to be included within the new policy. The new Tenancy Policy is attached as Appendix A.
11. Since the March Portfolio Holder meeting, further good practice and guidance has been issued by various bodies including the publication, Local Decisions on Tenure Reform, by Shelter, July 2012.
12. The proposed new Tenancy Policy is largely in line with this guidance with the exception of tenancy terms for the elderly and the long term disabled. The Equalities Impact Assessment has been carried out for the new Tenancy Policy as drafted but account has also been taken of the recommended alteration to the treatment of elderly and disabled applicants. A more benign outcome is achieved if this alternative is adopted.
13. The new Tenancy Policy also incorporates the adoption of an introductory tenancy period for all new tenants. Introductory tenancies give landlords the opportunity to present the tenant with a trial period. If there are any problems associated with an introductory tenancy, the landlord may obtain possession by a court order after following due process, and it is not required to prove any grounds for possession. These tenancies are seen as a fast track tool to deal with anti-social behaviour.
14. The other main area of change is to adopt new restrictions to the rights to succeed a council tenancy (upon the death of a tenant) for all new tenants.
15. It is proposed that the new Tenancy Policy will take effect from 1 April 2013 allowing time for legal documentation to be produced and the new terms to be communicated to prospective tenants.

Options

16. The Housing Portfolio Holder is invited to consider the following four options.

Issue	Included within new Tenancy Policy	Alternative option
<p>1. Secure tenancies for older people and disabled people</p>	<p>To offer flexible tenancies for a fixed period of 10 years.</p>	<p>To retain secure 'lifetime' tenancies for all offers of housing to older people (aged 65+) and disabled people (long term disability requiring a specially adapted property).</p> <p>Recommended change</p>
<p>2. Secure tenancies for all other people</p>	<p>To discontinue offering secure 'lifetime' tenants and offer flexible tenancies for a fixed period of 10 years. Twelve months before the end of the flexible tenancy we will commence the</p>	<p>To continue to offer secure 'lifetime' tenancies for all other people.</p>

	review process. Tenants will not be asked to move unless suitable alternative accommodation that meets their needs can be found	
3. Introductory tenancies	To introduce introductory tenancies to all new tenants except those transferring internally where they previously held a secure tenancy or those transferring from an external provider where they previously held a secure or assured tenancy.	Not to introduce introductory tenancies but continue to offer secure tenancies across the board
4. Succession	To allow only one succession for spouses and partners	To maintain the status quo for succession, allowing qualifying family members provided they meet the appropriate criteria

Implications

17.	Financial	The Tenancy Policy does not have any direct financial implications.
	Legal	Further legal advice will be sought to ensure that the new documentation required such as new tenancy agreements are in accord with good legal practice.
	Staffing	Where additional staffing resources are required these have been identified within the Affordable Homes Staffing restructure report approved by the Housing Portfolio Holder in January 2012.
	Risk Management	The Affordable Homes Risk Log will be reviewed to include any risks identified for particular projects within the Tenancy Policy.
	Equality and Diversity	The Tenancy Policy is an overarching document for all groups.
	Equality Impact Assessment completed	Yes
	Climate Change	None

Consultations

18. The Localism Act 2011 has been discussed with the Council's consultative forum the Tenant Participation Group, and the need for a Tenancy Policy has been outlined to that group. Details affecting tenancies, mutual exchanges and changes to succession were featured in an article in the tenants' newsletter.

Effect on Strategic Aims

19. We will make sure that South Cambridgeshire continues to offer outstanding and sustainable quality of life for our residents. Access to appropriate housing is a critical factor in providing and maintaining sustainable communities.

Conclusions / Summary

20. The Localism Act 2011 provides the Council with the opportunity to introduce new flexibilities into the Tenancy Policy. This report sets out a proposed new Tenancy Policy that adopts some of the flexibilities aimed at ensuring that Council homes are best used to meet the needs of the local population. Care has been taken to take account of those for whom a fixed term tenancy would not be advantageous and so an amendment to the proposed Tenancy Policy is recommend for those over 65 and those with long term disability that require special adaptations to the property they occupy.

