



Meeting of the

# CABINET

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Wednesday, 5 December 2012 at 5.30 p.m.

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**PRE-SCRUTINY QUESTIONS WITH RESPONSES**

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## VENUE

Committee Room, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

### Members:

Mayor Lutfur Rahman	– (Mayor)
Councillor Ohid Ahmed	– (Deputy Mayor)
Councillor Rofique U Ahmed	– (Cabinet Member for Regeneration)
Councillor Shahed Ali	– (Cabinet Member for Environment)
Councillor Abdul Asad	– (Cabinet Member for Health and Wellbeing)
Councillor Alibor Choudhury	– (Cabinet Member for Resources)
Councillor Shafiqul Haque	– (Cabinet Member for Jobs and Skills)
Councillor Rabina Khan	– (Cabinet Member for Housing)
Councillor Rania Khan	– (Cabinet Member for Culture)
Councillor Oliur Rahman	– (Cabinet Member for Children's Services)

**[Note: The quorum for this body is 3 Members].**

If you require any further information relating to this meeting, would like to request a large print, Braille or audio version of this document, or would like to discuss access arrangements or any other special requirements, please contact:

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**LONDON BOROUGH OF TOWER HAMLETS**

**CABINET**

**WEDNESDAY, 5 DECEMBER 2012**

**5.30 p.m.**

**5.1 Chair's advice of Key Issues or Questions in relation to Unrestricted Business to be considered (Pages 1 - 2)**

Four pre-scrutiny questions on Agenda Item 6.1 (Tenancy Strategy) are presented here along with officer responses.

## **Tenancy Strategy – Pre –decision questions from Cllr Sirajul Islam**

### **1. Given that two of the largest stock transfer housing associations – Poplar HARCA and Tower Hamlets Community Housing - have decided against introducing Fixed Term Tenancies, why doesn't this strategy give a firmer steer that the council doesn't want RSLs to use them?**

The Tenancy Strategy sets out very clearly in paragraph 2.1 that the Council's preference is for RSLs to offer lifetime assured tenancies. As stated, Poplar HARCA and Tower Hamlets Community Housing as well as Tower Hamlets Homes and a number of other providers will continue to offer lifetime term tenancies meaning that the majority of new tenancies in the borough will be offered on that basis.

In developing the Tenancy Strategy and through consultation with all RSLs who operate in the borough it became clear at an early stage that some RSLs would be intent on offering fixed term tenancies and that the individual direction of different boroughs was unlikely to affect their decision. It should be noted that many of these RSLs will operate in Local Authorities where the preference is for fixed term tenancies.

Where RSLs are operating fixed term tenancies, the Council will require them to have regard to set of conditions to protect tenants and will involve them in the monitoring process. This will include looking at how the different policies on the type of tenancies offered will affect the way in which applicants exercise their choice and the subsequent impact on meeting housing need in the borough. If these impacts are proving to be adverse then the Tenancy Strategy will be reviewed with all RSLs.

### **2. What sanctions will Tower Hamlets Council consider if housing associations do not have "due regard" to the conditions for the use of Fixed Term Tenancies detailed in Section 3 of the Tenancy Strategy, particularly in relation to people with a long-term illness or disability, households with children, older people and existing secure tenants?**

The legal advice that has been provided in the report that goes to Cabinet on the Tenancy Strategy states that:

'The requirement that registered providers of social housing have regard to the strategy does not mean that they would have to follow it. There may be reasonable grounds on which a registered provider could choose to take a different approach'.

The Council does not have any specific sanctions at its disposal which could force an RSL to change its adopted policy. The Tenancy Strategy has therefore sought to set out the Council's preference for lifetime tenancies, the minimum conditions expected of those RSLs that do introduce fixed term tenancies and to ensure that RSLs are involved in a monitoring process led by the Tower Hamlets Housing Forum.

**3. The strategy recommends granting 10 to 15 years tenancy to households with children under the age of 10 to enable commitment to local education and community services. We know that family sizes grow over time and often within 10 to 15 years the property becomes overcrowded. Would a family in a fixed term tenancy be offered rehousing to a larger accommodation?**

A household that grows over the period of a fixed term tenancy would be eligible to apply for a transfer in the usual way in order to seek a larger home. When the fixed term tenancy ends, their landlord will be required to review their circumstances in, line with their written policy. There would be no obligation on the landlord to rehouse the household to a larger property at this stage.

**4. Paragraph 4.3 ending fixed term tenancies. Would obtaining a Court order place a financial burden on housing providers? Could this not be done in another way?**

This paragraph relates to the ending of the tenancy for breach of tenancy conditions. The Council does not support tenancy policies which would enable a landlord to not renew tenancies for matters such as rent arrears or anti-social behaviour. The Council's view is that these matters should be dealt with through existing policies and through the court process in order to enable the tenant to have a fair hearing and legal recourse as required. This would apply to tenancies who have either fixed term or lifetime tenancies equally.