



Appendix A

# Tenancy Strategy

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## Version control

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0.2	25/05/21	Carol Rooker	Suggestions for corrections to introductory tenancies, addition of unsecure tenancies.	Kyla Carter
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## 1. Introduction

- 1.1. The aim of this strategy is to set out Central Bedfordshire's vision for the way social housing providers in the local authority area should let their properties to meet the needs of residents.
- 1.2. The Tenancy Strategy relates to lettings of all social and affordable rented properties, including adapted, sheltered and extra-care housing. It does not cover lettings to hostels, transitional accommodation or other forms of supported housing and does not apply to leasehold tenants.
- 1.3. In this document we set out Central Bedfordshire Council's (the council's) position in relation to the tenancies we offer and how we intend to apply this to our own housing stock through our Tenancy Policy.
- 1.4. All Registered Providers (RPs) with housing stock in Central Bedfordshire are required to have regard to this Tenancy Strategy. We ask that RPs in Central Bedfordshire review their own Tenancy Policies in light of this strategy to ensure that, wherever possible, their policies work to complement, and do not contradict, our Tenancy Strategy.

## Vision for Central Bedfordshire social housing

- 1.5. The shared vision for Central Bedfordshire 2050 is for 'Central Bedfordshire to be a great place to live and work... a place to prosper, a place to be proud of and a place to call home'.
- 1.6. Social housing plays an important part in delivering this vision. Sufficient flexible and affordable homes that meet local needs contributes to strong and happy communities where people can prosper.
- 1.7. The principles that underpin this strategy are:
  - A social home for those in need, whilst they remain in social need,
  - Making best use of stock,
  - A fairer system, that promotes social mobility and aspiration,
  - Helping people to move up the social ladder.

## Background

- 1.8. Our first Tenancy Strategy, published in 2013, introduced a new housing offer for local people through the use of flexible, fixed term tenancies. The aim of introducing five year fixed term tenancies was to make more efficient use of housing stock, more effectively focus provision on those in most need and to promote social mobility.
- 1.9. Fixed term tenancies were introduced for eligible council tenants, following the publication of the council's Tenancy Policy in 2013. However, fixed term tenancies did not deliver the intended benefit due to the limitations of legal processes and the time and resources spent on maintaining the tenancy review process.
- 1.10. Since the 2013 Tenancy Strategy was published, there have been improvements to the council's approach to tenancy sustainment, right-sizing (reducing under-occupation and over-crowding), estates management, tenancy fraud activity and an increase in affordable home ownership options. This has been more effective in making the best use of stock and enabling social mobility than fixed term tenancies.

## Legal and regulatory context

- 1.11. The Localism Act 2011 placed a duty on local housing authorities to develop and publish a tenancy strategy setting out how social housing in its area is let and managed including:
  - 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 term certain, 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.
- 1.12. RPs, including the Council, must have due regard to this Tenancy Strategy when developing tenancy policies.
- 1.13. The council, when reviewing this strategy, has had regard to the Central Bedfordshire Allocation Scheme and Central Bedfordshire Homelessness and Rough Sleeper Strategy.
- 1.14. The relevant legislation and codes of guidance have also been considered, these include:
  - Housing Act 1985 (as amended)
  - The Housing Act 1996
  - Homelessness Act 2002
  - Housing Act 2004
  - Allocation of Housing and Homelessness (eligibility) (England) Regulations 2006 (as amended)
  - Localism Act 2011 (as amended)
  - The Housing and Planning Act 2016
  - The Homelessness Reduction Act 2017

- The Homes (Fitness for Human Habitation) Act 2018
  - The Housing (Assessment of Accommodation Needs) (Meaning of Gypsies and Travellers) (England) Regulations 2006 (Statutory Instrument: 2006 No. 3190)
  - The Equality Act 2010
  - Human Rights Act 1998
  - Housing & Regeneration Act 2008
  - Secure Tenancies (Victims of Domestic Abuse) Act 2018
- 1.15. The Regulator of Social Housing's Tenancy Standard requires that RPs let their homes in a fair, transparent and efficient way. 'RPs shall offer tenancies or terms of occupation which are compatible with the purpose of the accommodation, the needs of individual households, the sustainability of the community, and the efficient use of their housing stock'.
- 1.16. RPs should develop their tenancy policies in line with the relevant legislation and regulator's expectations as set out in the Tenancy Standard.

