

Dover District Council

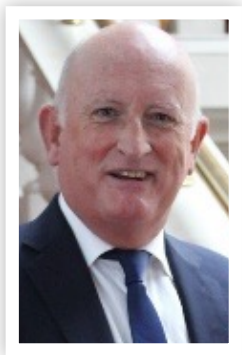
Tenancy Strategy



Foreword

Dover District Council recognises that having a settled home has a huge impact not only on the health and wellbeing of residents but on their longer-term life chances and the educational achievements of their children. We want the residents in our district to feel a part of the community they live in, to put down roots, build relationships and feel included and settled.

These aspirations are a key priority in our Corporate Plan and at the heart of our Tenancy Strategy which sets out the Council's expectations of Registered Providers with housing in the Dover District as to the kind of tenancies they grant, how they make the best use of the social housing stock available in the district and how this can genuinely affordable and supportive of sustainable communities.



Cllr Derek Murphy

Portfolio Holder for Housing



Contents

Introduction	2
National Context	3
Local context	4
Housing need	4
Partner RPSH	5
Guidance for RPSH – Tenancy types	7
Introductory/Starter Tenancies	7
Secure tenancies	7
Flexible secure tenancies (fixed term tenancy)	7
Assured tenancies	8
Assured shorthold tenancies	8
Demoted tenancy	8
Guidance for RPSH -Flexible tenancies	8
Tenancy policies	8
Tenancy agreement and flexible tenancies	9
Review arrangements for flexible tenancies	9
Ending flexible tenancies	10
Local Lettings Plans	10
Kent Homechoice	10
Affordable rents	10
Mutual exchanges	12
Succession	12
Domestic abuse	12
Tenancy fraud	13
Homelessness	13
Monitoring and review	14
Equalities	14



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 (RPSH) operating in the Dover District 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.

This document updates and replaces the Dover District Council Tenancy Strategy 2011 -2016 and has been informed by our Homelessness and Rough Sleeping Strategy 2020-24, our Allocations Policy and our preliminary consultation with RPSH in the District.

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 (RPSH) 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 RPSH 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 RPSH 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.

Local Context

The Dover District contains two urban areas, a market town and a large rural area made up of dozens of villages and hamlets. Home to the internationally famous White Cliffs, it is the UK’s gateway to Europe. The district is within easy travelling distance to London via the M20 and high-speed rail links, and the continent via the Port of Dover and the Eurotunnel.

The district remains one of the most deprived areas in Kent and England. There are high areas of deprivation in many of the wards within the Dover Urban areas (Castle 12.1%; Tower Hamlets 11.8%; St Radigunds 11.7%; Town & Pier 9.9%; Maxton, Elms Vale and Priory 8.8%; Buckland 8.2%). These areas also have the highest rates of unemployment in the district.

In March 2019 social housing represented 12.8% (6990) of the total housing in the district.

Housing needs

The Council receives many enquiries from people looking to rent a home in the district each year. There are currently 2,031 applications on our housing register and there are on average only enough properties available to house around 400 applicants each year.

As a result, many housing applicants, and those with low need, may have to wait longer periods before they are appropriately housed.

The table below illustrates the average wait time and bids per property type and size in the district:

Property type and size	Average bids per property	Average wait times
Sheltered accommodation	51	13 months
Studio general needs	1	15 months
1-bed general needs	42	16 months
2-bed flat or maisonette	32	18 months
2-bed house	102	15 months
3-bed flat or maisonette	14	15 months
3-bed house	59	18 months
4-bed house	28	14 months
Average wait time all property types:		16 months

*Numbers are rounded to the nearest whole figure. Source: Locata, 17 May 2021.
Data taken between 1 April 2020 and 31 March 2021*

Analysis in the table below demonstrates the number of households already living in social housing in the Dover District who are on the housing register and seeking to move to alternative accommodation within the sector.

Transfers registered by bed need					
1 bed	2 bed	3 bed	4 bed	5 bed	TOTAL
244	137	147	25	10	563

Source: Locata 18 May 2021

The information available on social housing tenant transfer requests demonstrates that locally there is already pressure from families wanting to downsize into smaller units, particularly one bedroomed accommodation. This is also the resource that within in its own stock DDC (Dover District Council) have the fewest numbers of.

Pressure from existing transfer cases and applicants many of whom are high priority usually means that it is difficult to support tenants with flexible tenancies downsize when their flexible tenancy is to be reviewed.

Partner Partner Registered Providers of Social Housing

The tenancy strategy is produced by Dover District Council in its capacity of Strategic Housing Authority, but the Council is also a stock owning authority and at 1 April 2021 owned 4321 units of accommodation. In addition to the Council's own stock there are 13 Registered providers with 2714 units of stock operating in the Dover District.¹

The information available on social housing tenant transfer requests demonstrates that locally there is already pressure from families wanting to downsize into smaller units, particularly one bed roomed accommodation. This is also the resource that within in its own stock DDC (Dover District Council) have the fewest numbers of.

