

## **Report on consultation on the draft Tenancy Strategy**

### **1.0 Background**

The Cabinet approved a draft Tenancy Strategy on the 5<sup>th</sup> September 2012 and the statutory consultation with the Mayor of London and Registered Providers ran from Monday 17<sup>th</sup> September to Friday 2<sup>nd</sup> November. In addition a public consultation process, also agreed by Cabinet took place over the same period.

This appendix sets out in more detail the outcome of the consultation.

### **2.0 Statutory requirements**

Before adopting a tenancy strategy, the Council is required to consult with every private Registered Provider of social housing in Tower Hamlets and must give them a reasonable opportunity to comment on its proposals. The Council must also consult the Mayor of London and such other persons as the Secretary of State may by regulations subscribe. At the time of writing, the Secretary of State had not yet made any such regulations.

### **3.0 Mayor of London**

The GLA on behalf of the Mayor of London wrote to the Council setting out his comments on the draft tenancy strategy on 9<sup>th</sup> October 2012.

The Mayor of London has stated that he is broadly supportive of the government's reforms to the social housing system. A number of policies in his draft revised London Housing Strategy encourage boroughs and Registered Providers to make full use of their new flexibilities in order to better reflect the situation on the ground and their local priorities.

#### **3.1 General assessment of draft tenancy strategy**

In responding to consultations, the GLA on behalf of the Mayor makes an assessment of draft tenancy strategies based on five key themes. The Mayor of London's comments and the Council's proposed response to each comment is set out below:

#### **3.2 Increasing the supply of affordable housing**

**Mayor of London's comments:** 'The 2012-15 Affordable Housing Programme (AHP) will deliver 55,000 new affordable homes, with 36% of the new Affordable Rent homes being family sized. In order to meet their contractual commitments, and to deliver the much needed new homes, Registered Providers need more flexibility to manage their existing and new stock, and they need some consistency across the many local housing authorities in which they operate. This is a key theme in the Mayor's draft revised London Housing Strategy.'

Tower Hamlets supports the continued use of life time tenancies in most cases, but also acknowledges that Registered Providers may wish to use fixed term tenancies. We are satisfied that the approach set out in your draft tenancy strategy does give Registered Providers the flexibility they need in order to meet their contractual commitments, although we would like to see a more explicit acknowledgement of the link between Registered Providers' ability to grant fixed term tenancies and the affordable housing programme'.

**Council response:** The tenancy strategy has been enhanced to recognise the link between fixed term tenancies and the affordable housing programme set out in the second paragraph in section 2.3 of the attached tenancy strategy.

### **3.3 Promoting mixed and balanced communities**

**Mayor of London's comments:** We would like to underline the Mayor's commitment to prioritising people who make an active and positive contribution to their community – e.g. through employment or volunteering – and who may also face barriers to accessing suitable housing in other tenures. It might be appropriate to take this into account when determining whether a tenancy is renewed or not, as well as the factors already set out in the tenancy strategy.

**Council response:** The Council has inserted a clause in section 4 .5 recommending that Registered Providers take into account individual households employment or voluntary sector contributions when reviewing tenancies.

### **3.4 Tackling need - A**

**Mayor of London's comments:** in section 2.1, the draft strategy states that in 'limited circumstances' fixed term tenancies will be used and that 'the tenancy strategy will seek to define... all possible circumstances when THH will be able to grant a fixed term tenancy'. Ideally these circumstances would be stated in the draft tenancy strategy. In its current form, there is not enough detail in the draft strategy to enable us to determine whether those in need will have adequate protections.

**Council response:** As set out at 2.0 of the Tenancy Strategy, the Council has agreed with THH, the circumstances in which it will issue fixed term tenancies.

### **3.5 Tackling need - B**

The Mayor believes that boroughs and social landlords should be working to reduce levels of under occupation in the social rented sector, which, if achieved, will directly benefit those households who are in need of larger accommodation. It may be worth considering how wider use of fixed term tenancies in Tower Hamlets could help to achieve this aim.

