

Joint Tenancy Strategy 2017

North Warwickshire Borough Council
Nuneaton & Bedworth Borough Council
Rugby Borough Council
Warwick District Council



1. Introduction

This is the joint Tenancy Strategy of North Warwickshire Borough Council, Warwick District Council, Nuneaton and Bedworth Borough Council and Rugby Borough Council.

The strategy has been developed in response to:

-  The requirements of the Localism Act 2011 – Section 150 (1) to (8)
-  The associated powers that the Act gives councils to determine locally how housing needs can be most effectively met, particularly in respect of tenancy and rent options
-  The Regulatory Framework for Social Housing in England from April 2012 issued by the Homes and Communities Agency

The Localism Act sets out the issues, administration procedures and time frames to be followed by councils when developing their Tenancy Strategies.

The Localism Act requires that Registered Housing Providers¹ (RHPs) of affordable housing must '*have regard*' to the local Tenancy Strategy, when formulating their own Tenancy Policies relating to the:

-  Type and length of tenancies that they grant
-  Circumstances in which they will grant a tenancy of a particular type
-  Circumstances in which they will grant a further tenancy at the end of an existing tenancy

This Strategy fulfils the requirements set out in law and sets out clear expectations for social housing providers with housing stock in the areas of the Councils which are signatories to the Strategy.

Stockholding councils as RHPs themselves must also have regard to the Tenancy Strategy in exercising their housing management function.

The Joint Tenancy Strategy for North Warwickshire Borough Council, Warwick District Council, Nuneaton and Bedworth Borough Council and Rugby Borough Council commenced from January 2013 and is reviewed each year.

¹ Throughout this strategy the term 'private registered provider' refers to housing associations only whereas 'registered housing provider' includes landlord councils as well as housing associations.

Allocations and nominations

In addition to their obligations under the Localism Act 2011, RHPs also have a duty to comply with the regulatory standards published by the Homes & Communities Agency from time to time. The Tenancy Standard (April 2012) requires as follows:

“Registered providers shall co-operate with local authorities’ strategic housing function, and their duties to meet identified local housing needs. This includes assistance with local authorities’ homelessness duties, and through meeting obligations in nominations agreements.”

RHPs are expected to have regard to this Tenancy Strategy in a manner that is fully compliant with their regulatory obligations as set out in the paragraph above.

2. Strategic Objective of the Tenancy Strategy

This strategy sets out how the signatory district councils expect the provisions of the Localism Act will be used in a strategic way to make the most appropriate use of affordable housing across the designated area, shown in the map in Appendix B.

All RHPs are expected to support through the use of social housing tenancies in the designated area the following outcomes and objectives:

-  Households to have a stable and secure home life
-  Existing and prospective tenants to be better able to improve their economic circumstances
-  Vulnerable households to be protected
-  Sustainable communities to be supported and maintained
-  The economic viability of our communities to be supported and underpinned
-  Local households to be better able to meet their current and future housing needs
-  Social housing to be used in an equitable way to promote social mobility, financial inclusion and reduce under occupation and overcrowding
-  Investment in Warwickshire in affordable housing where it is needed

3. Administration of Tenancies

3.1 Use of tenancies and their duration

RHPs have the power to offer a wide range of tenancy types. Assured Periodic Tenancies have prevailed for housing associations since 1989 while local authorities since 1980 have used Secure Lifetime Tenancies. Both types of tenancy allow the tenant, subject to compliance with their tenancy conditions, to remain in their home for as long as they wish. The exceptions to these long term tenancies have been probationary or demoted tenancies, which are normally fixed for a year.

The Localism Act and the Regulatory Framework for Social Housing in England introduced provisions allowing RHPs to offer Fixed Term Tenancies. Such a tenancy can be:

-  Issued for a fixed term, based on a set of fixed and agreed circumstances
-  Renewed or terminated at the close of the term

Fixed Term Tenancies do offer the opportunity to allow RHPs to encourage people to move to accommodation more suited to their needs. However, they also mean that people are only secure in their accommodation for the period of the Fixed term Tenancy. Therefore, the use of Fixed Term Tenancies needs to be considered very carefully to make sure that:

-  The ability of households to have sustainable and secure home lives is not unduly compromised
-  Communities are socially and economically sustainable
-  There is no discrimination against vulnerable tenants
-  Tenants are provided with an appropriate type and length of tenancy, giving them the protection and stability that they need to live positively within their local community.

