

Redditch Borough Council's Consultation response: Local decisions: a fairer future for social housing

Q.1. As a landlord do you anticipate making changes in light of the new tenancy flexibilities being proposed? If so, how would you expect to use these flexibilities? What sort of outcomes would you hope to achieve?

Redditch Borough Council (RBC) would consider introducing the use of flexible tenancies as a further option to providing tenancies. Our approach would be to use these tenancies to help make best use of our stock in the future. One of the concerns most local authority landlords have is that they have a limited housing stock, especially family accommodation, which is not being replaced when Right to Buys are taking place and a housing need which is constantly increasing. As a landlord we know that a large proportion of our large family accommodation is taken up by families whose children have left home and in a lot of cases only the couple are left in a property. We therefore would look to introduce flexible tenancies to help free up family accommodation, by giving 10 year tenancies to families at the end of the ten year period the tenancy would be reviewed and depending if the children had left home the tenancy could be extended or ended and housing advice provided to find alternative housing which meets the needs of the current household this could be local authority housing, private sector or by purchasing accommodation.

We would also look to use flexible tenancies for those households who the council would look to provide housing to meet their immediate housing situation but where in the near future the assets they have tied up could be released to provide them with alternative housing in the private sector.

Outcomes would be:

- Better use of housing stock
- Reduction in waiting list time
- Reduced housing related fraud / unauthorized sub-letting.
- More second chances with Social Landlord accommodation for former 'bad tenants'
- Reduced anti-social behaviour / rent arrears as tenants will need to demonstrate that they are good tenants to have flexible tenancies renewed.
- Attraction of Key workers / skills that are lacking into an area
- Improved links with alcohol / drug rehabilitation programs as will make landlords more willing to try things out with risky tenants if restrictions

of removing them or impact of bad behaviour on other tenants are reduced.

Q.2. When as a landlord might you begin to introduce changes

Any changes would be introduced after the review of the Housing Revenue Account (HRA) being introduced in April 2012 we see no changes being introduced before this date if legislation is changed. We would need the time to undertake consultation with partners and local people and ensure that flexible tenancies added value to the area and are aligned with Economic Development, Homelessness and Housing Need Strategies.

Q.3. As a Local Authority, how would you expect to develop and publish a local strategic policy on tenancies?

We would expect to undertake consultation with local residents including customers on the waiting list, existing tenants. All partner RSL's operating within the area, internal partners such as Planners and Economic Development, the Local Strategic Partnership, Community Safety Partnership, Private Landlords, Voluntary Sector Partners and other Statutory Agencies operating in the area. The strategy must show clear links to priorities in the Economic Development, Homelessness and Housing Need Strategies and be published on the Local Authority website, news papers, radio and the council's local magazine.

Q.4. Which other persons or bodies should local authorities consult in drawing up their strategic tenancy policy?

Ward Councillors would be key in helping develop this with their constituents. We would also have to take into account the changes to the Housing Benefit reform. Also see partners in Q3.

Q.5. Do you agree that the Tenancy Standard should focus on key principles? If so, what should these be?

Key Principles should include:

- Enabling tenants to move out of social housing
- To make best use of the housing stock
- To ensure that social housing accommodation is for those that require social housing
- Reduce under occupancy
- Making it fair for all to access social housing that require it short term and long term

Q.6. Do you have any concerns that these proposals could restrict current flexibilities enjoyed by landlords? If so, how can we best mitigate that risk?

RBC have found the use of introductory tenancies very beneficial in ensuring a tenant abides by their tenancy conditions in the first 12 months to

demonstrate that they will be good longer term tenant. RBC would therefore want to use legislation to change introductory tenancies to enable an introductory tenancy to go into a flexible tenancy rather than always a secure tenancy.

Q.7. Should we seek to prescribe more closely the content of landlord policies on tenancies? If so, in what respects?

The Tenancy Standard should be sufficient so long as it outlines the aims and objectives of offering flexible tenancies.

One size does not fit all and it would be difficult to legislate in what circumstances a flexible tenancy should be given, landlords understand what works and what doesn't in terms of tenancy management and local authorities should be able to subscribe in their local policy the requirements for their own local communities.

