



Doncaster Council

23 January 2018

To the Mayor and Members of the Cabinet

TENANCY STRATEGY 2018 – 21

Relevant Cabinet Member(s)	Wards Affected	Key Decision
Portfolio Holder for Housing	All wards	Yes

EXECUTIVE SUMMARY

1. The Council has a legal obligation to produce and publish a Tenancy Strategy under the Localism Act 2011. In response to this housing providers are required to produce a Tenancy Policy to set out how they will allocate, manage and review tenancies that they manage.

The Council produced the first Tenancy Strategy in 2014 and this is now expired, creating the need to produce a new strategy. In December 2016 the Council commissioned St Leger Homes to produce a Tenancy Strategy to take account of the changes being introduced in the Housing and Planning Act (H&PA) 2016 which introduces the granting of fixed term tenancies as mandatory for Local Authority housing. Due to the delay in the H&PA regulations on fixed term tenancies the new strategy was put on hold at the request of the Council. Since this time further changes have been made which impact on the provision of social housing, such as the abolition of Pay to Stay and the LHA cap for social housing. However, no further announcements have been made with regards fixed term tenancy regulations and no indication has been given as to when these may be introduced. To ensure the Council has a published Tenancy Strategy it is therefore necessary to complete this without the new regulations, using fixed term tenancies as a discretionary option.

There is a will to ensure the best use of stock but also to increase tenancy sustainability to maximise community stability and reduce social polarisation. Therefore, this Tenancy Strategy proposes to only use fixed term tenancies in certain circumstances and keep secure tenancies as the preferred option for new tenancies.

The overall objectives of the Tenancy Strategy are to:

- enable the best use of housing stock;
- enable access to suitable accommodation for all;
- help maintain stable and vibrant communities;
- ensure that the fundamental principal of having a secure home in a balanced and stable community is at the heart of all housing providers' tenancy policies across Doncaster; and
- inform residents what they might expect when they move into or between social housing properties (tenancy type and period).

Although the overall aim of the strategy is to provide the most secure tenancies possible, it is also an objective to ensure the best use of housing stock and therefore, following consultation it is proposed that properties that are in the highest demand and in short supply will be allocated as fixed term secure tenancies.

To achieve all the objectives in the strategy there are some key changes to the 2014 strategy, which provided that only 4 and 5 bedroom properties were allocated as fixed term secure tenancies. The key changes are set out below:

Proposal	Change from 2014	Reason for change
4, 5, 6 bedroom houses allocated as fixed term	4 and 5 bedroom only in 2014 – added 6 bed properties	Best use of stock – 6 bed properties are in particular short supply
Properties with significant adaptations, any size and type, to be allocated as fixed term	New proposal	Best use of stock – these properties are in particular short supply. There is however provision in the considerations for renewing the tenancy to take into account whether the adaptations are still required by the household and if they are then the tenancy should be renewed. Consideration will also be given to the families wider circumstances as part of any review.
Options to grant fixed term tenancies for longer than the 'norm' term of 5 years and up to 19 years	5 year fixed term only	To allow greater security, particularly for those with young children but still providing best use of stock on properties in high demand and short supply
Provision of circumstances in which fixed term tenancies can be renewed	New proposal	To enable robust transparent reviews of fixed term tenancies

EXEMPT REPORT

2. NO EXEMPTIONS

RECOMMENDATIONS

3. Agree the Council's Tenancy Strategy 2018 – 21.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

4. This strategy will provide piece of mind and stability for tenants across Doncaster.

The proposal to allocate fixed term tenancies on all 4, 5, 6 bed properties for Local Authority owned housing equates to the following in relation to the overall stock:

	4 bed	5 bed	6 bed
Total in stock	390	2	3
No relet in 2017 up to 1 st December 2017	23	0	0

The proposal to allocate fixed term tenancies on all properties with full adaptations for Local Authority owned housing equates to the following in relation to the overall stock:

Number of properties managed – 226

Number of properties relet in 2017 up to 1st December 2017 – 47

BACKGROUND

5. Section 150 (1) of the Localism Act placed a new duty on every Local Housing Authority to publish a Tenancy Strategy. The Strategy must set out, in high level terms, the matters to which all Registered Providers of social housing for its district should have regard in formulating their own Tenancy Policies relating to:

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

Doncaster produced a draft Tenancy Strategy in 2014 in response to this direct statutory requirement and considered some instances where flexible tenancies would be granted, which at this time was on HCA grant new build properties and four bed properties. This new Tenancy Strategy takes account emerging issues around supply and demand and the needs of communities. New legislation arising from the Housing & Planning Act places a duty on all social housing providers to offer flexible tenancies to all new tenancies. Although detailed regulations on the terms and circumstances of such tenancies are not yet laid down by the Government, Doncaster has considered and has consulted with stakeholders on such matters to ensure we achieve a balance of the best use of housing stock and sustaining tenancies and communities in Doncaster.

has been undertaken with social housing tenants, register housing providers, staff and local councillors, the outcome of which demonstrates that the desire to provide the highest security of tenure is still of paramount importance but accepts that there will be circumstances where reduced security should be considered to allow best use of stock.

