

21 November 2012		ITEM 6
Housing Overview & Scrutiny Committee		
The Strategic Tenancy Policy and the Council's Tenancy Policy.		
Report of: Councillor Val Morris-Cook. Portfolio-Holder Housing		
Wards and communities affected: All	Key Decision: Yes	
Accountable Head of Service: Linda Sinclair, Interim Head of Housing		
Accountable Director: Barbara Brownlee, Director of Housing		
This report is Public		
Purpose of Report: To advise Members about the changes the Council needs to consider in relation to the type of tenancies social housing landlords (both Housing Associations and the Council) are able to offer following the Localism Act, which came into force on April 1 2012.		

EXECUTIVE SUMMARY

This report advises Members about the changes that are needed to the type of tenancies that Thurrock social housing landlords are able to offer to tenants after 1 April 2012. It also advises Members about the progress that has been made with the plans necessary to bring about these changes. It should be noted that both Housing Associations within Thurrock and the Council, itself, are affected by these changes, although in slightly different ways.

As a result of the Localism Act, which came into force on 1 April 2012, the Council has two major issues to consider in relation to Thurrock social landlord tenancies:-

1. To produce a statutory "Strategic Tenancy Policy" (Appendix 1) which will provide a new framework for the creation of tenancies by social housing landlords (includes Housing Associations and Thurrock Council) within Thurrock. This first issue is a duty placed on Local Authorities by the Localism Act;
2. To produce in consultation with tenants and stakeholders a new detailed Council tenancy policy (Appendix 2) in respect of its own tenants. This policy will sit within the "Strategic Tenancy Policy" framework. This second issue is a requirement which follows from the first, however, the Council does have some significant latitude in terms of what its own tenancy policy will look like.

The Strategic Tenancy Policy sets out the broad objectives to be taken into consideration by individual social landlords when granting tenancies in the future .

The key objectives in both the Strategic Tenancy Policy and the Council's own tenancy policy are the same as those approved by the Council in February 2012 for the Housing Strategy and HRA Business Plan. Namely:

1. To meet the acute housing needs of the most vulnerable, and comply with the Council's statutory rehousing duties;
2. To create and support sustainable communities within Thurrock.

Both these high-level objectives sit within the Council's overall top priorities.

The strategic policy is also consistent with the Councils' homeless strategy and new allocation scheme. The implementation of the strategic policy is governed by a statutory time-table and needs to be agreed by 15 January 2013.

There is no statutory timeline for the Council's own tenancy policy, but it cannot start until after the strategic policy has been agreed. The aim will be to achieve agreement on the key Council tenancy policy considerations (i.e. types of tenancies) at Cabinet on 12 December 2012 with approval of a comprehensive tenancy policy document by 1 April 2013, together with an implementation timetable. The comprehensive policy will deal with all the common tenancy conditions, such as neighbour nuisance, noise, keeping pets etc.

1. RECOMMENDATIONS:

- 1.1 That Housing Overview and Scrutiny note this report and make any comments necessary to be taken forward as part of the planned development of both the Strategic Tenancy Policy and the Council's own tenancy policy.**
- 1.2 That a further report concerning the comprehensive tenancy policy be presented to Housing Overview and Scrutiny in March.**

2. INTRODUCTION AND BACKGROUND:

- 2.1 This report advises Members about the changes that are needed to the type of tenancies that Thurrock social housing landlords are able to offer to tenants after 1 April 2012. It also advises Members about the consultations that have taken place with Housing Association partners and the consultations still underway with Council tenants. It should be noted that both Housing Associations within Thurrock and the Council, itself, are affected by these changes, although in slightly different ways.
- 2.2 The government has been concerned that there are a number of issues with social housing in terms of meeting housing need. They have noted:

- Social housing is a scarce resource and is not always used as effectively as it could be to meet housing needs;
- Some low-income households, unable to access social housing, are living in more costly accommodation e.g. temporary accommodation (such as an increasing use of expensive B&B in Thurrock) or in the private rented sector;
- The housing benefit bill is significant and continues to rise;
- There are disproportionately high levels of unemployment in the social rented sector and people tend to get “stuck” in social housing and have less mobility in terms of job-seeking;
- Compared to the private rented sector, the social rented sector is not as flexible in meeting needs and demand;
- New homes are desperately needed to meet housing need, but there is much-reduced public subsidy for new social housing, and therefore the existing national stock needs to be targeted more at housing need.

