
Report to: Cabinet

Date of Meeting: 13th December 2012

Subject: Housing Tenancy Strategy

Report of: Director of Built Environment

Wards Affected: All

Is this a Key Decision? Yes

Is it included in the Forward Plan?
Yes

Exempt/Confidential

No

Purpose/Summary

To seek approval to a finalised Tenancy Strategy.

Recommendation(s)

Cabinet approves the Tenancy Strategy

How does the decision contribute to the Council's Corporate Objectives?

	<u>Corporate Objective</u>	<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		X	
2	Jobs and Prosperity		X	
3	Environmental Sustainability		X	
4	Health and Well-Being	X		
5	Children and Young People	X		
6	Creating Safe Communities	X		
7	Creating Inclusive Communities		X	
8	Improving the Quality of Council Services and Strengthening Local Democracy		X	

Reasons for the Recommendation:

Section 150 of the Localism Act 2011, places a statutory duty on local housing authorities to prepare and publish a tenancy strategy, and to have undertaken formal consultations in advance. Finalised Tenancy Strategies are required to have been published by January 2013.

What will it cost and how will it be financed?

(A) Revenue Costs

There are no additional costs arising out of the recommendations of this report

(B) Capital Costs

There are no additional costs arising out of the recommendations of this report

Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

Legal Section 150 of the Localism Act 2011, places a statutory duty on local housing authorities to prepare and publish a tenancy strategy		
Human Resources None		
Equality		
1.	No Equality Implication	<input checked="" type="checkbox"/>
2.	Equality Implications identified and mitigated	<input type="checkbox"/>
3.	Equality Implication identified and risk remains	<input type="checkbox"/>

Impact on Service Delivery:

None; as the Council do not directly manage social housing stock.

What consultations have taken place on the proposals and when?

The Head of Corporate Finance (FD1949/12) has been consulted and has no comments on the report.

The Head of Corporate Legal Services (LD1266) has been consulted and any comments have been incorporated into the report.

The results of the formal consultations with housing associations and the public are contained in the report.

Are there any other options available for consideration?

The Council has a duty to prepare a Tenancy Strategy. The only options relate to the contents of that strategy

Implementation Date for the Decision

Following the expiry of the "call-in" period for the Minutes of the Cabinet/Cabinet Member Meeting

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Background Papers:

None

1. Introduction/Background

- 1.1 The Localism Act 2011 received Royal assent in November 2011. This sets out provisions for Housing Tenure reform. Section 150 of the Localism Act 2011, places a new statutory duty on local housing authorities to prepare and publish a tenancy strategy.
- 1.2 Previously, social landlords were only entitled to provide life tenancies to residents. Under the Localism Act 2011, more flexibility will be provided in relation to allocating tenancies for new tenants, including more flexible tenancy agreements such as fixed length tenancies for new social housing tenants. The rights of existing social housing tenants will be protected. These provisions essentially apply to Sefton's Registered Providers of Social Housing (RP's) e.g. One Vision Housing, not Sefton MBC directly. It will be for RP's to determine the type of tenancy it wishes to offer within the legislation, Local Authorities can however offer guidance through their new Tenancy Strategy.
- 1.3 Section 150 Localism Act 2011 now requires local authorities to set out a Tenancy Strategy which provides broad objectives that RP's should have regard to when formulating their own tenancy management policies. Local Authority tenancy strategies should set high level objectives, for example around 'creating and sustaining mixed communities' and 'tackling over-crowding'. It will be for RP's to decide what their own tenancy management policy should be and what types of tenancy they will offer. For the avoidance of doubt, the proposed requirement to have regard to LA tenancy strategies only applies in relation to RP's tenancy management policies, and not to other aspects of their business (such as rent setting).

