

Title of report: Herefordshire Council Tenancy Strategy 2021 - 2024

**Decision maker: Cabinet member housing, regulatory services, and
community safety**

Decision date: Friday, 14 January 2022

Report by: Housing Strategy Officer

Classification

Open

Decision type

Non-key

Wards affected

(All Wards);

Purpose

To approve the tenancy strategy as a guiding document for Registered Providers working across Herefordshire. The tenancy strategy is a statutory document. The Localism Act 2011, sets out provisions for housing tenure reform and places a duty on local authorities to prepare and publish a tenancy strategy, to keep it under review and to modify or replace it from time to time. Our existing tenancy strategy was approved in 2016 as part of the revised housing allocation policy. A new housing allocations scheme was agreed and implemented in 2020, but this did not include a tenancy strategy. A new tenancy policy that reflects current legislation and up to date housing needs data is now required.

Recommendation(s)

That:

- a) **That the tenancy strategy at appendix 1 to the report is approved as a guiding document for registered providers working across Herefordshire.**

Alternative options

1. The Localism Act 2011 requires that all Local authorities have a tenancy strategy in place. The council's tenancy strategy was last updated in 2016 as part of the housing allocations policy that was subsequently replaced in 2020. The new allocations

scheme documentation does not include a tenancy strategy, a new one is therefore needed that reflects changes in legislation and the current affordable housing needs of our community. The Cabinet member housing, regulatory services, and community safety could choose not to approve this tenancy strategy. This is not recommended, as the existing tenancy strategy does not reflect current legislation.

2. Changes could be made to the draft tenancy strategy and it could be reissued. This is not recommended as the strategy has been through a consultation process with Registered Providers as required by the Localism Act 2011.

Key considerations

3. The Localism Act 2011 says that a tenancy strategy must set out matters which Registered Providers of social housing working in the area are to have regard to when formulating their own policies including:
 - a) the kinds of tenancy they grant
 - b) the circumstances in which they will grant a tenancy of a particular kind
 - c) where they grant tenancies for a certain term, the length of the terms
 - d) the circumstances in which they will grant a further tenancy on the coming to an end of an existing tenancy.
4. The council's current tenancy strategy is nine years old and in need of refreshing to reflect changing legislation and current affordable housing need in Herefordshire. The new strategy includes information about the Homelessness Reduction Act 2017, which gave the council new duties relating to homelessness and the Secure Tenancies (Victims of Domestic Abuse) Act 2018, which aims to ensure victims of domestic abuse do not lose security of tenure if they are forced to move out of their home.
5. Following a stock transfer process in 2002, Herefordshire Council owns very little housing stock. Instead we work in partnership with Registered Providers operating in the county to allocate social housing to people with an identified housing need. This is done through Herefordshire Home Point. There are eight main Registered Providers in Herefordshire, many of whom work across a number of local authority areas. There are over ten thousand affordable homes for rent in Herefordshire. The largest provider is Connexus, formally Herefordshire Housing who own over five thousand, three hundred homes in the county.
6. The tenancy strategy sets out the council's strategic position on the use of different tenancies.
7. Registered Providers should 'have regard to' local authority tenancy strategies when determining their own approach to using flexible tenancies.

Community impact

8. Affordable housing for rent is of huge importance for the individuals and families who live in it now, and the many more who look to Herefordshire Council, as the local housing authority, to provide the support they need in the future.
9. Affordable housing for rent in Herefordshire is allocated in accordance with the council's housing [allocation scheme](#), which was updated in 2020. The aim of the allocation scheme is to ensure that affordable homes for rent go to people who genuinely need them; and not to those who do not e.g. people who already own a home that is suitable for them to use or those who have the resources to sort out their own housing solutions.
10. Approximately seventy-five percent of affordable homes for rent in the county are allocated through Home Point. This system gives applicants choice about where they want to live by expressing interest in (bidding on) available properties on a daily basis.
11. There are two main tenures covered on the tenancy strategy, social rent and affordable rent. The affordable homes programme 2021 -2026 does not provide for social rent in Herefordshire as we are not considered to be an area of high affordability pressure compared to other local authorities. This means that the council will continue to require the majority of properties subject to Section 106 affordable housing planning obligations to be let at social rent levels.
12. The council supports the use of affordable rent to ensure viability and because it enables the provision of additional high quality, below market cost rental properties. However, in order to ensure that this provision continues to meet local housing need, the council believes that affordable rent levels should be no more than local housing allowance levels.
13. There are a wide range of tenancies available to Registered Providers. The strategy sets out the council's views on some of these options for clarity and to ensure that people living in social housing are offered the most suitable tenancy for their individual or family circumstances.
14. The council supports the use of introductory or starter tenancies as an effective housing management tool to ensure that new tenants understand their obligations under the tenancy agreement. Upon successful completion it is expected that it will be automatically converted to the relevant tenancy used by the registered provider.
15. The council understands that Registered Providers may want to use fixed term tenancies, but has set out a clear set of conditions under which we believe that they can be used. Following the consultation process, we understand that some registered providers are moving away from the use of this kind of tenancy as there are no clear benefits.
16. The council believes that for some residents a life time tenancy should be offered, including where the circumstances which led to them being granted a tenancy are unlikely to change. Lifetime tenancies should also be offered in cases of domestic abuse where the tenant already has a lifetime tenancy and is being housed on the basis of the abuse in line with the Secure Tenancies (Victims of Domestic Abuse) Act 2018.