However, the introduction of Flexible Tenancies could result in increased social exclusion and homelessness if social landlords do not operate responsibly. Local Authorities should be given increased powers to influence RSL's on the number and type of tenancies given to ensure that housing provision assists in delivering the priorities of the area as a whole whilst also protecting vulnerable people within our communities.

Q.8. What opportunities as a tenant would you expect to have to influence the landlord's policy?

It is essential that tenants and potential tenants have the opportunity to influence the landlord's policy, if tenants understand the purpose for the policy their views may identify areas for inclusion. Areas tenants may wish to influence are:

- The conduct of tenants / whether they breach agreements
- Housing Need
- Affordability of alternative accommodation
- Availability of accommodation in an area

Q.9. Is two years an appropriate minimum fixed term for a general needs social tenancy, or should the minimum fixed term be longer? If so, how long should it be? What is the basis for proposing a minimum fixed term of that length? Should a distinction be drawn between tenancies on social and affordable rents? If so, what should this be? Should the minimum fixed term include any probationary period?

Local Authorities should be given scope to decide themselves what length of flexible tenancy is awarded based on the priorities within their area. A minimum time of two years would be appropriate initially as this offers stability to the tenant. However RBC would see 10 years as a more appropriate time period for all their tenancies. The concern RBC would have is regarding the

level of housing advice which would be required for all the tenancy at the end of the fixed term period.

The same minimum requirement should be offered between affordable and social rented tenancies.

The minimum period of a flexible tenancy would follow the introductory tenancy period of 12 months, therefore the tenancy could run for up to 11 years before it would come to an end.

A probationary period would be welcomed for fixed term tenancies, the first year being the introductory period. This would work on the same basis as an introductory tenancy which is currently used for a secure tenancy.

Q.10. Should we require a longer minimum fixed term for some groups? If so, who should those groups be and what minimum fixed terms would be appropriate? What is the basis for proposing a minimum fixed term of that length? Should a distinction be drawn between tenancies on social and affordable rents? If so, what should this be?

No

This should be down to the Local Authority to decide upon based on household circumstances and will be determined in the strategic policy. It is important that we consider individuals rather than groups of people when considering if a flexible tenancy should be any longer than a standard fixed term. Our policy should reflect how we apply discretion to the type of tenancy that is offered as we currently do in our allocations policy to enable tenants with social or medical grounds to have a priority move over others.

Distinction on rents does not apply to local authority tenants.

Q.11. Do you think that older people and those with a long term illness or disability should continue to be provided with a guarantee of a social home for life through the Tenancy Standard?

No

RBC believes groups of people should not be given a guarantee of a social home for life, it should be based on the type of accommodation.

For example, Extra Care Housing and sheltered housing should be more secure as the emphasis on this type of housing is to help people live independently by providing support and care when required. Generally people have moved into this type of accommodation as their last housing move and if there is a need to move them on that is generally with the tenants agreement, for example into a care home.

Q12. Are there other types of households where we should always require landlords to guarantee a social home for life?

No each household should be looked at individually.

Q13. Do you agree that we should require landlords to offer existing secure and assured tenants who move to another social rent property a lifetime tenancy in their new home.

Yes

As a local authority we need to make best use of our stock by working with tenants to agree to move to smaller accommodation when the numbers in their household reduce. If an existing secure tenant knows they would be moving into a non secure tenancy they may be less likely to move.

However we would like secure tenants to be only given a further secure tenancy if they have abided by their tenancy conditions, where this is not the case and a Notice for Possession Proceedings has been served and for example the family have had to move due to protection of themselves or others in the area either a fixed term tenancy could be given or an introductory tenancy.

Q.14. Do you agree that landlords should have the freedom to decide whether new secure and assured tenants should continue to receive a lifetime tenancy when they move?

Yes

This may help with cases where tenants have breached their tenancy conditions, for example where anti social behaviour has been involved and families are having to be re housed as there is not enough evidence to take action against their tenancy. This would help in the same way as introductory tenancies, as these have proven that a tenant will abide by their tenancy conditions if they know that the local authority can refuse to give them a secure tenancy.