Background Papers: the following background papers were used in the preparation of this report:

None

Contact Officer: Julie Fletcher – Housing Performance Improvement Team
Leader
Telephone: (01954) 713352



Tenancy Policy

October 2012

1 INTRODUCTION

- 1.1 The Tenancy Policy provides customers and applicants with clear guidelines regarding the Council's approach to offering different types of tenancies. It will set out how different tenancy types will be offered and reviewed and identifies the circumstances when tenancies may not be renewed. The policy will also outline the advice and assistance that will be available to customers whose tenancies are not being renewed and how they can access alternative housing options. The Tenancy Policy will fit with and align to the Council's Tenancy Strategy.
- 1.2 The Localism Act 2011 allowed the Social Housing Regulator to amend the Tenancy Standard from a requirement to "offer and issue the most secure form of tenancy compatible with the purpose of housing and the sustainability of the community" to a new requirement for registered providers to offer tenancies that are "compatible with the purpose of the accommodation, the needs of individuals, the sustainability of the community and the efficient use of their housing stock". This gave the Council the opportunity to review the types of tenancies that are offered ensuring that customers have access to good quality, affordable housing at a time when they need it most.
- 1.3 The Tenancy Policy will help to ensure that customers have the right to a home for as long as they need it. The policy provides a framework whereby customers will receive tenancy reviews that offer tailored housing options advice and assistance at appropriate intervals. This will ensure that housing circumstances do not become a barrier to achieving broader life aspirations. Flexible Fixed Term Tenancies recognise the fact that tenants' circumstances can change and they may no longer need social housing.
- 1.4 This policy will operate in conjunction with the Council's Empty Homes Strategy, Sub-Regional CBL policy, Succession policy, Mutual Exchange and Assignment policy, the Introductory Tenancy Policy and Fixed Term Tenancy procedure.
- 1.5 Where discretionary aspects of the policy exist then close monitoring systems will be in place to ensure that these decisions are made based on the principles of the policy. Decisions will be subject to review ultimately by an Appeals Panel.
- 1.6 The policy was approved in October 2012 and will be effective from 1st April 2013. This will be monitored and reviewed regularly in line with any changes in the economic climate, demand and supply of housing stock and legislation.

2 INTRODUCTORY TENANCIES

- 2.1 Introductory Tenancies will be granted to all new tenants from 1st April 2013. This gives the Council the opportunity to ensure that the conditions of the tenancy are being met in the first 12 months. The majority of introductory tenancies will then go on to be fixed term tenancies for a further 10 years. Those few tenants that may have breached their tenancy during the

introductory period will be offered an extension (up to a maximum of 18 months in total). In cases of serious breaches legal action will be taken to end the tenancy. Where a tenant disagrees with the decision taken then an appeal process can be pursued. More information can be found in Introductory Tenancy Policy and Procedures.

3 TENANCY TYPES

- 3.1 The Council is committed to making best use of the housing stock in order to meet customers and future applicant's needs and aspirations and this will include advice into different forms of tenure and home ownership. From April 2013 the Council will offer Flexible Fixed Term Tenancies for 10 years to everyone being offered a new Council tenancy from 1st April 2013. A review process will commence in the 9th year of the tenancy and it is anticipated that everyone would be offered a new tenancy provided they meet the qualifying criteria.
- 3.2 All current tenants will remain as secure 'lifetime' tenants.
- 3.3 After 1st April 2013 the following table highlights the range of tenancies to be offered and who they will be offered to:

Table 1 Tenancy Types

Tenancy type	Who will this be offered to?
Secure Tenancy (lifetime tenancy)	<p>Existing SCDC tenants who wish to transfer to another property in the district (i.e. those who held a Secure Tenancy on or before 1st April 2012)</p> <p>Tenants with Secure Tenancies transferring from other local authorities (i.e. those who held a Secure Tenancy on or before 1st April 2012)</p> <p>Tenants with assured (non shorthold) tenancies transferring to SCDC from other registered social landlords (i.e. those who held an assured tenancy on or before 1st April 2012)</p> <p>For those tenants allocated Secure Tenancies after 1st April 2012, the Council reserves the right not to offer a further Secure Tenancy for those transferring and may offer a Flexible Fixed Term Tenancy where appropriate. However, in most circumstances a Secure Tenancy will be offered.</p>
Introductory tenancies	New tenants to SCDC who have not previously held a social housing tenancy.

