

**DRAFT**

# Enfield's Tenancy Strategy 2021-2025



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# Foreword

We want to grow our borough in a way which means no one will be left behind. This means making sure that all tenants have tenancy agreements that offer them the highest levels of security possible, and that they know and understand their rights and responsibilities. Our aim is to enable residents to stay in their homes, feel settled and build strong, sustainable communities.

This draft strategy sets out the approach Enfield Council, and other Registered Providers of social housing in the borough, need to consider when developing or reviewing their own tenancy policies.

As a local authority, we have both formal powers and an influencing role which we will use to promote high quality, lifetime tenancies for council and register provider tenants and to encourage all landlords to take a 'what can I do to help' mind-set to support residents to stay in their home for as long as it remains suitable for them. We want our residents to live in homes that are appropriate to their needs and will continue to address housing need and actively prevent homelessness in the borough.

We are working to create a borough where anyone born here has a home to grow up in, where they can choose to stay in and age in, to benefit from the great city that is London. By working with other Registered Providers, landlords providing accommodation in the private rented sector and co-ordinating our approach and resources, together we will support Enfield residents to live safe, healthy and confident lives in settled communities across the borough.

**Cllr Gina Needs**  
**Enfield Council's Cabinet Member for Social Housing**





# 1 Introduction and local context

Enfield's Tenancy Strategy for 2020-2025 sets out the matters Enfield Council, and other Registered Providers of social housing in the borough, are required to consider when developing or reviewing their own Tenancy Policies. It also recommends good practice for private landlords and letting agents.

This work is part of a wider set of strategies which enable us to deliver against our [Council Plan 2020-2022](#) objectives which are to provide:



## This strategy should be read alongside the following:

- **Enfield's Homelessness and Rough Sleeping Strategy 2020-2025** sets out our vision for ending homelessness in Enfield over the next five years.
- **Enfield's Housing and Growth Strategy 2020-2030** sets out how we will deliver more and better homes to address inequality, create a more balanced housing market and help local people access a good home. Our strategy responds to an under supply of social and affordable homes in Enfield and this Tenancy Strategy has been written in this context. Registered Providers are expected to include an assessment of how they are making the best use of their housing stock and are making a positive contribution to Enfield's strategic housing objectives, as set out in our Housing and Growth Strategy.
- **Enfield's Housing Allocation Scheme** sets out we make sure that social and affordable housing goes to those who need it most.
- **Enfield's Rent Setting Policy** explains how we will set rent levels and service charges for our Council Housing properties.





## 2 Vision

**Our Council Plan 2020-22 and our Housing and Growth Strategy 2020-2030 makes clear that good homes in well-connected neighbourhoods is a critical strategic ambition for Enfield.**

We will use our formal powers and influencing role to set high standards for tenancies in the Borough so that our residents live as healthily, safely, and independently as possible.

Our objectives for delivering on this vision are set out below.

### 1. 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.

### 2. 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, as set out in section 5.3.

#### What's changed?

Our existing strategy expressed the preference for longer term tenancies but didn't stipulate that we expect registered providers to transition any tenants on fixed-term tenancies onto lifetime tenancies.

This new draft strategy also proposes stricter criteria around the exceptional circumstances where a fixed-term tenancy could be given.

### 3. 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 scheme.

### 4. 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.

## 3 The legal and regulatory context

The Localism Act 2011<sup>2</sup> has given local authorities the power to influence how social housing is offered and managed in their respective local areas. Enfield's approach, vision and principles are detailed in this Tenancy Strategy, which must be taken into consideration by Registered Providers when writing their own Tenancy Policies.

Policies must include:

- the types of tenancy granted
- how a person's circumstance should be considered when deciding the type of tenancy to grant
- the length of time a tenancy will be granted for
- and how tenancies will be managed towards the end including the offer of a new tenancy
- the approach to tackling tenancy fraud

All Registered Providers are expected to comply with all economic and consumer standards of the social housing regulator.

## 4 Equality and Diversity

Enfield is the 9th most deprived London borough and has the 11th highest rate of child poverty in the country. In 2018, Enfield was ranked as the 14th most diverse borough in London, with 38.87% of our population identifying as Black, Asian, Mixed Ethnicity or Other and 39% of borough's population being born overseas<sup>3</sup>. Whilst ethnic diversity is one of our biggest assets, ethnic minorities experience inequality in housing, education, employment, health and criminal justice in Enfield, as is the case across the UK. This needs to be addressed.