2.3 The government has introduced a number of reforms to try to provide solutions to these issues. Amongst them are the welfare reform changes, the changes to Council’s allocations and homelessness duties, and these tenancy policy changes. These tenancy policy changes must therefore be seen to work in conjunction with the other national policy changes.

2.4 The broad aims of the tenancy policy changes are:

- To enable local authorities to resolve these issues at a local level with their own strategic policy framework for their area;
- To enable decisions about who lives where and for how long to be taken on the basis of local need and circumstances;
- To achieve a housing system that is better focused; protecting the vulnerable and those in most need;
- To enable social housing to become a springboard into work and self-sufficiency instead of dependency.

2.5 The legislative requirements around the creation of a Strategic Tenancy Policy revolve around the key changes to the existing National Tenancy Standard (set up originally by the TSA). The revised National Tenancy Standard states:

Social Landlords should grant tenancies which are compatible with the purpose of the housing, the needs of individual households, the sustainability of the community and the efficient use of their housing stock.

2.6 How Thurrock social landlords meet these broad objectives is shaped by the Borough-wide Strategic Tenancy Policy and the tenancy policy of each social landlord in Thurrock. The Council’s Strategic Tenancy Policy places a requirement on all Thurrock social landlords to publish and maintain a clear and accessible tenancy policy which contains at least the following elements:

- A statement about the kinds of tenancies they will grant;

- Where they are permitted to grant tenancies for a fixed term, the lengths of those terms;
- The broad circumstances in which they will grant a tenancy of a particular kind;
- In the case of a fixed term tenancy, how a tenant or prospective tenant may appeal or complain against the length of the term, including a decision not to grant a secure or assured tenancy;
- The broad circumstances in which tenancies may or may not be reissued at the end of a fixed term in the same or a different property;
- How a tenant may appeal or complain against a notification that the landlord does not propose to grant another tenancy on the expiry of the fixed term of the existing tenancy;
- Provision to take account of the needs of those who are vulnerable, for example by age, disability, or illness, and households with children;
- Advice and assistance, including finding suitable alternative accommodation available to tenants when a decision not to reissue a fixed tenancy is made;
- The circumstances in which a social landlord may choose to grant discretionary succession rights.

2.7 Tenancy policies are required to reflect the diversity of local housing needs and markets and the priorities of tenants and residents. In line with government requirements, Thurrock's strategic policy requires that social landlords must:-

- In relation to fixed-term tenancies, grant general needs tenancies with a fixed term of at least 2 years, excluding any probationary (starter) tenancy period;
- Grant probationary tenancies where they choose to do so in a way that is transparent and fair. The probationary period may be up to 12 months, and could be extended for a further 6 months subject to certain conditions;
- Protect the security and rights of those who were social housing tenants at 31 March 2012 by granting them a tenancy with no less security where they choose to move to another social rent home (this requirement would not apply to properties let on affordable rents by Housing Associations or by the Council);
- Ensure that where existing tenants at 31 March 2012 are decanted, they are granted a tenancy with no less security in their settled home.

3. ISSUES AND/OR OPTIONS:

3.1 The key issues for the Council in relation to these tenancy policy changes are:-

- How to design a Strategic Tenancy Policy (Appendix 1) that enables social landlords (Housing Associations and the Council) to meet the housing needs of the vulnerable and those most in need in flexible ways, whilst at the same time delivering a balanced supply of housing to let from the existing social stock to support sustainable communities.

- How it will design in detail its own tenancy policy (Appendix 2) to meet not only the key strategic needs, but also a policy that supports the Council's own HRA Business Plan in terms of meeting direct housing need from the housing register and homelessness queues, and in supporting sustainable Council housing estates and neighbourhoods.

It should be noted that the strategic policy recognises the differences between the business plans of local Housing associations and the Council's own Housing Business Plan. These different business imperatives require a different approach in regard to the granting of the new fixed-term tenancies.