Of the 13 RPSH, 9 responded directly or have publicly announced their intention to move away from flexible tenancies. The 9 RPSH who responded to the survey represent 82% (2330) of the RP housing stock in the district and 27% of the combined LA & RP social housing stock in DDC area.

The table below illustrates the results attained from the preliminary consultation. 5 of the registered providers did not respond to our preliminary consultation so we could not ascertain their quantity of stock in the Dover area, however government figures released via live tables on dwelling stock revealed that there was a total of 2714 PRP (Private Registered Providers) properties in the Dover district.

Registered Provider	Quantity of Housing Stock in DDC area	Are Flexible Tenancies used in the Dover Area?			Number of properties at Affordable Rents	
		Yes	No	Unknown	Quantity	%
Clarion Housing	74	✓			2	3%
English Rural Housing Association	13		✓		0	0%
Orbit Housing Association	222	✓			74	33%
West Kent Housing Association	106	✓			80	75%
Housing 21	114		✓		0	0%
Southern Housing Group	775		✓		62	8%
Moat Homes Ltd	123		✓		58	47%
Town & Country	592		✓		46	8%
Sanctuary Housing**	211*		✓		Unknown	
Home Group	47*			✓	Unknown	
Riverside	10*			✓	Unknown	
Anchor Hanover	62*			✓	Unknown	
Milldale Housing Cooperative (MBM)	2*			✓	Unknown	
Totals	2714	3	6	4	322	

* Extracted from Locata 17/05/2021 **Have provided information on flexible tenancies nationally. a scarce

¹ MHCLG, Table 115: Private Registered Provider stock, by district, from 1997. Figures correct as from March 2020

Dover District Council is committed to making the best use of affordable housing stock in the district, recognising that it is still a scarce resource but mindful always that one of our key priorities is to continue to support healthy, resilient, and sustainable communities.

The development of this strategy has taken into account the changing national attitude to flexible fixed term tenancies, the responses from our RPSH partners 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.

Our partner RPSH and our own in-house team also cite disadvantages in respect of:

- Tenants feeling concerned and anxious about their futures based on their tenure type.
- Lack of investment by families in their home and community because they feel they will be moved
- Little impact in terms of stock turnover and vacancies
- Potential conflict with the Governments expressed priority to give tenants a stronger voice
- Significant administrative costs involved with the scheme particularly where the majority of tenancies are set to continue.

In recognition of national and local trends moving away from the use of flexible tenancies and to help Dover District Council realise its ambitions to have strong, safe and sustainable communities our revised strategy now encourages social housing landlords operating in the district to help their tenants feel settled and a part of the community they live in by offering them the most secure type of tenancy they can, based upon their individual family circumstances and move away from the use of shorter term fixed period tenancies.

Guidance for RPSH -Tenancy Types

Introduction starter/tenancies

The Council supports the use of introductory or probationary ('starter') tenancies which were introduced under earlier legislation: Part 5 of the Housing Act 1996. An introductory or probationary tenancy is a one-year 'trial' tenancy and as long as the terms of the tenancy agreement are met automatically move on to a longer more secure tenancy type. Introductory and starter tenancies enable social landlords to obtain possession of a property more easily where there have been problems with the way in which the tenancy has been conducted. The landlord will be expected to follow the correct legal process if it decides to seek possession and the Council would also encourage landlords to make use of powers granted under Section 179 of the Housing Act 2004 to extend introductory tenancies granted after 2 June 2005, where there are continuing doubts about the conduct of a tenant, or where there have been problems of anti-social behaviour to provide sufficient time to try and resolve problems.

The Council also expects landlords to meet the appeal requirements of the legislation

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.

A secure tenancy can only be granted by Councils which are local housing authorities.

Flexible secure tenancies (Fixed term tenancy)

A flexible tenancy gives tenants the similar rights to a lifetime secure tenancy, but only last for a fixed period. Introduced by the Localism Act 2011, this tenancy type can only be granted by the Council.

Dover District Council has been using flexible fixed term tenancies since May 2014 but will with the adoption of this strategy and where appropriate having taken into account the individual circumstances of each application offer an introductory tenancy followed by a lifetime secure tenancy for future lettings.

Those living in DDC stock who currently have flexible fixed term tenancies will be moved to more secure lifetime tenancies.

Assured tenancies

An assured tenancy can be granted either with or without a fixed period by RPSH. The Council would expect landlords using these types of tenancy to follow prescribed processes when seeking possession and to have robust appeals processes in place where they are required.

Assured shorthold tenancies

An assured shorthold tenancy (AST) can be issued by an RPSH of social housing and a private landlord. It is recommended this type of tenancy is not used by RPSH for Social Rent or Affordable Rent properties.