RHPs working in the designated area are expected to adopt a pragmatic and locally sensitive approach to the use of Secure Lifetime and Fixed Term tenancies.

In developing the policies they will use in the designated area, RHPs are expected to have regard to the following broad principles:

-  The regulations state that Fixed Term Tenancies for general needs tenants must be offered for a minimum of five years plus any introductory/probationary or starter period. Only in exceptional circumstances should a tenancy for a minimum fixed term of no less than two years be offered.
-  Secure Lifetime Tenancies should be the default tenancy for vulnerable tenants where the cause of vulnerability is unlikely to

change. However, a Fixed Term Tenancy longer than five years may be considered in exceptional circumstances for vulnerable tenants where there is a prospect of the circumstances that make them vulnerable changing and so may be able to benefit from a change to their housing circumstances.

-  Tenants in sheltered housing or Extra Care Housing should be offered Secure Lifetime Tenancies.
-  Prospective tenants being offered a Fixed Term Tenancy need to be able to make an informed choice as to whether such a tenancy is appropriate for their needs. All prospective tenants being offered a Fixed Term Tenancy must therefore be advised verbally and in writing of the implications of entering into such a tenancy arrangement prior to the signing of the tenancy agreement. This must include a clear written explanation of the criteria which will be used to review their tenancy to determine whether or not the tenancy will be renewed (see below) and what re-housing options will be offered to help them if the tenancy is not renewed.
-  RHPs shall develop and provide services that will support tenants to maintain their tenancy and prevent unnecessary evictions.

'The Regulatory Framework for Social Housing in England' states that RHPs are expected to have policies in place that will provide clear information to prospective tenants covering, among other things, the:

-  Type of tenancy to be issued
-  Reasons for issuing such a tenancy
-  Grounds upon which a tenant may appeal the prospective landlord's decision
-  Circumstances where a Fixed Term Tenancy will be issued, the length of the term and the criteria used for review at the end of the fixed term period

In the designated area, there are four local authority landlords and 40 different RHPs with housing in some or all of the four council areas. Each has its own Tenancy Policy. It is not practical to summarise all of the tenancy policies here. RHPs are expected to make sure that their Tenancy Policies are readily available both in a printed format and on the website of the individual provider. Website addresses for those RHPs with a significant number of properties in any particular district are included at the end of this strategy.

The Regulatory Framework requires RHPs to have a policy on appeals against the type and length of any tenancy offered to a tenant. We consider that managing and dealing with these appeals are matters for individual landlords to decide upon.

For clarification, in respect of Rugby Borough Council managed units of supported housing in which occupants are in receipt of attention and/or services, these will be subject to licences for occupation, as opposed to tenancies.

3.2 Fixed Term Tenancy – Review, Renewal and Termination

This Strategy presumes that in those cases where a Fixed Term Tenancy has been used, that it will be renewed and extended unless:

-  The household's income has changed substantially and is sufficient to allow them to readily secure a home on the open market without undue reliance upon social security support
-  The size or needs of the household are such that the property is no longer suitable to continue to be occupied by that household (overcrowding or under occupation).

Tenancy Reviews should not be used as an alternative to using the legal remedies and proceedings that are available for the management of tenancies and matters such as anti-social behaviour or rent arrears.

When a fixed term tenancy is coming to an end the landlord has to decide whether to grant the tenant a new tenancy. This means that all landlords need to have a Tenancy Review Process for reviewing their fixed term tenancies.

Tenancy Review Processes should give due regard to the need to have sustainable communities which include a range of households with mixed income levels. Each household should therefore be assessed with a view to taking into account a full understanding of its circumstances and the socio-economic mix of the local community. It is expected that social security policy should also be taken into account – including for example the under occupation charge and the benefit cap.