3.2 The Issue of Fixed Term Tenancies:

The Strategic Tenancy Policy does permit social landlords within Thurrock to make use of fixed-term tenancies. All social landlords operating in Thurrock are required to have regard to two key strategic objectives when drafting their tenancy policies:-

1. To meet the acute, statutory housing needs within the Borough, and
2. To create and support sustainable communities within Thurrock.

In fulfilling these two objectives, they will also have to ensure that they comply with their own business plans so that they are "*compatible with the efficient use of their housing stock*".

It is therefore considered necessary to permit the use of fixed-term tenancies in the Strategic Policy in order to reflect the different business imperatives and operating environments that exist for Housing Associations and the Council.

In order for Housing Associations to be able to maximise their development potential, they need to have increased flexibility over their future rental income streams. Most Housing Associations nationally and locally are planning to introduce fixed term, short-hold assured tenancies for new lettings and new builds at what are termed "affordable rents". These rents, at up to 80% market rents, are higher than social rents. The fixed-term tenancy enables social landlords to rebase their rent at the end of each fixed tenancy term, thus enabling such rents to keep pace with local housing markets. A periodic tenancy would only allow this when the tenant vacated.

The additional income derived from higher "affordable rents" will be used to fund future housing development programmes by Housing Associations, thus contributing to the Council's plans for 200 affordable homes per year.

Since April 2012, tenure and rent have become completely separate. Providers are now able to let properties on fixed term tenancies at their own discretion but will still only be able to let properties at affordable rent as part of an agreement with the HCA or the Greater London Authority. The rules governing how rents are set for Housing Associations are laid down in the

Regulatory Framework for Social Housing in England 2012 (Annexe A: Rent Standard Guidance) March 2012.

Therefore, the Council would want to see Housing Associations within Thurrock linking the use of fixed-term assured shorthold tenancies to their development plans. The Strategic Tenancy Policy requires that Housing Associations should be able to show in their tenancy policies how the use of such tenancies, let at “affordable rents”, will improve the supply of affordable housing within Thurrock.

3.3 Strategic Tenancy Policy: Main Issues:

The Strategic Tenancy Policy has now been developed and is attached at **appendix (1)**. This is proposing a number of specific parameters as follows:

- Fixed-term Tenancies: That social landlords operating in Thurrock will not create fixed-term tenancies of less than 5 years and that such tenancies will not be used where it is clear that the life-time housing needs of the applicant and/or group of applicants are not going to change, for example, with new tenants of supported housing for the old (sheltered and extra-care housing) or other vulnerable groups with similar life-time needs.
- Fixed-term Tenancies: That where social landlords choose to grant fixed-term tenancies in Thurrock, they are required to state in their tenancy policy how such tenancies, through the application of increased rental incomes from affordable rents, will contribute to an increase in the supply of affordable housing locally. They will also need to state how any potential risks arising from a perceived loss of community stakeholder feelings by fixed-term tenants will be managed so as to avoid a negative impact on objectives for sustainable communities.
- Probation Tenancies: Where fixed-term tenancies are allowed, they may follow on from probationary (starter) tenancies. Both the Council and Housing Associations have discretion to use probationary tenancies. In the case of the Council, these are called Introductory Tenancies and can last up to 18 months; for Housing Associations, they are called Starter Tenancies and can also last up to 18 months. Such probationary tenancies are to be used in appropriate situations by each social landlord with the aim of deterring and reducing anti-social behaviour among tenants and to create incentives for new tenants to look after their homes and pay their rent on time.
- Reviews of Fixed-term Tenancies: When fixed-term tenancies come to an end, there is a need to review whether the tenancy should be extended or not. The Strategic Tenancy Policy sets out the general criteria for doing that (it is up to each Housing Association how they do this in detail). The general criteria suggested are about the changes in the lives of the occupants concerning:

- Income and economic circumstances,
- Household composition,
- Current accommodation needs,
- History (conduct) of tenancy,
- Any other relevant circumstances (welfare issues and special needs etc).

In the case of the Council, if it were to make use of fixed-term tenancies, there is a government prescribed scheme for conducting tenancy reviews.

