



ADVANCE PUBLICATION OF REPORTS

This publication gives five clear working days' notice of the decisions listed below.

These decisions are due to be signed by individual Cabinet Members
and operational key decision makers.

Once signed all decisions will be published on the Council's
Publication of Decisions List.

- 1. HOUSING TENANCY POLICY (Pages 1 - 42)**

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London Borough of Enfield**Portfolio Report****Report of: Director of Housing and Regeneration**

Subject: Housing Tenancy Policy**Cabinet Member: Cllr. George Savva****Executive Director: Sarah Cary, Place****Ward: ALL WARDS****Key Decision: KD 5553**

Purpose of Report

1. This report introduces a new Council Housing Tenancy Policy following an earlier approved Tenancy Management Strategy 2022-2025.
2. The Housing Tenancy Policy sets out in detail how the Council will manage tenancy related matters.

Proposals

3. Approve the new Housing Tenancy Policy.
4. Approve the offer of Flexible fixed term tenancies in certain circumstances including for specially adapted homes, homes with four bedrooms and above and on exception grounds for leaseholders where the Council as freeholder, requires vacant possession of the building.
5. Approve changes to how the council agrees to non-statutory successions of tenancies which better meet the increased housing demand in the borough.
6. Aligns the Housing Tenancy Policy with the Secure Tenancies (Victims of Domestic Abuse) Act 2018 in ensuring victims of Domestic Abuse are supported.

Reason for Proposal(s)

7. The new Tenancy Policy 2022 will replace the previous Tenancy Policy of 2015 and meets the council's requirement under the Localism Act 2011.

8. The Tenancy Policy describes how the Council creates, changes and ends tenancy agreements. The Policy ensures the Council follows current legislation and enables tenants to exercise their rights, as set out in the tenancy agreement.
9. The Tenancy policy also sets out how we will make changes to existing tenancies, to better support tenants, ensuring tenants understand how they can make changes to their tenancy and explaining household members' right to succeed a tenancy and how this will be managed.

Relevance to the Council's Plan

10. Good homes in well-connected neighbourhoods

The new housing tenancy policy stipulates that lifetime tenancies are the Council's preference except in certain circumstances. Fixed term tenancies can only be offered in certain circumstances and must be for at least 10 years with discretion for 5 years in other circumstances. This supports our commitment to create a place where anyone born in the borough has a home to grow up in, where they can choose to stay and benefit from living in the great city that is London.

11. Safe, healthy and confident communities

Providing tenants in social and affordable housing with lifetime tenancies unless in certain circumstances and tenancies of at least 10 years in all cases and providing clear information and advice so that tenants understand their rights and responsibilities, will support Enfield residents to live safe, healthy and confident lives in settled communities across the borough.

12. An economy that works for everyone

Providing tenants in social and affordable housing with lifetime tenancies unless in certain circumstances and tenancies of at least 10 years in all cases enables residents to settle in their community and access employment and skills opportunities. This takes away uncertainty about their future living situation, enabling stability for children's education and access to educational attainment opportunities as they enter adulthood

Background

13. The Localism Act 2011 has given local authorities the power to influence how social housing is offered and managed in their respective local areas. The Council's tenancy strategy agreed in February 2022 set out the matters the Council and other registered providers of social housing were required to consider when developing tenancy policies.
14. An agreement was made under the terms of the new Tenancy Strategy that both the council and Registered Providers within the Enfield Council area should review their Tenancy Management Policy within 9 months of the new Tenancy Strategy being approved.

Main Considerations for the Council

15. The purpose of the Tenancy policy is to set out how Enfield Council will issue tenancies to the social homes it owns and ensure their consistent management. The policy applies to Enfield Council tenancies only.
16. The policy supports the Council's vision for Enfield residents who are renting; to have a clear understanding of their tenancy, their rights and a guaranteed level of security in their home.
17. The policy confirms that 'lifetime' tenancies are the Council's preference in social and affordable housing except in certain circumstances.
18. The policy introduces the use of Fixed Term tenancies of at least 10 years for larger homes and those that are specially adapted to enable residents to settle in their community and access employment and skills opportunities.
19. In addition to those circumstances set out at 18 above in exceptional circumstances, in order for the council to manage its strategic objectives, the Director of Housing and Regeneration may grant a fixed term tenancy of less than 10 years.
20. The policy describes how the council will manage Fixed Term Tenancies, how they may be reviewed, ended and how tenants can appeal against a decision to end a Fixed Term Tenancy.
21. To better support victims of Domestic Abuse, the Council will, in exceptional circumstances enable a joint tenant remaining in a property to be granted a replacement sole tenancy.
22. Where there is no statutory right to succeed to an Enfield Council Housing tenancy, in exceptional circumstances, the London Borough of Enfield Housing Team may grant a new tenancy to a tenant's family member. In order to make the best use of council stock the council has revised the policy to better reflect housing need.
23. This draft policy has been developed in accordance with the Localism Act 2011, [London Housing Strategy](#) and the Council's Housing and Good Growth Strategy (2020-2030), Preventing Homelessness and Rough Sleeping Strategy (2020 -2025), Housing Allocation Scheme, Council Plan 2020-2022 and Fairer Enfield Policy 2021 - 2025 found [here](#). Benchmarking with other boroughs has also been carried out.

Safeguarding Implications

24. Lifetime tenancies remain the preferred approach for tenants of social and affordable housing to enable them to live safe, healthy, and confident lives in settled communities across the borough. In certain circumstances, a 10-year tenancy (previously 5 years) may be issued with a longer term encouraged for families with children aged 5 years and under or 10 years and under if the child is affected by special educational needs or disabilities. The approved

Tenancy strategy required that providers to comply with the Secure Tenancies (Victims of Domestic Abuse) Act 2018 and Homelessness Reduction Act 2017 to avoid directly or indirectly risk to children, young people or vulnerable adults.

Public Health Implications

25. The majority of tenants in social and affordable housing will continue to have lifetime tenancies. Unless in certain circumstances where at least 10 years are required as a minimum and supporting tenants to understand their rights and responsibilities as tenants, while also seeking to drive up standards in both the public and private rented sectors, we will support Enfield residents to live safe, healthy and confident lives in settled communities across the borough.

Equalities Impact of the Proposal

26. We have completed an Equality Impact Assessment (EqIA) on the draft Tenancy Policy which is attached as appendix to this report. As with the EqIA for the Tenancy Strategy this continues to show differential impact for children, females, people with a disability and black and ethnic minority groups with regard to fixed term tenancies on larger homes (4 bedrooms or larger). The differential impact of offering fixed term tenure, as opposed to a lifetime tenancy, to households requiring larger properties, is mitigated through offering a minimum tenancy term of 10 years (previously 5 years) with a longer term encouraged for families with children aged 5 years and under or 10 years and under if the child is affected by special educational needs or disabilities. Tenants will be offered a further tenancy at the end of the fixed term if their circumstances have not significantly changed. There are no circumstances where a fixed-term tenancy can be granted to a tenant if they or a member of their household has been a victim of domestic abuse and the new tenancy is granted in connection with that abuse.

Environmental and Climate Change Considerations

27. The proposals in the draft Tenancy Policy should not have any direct impact on carbon emissions. The policy will provide the majority of tenants in social and affordable housing with lifetime tenancies unless in certain exceptional circumstances, which may help prevent carbon emissions associated with house moves.

Risks that may arise if the proposed decision and related work is not taken

28. The Tenancy Policy is a statutory requirement under the Localism Act 2011. Agreement has been made to review the policy following a review of the Tenancy Strategy. As a strategic housing authority, a policy is required that is up to date and in line with the revised Tenancy Strategy. Failure to update the tenancy policy would increase the likelihood of legal challenge and impact the reputation of Enfield council in its strategic remit.

29. If this work was not taken forward, the Council would miss opportunities to set high standards for tenancies in the Borough enabling Enfield residents to live as healthily, safely, and independently as possible.

Financial Implications

30. The Tenancy Policy will apply to Council owned housing stock, as part of the Council's landlord role. The new policy has been set within the Housing and landlord regulatory framework. The policy doesn't detail specific budget requests.

31. The new Tenancy Policy sets out the approach for the following:

- a. Flexible and other tenancies
- b. Appeal process of a flexible tenancy
- c. Tenancy reviews
- d. Tenancy renewals
- e. Length of tenancy renewals
- f. Review of a renewal decision
- g. Tenancy succession
- h. Delegated authority - approvals
- i. Right to appeal

32. All Council tenancies will be charged rent in line with the Social Housing Rent Standards Policy.

Legal Implications

33. The Housing Policy 2022 follows the publication of London Borough of Enfield's tenancy strategy. Public consultation took place between 15 September-1 November 2021. This is in accordance with Section 150 (1) of the Localism Act 2011, which stipulates that Local Authorities must set out matters to which it must have regard for in the formulation of policies relating to the following.