17. The council recognises the benefits of using assured shorthold tenancies (ASTs) where periodic tenancies are not possible e.g. in supported accommodation or where the registered provider does not own the property.

Environmental Impact

18. Whilst this is a decision on policy that will have minimal environmental impact, consideration has been made to minimise waste and resource use in line with the Council's Environmental Policy.
19. The council's strategic housing team work with Registered Providers to develop affordable housing for rent across the county. In September 2021 the council agreed the new zero carbon affordable housing standards set out in [Herefordshire Future Homes](#). This document sets recommended standards for the council's planned net zero homes and acts as guidance for all housing developers including Registered Providers, ensuring that we work together to reduce county carbon emissions and improve the energy efficiency of homes and building standards for new homes.
20. The council is actively working with Registered Providers to reduce the impact of their worst performing stock by working in partnership to secure funding to enable this. This will reduce the environmental impact of poor performing homes and positively impact on reducing fuel poverty.

Equality duty

21. Herefordshire Council works with Registered Providers to offer a choice based letting scheme for people assessed as having a clear housing need of affordable housing for rent in Herefordshire, this extensively includes people with a range of protected characteristics.

Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to –

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

22. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of

policies and in the delivery of services. Our Registered Provider partners are all aware of the requirements to comply with equality legislation and have equality policies in place to reflect this.

Resource implications

23. There are no financial implications linked to the tenancy strategy. This is a statutory document that provides Housing Providers working in Herefordshire with information about affordable housing provision and guidance on what the local authority expects to see included in their tenancy policies.

Legal implications

24. Section 150 of The Localism Act states that a local housing authority in England must prepare and publish a tenancy strategy setting out the matters to which the registered providers of social housing are to have regard in formulating policies. The report and appendix ensure that the local authority is complying with the statutory duty.

Risk management

25. There is little risk involved with the publication of the tenancy strategy. The council is required to have a tenancy strategy in place as set out in the Localism Act 2011. The council already has a tenancy strategy in place, but this is in need of updating to reflect current legislation and practice. The tenancy strategy has been subject to consultation with Registered Provider partners as stipulated in the Localism Act 2011 and has been reviewed by the council legal services team in advance of being circulated through the governance process. The document acts as guidance for Registered Providers, who must 'have regard' for the local authorities tenancy strategy, but are not required to comply with it. This is an advisory document.

Consultees

26. The tenancy strategy has been circulated to Registered Provider partners for comment twice:
- Feedback from the original consultation process was used to update the tenancy strategy along with discussions around hard to let properties and how the council can work with Registered Providers to maximise the use of all housing stock.
 - The tenancy strategy was circulated via email to eleven Registered Provider partners. A reminder was issued one week in advance of the deadline and two responses were received on the final draft version.
 - Comments from both responding Registered Providers (Connexus and Stonewater) were favourable particularly around the inclusion of the councils open approach to discussions and action around hard to let properties.
 - No further changes were requested.

27. The strategy has been reviewed by the council's legal services team to ensure that it is fit for purpose in advance of the governance process.

Appendices

Appendix 1 – Draft Tenancy Strategy

Background papers

None identified.

Report Reviewers Used for appraising this report:

Please note this section must be completed before the report can be published		
Governance	Sarah Buffrey	Date 16/11/2021
Finance	Louise Devlin	Date 02/11/2021
Legal	Kate Coughtrie	Date 09/11/2021
Communications	Luenne featherstone	Date 02/11/2021
Equality Duty	Carol Trachonitis	Date 02/11/2021
Risk	Paul Harris	Date 02/11/2021
Approved by	Neil Taylor	Date 22/12/2021

Please include a glossary of terms, abbreviations and acronyms used in this report.