10 year flexible fixed tenancy	<p>New tenants to SCDC who have successfully completed an Introductory Tenancy.</p> <p>Tenants who have completed a 10 year fixed term tenancy and the Council is happy to offer another 10 year Flexible Fixed Term Tenancy</p>
Temporary tenancies (licences)	<p>Applicants have been rehoused temporarily as homeless.</p> <p>Tenants who have to be moved to alternative accommodation whilst major works or improvements are being undertaken in their main residence.</p>

4 RENT LEVELS

- 4.1 All new tenancies are charged at target rent. There are some exemptions to this, such as some tenants transferring within the Council’s housing stock.
- 4.2 The Council may in the future build new homes using funding from the Homes and Communities Agency. Under current HCA policy rents would have to be set as Affordable Rents which could be up to 80% of market rent but likely to be within the Local Housing Allowance for housing benefit purposes.

5 REVIEW

- 5.1 Following the successful completion of an Introductory Tenancy tenants will be offered a 10 year Flexible Fixed Term Tenancy. Introductory Tenancies will be for a period of 1 year. There will be the potential to extend this for a further 6 months where there are concerns about conduct and breaches of the tenancy. This decision is subject to review please see the Introductory Tenancy Policy and Procedures for further information.
- 5.2 Throughout the tenancy and specifically during the review process all tenants will be supported through the development of a personal future housing plan which will explore future aspirations with the tenant and the housing solutions that will be required to achieve this. This will be completed as part of the settling in visit with the tenant that is completed in the first few weeks of a tenancy. This plan will be reviewed at regular intervals throughout the tenancy.
- 5.3 In the 9th year of a 10 year Flexible Fixed Term Tenancy there will be a review where a household’s circumstances will be considered, advice given, and a decision made regarding the family’s continuing occupation of their current home. In the majority of cases a new Flexible Fixed Term Tenancy will be offered but not necessarily in the same home.
- 5.4 Six months before the end of the Flexible Fixed Term Tenancy we will serve on the tenant a notice formally stating if we are to offer a further Flexible Fixed Term Tenancy or if we will be requiring possession of the property.
- 5.5 At the end of the fixed term, we will decide what action to take. This could be:

Table 2 Tenancy Review Options

Circumstance	Outcome
No change in circumstances	To issue a new Flexible Fixed Term Tenancy on current property
The property is adapted and no one residing at the property requires these adaptations	To assist the tenant to find alternative (and more suitable) accommodation through the Home-Link Choice Based Lettings Scheme or within SCDC housing stock as a Direct Let. Where a suitable alternative property cannot be found within the 12 month review period a further 10 year Flexible Fixed Term Tenancy will be offered.
The property is under-occupied by more than one bedroom	
There has been a significant deterioration in the tenants or their household's health.	
The property is over-crowded	
Any breach of tenancy or tenancy fraud are identified during the fixed term tenancy review process	Not to offer any other form of tenancy but provide advice and support in finding alternative suitable accommodation in the private sector.
The tenant does not engage in the fixed term tenancy review process	Not to offer any other form of tenancy subject to the appeal process.
The tenant does not accept the terms and conditions of the new fixed term tenancy.	Not to offer any other form of tenancy subject to the appeal process.
If the tenant comes into the legal ownership of another home or property that meets their needs.	Not to offer any other form of tenancy subject to the appeal process.
The Council wishes to take possession back of the home to enable them to effectively manage its property stock, for example asset management i.e. sell the property or carry out major works	To assist the tenant to find alternative (and more suitable) accommodation through the Home-Link Choice Based Lettings Scheme or within SCDC housing stock as a direct let.

<p>The financial circumstances of the tenant and their partner have improved so that other housing options are available such as home ownership or other tenures</p>	<p>Tenants will receive a detailed assessment of their financial circumstances to determine whether a move to another tenure type is possible or whether a further Flexible Fixed Term Tenancy is appropriate. A financial assessment will include consideration of the household composition, including the number of children and any financial commitments and security of employment. We will also consider any special housing requirements related to a disability.</p>
--	---

6 ENDING TENANCIES

6.1 Ending a Secure Tenancy and Flexible Fixed Term Tenancy prior to its expiry

- If a tenant breaches the terms and conditions of their Secure Tenancy (as set out in Schedule 2 of the Housing Act 1988), possession proceedings will be instigated commencing with serving a Notice of Seeking Possession. If the breach of tenancy continues following serving the Notice, application will be made to the County Court who may grant a possession order to end the tenancy. There is no formal internal appeals process in this instance.

6.2 Ending an Introductory Tenancy (i.e. within the first year)

- If an Introductory Tenancy is not conducted properly we will serve a notice requiring possession giving at least 2 months' notice of issuing of possession proceedings. This will be managed in accordance with the Introductory Tenancy Policy and Procedures. A tenant will be able to apply for an Appeal against this decision in accordance with the appeals process.