If an RHP decides that a Fixed Term Tenancy has to come to an end:

-  The conditions for ending the tenancy set out in all relevant and applicable regulations and legislation must be met
-  The tenant should be advised with due regard to their housing needs, their social and employment networks and their financial status about the full range of housing options that are viable and available to them

-  Practical and meaningful advice and assistance about finding and securing alternative accommodation should be offered to the tenant, so that they can choose the solution most appropriate to them (including home ownership if this is affordable and an expressed desire of the tenant)
-  In cases where the tenancy is not being renewed because the household is under or over occupying their home, the landlord should make every effort to find them another suitable home with a social landlord

As part of the advice and assistance to the tenant there is an expectation that the landlord will:

-  Provide pro-active signposting to the local housing options team if this is appropriate
-  Have officers readily available to provide clear advice and assistance about housing options to all tenants served with a notice to end their Fixed Term Tenancy

If a local authority landlord decides not to renew a Fixed Term tenancy it has a legal obligation to give the tenant at least six months written notice and the tenant has a right to request a review of the decision. The notice has to advise the tenant of the reasons for the decision, of the right to request a review, and of any time limit for such a request.

For Private Registered Providers, such as housing associations, the regulatory requirements are more limited but they also have to give notice to the tenant of their decision and must have a process for tenants to ask for a review appeal against a decision not to renew the tenancy.

All RHPs operating in the designated area are expected to issue a decision on whether or not to renew a Fixed Term tenancy in such a way as to give the tenant of a Fixed Term Tenancy at least six months written notice. This ensures consistency for all social housing tenants and allows sufficient time for landlords and advice services, when necessary to work with tenants to find alternative accommodation.

If the landlord decides that it will renew the tenancy it must decide whether to do this for a further Fixed Term or to offer a Secure Lifetime Tenancy. We consider that the principles set out in section 3.1 above are applicable to this decision in the same way as they were applied to the original tenancy.

3.3 Review

The legislation gives tenants the right to a review if their Fixed Term Tenancy is not to be renewed. It is for each RHP to set out their review arrangements. However there is an expectation that they are referred to in Tenancy Policies and tenants are made aware of them.

3.4 Existing Tenants

Under the current regulatory framework people who were social housing tenants on 1st April 2012 and have remained social housing tenants ever since are to be given a tenancy with no less security if they choose to move to another social rented home, even if this is with another social landlord.

The only exception to this is where the existing tenant chooses to move to a home to be let on Affordable Rent terms (see Section 4 below). In this case it will be important that the tenant has all the information needed to make an informed decision on the rights that they would be giving up to facilitate this move.

4. Administration of Affordable Rents

4.1 Affordable Rents

The current regulatory framework permits for social housing the use of 'Affordable Rents' that are set at up to a maximum of 80% of the local private rented market level.

The use of Affordable Rents is a factor in the funding of new social housing, especially the homes that are and will be delivered under the national Affordable Homes Programme. However, households within the designated area can have low incomes especially when compared to the costs of private sector rented accommodation. RHPs are therefore encouraged to take this into account along with the results of any relevant Strategic Housing Market Assessments and take a reasonable view when determining when and how Affordable Rents (for both new build and existing properties) should be used.

Prospective tenants should be given an opportunity to discuss and fully evaluate whether a tenancy at an Affordable Rent level is a sustainable housing option for them.

In Warwick District, from 1st January 2015, rents on Affordable Rent homes provided without HCA funding (known as Warwick District Affordable Rent) will be restricted so that the average on any scheme is no more than the mid-point between average social rent and 80% of average market rent.

4.2 Affordable Rent Conversions

The conversion of a proportion of existing homes to Affordable Rent can play a part in the funding of the Affordable Homes Programme. Nevertheless local authorities in the designated area have a legitimate interest where in the past they have supported bids for grant funding for a scheme because there was a need in the locality for housing to be let at a social rent. We want to make sure the impact of proposed conversions has been fully taken into account, for example, but not exclusively, in determining any potential impact on the local housing market and the relationship between the proposed rents and the likely incomes of social housing tenants.

We would therefore encourage RHPs to involve the relevant local authority at an early stage in discussions about planned conversions to Affordable Rent providing the local authority with details regarding the property type, location, whether a Secure Lifetime or Fixed Term Tenancy and proposed rent level prior to conversions being implemented.

The following matters should be considered when identifying properties for conversion:

-  The sustainability of local communities should not be undermined
-  Affordable Rents should be genuinely affordable for local tenants;
-  Housing estates should continue to provide homes for households with a mix of incomes

Consideration should also be given to de-converting Affordable Rents in tenancies where tenants are struggling to meet rent levels on affordability grounds.

