

Southampton City Council

Landlord tenancy policy 2013-2017

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Introduction

This landlord tenancy policy sets out our approach to awarding and managing tenancies within our own housing stock. The policy has been drafted in the light of the tenancy strategy 2013-2017 which sets out the city council's vision in relation to tenancies for all social housing in the city.

The council works with and manages a shared waiting-list for a number of other registered social housing landlords (RSL's) in the city. These landlords are required to pay regard to the city's tenancy strategy when they draw up their own landlord tenancy policy. This landlord tenancy policy for the city council reflects the city's key objectives, the city plan, the tenancy strategy and takes into account other relevant strategies such as the housing and homelessness strategies. It is intended to describe in more detail the types of tenancy which we will offer and the way in which we will do this.

Background

This policy is being written at a time of significant stress on the city's resources including housing. Reductions in funding available to the council have resulted in reduced or withdrawn services in a number of non-statutory service areas. Demand for council housing in Southampton continues to considerably outstrip supply with waiting times of 7-8 years now common for some types of property.

Southampton is ranked 81st on the overall indices of multiple deprivation (IMD) 2010 out of the 326 Local Authorities in England, (where 1 equals the most deprived). The IMD brings together 38 different indicators which cover specific aspects or dimensions of deprivation and aggregated into seven domains:

- a. Income,
- b. Employment,
- c. Health and Disability,
- d. Education, Skills and Training,
- e. Barriers to Housing and Services

A number of areas of the city have been identified in the IMD as the 'most deprived' for the city as a whole and for each domain i.e. they are amongst the 10% most deprived in England. There is a strong correlation between these and the areas of Southampton where the housing is predominantly managed by the local authority and other social housing providers.

Overall the most deprived areas are in Bevois, Redbridge, Millbrook, Woolston (Weston) and Bitterne (Thornhill) wards. This is unchanged from 2007.

Domain	No. of Southampton's Lower Super Output Areas in the 10% Most Deprived in England				
	Bevois	Bitterne	Millbrook	Redbridge	Woolston
Education, Skills and Training	1	7	3	7	3
Living Environment	3	0	2	0	1
Health & Disability	2	0	0	0	1
Income	1	2	1	2	1
Crime	5	6	5	5	2
Barriers to Housing and Services	0	0	0	0	0
Employment	1	1	0	0	2

A further issue of concern is the forthcoming welfare reform which will reduce housing benefit for local authority and housing association tenants who are under occupying their properties. Some tenants will find their housing benefit cut by an amount equal to 25% of the total rent payable. In addition, a range of other benefits are being withdrawn or changed. A new benefit, universal credit, will be introduced later in the year which will limit the total amount of benefits which can be paid to any one family or claimant. This will affect tenants in all tenures but is likely to have the greatest effect on families renting accommodation in the private rented sector who may find it difficult to sustain their tenancies on a reduced income.

Objectives

As a social landlord the council has a number of objectives which it uses to shape the way in which its housing service is delivered. Meeting the greatest possible degree of housing demand is a key objective but we will seek to do this in a way which supports individual households, enhances community stability and recognises the difficulties parts of our community face.

We will also use our role as the largest landlord in the city to improve the lives of our residents wherever possible. This includes not only paying attention to the physical environment but also taking action to address issues affecting our residents. We are concerned not just about property but also about people.

This concern will be reflected in a programme of work to contribute to better health outcomes, environmental sustainability, resident involvement and addressing the cycle of worklessness that blight the lives of some of our tenants. Our landlord tenancy policy reflects this breadth of interest in that it prioritises predictability and security of tenure. The vast majority of tenants will continue to be offered secure tenancies, flexible (fixed term) tenancies will be used only in a very small minority of cases where there are good reasons for doing so.

We recognise that social housing is an extremely valuable public resource and that being a social landlord brings both opportunities and responsibilities. We will take decisive action to deal with instances of tenancy fraud and will adopt firm but fair policies in dealing with rent collection and tenancy management. We will use the sanction of eviction if necessary but only ever as a last resort. We fully recognise our role in supporting vulnerable households to sustain their tenancy and we will always try to balance the interests of individual residents against the requirements of the larger community and to explain our actions.

Our policies will be fair, clear and easy to understand and, where appropriate, will enable our senior managers to use their discretion to deal with exceptional circumstances.

Tenancies

Where we offer a tenancy to an applicant who is not already a secure or assured tenant we will always offer an introductory tenancy. Following this the vast majority of our tenants will be granted secure tenancies. Where a tenancy is not managed properly during the introductory period we may seek to end it during that term or to extend the period of the introductory tenancy.

Where an applicant is already a secure or assured tenant then we will grant the equivalent degree of security to them i.e. a secure tenancy. All tenants of our older persons sheltered housing schemes will be granted secure tenancies.

We will retain the option to use flexible (fixed term) tenancies in a small number of circumstances. In relation to our general stock we expect this to be mainly exceptional, untried family arrangements where the council decides to support that arrangement through the provision of appropriate housing. Using a flexible tenancy will retain the option of returning the property to the council's stock should that arrangement break down. We anticipate that we will seek to use this option in only a very limited number of cases and that the vast majority of these are likely to be where the council is supporting a new fostering arrangement.

