

London Borough of Enfield

Housing Scrutiny Panel, 7 December 2021

Subject: Draft Tenancy Strategy
Cabinet Member: Cllr. Gina Needs
Executive Director: Sarah Cary (Executive Director Place)
Key Decision: KD 5268

Purpose of Report

1. This report presents the new draft Tenancy Strategy 2021- 2025 for discussion as part of its engagement process before for approval by Cabinet.

Reason for Proposal(s)

2. The new draft Tenancy Strategy replaces the previous Tenancy Strategy 2018 – 2020 and meets our requirement under the Localism Act 2011 to review and produce a strategy that sets out the matters to which registered social housing providers are to regard in formulating their policies on tenancies.
3. The draft reflects how we intend to use our formal powers and influencing role to set high standards for tenancies in the Borough so that Enfield residents live as healthily, safely, and independently as possible. It sets out requirements regarding lifetime tenancies for social housing and also recommends good practice for private landlords and letting agents in regard to the tenancy agreements they use.

Relevance to the Council Plan

4. Good homes in well-connected neighbourhoods

The draft strategy stipulates that lifetime tenancies should be offered to tenants in social housing and requires all social housing providers to provide tenants with information and advice so that they know and understand their rights and responsibilities. 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.

5. Safe, healthy and confident communities

Providing tenants in social and affordable housing with lifetime tenancies 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.

6. An economy that works for everyone

Lifetime tenancies enable 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

7. 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 draft strategy sets out the matters the Council and other registered providers of social housing are required to consider when developing tenancy policies.
8. Although the Localism Act 2011 does not extend to private landlords and letting agents, the draft Tenancy Strategy also includes good practice recommendations for private landlords and lettings agents.

Main Considerations for the Council

9. The draft strategy outlines the Council commitment to good homes in well-connected neighbourhoods through the setting of high standards for tenancies in the Borough.
10. The policy focuses on four priority areas:

Residents have a clear understanding of their tenancy: Tenancy agreements will be easy to understand and will give all the information tenants need to know about their rights and responsibilities. Residents will be signposted to independent advice and support to help them to make informed decisions about their housing options.

Lifetime tenancies are the preferred option as to the best approach for addressing housing need in the borough: The council's preference is for lifetime tenancies, to promote settled lifestyles for local people. This means that we expect Registered Providers to issue lifetime tenancies for all new tenants. For those currently on fixed-term tenancies, we expect Registered Providers to have a process in place to move tenants onto lifetime tenancies when appropriate. This guaranteed level of security allows tenants to settle and build support networks within the surrounding community. There are exceptional circumstances where a registered provider could offer a fixed term-tenancy, and these are based on an assessment of the local housing market and supply and demand for affordable homes. In this case, the proposal is for fixed-term tenancies to be a minimum of 10 years (previously 5 years)

Residents are able to stay in their home for as long as it remains suitable for them: We encourage all landlords to have robust support systems in place so that Enfield residents can stay in their home for as long as it remains suitable for them to do so. For those whose needs change, they will be supported by their landlord to make informed choices, including by

considering mobility or mutual exchange schemes and using the Council's Allocation Scheme and Choice Based Lettings website to move to a more appropriately sized and accessible home.

If a tenancy ends, residents are supported to avoid homelessness: Our vision is to end homelessness in Enfield: The Council will work with all landlords in the borough so that all stakeholders fulfil their responsibilities under the Homeless Reduction Act 2017 to prevent homelessness.

11. This draft strategy 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.

Engagement

12. The draft strategy has benefited from engagement and formal consultation with a wide range of stakeholders throughout its development.
13. Underpinning priorities for the strategy were identified following local and national research and assessment of local data and associated strategies/policies. These were discussed with and supported by Registered Providers in attendance of the Registered Providers Housing Operations Meeting on 1 December 2020. Agenda driven discussions during the Housing Operations Meeting held in March, were also considered.
14. Formal public consultation on the draft strategy took place between 15 September - 11 November 2021, following approval of the draft strategy (KD5374). This consultation was open to all registered providers, residents, businesses and private landlords and ran for 57 days. The consultation consisted of both an online questionnaire publicised on the council website (also available in paper and Easy Read format) and discussion on the draft at existing housing forums and groups including the Leaseholders Forum and Housing Advisory Group. The online questionnaire was also promoted at the Council's Customer Voice forum with council tenants and with the Enfield Tenants and Residents Associations.
15. The consultation was advertised via multiple media channels including [Enfield Independent](#), [Enfield Dispatch](#), [Avrupa Times](#), [Landlord Today](#), [LinkedIn](#) and our [council website](#). All Registered Providers were invited to participate via a personalised email containing a direct link to the consultation and officer contact details should they wish to discuss it further.
16. Key findings (**as at 25 November as we are continuing to engage with stakeholders on finessing the draft strategy**)

