

Thanet District Council

Tenancy Strategy 2022



Foreword

Message from Cllr Jill Bayford, Cabinet member for Housing



Thanet District Council recognises that having a settled home has a huge impact on not only the health and well-being of residents but on their longer term life chances and the educational achievements of their children. In our Corporate Statement of 2019-2023 we have committed to delivering high quality homes, which will enhance the health and well being of our residents. This Tenancy Strategy set out the Council's expectations of Registered Providers with housing in the Thanet District as to the kind of tenancies they grant and how they make best use of social housing stock.

Introduction

The 2011 Localism Act introduced a duty on local authorities to prepare and publish a Tenancy Strategy. The purpose of this strategy is to give Registered Providers of Social Housing (RP's) operating in Thanet an indication of the approach the Council would like them to take when preparing their Tenancy Management Policies, implementing the new tenure flexibilities, applying the affordable rent model and the Council's approach to using new powers to meet its homelessness duty. The development of this strategy has taken into account the changing national attitude to flexible fixed term tenancies and our own experience of their use. Although intended to support social housing landlords to make better use of their stock by regular review of the circumstances of its tenants and the opportunity to move them to more suitably sized accommodation, the flexible tenancy review process poses challenges to social housing landlords who may not have suitable alternative accommodation available to them at the time of a tenancy review.

This document updates and replaces Thanet District Council's Tenancy Strategy 2018 and has been informed by our Housing, Homelessness and Rough Sleeper Strategy 2020-2025 and our Allocations Policy 2019.

National Context

In addition to the requirement that local authorities produce a tenancy strategy, a raft of fundamental reforms of social housing tenure were included in the Localism Act. The most significant of these were:

- Local Authorities and Registered Providers of Social Housing (RP's) are now able to offer tenancies for fixed terms with a minimum of 5 years, or in exceptional circumstances 2 years instead of the traditionally longer 'lifetime' secure tenancies
- Local Authorities are given more flexibility to set their own allocations policies to meet local needs and circumstances
- Local Authorities can now place homeless households in suitable private rented sector housing
- Affordable rents of up to 80% of market rent can be applied to new housing developments and in some cases existing housing stock can be converted when vacant from social rent to affordable rent levels.
- Local Authority stock owners and RP's must prepare and publish a Tenancy Policy setting out the types of tenancy they will use when letting their homes.
- New arrangements have been introduced for tenants seeking to mutually exchange homes in cases involving fixed term tenancies and/or affordable rents.
- Rights to succeed to a tenancy on the death of the tenant have been limited in some cases.

In 2016, the Housing and Planning Act went further and set out legislation (yet unenacted) that sought to make the use of fixed term tenancies mandatory.

The Grenfell Tower fire in June 2017 was one of the UK's worst modern disasters and in the aftermath of this the Government have unveiled important planned changes to the regulation and management of social housing. In its Green Paper 'A new deal of social housing' published 14 August 2018, the Government confirmed that it no longer intended to implement the provisions in the Housing and Planning Act 2016 that sought to make fixed term tenancies mandatory for local authorities after listening to residents' concerns. The Social Housing White Paper published on 17 November 2020 set out a Charter for Social Housing Residents and affirms the Government's continued commitment to give social housing tenants a greater voice, the right to safe and secure accommodation and of the importance of good quality homes and neighbourhoods to live in. Nationally these changes have been the catalyst for some large RP's and Councils to evaluate the benefits of fixed term tenancies and the potential they have to undermine their work to create sustainable communities. As a result, many have already expressed their intention to stop offering this type of tenancy.



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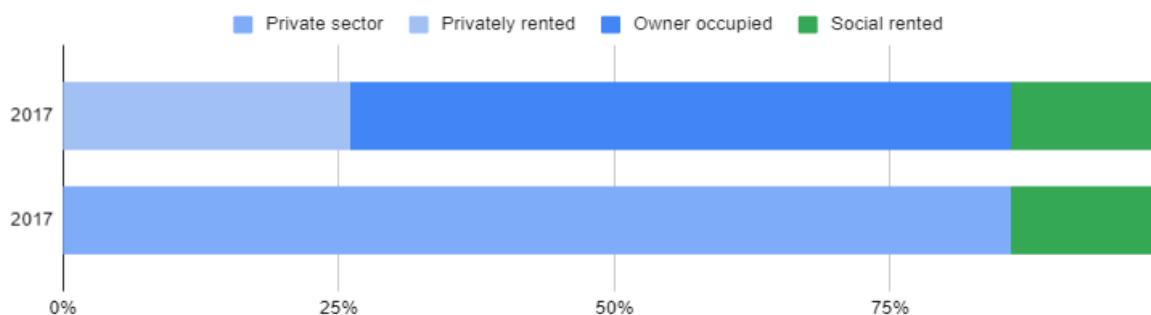
Thanet Context