6.3 Tenant wishing to end 10 year Flexible Fixed Term Tenancy prior to expiry

- If a tenant wishes to end their tenancy prior to the fixed term end date they may do so by issuing a formal written offer surrendering their tenancy giving four weeks' notice. If a joint tenancy, the surrender offer must be signed by all joint tenants.

6.4 Surrender will be allowed subject to the following circumstances:-

- It is in the best interest of the landlord
- It is in the best interest of the tenant or neighbourhood
- The property condition doesn't breach tenancy conditions
- Rent account is clear

6.5 Where the tenant does not comply with these conditions, the request to surrender may not be accepted.

7 APPEAL

7.1 If a tenant or an applicant disagrees with a decision about their tenancy they can formally request an appeal. The appeal will be heard by a panel that will include officers who were not party to the original decision. The appeal panel will consider the following:

- Granting of fixed terms tenancies including rent levels
- Ending of fixed term tenancies
- End of introductory tenancies

8 MUTUAL EXCHANGES

8.1 All requests for permission to mutual exchange must be made to the landlord.

8.2 Applications for a mutual exchange will be assessed in accordance with the Council's Mutual Exchange Policy.

8.3 Mutual exchanges between tenants usually take place by deed of assignment where each tenant steps into the other's shoes and takes over the other tenant's tenancy type and terms. New tenancies are not signed.

8.4 However, provisions in the Localism Act 2011 cover those circumstances where:

- At least one of the tenants who wishes to transfer has a secure or assured tenancy, which began before 1st April 2012, and
- At least one of the tenants has a Flexible Fixed Term Tenancy

8.5 Such exchanges must be done by surrender and then granting of new tenancies. The new landlord must grant the tenant(s) whose Secure Tenancy predated 1st April 2012 a Secure Tenancy.

8.6 Existing tenants will therefore retain similar security of tenure to that of their original tenancy.

8.7 Regulations provide that these provisions do not apply where an existing secure tenant chooses to exchange with:

- Someone with a Flexible Fixed Term Tenancy of less than 2 years
- Someone with tenancy at an affordable rent.

8.8 Therefore, someone with a pre-April 2012 Secure Tenancy can exchange with any other social tenant and be sure of keeping their existing level of security. If such a tenant wanted to swap with a tenant who pays an affordable rent, there would be no legal guarantee of security in the new tenancy. However, the Council may choose to offer a Secure Tenancy. Tenants of affordable rent

have the same rights to exchange as other tenants. If they exchange with a tenant who is not a pre-April 2012 tenant, then the exchange would happen in the 'normal' way via a deed of assignment.

- 8.9 The Council still has 42 days to make a decision and an exchange can be refused using the grounds are in Schedule 14 of the Localism Act.

9 ASSIGNMENTS

9.1 In some circumstances a tenant may assign their tenancy to another person who complies with certain criteria as laid out in their tenancy agreement and within this policy.

9.2 Apart from mutual exchanges as detailed above applications for assignment are only permitted by statute in the following limited circumstances:

- where a court has made an order to transfer the tenancy under either:

Matrimonial Causes Act 1973, Section 24;

Matrimonial and Family Proceedings Act 1984, Section 17(1);

Paragraph 1 of Schedule 1 to the Children Act 1989;

Part 2 of Schedule 5 or Paragraph 9(2) or (3) of Schedule 7 to the Civil Partnership Act 2004;

9.3 to a potential qualifying successor if the tenancy agreement gives this right. A person who is a potential qualifying successor is identified in the succession clauses in the tenancy agreement and can be agreed in certain circumstances.

10 SUCCESSION

10.1 The Localism Act 2011 abolished the statutory right of succession to a Secure Tenancy for family members. Accordingly, succession will be limited to spouses or civil partners. This will not, however, affect existing Council Secure Tenancies. Therefore, those tenancies granted after 1st April 2012 will only have succession rights to spouses or civil partners. The Council will have discretionary powers to grant additional succession rights to family members to ensure there are safeguards in place to protect the vulnerable. These will be considered on an individual basis.

10.2 Secure Tenancies (including Flexible Fixed Term Tenancies) cannot be 'gifted' in a will. When a joint tenant with a Secure Tenancy or a Flexible Fixed Term Tenancy dies, then the tenancy shall continue in the remaining joint tenant's name.