- (a) the kinds of tenancies they grant,
- (b) the circumstances in which they will grant a tenancy of a particular kind,
- (c) where they grant tenancies for a term certain, the lengths of the terms, and
- (d) the circumstances in which they will grant a further tenancy on the coming to an end of an existing tenancy.

34. The Council must have regard to its tenancy strategy in exercising its housing management functions Section 150 (3) of the Localism Act 2011 and publish the Tenancy Strategy before the end of the period of 12 months beginning with the day on 14 January 2013, in which the relevant section of this Act came into force, Section 150 (4) of the Localism Act 2011.

35. The statutory provision specifies that a Local Housing Authority must keep its Tenancy Strategy under review and may modify or replace it from time-to-

time Section 150 (5) of the Localism Act 2011 and any proposed modifications should be published, Section 150 (6) of the Localism Act 2011.

36. By virtue of Section 150 of the Localism Act 2011, should there be any modifications or adopting to the tenancy strategy which would reflect a major change in policy, Section 151 (1) of the Localism Act 2011 requires the following process to be undertaken:

(a) send a copy of the draft strategy, or proposed modification, to every private registered provider of social housing for its district, and

(b) give the private registered provider a reasonable opportunity to comment on those proposals.

and

s.151(2) (b) consult the Mayor of London.

37. Accordingly, Section 151 of the Localism Act 2011 mandates that Tenancy Strategies are expected to have regard to the Council's: current allocation scheme under Section 166A of the Housing Act 1996; current homelessness strategy under Section (1) (inclusive) of the Homelessness Act 2002; In the case of an authority that is a London borough council, the London Housing Strategy.

38. The collective objective of the Tenancy Strategy is to ensure that residents have a clear understanding of their tenancy and that they can benefit from long term security. To promote fairness and equality, Local Authorities would also be expected to give due consideration under the provisional criteria for Public Sector Equality Duty in accordance with Section 149 of the Equality Act 2010.

Workforce Implications

39. No HR implications.

Property Implications

40. HRA property implications: these are found throughout this report

Other Implications

Options Considered

41. The Council has made a decision to issue most new tenants with introductory tenancy agreements. The introductory tenancy regime continues to play a part in the management of ASB by providing reassurance to existing tenants and a deterrent to new tenants. The majority of tenants will have a lifetime tenancy that follows on after their introductory tenancy.

Flexible tenancies will be issued for the first time in specified circumstances of a minimum 10-year duration to foster tenancy sustainability and community.

Conclusions

42. It is recommended that the Tenancy Policy be agreed for implementation.

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Date of report: 27th February 2023

Appendices

Tenancy Policy Report
EqIA – Tenancy Policy
Cabinet Report – Draft Tenancy Management Strategy

Background Papers

The following documents have been relied on in the preparation of this report:

- Enfield Council Tenancy Strategy 2022- 2025
- EqIA Tenancy Management Strategy
- EqIA Tenancy Policy

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Enfield Tenancy Policy – 2023-26

Policy Title	Enfield Tenancy Policy 2023-26
Policy Owner	Head of Housing Management
Last reviewed	February 2023
Policy due for review	February 2026
Approved by	
Approved date	

1.0 Introduction

1.1 The Localism Act 2011 placed a statutory duty on Local Authorities to produce a Tenancy Strategy which sets out its approach for social and affordable housing landlords relating to:

- The kinds of tenancies they grant.
- The circumstances in which they will grant a tenancy of a certain kind.
- The lengths of the tenancy; and
- The circumstances in which another tenancy is granted when an existing one expires

1.2 The Tenancy strategy approved by Cabinet in February 2022 was has been drawn up following consultation with all Registered Providers of social and affordable housing its area and tenants and residents of the borough and other parties who have an interest in the outcome and implementation of the Strategy.

2.0 Tenancy Policy

2.1 The London Borough of Enfield's Tenancy Policy which will apply to Council owned housing stock. This Policy is being issued in the Council's landlord role.

3.0 Legislative framework

3.1 This Tenancy Policy is set within the legislative framework provided by:

- The Housing Act 1985, 1988, 1996 as amended
- The Landlord and Tenant Act 1985
- The Housing & Planning Act 2016
- The Localism Act 2011

- The Secure Tenancies (Victims of Domestic Abuse) Act 2018

3.2 It is also set within the regulatory framework set out by the regulator of social housing.

4.0 Equality and Diversity

4.1 This policy supports the Council's commitment to championing equality and ensuring procedures are in place so all residents are treated fairly and without unlawful discrimination in line with the Equality Act 2010.

5.0 Related Policies and Strategies

5.1 This Tenancy Policy is set within Enfield Council' policy framework provided by.

- Enfield's Homelessness and Rough Sleeping Strategy 2020 - 2025
- Enfield's Housing and Growth Strategy 2020 - 2030
- The Housing and Growth Strategy 2020 - 2030
- The Tenancy Strategy 2022
- Enfield's Housing Allocation Scheme
- Enfield's Rent Setting Policy

6.0 Proposed Approach to Flexible and Other Tenancies

6.1 The Council in its Local Housing Authority role recommended the following;

Lifetime Tenancies

6.2 Lifetime' tenancies are the Council's preference in social and affordable housing except in certain circumstances.

Introductory Tenancy

6.3 Lifetime tenancies will be preceded first by a granted a twelve-month introductory tenancy. The tenancy will convert to a lifetime tenancy as long as the tenant does not breach the tenancy terms during the introductory tenancy period for homes of 3 bedrooms or smaller. A structured review process will be implemented to confirm the passing or ending of an Introductory tenancy.

Flexible tenancy

6.4 Enfield Council will offer Flexible tenancies for homes of four or more bedrooms, specially adapted properties and on exceptional ground for leaseholders. This will provide a reasonable degree of security, for example for vulnerable people, and for people with children, while enabling the Enfield Council to make the best use of the housing stock for those in need.

6.5 Fixed term tenancies may only be offered in certain circumstances and must be for at least 10 years with discretion for 5 years in other circumstances. A longer fixed term tenancy will be encouraged for families with children aged 5

years and under; or 10 years and under if the child is affected by special educational needs or disabilities.

- 6.6 In addition to those circumstances set out at 6.4 above in exceptional circumstances, in order for the council to manage its strategic objectives, the Director of Housing and Regeneration may grant a fixed term tenancy of less than 10 years.
- 6.7 A Flexible tenancy is form of Lifetime tenancy, which is for a fixed term, and was created under the Localism Act 2011. Although it contains many features of a Lifetime tenancy, the main difference is that a Lifetime tenancy can only be ended by the landlord if a court order is granted, and the court considers that it would be reasonable to grant possession. With a Fixed Term tenancy, the court must award the landlord possession as long as the fixed term has expired, the correct notices have been served and any review request has been considered.
- 6.8 Flexible tenancies will not apply to transfer applicants from Enfield or any other areas (including 'decant' cases) who are existing secure or assured tenants. If these tenants are re-housed they should be re-housed on a secure or an assured tenancy as appropriate (i.e. Councils can offer secure tenancies and RPs can offer assured tenancies).

Demoted Tenancy

- 6.9 If a Lifetime tenant has been involved in antisocial behaviour or, is using their home unlawfully, the Council can serve a four-week notice of its intention to seek to demote the tenancy for 12 months and thereafter apply for a court order to provide for this. A demoted tenancy order reduces a tenant's rights and facilitates the eviction process if required.
- 6.10 At the end of the 12-month period, if the tenant has complied with the court order their tenancy will automatically revert to a Lifetime tenancy. If they have not complied with the order, the Council will serve a four-week notice stating that it has made a decision to seek possession of the property and obtain a possession order to evict the demoted tenant.
- 6.11 A demoted tenant will have the opportunity to appeal the decision to seek to evict and the Council will review the decision if requested. If the outcome review upholds the decision to seek possession of the property, the Council can apply to the Court for a possession order and end the demoted tenancy. If the review finds the Council should not uphold the decision to seek possession, the tenancy will revert to a Lifetime tenancy.
- 6.12 The Council will not demote a tenancy more than once. If a tenant whose tenancy has previously been demoted but reverted back to a Lifetime tenancy then engages in anti-social behaviour again, the Council will take steps to end the tenancy.