2. Requirements of a Tenancy Strategy

- 2.1 A local authority in England must prepare and publish a strategy (a 'tenancy strategy') setting out the matters to which the registered providers of social housing in its district are to have regard in formulating policies relating to –
 1. the kinds of tenancy they grant
 2. the circumstances in which they will grant a tenancy of a particular kind
 3. where they grant tenancies for a certain term, the length of the terms
 4. the circumstances in which they will grant a further tenancy on the coming to an end of an existing tenancy.
- 2.2 Section 151 of the Localism Act 2011 requires that:
 - (1) Before adopting a tenancy strategy, or making a modification to it reflecting a major change of policy, the authority must—
 - (a) send a copy of the draft strategy, or proposed modification, to every private registered provider of social housing for its district, and
 - (b) give the private registered provider a reasonable opportunity to comment on those proposals.
 - (2) Before adopting a tenancy strategy, or making a modification to it reflecting a major change of policy, the authority must also—
 - (a) consult such other persons as the Secretary of State may by regulations prescribe.

3 Consultations

- 3.1 Significant work and discussion was undertaken with RP's to prepare a draft strategy. This original draft was presented and discussed at the Sefton Housing Partnership meeting in February 2012. Subsequently a small sub-group was established with social landlord partners, in order to review and finalise the draft strategy for consideration and approval by Cabinet Member Regeneration and Tourism in June 2012. This draft strategy formed the basis for the subsequent consultations.
- 3.2 As well as consulting all of the RP's operating in Sefton, we have also consulted those people who are registered on the Council's waiting list, managed by OVH, as they maybe directly affected. The arrangements and methods for the consultation exercise were considered by the Councils Public Engagement & Consultation Panel in July 2012. Letters were sent to every housing association with stock in the borough, and contact was made with over 3,500 waiting list applicants, directing them to take part in the consultation. A survey questionnaire was used to capture views in a consistent way. The results of the consultation exercise are shown in appendices 1, 2 and 3.
- 3.3 There is strong support for the proposals in the Strategy from housing associations. There is strong support from the public for most of the proposals in the strategy. In terms of RPs offering fixed term tenancies of at least 5 years, there is almost a 50:50 split. However, some of the comments suggest that respondents used this question to register opposition to the use of fixed term tenancies.
- 3.4 Among the comments received from both some RPs and the public, there seems to be many who believe that fixed term tenancies should not be renewed where tenants have seriously breached their tenancy conditions. However, Section 4 of the proposed strategy does already state:

Other factors which will inform the decision on granting a new tenancy will include:

The conditions of the tenancy are being maintained

In addition the Strategy already states;

If a tenant defaults on the terms of the fixed-term tenancy (e.g. non-payment of rent, or anti-social behaviour) the R.P. should seek to end the tenancy by way of repossession proceedings. Landlords should not ordinarily use the renewal of a fixed term tenancy to resolve breaches of tenancy. However in those situations where there is a sustained serious breach and possession action is well progressed, the landlord may choose not to renew a fixed term tenancy and there would be no requirement to support the tenant with an offer of alternative accommodation.

Failure to grant a new tenancy at the end of the fixed term, for reasons of tenancy default, should only occur where the R.P. is in a legal position to obtain a repossession warrant.

Officers believe this should be adequate to address the concerns being raised by consultation respondents, and no changes to the proposed strategy are required.

3.5 The Strategy will only take on significance if RPs decide they do wish to use the new tenancy freedoms provided by the Localism Act 2011. Members may be interested to learn that in a recent survey of some of the larger Merseyside RPs, only one of the ten who responded indicated that they intend to use fixed term tenancies. Dialogue with Sefton based RPs has revealed little appetite among them to use fixed term tenancies.

TENANCY STRATEGY CONSULTATION RESPONSES

6 Housing Associations responded to the consultation.
29 members of the Public responded to the consultation.

Results of the Survey Questionnaire are presented for each Stakeholder Group.