The Council expects that, prior to producing or reviewing their Tenancy Policy, Registered Providers will conduct an Equalities Impact Assessment (or its equivalent) to identify any groups who may be disadvantaged by its implementation. If any are identified the Council expects the Registered Provider to take steps to demonstrate how these disadvantages will be mitigated for the affected group/s. The Tenancy Policy should also set out the landlord's approach to targeting social and affordable housing in Enfield to those most in need whilst supporting sustainable communities, in accordance with the Council Housing Allocation Scheme.

A copy of Enfield's Equalities Impact Assessment for this Tenancy Strategy and Policy, and its Allocations Scheme, can be found on the Council's website and will be helpful for Registered Providers in undertaking an Equalities Impact Assessment on their policies.

<sup>1</sup> <https://new.enfield.gov.uk/services/your-council/preventing-homelessness-and-rough-sleeping-strategy-2020-2025-your-council.pdf>

<sup>2</sup> S.150 Localism Act 2011

<sup>3</sup> <https://new.enfield.gov.uk/services/your-council/equality-and-diversity-report-2020-your-council.pdf>



# 5 Types of Tenancies

The Council encourages all landlords operating in the borough to offer the longest and the most secure tenancy possible. There are several different types of tenancy used in Enfield and they are outlined below in accordance to the Localism Act 2011 and the Housing Act 2004.

## 5.1 Introductory tenancies

In most cases, new Council tenants will be offered a 12-month introductory tenancy unless they were already a secure tenant of a local authority or an assured tenant of a registered provider at a previous property. We expect that Registered Providers may also choose to offer an introductory, probationary or a starter tenancy for new tenants.

Tenancies will remain introductory until the end of a "trial period" which lasts for one year after the date on which the tenancy was entered into, or the date on which the tenant was first entitled to possession, whichever is later. We expect that an introductory/probationary or starter tenancy will be extended by a further six months if there has been a breach of the tenancy conditions during the trial period. The tenancy conditions are clearly listed in the Tenancy Agreement.

The introductory tenancy will be ended by serving a Notice of Possession Proceedings if:

- 1) the tenant breaks the tenancy conditions; or
- 2) a false or misleading statement had been made to obtain the tenancy.

We expect that tenants will be provided with support to enable them to conduct their introductory tenancy successfully.

Where the tenant has met the conditions of their introductory tenancy at the end of the period, they should be immediately issued with a lifetime tenancy (see 5.2 and 5.3 below).

## 5.2 Lifetime tenancies

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 on to lifetime tenancies when appropriate. This guaranteed level of security allows tenants to settle and build support networks within the surrounding community.

We consider lifetime tenancies to be the best approach to address social housing need and create safe, healthy and confident communities in Enfield.

Registered Providers are expected to issue lifetime tenancies for all new tenants and to have a process in place to move tenants on existing fixed-term tenancies to lifetime tenancies.

There are exceptional circumstances where a registered provider could offer a fixed-term tenancy, as set out in section 5.3.

## 5.3 Fixed-term tenancies

There may be exceptional circumstances where a registered provider could offer a fixed-term tenancy, based on an assessment of the local housing market and supply and demand for affordable homes.

In these circumstances, the Registered Provider is expected to make a clear case for a fixed-term tenancy being the most appropriate arrangement in the given circumstances and for making the best use of social housing stock in the borough.

An example of an exceptional circumstance where a fixed-term tenancy may be appropriate is for homes of three or more bedrooms. When tenancies are allocated, the bedroom standard<sup>4</sup> is used to identify the housing size and needs of the household. This may change over time and a fixed-term tenancy would enable reassessment of needs

<sup>4</sup> <https://commonslibrary.parliament.uk/research-briefings/sn01013/>





and identify households who no longer require the larger home. In these circumstances, the household could be supported to downsize and free up the property for another household.

Where a fixed term tenancy is to be used, Registered Providers are expected to:

- grant a minimum fixed term 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
- clearly advertise properties available for letting where a fixed term tenancy applies
- not allow a fixed term tenancy to go beyond its fixed term without renewing it or bringing it to an end
- support tenants with advice and assistance to help them find suitable alternative accommodation in order to prevent them becoming homeless where fixed term tenancies are not being renewed.