Temporary tenancy – Licence agreement

- 6.13 A small number of Council homes may require major works. A decant to a temporary accommodation will be offered if it is considered unsafe for a household to remain at home during the work.
- 6.14 The tenant(s) will be offered a licence agreement for the duration of the works. When works are completed, the tenant(s) will be served with Notice to end the Licence agreement, return to their Council home, and continue their Lifetime tenancy or Fixed term tenancy. The main tenancy/rent account should continue to avoid any break in their main tenancy (Lifetime or Flexible).

7.0 Appeal of a Flexible Tenancy

- 7.1 A process exists in which an applicant may request a review of the offer of a flexible tenancy. Applicants must be given at least 21 days from receipt of the notice stating the length of tenancy to request a review.
- 7.2 The review should consider whether the decision on the proposed length of tenancy is in accordance with the Council's Tenancy Strategy and the landlord's Tenancy Policy.
- 7.3 The Fixed Term Tenancies (Review Procedures) Regulations 2012 sets out the procedure for a review of decisions relating to Fixed Term tenancies. There are only two circumstances in which a review can take place:
- A tenant can seek a review of the length of tenancy on offer if it does not comply with the Tenancy Policy.
 - They can also apply for a review if, at the end of the Fixed Term tenancy they are refused a further tenancy.
- 7.4 Other concerns to do with the tenancy, such as repairs will be dealt with through the Council's Complaints procedure.

8.0 Tenancy Review

- 8.1 The process adopted to review tenancies including the timescales will take into account the following when considering extending the flexible tenancy.
- Employment, Education and Training activities undertaken by the tenant(s) during the period of the tenancy.
 - Community contribution by the tenant(s) to the residents of the London Borough of Enfield during the period of the tenancy.
- 8.2 The onus will be on the tenant to inform their landlord of any needs and existing contacts they have with the Council and other statutory or voluntary services to ensure their needs can be taken into account.
- 8.3 This will include the tenant authorising the landlord to share information about them for this purpose.
- The landlord should have due regard to the multiple disability needs of tenants

- should liaise with Children’s and Adults’ Services as well as other statutory or voluntary services as appropriate and
 - arrange for an advocate and any disability related reasonable adjustments to be made.
- 8.4 There may be circumstances where it would be unreasonable to expect tenants to move. These include, although other circumstances may be relevant:-
- Tenant or member of household suffering from a terminal illness
 - The tenant is a care leaver and is still receiving support from Adult Services
 - Tenant is participating in a Family Intervention Project programme.
- 8.5 The landlord should ensure that all reviews take into consideration the individual merits and changes in circumstances of tenants and their households.
- 8.6 Types of circumstances where the flexible tenancy would not be renewed:
- Applicants will not be eligible to apply if their household income is high enough to afford to rent or buy privately and they are not eligible for reasonable preference. (**The Housing Allocation Scheme provides more detail**).
 - Applicants will not be eligible if they have savings or assets over £10,500 and are not entitled to reasonable preference. This is based on the average amount needed for a deposit for a shared ownership property in Enfield. (**The Housing Allocation Scheme provides more detail**).
 - A household member has been convicted of criminal activity inside or in the vicinity of the property within the term of the tenancy being reviewed.
 - A breach of tenancy terms, for example, involving ASB or substantial rent arrears.
 - The property is under occupied by one bedroom or more.
 - The property is overcrowded in accordance with the Housing Allocation Policy.
 - The property is an adapted property allocated to (or adapted for) someone with a disability who no longer lives in the property.
 - The tenants were housed on the basis that they were/intended to be foster carers and this was their priority for being housed but they are no longer fostering.
- 8.7 Where the Council as landlord has made a decision not to renew the tenancy, the landlord will issue a notice to the tenant(s) giving at least two months’ notice stating that the landlord requires possession. This notice must be issued on or before the tenancy term expires. Where tenancies are not renewed the landlord should provide advice and support on their future housing options either directly or indirectly by signposting to other services.

9.0 Tenancy Renewal

- 9.1 The Council expects a large proportion of flexible tenancies to be renewed where tenancy conditions have been met and the tenant's (or tenants') circumstances have not substantially changed. However, there should not be a presumption that a tenancy will be renewed.
- 9.2 The Council wishes social and affordable housing landlords to create incentives for tenants and household members to keep their homes in good condition, pay their rent on time and avoid anti-social behaviour.

10.0 Length of Tenancy Renewals.

- 10.1 Where the Council renews a tenancy, these should generally be for the same period that they were originally granted.

11.0 Review of a Renewal Decision

- 11.1 The Council will put in place a process for reviewing a renewal decision. Tenants will have 21 days from receipt of the renewal decision notice to request a review. The review will consider whether the decision is in accordance with the Council's Tenancy Strategy and Tenancy Policy.

12.0 Tenancy Succession

- 12.1 In the unfortunate event of a death of a tenant, the tenancy can be transferred to an eligible family member. This is known as succession. When a tenant dies, another family member may be entitled to inherit the tenancy. This is known in legal terms as a Succession. If there is no eligible family member wishing to succeed the tenancy the Council will end the tenancy by serving a Notice to Quit.
- 12.2 The Localism Act changed the law on succession, although it should be noted that this applies only to tenancies issued after 1st April 2012. For existing tenants with tenancies which commenced prior to that date, the succession rules are unchanged.
- 12.3 On the death of a joint tenant, the surviving joint tenant will become the sole tenant and is the successor for the purposes of legislation. Where there is no tenancy succession, the landlord should seek possession of the home within a reasonable period but not more than six months.
- 12.4 All new lifetime and flexible tenancies now have a legal requirement to allow for one succession, limited to a spouse, civil partners or partner which will not entail the creation of a new tenancy.
- 12.5 Successions to flexible tenancy will only be for the remainder of the life of that tenancy, and subject to a full review when the end of the tenancy is due.

Eligibility for Succession

12.6 Under s.87 of the Housing Act 1985, a tenancy that started before April 2012 can be succeeded by the deceased tenant's:

- husband/wife
- civil partner
- unmarried heterosexual partner
- same-sex partner
- grandfather/grandmother
- father/mother
- brother/sister
- uncle/aunt
- nephew/niece
- son/daughter
- stepson/stepdaughter
- adopted child
- grandson/granddaughter

12.7. Under s.86A of the Housing Act 1985 and s.160 of the Localism Act 2011, the following can succeed a tenancy that started on or after April 2012:

- husband/wife
- civil partner (registered under the Civil Partnership Act 2004)
- Family members under the age of 18 can succeed to a tenancy. In such cases, a trustee would need to be agreed to hold the tenancy in trust for the child.

12.8 To succeed a tenancy, the individual must be one of the persons listed above. The deceased must also have been using the home as their main or principle home up until the date of death for at least 12 consecutive months. The successor must also have been living at the home during this period whilst married or in a civil partnership.

12.9 A succession will be refused if the applicant is unable to prove that they are a family member or that they live/had lived at the address.

12.10 If the tenancy has already been succeeded once, it cannot be succeeded again. This also applies if there has been an assignment of the tenancy, which includes assignment by mutual exchange or a property adjustment order under the Family Law Act.

12.11 If the deceased was admitted to hospital or a residential home for long-term care or treatment, then a succession cannot take place.

12.12 Where more than one person applies for succession and there is no remaining joint tenant, priority goes to the tenant's spouse or civil partner. If there is no spouse or civil partner who qualifies, the family members must decide between them who will succeed. If they are unable to agree, the Council will decide and this will be assessed on housing need.

Applying for a succession

- 12.13 If eligible to succeed a tenancy, a tenant must complete a 'request for succession' application form and provide evidence of eligibility. This includes providing proof of the relationship to the deceased and living at the home.
- 12.14 The Council will write to the applicant to confirm the outcome of their application to succeed a tenancy. If successful, the applicant will be contacted to make arrangements to grant a new tenancy and set up their rent account. If unsuccessful, the Council will serve a Notice to Quit and remaining household members will be required to leave the property.

Discretionary (Non-Statutory) Succession Rights

- 12.15 Where there is no statutory right to succeed to an Enfield Council Housing tenancy in exceptional circumstances the London Borough of Enfield Housing Team will submit a request for a new tenancy to be granted by way of discretion, to the appropriate Housing Panel or officer with delegated authority, where the person requesting the discretionary tenancy is eligible to join the housing register.
- 12.16 This is called a discretionary or non-statutory succession. Where there are children within a household, who have no statutory succession rights, council officers will work with Children's Services to ensure the best possible outcome for the children involved.
- 12.17 The Council's Housing Allocation scheme – Appendix D part 5 sets out the three circumstances under which discretion may be applied to enable the council to agree that a discretionary tenancy may be agreed.
- 12.18 This will not apply if the applicant will under occupy or the home is adapted and the adaptations are no longer required. Under these circumstances, the Council may offer an alternative property, which matches their housing need. The Housing Options Transfer panel will review all discretionary tenancies and determine whether a discretionary tenancy should be offered.