**Council response:** the Council is in the process of agreeing an under occupation plan but does not intend to use fixed term tenancies as a specific tool to reduce under occupation through Tower Hamlets Homes.

### **3.6 Enhancing mobility and choice**

The Mayor is supportive of any measures that seek to reduce as far as possible the potential barriers facing existing tenants who may need or want to move to a different home. This is particularly important given the recent launch of the Mayor's new pan-London mobility scheme, Housing Moves, which Tower Hamlets is soon to join. We therefore welcome the 'transferring secure tenants' statement, but this could be more explicit about the mobility schemes that Tower Hamlets participates in.

#### **Council response**

This comment is noted and the two schemes that the Council participates in, Housing Moves and the Seaside and Country Homes schemes for the over 60's age group have been referred to in the tenancy strategy.

### **3.7 Rent Policy**

The GLA states that the National Planning Policy Framework sets out the framework for delivering the Government's housing objectives, including the Affordable Rent Programme. This is to be taken into account by local authorities and other planning bodies in preparing local development documents and spatial strategies. The GLA expects that London boroughs will maximise the delivery of affordable housing through their planning and housing policies and does not accept that this can be achieved by setting specific rent caps in local planning policies or tenancy strategies. The Mayor has clarified this position through consulting on Supplementary Planning Guidance devolving from his London Plan and a minor Alteration to the Plan.

#### **Council response**

The Council has carried out research and developed guidance on what it considers to be an acceptable level for affordable rents for the borough as a whole. In order to give a clear indication as to what the Council views is on affordable rents in the borough, the direction on rents and affordable homes will be included in the tenancy strategy. This guidance would apply to homes built through section 106 planning gain or potentially through Council funding which sits outside the Affordable Housing programme.

### **4.0 Registered Providers**

#### **4.1 Consultation prior to agreement of the draft strategy**

Registered Providers were fully involved in the development of the initial proposals through the following avenues:

- Regular reports to the Tower Hamlets Housing Forum and selection of 2 representatives to sit on the Tenancy Strategy Project Board
- Letter to all Registered Providers in the Borough setting out Council's approach and requesting information on Registered Providers emerging policies
- Half day seminar to discuss the tenancy strategy issues in detail with a report back on the emerging Registered Providers policies

## **4.2 Statutory Consultation**

All Registered Providers who manage rented property in the borough were sent a copy of the draft tenancy strategy at the same time as the Mayor of London and were given six weeks to respond.

Nine Registered Providers formally responded to the consultation by the closing date which appears to be a low number. However, the majority of Registered Providers had set out their views prior to the statutory consultation and their views helped shape the draft tenancy strategy.

Set out below is a summary of the responses from Registered Providers who responded to the statutory consultation:

### **Anchor Housing Trust**

Anchor Housing Trust provides housing for older persons. The Trust sent a position statement which recognised the potential benefits of the use of fixed term tenancies for general needs tenancies. They have stated that the opportunities presented by flexible fixed term tenancies are not the same for landlords and residents of older person's supported housing as they are for general needs residents. Anchor will retain lifetime tenancies in most cases.

### **A2 Dominion**

A2 Dominion expressed concerns that the Council wished to see the continuation of lifetime tenancies. A2 Dominion intends to introduce fixed term tenancies of 5 years to all affordable properties and to trial it to 3 bed plus sized properties subject to re-let, where the nominee does not hold an existing tenancy that commenced before 1<sup>st</sup> April 2012 and who is under state retirement age.

### **Riverside**

Riverside will not be issuing fixed term tenancies in Tower Hamlets. They will operate starter tenancies for all tenancies across their stock in London. This fits within the guidance issued within Tower Hamlets and Riverside's strategies.

Riverside has stated that as a national organisation sitting across many local authorities, their strategy has been set up to offer the flexibility to divisions to fit the local authorities we work within.