There are 67,000 homes in Thanet with 3,061 homes currently in council ownership. These are made up of social rented general needs housing and affordable rented general needs housing. This includes 80 bedsits, 561 one bedroom properties, 1374 two bedroom properties, 908 three bedroom properties and 96 four bedroom properties. There are 23 Registered Providers operating in Thanet who have 4841 properties.

The majority of the homes in the district are in private ownership, and Thanet has one of the highest locations for second homes in Kent. Thanet is a great place to live, work and visit but it has some distinct challenges which the council recognises can only be addressed by working with partners across health, the housing sector and national agencies such as Homes England.

Housing Tenure

Type	2002	2008	2017	Direction of Travel	2017
Privately rented	9,874	15,929	17,271		26%
Owner occupied	42,978	35,617	39,961		60%
Housing Association	4,478				0%
Council owned	3,500				0%
Shared ownership		147			0%
Would not disclose (private sector)		4,224			0%
Social rented			9,660		14%
Total number of dwellings in the private sector	52,852	55,917	57,232		86%
Total number of dwellings in Thanet	60,830	66,892	66,892		100%



Housing Need

The Council has a housing register which is used to allocate council and other registered provider accommodation. The housing register also gives an indication of the need for affordable housing in the district. In February 2019, the Council adopted a new Housing Allocations Policy. That policy

sets a requirement for applicants to have at least 3 years' residency and an assessed housing need before applying for housing. There are some exceptions to this rule prescribed by statute.

As of September 2021, we have 1582 households on the register. The need is broken down as follows.

1 bed need	2 bed need	3 bed need	4 bed need	5 bed need	6 bed need
780 Households	300 Households	377 Households	109 Households	15 Households	1 Households

Local Lettings Policies

The Council believes that local lettings plans can play a role in helping to achieve balanced, sustainable communities. However, they should only be used where it can be clearly demonstrated they will have a positive community benefit and should be subject to regular review.

Kent Homechoice

The Council advertises its properties for rent through a choice based lettings system called Kent Homechoice. We encourage Registered Providers of Social Housing operating in our District to do the same. When advertising properties, landlords should clearly indicate the duration of the tenancy being offered and the rent that will be charged. The landlord's Tenancy Policy should also be provided, and details of Local Lettings plans agreed for the properties should also be advertised.



Affordable Rent versus Social Rent

Affordable Rent	Social Rent
Affordable rent is rent that is set at up to 80% of market rent (including service charges).	Social rent is paid to registered providers and local authorities. It is low cost rent that is set by a government formula. This means it is

<p>The Council's view is that wherever possible affordable rent levels should not exceed LHA rates.</p> <p>The Local Housing Allowance (LHA) is based on the area in which the claimant lives and the number of people living in their household. It is not based on the rent that they are charged by their landlord. The LHA rate is used to calculate housing benefit entitlement for most customers living in privately rented accommodation. LHA rates are set by central government.</p>	<p>significantly lower than the rent a tenant would pay in the normal market.</p>
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Tenancies

Introductory tenancies

Thanet District Council will use introductory ('starter') tenancies which were introduced under earlier legislation: Part 5 of the Housing Act 1996. An introductory tenancy is a one-year 'trial' tenancy and as long as the terms of the tenancy agreement are met, tenants automatically move on to a longer, more secure tenancy type. Introductory tenancies have fewer rights than secure tenancies and can be evicted more easily. We will follow the correct legal process if we decide to seek possession.

Secure tenancies

A secure tenancy is a lifetime tenancy without a fixed term that is granted by the Council and can only be ended if the tenant breaches their tenancy conditions during the tenant's lifetime or in certain prescribed conditions set out in legislation.

Demoted Tenancies

If a tenant has been involved in anti-social behaviour it is possible to seek a demotion order for their tenancy for a 12-month period. This is achieved by obtaining a court order. A demoted tenancy reduces a tenant's rights and facilitates the eviction process if required. At the end of the 12-month period, if the tenant has complied with the court order their tenancy will automatically revert to a secure or fixed term tenancy.

