



## **Tenancy Strategy 2018-2023**

### **1. Introduction**

The Localism Act 2011 requires Local Authorities to set out in this Strategy:

1. The types of tenancies we will grant;
2. The circumstances in which we will grant tenancies of a particular type;
3. If tenancies are granted for a fixed term, the length of those tenancies; and
4. The circumstances in which a further tenancy will be granted on the coming to an end of an existing tenancy.

Registered Providers with social housing within the Cheltenham Borough must have regard to this Strategy when setting out their own Tenancy Policies.

Their Tenancy Policies can be found on their websites or can be made available on request. Information about the tenancies they provided by Cheltenham Borough Homes are contained in their Tenants' Handbook.

In putting together this Strategy, consultation has been carried out with the Registered Providers with accommodation within Cheltenham and across the county, the 6 District Authorities within the county and representatives of Cheltenham's Housing & Support Forum.

### **2. The types of tenancies we will grant and the circumstances in which they will be made available**

#### **2.1 Temporary Tenancies ('Part VII' Tenancies)**

Temporary tenancies can be offered to households who have applied to this Local Authority as homeless, where we have reason to believe they are homeless and in priority need, as defined by the Housing Act 1996.

These non-secure temporary tenancies run on a weekly periodic basis, and will continue to run until our homelessness duties come to an end.

A temporary tenancy may also be granted to homeless households owed a full housing duty, but who are excluded from Homeseeker Plus because of serious antisocial behaviour or rent arrears, as detailed within our Allocations Scheme. These tenancies will be reviewed every 6

months. Provided there are no ongoing concerns in relation to anti-social behaviour or rent arrears, these tenants will be offered an Introductory Tenancy.

## **2.2 Introductory Tenancies**

We will offer Introductory Tenancies to all new tenants housed via the Homeseeker Plus Allocations Scheme. This is in effect a 'starter tenancy' that will be converted to a full Secure Tenancy after 12 months, provided the tenancy is conducted in a satisfactory manner.

An Introductory Tenancy can be extended by a further 6 months, if at any time during the first 12 months there are some concerns over how the tenant has conducted his/her tenancy.

## **2.3 Secure Tenancies/Tenancies for Life**

These will be offered at the end of an Introductory Tenancy, where that tenancy has been conducted in a satisfactory manner.

Tenants will be able to occupy that accommodation for life, provided there are no breaches to the conditions of their tenancy which would entitle the Local Authority to obtain possession of the property via the courts.

## **3. Flexible/Fixed Term Tenancies – Our Position Statement**

Cheltenham Borough Council has considered the use of fixed term tenancies. However, we have decided not to offer tenants fixed term tenancies, as an alternative to some lifetime tenancies, at this time.

## **4. Rationale for our approach**

In arriving at this decision the options detailed below were considered. We believe it may be helpful for Registered Providers (RPs) to have regard to our reasoning when considering whether or not to renew any fixed term tenancies they have offered their tenants.

### **4.1 Under-occupation**

We recognise that a balance needs to be struck between ensuring that communities continue to remain sustainable, whilst at the same time making best use of our existing social housing stock.

For Cheltenham, the areas where we have the greatest number of social housing are also within some of our relatively more deprived parts of town. We believe that by failing to allow some under-occupation, it will result in more densely-packed communities in these areas, which in turn runs the risk of negatively impacting on these communities. Furthermore, some degree of under-occupation is normal within all communities, and we wish to preserve this sense of balance within our social housing communities.

Where there is under-occupation of social housing by at least 2 bedrooms or more, the case for ending the tenancy is clearly much stronger, in view of the limited availability of social housing stock, particularly in respect of 4 bedroom accommodation. Households most likely

to be under-occupying in this way are those who have lived in their homes for a significant number of years, where their children have now grown up and left the family home.

Whilst there is a case for ending future tenancies where the occupants are under-occupying in these circumstances, we consider that on balance it would be undesirable to do this, given that the potential outcome is that these tenants could be left homeless or forced to move to accommodation away from their support networks of family and friends.

