

13<sup>th</sup> June 2012**Report of the Portfolio Holder for Housing****Tenancy Strategy****EXEMPT INFORMATION**

None

**PURPOSE**

This report seeks approval of the Council's Tenancy Strategy. The Strategy has been produced following consultation with key stakeholders and responds to the requirement under the Localism Act 2011 for local authorities to prepare and publish a Tenancy Strategy by 15<sup>th</sup> January 2013.

The Strategy sets out high level objectives relating to how the Council would like providers with affordable housing stock in the Borough (including the Council's own Landlord Service) to respond to the relevant changes introduced by the Localism Act 2011 with regard to affordable rents, the use of fixed term tenancies, affordability and changes to the way councils can allocate properties.

The Strategy sets out the Council's expectations in terms of the use of fixed term tenancies but also identifies circumstances under which exceptions could be made.

The Tenancy Strategy is an Appendix to Tamworth Borough Council's Healthier Housing Strategy 2011-14 and has been developed in such a way as to assist in the delivery of key priorities and outcomes identified both within that document and by the Tamworth Strategic Partnership (TSP). The Tenancy Strategy also takes into consideration the Council's current Homelessness Strategy.

**RECOMMENDATIONS**

That Cabinet approves the Tenancy Strategy as shown in **Appendix A**.

**EXECUTIVE SUMMARY**

Under the Localism Act 2011, all Local Authorities are now required to produce a Tenancy Strategy by January 2013, setting out the objectives to be taken into consideration by Registered Housing Providers with housing in the Borough and the Council's Housing Management Service as they make decisions about their own Tenancy Policies. Tenancy Strategies must also explain the Local Authority's responses to the changes to affordable housing tenures introduced in the Localism Act.

Tamworth Borough Council has worked with key partners and stakeholders to develop a Tenancy Strategy. Although Local Authorities are not required to produce a Tenancy strategy until January 2013, it is considered important to have an agreed approach in place at the earliest opportunity in anticipation of housing providers having their Tenancy Policies in place from April 2012.

The document sets out why the Council has produced a Tenancy Strategy, the issues that have shaped the formulation of the Council's approach and takes account

of priorities identified by the TSP and within the Council's Healthier Housing Strategy and current Homelessness Strategy.

The Strategy clearly sets out the Council's approach to the introduction of flexible tenancies and is intended to inform the approach adopted within Landlord Services forthcoming Tenancy Policy. In most instances, the Council would expect to see 5 year fixed term tenancies utilized and would expect to see these re-issued by the end of the term unless there was a significant change of circumstances.

However, the Council acknowledges that there could be exceptions to this as follows:

- Lifetime Tenancies: This applies to Sheltered Housing, Flexi Care Housing and designated older peoples housing.
- Longer tenancies (10 years) where the property is adapted to the needs of a disabled person and that persons needs are best met by them remaining in that property but may not be met longer term.
- 2 year tenancies where someone may require short term housing – for example when someone requires some temporary adaptations but may become better and will move on to a non adapted property

In all instances where a 5 year Fixed Term Tenancy is not used housing providers would be expected to have valid reasons for doing so and give the Council an opportunity to comment.

As housing providers only need to "have regard" to Local Authority Tenancy Strategies, work with both Council colleagues and Registered Providers operating in Tamworth will be ongoing in order to encourage compliance with the requirements set out in the Tenancy Strategy.

The Tenancy Strategy has been identified as meeting best practice by an external consultant and sets out an approach that both satisfies the legislative requirements contained within the Localism Act and contributes to the delivery of key priorities identified by the Tamworth Strategic Partnership and within the Healthier Housing Strategy.

## **RESOURCE IMPLICATIONS**

There are no direct resource or value for money implications arising from this report. However, wider issues highlighted in the Tenancy Strategy pertaining to the use of housing stock in the Borough, the introduction of affordable rents, housing affordability and welfare reform issues that may impact on local people and changes to the way the Council allocates properties in the Borough will have financial implications for the Council that will need to be taken into account.

## **LEGAL/RISK IMPLICATIONS BACKGROUND**

The Council is required under the Localism Act 2011 to produce a Tenancy Strategy by January 2013. Failure to comply with this legislative requirement would expose the Council to legal challenge and instigate scrutiny from Government and other external bodies.

Additionally, should the Council not have an agreed approach in place, housing providers, other partners and residents would be unclear as to the Council's stance on key issues and what was expected of providers operating in the Borough in terms of their ongoing contributions to the delivery of key local priorities and positive

housing, health and other related outcomes for local people.

### **SUSTAINABILITY IMPLICATIONS**

It is intended that the approach and high level objectives set out in the Tenancy Strategy will inform housing provider Tenancy Policies and their wider consideration of affordability, homelessness and the housing needs of local residents in order that they contribute to improved housing and health outcomes in Tamworth. Ongoing work with housing providers and further review of the Tenancy Strategy will contribute towards the delivery of key priorities identified by the Tamworth Strategic Partnership and within the Council's Healthier Housing Strategy and refreshed Homelessness Strategy.

### **BACKGROUND INFORMATION**

Under the Localism Act 2011, all Local Authorities are now required to produce a Tenancy Strategy by January 2013, setting out the objectives to be taken into consideration by Registered Housing Providers with housing in the Borough and the Council's Housing Management Service as they make decisions about their own Tenancy Policies. Tenancy Strategies must also explain the Local Authority's responses to the changes to affordable housing tenures introduced in the Localism Act.

The Council's Tenancy Strategy has been developed with key partners and sets out high level objectives relating to how the Council would like providers with affordable housing stock in the Borough (including the Council's own Landlord Service) to respond to the relevant changes introduced by the Localism Act 2011 with regard to affordable rents, the use of fixed term tenancies, affordability and changes to the way councils can allocate properties.

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As housing providers only need to "have regard" to Local Authority Tenancy Strategies, work with both Council colleagues and Registered Providers operating in Tamworth will be ongoing in order to encourage compliance with the requirements set out in the Tenancy Strategy.

The Tenancy Strategy has been identified as being in line with best practice and sets out an approach that both satisfies the legislative requirements contained within the Localism Act and contributes to the delivery of key priorities identified by the Tamworth Strategic Partnership and within the Healthier Housing Strategy.

#### **REPORT AUTHOR**

**Report Author: Stephen Pointon, Head of Housing and Health Strategy**

#### **LIST OF BACKGROUND PAPERS**

#### **APPENDICES**

**A: Tamworth Borough Council Tenancy Strategy**

**B: Tenancy Strategy Equality Impact Assessment**