- 10.3 When a sole tenant with a Secure Tenancy or Flexible Fixed Term Tenancy dies, nobody is entitled to succeed the tenancy unless an express right is granted by the tenancy agreement. A sole succession right will only be granted in the Council's Flexible Fixed Term Tenancy model to a spouse/partner/civil partner in order to succeed the tenancy.
- 10.4 If a flexible fixed term tenant dies leaving no spouse or civil partner and other persons reside at the property, then notice to seek possession would need to be served upon the deceased's estate and persons unknown in order for the Council to regain possession of the property.
- 10.5 The Council may agree to offer a new Flexible Fixed Term Tenancy to any family member of the deceased; however this is a discretionary option only and not a contractual or statutory right.
- 10.6 Where a secure Council tenant dies, and the tenancy was granted before 1st April 2012 the household left in occupation may have enhanced contractual rights granting qualifying family members the right to succeed the tenancy. In this instance, a further Secure Tenancy must be granted to the qualifying successor.
- 10.7 However, if a family member fails to meet the qualifying contractual criteria, and the Council would be in a position to recover the property by serving a notice to seek possession then we may exercise discretion to offer a Flexible Fixed Term Tenancy following service of the notice.

11 RIGHT TO IMPROVE

- 11.1 Tenants granted a Flexible Fixed Term Tenancy do not have a statutory right to improve their properties or be compensated for those improvements. Discretionary permission may be granted on an individual basis upon request.

12 SERVICE STANDARDS

- 12.1 Our commitments:

- We will be clear and transparent to existing customers, applicants and colleagues regarding the operation of the flexible tenancy regime.
- We will make clear the criteria which will be used when reviewing tenancies and deciding whether to offer a new tenancy. This will form part of the information provided at the time of bidding for properties as well as during the sign up procedure for all new tenants.
- We will publish information about advice and assistance available and ensure that services are accessible.

- We will give our best endeavours working with partners to prevent homelessness, wherever possible, by providing timely advice and interventions. We will promote welfare benefit and independent money advice to customers as well as our in house advice services.

12.2 Clear and detailed information will be given to tenants at sign up on the implications of a flexible fixed term tenancies and the review process. Regular visits will be carried out during the tenancy to ensure tenants are kept fully aware of these implications.

12.3 We will review this Policy in April 2014 to ensure it is fit for purpose and meets our key objectives for the Housing Service.

12.4 Our aim is:

- To make best use of stock (including adapted homes,) in order to ensure that it meets its existing and future tenants' housing needs.
- To achieve high standards of customer care and support for our existing tenants, taking into consideration individual tenant needs.
- To deliver improved flexibilities which will help to improve asset management opportunities i.e. sale of stock to release asset value and provide value for money.
- To deliver a consistent and transparent approach to decision making.
- To support tenants to achieve their 'housing plan/aspirations'.

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Housing Portfolio Holder

17 October 2012

AUTHOR/S: Director of Housing

AMENDMENTS TO LETTINGS POLICY**Purpose**

1. To approve the new lettings policy, which will become effective from 1 April 2013.
2. This is a key decision because it is significant in terms of its effects on communities living or working in an area comprising two or more wards.

Recommendations

3. To approve the amendments to the lettings policy.

Reasons for Recommendations

4. The revised lettings policy addresses the changes in legislation, LHA size criteria affecting social housing and enables us to respond better to the impact of the wider welfare reforms
5. Most of the policy changes apply to all seven local authority areas making up the sub regional Home-Link scheme. It is important to maintain consistency across the sub region to avoid confusion amongst applicants or an increased demand based on a favourable lettings policy.
6. Changes to the matching policy will prevent further allocations of properties which may not be affordable to applicants if they are not in line with the LHA size criteria, resulting in higher levels of arrears on our own tenancies.

Background

7. SCDC are one of the partners in the Cambridge sub regional choice based lettings scheme which replaced the points based waiting list in February 2008. Instead of properties being allocated via a waiting list, SCDC properties are advertised every two weeks and applicants can express an interest or "bid" for up to 3 properties per advertising cycle. Applicants are banded from A-D with A being the highest and properties are offered to the highest banded person on each shortlist. Where two or more people in the same priority band bid for the same property, priority is given to the applicant with the longest date in band.
8. A new Code of Guidance for allocations was published in June 2012. This encourages local authorities to make local decisions and enables local authorities to restrict the number of applicants joining their register, such as those with no local connection.
9. The government are currently consulting on new regulations that require former members of the armed forces (and their bereaved families) to be given priority for housing ahead of those applicants with similar levels of housing need.