	Question	Responses	
		H.A.s	Public
	The Council's Tenancy Strategy Proposes ...		
1	If housing associations offer fixed term tenancies, they should be for a minimum of 5 years?	YES: 6 (100%) NO: 0	YES: 16 (51%) NO: 15 (49%)
2	If housing associations do choose to offer fixed term tenancies, they should be used where properties are in the greatest affordable housing shortage	YES: 5 (83%) NO: 1 (17%)	YES: 21 (70%) NO: 9 (30%)
3	Fixed Term tenancies should NOT be used where the property is being provided to a vulnerable household	YES: 6 (100%) NO: 0	YES: 25 (86%) NO: 4 (14%)
4	Housing Associations should strike a balance between: (i) Using fixed term tenancies to increase property turnover and availability (ii) Maintaining stable communities or avoiding community instability	YES: 6 (100%) NO: 0	YES: 22 (76%) NO: 7 (24%)
5	That fixed term tenancies should always be renewed in the following situations:- - The household contains children of school age - The household contains a disabled person who has had adaptations made to the home - The household receives some form of housing support or is recognised as being vulnerable - The household remains unable to access market housing	YES: 6 (100%) NO: 0 YES: 6 (100%) NO: 0 YES: 6 (100%) NO: 0 YES: 6 (100%) NO: 0	YES: 25 (89%) NO: 3 (11%) YES: 26 (93%) NO: 2 (7%) YES: 25 (89%) NO: 3 (11%) YES: 26 (90%) NO: 3 (10%)
6	The Strategy recognises there are circumstances where a housing association may choose <u>NOT</u> to renew a fixed term tenancy:- - The household economic circumstances enable them to access market housing AND there is not a reason to retain the household in the locality for	YES: 6 (100%) NO: 0	YES: 19 (70%) NO: 8 (30%)

	<p>community balance.</p> <ul style="list-style-type: none"> - Where the household composition has changed such as children have moved away and the remaining household under-occupy - The property has been adapted for someone with a disability, but that person no longer lives in the home - Where a person was granted the tenancy in order to receive support but then subsequently refuse support - Where the property is inappropriate for the household needs i.e. they are not coping in the property 	<p>YES: 6 (100%) NO: 0</p> <p>YES: 6 (100%) NO: 0</p> <p>YES: 6 (100%) NO: 0</p> <p>YES: 6 (100%) NO: 0</p>	<p>YES: 16 (59%) NO: 11 (41%)</p> <p>YES: 22 (81%) NO: 5 (19%)</p> <p>YES: 22 (81%) NO: 5 (19%)</p> <p>YES: 25 (89%) NO: 3 (11%)</p>
7	The Strategy recommends that if a housing association does <u>NOT</u> renew a fixed term tenancy, and the tenant is required to relocate, it should help the household find alternative acomodation, except where the tenancy has ended due to a serious breach of tenancy conditions.	<p>YES: 6 (100%) NO: 0</p>	<p>YES: 27 (96%) NO: 1 (4%)</p>

Additional Comments made by Housing Associations

Q.2. It should be for the housing association itself to determine where to restrict fixed term tenancies, or have no restrictions if they choose so.

Whilst we agree with the rationale behind the approach we feel that in addition H.A.s should have the flexibility to use fixed term tenancies in all areas where it may be of benefit.

Q.5. Currently we do not intend to operate fixed term tenancies.

Agree that fixed term tenancies should be renewed for these sorts of households, but 'subject to satisfactory conduct of the tenancy'.

Q.6. Fixed term tenancies should not be renewed in cases of serious rent arrears or serious anti-social behaviour.

Fixed term tenancies should not be renewed where there is significant anti-social behaviour being perpetrated by the tenant.

In addition should we include things like A.S.B., rent arrears etc ('satisfactory conduct of tenancy') or would this be assumed?

Q.7. It would be helpful to have further guidance on what help would be expected (i.e. signposting support versus financial support).

Q.4. I'm not sure how a balance could be achieved. There will either be too many fixed term tenancies for L.A.s to stomach or not enough to support the needs of the housing association.