- Succession: The Localism Act has stated that there is no automatic right of succession regarding secure tenancies granted after April 1 2012, except in those cases that concern spouses & civil partners. The Strategic Policy permits one right of succession from one spouse to another (a couple either married or in a civil partnership). It should be noted that S86A. (5) of the Housing Act 1985 states that “*a person who was living with the tenant as the tenant’s wife or husband is to be treated as the tenant’s spouse*”. It also makes the same provision for someone living with the tenant as the tenant’s civil partner; such a person should be treated as the legal civil partner. Thus, succession applies to those who might be considered to be living in “common-law” relationships.

The Strategic Policy also allows the Council to determine its own exceptions policy. This would allow the Council the option of allowing other family members to succeed in appropriate circumstances, for example, in the case of two elderly siblings living together or where, perhaps, there were issues of relevant vulnerability.

- Housing Advice and Assistance: All social landlords will need to ensure that they provide appropriate advice and assistance to tenants about their housing options, especially, if their fixed-term tenancy is not being renewed. It is especially incumbent upon the Council to provide this advice and assistance and this must be outlined in the Council’s Allocations Policy as to how it would do that.
- Rents: The Strategic Tenancy Policy will lay down some parameters about what rents will be charged. In the main, the type of rents and methods of calculation are set down in the Homes and Communities Agency (HCA) National Rent Standard for social landlords (applies to Housing Associations only). The rents that the Council charges are outside this regime and are governed by the guidance on social rents issued by the CLG – Formula Rents.

However, both the Council and Housing Associations will be able to charge what are called *Affordable Rents*” on new build properties (Housing Associations can also do this on new lets of existing stock). An Affordable Rent is one that is generally up to 80% of the local

market rent. In most areas, including Thurrock, this is panning out at about 60%.

The average affordable rent for a 3 bed house in Thurrock is therefore about £124.61 per week. The Strategic Policy permits social landlords to design their own schemes for affordable rent tenancies that best fit with the needs of their Business Plans and the local housing market.

3.4 Council's own Tenancy Policy Issues:

As well as having to consider the strategic issues, the Council needs to consider what this means for its own tenants and future tenants. A number of important issues have been identified.

3.5 The main issues identified so far for consideration, which are currently undergoing consultation with tenants, future tenants, members, and other stakeholder groups, are:-

- Fixed-term Tenancy or not? Should the Council grant fixed-term tenancies in future?

The issues to consider in this question are the same as the issues that prevail in relation to the Strategic Policy, namely, how best can the Council meet acute, statutory housing need in the Borough, when new builds will not be sufficient. It should be noted, that the Council's approved Business Plan has estimated that 420 additional homes are needed in Thurrock each year for the next 10 years in order to meet housing need. The use of fixed-term tenancies for certain groups of new Council tenants (those of working age (18-61) and not classed as vulnerable) could help with meeting acute housing needs.

The assumed beneficial effect of fixed-term tenancies on housing supply would operate each time a fixed-term tenancy comes to an end. As fixed-term tenancies come to an end, a proportion of them would not be renewed, and therefore the supply of additional housing from existing stock would be made available to help with the acute housing demands.

However, The Council also has to try to balance this requirement with the need to support sustainable communities. By making use of fixed-term tenancies, there is a risk that endeavours to achieve and maintain sustainable communities within Thurrock could be undermined. This might manifest itself in communities that feel they have less of a stake in the place where they live. This could lead to a lower level of concern for the environment and housing by such communities. Lower levels of community stakeholding can help create environments for crime, vandalism and anti-social behaviour to prosper. All of these destructive forces would have a serious, detrimental impact on any social landlords and the Council.

