

DECISION-MAKER:	CABINET
SUBJECT:	TENANCY STRATEGY CONSULTATION RESULTS
DATE OF DECISION:	18 DECEMBER 2012
REPORT OF:	CABINET MEMBER FOR HOUSING AND LEISURE
STATEMENT OF CONFIDENTIALITY	
None	

BRIEF SUMMARY

The proposed Tenancy Strategy for 2013-2017 is attached at Appendix 1. This has been drafted following consultation with a wide range of stakeholders as instructed by Cabinet at the meeting of 12th of March 2012. The City Council must publish its tenancy strategy early in 2013. This is a requirement identified by the Localism Act 2011.

Consultation was also carried out in respect of possible arrangements for 'succession' by family members on the death of a City Council tenant. Stakeholder feedback supports an amended approach in line with the new provisions of the Localism Act 2011. The proposed policy in respect of succession is attached at Appendix 2.

RECOMMENDATIONS:

- (i) To approve the proposed Tenancy Strategy.
- (ii) To approve the proposed arrangements regarding succession of tenancy as detailed in Appendix 2.

REASONS FOR REPORT RECOMMENDATIONS

1. Cabinet decided in March 2012 that officers should consult stakeholders in respect of the proposed tenancy strategy. That consultation exercise has been completed and this report provides details of the results and a proposed amended strategy which takes them into account.
2. The Housing Act 1985 has been amended by the Localism Act 2011 in relation to succession and assignments of tenancies. This report recommends that the City Council's policy is changed to reflect these changes.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

3. That the City Council uses 'fixed-term' tenancies in a wide range of settings. Consultation supports Members' view that this would not be appropriate at present.
4. That the City Council's policy should allow for a greater range of family members to 'succeed' to tenancies on the death of the tenant. Consultation with stakeholders does not support this option and it is recommended that the City Council's policy be amended to bring it in line with statutory provisions.

DETAIL (Including consultation carried out)

5. Following the Cabinet decision of 12 March 2012 officers have carried out consultation with stakeholders in respect of the draft Tenancy Strategy considered by Cabinet at that time.

6. A summary of the results of that consultation is attached at Appendix 3.
7. The Tenancy Strategy has to be published in early 2013 in accordance with the Localism Act 2011.
8. The Tenancy Strategy must set out the Authority's preferred approach to letting social housing in its area. The strategy is intended to influence other social housing providers working in the area. The Localism Act 2011 requires all providers of social housing to 'have regard to' the Local Authority's Tenancy Strategy, although there is no requirement that their policies reflect the Strategy in its entirety.
9. The City Council is required to produce its own 'Landlord Tenancy Policy' during 2013. The Tenancy Strategy sets the overall direction within which the Landlord Tenancy Policy will be framed. The Landlord Tenancy Policy will contain the detail of how the Authority will let tenancies within its own stock.
10. The Localism Act 2011 also amended the Housing Act 1985, introducing 'flexible' ('fixed-term') tenancies. Until this point all local authority residential tenancies had to be let as 'secure' (i.e. 'lifetime') tenancies. The Tenancy Strategy sets out the Authority's approach to the use of flexible tenancies.
11. The consultation exercise asked stakeholders for their views on a range of questions associated with the use of flexible tenancies. Respondents were generally not in favour of a blanket introduction of flexible tenancies.
12. Respondents to the consultation gave their views on the type of properties that they would consider flexible tenancies were appropriate for should they be introduced.
13. The consultation also asked respondents for their views on the arrangements for succession to Council tenancies and a range of matters which the Authority may wish to consider when drafting its own Landlord Tenancy Policy.
14. In respect of succession, stakeholders did not favour an approach which was more 'generous' than that now detailed in the Housing Act 1985 (as amended) so it would make sense to align the Authority's policy with that set out in the Act.
15. Following the consultation, the Tenancy Strategy has been revised and is presented here for approval by Cabinet.
16. It is recommended also that Cabinet approves amended arrangements for succession which would bring the Authority's policy into line with the current provisions of the Housing Act 1985.

RESOURCE IMPLICATIONS

Capital/Revenue

17. There are no financial implications associated with these proposals.
18. If the Authority decided to pursue the wide-scale introduction of fixed term tenancies this would have required significant extra staffing resource. As this is not being proposed there is no impact on staffing requirements.

Property/Other

19. The introduction of fixed term tenancies would have provided a mechanism which would enable the Authority to target its social housing stock to those applicants with the greatest degree of housing need. This would be by awarding tenancies for a set period of time only and requiring those tenants in better or defined different circumstances to move on at the end of that period.
20. The consequences of using fixed term tenancies in social housing are, as yet, untested. However, there are concerns about the effect on families in relation to the uncertainty engendered by fixed term tenancies and the effect on communities of more frequent tenancy turnover. Fixed term tenancies would also lead to a greater concentration of tenants/families with complex needs and this might have implications for the stability of communities and the Authority's ability to manage its stock appropriately.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

21. Section 150 of the Localism Act 2011 requires local authorities to publish a Tenancy Strategy within 12 months of the legislation coming into force, following consultation with registered providers of social housing in the area. The strategy must set out the matters to which registered providers (including the Council) are to have regard when formulating their own policies relating to the grant of tenancies. The strategy and related documents must be available for public inspection during normal office hours without charge.

Other Legal Implications:

22. None.

POLICY FRAMEWORK IMPLICATIONS

23. The Tenancy Strategy links to a number of existing documents, including the Council's allocations scheme and homelessness strategy.

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KEY DECISION? Yes

WARDS/COMMUNITIES AFFECTED:	All
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SUPPORTING DOCUMENTATION

Appendices

1.	Proposed Tenancy Strategy 2013-2017
2.	Proposed Succession Policy 18/12/2012 onwards
3.	Summary of consultation results

Documents In Members' Rooms

1.	None
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Equality Impact Assessment

Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out.	No
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Other Background Documents

Equality Impact Assessment and Other Background documents available for inspection at:

Title of Background Paper(s)

Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

1.	None	
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