No Right to Succeed.

- 12.19 Where there is no right to succeed, and no eligibility for a new tenancy under Council policy (a non-statutory succession), the occupants would be treated as unauthorised occupants. In this situation, within 10 working days of the notification of the tenant's death, a Notice to Quit (NTQ) will be served on the Public Trustee and the property.

13.0 Delegated Authority

- 13.1 Delegated authority is reserved to the Head of Housing Management to authorise changes on a discretionary and exceptional basis in the circumstances set out below.
- 13.2 Changing a sole tenancy to a joint tenancy

13.2.1 Where assignment is not possible or practical, the Council can consider granting a new joint tenancy to replace the previous sole tenancy on a discretionary basis. The principle will apply that the council will not take on additional housing responsibilities as a consequence.

13.3 Changing a joint tenancy to a sole tenancy

13.3.1 In exceptional circumstances discretion can be applied in the following circumstances. When one of the joint tenants moves out of the home, the remaining tenant should notify the Council. After 24 months, if both joint tenants have been unable to resolve their tenancy situation, or the absent tenant has not made contact, the remaining tenant can apply to the Council for a new replacement sole tenancy to be granted.

13.3.2 The remaining tenant will be asked to serve a Notice to Quit. This will end the tenancy for both/all tenants. The Council will then issue a replacement tenancy at its discretion. Allowing for no breaches of the conditions of tenancy and no anti-social behaviour or domestic abuse being involved.

13.4. Supporting victims of domestic abuse

13.4.1 The Secure Tenancies (Victims of Domestic Abuse) Act 2018 ensures that when the mandatory fixed term tenancies provisions in the Housing and Planning Act 2016 were implemented, lifetime tenants who suffer domestic abuse would retain lifetime security, when granted a new tenancy by a local authority for reasons connected with the domestic abuse.

13.4.2 If a victim of domestic abuse in a joint tenancy wishes to remain in their home the council has the power to seek a court order to bring the tenancy to an end and evict the perpetrator.

13.4.3 The council could then grant a new tenancy to the victim in their home. Where the victim had a joint lifetime tenancy with the perpetrator, the new sole tenancy will also be on a lifetime basis.

14.0 Right to Appeal

14.1 All decisions including the type of tenancy offered by the Council and the length the tenancy is offered for can be appealed. Appeals should be made within 28 days of being notified of our decision. The Officer who made the decision will present the appeal to the Exceptional Housing Panel.

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Enfield Equality Impact Assessment (EqIA)

Introduction

The purpose of an Equality Impact Assessment (EqIA) is to help Enfield Council make sure it does not discriminate against service users, residents and staff, and that we promote equality where possible. Completing the assessment is a way to make sure everyone involved in a decision or activity thinks carefully about the likely impact of their work and that we take appropriate action in response to this analysis.

The EqIA provides a way to systematically assess and record the likely equality impact of an activity, policy, strategy, budget change or any other decision.

The assessment helps us to focus on the impact on people who share one of the different nine protected characteristics as defined by the Equality Act 2010 as well as on people who are disadvantaged due to socio-economic factors. The assessment involves anticipating the consequences of the activity or decision on different groups of people and making sure that:

- unlawful discrimination is eliminated
- opportunities for advancing equal opportunities are maximised
- opportunities for fostering good relations are maximised.

The EqIA is carried out by completing this form. To complete it you will need to:

- use local or national research which relates to how the activity/ policy/ strategy/ budget change or decision being made may impact on different people in different ways based on their protected characteristic or socio-economic status;
- where possible, analyse any equality data we have on the people in Enfield who will be affected eg equality data on service users and/or equality data on the Enfield population;
- refer to the engagement and/ or consultation you have carried out with stakeholders, including the community and/or voluntary and community sector groups you consulted and their views. Consider what this engagement showed us about the likely impact of the activity/ policy/ strategy/ budget change or decision on different groups.

The results of the EqIA should be used to inform the proposal/ recommended decision and changes should be made to the proposal/ recommended decision as a result of the assessment where required. Any ongoing/ future mitigating actions required should be set out in the action plan at the end of the assessment.

The completed EqIA should be included as an appendix to relevant EMT/ Delegated Authority/ Cabinet/ Council reports regarding the service activity/ policy/ strategy/ budget change/ decision. Decision-makers should be confident that a robust EqIA has taken place, that any necessary mitigating action has been taken and that there are robust arrangements in place to ensure any necessary ongoing actions are delivered.

SECTION 1 – Equality Analysis Details

Title of service activity / policy/ strategy/ budget change/ decision that you are assessing	Tenancy Policy 2023-26
Lead officer(s) name(s) and contact details	Karen Lucas, Head of Housing Management Karen.lucas@enfield.gov.uk
Team/ Department	Corporate Strategy Service
Executive Director	Joanne Drew, Director of Housing and Regeneration
Cabinet Member	Cllr George Savva, Cabinet Member for Social Housing
Date of EqIA completion	27/02/2023

SECTION 2 – Summary of Proposal

Please give a brief summary of the proposed service change / policy/ strategy/ budget change/project plan/ key decision

Please summarise briefly:

What is the proposed decision or change?
 What are the reasons for the decision or change?
 What outcomes are you hoping to achieve from this change?
 Who will be impacted by the project or change - staff, service users, or the wider community?

Enfield's Tenancy policy for 2023-2026 sets out how the council will apply the Enfield Tenancy Strategy to its own stock;

- The kinds of tenancies the council grants.
- The circumstances in which we grant a tenancy of a certain kind.
- The lengths of the tenancy; and
- The circumstances in which another tenancy is granted when an existing one expires

The new policy stipulates that lifetime tenancies are the Council's preference, except in certain circumstances when fixed-term tenancies apply.

There may be certain circumstances where the council could offer a fixed-term tenancy. Enfield Council will offer Flexible tenancies for homes of four or more bedrooms, specially adapted properties and on exceptional ground for leaseholders.

Fixed term tenancies may only be offered in certain circumstances and must be for at least 10 years with discretion for 5 years in other circumstances. A longer fixed term tenancy will be encouraged for families with children aged 5 years and under; or 10 years and under if the child is affected by special educational needs or disabilities.

In addition to those circumstances set above in exceptional circumstances, in order for the council to manage its strategic objectives, the Director of Housing and Regeneration may grant a fixed term tenancy of less than 10 years.

The new policy outlines the Council commitment to good homes in well-connected neighbourhoods through the setting of high standards for tenancies in the Borough.

SECTION 3 – Equality Analysis

This section asks you to consider the potential differential impact of the proposed decision or change on different protected characteristics, and what mitigating actions should be taken to avoid or counteract any negative impact.

According to the Equality Act 2010, protected characteristics are aspects of a person's identity that make them who they are. The law defines 9 protected characteristics:

1. Age
2. Disability
3. Gender reassignment.
4. Marriage and civil partnership.

5. Pregnancy and maternity.
6. Race
7. Religion or belief.
8. Sex
9. Sexual orientation.

At Enfield Council, we also consider socio-economic status as an additional characteristic.

“Differential impact” means that people of a particular protected characteristic (eg people of a particular age, people with a disability, people of a particular gender, or people from a particular race and religion) will be significantly more affected by the change than other groups. Please consider both potential positive and negative impacts, and, where possible, provide evidence to explain why this group might be particularly affected. If there is no differential impact for that group, briefly explain why this is not applicable.

Please consider how the proposed change will affect staff, service users or members of the wider community who share one of the following protected characteristics.

Age

This can refer to people of a specific age e.g. 18-year olds, or age range e.g. 0-18 year olds.

Will the proposed change to service/policy/budget have a **differential impact [positive or negative]** on people of a specific age or age group (e.g. older or younger people)?

Please provide evidence to explain why this group may be particularly affected.

The preference for lifetime tenancies will benefit tenants and potential tenants of all ages, offering security and stability.

In certain situations, fixed-term tenancies of 10 years (5 years in exceptional circumstances) may apply to larger homes (4 bedrooms or more) or specially adapted properties or when allocating a home to a leaseholder. Properties qualifying as 'specially adapted' would have significant and permanent adaptations, made in addition to the building regulations 'accessible and adaptable' standard for new properties.