It is possible to meet both objectives (housing needs and sustainable communities) by adopting an alternative course of action to make the best use of existing stock. Rather than making use of legal powers through fixed-term tenancies, the Council is focusing on the use of incentives for tenants in order to make the best use of its existing stock and reduce under-occupation. For example, the new tenancy policy includes an incentive scheme for certain groups of tenants to apply to downsize and in return receive a proportion of their annual rent free. Other incentives are also available

- Qualification for Fixed-term Tenancy: If the Council were to adopt fixed-term tenancies, who would qualify for the new fixed-term tenancy and who would qualify for the new type of secure tenancy? What criteria would the Council use to exempt people from the fixed-term tenancy? Should the criteria just be age-based (say pension credit age of 61) or should other criteria be used, such as relevant vulnerabilities, such as learning difficulties, etc? Should place be used as a criterion instead of or as well as people's circumstances, for example, all new tenancies in high-rise flats.
- Reviews of Fixed-term Tenancies: If the Council were to introduce such tenancies for its own tenants, it would be required to follow the government review scheme which sets out how reviews should be conducted.

The government scheme broadly states that if the decision is to decline to renew the tenancy, the tenant is required to request a review in writing within 21 days of the first notice. The first notice must be served not less than 6 months before the end of the fixed term. The tenant is entitled to request an oral hearing and the review must be conducted by someone senior in the Council to the maker of the original decision and not involved in that decision.

It can be seen that if the Council were to introduce fixed-term tenancies, it would have to set up a system of reviews; these reviews would probably start on a rolling, monthly basis within 5 years at the rate of 10 – 20 per month. These would require detailed case-work, likely including multi-agency resources from Housing teams, Adult Social Care, Mental Health teams, ASB team, police, health agencies etc. The costs of resourcing such a system, including dealing with complaints and potential referrals to the Local Government Ombudsman, are difficult to estimate at this point, but are likely to be extraordinarily high.

Given these additional costs, the question for the Council is whether any perceived benefits of granting fixed-term tenancies would outweigh the costs of resourcing a new fixed-term tenancy review system, and would it represent good value for money?

- New Secure Tenancies After 1 April 2012. All Council tenants who were granted a tenancy before 1 April 2012 have their statutory rights as secure tenants protected, even when they move home within the Council or Housing Association sector. However, tenants granted a secure tenancy after 1 April 2012 are only entitled by statute to one succession to either a married or civil partner.

However, by virtue of the Localism Act, which substituted a new succession clause in the Housing Acts (Housing Act 1985 S. 86A), Councils can create new succession rights, provided that there is no spouse or civil partner eligible to succeed on the death of the original tenant and an express term has been inserted into the tenancy agreement providing for a person other than a spouse or civil partner to succeed.

The question for the Council then, is should it permit further succession rights in addition to the new statutory rights? If it does, which family members should qualify – adult children (18 and over) biological offspring, step-children, adopted children, adult siblings etc?. The normal provision is that such other qualifying family members need to have occupied the property as their principal home for 12 months prior to the death of the original tenant. This proposal would be restricted to one succession only from the original secure sole tenant or the surviving sole tenant from the original secure joint tenancy between married or civil partners.

The Council Tenancy Policy proposes that all new Thurrock Council secure tenancies let from the implementation date of 1 April 2013 will include a further right of succession as follows:-

1. To a capable, adult child (biological offspring, step-child or adopted child), who has been living in the home for at least 2 years before the death of the parent who was the tenant, whether the deceased tenant was a successor or the original tenant.
2. To a capable, adult sibling who has been living in the home for at least 5 years before the death of the original tenant.

Note: Capable, adult is someone 18 and over, and who has capacity within the terms of the Mental Capacity Act. A child between 16 and 18 may be supported by Social Services, and the tenancy placed in trust until they are 18.

The Council Tenancy Policy also proposes that, when tenants with a new secure tenancy transfer or carry out a mutual exchange within the social housing sector in Thurrock, they retain the rights of succession granted in their first tenancy.

- “Transitional Secure Tenancies”: How will “transitional” secure tenancies be treated by the Council. A “transitional” secure tenancy is one that has been created after 1 April 2012 but before the Council’s new tenancy policy comes into being (1 April 2013). Will such tenants be allowed protection and keep their secure tenancy when they transfer or carry out a mutual exchange within the social housing sector? The Localism Act appears to have removed that statutory right.