## 2. Tenancy Types

- 2.1. Tenancy types will vary depending on whether the landlord is the council, a RP or a landlord within the private rented sector. Tenancy types include:
- Introductory/probationary/starter tenancies
  - Secure/Assured tenancies (Lifetime Tenancies)
  - Secure/Assured Flexible tenancies (fixed term tenancies)
  - Non-secure tenancies (periodic tenancies for temporary accommodation provided under homelessness legislation (part 7 of the Housing Act 1996))
  - Assured Shorthold tenancies
  - Shared ownership tenancies
  - Other tenancy types as allowed by law.
- 2.2. The council will use introductory tenancies for new tenants moving into social housing for the first time. Following this, it is expected that the vast majority of tenants will become secure lifetime tenants. Where a tenancy is not managed properly by the tenant during the introductory period the council may seek to end it during that term or to extend the period of the introductory tenancy. RPs may also consider using introductory or 'starter' tenancies in this way, in order to deliver a consistent approach across the Central Bedfordshire area.
- 2.3. After the successful conclusion of an initial introductory tenancy, the council will offer all tenants lifetime secure tenancies. We consider that secure, lifetime tenancies will provide the best environment for families to thrive and become part of a sustainable community. We encourage other RPs also to use the most secure form of tenancy available to them wherever possible in order to create settled homes for families to live in. However, we do recognise that in some special circumstances the use of fixed term (flexible) tenancies might be appropriate for a RP to make best use of stock and meet the individual needs of residents.

### 3. Circumstances to consider when granting a tenancy

#### Fixed term tenancies

- 3.1. As the council is no longer using fixed term tenancies, all those on fixed term tenancies will be transferred to a lifetime secure tenancy on a phased basis.
- 3.2. Where fixed term tenancies are used by RPs, the tenancy must be granted for a minimum fixed term of five years, or exceptionally, a tenancy for a minimum fixed term of no less than two years, in addition to any probationary tenancy period.
- 3.3. The choice of tenancy term should be based on both individual needs and the characteristics of particular housing schemes. We would expect RPs to take into account the needs of those households who are vulnerable by reason of age, disability or illness, and households with children. Factors such as schooling, training, employment, regeneration, family stability and community sustainability should also be considered.
- 3.4. Towards the end of the tenancy term, we expect RPs to provide or signpost tenants to information and advice about housing options and help tenants secure alternative housing should their tenancy end following the review.
- 3.5. We expect that the majority of fixed term tenancies will be renewed by RPs at the review stage/end of the initial agreement period. Where fixed term tenancies are used, RPs are encouraged to consider housing need when deciding whether to review a tenancy. Similarly, we would expect them to consider using criteria intended to increase their ability to make best use of stock.

#### Transfers

- 3.6. RPs should act in line with legislation to ensure that eligible social housing tenants choosing to move to another social rented home with the same or another landlord are granted a tenancy with no less security.
- 3.7. RPs should also protect the tenure rights of victims of domestic abuse when social housing tenants are relocated to another social rented home as set out in 3.9.