Older People

Older people are more likely to have health conditions and mobility issues, (53.1% of over 65s reported having a disability that affects daily functioning in 2011 Census) and will benefit particularly from the security of longer tenancies. They will also benefit from the increased availability of specially adapted properties, partially afforded by 10 year fixed-term tenancies, enabling housing needs to be assessed and better met.

There are currently approximately 42,000 people aged 65 and over living in Enfield, making up around 13% of the total population. These figures are set to increase by 23% to 52,500 people aged 65 and older by 2025.¹

In comparison, over 65s make up only 6.5% of applicants on the Housing Register. There are around 1,554 sheltered homes for older people in the borough.

The Tenancy Policy will positively support older people, as it continues to ensure that residents can stay in their home for as long as it remains suitable for them to do so. For those who need changes, such as downsizing, they will be supported to make informed choices.

Children and Young People

Enfield has relatively high proportions of children and young people under the age of twenty – higher than both London and England averages.² According to official

¹ [Joint Strategic Needs Assessment](#), Enfield Council

² [Borough Profile 2021](#), Enfield Council

Department for Work and Pensions statistics (2019/20) 18% of children under 16 in Enfield live in low-income families.³ Children in particular will benefit from the change in the strategy from a minimum of 5 years for fixed-term tenancies, to ten years; and the clearer preference for lifetime tenancies, ensuring security in important early years and stability in schooling.

Of all people on the Housing Register, 80% are families with children:

Couples with children	Single parent families
26%	54%

The policy allows fixed-term tenancies in certain circumstances and specifies that this may be appropriate for homes of four or more bedrooms and specially adapted properties. This is due to a shortage of these particular properties in comparison to demand. Properties qualifying as 'specially adapted' would have significant and permanent adaptations, made in addition to the building regulations 'accessible and adaptable' standard for new properties..

Households requiring a home of 4 bedrooms or more are likely to include children and young people. This means that the impact of fixed-term tenancies is likely to have a greater impact on this age group:

- Larger households, which are more likely to include children, are less likely to be granted a lifetime tenancy than smaller households. This is a potential negative impact on those families who will not benefit from a lifetime tenancy. However, the minimum fixed-term being 10 years, unless exceptional circumstances, and the stipulation in the policy that at the end of the term, the household is supported into alternative accommodation if the tenancy is not renewed.
- Furthermore, any potential negative impact on households is justified due to the positive impact on other larger households in future, which are also more likely to include children: the fixed-term tenancy means that we can free up the larger property for another larger household in the future, on expiry of the tenancy where the previous household no longer requires a home of this size.

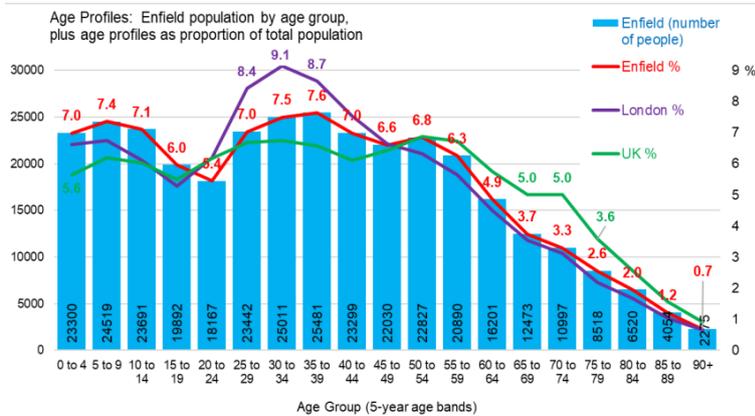
Aged 20-44

Enfield has a higher proportion of adults aged 20-44 than in England in general, but below that of London as a whole.⁴ This group makes up 58% of the Housing Register. This age group is the most likely to be raising young families and will benefit from the security of lifetime tenancies. This group can be negatively impacted by this change if growing families are not able to access suitably sized homes. Families requiring homes of 4 or more bedrooms are also likely to be subject to fixed-term tenancies.

³ [Children in low income families: local area statistics 2014 to 2020](#), Department for Work and Pensions

⁴ [Borough Profile 2021](#), Enfield Council

Figure 1: Age Profiles: Enfield Population by age group, plus age profiles as proportion of total population



Under Occupation Project

The aim of this 3-year project started in 2020-21 is to make best use of Council stock by moving tenants that are under-occupying Council Homes into suitably sized accommodation thereby freeing up larger accommodation. With an increase in the incentive and flexible bespoke packages including support that meet the needs of tenants, and a supply of good quality homes in the right locations we will aim to do 60 Under-occupation moves per year. This will positively impact tenants of all ages, by ensuring that they have good quality homes which meet their needs.

Mitigating actions to be taken

To mitigate potential differential impact on younger children, the policy sets out a fixed-term tenancy length of 10 years with a longer term encouraged for families with children aged 5 years and under or 10 years and under if the child is affected by special educational needs or disabilities. Tenants will be offered a further tenancy at the end of the fixed-term, if their circumstances have not significantly changed. If circumstances have changed, the Council will work with tenants to identify, in advance, appropriate alternative accommodation and fulfil their responsibility under the Homeless Reduction Act 2017 to prevent homelessness.

There are **no** circumstances where a fixed-term tenancy can be granted to a tenant if they or a member of their household has been a victim of domestic abuse and the new tenancy is granted in connection with that abuse. This is in accordance with the Secure Tenancies (Victims of Domestic Abuse) Act 2018.

Disability

A person has a disability if they have a physical or mental impairment which has a substantial and long-term adverse effect on the person's ability to carry out normal day-day activities.

This could include:

Physical impairment, hearing impairment, visual impairment, learning difficulties, long-standing illness or health condition, mental illness, substance abuse or other impairments.

Will the proposed change to service/policy/budget have a **differential impact [positive or negative]** on people with disabilities?

Please provide evidence to explain why this group may be particularly affected.

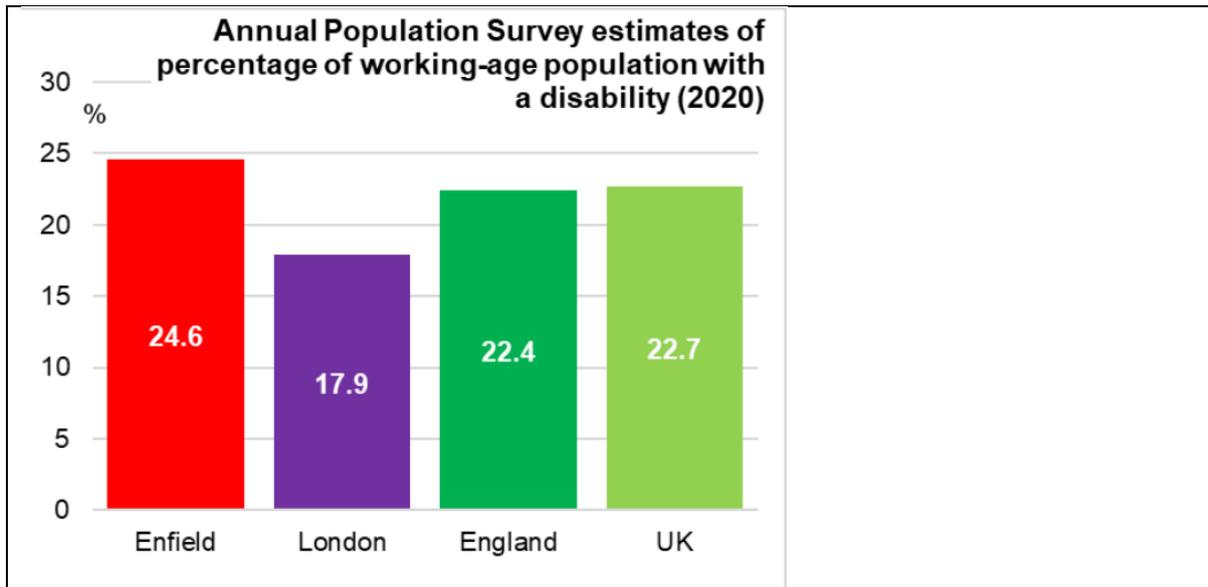
The preference for lifetime tenancies will benefit tenants and potential tenants with disabilities by providing stability and security of tenure. The change will also benefit those with mental impairments, ensuring their mental health is not adversely affected by the stress and anxiety of moving and that they can access support services they require without interruption.

In certain situations, fixed-term tenancies of 10 years may apply to larger properties (4 bedrooms or more) or specially adapted properties. In these situations, the council will make a case for requiring a fixed-term tenancy based upon the assessment of the local housing need and stock availability. Properties qualifying as 'specially adapted' would have significant and permanent adaptations, made in addition to the to the building regulations 'accessible and adaptable' standard for new properties. Adaptations provided by the Council through social care such as handrails, ramps and improved lighting would not qualify the property, when it became available to let, as 'specially adapted'.

