

DRAFT BUCKINGHAMSHIRE TENANCY STRATEGY

1 Purpose

- 1.1 To seek the views of Members for the draft Buckinghamshire Tenancy Strategy, attached as Appendix 1 of this report.

2 Recommendations

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| <p>2.1 That Members endorse the approach taken to develop the new Buckinghamshire Tenancy Strategy.</p> <p>2.2 That Members provide comments on the draft Strategy for consideration by the Director in conjunction with the Cabinet Member for Community Matters.</p> |
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3 Supporting information

- 3.1 Section 150 of the Localism Act 2011 requires local authorities to produce a tenancy strategy. A tenancy strategy is a document outlining what Registered Providers (RPs) of social housing are to have regard to when formulating policies relating to:
- the types of tenancies they grant,
 - the circumstances in which they will grant a tenancy of a particular kind,
 - the length of fixed term tenancies, and
 - the circumstances under which a tenancy may or may not be reissued at the end of the fixed term.
- 3.2 The purpose of a tenancy strategy is to set out the local authority's expectations for the types of tenancy that a RP will offer when delivering and letting accommodation in the authority's district.
- 3.3 The RP is only required to "have regard" to the authority's tenancy strategy when formulating its own tenancy policy. This means that ultimately, the RP does not have to comply with requirements of the authority's strategy. However, we hope that the strong working relations we have with our partner Providers will enable us to constructively influence their policies.
- 3.4 Partner RPs have already introduced fixed term tenancies. New lifetime tenancies are now the exception rather than the norm. RPs have also introduced Affordable Rents (at up to 80% of market rent inclusive of service charge), which means that some rents are significantly higher than Social Rents, however, they are still lower than the Local Housing Allowance rates for the district.
- 3.5 Aylesbury Vale District Council has worked with the other district councils in Bucks and produced a joint tenancy strategy with AVDC acting as the lead authority. The main reasons for this are that: most of our RP partners operate across the county and we share a common allocations policy and a choice based lettings system (Bucks Home Choice).
- 3.6 Shortly after the Localism Act 2011 was passed, the Bucks Tenancy Strategy Interim Statement was adopted as a pre cursor to the full strategy. The Interim Statement provided RPs with a set of principles to follow and enabled the Council to work with RPs in this intervening period to develop the full strategy.

- 3.7 The Interim Statement was used as the basis for a draft Bucks Tenancy Strategy (attached as Appendix 1 of this report) which was published for consultation on 23rd July. It should be noted that this report was finalised before the consultation ended, which was 2nd September.
- 3.8 Once the consultation responses have been evaluated and a final strategy agreed upon by all four district councils, the Strategy will be considered firstly by the Cabinet on 13th November, and then reported to Council on 5th December for approval and for the Strategy to be added to the Council's policy framework.
- 3.9 Local authorities must complete and publish their strategies by 14th January 2013.

4 Options considered

- 4.1 None.

5 Reasons for Recommendation

- 5.1 To ensure an agreed Tenancy Strategy is written and published by the January 2013 deadline.

6 Resource implications

- 6.1 None.

7 Response to Key Aims and Objectives

- 7.1 The Bucks Tenancy Strategy is linked to the AVDC Corporate Plan 2011-2015 within the Priority theme "Protecting and improving the living experience in the Vale".

Contact Officer Khyati Vaughan - 01296 585881
Background Documents Bucks Tenancy Strategy 2013

Buckinghamshire Tenancy Strategy

Draft for consultation

23rd July – 2nd September 2012

Produced by the Bucks Tenancy Strategy
Partnership involving consultation with local
Registered Providers