#### Local lettings policies and sensitive lettings

- 3.8. The use of local lettings policies are a key feature of the council's Housing Allocation Scheme and are a useful tool when dealing with growth strategy sites, in tackling anti-social behaviour problems or improving the economic sustainability of town centres. These local lettings policies apply a set of specific objectives or intents to a specific property, properties or to a specific type of development, where the qualification and priority criteria may be varied. Most local lettings policies are time bound and are therefore published when approved on the council's website as appendices to the Housing Allocation Scheme.
- 3.9. Some properties will be advertised as a 'sensitive let'. This means that there are additional restrictions as to who can be offered these properties. Sensitive lets differ from a local lettings policy as the sensitive let criteria may be applied to a single property rather than a group of properties in an area. Properties

advertised as a sensitive let must be identified prior to advertising. The council's Housing Allocations Scheme provides further details of sensitive lets.

## **Victims/survivors of domestic abuse**

- 3.10. It is important to protect the tenure rights of victims of domestic abuse. RPs should act in line with current legislation<sup>1</sup> in relation to accommodating victims of domestic abuse and ensure that, when re-housing a tenant with an existing secure tenure who needs to move or has recently moved from their social home to escape domestic abuse, an equivalent tenancy is granted for their new home. This will ensure that victims will not fear losing security of tenure and will provide stability and security in their new home. The council already operates in this way and RPs are encouraged to review and amend their existing policies and procedures to incorporate this requirement, if they have not already done so.

## **Succession rights**

- 3.11. The Localism Act limited succession to spouses or civil partners of the deceased tenant. The need to make best use of existing social housing stock was the driver for this. However, landlords are able to grant additional succession rights under the terms of the Tenancy Agreement. We expect RPs to make their policy on succession for all tenancy types and the granting of any additional rights clear and take account of the needs of vulnerable household members.
- 3.12. RPs should include in their tenancy policy, a position on managing successions and assignments that has due regard to legal requirements and which focuses on securing an outcome that secures the best use of accommodation and prevents homelessness.

## **Affordable Rent and other affordable housing options**

- 3.13. The council encourages RPs and developers to consider a range of affordable housing options including Affordable Rent and shared ownership. Affordable housing includes social rented and intermediate housing, provided to specified eligible households whose needs are not met by the market.
- 3.14. Affordable housing should:
- Meet the needs of eligible households including availability at a cost low enough for them to afford, determined with regard to local incomes and local house prices.
  - Include provision for the home to remain at an affordable price for future eligible households or, if these restrictions are lifted, for the subsidy to be recycled for alternative affordable housing provision.
- 3.15. Affordable Housing includes properties let under the 'Affordable Rent' model, at up to 80% of market rent. The council will ensure that Homes England processes are complied with when building new affordable homes and will expect any RP offering Affordable Rent properties in the area to comply with relevant guidance and legislation.

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<sup>1</sup> Part 4 of the Housing Act 1985 (secure tenancies and rights of secure tenants) as amended by the Domestic Abuse Act 2021 and Secure Tenancies (Victims of Domestic Abuse) Act 2018.

- 3.16. The council encourages Social Rent as a default position, but will also make use of Affordable Rent and other Affordable Housing options including Shared Ownership to ensure that housing applicants and existing social housing tenants have access to a wider range of models and tenures to meet a range of needs.
- 3.17. The council will only make use of Affordable Rent as an alternative to the default Social Rent after careful consideration, on a scheme by scheme basis, of the impact on the Housing Register as well as Local Housing Allowance rates and affordability. The council will expect RPs developing schemes using Affordable Rent in the area to demonstrate similar consideration of the affordability of the homes in that scheme for local residents.
- 3.18. The use and numbers of Affordable Rent and shared ownership properties should be made in alignment with the council's Local Plan.

## **4. Governance**

- 4.1. Each RP is responsible for its own individual tenancy policies, as well as arrangements for Review and Appeals.
- 4.2. The council hosts a Registered Provider Forum which enables the council and other RPs to monitor current trends and issues including the effectiveness of this strategy.
- 4.3. The Council regularly monitors tenancy and tenancy sustainment measures through its performance management cycle.

## **5. Review**

- 5.1. This document will be reviewed after ten years, or earlier if required by changes to local need and/ or national legislation.