OPTIONS CONSIDERED

6. Circumstances where fixed term tenancies will be granted

Although sustaining tenancies and providing stable communities is paramount, it is recognised that there is a need to preserve the best use of stock to meet housing need across Doncaster. For this reason, properties in particular high demand and short supply will be allocated on fixed term tenancies, circumstances will include:

- properties in high demand such as 4/5/6 bedroom properties; and
- properties where there are significant adaptations

Length of terms of fixed term tenancies

Where the use of fixed term tenancies is necessary, these should be for a minimum term of **five years** with shorter periods only permissible in extreme and exceptional circumstances such as:

- the property is part of a leasing arrangement and is not in the ownership of the housing provider and will revert into private ownership;
- supported housing schemes where the tenant will move on to settled accommodation within a period of less than five years;
- lettings carried out for management reasons. E.g. tenants moving into properties to allow emergency works on their home;
- regeneration areas where property demolition or disposal is expected to take place within five years; and
- where properties have been built using Government funding for Rent to Buy.

Whilst it is expected that the 'norm' for fixed term tenancies will be five years, there are circumstances where terms longer than five years should be available for example:

- households who have dependent school-aged children attending school or temporarily living away from home, the length of the fixed term should take into account the age of the youngest child and provide fixed terms until the child reaches 19 years of age;
- those living in adapted properties or those with a support need that is long-term but not necessarily lifelong.

Each case should be assessed according to the individual circumstances such as ages of children, nature of vulnerability and housing providers should tailor the length of tenancy to the circumstances of the tenant.

Circumstances in which fixed term tenancies will be renewed

- the household make up, particularly where the household includes dependents of pre-school age or in full-time education. It should be recognised that children stay with their parents well beyond school age for valid reasons and these should be considered on an individual basis and should include dependants circumstances who are temporarily living away from home such as university;
- the circumstances in which the tenancy was originally offered, including considering relevant vulnerabilities (e.g. fleeing harassment or domestic violence, is under a witness protection programme, being a person leaving Local Authority care or having mental health problems) and whether the household is still classed as being vulnerable;
- whether the property has been adapted to meet the needs of a disabled person and that person still resides in the property and needs the adaptations;
- the support needs of the household and what is currently in place and whether this would be jeopardised by a decision to end the tenancy;
- the occupancy levels of the household and whether they still require the size of property. Consideration should also be given in this regard to whether the property was under occupied at the time of granting the tenancy and whether those circumstances have changed, whether the tenant can afford the rent with any benefit deductions and also the demand and stability of the area;
- the health needs of household members, in particular where a household member is seriously or terminally ill;
- any caring responsibilities of the tenant to a member of the household and/or relatives/neighbours within close proximity;
- the conduct of the tenancy, in particular whether the tenant is engaged in anti-social activities and is in breach of the tenancy conditions or there is property neglect or rent arrears;
- whether the main tenants circumstances still qualify for the property based on the Council's current allocations policy; and
- affordability, this should not be considered as the primary reason to end a tenancy and should be considered alongside other factors. An appropriate affordability assessment should be carried out with clear support measures for individuals. If affordability is a factor in the decision to end a tenancy alternative, affordable and suitable accommodation must be readily available.

The Housing and Planning Act also provides a change to the law around successions in that a spouse only will automatically succeed to the tenancy. The Tenancy Strategy proposes to adopt this with contingencies for other family members to ensure those left in occupation are provided with reasonable accommodation where possible to suit their housing needs.

REASONS FOR RECOMMENDED OPTION

7. To ensure the objectives of the overall Tenancy Strategy are delivered in relation providing stable and cohesive communities whilst making the best use of stock and meeting housing need in Doncaster.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

8.

	Outcomes	Implications
	<p>Doncaster Working: Our vision is for more people to be able to pursue their ambitions through work that gives them and Doncaster a brighter and prosperous future;</p> <ul style="list-style-type: none"> • Better access to good fulfilling work • Doncaster businesses are supported to flourish • Inward Investment 	<p>No implications</p>
	<p>Doncaster Living: Our vision is for Doncaster's people to live in a borough that is vibrant and full of opportunity, where people enjoy spending time;</p> <ul style="list-style-type: none"> • The town centres are the beating heart of Doncaster • More people can live in a good quality, affordable home • Healthy and Vibrant Communities through Physical Activity and Sport • Everyone takes responsibility for keeping Doncaster Clean • Building on our cultural, artistic and sporting heritage 	<p>The objective of the Tenancy Strategy is to provide as much security of tenure as possible whilst safeguarding the best use of stock. The decision to only use fixed term tenancies on selected allocations and not all allocations has been made due to the desire to create sustainable and vibrant communities where people want to live and stay. The decision to allow fixed term tenancies for longer than the normal 5 year term for certain circumstances will also contribute towards this objective.</p>
	<p>Doncaster Learning: Our vision is for learning that prepares all children, young people and adults for a life that is fulfilling;</p> <ul style="list-style-type: none"> • Every child has life-changing learning experiences within and beyond school • Many more great teachers work in Doncaster Schools that are good or better • Learning in Doncaster prepares young people for the world of work 	<p>Families with young children who are allocated a fixed term tenancy will be provided with a longer term depending on the age of the youngest child – for example a family with a 1 year old child will be granted an 18 year fixed term tenancy to enable all children in the family household to stay in the same education.</p>