Estimates suggest that nearly 25% of the working age population have a disability.⁵ However, less than 2% of people on the Housing Register have a declared disability. The strategy sets out that existing tenants who have an assessed high health and wellbeing need that makes their current dwelling unsuitable will be given priority under Enfield's Allocation Scheme to be moved to more suitable accommodation.

Figure 2: Annual Population Survey estimates of working-age population with a disability (2020)

⁵ Annual Population Survey, Office of National Statistics



The policy allows fixed-term tenancies in certain circumstances and specifies that this may be appropriate for specially adapted properties. This is due to a shortage of these particular properties in comparison to demand. Properties qualifying as ‘specially adapted’ would have significant and permanent adaptations, made in addition to the building regulations ‘accessible and adaptable’ standard for new properties. Enfield has assessed its stock profile against the housing register requirements, and we will introduce 10-year fixed tenancies for both homes of four or more bedrooms and specially adapted properties.

Households requiring a ‘specially adapted’ home will include one or more residents with a disability. This means that the impact of fixed-term tenancies is likely to have a greater impact on this group:

- Residents requiring a “specially adapted” home are less likely to be granted a lifetime tenancy than those without a disability. This is a potential negative impact on those families who will not benefit from a lifetime tenancy. However, a fixed term of 10 years and the stipulation in the strategy that at the end of the term, the household is supported into alternative accommodation if the tenancy is not renewed.
- In addition, any potential negative impact on households is justified due to the positive impact on others in future: the fixed-term tenancy means that we can free up specially adapted properties for another household in the future, on expiry of the tenancy where the previous household no longer requires a home of this size.

By introducing a fixed-term tenancy on the re-let of certain properties, the tenant’s needs will be assessed at set intervals, ensuring the property is still fit for purpose. This review is likely to be particularly beneficial for those with changing access needs. The strategy will support children affected by SEND to have security and stability in early years, as registered providers will be expected to grant a minimum fixed-term of ten years should the property be subject to a fixed-term tenancy.

Mitigating actions to be taken

To mitigate potential differential impact on residents with a disability a fixed-term tenancy length of 10 years will be offered with a longer term expected for families with children aged 5 years and under or 10 years and under if the child is affected by special educational needs or disabilities. Tenants will be offered a further tenancy at the end of the fixed-term, if their circumstances have not significantly changed. If circumstances have changed, the Registered Provider and/or Council will work with tenants to identify, in advance, appropriate alternative accommodation and fulfil their responsibility under the Homeless Reduction Act 2017 to prevent homelessness.

There are **no** circumstances where a fixed-term tenancy can be granted to a tenant if they or a member of their household has been a victim of domestic abuse and the new tenancy is granted in connection with that abuse. This is in accordance with the Secure Tenancies (Victims of Domestic Abuse) Act 2018.

Gender Reassignment

This refers to people who are proposing to undergo, are undergoing, or have undergone a process (or part of a process) to reassign their sex by changing physiological or other attributes of sex.

Will this change to service/policy/budget have a **differential impact [positive or negative]** on transgender people?

Please provide evidence to explain why this group may be particularly affected.

We do not have robust local data with regard to gender reassignment, however GIRES estimates that around 650,000 people in the UK, 1% of the population, are estimated to experience some degree of gender non-conformity. If GIRES' estimates are correct and the distribution among Enfield's population were typical of their national research, this would equate to around 3,350 individuals with some degree of gender non-conformity.

People in the process of gender reassignment can face discrimination in local communities. Research from the Albert Kennedy Trust suggest that young trans people are overrepresented in youth homelessness statistics.⁶

In the 2018 Stonewall Report, 28% of trans respondents had experienced domestic abuse in the last 12 months. This strategy will positively impact trans

⁶ [LGBT Youth Homelessness: A UK national scoping of cause, prevalence, response and outcome](#), The Albert Kennedy Trust

people who are experiencing or have experienced domestic abuse, as they will be able to access secure lifetime tenancies. We commit to educate all landlords on the requirements of the Secure Tenancies (Victims of Domestic Abuse) Act 2018.

Mitigating actions to be taken

This policy will positively impact people undergoing gender reassignment.

The policy sets out that new housing applicants and existing tenants considered to have high support needs, such as fleeing harassment or domestic abuse, will be awarded priority for housing under Enfield's Allocation Scheme.

Marriage and Civil Partnership

Marriage and civil partnerships are different ways of legally recognising relationships. The formation of a civil partnership must remain secular, where-as a marriage can be conducted through either religious or civil ceremonies. In the U.K both marriages and civil partnerships can be same sex or mixed sex. Civil partners must be treated the same as married couples on a wide range of legal matters.

Will this change to service/policy/budget have a **differential impact [positive or negative]** on people in a marriage or civil partnership?

Please provide evidence to explain why this group may be particularly affected

The Housing Register does not record the relationship of cohabiting couples.

The Localism Act 2012 changed the rules of succession for social housing tenants. This positively impacts tenants who are married or in a civil partnership. For tenancies created on or after 1 April 2012 only a spouse, civil partner or a cohabitee as if they were a spouse or civil partner will have a statutory right to succession, and such a succession can only happen once. However, where there is no statutory right to succeed and if moving a successor may cause exceptional hardship, the Council Housing Team will submit a request for a new tenancy to be granted by way of discretion, to the appropriate Housing Panel. This will help to support tenants regardless of their marital or civil partnership status.

Mitigating actions to be taken

We have not identified any differential impact on groups who are married or in civil partnerships.

Pregnancy and maternity

Pregnancy refers to the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

Will this change to service/policy/budget have a **differential impact [positive or**

negative] on pregnancy and maternity?

Please provide evidence to explain why this group may be particularly affected

Pregnant females and those with young children will benefit from lifetime tenancies giving them security and stability.

Over 50% of the Housing Register is made up of single female parent families. The proposed change to move to lifetime tenancies will help lone female parents who have made successful homeless applications, and their children, find much needed stability after likely spending years in temporary accommodation.

In exceptional circumstances, the council may offer a fixed-term of 10 years, with a longer term encouraged for families with children aged 5 years and under. Infants in particular will benefit from this change in length of tenancies, ensuring security in important early years and stability in schooling.

There are **no** circumstances where a fixed-term tenancy can be granted to a tenant if they or a member of their household has been a victim of domestic abuse and the new tenancy is granted in connection with that abuse. This is in accordance with the Secure Tenancies (Victims of Domestic Abuse) Act 2018.

Mitigating actions to be taken

No negative impact anticipated.

Race

This refers to a group of people defined by their race, colour, and nationality (including citizenship), ethnic or national origins.

Will this change to service/policy/budget have a **differential impact [positive or negative]** on people of a certain race?

Please provide evidence to explain why this group may be particularly affected

It is estimated that residents from White British backgrounds make up 35.3% of Enfield's inhabitants with other White groups (including White Irish) combined at 26.4%. Mixed Ethnic Groups account for 5.5%, Asian Groups for 11% and Black groups for 17.9% of Enfield's population.⁷ 39% of the borough's population were born overseas.⁸ National and borough wide data has been used as a proxy indicator given current gaps in the data we have for tenants and those on our housing waiting list.

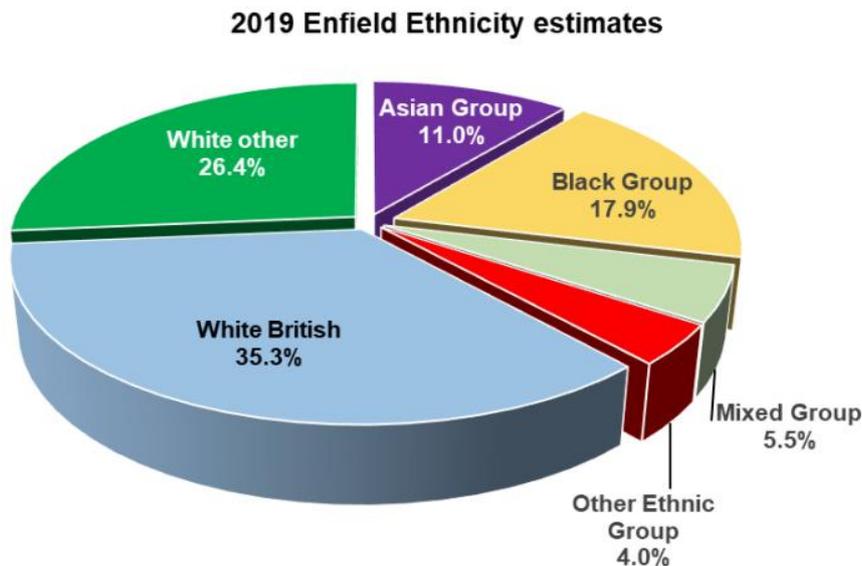
Whilst ethnic diversity is one of our biggest assets, ethnic minorities experience inequality in housing, education, employment, health and criminal justice in

⁷ [Borough Profile 2021](#), Enfield Council

⁸ <https://new.enfield.gov.uk/services/your-council/equality-and-diversity-report-2020-your-council.pdf>

Enfield, as is the case across the UK. This needs to be addressed.