Q.15. Do you agree that we should require social landlords to provide advice and assistance to tenants prior to the expiry of the fixed term of the tenancy?

Yes

Social landlords should provide detailed advice and assistance to tenants prior to the expiry of the fixed term of their tenancy and not to just forward tenants onto housing advice teams.

Q.16. As a landlord, what are the factors you would take into account in deciding whether to reissue a tenancy at the end of the fixed term? How often would you expect a tenancy to be reissued?

Factors to take into account:

- Household occupant size
- Financial capacity to access alternative accommodation
- Health
- Social
- Breaches of tenancy
- Ability to sustain a tenancy outside of social housing

The tenancy would be re-issued as many times as necessary until the household reaches a stage where they are able to access alternative suitable accommodation.

Q.17. As a local authority how would you expect to use the new flexibilities to decide who should qualify to go on the waiting list? What sort of outcomes would you hope to achieve?

The current open waiting list allows anyone to apply for social housing. As social housing is for those who can least afford to find alternative affordable housing, the waiting list should not allow those who could afford private accommodation or in a position to purchase a property to qualify.

By restricting the waiting list this would prevent owner occupiers from applying for council housing, those owner occupiers who approach the local authority for assistance as their accommodation does not meet their need should be addressed through either the homelessness route or through the Care and Repair Agencies to see if their accommodation could be adapted to meet their need.

Applicants with more than £20,000 in savings should be restricted from the waiting list.

Applicants with sufficient income and savings to buy accommodation on the open market should be excluded.

A form of incentive should be offered to those who enter into employment to encourage them to move into better accommodation.

Although RBC would look to restrict those entering the waiting list for residents in Redditch we would also look to encourage key workers into the area.

Q.18. In making use of the new flexibilities, what savings or other benefits would you expect to achieve?

The housing waiting list would be smaller to manage and easier for reviews to be carried out. Savings would be made on the officer's time and in the cost of paperwork and postage in notifying applicants on the waiting list,

Stock would be retained for those who need it and prohibit owner occupiers who are downsizing from accessing the waiting list and encourage them to occupy private rented accommodation which would meet their needs. The stock is retained for those who need it to be used as a stepping stone into alternative accommodation.

Q19. What opportunities as a tenant or resident would you expect to have to influence the local authority's qualification criteria?

Tenants and residents opinions are crucially in influencing the qualification criteria. This would be done through the development of the policy working with tenants groups. The main areas they would be interested in are:

Those residents or tenants, who live locally to be given priority to move over those coming into the area.

To ensure there is a housing need

Not able to afford alternative housing due to a low income
Compliance with tenancy conditions
Willingness to engage in training / paid employment to facilitate progression to other types of accommodation in the longer term

Q.20 Do you agree that current statutory reasonable preference categories should remain unchanged? Or do you consider that there is scope to clarify the current categories?

RBC agree that the reasonable preference categories should remain unchanged. (In particular Intentionally Homeless households should not be given more priority as this will encourage more people to act recklessly).

Q.21. Do you think that the existing reasonable preference categories should be expanded to include other categories of people in housing need? If so, what additional categories would you include and what is the rationale for doing so?

No

The current categories are correct but under the proposals Local Authorities will have increased scope to allocate accommodation in accordance with local needs and priorities.

Q.22. As a landlord, how would you expect to use the new flexibility created by taking social tenants seeking a transfer who are not in housing need out of the allocation framework? What sort of outcomes would you hope to achieve?

The previous home swap scheme did require a lot of work to administer it. Hopefully the new scheme would be WEB based?

The current Choice Based Lettings scheme (CBL) enables local authorities to reserve larger accommodation or adapted accommodation for certain allocations. From a local authorities point of view our transfers have not reduced as we have administered the number of properties let through the CBL through our adverts across the categories of different housing need. We believe by advertising our properties across the 3 bandings on the CBL system we are helping to move existing tenants on who have a further housing need and are also meeting the need of people on the waiting list.

RBC believes that the existing tenants wishing to move should be able to remain on the councils transfer list and apply for accommodation through the CBL system and also apply through the new Home Swap scheme for a move.