### **Places for People**

Place for People sent an email stating that they had reviewed the Council's draft Tenancy Strategy and that it causes them no difficulties.

### **Poplar Harca**

Poplar Harca are supportive of the Council's position on lifetime tenancies and will be retaining 1 year probationary followed by lifetime tenancies for their tenants. Poplar Harca questioned the Council's rationale in potentially offering flexible tenancies in exceptional circumstances. Poplar Harca believe that the benefit that security brings to a household far outweighs the benefit of making the property available to another household. Their view is that re-housing in the saddest of circumstances for the individuals concerned will be counter-productive in terms of sustainable and supportive communities. The Council will consider each case on its own merits and ensure the welfare of the individual household is paramount when decisions are taken.

### **Genesis Housing Association**

From 1 April 2012, Genesis Housing association will, in most circumstances, grant a five year assured short hold fixed term tenancy for general needs new build property lettings and all relets. Genesis's view is that flexible tenancies strikes a balance between allowing a landlord to manage their stock effectively e.g. in the case of underoccupation, and security of tenure. They had no specific comments on the Tower Hamlets draft tenancy strategy.

### **Southwark and London Diocesan Housing Association**

Southwark and London Diocesan Housing Association will continue to grant permanent tenancies across all 1 and 2 bedroom homes and to all those residents who are vulnerable by virtue of age or health. They will grant 5 year time-limited tenancies on all new 3 and 4 bedroom homes. They had no specific comments on the Tower Hamlets draft tenancy strategy.

### **One Housing Group**

One Housing Group state that they are encouraged by Tower Hamlets decision to make provisions for the use of fixed term tenancies. One Housing Group will be offering fixed term tenancies to all tenants new to social housing. One Housing Group state that they understand the Council's concern that some tenant groups would benefit from receiving lifetime tenancies, but they would like to assure the Council that their fixed term tenancies will primarily provide a means of regularly checking that the household still requires the size and/or type of property they are occupying.

## **Swan Housing Group**

Swan Housing Group made a number of observations relating to the draft tenancy strategy. They suggest that the document sets out the Council's responsibilities more clearly, that the Tower Hamlets Homes use of fixed term tenancies gives clear examples. Swan also suggest that it may be useful to set out specific differences between tenants with particular illnesses or disabilities and the nature of the adaptations in their properties. Swan suggest that in some circumstances if the nature of the adaptations or support is a shorter term requirement that fixed term, rather than a lifetime tenancy would be more appropriate.

Swan also questioned whether it is feasible that all Registered Providers will provide their policies for publication on the Council's website. This section of the tenancy strategy will be modified to reflect this concern.

### **5.0 Resident consultation**

Cabinet agreed that a 'light touch' consultation would run concurrently with the statutory consultation. Following an article in East End Life, comments were invited through a website survey, at residents meetings, through an invitation to all tenants associations to comment on the draft and a series of focus groups with residents on the housing register. Overall the responses indicated broad support for the Council's approach but highlighted the need to ensure that the tenancy strategy is kept under review.

The responses can be summarised as follows:

#### **5.1 Residents Scrutiny Panel**

A presentation was given to the Residents Scrutiny Panel on Tuesday 25<sup>th</sup> September. The meeting was in broad agreement with the Council's draft tenancy strategy.

#### **5.2 Tenants and Residents Federation**

The Federation supported the Council's preference for lifetime tenancies and raised concerns about the level of consultation that Registered Providers were carrying out with their residents. It was also suggested that the Council should be firmer with Registered Providers who do not retain lifetime tenancies.

#### **5.3 Tenants and Residents Associations**

The draft tenancy strategy was sent to all Tower Hamlets Homes tenants and residents associations. Only one Tenants and Residents Association has formally responded to the consultation and they supported the Council's position on lifetime tenancies and in its direction to Registered Providers.