- **Groups/ forums:** Feedback from attending the above mentioned groups/forums was positive and included discussion to clarify and then support the discretionary (non-statutory) succession element.
- **Email:** Metropolitan Thames Valley (formerly Metropolitan) emailed a response stating “We are supportive of Enfield’s tenancy strategy, and see it as a positive step in aligning how the Council and MTVH, as the two largest social landlords in the borough, deliver services to our combined resident base in a consistent and equitable manner.”
- **Questionnaire:** This was completed by 17 respondents (the Easy Read version was accessed but not completed). The key findings are:
 - Over three quarters of the respondents (13 respondents) understood the current scope and purpose and over 70% (12 respondents) were supportive of the objectives included in the current draft tenancy.
 - The Registered Provider completing the questionnaire, thought it was feasible to update their policies to implement the new Tenancy Strategy in 9 months or less.
 - Landlords completing the questionnaire (6 individuals) wanted the document to also relay positive tenant behaviour in relation to respect for property and prompt payment. They felt this was part of ensuring residents have a clear understanding of their tenancy and would help manage the expectations of all parties. This feedback has resulted in amendments to the draft strategy.
 - The questionnaire highlighted some confusion as to the expectation of private landlords and letting agents. This feedback has resulted in amendments to the draft strategy to demarcate the expectation of those providing social housing from the recommended good practice for private landlords/letting agents.
 - The lowest scoring question was concerning respondent’s confidence in communicating with their respective tenant/landlord. Just 33% (2 of 6 private landlords/letting agents) and 33% (1 of 3 social housing tenants) felt confident in communicating. This trend is also evident in other research and therefore, addressed by the councils’ approach to offer additional support to both tenants and landlords. The available support is also outlined in the strategy.

Safeguarding Implications – outstanding response

17. The draft strategy proposes that all tenants of social housing are given lifetime tenancies to enable them to live safe, healthy and confident lives in settled communities across the borough. To ensure the draft strategy does not directly or indirectly cause risk to children, young people or vulnerable adults we reiterate the need for all providers to comply with the Secure Tenancies (Victims of Domestic Abuse) Act 2018 and Homelessness Reduction Act 2017.

Public Health Implications

18. By providing tenants in social and affordable housing with lifetime tenancies, 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

19. We have completed an Equality Impact Assessment (EqIA) on the draft Tenancy Strategy and no negative impact has been identified on any group due to their protected characteristic or socio-economic status. The strategy requires the Council and Registered Providers in Enfield to conduct an Equalities Impact Assessment (or its equivalent) on their tenancy policy as part of any policy review, to identify any groups who may be disadvantaged by its implementation and take any mitigating action as required.

Environmental and Climate Change Considerations

20. The proposals in the draft Strategy should not have any direct impact on carbon emissions. The proposed strategy will provide tenants in social and affordable housing with lifetime tenancies which may help prevent carbon emissions associated with house moves.

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

21. The draft strategy is a statutory requirement under the Localism Act 2011 with the local authority being required to keep it under review and periodically modify or replace it. The current draft strategy is now in need of review and failure to update the strategy would increase the likelihood of legal challenge.

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

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

23. The strategy may not be adhered to by Registered Providers. To minimise the risk:

- We have consulted with our Registered Providers to ascertain their ability to comply and update their own tenancy policy within 9 months of the draft strategy publication.
- We have regular meetings with Registered Providers concerning housing management issues and good practice around tenancy management and tenancy sustainability. This ensures any concerns can be openly discussed.

24. The government could produce further related guidance or legislation that may have an influence on the contents of the strategy. To minimise the risk;

- The draft strategy will be annually reviewed and reassessed following the publish of new regulations.

Financial Implications – outstanding response

25.

Legal Implications (*provided by KJ – version circulated 8 Nov 2021*)

- 30 The Localism Act 2011 requires local authorities to prepare and publish a Tenancy Strategy for which registered providers of affordable housing should have regard. The strategy should cover the kinds of tenancies to be granted, the circumstances in which a tenancy of a specific type will be granted, the length of tenancies and the circumstances in which a further tenancy shall be granted.
- 31 The Council must have regard to its tenancy strategy in exercising its housing management functions and publish the Tenancy Strategy before the end of the period of 12 months beginning with the day on which the relevant section of the Act comes into force, which is expected to be around January 2013.
- 32 A local housing authority must keep its Tenancy Strategy under review, and may modify or replace it from time to time and any proposed modifications should be published.
- 33 The Tenancy Strategy should be publicly and easily available.
- 34 The Tenancy Strategy should be consulted on with every registered provider in Enfield and allow comment on the document.
- 35 Before adopting a tenancy strategy, or making a modification to it reflecting a major change of policy, the authority must:
 - consult such other persons as the Secretary of State may by regulations prescribe;
 - in the case of an authority that is a London borough council, consult the Mayor of London.
- 36 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 of the Homelessness Act 2002;
 - in the case of an authority that is a London borough council, the London housing strategy.

Workforce Implications – outstanding response

28.

Property Implications

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

27. Corporate property implications: none.

Options Considered

37 30. The previous Tenancy Strategy focused on matters to which registered social housing providers are to regard in formulating their policies on tenancies as listed in the Localism Act 2011. This approach was also initially considered when reviewing and drafting this strategy. However, it was felt that the council could expand the opportunity to increase the standard of all tenancies across the Borough though the inclusion of good practice for private landlords and letting agents.

Conclusions

32. The draft strategy sets out how we intend to use our formal powers and influencing role to set high standards for tenancies in the Borough so that Enfield residents live as healthily, safely, and independently as possible.

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Background Papers

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

- Draft Enfield Tenancy Strategy 2021- 2025
- EqIA Tenancy Strategy