We may also use limited numbers of fixed term tenancies where we have properties which could be made available for short-life use. This is most likely to be the case where properties are vacated prior to the commencement of a regeneration scheme. The use of flexible tenancies would enable the authority to provide some additional short term housing opportunities and to maximise rent income whilst not creating longer term housing obligations which would compromise the overall scheme. The council sees this as an opportunity to make use of good quality housing units which would otherwise stand empty.

The proposed uses of fixed term tenancies are intended primarily to enable the council to help those in need where otherwise it might not be able to because of competing priorities for its stock. The overwhelming majority of

tenants will continue to be granted secure tenancies of appropriately sized accommodation (i.e. in accordance with normal lettings policy). The Head of Housing Services has discretion to offer flexible tenancies where individual circumstances warrant that offer and the council's overall policy objectives support that approach.

We will not offer a flexible tenancy to households which we consider to be vulnerable. They will continue to be offered secure tenancies.

Flexible tenancies will usually be granted for a period of five years following the expiry of an introductory tenancy. However, the Head of Housing Services has the discretion to grant a flexible tenancy for a period of less than five years but greater than two years. The criteria for renewal of such a tenancy will be that the family composition remains as it was at the time of the tenancy grant. If this is not the case, the housing services manager will decide whether or not to award a further flexible tenancy, a secure tenancy, a secure or flexible tenancy of an alternative property or no further tenancy.

If it is decided that no further tenancy will be offered then the council will offer advice and assistance to the family to help them secure alternative accommodation. This will be tailored to the needs of the family/tenant involved and the assistance available will include a home visit, advice on securing other types of housing and money and welfare benefit advice.

In the case of fixed term tenancies granted to facilitate short life use of properties in regeneration areas, these will be renewed only if there are unforeseen circumstances which significantly extend the time during which the property is likely to be vacant prior to regeneration works and if a further award of tenancy will not compromise the viability of the scheme. The advice and assistance given at the end of such a tenancy will depend on the housing obligation owed to the tenant and this will be clearly set out at the commencement of the tenancy.

Flexible (fixed term) tenancies

The council will set out in writing at the commencement of a flexible tenancy the following criteria:

- the date of tenancy commencement and length of tenancy
- the potential end date of the tenancy
- the date from which the council will review the tenancy and make a decision as to whether a further tenancy should be awarded (this will be 6 to 12 months before the initial tenancy end date)
- the criteria which will be used to decide whether or not a further tenancy should be awarded
- details of the advice and assistance which will be offered at the end of the flexible tenancy
- the appeals process (in respect of the type of tenancy offered, the length of tenancy, the criteria for review and the decision made following a review at the end of a fixed term tenancy).

The appeals process

In the first instance, any appeal in respect of a flexible tenancy will be dealt with by the Housing Services Manager or another manager of equivalent seniority.

If the tenant is not satisfied following this appeal, and the subject of the appeal meets the criteria listed below, they can ask for the matter to be considered by the council's tenancy review panel. The tenancy review panel routinely examines decisions made in respect of possession actions and comprises a cross-section of officers experienced in dealing with issues around rent arrears, breach of tenancy, homelessness, lettings and tenancy management.

The tenancy review panel will only consider appeals in respect of the following issues in relation to flexible tenancies:

- the type of tenancy offered
- the length of the tenancy
- the criteria for review of the tenancy
- the decision made following review of a flexible tenancy

The process for making an appeal to the Housing Services Manager or equivalent and/or to the tenancy review panel is the following:

- any appeal must be made within 14 days of the relevant action by the council (e.g. An offer of tenancy or decision following a review of tenancy)
- the date of the appeal is the date that the council receives the written appeal from the tenant
- the appeal must set out in writing the decision which is being appealed against and the reasons for the appeal (assistance will be given to set out this information if requested)
- in the first instance the Housing Services Manager (or equivalent) will consider any appeals in respect of flexible tenancies which fall within the relevant time period
- the review by the Housing Services Manager will take place within 14 days of the appeal being received by the authority
- the outcome of this review will be communicated to the tenant within a further seven days
- if the tenant is not happy with the outcome of this first review and the appeal is about one of the issues listed above then they can request it be examined by the tenancy review panel
- requests for a review of the initial decision must be made to the authority within 14 days of receipt of that decision
- the tenancy review panel will consider the matter within 14 days of receipt of the further appeal and will convey its decision to the tenant within a further seven days
- there is no further right of appeal to the Council or any other body.

Succession to tenancies

For tenancies granted prior to 1 April 2012 (where there has been no previous succession) succession rights will continue as under the Housing Act 1985, before amended by the Localism Act 2011. Therefore a person will succeed to the tenancy if they are living in the property as their only or principal home at the time of the tenant's death and they are either

- (a) The tenant's spouse or civil partner, or
- (b) Another member of the tenant's family who has lived with the tenant throughout the period of twelve months ending with the tenant's death.

The provisions as to who should succeed should there be more than one potential successor, and all other statutory references to successors, will be in line with the unchanged position prior to 1 April 2012.

For tenancies granted on or after 1 April 2012 the only person entitled to succeed to a tenancy is the spouse, partner or civil partner. This reflects the changes made by the Localism Act 2011.

We retain the discretion, following the death of the tenant, to offer a new tenancy of the same property, or an alternative property, to a family member left in occupation. When deciding whether to offer a new tenancy we will take account of the individual circumstances of the case as well as the need to make good use of the housing stock and to meet overall housing demand.

Further information

More information about our policies and procedures is available by going to <http://www.southampton.gov.uk/living/housing/housingpolicies/>