

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Housing Portfolio Holder

21 March 2012

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TENANCY POLICY DEVELOPMENT

Purpose

1. To seek an in principle decision from the Housing Portfolio Holder on the Council's Tenancy Policy.
2. This is not a key decision because it is seeking in principle decision only.

Recommendations

3. That the Housing Portfolio Holder approves for further development options 1A, 2A, 3B and 4B as detailed in table 1. The final policy will be brought back to the Portfolio Holder for approval in September 2012.

Reasons for Recommendations

4. Rationale provided in Appendix 1.

Background

5. Local authorities are now 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 will cover:
 - 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
7. 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.
8. This report is seeking an in principle approval on the key variables to be adopted. The detailed Tenancy Policy will be brought back to the Portfolio Holder in September 2012 for final approval with an anticipated start in November 2012.

Considerations

9. 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.

10. 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.
11. The Localism Act 2011 introduced flexible tenancies so that the Council has the flexibility to determine the length of tenancy that we can offer to new tenants. This flexibility provides the opportunity to address issues such as under-occupation, stock turnover and best use of Council housing stock. A five-year fixed term tenancy is the recommended minimum typical length of tenancy being proposed.
12. The Localism Act 2011 has also brought in a new default position for succession rights. Tenancies can now pass to the surviving partner of a tenant but no one else. It is left to the discretion of council's to widen these succession rights if they wish. Currently succession rights extend to sons and daughters of tenants under certain circumstances.
13. The development of the Council's Tenancy Policy needs to be mindful of the outcome of the Government's Allocation of Accommodation consultation (expected summer 2012) and the changes to the welfare benefits system, specifically the proposals to the housing benefit and under occupation. There has also been a recent announcement (March 2012) regarding changes to the Right to Buy scheme. The planned November start date will allow the Council time to take account of these unsettled national policy matters.

Options

14. The key matters for decision are set out in table 1 below. Appendix A provides a more detailed assessment of the pros and cons of each of these options.

Table 1 – Key Options

	Option A	Option B
1. Tenancies for older people and disabled people	To retain secure 'lifetime' tenancies for all offers of housing to older people and disabled people	To offer flexible tenancies for a fixed period of 10 years.
2. Tenancies for all other people	To continue to offer secure 'lifetime' tenancies for all other people.	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 review process. Tenants will not be asked to move unless suitable alternative accommodation that meets their needs can be offered.
3. Introductory tenancies Introductory tenancies give landlords the opportunity to present the tenant with a trial	Not to introduce introductory tenancies	To introduce introductory tenancies to all new tenants except those transferring

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.		internally where they previously held a secure tenancy or those transferring from an external provider where they previously a secure or assured tenancy.
4. Succession Rights Right to succeed to a tenancy on the death of a tenant	To maintain the status quo for succession, allowing qualifying family members provided they meet the appropriate criteria	To allow only one succession for spouses and partners

15. Introductory tenancies can be used whether the tenancy type is a secure lifetime tenancy or a flexible fixed term tenancy.

Implications

16.

Financial	The Tenancy Policy does not have any direct financial implications.
Legal	Further legal advice to be sought as the detailed policy is developed.
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	Equality Impact Assessment to be developed in line with the Tenancy Policy and will be completed prior to November 2012
Climate Change	None

Consultations, including Children and Young People

17. None

Effect on Strategic Aims

18. *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 and a good quality of life.*

Conclusions / Summary

19. The Localism Act 2011 provides the Council with the opportunity to introduce new flexibilities into the Tenancy Policy. This report seeks approval for the development of the Council's approach to utilising these new flexibilities.

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

None

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