Joint Tenancy Strategy

Broxtowe Borough Council

Gedling Borough Council

Nottingham City Council

December 2012

This tenancy strategy has been developed in consultation with local Registered Providers of Social Housing to meet the requirements set out in the Localism Act 2011.

The Tenancy Strategy has been developed to provide a guide as to the kind of tenancies available to be granted, the circumstances in which a particular tenancy shall be issued, and the length of tenancy term.

The strategy has been developed in partnership with Broxtowe Borough Council, Gedling Borough Council and Nottingham City Council. As such, Registered Providers working in those areas should have regard to its contents.

1. Introduction

1.1 Section 150 of the Localism Act 2011 places a statutory duty on local housing authorities to produce a tenancy strategy setting out the matters to which the Registered Providers of Social Housing for its district are to have regard, when formulating 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 fixed term, the length of the term
- The circumstances in which they will grant a further tenancy at the end of a fixed term tenancy

1.2 The authorities require all Registered Providers (RPs) to have regard to this strategy when reviewing their tenancy policies, so that the principles expressed in it are reflected in the detail of each individual tenancy policy.

2. Joint Strategy and objectives

2.1 Nottingham City Council, Broxtowe Borough Council and Gedling Borough Council have agreed to work together to produce a joint tenancy strategy as required by the Localism Act 2011. The councils have taken this course because:

- They wish to provide clarity, simplicity and flexibility for Registered Providers of Social Housing working across the three areas
- Registered Providers have stressed the benefits of common cross-border housing policies in previous consultations, in providing assurance for long term investment decisions
- Although housing issues are not identical in each area, all three areas form part of one housing market
- All three authorities broadly agree on the role that social housing plays in that market, providing people with long-term homes as a base that allows them to improve their circumstance and contribute to their community, rather than being a short-term safety net.

2.2 Each local authority needs to have regard to particular local circumstances, so this strategy has a hybrid structure, with shared principles followed by sections describing considerations that apply to each of the three areas individually.

2.3 This document does not deal with issues other than those listed above relating to tenure. It does not deal, for example, with affordable housing, homelessness or allocations, although in drafting this strategy, regard had been given by each authority to its own homelessness strategy and allocations policy.

2.4 Each authority has had regard to its allocation policy and homelessness strategy in formulating this tenancy strategy and these can be found using the links below:

Allocations Policy	Broxtowe Borough Council
	Gedling Borough Council
	Nottingham City Council
Homelessness Strategy	Broxtowe Borough Council
	Gedling Borough Council
	Nottingham City Council

3. Consultation

3.1 The Act requires the local housing authority to consult on its draft tenancy strategy with all Registered Providers of Social Housing (RPs) in its district. This strategy has been produced in consultation with the RPs active in the Nottingham, Broxtowe and Gedling areas, through the forum of the Nottingham City Strategic Housing Partnership and through individual consultations with the providers who are not members of that group. RPs involved in the consultation are listed in section 12.

3.2 A further consultation period on the draft document took place from Friday 2nd November 2012 to Monday 19th November 2012. Eight responses to the consultation were received, and minor amendments to the draft were made as a result, with feedback being provided to the consultees who responded.

3.3 The councils intend to adopt the final tenancy strategy in December 2012.

4. Registered Providers operating in the conurbation of Nottingham

4.1 RPs operating in each authority's area appear in section 12.

4.2 The type of tenure to be granted by each provider has been detailed within each organisation's Tenancy Policy. Organisational Tenancy Policies can be found by visiting the webpage of each provider to understand some of the following:

- Circumstances in which a certain type of tenancy will be issued
- Whether or not they intend to use fixed term tenancies and, if they do, the length of those fixed terms
- Circumstances in which fixed term tenancies will be renewed

4.3 This is a general strategy to set out the councils' expectations. It does not prescribe how individual tenancies are to be managed. If a person is not sure of their tenancy rights, they should check their individual tenancy agreement. If they are not sure what type of tenancy is being offered, or why they are being offered

that type, they should consult the Tenancy Policy of the Registered Provider concerned.

5. Tenancies

5.1 All three councils support the use of introductory or assured short hold tenancies as appropriate, followed by secure or assured tenancies (and family intervention tenancies for the Nottingham City Council in appropriate cases). The councils do not support the use of fixed term (flexible) tenancies for the reasons set out below but the councils acknowledge that some RPs may wish to use fixed term tenancies. In such circumstances as RPs wish to do so, then they should adhere to the criteria set out below.

6. Where fixed term tenancies are offered

6.1 It is anticipated that several RPs may use fixed term tenancies. The councils (namely Nottingham City Council, Broxtowe Borough Council and Gedling Borough Council) set out below the matters to which those RPs are to have regard in formulating their policies relating to the length of the terms of fixed term tenancies and the circumstances in which they will grant a further tenancy on the coming to end of an existing fixed term tenancy.