### **6.0 Focus Groups**

Four focus groups were held across the Borough during September and October 2012 with nearly 60 households taking part in discussions about the draft tenancy strategy. The households were drawn from a range of people who were currently on the common housing register who were either in temporary accommodation or on the transfer list. Tenants from Registered Providers also attended two of the sessions. The attendees were representative of the broad demography of the borough covering a range of age groups, ethnic backgrounds and household sizes.

The conversations were wide ranging and in addition to specific discussion about the tenancy strategy, participants raised a number of concerns about meeting the housing shortage, rent levels, condition in temporary accommodation, housing quality and housing management issues.

### 6.1 **General views**

With regard to the tenancy strategy there was clear support for the continuation of lifetime tenancies. Attendees recognised the idea behind using fixed term tenancies to tackle issues such overcrowding and making better use of adapted properties but were generally of the view that a lifetime tenancy was important to enable people to have stability and contribute to the local community.

6.2 **Anti-social behaviour** - This was the one area where a number of participants felt strongly that fixed term tenancies could be used – in most meetings there was real feeling that anti-social tenants were rehoused and that it was difficult to change their behaviour.

Set out below is a summary of the range of comments recorded in response to specific questions across the four meetings in relation to the tenancy strategy.

### 6.3 **What would you want to see in the Council's Tenancy Strategy?**

#### **Priority view – Lifetime tenancies should remain**

There was general agreement that lifetime tenancies should remain and that this enabled people to put down roots in an area with schools, families and communities.

The benefit of secure tenancies is that they root people in the community and encourage them to build links especially through children. Therefore if flexible tenancies do become a reality, people should be always be rehoused in the same area.

In general, people in temporary accommodation were in favour of lifetime tenancies – need to settle in community – reassurance after so much uncertainty.

Many participants who were currently in temporary accommodation said they would be unlikely to bid / accept a fixed term tenancy as they would want the security of a lifetime tenancy.

A younger single man present at one session stated that he would be delighted to accept a one bed 5 year fixed term tenancy as that would give him the time to move on in other areas of his life – His main problem was no fixed housing. People in the group agreed that they would take a fixed term in his position.

People want a house they can call their own – an emotional attachment.

It was suggested that families with children require stability and in to meet the challenges in raising children, a permanent abode is necessary.

Residents may not provide commitment in the community as they could potentially move on if offered a fixed term tenancy.

### **Anti – social behaviour**

Some strong agreement with fixed term tenancies if there is a history of anti – social behaviour

### **Other Comments**

People need to be involved in the process and have some choice – decisions should not be simply forced upon them.

One of the primary concerns was what happens after the fixed term period i.e. in terms of future allocation of housing.

**NB** – Without proper explanation people will confuse fixed term / flexible tenancies with temporary accommodation. How the review and tenancy renewal process works needed to be explained very clearly.

People should be given a choice – not told to move to a smaller property.

### **6.4 How important is length of tenancy to you?**

Very important – after a discussion about renewal, attendees could see that using fixed term tenancies as a tool to tackle overcrowding to help people in their current situation could be reasonable but were still not keen on fixed term

Adapted properties – Reasonable to expect people to give up specialist property if something suitable is offered.

Income limits – Not seen as an issue in Tower Hamlets



Tenancy length should be dependent on age of children Households with children under 15 years should be given longer tenancies.

Flexibility should be used – each case on its merits.

Participants in one focus group were clear that a fixed term tenancy would not be accepted because it is seen as a new form of temporary accommodation. However, if push comes to shove, they would, but reluctantly due to uncertainty of next offer of housing accept a fixed 5 year term.

Most of the residents in the group said they would prefer life time tenancies, because they have an attachment to the borough and fixed term tenancies sounded too confusing and not stable.

One resident who had moved several times said she would not mind fixed term tenancies and would be happy with a 5-10 years tenancy.

One resident asked if with a fixed term tenancy if you down size will you get a lump sum payment as you currently do with life time tenancies – she felt that this was another drawback of fixed term tenancies.