Additional Public comments

Question 1

I'm very undecided on this I just hope if it goes ahead it will make getting a property with the housing a lot easier

I wholly disagree with fixed term tenancy agreements

I believe that fixed term tenancies offer little or no help to new tenants, 5 years is far too short and could cause new tenants distress and a feeling of uncertainty in their new homes, fixed term tenancies should be longer or should be scrapped altogether

Why should the council be considering this....shouldn't be up to the housing associations?

Question 6

(i) Are there other circumstances when you believe fixed term tenancies should be renewed. Please comment.

Good tenants, ie no social or community issues such as noise or damage to property

All circumstances

Single parent households and elderly households.

Where children are within two years of starting school and attend a nursery attached to their prospective primary school.

Elderly, Disabled, People with children.

I believe you've covered all the vulnerable people.

(ii) Are there any circumstances where you believe fixed term tenancies should NOT be renewed?

Anti social behaviour, and criminal activities by any member of the household.

bad tenants, the opposite of above. If children leave the home and are in a permanent relationship then yes. If they go to college/university then no. If the adaptations are minimal then there is no need to not renew. If they are significant, and to remove them would incur cost and there is a disabled person on the waiting list, then yes, don't renew, as long as the tenant is provided with choices for other accommodation

none

where tenants do not look after the property there in

Bad behaviour and disturbing neighbours

When tenants have showed persistent anti-social behaviour which has adversely affected their neighbours.

Drug addicts Alcoholics Trouble makers .

unsocial behaviour deliberately damaging the property failure to pay rent (all subject to appeal)

Sefton Tenancy Strategy

Introduction

Section 1. Why do we need a Tenancy Strategy?

The Localism Act received Royal assent in November 2011. This sets out provisions for Housing Tenure reform. In addition Section 150 of the Localism Act places a statutory duty on local housing authorities, such as Sefton MBC, to prepare and publish a Tenancy Strategy.

DCLG Guidance states:

Social housing tenure reform

Under the previous system social landlords were normally only able to grant lifetime tenancies. Sometimes this meant that people acquire a social home at a moment of crisis in their life, and continue to live there long after their need for it has passed. Meanwhile there are people waiting for a social home who face much more difficult circumstances. This was unfair, and represented a poor use of valuable public resources.

The Government has protected the security and rights of existing social housing tenants, including when they move to another social rented home. However, provisions in the Localism Act allow for more flexible arrangements for people entering social housing in the future. Social landlords will now be able to grant tenancies for a fixed length of time.

The minimum length of tenancy will be two years in exceptional circumstances with five years or more being the norm. There is no upper limit on the length of tenancy. Councils can still offer lifetime tenancies if they wish. More flexible tenancies will allow social landlords to manage their social homes more effectively and fairly, and deliver better results for local communities.

Section 2. Purpose of a Tenancy Strategy?

The aim of a Tenancy Strategy is to advise on a Local Authority's strategic objectives in relation to the housing market and provision in its area.

A Local Authority in England must prepare and publish a strategy (a 'tenancy strategy') setting out the matters to which the registered providers of social housing in its district are to have regard in formulating policies relating to –

1. the kinds of tenancy they grant
2. the circumstances in which they will grant a tenancy of a particular kind
3. where they grant tenancies for a certain term, the length of the terms
4. the circumstances in which they will grant a further tenancy on the coming to an end of an existing tenancy.

In considering its strategy Sefton has also had regard to the Sefton Housing Strategy, government policy, and the housing market within the Borough.