	<p>Doncaster Caring: Our vision is for a borough that cares together for its most vulnerable residents;</p> <ul style="list-style-type: none"> • Children have the best start in life • Vulnerable families and individuals have support from someone they trust • Older people can live well and independently in their own homes 	<p>Vulnerability is one of the factors that has been taken into account when deciding which allocations will be fixed term, the length of the term and the factors to consider when making the decision to renew a fixed term tenancy. Every effort will be made to ensure this strategy is not detrimental to anyone and relevant support will always be provided and/or sought when required.</p>
	<p>Connected Council:</p> <ul style="list-style-type: none"> • A modern, efficient and flexible workforce • Modern, accessible customer interactions • Operating within our resources and delivering value for money • A co-ordinated, whole person, whole life focus on the needs and aspirations of residents • Building community resilience and self-reliance by connecting community assets and strengths • Working with our partners and residents to provide effective leadership and governance 	<p>Procedures for the management of fixed term tenancies are in place to ensure the process is efficient and customer focused.</p>

RISKS AND ASSUMPTIONS

9. The risk of not producing a Tenancy Strategy is that the Council would not meet their legal and statutory obligations and would not provide the direction required for housing providers in Doncaster in allocating and managing tenancies.

LEGAL IMPLICATIONS

10. There are legal implications in the management of fixed term tenancies and all housing providers will need to ensure these are adhered to in their procedures and provide such detail in their Tenancy Management Policies, particularly around timescales for undertaking reviews, communicating decisions, dealing with appeals, serving notices and sourcing alternative accommodation.

FINANCIAL IMPLICATIONS

11. There are no financial implications arising from this strategy, although it is recognised that the resources required to administer fixed term tenancies is higher.

HUMAN RESOURCES IMPLICATIONS

12. There are no human resources implications identified in this strategy.

TECHNOLOGY IMPLICATIONS

13. The administration of fixed term tenancies will require increased technology requirements; however, due to the small numbers involved this is not seen as significant.

HEALTH IMPLICATIONS

14. Security of housing is an important factor in a person's health and wellbeing. Providing secure tenancies where possible will therefore have a positive impact on communities and families health and wellbeing.

EQUALITY IMPLICATIONS

15. A Due Regard Statement has been completed and is attached to this report.

We have considered the impact of the Tenancy Strategy on tenancies across Doncaster and recognise that this will increase the chances of a sustainable home for more applicants. It will also make best use of Council stock by ensuring that tenants with the highest housing need are provided with the most appropriate accommodation and that when this need ceases to exist, particularly for high demand housing that this stock is made available to the housing register.

Each protected characteristic has been considered to ensure no detrimental effect arises from the issuing of fixed term tenancies and the consideration of the renewal of these.

CONSULTATION

16. Consultation initially was carried out in February 2017 with Council and St Leger Homes employees, St Leger Homes Board, council tenants, partners, stakeholders, housing providers and the Cabinet Portfolio Holder for housing. Further consultation has also been completed more recently to ensure a robust and transparent approach as per the following timetable:

October 2017	Senior Managers – St Leger Homes
October 2017	Strategic Housing – Doncaster Council
14 November 2017	Executive Management Team – St Leger Homes
23 November 2017	Portfolio Holder for Housing – Doncaster Council

27 November 2017	Registered Providers seminar
28 November 2017	DMBC ward members
29 November 2017	St Leger Homes Board

Key outcomes arising from the consultation were:

- all agreed with the principles and objectives of the strategy;
- all agreed with the circumstances in which to grant fixed term tenancies, although some Registered Providers do not offer fixed term under any circumstances;
- all agreed with the length of fixed term tenancies and the reasons for longer and shorter than five years with one exception to provide the norm as seven years instead of five;
- all agreed with considerations to renew tenancies, a request was made to add the consideration of affordability and there was a keenness to ensure properties with significant adaptations were brought back in to stock if the person requiring those adaptations no longer resided at the property; and
- all agreed with successions following legislation by allowing spouse or partner only but requested that provision for other family members be safeguarded in that alternative accommodation would be provided where appropriate.

BACKGROUND PAPERS

17. None

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