6.2 Other than in exceptional circumstances, the RPs should have no regard to an improvement in the tenant's economic circumstances in determining whether to grant a fixed term tenancy or whether to renew one. Rather, they should have regard to issues that ensure social stability for the applicants, their families and the community.

6.3 The factors they should have regard or not have regard to include, but are not limited to:

- Fixed term tenancies should not be for a period of less than 5 years.
- Other than in exceptional circumstances, an improvement in the tenant's economic circumstances should not come in to play in determining whether to offer or renew a fixed term tenancy.
- As to under occupation, the RP should give careful consideration to the tenant's social circumstances and should only seek to end the tenancy where there is a clear mismatch of household to property i.e. two or more spare bedrooms surplus to requirement and where there are no social circumstances or special needs that require and additional bedroom (such as an informal carer arrangement)
- In any event, fixed term tenancies should be renewed where there is one or more school aged child in the premises.

- Fixed term tenancies should be renewed if the property has been adapted for a person with a disability who still resides in the premises and requires the adaptations unless, having taken all relevant factors in to account the RP considers that the adaptations are minor and that the disruption to the tenant by not renewing the tenancy will be minor.
- Any other relevant factors should be taken into account and each case should be assessed on its own merits. A blanket policy should not be applied.
- In every case, when a fixed term tenancy is not to be renewed, the tenant should be given advice and assistance by the provider in respect of their housing options either within the social housing sector or within the private rented sector.

6.4 We set out below a number of examples in respect of under occupation in order to assist RPs in formulating their policies in respect of fixed term tenancies. The examples are given as guidance only and are not to be treated as an exhaustive list.

- **Three bedroom accommodation – example one**

A three bedroomed house was originally let to a family which comprised two adults and two children. Both children have attained adulthood and left home permanently. The original tenants (a couple) remain. There are two spare bedrooms so the premises are under occupied. There are no social factors that suggest that they should remain in three bedroom accommodation. It would be appropriate not to renew this fixed term tenancy.

- **Three bedroom accommodation – example two**

A three bedroom house was originally let to a family which comprised two adults and two children. Once child has attained adulthood and has left home permanently. There is one spare bedroom so the premises are under occupied. A school aged child remains in the premises. There are no social circumstances that mean that the tenant should in any event remain. The councils suggest that it would be appropriate in these circumstances to renew the fixed term tenancy. The councils' view is that the disruption caused to such a family by having to move house to a two bedroom property (which would be needed to rehouse them) would not be justified by the prospect of having a three bedroom house available to let, rather than a two bedroom one.

- **Two bedroom accommodation – example**

A two bedroom house was originally let to a family which comprised one adult and one child. The child has attained adulthood and has left home permanently. There is one spare bedroom so the premises are under occupied. There are no social circumstances that mean that the tenant should, in any event remain. It is the councils' view that the disruption caused to the tenants by having to move to

smaller accommodation is not justified despite the absence of those circumstances.

- **Adapted properties – example**

A three bedroom house was let to a family which comprised two adults and two children. It was substantially adapted to meet the needs of one of the adults. The children have attained adulthood and left home permanently. There are two spare bedrooms so the premises are under occupied. The disabled person for whom the adaptations were made remains in the premises. It may be appropriate to renew the fixed term tenancy in spite of the under-occupation, given the potential difficulty and expense of finding a similarly adapted property for them to move to.

7. Nottingham City Council – Local details

7.1 Nottingham City Council in its role as landlord is not intending to use fixed term tenancies currently. The reasons are that social housing makes up approximately 22% of the housing stock in the City of Nottingham with some neighbourhoods having a very high level of social housing. The City Council considers that the type of tenancy offered contributes directly to the cohesion or otherwise of neighbourhoods.

7.2 The authority therefore considers that the interests of residents and communities are best served by residents having access to long term settled accommodation. Further, that the right of tenants to certainty about the future of their home should not fundamentally differ to those of owner-occupiers.

7.3 The City Council is generally against the use of financial means testing for determining whether or not to grant fixed term tenancies or whether to renew them.

7.4 The Council believes that there may be a work disincentive for tenants who risk losing their home at the point of review if they have improved their own circumstances by way of a new job, promotion or extra hours.

7.5 Instability – the Council believes that quicker turnover of tenancy leads to a loss of cohesion in communities. For example, the prospect of having to move home may reduce a person's ability to plan for the future in terms of employment, childcare and children's schools. In addition, it may result in a disincentive to persons from engaging in community activities if that person's perception is that they will not be a member of the community for a long period of time.

7.6 The Council believes that if middle income working households are removed from social housing following a review of their fixed term tenancy, whilst low income

households and those on benefits are allowed to remain, this will gradually increase levels of poverty and deprivation on social housing estates.