Succession

The Localism Act 2011 changed the legal entitlement of succession of a new secure, introductory, or demoted tenancy (ie to take over the tenancy of a person who has died). The legal right to succession for post 1 April 2012 tenancies is limited to a spouse, civil partner or cohabiting partners. While this excludes other close relatives living with the tenant at the time of their death, RP's will be free to allow discretionary successions to additional groups. The Council wishes to

avoid the possibility that this change will result in more households becoming homeless and seeking assistance with re-housing.

Mutual Exchanges

Mutual exchanges are an important option available to help tenants to improve their housing situation and for landlords to make more effective use of their housing stock. The introduction of affordable rents and fixed term tenancies has implications for tenants who wish to exercise their right to mutual exchange. The Localism Act created a new mechanism for mutual exchanges to protect certain lifetime tenants. If assured lifetime and secure lifetime tenants who were granted their tenancy before the 1 April 2012 exchange with a flexible tenant, their existing tenancies are surrendered, and a new tenancy is issued to each party. The previously secure or assured lifetime tenants are granted another secure or assured lifetime tenancy. The fixed term tenant is granted a new tenancy, but there is no particular provision regarding its status.

Domestic Abuse

The Council wants to ensure that survivors of domestic abuse will not fear losing security of their tenure if they need to move to escape domestic abuse. The Council will abide by The Secure Tenancies (Victims of Domestic Abuse) Act 2018 and ensure that when they are rehousing an existing secure tenant who has needed to move or who has recently moved from their social home to escape domestic abuse, they are granted a secure tenancy for their new home. The impact of this on the turnover of social housing stock should be minimal and should be offset by the subsequent eviction of the perpetrator from the former home, thereby releasing another affordable property.

Tenancy Fraud

The Council recognises that affordable housing is a limited resource, and therefore it expects RP's to place great importance on tackling social housing fraud of any kind. There are various types of social housing fraud RPSH should remain vigilant and be aware of.

These include:

- Making a false declaration or submitting fraudulent documents at the application stage to obtain a tenancy
- Unlawful subletting, or where certain subletting is not permitted in a tenancy agreement
- Non-occupation by the tenants of their social housing property as this is not their main or principal home
- Unlawful tenancy succession or wrongful succession to a person who does not qualify and or submitted false information to acquire the property; and
- Where a false Right to Buy application has been submitted.

RP's should have robust internal audit policies and processes in place to detect possible fraudulent or corrupt actions by tenants and staff.

Homelessness

Councils continue to have a duty to house homeless people who are eligible for such assistance under related legislation, in priority need and unintentionally homeless. However, under the previous rules, people who became homeless were able to refuse offers of accommodation in the private rented sector and wait for a suitable social home to be offered to them. This can result in households being temporarily housed in expensive temporary accommodation until such a home becomes available. The Localism Act allows local authorities to meet their homelessness duty by

providing good quality private rented homes. Government believes that this option could provide an appropriate solution for people experiencing a homelessness crisis, at the same time as freeing up social homes for people in real need on the waiting list. While there is no certainty that this change will result in more homeless households being re-housed in the private rented sector, the Council welcomes it as an additional tool we can use to tackle and prevent homelessness. The Council will seek to ensure that any offer of private rented housing is appropriate to the needs of the household and the minimum length of any tenancy will be 12 months.

Monitoring and Review

The Council will wish to monitor the effectiveness and extent to which the new provisions are implemented. This will include monitoring:

- The number of fixed term tenancies issued by PRSH
- The number of reviews carried out and tenancies renewed/not renewed
- Reasons for non-renewal of tenancies
- The number of under occupying households re-housed
- The number of mutual exchanges
- The number and location of social rented homes converted to affordable rent
- The number of homeless households re housed in the private sector

It will also consider changes in market conditions and the impact this may have on affordable rent levels and housing affordability as well as the impact of welfare benefit changes, particularly housing benefit. This monitoring and review will inform future changes to the strategy, and we will expect registered housing providers to assist with this process by providing statistical information when requested. Any significant changes that arise due to changes in legislation, regulation of guidance will be taken through the Council's Cabinet process for consideration.

Equalities

A full Equality Impact Assessment of this strategy has been undertaken to assess the impact of the strategy on the different equality groups with the intention of implementing remedial action where the impact is negative and maximising access to services for everyone.