Also, tenancies after the 1 April 2012 have continued to be let on the Council’s existing terms, which do not make an adequate express provision for succession to family members other than a spouse or civil partner. This means that current tenants who were granted their tenancies after 1 April 2012 may not have succession rights to any family members, such as children, other than the statutory rights of succession to a spouse or civil partner. Legal advice on the best options for the Council continues to be sought in order to ensure there is fairness for all “transitional” secure tenants on these points.

- Mutual Exchanges between a Council secure tenant and a Housing Association assured short-hold tenant: Normally mutual exchanges between secure tenants are carried out by a deed of assignment; neither tenancy in the exchange actually ends, each one merely passes over to the new tenant. However, where a secure tenant exchanges tenancies with an assured short-hold (Housing Association fixed-term tenant), the tenancies are required to be terminated in law and new tenancies created. The implications of this are that the original secure tenant to the exchange will be granted a new assured periodic tenancy by his/her Housing Association landlord which will not necessarily have the same succession rights as his/her original Council secure tenancy. It is important that clear information is given to all tenants and housing applicants about the implications of the different tenancy types available under the Council’s new Strategic Tenancy Policy.
- The Right to carry out Improvements: If the Council were to grant fixed-term tenancies, it might wish to consider giving such tenants the right to carry out improvements with permission, and also to receive compensation for such improvements in the same way that secure tenants are able to receive compensation.
- Common Tenancy Conditions: There are a number of tenancy conditions that are common to all the tenancy types. For example, conditions about the keeping of pets, conditions about looking after the home and communal areas, payment of rent and service charges, anti-social behaviour, noise nuisance and other types of nuisance etc. These conditions are currently the subject of on-going work and will be presented to Overview & Scrutiny in March next year as the new comprehensive tenancy policy.

- Rent Payment Condition: It is proposed that the Council requires all Council tenants, regardless of tenure type to pay their rent monthly in advance. This would put all tenants on the same footing as private tenants and mortgage payers. It would also help the Council reduce the risks of late payment once Universal Credit is introduced, which will be paid to claimants at the end of the month like a salary.
- Other Types of Tenancies: The Council Tenancy Policy also proposes using other types of tenancy alongside secure tenancies, such as:
- Introductory Tenancies: These are tenancies for up to 12 or 18 months and are used primarily to put tenants on probation where there are risks in connection with their conduct of the tenancy, for example anti-social behaviour. The Council Tenancy Policy proposes to use an Introductory Tenancy Scheme. All new tenants will receive an introductory tenancy first before moving on to their secure tenancy.

By law, during the introductory tenancy the tenants will not have the same rights as a secure tenant. For instance introductory tenants do not have the right to:

- Buy or acquire the property (but the period spent as an introductory tenant counts towards the discount)
- Improve the property (unless they have permission from the council)
- Take in lodgers or sublet
- Exchange with another property
- Transfer to another property.

However, apart from the “Buy or acquire the property”, exclusion, the Council’s new policy proposes to include the other rights within its new Introductory Tenancies.

- Demoted Tenancies: It is proposed to introduce a Demoted Tenancy Scheme as part of the Council’s tenancy policy. This tenancy is applied by the Courts to deal with anti-social behaviour where the Council has a demoted tenancy policy, and generally lasts for limited periods set down by the Courts. It would be used by the Council when taking Court action against secure tenants in respect of serious ASB. The Council would apply to the Court for a demotion of the tenancy for a period of time, say 6 months to 12 months, on terms. If the tenant breached those terms, the Council would be able to obtain immediate possession.
- Family Intervention Tenancies (FIPs): These are special tenancies, again used to tackle serious anti-social behaviour issues and “problem” families. They are designed to allow intensive family support work by a FIP worker to engage the families concerned in positive behaviours. The Council Tenancy Policy intends to make use of FIP Tenancies in such appropriate circumstances.

- Temporary Decant Tenancies: Such tenancies are used to provide temporary accommodation for tenants who need to move out of their main home in order for major repair works to take place. Once the repairs are completed, the tenant then moves back. The Council Tenancy Policy makes a provision for these tenancies in such circumstances.