RHPs are asked to note that Affordable Rents can be used in conjunction with either Secure Lifetime or Fixed Term tenancies. There is no obligation on an RHP to use a Fixed Term Tenancy if it wishes to levy an Affordable Rent.

4.3. Section 106 Agreements

Where rents are constrained by an existing Section 106 Agreement, RHPs are reminded that it must be adhered to or that they must apply for a variation, at their own cost, through the planning process. Every case will be treated on its merits by the relevant local authority so there can be no guarantee that requests for any changes will be successful.

5. Monitoring and Review of this Tenancy Strategy

The Strategy will be annually reviewed. The next review will take place in December 2017.

We welcome comments at any time from residents, tenants, people applying for and wanting to apply for social housing, local community bodies and RHPs on how the strategy is working to help inform and shape the outcome of the next review. Comments and ideas can be sent at any time to your local authority's housing department. Contact details can be found in Section Six of this strategy.

6. Contact details

The Strategy will be published on the websites of the signatory local authorities and those of the RHPs providing homes in the designated area.

Local Authorities

North Warwickshire Borough Council

Paul Roberts (Housing Strategy and Development Officer)

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www.northwarks.gov.uk

Nuneaton & Bedworth Borough Council

Donna Hallows (Housing Research and Strategy Officer)

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Rugby Borough Council

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Warwick District Council

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Please note that all the councils noted above are housing landlords.

Private Registered Providers

Affinity Sutton – www.affinitysutton.com

Anchor Housing – www.anchor.org.uk

Ashram Housing Association – www.ashramha.org.uk

Asra Housing – www.asra.org.uk

Bromford Group – www.bromfordgroup.co.uk

Derwent Living – www.derwentliving.com

Friendship Care & Housing – www.longhurst-group.org.uk

Guinness Hermitage – www.guinnesshermitage.com

Housing 21 – www.housing21.co.uk

Stonewater Housing – www.stonewater.org

Mercian Housing Association – www.mercian.org.uk

Midland Heart – www.midlandheart.org.uk

Orbit Heart of England – www.orbit.org.uk

Riverside ECHG – www.riverside.org.uk

Sanctuary – www.sanctuary-group.co.uk

Viridian Housing – www.viridianhousing.org.uk

Warwickshire Rural Housing Association –
www.warwickshirerha.org.uk

Waterloo Housing Group – www.waterloo.org.uk

Appendix A

Warwickshire Lettings Report

Name of RHP	
Contact for this Report	
Local Authority Area	
Period	

Tenancy Types

	Number	Comments and Notes
Total Number of Tenancies...		
<i>...of which Secure Lifetime/Assured Periodic tenancies</i>		
<i>...of which Five Year Fixed Term Tenancies (please state reasons why Fixed Term Tenancies were used)</i>		
<i>...of which Two Year Fixed Term Tenancies</i>		
<i>...of which are new build at Affordable Rent</i>		
<i>...of which are conversions to Affordable Rent</i>		
The number of Fixed Term Tenancies reviewed...		
<i>...of which terminated for under occupation</i>		
<i>...of which terminated for reasons related to household income</i>		
<i>...of which terminated for other reasons (please state reasons)</i>		
Tenants whose Fixed Term tenancies ended and...		
<i>...were re-housed in social housing</i>		
<i>...bought a home</i>		

<i>...rented private sector accommodation</i>		
<i>...were referred to the local housing authority as homeless</i>		

Fairness and Equity - Tenant Profile (Primary Tenant)

Gender	Secure Lifetime Tenancies	Fixed Term Tenancies	Affordable Rent
Female			
Male			

Ethnicity	Secure Lifetime Tenancies	Fixed Term Tenancies	Affordable Rent
Asian Or Asian British – Indian			
Black or Black British – African			
Mixed – Other			
Mixed – White & Black African			
Mixed – White & Black Caribbean			
White – British			
White – Other			
Unknown			

Religion	Secure Lifetime Tenancies	Fixed Term Tenancies	Affordable Rent
Christian			
Muslim			
No Religion			
Other			
Rather not say			
Sikh			
Unknown			

Age	Secure Lifetime Tenancies	Fixed Term Tenancies	Affordable Rent
16-24			
25-34			
35-44			
45-54			