Background

Section 3. Sefton Housing Strategy - Aims and Objectives

Sefton's Housing Strategy sets out the following key priorities:

- * **Strategic Housing Priority 1**
To provide affordable and sustainable homes in neighbourhoods where people want to live.
- * **Strategic Housing Priority 2**
To enable people to live at home independently and improve their health
- * **Strategic Housing Priority 3**
To deliver and sustain a balanced housing market
- * **Strategic Housing Priority 4**
To ensure equal access to housing and services

The Housing Strategy also places emphasis on;

- 'Increasing the choice of housing within the Borough, particularly new affordable housing'
- 'Reducing concentrated pockets of deprivation'
- 'Support the development of services that maximise equality of access to services'

In addition:

The area of South Sefton has the largest number and concentration of social housing, and much of this area has been within the NewHeartlands Housing Market Renewal Initiative. The Newheartlands mission statement remains a key objective:

NewHeartlands Mission

Stabilise the NewHeartlands area with a diverse range of tenures, house values and household income groups. Every household will have access to a home of a high standard in neighbourhoods with high quality physical environments, which are provided with a range of employment opportunities and good quality health, education and other services.

Section 4. Government Policy

The current government approach, outlined in their housing strategy, is that social housing is there to provide support for people at a time when they need it most. The debate now is no longer about providing enough social housing for those who want it, it is about defining exactly who deserves it, and for how long. Government advice has stated that all social landlords will be required to show how their tenancy plans will provide for and protect the most vulnerable, including families with children.

It is considered that fixed term tenancies will:

- help make best use of (scarce) social housing stock
- help ensure social housing is used by households who continue to need social housing, and cannot access market housing,
- increasing the range of product choices.

The Homes and Communities Agency's **Programme Framework** document goes on to say:

(3.18) 'local authorities will be required to set out the broad objectives that RP's should have regard to when formulating their own tenancy management policies. LA tenancy strategies will set high level objectives, for example around creating and sustaining mixed communities and tackling over-crowding'.

(3.19) '..... it will be for RP's to decide what their own tenancy management policy should be and what types of tenancy they will offer. For the avoidance of doubt, the

proposed requirement to have regard to LA tenancy strategies only applies in relation to RP's tenancy management policies, and not to other aspects of providers' business (such as rent setting).'

Section 5. Sefton Housing Market Overview

Current market

Sefton is a diverse Borough for housing, with regeneration required in the south of the Borough centred on the NewHeartlands Housing Market Renewal pathfinder area and affordable housing imperative in Southport to support the local economy.

The North West Plan (Regional Spatial Strategy) suggests that household growth in Sefton should be carefully managed to assist in the growth of the Regional Centre of Liverpool, meeting local market and affordable housing needs and to support inner area regeneration. Owner-occupation in Sefton is higher than the national average. The stock of social rented dwellings is relatively small although has seen a decrease over the past 10 years.

The level of unemployment in the Borough is higher than the national and regional equivalents, although around 42% of employed residents in Sefton work in occupation groups 1 to 3, which are the most skilled job types.

Household growth in Sefton is driven more by population change than by migration. Single (non older) person households are the most likely to move home and older person households are the least likely.

The population of the Borough is projected to decrease over the period 2006-2026, by 1.0%, but the number of households in Sefton is projected to increase by 10.1%. The profile of the population is expected to change substantially, with a large increase in the numbers of those aged 60 and over and a decrease in the number of families with children.

The Strategic Housing Market Assessment suggests that 34,515 of all households in Sefton contain only older people (29.7%), and the number of older people resident in Sefton is projected to increase dramatically over the next 20 years.

It is recognised that the sustainability and stability of an area benefits from having mixed income groups. Assessment by Super Output Area within Sefton reveals a wide range of deprivation levels within the Borough. The areas of highest deprivation are concentrated in the south, particularly within the wards of Linacre, Derby, Litherland, Netherton & Orrell, St Oswald, Ford and Church. There is also an area of high deprivation around the centre of Southport, and a small pocket of high deprivation within the outskirts of Southport.

Therefore diversifying the housing offer may help to diversify the socio-economic mix of households in an area. The Council would intend this Strategy to help toward attracting and retaining economically active households within its deprived neighbourhoods.