Demoted tenancy

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. The Council supports the use of demoted tenancies to help better manage anti-social behaviour.

Guidance for RPSH - Flexible Tenancies

Dover District Council encourages all landlords operating in the District to offer the most secure tenancy possible, this can be assessed on an individual household, but we accept that some RPSH may still have tenants who have a fixed term tenancies or situations where they may be expected to continue to take advantage of fixed term tenancies. Where this is the case the Council would want the following actions taken and factors considered:

Tenancy policies

The Council expects every RPSH managing social housing in the district to publish a clear and transparent Tenancy Policy which should cover the following items:

- The kinds of tenancies they will grant
- The length of the terms of tenancies where they are granted for a fixed term
- The circumstances under tenancies of a particular type are granted
- The circumstances under which a tenancy may or may not be reissued at the end of the fixed term, in the same property or in a different property

- The way in which a tenant or prospective tenant may appeal or complain about the length of fixed term tenancy offered and the type of tenancy offered, and against a decision not to grant another tenancy on expiry of the fixed term
- Their policy on considering the needs of those who are vulnerable, by reason of age, disability or illness, and households with children, including through tenancies which provide a reasonable degree of stability; and
- The advice and assistance given to tenants on finding alternative accommodation in the event they decide not to grant a further tenancy.
- Their approach to tackling tenancy fraud.

Tenancy agreement and flexible tenancies

Dover District Council would wish to see RPSHs:

- Offering clear advice to all tenants being housed by them about the type of tenancy they are being offered at the point of sign up, along with the reasons for offering that type of tenancy and the process for reviewing the fixed term tenancy
- Tenancy agreements used that set out clearly the type of tenancy and any rights specific to that type of tenancy.
- Fixed term tenancies granted for a minimum of 5 years, with consideration given for longer periods of time in specific circumstances.
- Longer fixed term tenancies considered for families with young children, older households and for vulnerable tenants who would benefit from the increased stability offered.
- The Council also believes that it would be appropriate to offer some members of the armed forces who successfully apply for housing, a lifetime tenancy. The Council believes that the following criteria should be used for determining which tenants this should be applied to: (a) a person who is serving in the regular forces or who has served in the regular forces within five years of the date of their application for an allocation of housing under Part 6 of the 1996 Act; (b) a person who is serving or has served in the reserve forces and who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to that service.
- Tenants going into Sheltered or Extra Care Housing should be given lifetime tenancies
- Shorter term tenancies (2 years) should only be used in exceptional circumstances, for example: where the accommodation is only intended to be short term

Review arrangement for flexible tenancies

When review arrangements for flexible tenancies take place the Dover District Council would want to see:

- RPSH having clear explanations of their review process for flexible tenancies, detailing how frequently a fixed term tenancy will be reviewed and what factors will be considered as part of that review.
- Reviews taking place at least 9 months prior to the end of the tenancy.

Ending flexible tenancies

In situations where a registered provider intends ending a fixed term tenancy without there being a breach of tenancy conditions DDC would wish to see:

- Reasonable efforts made to offer suitable alternative accommodation and consideration given to extending the tenancy until alternative suitable accommodation can be made available.
- At least 6 months written notice to a tenant if the tenancy is not renewed.
- The reasons for ending the tenancy set out clearly along with information for the tenant on how to make an appeal.
- RPSH should inform the Housing Options Team at Dover District Council when a decision has been made to end a tenancy and the reasons for ending the tenancy.
- Decisions to end a fixed term tenancy by accelerated possession proceedings should be proportionate and tenants should be provided with clear, accessible guidance on the RPSH internal process.

Local Lettings Plan

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 encourages RPSHs (Registered Providers of Social Housing) operating in our District to use the Kent Homechoice choice based letting system when letting homes. When advertising properties, landlords should clearly indicate the duration of the tenancy being offered and the rent that will be charged. Details of how to access the landlord's tenancy policy should also be provided

Affordable Rents

Gross market rent is the rental total a property would generally be expected to be let for in the private housing sector. The gross market rent is determined by factors such as the property size, location, and service provision.

Affordable rents should not exceed 80% of gross market rent and must be inclusive of service charges where applicable. The Council recognises that affordable rent is an important tool for developers when creating financially viable housing programmes in the district

Evidence suggests that affordable rent levels in parts of Dover District would fall within the Local Housing Allowance (LHA) rate and that the difference between an average social rent charged by registered providers and an average affordable rent in the DDC district may be lower than in many other local authority districts in Kent.

However, the Council recognises that market rent levels can vary significantly across the district

and that in higher value areas, there is the possibility that the affordable rent for some property types could exceed the LHA rate. Given these local market variations it is expected that RPSH would discuss development proposals with the Council at an early stage so that proper consideration can be given to the potential impact of charging affordable rents on a scheme-by- scheme basis. The Council's view is that wherever possible affordable rent levels should not exceed LHA rates.

