

REPORT FOR DECISION

Agenda Item	
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DECISION OF:	The Cabinet
DATE:	19 December 2012
SUBJECT:	Approval of the Strategic Tenancy Policy 2013-2016
REPORT FROM:	Cllr Gill Campbell, Cabinet Member for Neighbourhoods and Regeneration
CONTACT OFFICER:	Marcus Connor – Head of Performance & Housing Strategy
TYPE OF DECISION:	CABINET (KEY DECISION)
FREEDOM OF INFORMATION/STATUS:	This report is within the public domain
SUMMARY:	<p>Under the Localism Act 2011, all local authorities in England are required to produce and publish a Strategic Tenancy Policy for their area, by 13th January 2013.</p> <p>A draft policy was produced following initial consultation with councillors, housing providers and other stakeholders. Cabinet approval was given at the meeting of 10th October 2012 to consult on this policy in October/November 2012.</p> <p>Consultation on the draft policy started on 23rd October 2012 and closed on 30th November 2012. As part of this process the draft Strategic Tenancy Policy and related questionnaire were available on the Council’s website, workshops were held with stakeholders, tenants, housing applicants and members of staff.</p> <p>The policy has been produced to give a framework for registered providers in the Borough, dealing with issues such as length of tenancy, type of tenancy offered and circumstances influencing these decisions. These issues were discussed in detail during the consultation period, with comments made incorporated into the final version of the Strategic Tenancy Policy.</p>

OPTIONS & RECOMMENDED OPTION	<ol style="list-style-type: none"> 1. Do nothing. The Council would fail in its statutory duty to produce and publish a Strategic Tenancy Policy by 13th January 2013. 2. Approve the Strategic Tenancy Policy 2013-16. This is the preferred option and will work towards compliance with the Localism Act 2011.
IMPLICATIONS:	<p>Final approval of the policy will allow the Council to comply with it's duties under the Localism Act 2011.</p> <p>The key areas outlined in the policy will provide a framework to registered providers operating in the Borough, lead to consistency of service delivery and maximise the use of limited housing resources.</p>
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes
Statement by the S151 Officer: Financial Implications and Risk Considerations:	<p>There are no immediate financial implications arising from this Policy; no remodelling of rents is proposed.</p> <p>It is important that the outcome of this review is reflected in the Housing Strategy, and ultimately in the Housing Revenue Account Business Plan.</p>
Statement by Executive Director of Resources:	
Equality/Diversity implications:	The equality analysis shows the policy to have impacted positively on older people.
Considered by Monitoring Officer:	
Wards Affected:	All Wards
Scrutiny Interest:	Overview and scrutiny

TRACKING/PROCESS

DIRECTOR: Executive Director of Adult Care Services

Chief Executive/ Strategic Leadership Team	Executive Member/Chair	Ward Members	Partners
Scrutiny Committee	Committee	Council	

1.0 BACKGROUND

- 1.1 The Localism Act 2011 placed a statutory requirement on all local authorities in England to produce and publish a Strategic Tenancy Policy, by 13th January 2013.
- 1.2 This is a new policy and this document has been produced through extensive consultation with stakeholders.
- 1.3 The Cabinet meeting of the 10th October 2012 gave approval for consultation on the draft Strategic Tenancy Policy. This consultation began on 23rd October 2012 and closed on 30th November 2012 (6 weeks). During this time a number of workshops were held with stakeholders and online, electronic and paper questionnaires were available for comments to be made on the draft Strategic Tenancy Policy. These comments have been considered collectively and, wherever possible, incorporated into the final version of the Strategic Tenancy Policy.
- 1.4 The final version of the Strategic Tenancy Policy is now presented to Cabinet for approval, thereby allowing the Council to comply with its statutory duties.

