

# FAREHAM

## BOROUGH COUNCIL

### Report to the Executive for Decision 4 March 2013

**Portfolio:** Health and Housing  
**Subject:** **Tenancy Strategy**  
**Report of:** Director of Community  
**Strategy/Policy:**

**Corporate Objective:** A Balanced Housing Market

**Purpose:**

To consider the adoption and implementation of a borough wide Tenancy Strategy and Tenancy Policy. The aim of which is to make optimum use of the social housing stock in Fareham.

**Executive summary:**

The Localism Act 2011 requires all registered providers of social housing to prepare and publish a 'Tenancy Strategy' by April 2013.

This report outlines proposals for the adoption of a borough wide Tenancy Strategy which other registered social housing providers should have regard to in setting their own tenancy policies. Furthermore the report outlines proposals under a Tenancy Policy for the Council to grant 'flexible' tenancies to new tenants of family sized housing from April 2013.

The Tenancy Strategy has been developed by a Member Officer Working Group reporting to the Health and Housing Policy Development and Review Panel and the Housing Tenancy Board. The draft Strategy has also been subject to public consultation. Although the total number of responses to the consultation is disappointing, those that did respond showed strong support for the Council's proposal to use flexible tenancies.

If approved for adoption and implementation the new Tenancy Strategy will help the Council and other registered providers (with social housing stock in the borough) to make best use of the existing social housing stock in meeting local needs.

**Recommendation:**

That the draft Tenancy Strategy and the draft Tenancy Policy are approved for adoption and implementation with effect from 1 April 2013.

**Reason:**

To make effective use of the Council's housing stock.

**Cost of proposals:**

None

**Appendices A:** [Draft Tenancy Strategy](#)

**B:** [Draft Tenancy Policy](#)

**Background papers:** None

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## BOROUGH COUNCIL

### Executive Briefing Paper

**Date:** 4 March 2013

**Subject:** Tenancy Strategy

**Briefing by:** Director of Community

**Portfolio:** Health and Housing

#### INTRODUCTION

1. As part of the Government's Localism agenda section 126 of the Localism Act 2011 focused on 'Tenancy Strategies'; requiring all registered providers of social housing to prepare and publish a Tenancy Strategy' by April 2013.
2. The Localism Act enables registered social housing providers such as the Council to grant a 'Flexible/Fixed Term Tenancy' under section 107A of the Housing Act 1985. For the purposes of the Act, a 'Flexible Tenancy' is a secure tenancy if it is granted for a term certain of not less than two years.
3. It should be noted that the possible introduction of 'flexible tenancies' will apply to new tenancies only. Existing tenants on a secure tenancy and introductory tenancy will be unaffected.
4. In developing a 'Tenancy Strategy' and 'Tenancy Policy' the Council has reviewed its position in granting 'lifetime tenancies' with rights of succession and considered the introduction of 'flexible tenancies'.

#### STRATEGY AND POLICY REQUIREMENTS

5. In formulating the Tenancy Strategy the following requirements are to be met;
  - (a) The different types of tenancies that are to be granted;
  - (b) The circumstances in which a particular type of tenancy would be granted;
  - (c) In circumstances where tenancies are granted for a term certain, the length of terms should be stated; and
  - (d) The circumstances in which a further tenancy will be granted at the end of a fixed term tenancy;

6. In formulating the Tenancy Policy the following additional requirements to those for the strategy are to be incorporated;
  - (a) How the Council will support tenancy sustainment;
  - (b) How the Council will prevent eviction;
  - (c) How the Council will tackle tenancy fraud;
  - (d) The Council's approach to the granting of discretionary succession rights; and
  - (e) How the Council will ensure a consistent and transparent approach

## **STRATEGY AND POLICY DEVELOPMENT**

7. At a meeting of the Housing Policy and Development Review Panel on 19 January 2012 a working group was formed to help draft a Tenancy Strategy and Policy.
8. The working group comprised of 3 elected members and 2 officers who met on a number of occasions between February and May 2012 to develop a draft strategy and policy.

## **TENANCY STRATEGY AND POLICY PROPOSALS**

9. A copy of the draft tenancy strategy setting out the Council's proposals is appended to this report marked Appendix A for the Executive's consideration.
10. A copy of the draft tenancy policy tenancy policy setting out the Council's proposals is appended to this report marked Appendix B for the Executive's consideration.

## **CONSULTATION ON THE DRAFT TENANCY STRATEGY AND TENANCY POLICY**

11. In developing the draft Tenancy Strategy and Policy the Council have consulted the following;
  - (a) The General Tenants' Forum and Sheltered Tenants' Forum;
  - (b) The Housing Tenancy Board;
  - (c) The Health and Housing Policy Development and Review Panel;
  - (d) A random sample of applicants on the Council's Housing Waiting List;
  - (e) All registered social housing providers with properties in the Fareham borough; and
  - (f) Residents of the borough

12. The General Tenants' Forum received an outline of the tenancy policy proposals at their meeting on 5 July 2012 and the Sheltered Tenants' Forum at their meeting on 13<sup>th</sup> September 2012. The feedback from those in attendance showed general support for the Council's proposals. The points raised from the consultation included:-
  - (a) Clarity on the criteria to be applied in reviewing flexible tenancies;
  - (b) What incentives will the Council offer to tenants who are looking to downsize;
  - (c) What are the implications for Right to Buy;
  - (d) What are the implications for properties that have been adapted for disabled persons; and
  - (e) Clarity of the legal process involved where tenants are given notice to end their tenancy.
13. Responses to the points raised above are to be incorporated in an information booklet to be issued to new tenants who are granted a 'flexible tenancy'.
14. A random sample of fifty applicants on the Housing Waiting list applicants were written to at the beginning of August regarding the Council's draft tenancy proposals. A total of 10 responses were received equivalent to 20%. The feedback received indicated strong support to the Council's proposal to use flexible tenancies.
15. The draft Tenancy Strategy and Tenancy Policy was shared with members of the Housing Tenancy Board on 12 November 2012 and Health and Housing Policy Development Review Panel on 15 November 2012. Comments from the Board and Panel have been incorporated in the draft documents appended to this report.
16. Public consultation on the draft Tenancy Strategy was posted on the Council's website in January with a closing date for comment of 11 February 2013. There were a total of eighteen responses received, all from residents of the borough. The responses indicated support for the strategy. However queries were raised as to how the Council will work with other social housing providers and monitor what they do, the need for the strategy to work alongside the housing nominations policy and the need to have strong clear procedures in place to ensure there is no discrimination against any particular client groups.

## **RISK ASSESSMENT**

17. There are no significant risk considerations in relation to this report.

## **CONCLUSION**

18. This report has provided the Executive with draft proposals for a Tenancy Strategy and Tenancy Policy.

19. The proposals under the new Tenancy Strategy and Tenancy Policy will make a significant change to how Council properties will be allocated in the future. Whilst the Strategy will mean that a number of new tenants will no longer have a tenancy for life it will help to ensure that the Council is able to make best use of its housing stock in meeting local housing needs.

**Reference Papers:** Report to Health and Housing Policy Development and Review Panel  
15 November 2012 - Fareham's Tenancy Strategy