Affordable Housing Need

The results of the 2008 Strategic Housing Market Assessment (SHMA) indicate that the affordable housing need in the Borough as a whole has significantly worsened. The findings suggest that the 5 year requirement has approximately doubled to 11990 dwellings, with Southport requiring 6180 dwellings (just under 52%); Crosby 2005 dwellings; Bootle 1390 dwellings; Maghull/Aintree 855 dwellings; Netherton 795 dwellings and Formby 765 dwellings. Bootle and Netherton together now have a five year requirement for 2185 affordable units, an annual requirement of 437 which is very similar to the 2005 position.

Although the vast majority of this requirement remains (as in previous studies) for social rented housing, the proportion has fallen to 87.5% with intermediate housing (particularly intermediate rents rather than equity-based products) set at an affordability level halfway between social and market rental levels, playing an increasing minor role at 12.5%. The SHMA also indicated that Social rented accommodation should focus on 3 and 4 bed provision.

The Strategic Housing Market Assessment 2008 (SHMA) shows a net need estimate of 2,398 affordable dwellings per year, equivalent to 11,990 dwellings over a five-year period. The net need for affordable housing is greatest in Southport, which has almost 52% of borough needs. It is recommended that 60% of new housing in Sefton should be market housing with 40% affordable i.e. homes provided by registered social landlords for rent, or for shared ownership.

Housing Register and Social Housing Lettings

Sefton's Housing Register had increased from 4,605 in 2001 to 15,132 in 2009. However, a review of the borough housing waiting list has seen the number on the Register reduce to just over 8000 households at April 2012.

The increased demand appears to be due to a combination of factors relating to an increase in house prices and a greater awareness and demand for social housing with the introduction of choice based lettings. In contrast the number of social housing lettings available has faced a year on year reduction from 2,611 in 2001 to 1,645 in 2009, and they have remained at a similar level since.

Using lettings information provided from the Council/One Vision Housing Allocations system from April 2009 to May 2012, the properties which appear in greatest demand include;

- * Southport and Formby; all 2, 3 and 4 bedroom accommodation - houses, flats and bungalows.
- * Crosby and Thornton; all 2, 3 and 4 bedroom accommodation - houses, flats and bungalows.
- * Maghull and Lydiate, Aintree and Meilling; all 3 bedroom houses.
- * Litherland; 2 bedroom bungalows.
- * Waterloo; 2 bedroom properties.

These are the properties and localities in the borough with the greatest affordable housing shortages, and property types with greatest demand.

Sefton Tenancy Strategy

Section 6. Sefton Tenancy Strategy – Key Objectives.

In considering the current housing market in Sefton the key objectives of this Tenancy Strategy are:

1. Assist to make the best use of scarce social housing stock
2. Protect vulnerable households
3. Assist to maintain stable communities, particularly in weaker market areas
4. Assist retain economically active households in deprived areas
5. Respond to local needs
6. Complement other relevant Policies and Strategies

1. The kinds of Tenancies granted

Tenancies granted in Sefton by Registered Providers (RP's) will be of the following forms.

Assured Tenancy – Their aim is to provide quality and reliable accommodation to households who are unable meet their housing needs through the market. They are, and will be, particularly focused on the more vulnerable members of society. Such tenancies would be offered to tenants regardless of whether the property is let at a social, intermediate or affordable rent level. These lettings will be subject to Local Authority nominations in accordance with the Nominations agreement. Nominations will usually take the form of lettings through the PropertyPoolPlus Choice Based Lettings system.

It is common practice for RP's to offer an **Assured Shorthold Tenancy** for the first twelve months as a **Starter or Probationary tenancy**, and the Local Authority expect this practice to continue.

Secure Tenancies – Some RP's will have tenants with secure tenancies, primarily as a result of stock transfer from the Local Authority. Such tenants will keep the right to retain such tenancies, including when they move to an alternative property with the same RP.