#### **6.5 Do you think it is fair to not renew a tenancy if people's need changes?**

##### **Under – occupation**

Under occupation – People saw that this could help but were reluctant to say that it should be introduced.

Should only be used to tackle under occupation of good quality alternative occupation is offered.

Under –occupation should be addressed through tailor made solutions for individuals who will persuade them to move.

##### **Change of income**

People felt it was unworkable and that jobs/ salaries were too temporary and unreliable and it would not be fair to move people on as there circumstances could easily change again.

General view that if people got a windfall, had a secure financial future they would move on anyway.

View that income criteria was unworkable - people won't share information, or will hide it, no permanent jobs.

When asked if they felt that tenancies should not be renewed for households with high incomes, residents said that there is no such thing as a permanent job now, most people who can afford it would want to go and buy a nice

house somewhere, but if they lose their job, will the Council guarantee that they will rehouse them again. If not, why take the risk.

### **Adaptations**

Disability / adaptations – people saw this as a sensitive area – It was generally felt that it would be unfair to move people out of their homes.

Adapted properties – some people felt that it was reasonable to expect people to give up specialist property if something suitable is offered.

### **6.6 General Comments**

Council should do more to tackle sub-letting instead of fixed term tenancies.

There should be other choices available. There should be a proper review process.

Residents raised concerns about welfare reform and the impact this would have on their families. It was generally felt that it should only apply to new benefit claimants and those already living in the borough, many of whom have lived in the borough for many years, should be housed in Tower Hamlets because this is their home.

Residents said that housing people outside of the borough would lead to family breakdown, depression and other health problems.

One resident stated that he was in the process of completing his Black Cab training, if his family is moved away, that would mean he would not be able to complete his training and work in London.

### **6.7 How can the changes and choices available be made clear to people entering social housing?**

Agreed that it was a complex area and that all households had different needs.

Agreed that it was important that people were given sound 1-1 advice on their options and that the publicity made it clear where fixed term tenancies would be introduced.

Advertising in East End Life is quite clear and should be used to set out tenancy policies.

Through Council, Registered Providers and Common Housing Register websites.

There should be more transparency on where people are on list and their chances of rehousing.

Should communicate change via Bangladeshi TV channels.

Focus Groups are excellent – very well received by group.

Housing officers are usually the first point of contact, but they must have sufficient knowledge and information to relay to applicants on changes proposed.

All responsible organisations must give a balanced position, outlining the pros and cons of fixed term tenancies.

When explaining the change including any implications, it should be free of any jargon, concise and no long wind.

## **7.0 Website survey**

As part of its public consultation, a short survey was carried out through the Council website and there was total of 18 responses. In general the respondents were in broad agreement with the direction to retain lifetime tenancies. Set out below is a summary of the responses.

### **General**

#### **1. Tenure of respondents**

Renting from Council	6
Renting from Housing Association	8
Renting from private landlord	1
Buying on a mortgage	2
Owned outright	1

#### **2. Postcode of respondents**

E1	7
E2	5
E3	5
E14	1

#### **3. No of bedrooms**

1	3
2	11
3	3
3	1

#### **4. How many people live with you in your house?**

1	2
2	4

3	2
4	2
5	1
6	2
7	2
8	3

**5. How satisfied are you with your current housing**

Very satisfied	3
Fairly satisfied	7
Neither satisfied or dissatisfied	1
Fairly dissatisfied	4
Very dissatisfied	3

**6. Do you plan to move home in the next five years?**

Yes	6
No	3
Maybe	9

**Tenancy Strategy Questions**

**7. Lifetime tenancies**

The Council would like to retain lifetime secure tenancies for new Council tenants in homes managed by Tower Hamlets Homes in most circumstances. Do you think this is the right approach for the Council to take?

Yes	11
No	7

**8. Lifetime tenancies**

The Council would like Housing Associations to retain lifetime assured tenancies in most circumstances, for new in tenants Housing Association homes. Do you think this is the right approach for the Council to take?