10. As part of the Welfare Reforms, housing benefit will be reduced for working age tenants of social rented properties who are under-occupying their properties. The Housing benefit regulations stipulate that one bedroom is required for the following:
 - adult couple
 - other person aged 16 or over
 - any two children of the same sex up to the age of 16
 - any two children regardless of sex under the age of 10
 - any other child.
11. Housing Benefit will be reduced by 14% for those under-occupying by 1 bedroom and 25% for those under-occupying by 2 bedrooms. There are no interim provisions for this and it will come into effect from April 2013.
12. In addition, the impact of the Welfare reforms is creating an increased demand from households in high levels of housing need.

Considerations

13. Interim amendments were agreed in a report to the PFH in June 2012, in response to these reforms. This enabled the Council to offer accommodation of a suitable size having regard to the LHA size criteria.
14. Partners to the Home-Link scheme have been reviewing the lettings policy in response to the Code of Guidance, proposed changes in legislation and the impact of the welfare reforms.
15. The main changes to the SCDC lettings policy include:
 - Applicants will need to go through a pre-assessment module first to receive advice on all the housing options available to them.
 - Armed forces personnel (including bereaved families) - their 'priority date in band' will be calculated by backdating their date in band by the total cumulative period of their length of military service.
 - Applicants will only be able to register with the Council if they hold a local connection to the district (please see appendix 1)
 - Changed definition to assess over-crowding and under occupation, which reflect the LHA size criteria (see appendix 2)
 - Increased priority for those assessed as over-crowded or under-occupying accommodation. (Applicants lacking one bedroom will be placed in Band B, applicants lacking two or more bedrooms will be placed in Band A. Applicants under occupying by one bedroom will be placed in Band B, applicants under occupying by two or more bedrooms will be placed in Band A).
 - Offers to homeless applicants - whilst applicants will be able to bid for properties in the usual way, we reserve the right to place bids on their behalf or offer a direct let in order to resolve their housing need. (see appendix 3)
 - Bedroom matching requirements will now be based on the LHA size criteria (see appendix 2) with flexibility allowed for local lettings plans related to new developments and local discretion to allow landlords to meet the needs of atypical cases.
 - Subject to approval the Policy will be implemented with effect from 1 April 2013.

Options

16. To approve the amendments to the lettings policy.
17. Not to approve the amendments to the lettings policy.

Implications

18. Financial	A number of SCDC tenant are currently under-occupying, based on the LHA size criteria and will therefore have their housing benefit reduced. The new policy will prevent additional new tenants being unable to afford their rents due to HB restrictions.
Legal	Lettings are made in accordance with Part 6 of the 1996 Housing Act, and these changes reflect the welfare reforms and associated legislative changes.
Staffing	Increased workload for staff in order to implement the new policy, however, we are currently recruiting to an additional Housing Options Assistant post.
Risk Management	There is a significant risk in continuing with the existing policy if we offer applicants properties for which their housing benefit entitlement will be restricted.
Equality and Diversity	The new policy will be applied to all households.
Equality Impact Assessment completed	Yes
Climate Change	None

Consultation

19. Consultation on changes to the Home-link system was carried out between 20th July and 28th September 2012. This involved publicising the consultation to both customers (applicants to the Housing Registers) and Stakeholders (both Registered Providers and other agencies) through a variety of methods.

Consultation was concentrated on three issues.

- Changes to the Home-link website and the introduction of the pre-assessment module.
- The withdrawal of the Home-link magazine
- Formal consultation on the new draft Lettings Policy

20. A summary of the responses is included below:

- 72% felt that improvements to the website will improve access to information.
- 78% felt that the personalised property list will be a suitable replacement for the printed magazine.
- 63% agreed that only people with a local connection to the area should be able to apply for housing.
- 48% agreed with the method of using the date in service as a fair way of prioritising applications from former armed service personnel. (Most responses of a negative nature related to the issue of former armed service personnel having priority, as opposed to the method of awarding this).

- 81% agreed with additional priority being awarded for over-crowding and under-occupation.

Consultation with Children and Young People

21. As above

Effect on Strategic Aims

22. **We will make sure that South Cambridgeshire continues to offer outstanding and sustainable quality of life for our residents**
The new policy will enable new tenants to sustain their homes and therefore their quality of life.