Figure 3: 2019 Enfield Ethnicity estimates

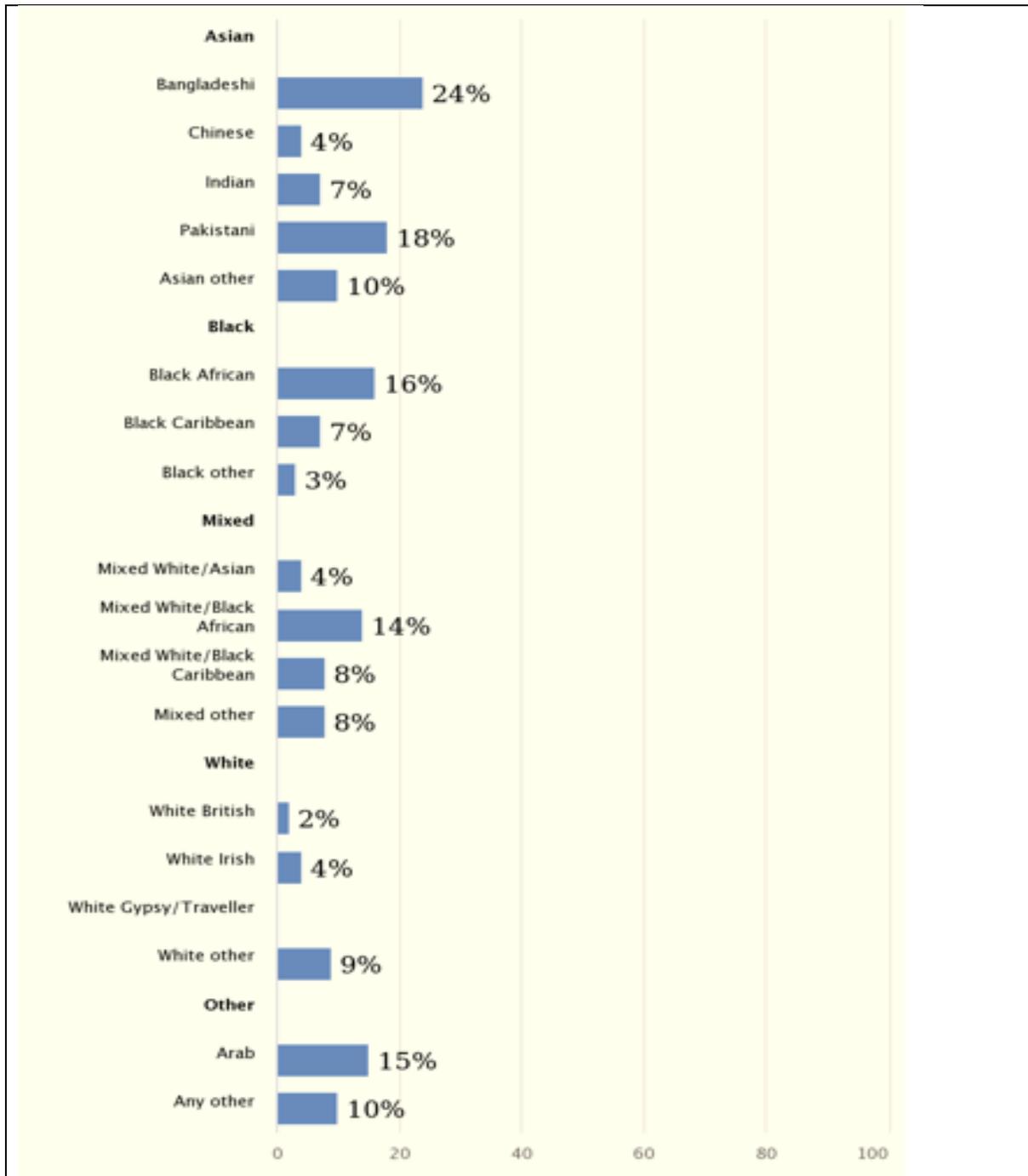


In 2016-2019, an average of around 787,000 (3%) of the estimated 23 million households in England were overcrowded (that is, they had fewer bedrooms than they need to avoid undesirable sharing).⁹ White British households were less likely to be overcrowded than households from all other ethnic groups combined.

The households with the highest rates of overcrowding were in the Bangladeshi (24%), Pakistani (18%), Black African (16%), Arab (15%) and Mixed White and Black African (14%) ethnic groups.

Figure 4: Percentage of households that were overcrowded, by ethnicity. April 2016 to March 2019

⁹ [Overcrowded households](#) (2020), UK Government



Under Occupation Project

The aim of this 3-year project starting in 2020-21 is to make best use of Council stock by moving tenants that are under-occupying Council Homes into suitably sized accommodation thereby freeing up larger accommodation. With an increase in the incentive and flexible bespoke packages including support that meet the needs of tenants, and a supply of good quality homes in the right locations we will aim to do 60 Under-occupation moves per year. This will help to address overcrowding by ensuring that suitable larger accommodation is made available.

The strategy allows fixed-term tenancies in certain circumstances and specifies that this may be appropriate for homes of four or more bedrooms and specially adapted properties. This is due to a shortage of these particular properties in comparison to demand. Enfield has assessed its stock profile against the housing register requirements, and we will introduce 10-year fixed tenancies for both homes of four or more bedrooms and specially adapted properties.

Households requiring a home of 4 bedrooms or more are likely to include households with the highest rates of overcrowding. Households with the highest rates of overcrowding were in the Bangladeshi (24%), Pakistani (18%), Black African (16%), Arab (15%) and Mixed White and Black African (14%) ethnic groups. This means that the impact of fixed-term tenancies is likely to have a greater impact on these ethnic groups:

- Larger households, which are more likely to include the above-mentioned ethnic groups, are less likely to be granted a lifetime tenancy than smaller households. This is a potential negative impact on those families who will not benefit from a lifetime tenancy. However, this is mitigated by the minimum fixed-term of 10 years and the stipulation in the strategy that at the end of the term, the household is supported into alternative accommodation if the tenancy is not renewed. The strategy also states that this approach can only be taken based on an assessment of the housing market and local demand for homes, so can only be justified where the need for this size homes outstrips supply.
- Furthermore, any potential negative impact on households is justified due to the positive impact on other larger households in future, which are also more likely to include ethnic minority groups: the fixed-term tenancy means that we can free up the larger property for another larger household in the future, on expiry of the tenancy where the previous household no longer requires a home of this size.

By introducing a fixed-term tenancy on the re-let of certain properties, the tenant's needs will be assessed at set intervals, ensuring the property is still fit for purpose. This review is likely to be particularly beneficial for growing families. The Tenancy Strategy will enable longer tenancies which provide stability and security and reduce the stress and anxiety raised by frequently moving property.

Mitigating actions to be taken

To mitigate potential differential impact on residents requiring larger homes, the council will offer a fixed term tenancy of 10 years with a longer term expected for families with children aged 5 years and under or 10 years and under if the child is affected by special educational needs or disabilities. Tenants will be offered a further tenancy at the end of the fixed-term, if their circumstances have not significantly changed. If circumstances have changed, the Registered Provider and/or Council will work with tenants to identify, in advance, appropriate alternative accommodation and fulfil their responsibility under the Homeless Reduction Act

2017 to prevent homelessness.

There are **no** circumstances where a fixed-term tenancy can be granted to a tenant if they or a member of their household has been a victim of domestic abuse and the new tenancy is granted in connection with that abuse. This is in accordance with the Secure Tenancies (Victims of Domestic Abuse) Act 2018.

Religion and belief

Religion refers to a person's faith (e.g. Buddhism, Islam, Christianity, Judaism, Sikhism, Hinduism). Belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live.

Will this change to service/policy/budget have a **differential impact [positive or negative]** on people who follow a religion or belief, including lack of belief?