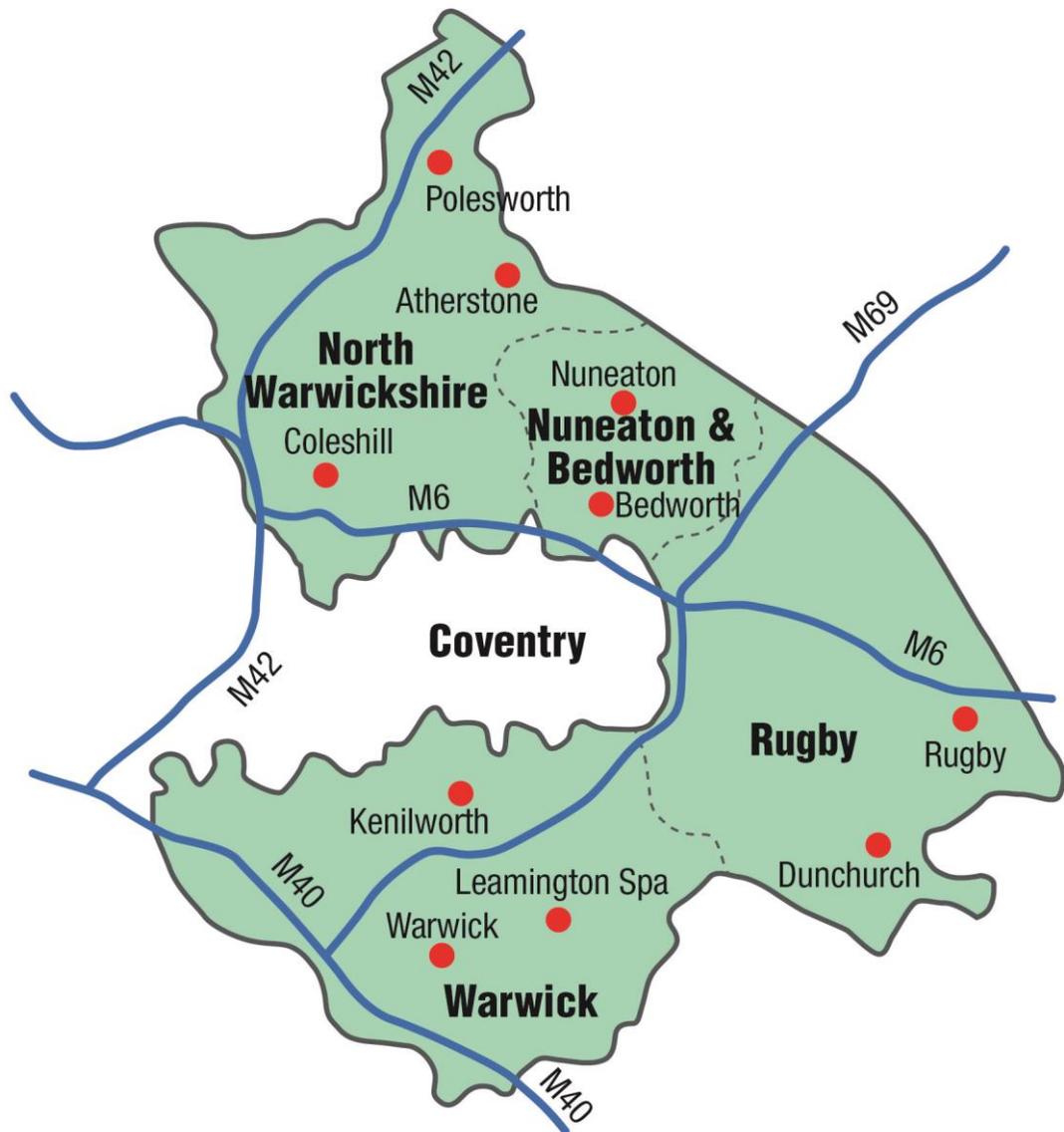
55-59			
60-64			

Disability	Secure Lifetime Tenancies	Fixed Term Tenancies	Affordable Rent
No			
Yes			
Unknown			

Sexuality	Secure Lifetime Tenancies	Fixed Term Tenancies	Affordable Rent
Heterosexual			
Bisexual			
Lesbian/Gay			
Unknown			

Appendix B

Area covered by the strategy



Joint Tenancy Strategy	
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