2.0 AIMS OF THE POLICY

- 2.1 To comply with statutory responsibilities under the Localism Act 2011.
- 2.2 To provide registered providers with a framework for provision of housing services in a number of key areas:
 - length of tenancy
 - tenancies for older people
 - adapted properties
 - addressing overcrowding and under occupation
 - use of the private sector for homeless households
 - affordable rent conversions
 - increasing rents for higher income households

3.0 ISSUES FOR CONSIDERATION

- 3.1 Demand for social housing services has increased considerably in recent years. It is, therefore, important that this valuable and limited resource is used most effectively. The Strategic Tenancy Policy 2013-2016 has been developed using the results of initial consultation with stakeholders and extensive consultation on the draft Strategic Tenancy Policy. In almost all cases, the majority of respondents supported the proposals in the draft Strategic Tenancy Policy. Where there were different views put forward, these have been considered, with the opinion of the majority taken on board. The main issues raised with the contents of the draft Strategic Tenancy Policy are detailed in point 4.3, below.
- 3.2 The key recommendations of the policy remain as:
 - 3.2.1 Lifetime Tenancies vs. Fixed Term Tenancies - Bury will continue to offer lifetime tenancies in unadapted, general needs, social rented housing and will

support and encourage registered providers in the Borough to follow this approach.

- 3.2.2 Housing for Older People - Older people living in properties specifically designated for older people should be given lifetime tenancies.
- 3.2.3 Adapted Properties - That tenancies be granted for as long as the person for whom the adaptation was intended for continues to live at that property, irrespective of whether or not they are the tenant. However, each decision to require an individual to move will be made on a case by case basis, subject to agreed criteria and guidelines.
- 3.2.4 Addressing under-occupation and over-crowding - The Council will provide advice and support to tenants who need to move due to under-occupation or over-crowding of their current tenancy.
- 3.2.5 Private Sector & Homelessness - The Council will seek to use the private rented sector to discharge its homelessness duties. Each decision will be considered on a case by case basis, subject to agreed criteria and guidelines.
- 3.2.6 Affordable Rent Conversions - The Council will work with registered providers in the Borough to manage conversions to Affordable Rent, to ensure sufficient choice of affordable tenures in the Borough and to minimise negative impacts on benefits costs.
- 3.2.7 Increasing rents for higher income households - At this point in time, the Council are not going to charge higher rents to higher income households, particularly as there is no evidence of how many households would be affected. However, they will undertake a sub review of this matter within the next three years to contribute to the review of the Strategic Tenancy Policy at that time.
- 3.3 The Strategic Tenancy Policy sits alongside a range of other documents including the Allocations Policy, Tenancy Agreement, Housing Strategy and Housing Need and Demand Assessment 2011.

4.0 CONSULTATION

- 4.1 As highlighted at the Cabinet meeting of the 10th October 2012, initial consultation was carried out to gather the opinions of providers and other key stakeholders on the range of issues to inform the draft policy. This included:
 - Housing Joint Commissioning Partnership workshop – 7th March 2012.
 - Housing Association Liaison Group – 14th March 2012.
 - Six Town Housing Board – 30th May 2012.
 - Elected Members' Training evening – 3rd July 2012.
 - 4 Stakeholder groups:
 - Elizabethan Suite – 23rd July 2012.
 - Mosses Centre – 30th July 2012.
 - Longfield Suite, Prestwich – 10th August 2012.
 - Radcliffe Civic Suite – 13th August 2012.
 - A thorough examination of the policy by legal officers, including Counsel opinion.

In total, up to 100 participants have been involved in discussions to date.

4.2 Following Cabinet approval, a more extensive consultation on the draft Strategic Tenancy Policy was undertaken using a variety of methods to maximise opportunities for response, including:

- Tenants' and Housing Waiting List Applicants' Workshop:
 - Elizabethan Suite – 16th November 2012
- Stakeholder Workshops:
 - Elizabethan Suite – 29th October 2012
 - Radcliffe Civic Suite – 31st October 2012
 - Longfield Suite, Prestwich – 7th November 2012
 - Mosses Centre – 12th November 2012
 - Ramsbottom Civic Suite – 22nd November 2012
 - Jinnah Centre – 27th November 2012
 - Elizabethan Suite – 28th November 2012
- Staff Workshops:
 - Elizabethan Suite – 20th November 2012
 - Elizabethan Suite – 27th November 2012
 - Disabled Employees Group – 28th November 2012

In total, over 100 participants attended these events, the majority being tenants or people on the housing waiting list.