Market Tenancies – These tenancies will usually have Assured Shorthold Tenancy as their legal form. Their aim is to provide quality and reliable accommodation to households who can meet their housing needs through the market and are attracted to registered providers because of the quality and reliability they can offer. Such tenancies will play an important strategic role in meeting a demand and, particularly where introduced into areas undergoing change, in helping foster and sustain mixed communities.

It is envisaged that this form of tenure will be an attractive alternative to households aspiring to buy for the first time but who are having difficulty securing a mortgage in the current economic environment. Market rent lettings will not usually be subject to Local Authority nominations but Registered Providers may choose to make lettings through the PropertyPoolPlus facility.

Flexible Tenancies – These tenancies will usually have **Assured Shorthold Tenancy** [unless an alternative form of tenancy is introduced] as their legal form. Flexible Tenancies last for a limited period and are renewable at the discretion of tenant and landlord at the end of a fixed term. The tenancies will be principally directed at those who are in housing need and there is not a market solution readily available. Such tenancies could be offered to tenants regardless of whether the property is let at a social, intermediate or affordable rent level. These lettings will be subject to Local Authority nominations in accordance with the Nominations agreement. Nominations will usually take the form of lettings through the PropertyPoolPlus facility.

It is recognised that some RP's provide temporary accommodation, such as hostels. In such instances **LICENSES** are often used, and it is expected this practise will continue. The use of short-term, supported housing is considered to be beyond the scope of this Tenancy Strategy.

2. Circumstances in which Tenancy of a particular kind will be granted

Where a property becomes available for letting the registered provider will determine the appropriate form of tenancy and will seek to identify a suitable tenant. In determining the form of the tenancy the RP will take into account:

- the current mix of households in the locality and the aspiration to create and sustain balanced and mixed communities
- the individual circumstances of the household
- known need and demand for housing in the locality

If flexible tenancies will help meet a greater level of housing needs, they should be given greater consideration in localities in the borough with the greatest affordable housing shortages, and property types with greatest demand. (*Objective 1*)

Property specifically designed and targeted at vulnerable groups should continue to be let as life time tenancies, such as: (*Objective 2*)

- Dedicated housing for older persons
- Supported Housing
- Adapted property for households with a member who has a disability

Lifetime tenancies should also be offered to Vulnerable groups taking up general needs accommodation, who may include: (*Objective 2*)

- Older People with Support Needs, Frail Elderly or Older People with Mental Health Needs/Dementia
- People with Complex Needs
- People with Physical or Sensory Disability
- People with Mental Health Needs
- People with Learning Disability
- Young People at Risk (including Young Offenders)
- Young People Leaving Care
- Teenage Parents
- People with Drug and/or Alcohol support needs
- People at Risk of Offending and Mentally Disordered Offenders
- Single People at Risk of Homelessness
- Rough Sleepers
- Families at Risk of Homelessness
- People at Risk of Domestic Violence
- People with HIV/Aids
- Travellers
- Refugees

There is a balance to be struck between generating greater availability of social housing for those in need, and maintaining stable communities. It would not be desirable to allow a high proportion of fixed term tenancies in any area, if this risks creating an excessive turnover of properties and hence, community instability. (*Objective 3 & 5*).

For clarity, when a property is to be offered with a 'flexible' or 'fixed term' tenancy, it should be clearly identified and advertised as such to an applicant or new household.

3. Lengths of the terms of Flexible Tenancies

The expectation is that tenancies will be for five years with discretion to the RP to let for shorter or longer periods where this is appropriate to the circumstances of the household or property.