1. Aims and Purpose of the Buckinghamshire Tenancy Strategy

- 1.1. Local authorities are required to produce a tenancy strategy. The contents of the tenancy strategy are set out in the Localism Act 2011¹. This draft Strategy has been written in partnership by all the district councils within the county of Buckinghamshire, a group which for the purposes of this document will be referred to as the Partnership. The four councils in the Partnership are Aylesbury Vale District Council, Chiltern District Council, South Bucks District Council and Wycombe District Council.
- 1.2. The four district councils in Bucks already work closely together on housing issues, sharing a Common Allocations Policy² and a Choice Based Lettings System called Bucks Home Choice (BHC). This Partnership considered it appropriate to co-operate on a Tenancy Strategy; tying this in with the on-going development of Bucks Home Choice and conversations with local Registered Providers (RPs).
- 1.3. This Strategy outlines what the Partnership expects from RPs in terms of the development of affordable housing³, tenancies, rents and allocations in the county. The Strategy has been written with regard to the following Housing Strategies:
- a)
- AVDC: Housing and Homelessness Strategy 2008-2013
 - CDC: Strategic Housing Framework 2012/13 and the Homelessness Strategy
 - SBDC: Homeless Strategy 2008-13
 - WDC: Housing Strategy 2009-2014
- 1.4. This is a statutory document to which RPs are to have regard when formulating tenancy policies.
- 1.5. The Partnership believes that the district councils are well placed to provide information on the housing needs of the county and that if RPs apply the principles of this Strategy, it should enable the changes to be introduced consistently throughout Buckinghamshire.
- 1.6. The Partnership expects:

¹ The following link is to the 'Tenancy strategies' section of the Localism Act:
<http://www.legislation.gov.uk/ukpga/2011/20/part/7/chapter/2/crossheading/tenancy-strategies/enacted>

² A copy of the Bucks Home Choice Allocations Policy can be found at:
<http://www.buckshomechoice.gov.uk/uploads/CBLAllocationPolicy01Jan11.pdf>

³ As defined on page 50 of the National Planning Policy Framework:
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

- a.) a proportion of affordable housing (both new build and re-lets) to be let as social rented housing (in accordance with the definition set down in the National Planning Policy Framework⁴), and expects RPs to have due regard to the Homes and Communities Agency guidelines in respect of relets.
- b.) the use of one year “introductory tenancies” for all new lets, and;
- c.) a minimum of a five year tenancy term being offered following the introductory period, where fixed-term tenancies are utilised (unless there are exceptional circumstances and excluding circumstances where lifetime tenancies may be considered to be appropriate).

2. Partnership preferences: Tenancies

2.1 The Partnership expects that RPs issue tenancies compatible with the purpose of the accommodation, the needs of individual households, the sustainability of the community, and the efficient use of housing stock. In particular, it expects that each RP that is developing and letting accommodation in Buckinghamshire will:

- b) Publish a clear and transparent Tenancy Policy⁵ (including details of when fixed-term tenancies will be utilised and the circumstances in which they will and will not be renewed) and make this available on request to the district councils and prospective tenants.
- c) Issue a one year starter/introductory tenancy for all new tenancies (unless a lifetime tenancy is granted).
- d) Issue a fixed-term tenancy for a minimum tenancy term of five years following the end of the starter/introductory tenancy (unless the RP chooses not to grant a further tenancy because the tenant has breached the terms of the starter/introductory tenancy).
- e)
- f) Consider lifetime tenancies where appropriate.
- g) Renew a fixed-term tenancy at the end of the tenancy term if:
 - there have been no significant changes to the circumstances of the household, and
 - there have been no major breaches of the tenancy agreement.

(This approach will have the benefit of:

- providing the RP with a reliable income,
- providing more security for the tenants,
- helping to prevent homelessness, and
- allowing for the best use of stock).