Conclusions / Summary

23. The lettings policy which accompanies the Home-Link scheme has been reviewed by all district partners across the sub region, in response to the impact of the welfare reforms and legislative changes.
24. Full consultation has taken place and the overall response has been positive towards the changes proposed.
25. The new policy will help us to manage the impact of the welfare reforms.

Background Papers: None

Contact Officer: Sue Carter / Heather Wood – Head of Housing Advice and Options
Telephone: (01954) 713044

Lettings Policy Extracts

3.3 Local Connection

- 3.3.1 An applicant will be considered to have a local connection with SCDC and accepted onto the housing register if they meet one of the following criteria:
- a. The applicant works in the local authority area for sixteen hours or more per week; or
 - b. The applicant has lived in the local authority area for at least 6 of the last 12 months, or 3 of the last 5 years; or
 - c. The applicant has family members who are resident in the local authority area. Family members are defined as parents, sons or daughters or brothers or sisters who have been resident in the local authority for a period of 5 years or longer. Other close family ties will be considered on a case by case basis; or
 - d. The applicant is owed a full housing duty under the relevant homelessness legislation by SCDC; or
 - e. The applicant is a member of the Armed Forces and former Service personnel, where their application is made within five years of discharge; or
 - f. The applicant is a bereaved spouse or civil partner of a member of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner; or
 - g. The applicant is a serving or former member of the Reserve Forces who needs to move because of a serious injury, medical condition or disability sustained as a result of their service; or
 - h. There are special circumstances that SCDC considers give rise to a local connection.

This page is left blank intentionally.

Lettings Policy Extracts

5.5 Bedroom requirement guidelines

5.5.1 Bedroom requirements are determined in line with the Local Housing Allowance (LHA) regulations and these regulations will be applied when calculating bedroom requirements in overcrowding and under-occupancy assessments. They will also be used when calculating the size of property (number of bedrooms in the property) that an applicant will be able to bid on and eligible to be offered through the letting process.

Bedroom requirements are determined by the applicant's size of household and a more detailed breakdown of bedroom entitlement is shown in s.7.3. Generally though the LHA regulations allow one bedroom each for:

- a) Every adult couple
- b) Any other adult aged 16 or over
- c) Any two children (aged under 16) of the same sex
- d) Any two children, regardless of sex, under the age of 10
- e) Any other child aged under 16
- f) A non-resident carer (claimant/partner have disability and need overnight care)

This page is left blank intentionally.

Lettings Policy Extracts

5.12 Offers to homeless applicants

5.12.1 Homeless applicants who are owed a full homelessness duty by SCDC (under s.193 (2) of the Housing Act 1996 as amended by the Homelessness Act 2002) will be placed in Band A and will be able to bid for properties via the CBL scheme. Their date in band will be the date they originally applied to the council as homeless.

5.12.2 SCDC will monitor the bidding of homeless applicants. Where a sufficient number of bids have not been placed, bids may be placed on an applicant's behalf onto suitable properties by SCDC. SCDC also reserves the right to make a direct let of a property to a homeless applicant, where we are satisfied this will resolve their housing need.

This page is left blank intentionally.

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Housing Portfolio Holder

17 October 2012

AUTHOR/S: Director of Housing

AFFORDABLE HOMES DRAFT SERVICE PLAN 2013/14**Purpose**

1. To provide the Housing Portfolio Holder with an update on the revised Affordable Homes Service Plan for 2013/14
2. This is not a key decision

Recommendations

3. That the Housing Portfolio endorses the service plan actions identified in this report and suggests additions to or amendments to these service plan actions if required.

Background

4. The existing Affordable Homes Service Plan covers the period 2012/13 - 2013/14 and includes a number of service plan projects intended to run over a 2 or 3 year timeframe. This is therefore a refresh of the service plan designed mainly to introduce new service plan actions to address external challenges.
5. The Affordable Homes service plan differs to other service plans within the Council as it is closely linked to the HRA Business Plan. The introduction of the self financing regime for council housing from April 2012 means that a separate 30 year HRA Business Plan is in place from 2012/13 onwards.
6. There is also a linked Asset Management Strategy that sets out the Council's approach to managing its homes and other properties, which also covers a 30 year period. Arising from the Asset Management Strategy, the Five Year Housing Maintenance Plan sets out the planned expenditure to maintain the Council's homes and forms part of the HRA Business Plan.
7. The service plan is set in the context of the overarching Housing Strategy 2012 - 2016, which in turn is related to the sub regional housing strategy, which reflects the sub regional strategic housing agenda of the sub regional housing market centred on Cambridge.