The reasons for this approach are:

- it is reasonable in terms of managing the resources involved in reviewing tenancies
- in order to give the tenant a reasonable time of stability to build their life chances for themselves and their possible dependants

- to allow a reasonable period for tenants to engage in the local area, which is needed for cohesion in communities
- to allow the RP to take into account circumstances of the household or property which might merit a letting of longer than five years

4. The circumstances in which a Registered Providers will grant a further Tenancy on the coming to an end of the existing Tenancy

It is expected that tenant's needs will be sensitively dealt with, and that the criteria for granting a further tenancy may include:

Fixed term tenancies expiring will usually be granted a new tenancy where:

- The household includes children of school age. However, we may need to recognise that children stay with their parents well beyond school age for valid reasons, and these will be considered on an individual basis.
- The household includes a disabled person with adaptations to the home
- The occupant receives some form of housing support or is recognised as being vulnerable in some way
- The household remains unable to access market housing

Other factors which will inform the decision on granting a new tenancy will include:

- The conditions of the tenancy are being maintained
- Where the household is playing an active role in the community
- Where the tenant can demonstrate significant investment in the upkeep of their home

Fixed term tenancies expiring **may not** be granted a new tenancy where the household's circumstances have changed since granting the original tenancy, and for example where:

- The households' economic circumstances enable them to access market housing AND there is not a reason to seek to retain the household in the locality for purposes of community balance
- Where the household composition has changed, such as the children in the household have moved away leaving behind under-occupation of more than 1 bedroom
- Property is adapted for someone with a disability only for that person to no longer be resident there
- Where a person has been granted a property in order to receive support but then refuses to accept that support.
- Where it is identified the property is inappropriate for an individual's needs, i.e. they are not coping in the property or they need more support than is currently being provided.

While it may be expected that a household should be relocated into another property, this may not necessarily be the case where a households' economic circumstances have changed. RP's should consider the current mix of households in the locality and the aspiration to create and sustain balanced and mixed communities, particularly in the deprived areas of the borough. Where it is desirable to retain an economically active household in an area, the RP should explore other options with the household, which may assist them continue to live in their current home/area, but move into an alternative tenure. (*Objective 4*)

Should a household be required to relocate, an alternative tenancy/property should be offered to the household, possibly through a transfer or mutual exchange.

Where fixed term tenancies come to an end the RP will take responsibility for offering help and assistance to find alternative accommodation for the household. RP's should take account of the households' connections and areas of choice, as far as possible. No household should be made homeless as a result of the fixed term tenancy ending.

If a tenant defaults on the terms of the fixed-term tenancy (e.g. non-payment of rent, or anti-social behaviour) the R.P. should seek to end the tenancy by way of repossession proceedings. Landlords should not ordinarily use the renewal of a fixed term tenancy to resolve breaches of tenancy. However in those situations where there is a sustained serious breach and possession action is well progressed, the landlord may choose not to renew a fixed term tenancy and there would be no requirement to support the tenant with an offer of alternative accommodation. Failure to grant a new tenancy at the end of the fixed term, for reasons of tenancy default, should only occur where the R.P. is in a legal position to obtain a repossession warrant.

While the Tenancy Strategy may be a way of helping to tackle under-occupation of social housing, RP's are encouraged to consider utilising other policies and tools (*Objective 6*). Welfare Reform changes may well place financial pressures on social housing tenants who rely on benefits, and who under-occupy their home. To assist such tenants, the new sub-regional choice based lettings policy (Property Pool Plus) offers reasonable priority to under-occupying social housing tenants, to seek smaller accommodation. Likewise RP's should look to develop schemes to assist under-occupying tenants to relocate, where they wish to do so. Similarly the Localism Act introduces some changes to tenancy succession rights. RP's will need to develop policies to ensure any discretionary succession will help ensure the best use of their stock.

Section 7. Monitoring and Review of the Tenancy Strategy

Registered Providers will be expected to provide the Council with annual information about the number of lettings, and nominations it has offered. The Council will also expect RP's to provide information on the types of tenancies offered and taken up, to allow this policy to be monitored.

This tenancy strategy will be reviewed every 3 years. A review may occur sooner than this if there is any significant national, or local, policy change that may impact on this strategy, or a significant change in the Sefton housing market.