

**Decision Maker:** CARE SERVICES PORTFOLIO HOLDER

**Date:** For Pre-decision scrutiny by the Care Services PDS Committee on Tuesday 4 December 2012

**Decision Type:** Non-Urgent Executive Non-Key

**Title:** DRAFT TENANCY STRATEGY 2013 - 2015

**Contact Officer:** Sara Bowrey, Head of Housing Needs Service  
Tel: 020 8313 4013 E-mail: sara.bowrey@bromley.gov.uk

**Chief Officer:** Terry Parkin, Executive Director of Education & Care Services

**Ward:** (All Wards);

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1. Reason for report

To seek Member approval for the draft Tenancy Strategy for 2013 – 15 attached at Appendix 1.

In line with the requirements of the Localism Act 2011, the draft strategy sets out the council's approach to tenure reform in the social housing sector and outlines the objectives to be taken into account by social housing landlords as they formulate their own tenancy policies.

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2. **RECOMMENDATION(S)**

**The PDS Committee is asked to comment on the appended draft strategy and make recommendations to the Portfolio Holder for its approval.**

**The Portfolio Holder is recommended to approve the final draft of the tenancy strategy following collation of any necessary amendments arising from the consultation process including comments from the PDS Committee.**

## Corporate Policy

1. Policy Status: New Policy: The strategy is a new requirement under the provisions of the Localism Act 2011. It has however been formulated in accordance with existing policy and the previously approved guidance issued to registered providers (RPs) in relation to developing tenancy policies covering tenure and affordable rents.
  2. BBB Priority: Children and Young People Quality Environment Safer Bromley Supporting Independence:
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## Financial

1. Cost of proposal: No Cost:
  2. Ongoing costs: Not Applicable:
  3. Budget head/performance centre: ECS Housing Needs
  4. Total current budget for this head: £
  5. Source of funding:
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## Staff

1. Number of staff (current and additional): N/A
  2. If from existing staff resources, number of staff hours: N/A
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## Legal

1. Legal Requirement: Statutory Requirement: New statutory requirement set out in the Localism Act 2011
  2. Call-in: Not Applicable:
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## Customer Impact

1. Estimated number of users/beneficiaries (current and projected): There are approximately 13,000 social housing units within Bromley. The council operates a common allocations scheme with all social housing landlords, with units advertised under the nominations agreement through Bromley Homeseekers. The housing register receives, on average around 450 new applications each month. Approximately 4,000 households also approach each year faced with imminent homelessness requiring advice and assistance to secure affordable alternative housing.
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## Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: N/A

### 3. COMMENTARY

- 3.1 A number of changes to legislation, regulatory frameworks and funding mechanisms have occurred recently that impact both on how existing affordable housing is managed and how it is delivered.
- 3.2 This proposal fulfils the requirements of the Localism Act 2011 for local authorities to have a tenancy strategy agreed by 15 January 2013, setting out matters to which individual Registered Providers (housing associations) in the area must have regard when setting their own policies in relation to:
- The kind of tenancies they will grant.
  - Where they grant tenancies for a fixed term, the length of those terms.
  - The circumstances under which they will grant tenancies of a particular type.
  - The circumstances under which a tenancy may or may not be re-issued at the end of the fixed term in the same property or in a different property.
- 3.3 The strategy also reconfirms the council's position in relation to:
- The application of the affordable rent tenure.
  - Discharging the council's homelessness duty into the private rented sector.
- 3.4 It is important to note that Registered Providers (RPs) need only to 'have regard' to our tenancy strategy in developing their own policies and also that RPs have already signed contracts with the Homes and Communities Agency (HCA) regarding the development of the new affordable rent product for the delivery of affordable housing until 2015. This means that they will already have plans in place for their tenancy policies.
- 3.5 However, to assist in informing their policies, in partnership with the South East London Housing Partnership, a position statement was previously issued setting out the agreed approach to tenure and affordable rent reform. Initial consultation, including meetings with the key developing RPs in the area was also undertaken. The strategy asks all RPs to review their policies to ensure wherever possible they compliment rather than contradict the council's strategic priorities.
- 3.6 The strategy forms an additional document in the suite of housing related strategies and aims to compliment and support the delivery of the council's agreed strategic aims. In particular the tenancy strategy will work in conjunction with the homelessness strategy and allocations scheme to best meet highest levels of housing need in the area and make best use of available housing stock.
- 3.7 The allocations scheme which defines the process for allocating affordable housing in Bromley through the common housing register and nominations agreement with all stock holding RPs in the area was reviewed and updated in December 2011 in advance of the forthcoming Localism Act. It will now be reviewed independently of the tenancy strategy to ensure that it reflects any changes introduced as a result of the Localism Act and relevant government guidance.
- 3.8 Within the above framework the tenancy strategy has been developed with the following objectives:-

- Make best use of the available housing stock for those that most need it, for as long as they need it, including reducing overcrowding, tackling under-occupation, and making best use of adapted housing for those with a disability.
- Offer tenancies which are in the best interest of the individual household.
- Protect and provide stability for vulnerable people and promote independence.
- Promote economic activity and not disincentivise work.
- Encourage the development of new affordable housing.
- Increase local and customer accountability for the use of affordable and social housing.
- Promote sustainable communities.

3.9 For ease of reference, Appendix 2 provides a table summarising the position on the implementation of reforms as detailed in the tenancy strategy.

3.10 The Act requires local authorities to consult on their draft tenancy strategy with all RPs of social housing in its district and also with the Mayor of London.

3.11 In addition to the initial consultation undertaken as outlined in paragraph 3.5 of this report the draft strategy has now been circulated for formal consultation. In addition to consulting the Mayor, Members and RPs, views have also been sought from existing tenants and housing register applicants along with a range of individuals and groups who will/may have an interest. It has also been published on the Homeseekers website.

3.12 We will seek to consider, and where possible incorporate, feedback from the consultation prior to final sign-off of the strategy by the Portfolio Holder. A summary of consultation findings will be published together with the final strategy by the end of January 2013.

3.13 In line with the duties contained in the Equalities Act 2010, an equalities impact assessment (EIA) will be finalised during the consultation process to enable necessary remedial action identified to be incorporated into the final strategy. The EIA will be published alongside the final strategy.

3.14 It is proposed that the tenancy strategy, when adopted, will form an additional document within the existing suite of housing strategy documents. It will then be reviewed periodically, initially after two years, within this existing regime to ensure its continued effectiveness. Any future proposed changes will be subject to consultation and will be presented to this committee before the delegated approval of the Portfolio Holder and Executive Director of Education and Care services is given.

## **4. POLICY IMPLICATIONS**

4.1 The tenancy strategy forms one document within the wider suite of housing related strategy documents designed to dovetail together to offer a comprehensive approach to providing sustainable housing solutions and addressing housing need within the locality across all sectors of the housing market.

## 5. FINANCIAL IMPLICATIONS

5.1 There are no direct financial implications arising from the contents of this report.

## 6. LEGAL IMPLICATIONS

6.1 The tenancy strategy fulfils the requirements of the Localism Act 2011 for local authorities to have a tenancy strategy setting out matters to which social landlords in the area must have regard when setting their own tenancy policies.

6.2 The strategy has been designed to assist the council in meeting its overarching statutory duties in relation to the provision of housing advice and assistance, homelessness services and housing allocations.

<b>Non-Applicable Sections:</b>	Personnel
Background Documents: (Access via Contact Officer)	Homelessness Strategy 2012 -17 – Sara Bowrey Allocations Scheme (2011) – Sara Bowrey S150 Localism Act 2011