Q.23. What are the reasons why a landlord may currently choose not to subscribe to a mutual exchange service?

- Financial constraints due to subscription costs and limited budgets.
- The amount of staff resource required to operate a scheme.

- Officer time in carrying out inspections of properties as these could increase. Inconsistency in approach between landlords and regions leading to disappointment from tenants

Q.24. As a tenant, this national scheme will increase the number of possible matches you might find through your web-based provider but what other services might you find helpful in arranging your mutual exchange as well as IT-based access?

- Information regarding local schools / Job opportunities / Local Amenities
- Details regarding Landlord Services
- Details of schemes that might assist to cover transport / storage costs if moving due to employment whilst long term unemployed or on low income
- Energy performance certificates

Q.25. As a local authority, how would you expect to use the new flexibility provided by this change to the homelessness legislation?

In cases such as Domestic Violence applicants under homelessness legislation can have significant assets such as a property which is jointly owned or savings. Whilst there is a need to provide interim accommodation at crisis point, there are often legal processes available which would allow them to seek their rights to the matrimonial home or joint assets. In the current system we are required to offer secure accommodation, despite there being affordability to purchase again once the assets have been distributed. In such cases it would make sense to use the private rented sector to discharge duty by which time they would be able to secure alternative accommodation independently. The current system is open to abuse and there are examples where victims have separated then return to former partners once secure accommodation has been offered so that the original house can be sold off retrospectively. Other examples are applicants applying due to unsuitability of accommodation based on disability. There is no means test currently, yet the applicants can often afford to sell their home and purchase something more suitable to meet their needs. In such cases it would make sense to offer Private Rented accommodation in the interim whilst the owned property is sold giving them time to find something suitable to meet their needs. This could prevent tenants from coercing landlords into obtaining notice purely to help them access social housing.

Q.26. As a local authority, do you think there will be private rented sector housing available in your area that could provide suitable and affordable accommodation for people owed the main homelessness duty?

Yes.

We already have significant success in preventing homelessness via this route. The changes to housing benefit could impact on the number of private landlords who will be willing to house people on benefits.

Q.27. Do you consider that 12 months is the right period to provide as a minimum fixed term where the homelessness duty is ended with an offer of an assured shorthold tenancy? If you consider the period should be longer, do you consider that private landlords would be prepared to provide fixed term assured shorthold tenancies for that longer period to new tenants?

Yes

Twelve months is sufficient time to discharge duty. The government should give consideration to legislation which would increase the minimum length of Assured Shorthold Tenancy Agreements to be two years (in line with the minimum length of time proposed for flexible tenancies). This would encourage Landlords entering into agreements of this nature to give greater consideration to becoming a landlord in the first place. It would also reduce the number of repeat homelessness cases. If circumstances changed and customers could no longer afford such accommodation landlords should be encouraged to allow them out of agreements (subject to appropriate notice being given).

Q.28. What powers do local authorities and landlords need to address overcrowding?

Landlords should be given access to funding to allow them to extend housing where demand for large stock is high to meet the needs of its existing tenants without requiring them to move. This will allow households to retain social links and offer greater stability to children attending school.

Q.29. Is the framework set out in the 1985 Housing Act fit for purpose? Are any detailed changes needed to the enforcement provisions in the 1985 Act?

The current framework is predominately fit for purpose. We would suggest that a lounge is removed as a habitable room as utilising a lounge for a bedroom does not provide a long term sustainable solution in a family sized house with more than one occupant.

Whilst the enforcement provisions are adequate we would suggest that a standard scale 1 fine is not a sufficient deterrent or punishment for over occupying a property due to the possible ability to recoup a greater sum from letting to multiple occupants

Q.30. Should the Housing Health and Safety Rating System provide the foundation for measures to tackle overcrowding across all tenures and landlords

We would agree that the 1985 Act and the HHSRS should be harmonised however with the HHSRS being a risk based assessment subject to individuals interpretation with no confirmed space requirements there is a need to keep the current legislative framework provided by the 1985 Act or the inclusion of the space standards from the 1985 Act being incorporated into the HHSRS