- Paper copies of questionnaires left at Council offices, libraries and Six Town Housing.
- Letters sent to all council tenants and all applicants on the council housing waiting list.
- Press release on the Council's website and in the Bury Times (8th November 2012).
- Copies of the draft Strategic Tenancy Policy with questionnaires and an online survey tool placed on the Council's website.
- Links to the consultation pages on the Council's website emailed to a wide range of stakeholders, including elected members, all housing providers operating in the Borough, voluntary and independent sector groups, neighbouring authorities and the Homes & Communities Agency.
- Links from Six Town Housing's web-pages to the Council's website, including use of Six Town Housing's weekly e-news, Facebook and Twitter feeds.
- Copies of documents provided in other formats as requested, including Braille and Punjabi.
- Discussions at internal meetings of Housing Operations Board and Housing Strategy Programme Board.

In total, over 60 questionnaires were completed using the different response methods highlighted above.

4.3 Details of the analysis of the questionnaires and workshops are provided in the separate summary report. Generally, the majority of respondents supported the contents of the draft Strategic Tenancy Policy, with following issues raised:

- The majority of respondents supported the continuation of lifetime tenancies for unadapted, general needs properties. However, a minority felt that fixed term tenancies would help to ensure that properties were used by customers with particular need of that property. The benefits of promoting a regular turnover of properties is acknowledged, however, it

is felt preferable to continue to allow lifetime tenancies for unadapted, general needs properties, but with improved and proactive advice and support to tenants needing to better match their property to their housing needs.

- It was felt that the requirement for the remaining tenant or tenants to move out of an adapted property when the customer for whom the adaptations were provided no longer lives there was generally sound. However, each case should be reviewed on an individual basis, particularly in cases on minor adaptations or where the customer for whom the adaptations were carried out has moved out for an extended period of time but fully intends to return to the property as their principle home. The wording of the Policy has been amended to ensure each case is considered on an individual basis subject to agreed criteria and guidelines.
- It was also suggested that where customers for whom adaptations had been carried out have moved to another property, the remaining occupants should be allowed to remain in the adapted property to allow the former resident to return to visit. It was felt that this provision was unreasonable, particularly given the demand for adapted properties and the current procedure only allowing adaptations to be carried out at a customer's principle home.
- Use of the private sector for homeless applicants is an appropriate option, providing that there are strict checks to ensure the welfare of customers housed in this tenure.
- It is important to preserve the number of social rented properties in the Borough and minimise the number of conversions to affordable rent, thus providing a mixed choice of tenures to customers.
- Any decision to link rent charged to income of the household should be determined locally. However, most respondents did not believe that there were actually many households with higher levels of income continuing to live in Council housing.

5.0 EQUALITY AND DIVERSITY

5.1 This policy aims to provide tenants with reassurance as to the length and security of tenure. It also recognises the need to maximise the use of limited housing resources. Therefore, support will be given to best match housing to its tenants/occupants.

5.2 In all cases decisions over eligibility for tenancies will be made on an individual case by case basis.

5.3 The equality analysis, attached for information, has been amended during and following consultation.

6.0 RISK

6.1 The main risk is from not producing and publishing the policy as this would place the Council in breach of its statutory duties under the Localism Act 2011.

6.2 There are also a number of risks associated with the recommendations of the policy. Any actions that result in tenants being required to move from their current tenancy will undoubtedly be unpopular. However, the emphasis in

the Policy is for officers to work with affected tenants to achieve mutually acceptable solutions.

- 6.3 There is also risk as a result of conversions of social rented dwellings to affordable rent dwellings, with potential significant reduction in lower social rent dwellings available for customers in the Borough. It is therefore essential that the Council work with all registered providers in the Borough and other Greater Manchester authorities to achieve a balanced housing profile across the region. At present the number of conversions to the affordable rent tenure is too small to judge whether there will be any negative impacts for the Borough.
- 6.4 There is a final risk in terms of the proposal to possibly increase rents to higher income households. At the present time government have not issued final guidance on this proposal which may be contrary to proposals in this Policy.

7.0 CONCLUSIONS AND RECOMMENDATIONS

- 7.1 The Strategic Tenancy Policy has to be produced and published by 13th January 2013 to allow the authority to comply with the Localism Act 2011.
- 7.2 It is recommended that Cabinet agrees to Option 2 – To Approve the Strategic Tenancy Policy 2013-16.

List of Background Papers:-

Development of Strategic Tenancy Policy for the Borough – report to Cabinet 10th October 2012.

Summary of responses to consultation.

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