We do however see the value in seeking to release under-occupied accommodation, provided it is done so on a voluntary basis. Our emphasis, through Cheltenham Borough Homes, will therefore be to support those households who are under-occupying accommodation to move of their own volition to smaller accommodation. This will be done through a variety of measures, such as:

- Ensuring sufficient priority is given to these households on Homeseeker Plus. (Emergency banding is given to households leaving family accommodation and wishing to downsize to non-family accommodation, e.g. sheltered housing. Gold banding is given to all other households wishing to downsize from larger social housing).
- Maximising opportunities for those wishing to consider mutually exchanging to smaller properties
- Building on existing incentives that will enable households wishing to downsize to do so more easily.

These measures will be included as part of a package of initiatives that will form our under-occupation strategy, as detailed within our Housing & Homelessness Strategy 2018-23.

Where RPs do choose to end a fixed term tenancy as a result of under-occupation, we request that these RPs offer sufficient assistance to enable those households to be offered suitable alternative accommodation, rather than placing these households (who have potentially been longstanding, good tenants) at risk of homelessness.

#### **4.2 Anti-social behaviour, rent arrears or other breaches of tenancy.**

All tenants are assessed for eligibility for housing before they are considered for accommodation. Where there has been a history of serious anti-social behaviour or rent arrears in the past, which is still considered to be relevant, then they will be excluded from the housing list, in accordance with Homeseeker Plus.

For those who are accepted onto the housing list and subsequently offered CBC accommodation, new tenants will be offered an Introductory Tenancy for the first 12 (or sometimes 18) months, as referred to in Section 1.2 above. If, during this time, they fail to conduct their tenancy satisfactorily, then the tenancy may be brought to an end.

We believe that Introductory Tenancies are a sufficient safeguard in themselves to capture those new tenants who refuse to engage with support services and who continually breach the conditions to their tenancy. Should anti-social behaviour/rent arrears occur once a Secure Tenancy has been granted, then the option is open for us to seek possession of that property through the courts, where all other options to avoid eviction have been explored.

Given that these resources are currently available to end tenancies for those who are unwilling to follow the conditions of their tenancy agreements, we consider that it is unnecessary for fixed term tenancies to be used as a mechanism for ending a tenancy as a result of anti-social behaviour, rent arrears or other breach of tenancy.

We would therefore urge RPs not to refuse to renew tenancies on these grounds, unless normal possession proceedings are already underway.

### **4.3 Household Income**

RPs are unable to accept households as new tenants where their incomes are so high that it would affect the RP's charitable status. RPs therefore currently carry out these checks prior to tenancy sign-ups. Cheltenham Borough Council, however, is not affected by these rules. We therefore do not intend to exclude tenants from our stock – or end their tenancies on this basis. We believe that mixed incomes creates balanced communities and that to end a tenancy without being able to offer reasonable alternatives could act as a disincentive for those households who might otherwise seek to improve their financial status.

Our understanding is that RPs' charitable status is not affected where that households' income changes during their time as tenants, but we acknowledge that some RPs have stated in their existing tenancy policies that a fixed term tenancy could be terminated on this basis.

Where RPs do chose to review a household's income as part of the review of the fixed term, we again urge RPs to support tenants into considering alternative options, such as low-cost home ownership schemes, and to not potentially make these tenants homeless.

### **4.4 Ending Fixed Term Tenancies**

Should an RP decide not to renew a fixed-term tenancy, we request that the RP notifies our Housing Options Service at the time of the decision not to renew a tenancy, i.e. at least 6 months prior to the ending of the fixed term tenancy.

RPs should also seek to meet jointly with a member of the Housing Options Team and the tenant to consider what rehousing options are available.

When a tenancy is not renewed, the Council expects the RP's advice and assistance services to be fit for purpose. It would not be appropriate, for instance, for an RP to end a tenancy where there would then be a duty on the council to provide accommodation, except where there is an agreed plan of action.