⁴ See page 50 of the Policy Framework document:
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

⁵ Contact the respective RP for a copy of their tenancy policy

- e) Assist households who have not had their tenancy renewed and are still in housing need to secure a transfer or exchange into more suitable replacement accommodation on a fixed-term tenancy (e.g. support a household whose children have moved on to secure a move to smaller accommodation).
- f) Ensure that the tenant and the relevant district council are given at least six months' notice of the expiry of the tenant's fixed-term tenancy (in the event of the RP deciding that the tenancy will not be renewed) and work with the tenant and district council to provide the necessary advice and assistance to prevent the tenant becoming homeless on the expiry of the notice.
- g) Include in their Tenancy Policy - 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.
- h) Consult with the relevant district council on any proposed disposals or tenure changes within its stock and, seeking agreement, ensure that any disposals have due regard to the terms of any relevant planning agreements and that all proceeds are re-invested in the district concerned where possible.
- i) Provide full information on fixed-term tenancies so that they can be clearly advertised on the countywide allocation system, which is currently Bucks Home Choice. More information on the preferences for the allocation of new tenancies is outlined in section 4 below.

2.2 The expectations set down in paragraph 2.1 apply to tenancies that are being let at Social Rent (i.e. target rent) or Affordable Rent levels.

3. Partnership preferences: Development and Affordable Rent

3.1 Affordable Rent properties will be coming through the development pipeline and the Partnership welcomes the potential for the new revenue stream to be reinvested into the development of new affordable homes in Buckinghamshire.

3.2 The preferences that each individual district has towards the development of new Affordable Rent properties is linked to the individual affordable housing policy advice contained within the Supplementary Planning Document (SPD) of each district. Each district's SPD outlines the development that the district council would like to see in the area and should be considered before the preferences outlined in this Strategy.

- 3.3 Whilst the districts are expecting to see the development of Affordable Rent properties, the continued provision of new Social Rent homes on sites where viability allows it is also expected.

Each individual district will have different preferences, both on the amount of development and the amount of Social Rented units (if any) that it would prefer to see on a given site. Therefore, it is recommended that RPs and developers approach the appropriate district as soon as possible to discuss affordable housing and the types of tenure on their sites.

4. Partnership Preferences: Allocation of Tenancies

4.1 The Partnership expects the districts to retain nomination rights on new and existing properties, irrespective of rent levels. The expectations of the Partnership in terms of the allocation of new rents and tenures are outlined below:

- a) Properties will be let in line with existing nominations agreements between the RP and the relevant district council.
- b) No more than 50 % of re-lets per year⁶, per RP, will be converted to Affordable Rent from the four districts' current stock. The balance will be re-let at Social Rent levels.
- c) Affordable Rent properties will be advertised and allocated through the countywide allocations system (currently BHC).
- d) The rent (Social or Affordable) will be clearly advertised to applicants.
- e) The terms of fixed-term tenancies will be clearly advertised on the allocations system, so that applicants on the housing register understand the type of tenancy that they are applying for and how long the tenancy will last.
- f) Any lifetime tenancies will be clearly advertised on the allocations system.

4.2 The Partnership also expects all new and existing properties to be allocated in line with the rules of the districts' allocation schemes, which is currently the countywide Bucks Home Choice, and the most up to date allocations policy.

⁶ Or as per current HCA guidance

Appendix: Definitions/glossary

Affordable housing	Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market.
Affordable Rent	Rent charged at no more than 80% of the local market rent (including service charges, where applicable).
Choice Based Lettings	Advertising vacant properties and giving applicants the opportunity to express an interest in them. www.buckshomechoice.gov.uk
Fixed-term tenancy	Applies to tenancies offered for a specific period of time rather than traditional “lifetime tenancies”.
Homes and Communities Agency (HCA)	The national housing investment agency.
Lifetime tenancy	A tenancy granted by an RP that is not subject to a fixed-term and can only be brought to an end by either: (i) the tenant voluntarily ending the tenancy; or (ii) the provider securing a possession order from the Court due to a breach of tenancy conditions.
Registered Provider (RP)	An organisation registered with the HCA. Some RPs were previously referred to a housing association or Registered Social Landlord.
Social Rent	Guideline target rents that are determined through the national rent regime.
Tenancy policy	The Localism Act requires RPs to produce a Tenancy Policy, covering the following:

	<ul style="list-style-type: none">▪ Type of tenancies granted▪ The circumstances in which we will do so▪ The length of tenancy terms▪ The circumstances in which a further tenancy will be granted.
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