Please provide evidence to explain why this group may be particularly affected.

The most reliable estimates on percentages of Enfield residents of different religions are those from the 2011 Census; Christianity (all denominations) was the most common religion in the borough (53.6%) at that time. 16.7% of residents were of the Muslim faith, and 15.5% hold no religion or belief at all. Sikhs were the smallest group in the borough, composing 0.3% of the population, and people of 'other religion' made up 0.6%.

We do not have robust data on the religion of existing tenants of Council homes or on those on our housing register which can be used to consider potential differential impact of the strategy on people of different religions.

Mitigating actions to be taken

We have not identified any differential impact based on religion and belief, however, the strategy sets out that new housing applicants and existing tenants considered to have high support needs, such as fleeing harassment, will be awarded priority for housing under Enfield's Housing Allocation Scheme.

Sex

Sex refers to whether you are a female or male.

Will this change to service/policy/budget have a **differential impact [positive or negative]** on females or males?

Please provide evidence to explain why this group may be particularly affected.

Females are more likely to be single parents – 94% of single parents on Enfield's Housing Register are mothers¹⁰. The proposed change to move to lifetime tenancies will help lone female parents who have made successful homeless applications, and their children, find much needed stability after likely spending years in temporary accommodation.

Females are more likely to be on lower incomes and lower paid work than men. Statistics show that in 2019 females earned on average 17.3% less than their male counterparts.¹¹ This put females at greater risk of becoming homeless. We commit to support and provide advice for private landlords and tenants in order to help resolve situations where the tenant has got into financial difficulty and is struggling to make rent payments.

The strategy allows fixed-term tenancies in certain circumstances and specifies that this may be appropriate for homes of four or more bedrooms and specially adapted properties. This is due to a shortage of these particular properties in comparison to demand. Properties qualifying as 'specially adapted' would have significant and permanent adaptations, made in addition to the building regulations 'accessible and adaptable' standard for new properties. Enfield has assessed its stock profile against the housing register requirements, and we will introduce 10-year fixed tenancies for both homes of four or more bedrooms and specially adapted properties.

Households requiring a home of 4 bedrooms are more likely to be headed up by a females (mothers) rather than males. This means that the impact of fixed-term tenancies is likely to have a greater impact on this group:

- Larger households, which are more likely to include children, are less likely to be granted a lifetime tenancy than smaller households. This is a potential negative impact on those families who will not benefit from a lifetime tenancy. However, this is mitigated by a fixed-term being of 10 years and the stipulation in the strategy that at the end of the term, the household is supported into alternative accommodation if the tenancy is not renewed. The strategy also states that this approach can only be taken based on an assessment of the housing market and local demand for homes, so can only be justified where the need for this size homes outstrips supply.
- Furthermore, any potential negative impact on households is justified due to

¹⁰ EqIA for preventing homelessness and rough sleeping strategy

¹¹ [Employment and Labour Market](#), Office of National Statistics

the positive impact on other larger households in future, which are also more likely to include females: the fixed-term tenancy means that we can free up the larger property for another larger household in the future, on expiry of the tenancy where the previous household no longer requires a home of this size.

The policy will protect the security of tenancy for certain groups forced to move, including victims of domestic violence, of which females are overrepresented. We commit to educating Registered Providers of the requirement of the Secure tenancies (Victims of Domestic Abuse) Act 2018 to offer existing tenancy holder/s, or new tenancy holders that meet the criteria, a new lifetime tenancy.

By introducing a fixed-term tenancy on the re-let of certain properties, the tenant's needs will be assessed at set intervals, ensuring the property is still fit for purpose. Policy will enable longer tenancies which provide stability and security and reduce the stress and anxiety raised by frequently moving property.

Mitigating actions to be taken

To mitigate potential differential impact on residents requiring larger homes , the Policy specified a fixed-term tenancy length of 10 years with a longer term encouraged for families with children aged 5 years and under or 10 years and under if the child is affected by special educational needs or disabilities. Tenants will be offered a further tenancy at the end of the fixed-term, if their circumstances have not significantly changed. If circumstances have changed, the Registered Provider and/or Council will work with tenants to identify, in advance, appropriate alternative accommodation and fulfil their responsibility under the Homeless Reduction Act 2017 to prevent homelessness.

There are **no** circumstances where a fixed-term tenancy can be granted to a tenant if they or a member of their household has been a victim of domestic abuse and the new tenancy is granted in connection with that abuse. This is in accordance with the Secure Tenancies (Victims of Domestic Abuse) Act 2018.

Sexual Orientation

This refers to whether a person is sexually attracted to people of the same sex or a different sex to themselves. Please consider the impact on people who identify as heterosexual, bisexual, gay, lesbian, non-binary or asexual.

Will this change to service/policy/budget have a **differential impact [positive or negative]** on people with a particular sexual orientation?

Please provide evidence to explain why this group may be particularly affected.

There is very little reliable data on sexual orientation, however the ONS 2019 Annual Population Survey predicted that 92.1% of the UK population identified as heterosexual while 2.9% identified as lesbian, gay or bisexual.

Research by the Albert Kennedy Trust suggests LGB people are overrepresented in youth homelessness statistics.¹² The strategy have a positive impact on homeless LGB people, as it will support them to access sustainable, long-term tenancies.

In England, it is estimated that more than 1 in 4 gay men and lesbian females and more than 1 in 3 bi people experience at least one form of domestic abuse since the age of 16.¹³ The Tenancy Strategy will have a positive impact on LGB people who are experiencing or have experienced domestic abuse by supporting them to access life-time tenancies, through educating landlords on the requirements of the Secure Tenancies (Victims of Domestic Abuse) Act 2018.

Mitigating actions to be taken

We have not identified a differential impact based on sexual orientation.

The Policy sets out that new housing applicants and existing tenants considered to have high support needs, such as fleeing harassment and domestic, will be awarded priority for housing under Enfield's Housing Allocation Scheme.

Socio-economic deprivation

This refers to people who are disadvantaged due to socio-economic factors e.g. unemployment, low income, low academic qualifications or living in a deprived area, social housing or unstable housing.

Will this change to service/policy/budget have a **differential impact [positive or**

¹² [LGBT Youth Homelessness: A UK national scoping of cause, prevalence, response and outcome](#), The Albert Kennedy Trust

¹³ Galop

negative] on people who are socio-economically disadvantaged?

Please provide evidence to explain why this group may be particularly affected.

Enfield is the 9th most deprived London borough and has the 11th highest rate of child poverty in the country.¹⁴ Enfield's median household income is £35,300, which is the 9th lowest of the 33 London boroughs and lower than the London average. Within the borough, there are clear differences in household income between the western and eastern parts. Median incomes in the most affluent neighbourhoods are twice those of the least affluent.

The median rent charge in the year ending March 2021 was £1,300. This is 44% of the median household income per month. The strategy will be beneficial to tenants experiencing financial difficulty, as the Council commits to support and provide advice for private landlords and tenants in order to resolve situations where the tenant is struggling to make rent payments. Eviction should always be a last resort action once all other avenues to resolve concerns have been exhausted.

The policy allows fixed-term tenancies in certain circumstances and specifies that this may be appropriate for homes of four or more bedrooms and specially adapted properties. This is due to a shortage of these particular properties in comparison to demand. Properties qualifying as 'specially adapted' would have significant and permanent adaptations, made in addition to the building regulations 'accessible and adaptable' standard for new properties. Enfield has assessed its stock profile against the housing register requirements, and we will introduce 10-year fixed tenancies for both homes of four or more bedrooms and specially adapted properties.

Though providing lifetime tenancies and partially addressing the shortage of the particular properties in comparison to demand through 10 year fixed-term tenancies, households on the housing register are afforded a better opportunity for securing a long-term tenancy.

Mitigating actions to be taken.

The Policy will be beneficial to people suffering from socio-economic deprivation, since priority will be given to those suffering from homelessness.

SECTION 4 – Monitoring and Review

How do you intend to monitor and review the effects of this proposal?

¹⁴ <https://new.enfield.gov.uk/services/your-council/equality-and-diversity-report-2020-your-council.pdf>

Who will be responsible for assessing the effects of this proposal?

Metrics concerning social housing delivered by Enfield Council are monitored on a quarterly basis using internal databases. Monitoring information contains demographic data to ensure that the services are not precluding any protected characteristic. This information will be used to monitor and respond to any emerging trends so that our provision is fit for purpose.

SECTION 5 – Action Plan for Mitigating Actions.



Identified Issue	Action Required	Lead officer	Timescale/By When	Costs	Review Date/Comments
None to date					

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