Considerations

8. The service plan takes account of a number of significant changes arising from the national policy changes. These include a new housing regulatory regime from April 2012, proposed changes to Housing Benefit and welfare benefits and changes to allocations and lettings following the Localism Act 2011.
9. In addition the service plan addresses the key actions of the Council which include the commencement of a new build strategy.

Options

10. The Portfolio Holder is requested to consider these proposed actions and to suggest changes or additions where required. Service plan actions carried forward from last year are not listed in the table and include:

- Developing tenant engagement in particular the setting up of tenant led scrutiny.
- Delivering the Warm Homes Strategy.
- Homelink developments including the private sector module
- Bidding for/implementation of new Supporting People contract for older people.
- Robson Court (Waterbeach) redevelopment
- Robinson Court (Gamlingay) redevelopment

Table 1

Council Aim	Service Plan Action	Objective	Lead Officer	Timescale
1	1. Increase supply of temporary accommodation	To reduce the use of bed and breakfast accommodation by the Council. The project will need to link with other initiatives such as the Empty Homes Strategy and the New Build Strategy but also needs to explore all available options and develop an action plan.	Sue Carter/Heather Wood	Activities will run throughout the year. There will be an initial review in November 2013 to assess the effectiveness of the programme and identify the strategy being taken.
1	2. Improve joint work on homelessness with the County Council.	To seek ways to better communicate with the County on the issues of mutual concern relating to homeless households. To identify improved ways of using budgets to improve the quality of service to households	Sue Carter/Heather Wood	A review of progress mad will be undertaken by December 2013.

		and potentially reduce cost for both Councils.		
2	3. Explore the setting up of a new delivery vehicle to deliver equity share, market sale and private rented properties.	<p>To address unmet housing need from across a wider set of incomes bands than those identified by affordable housing products. This is important to meet the needs of those on the lowest banding of the housing register and to meet the needs of the growing economy within the district.</p> <p>The Council will need to work in partnership with other public sector bodies which may include the County Council.</p>	Stephen Hills	A scoping paper will be produced June 2013.
2	4. Establish a Council back to work project including a Council led apprenticeship scheme.	<p>To try and mitigate the impact of welfare benefit changes.</p> <p>To promote positive practice amongst all employers within the district.</p>	Anita Goddard	<p>Strategy to be completed by June 2013.</p> <p>Review of progress scheduled for November 2013.</p>
3	5. Complete the build of the Council's first new Council house in the new strategy	The first of the 200 houses in the 2012- 2022 period identified in the New Build Strategy.	Schuyler Newstead	Completion between December 2013 & March 2014.

3	6. Project to consider the options for upgrading and improving the Council homes at Wilford Furlong, Willingham.	To consider the potential redevelopment of the area to improve the energy efficiency and overall quality of the homes.	Schuyler Newstead	Project feasibility to be reported February 2014
3	7. Gypsy and Traveller accommodation Project	To seek funding and sites to help deliver the Council's obligations for Gypsy and traveller accommodation.	Stephen Hills	Progress review scheduled for March 2014.

Implications

11.	Financial	There are financial dimensions to all of these projects but there is no significant new funding required. The proposed changes to welfare benefits have potentially significant implications for the income stream for both the HRA (rents) and the Council (Council Tax).
	Legal	Some of the proposed legislative changes have legal implications e.g. changes to tenure.
	Staffing	The Affordable Homes staff team has been restructured during 2012 to take account of service changes. No new changes are anticipated.
	Risk Management	A number of risk logs will be developed for each project and the overall Affordable Homes risk register amendments.
	Equality and Diversity	Equality Impact Assessments will be carried out on each policy change as it is developed.
	Equality Impact Assessment completed	No NA
	Climate Change	None

Consultations

12. The draft service plan has been produced in line with the Housing Strategy which in turn was produced with the with the help of residents

Consultations with Children & Young People

13. None

Effect on Strategic Aims

14. The Affordable Homes service plan is important for all three of the Council's main strategic aims.

Conclusions / Summary

15. This report sets out in summary the key drivers that need to be addressed by the 2013/14 service plan. Table One, contains a draft service plan actions list that will be incorporated within the final form of the service plan.

Background Papers: the following background papers were used in the preparation of this report:

None

Contact Officer: Stephen Hills- Director of Housing
Telephone: (01954) 3412

This page is left blank intentionally.

By virtue of paragraph(s) 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is left blank intentionally.