7.7 The City Council acknowledges that certain RPs in its district wish to use flexible tenancies in specific circumstances. All RPs are to have regard to this tenancy strategy in formulating their policies relating to the kinds of tenancies they grant, the circumstances in which they grant them and, in addition, in respect of flexible tenancies, the length of the terms and the circumstances in which they will grant further tenancies upon expiry of the first. Further detail can be found in section 4 of this document.

7.8 The City Council reserves the right to review its position in respect of fixed term tenancies.

8. Broxtowe Borough Council – Local details

8.1 Broxtowe Borough Council in its role as a landlord is not intending to use fixed term tenancies currently. Further reasoning has been detailed below.

8.2 As a council, Broxtowe are still reaching an understanding of the opportunities and threats that fixed term tenancies and Affordable Rent present to our longer term ambitions. As a starting point we commissioned an update to the 2005 Housing Market Needs Assessment, which has given us a guide to the housing needs of the borough.

8.3 At a time of considerable housing demand and welfare reform, we have a responsibility to ensure that our existing housing stock is employed as effectively as possible. The needs analysis within the Housing Market Needs Assessment informs our direction of travel on how best to respond to housing need and demand in our local area. To best meet the profile of need in our borough 51% of all supply should be at social rent levels and 49% at Affordable Rent level.

8.4 However, we understand that for Registered Providers to continue to provide affordable housing, alternative tenures and rent levels will need to be used.

8.5 It is agreed that Broxtowe Borough Council as a landlord will not be offering fixed term tenancies, choosing instead to continue providing secure tenancies as the norm. However, we do recognise that fixed-term tenancies may have a place in the housing market for example, in reducing under-occupation.

8.6 Like our neighbouring authorities, under some circumstances fixed term tenancies will be the preferred option for RPs, for example, when a new property is let under Affordable Rent. However, we would like policies to be fair and transparent with the proviso that fixed term tenancies continue to meet the needs of the individual as set out in section 4 of this document.

8.7 Broxtowe Borough Council reserves the right to review its position in respect of fixed term tenancies.

9. Gedling Borough Council – Local details

9.1 Gedling Borough Council is not a stock holding authority and, as such, can only provide guidance as to the type of tenure preferred in its borough. However, it is expected that RPs should have regard to this strategy.

9.2 Gedling Borough Council's view is that five year fixed-term tenancies should not be granted as the norm, however it is understood they may have a role to play for some RPs in respect of family-size housing in reducing under-occupation of housing stock and allowing more family properties to be re-let sooner.

9.3 In 2011, 52% of all family housing, and nearly 60% of four bed houses owned by Gedling Homes (the council's stock transfer partner) were under occupied. Given the demand for family housing, the Council acknowledges that this is not a sustainable situation. Fixed term tenancies for three bedroom properties and larger may make a contribution to greater availability of social housing, however the Council is not in favour of financial means-testing in reviewing fixed term tenancies, for the reasons set out in section 4.

10. Types of tenancy to be granted

10.1 Nottingham City Council

The City Council will grant the following tenancies:

- Introductory tenancies to new tenants;
- Secure tenancies to existing tenants;
- Family intervention tenancies where appropriate.

As to the circumstances in which each type of tenancy will be granted, please refer to the tenancy policy of the Council which is managed by its arms length organisation Nottingham City Homes (Click here to view).

10.2 Broxtowe Borough Council

Broxtowe Borough Council will grant the following tenancies:

- Secure tenancies across the board

10.3 Gedling Borough Council

Gedling Borough Council is not a stock holding local authority and as such provides guidance to partners as to the type of tenancies needed in the Borough.

10.4 Registered Providers in the areas for the three councils mentioned above

Please refer to the index of Registered Providers. The types of tenancy they offer and the circumstances in which they grant them are set out in their policies which can be accessed through their websites.

11. Review

11.1 The three authorities have agreed to review the effectiveness of this strategy, and the tenancy policies being applied across the Housing Market Area in 2015, or earlier if feedback from stakeholders or the public shows a need for a more pressing review.

12. List of Registered Providers consulted

Accent Nene

Advance Housing

Affinity Sutton

Anchor Trust

asra Housing Group

De Montfort Housing Society

Derwent Living

East Midlands Housing Association

Gedling Homes

Guinness Northern Counties

Hanover Housing Association

Housing 21

Jephson Housing Association

'Johnnie' Johnson Housing Association

Longhurst & Havelok Homes

Mansfield Road (Nottingham) Baptist Housing Association

Metropolitan

Midland Heart

Nottingham Community Housing Association

Nottinghamshire YMCA

Places for People

Raglan Housing Association

Salvation Army Housing Association

Sanctuary Housing

The Abbeyfield Society

The Riverside Group

Tuntum Housing Association

William Henry Hirst Memorial Homes