RPSH should also try to ensure that affordable rent levels do not create a benefits trap for its tenants, and in doing so hinder or deter household members from looking for work. Where affordable rents are used, RPSH should have robust suitability and income/expenditure checks in place to prevent this.

RPSH must comply with the terms and conditions of any agreements with Homes England or the secretary of State when setting affordable rents.

Dover District Council recognises the importance to RPSH business plans of rent levels in their existing stock and wants to work with them to use existing housing assets to maximise their capacity to develop new affordable homes. RPSH may convert existing social rent properties into affordable rents in certain circumstances, but must ensure that a housing supply delivery agreement is obtained with Homes England

The Council expects that affordable rent properties will be allocated in the same way that social rent properties are now. The existing regulatory obligation on providers to co-operate with local authorities' strategic housing function on the allocation of social rent properties will also apply to affordable rent.

The Council recognises that the tenancy rights protection given to tenants looking to transfer to another social rent property does not apply to affordable rent properties and that this has the potential to discourage tenant mobility. The Council would want to see landlords offering transferring tenants the same type of tenancy they already have although at the higher affordable rent level.

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. It will be a matter for the RPSH to decide what type of tenancy to offer.

The Council encourages RPSH to grant security equal to that which is being given up, even if they are not obliged to do so, to ensure that mutual exchanges remain an effective tool to manage housing stock. RPSH should ensure that tenants who are mutually exchanging are aware of the implications to their tenancy, including:

- Any changes to their secure or assured status.
- Any change in rent level between Social Rent and Affordable Rent.
- Any gain or loss of the Right to Buy

Succession

The Localism Act 2011 changed the legal entitlement of succession of a new secure, introductory, or demoted tenancy (i.e., 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, RPSH 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.

RPSH are therefore expected to use their discretion and put in place measures that will avoid this.

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 expects RPSH to 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, are grant 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.

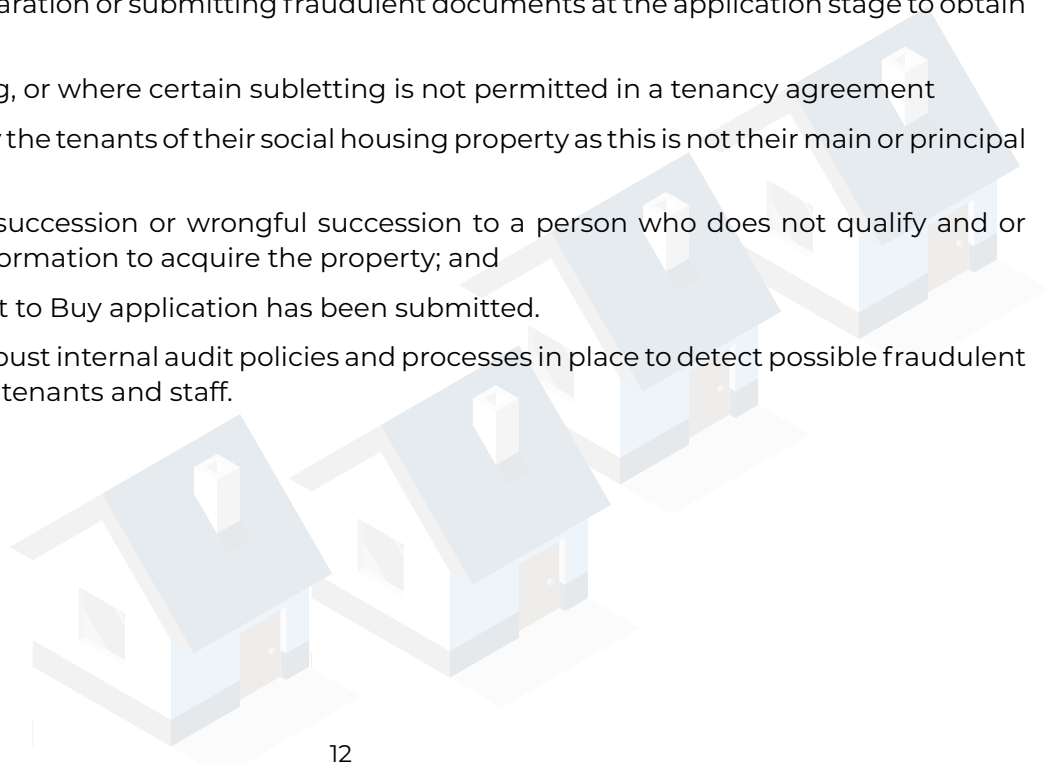
Tenancy Fraud

The Council recognises that affordable housing is a limited resource, and therefore it expects RPSH 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.

RPSH 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 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 RPSH
- 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 or 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.