Yes	12
No	6

**9. Fixed term tenancies**

Some Housing Associations may consider introducing fixed term tenancies for a minimum of five years. These fixed term tenancies may not be renewed if a tenant's circumstances change.

However, all Housing Associations will be expected to either rehouse the tenants into more suitable housing or give them advice on the alternative choices available to them.

Please tell us whether you think fixed term tenancies should or should not be renewed if a tenant's circumstances change in the following ways:

**When the home they live in has more bedrooms than they originally needed and it could be used to rehouse an overcrowded household.**

Yes, the tenancy should be renewed	11
No the tenancy should not be renewed	7

**When the home they live in has been classified as a wheelchair accessible which they no longer require**

Yes, the tenancy should be renewed	9
No the tenancy should not be renewed	9

**When the household could afford to either rent, part buy (shared ownership) or buy a home in the private sector.**

Yes, the tenancy should be renewed	9
No the tenancy should not be renewed	9

**10. Anti – social behaviour**

The Council believes that landlords should not use fixed term tenancies as a way of removing tenants who have breached their tenancy - for example where a household has fallen into rent areas or caused anti-social behaviour – because landlords have adequate powers to take action through the courts to deal with such matters.

**Do you agree with this approach?**

Yes	13
No	5

**11. Households with children**

Where households have children aged 10 and under, the Council would expect Housing Associations who use fixed term tenancies to issue them for

at least 10 and possibly up to 15 years, to reduce the need for children to change schools when families are rehoused.

**Do you agree that this is the right approach to take?**

Yes	13
No	5

**12. Comments**

**Are there any other comments you wish to make on the Council's draft tenancy strategy?**

Any antisocial behaviour, aggressive dogs, binge drinking and they should be evicted from council houses. Subletting council properties should be forbidden and someone should enforce it.

Please keep the tenancies as they are at present. Please also outline in East End Life if there is a way using the same Localism Act to protect the tenancy, such as Community Right to Build, Bid to enable people to remain in their homes.

Anti-social behaviour like dumping rubbish, spitting in communal areas, and vandalism had become the norm in social housing. There should be more powers for housing associations to act on this. A lack of action makes living in social housing a living hell and breeds hatred.

I have broadly agreed that tenancies should always be renewed however I think it should be made attractive for people to downsize and for ex-wheelchair users to relocate. My RSL is 'tricky' and I suspect, not unique, Tenants need clear regulations to protect them from abuse.

Many people are living in council and housing association properties that are too big for their needs. At a time of great housing shortage, the council should be encouraging and introducing processes to free up these homes so that better use may be made of them for the public good.

I have lived in my current address since it was built in 1968 with my Father, Mother and Sister. My Mother has passed away and my Sister has her own place, I now live here with my Father, wife and 2 Sons, when my Father passes away and my 2 Sons move out, my wife and I would like to down size, so Mutual exchanges in Tower hamlets should be made easier this is how it should be.

Band 3 housing list people need to be taken into consideration, Tower Hamlets is doing very poorly to address the needs of band 3 bidders. There needs to be an urgent change in allocating more properties to Band 3, however it must be a justified move, for example, a person who is currently on

Band 3 list should be re housed quickly if they have children under the age of 5 and have been on the bidding list for more than 9/10 years. I think that no one should be waiting more than 10 years for a council to give at least one offer to a person, this is something that needs to be addresses quickly and efficiently.

If the council and their partners introduce the 5 year tenancy limits then they should also help steer these tenants financially and provide other support so that they can become independent and move onto accommodation privately rented or buy their own properties. However I also agree that tenants who have more rooms than they need should be moved into smaller but appropriate accommodations. This should be done on a compulsory basis. Having said that, there will always be people who would like to use loopholes, for their advantage by registering close relatives or members of the family onto their tenancy when given notices or the time comes for them to re-new their tenancies.

Homes for life play a vital role in building stable communities.