3.6 There will be budget implications regarding these changes, some of which will relate to the design and production of new tenancy materials and agreements, some to training of staff and information to residents, and some in relation to additional staff to manage the review periods and changes to different tenancies. There will also be a budget issue in relation to any ICT changes to the housing management system to handle the new tenancy types. The precise costs are not yet known, but will become apparent as work progresses on the detailed options for the Council. Any financial costs will be contained within the HRA as identified in the approved HRA Business Plan.

4. CONSULTATION (including Overview and Scrutiny, if applicable)

- 4.1 Consultation is currently underway and will continue up until the final comprehensive policy document is presented to Overview & Scrutiny next March. Consultation took place with the Tenants Panel in October, when a workshop was held about the different tenancy types and tenancy conditions. Consultation has also taken place with staff and key stakeholders through a series of workshops held during September and October.
- 4.2 Currently consultation is underway with all tenants and applicants (over 15,000 people) which closes on 21 November 2012. This consultation has been communicated to all tenants by letter and via the local media and is available on-line at <https://consult.thurrock.gov.uk/public/tc/housing/stp>. The preliminary results of this consultation are in **(Appendix 3)**. A summary of the preliminary results from 68 returns so far are as follows:

Type of Tenancy/Tenancy Right	For	Against
Fixed-term tenancy	50%	45.5%
Introductory Tenancy	82.35%	14.7%
Demoted Tenancy	89.7%	5.8%
Additional Succession Rights	58.2%	13.2%

The indications so far are that the majority of those responding, by a significant margin, favour Introductory, and Demoted Tenancies; they also favour additional succession rights. There is a fairly even split between those who favour fixed-term tenancies and those who do not.

5. **IMPACT ON CORPORATE POLICIES, PRIORITIES, PERFORMANCE AND COMMUNITY IMPACT**

The key provisions of both the Strategic Tenancy Policy and the Council Tenancy Policy have been considered in the context of the HRA Business Plan and Housing Strategy in terms of any implications concerning meeting acute housing needs and supporting sustainable communities within Thurrock.

6. **IMPLICATIONS**

6.1 **Financial**

Implications verified by: Mike Jones.
Telephone and email: 01375 652772. mjones@thurrock.gov.uk

Any costs incurred to deal with the new tenancy policy as a result of this project will be contained within existing resources within the HRA.

6.2 **Legal**

Implications verified by: Alison Stuart, Principal Housing and Regeneration Solicitor
Telephone and email: 01375 652 040 alison.stuart@bdtlegal.org.uk

As the report is for noting, there are no legal implications at this time. As the policy progresses, there will be legal implications following the consultation process.

6.3 **Diversity and Equality**

Implications verified by: Samson DeAlyn.
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sdealyn@thurrock.gov.uk

These proposed changes to the types of tenancies that social landlords will be able to offer in future are the most significant changes that have taken place in many years. They are therefore likely to have a major impact on people from vulnerable groups, people in poverty and large families.

The Council has therefore put in place appropriate safeguards in both policies to ensure that the interests of vulnerable people are protected. For example, with the Strategic Tenancy Policy, all social landlords are required to include a vulnerable people policy or protocol within their tenancy policy. Such a vulnerable people protocol sets out how each landlord will work with appropriate agencies to support vulnerable people in their tenancies and avoid unnecessary evictions. It will also set out what support and advice they will give in the event that a tenant loses his/her home either at the end of a fixed-term tenancy or as a result of an eviction.

- 6.4 **Other implications (where significant) – i.e. Section 17, Risk Assessment, Health Impact Assessment, Sustainability, IT, Environmental**
None

7. CONCLUSION

- 7.1 The Strategic Tenancy Policy offers the Council an opportunity to review and change social housing tenancies within the Borough. Through providing a range of tenancies with appropriate conditions of tenancy and tenancy incentives, the Council can ensure its own housing stock is used more effectively to meet the housing needs of its residents; it can also protect vulnerable residents in terms of maintaining secure tenancies where appropriate.

BACKGROUND PAPERS USED IN PREPARING THIS REPORT:

- Project Group Documents: Contact Officer: Les Clark
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APPENDICES TO THIS REPORT:

1. Strategic Tenancy Policy
2. Council Tenancy Policy & Plan
3. Tenancy Policy Consultation

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