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.

#### What's changed?

Our existing strategy stipulates 5 years as the minimum term of a fixed term tenancy. In this new draft strategy, we are proposing the minimum is 10 years (or longer in certain circumstances) and can only be granted in exceptional circumstances and with explicit justification based on an assessment of local housing need and best use of social housing stock.

We are stipulating that a fixed-term tenancy can never be granted where the tenant or member of their household is fleeing domestic violence and the tenancy is being granted in connection with that abuse.

## 5.4 Assured shorthold tenancies

An assured shorthold tenancy (AST) usually lasts for 6-12 months and is the most common type of tenancy in the private rented sector for tenancies started on or after 15 January 1989. It is recommended this type of tenancy is not used by Registered Providers for Social Rent, London Affordable Rent or Affordable Rent properties. As a public authority, Enfield Council cannot offer our tenants Assured Shorthold tenancies. However, Assured Shorthold Tenancies are offered by Housing Gateway<sup>5</sup> which is a wholly owned Enfield Council company. This company was set up to provide a quality housing solution to eradicate the use of temporary accommodation for 742 families and prevent homelessness.

## 5.5 Demoted Tenancies

A secure tenancy can be demoted to a 12-month introduction tenancy if the tenant has engaged in housing related anti-social behaviour such as vandalism, causing a nuisance to neighbours or noise disturbance, or has used the property for unlawful purposes.

Enfield Council is not in favour of demoting tenancies unless other options have been explored without success and Registered Providers are expected to have robust support systems in place to help tenants address any issues before any decision to demote is made. The final decision on whether to demote a tenancy will be made by the Community Multi-Agency Risk Assessment Conference (MARAC).

# 6 Providing support for tenants to manage their tenancy

We expect Registered Providers to support tenants to sustain their tenancies, taking early action to address any concerns which could put their tenancy at risk. Evictions should be sought only as a last resort once all other avenues have been exhausted without success.

We expect all registered providers to offer support to tenants to sustain their tenancy whether this is ongoing or a one-off intervention and to approach tenancy issues with a 'what can I do to help' mind-set. This approach is beneficial to both Enfield residents and landlords as it avoids costly and unnecessary evictions.

#### What's changed?

Although we already expect all registered providers to take this approach, this is not set out in our existing strategy. This new draft strategy makes clearer our intention to work with registered providers and our expectations in regards to preventing homelessness.

# 7 Discretionary (Non-Statutory) Succession Rights

The Localism Act 2012 changed the rules of succession for social housing tenants. For tenancies created before 1 April 2012 existing rights of succession will continue. For tenancies created on or after 1 April 2012 only a spouse, civil partner or a person who lives with them (cohabitee) as if they were a spouse or civil partner will have a statutory right to a succession, and such a succession can only happen once.

Where there is no statutory right to succeed to an Enfield Council Housing tenancy and if moving a successor may cause exceptional hardship, the London Borough of Enfield Council Housing Team will submit a request for a new tenancy to be granted by way of discretion, to the appropriate Housing Panel.

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.

We expect Registered Providers to also take this approach for their tenants in Enfield.

#### What's changed?

Our new draft strategy introduces this expectation for Registered Providers to follow this discretionary (non-statutory) approach to succession rights. Our previous tenancy strategy does not include this expectation.

<sup>5</sup> <https://new.enfield.gov.uk/housinggateway/>



## 8 Delivering on our objectives

### Objective 1: Residents have a clear understanding of their tenancy

#### We will:

- publish a tenancy policy that is consistent with this Tenancy Strategy and which details the different types of accommodation, tenancy and residents' rights concerning tenancy reviews, length of tenancy and termination
- proactively promote this strategy so all residents understand the types of tenancy available in Enfield
- share nationally recognised sources of information to enable residents to make informed decisions or seek additional help if needed
- encourage residents entering into Assured Shorthold Tenancies in the private rented sector to use the checklist provided on the Ministry of Housing, Communities and Local Government [website](#) so they understand their rights and responsibilities
- encourage all landlords to make tenancy agreements as accessible as possible. This may mean considering posting tenancy agreements online and using websites that meet Web Content Accessibility Guidelines (WCAG)

### Objective 2: Lifetime tenancies are the preferred option as to the best approach for addressing housing need in the borough

#### We will:

- offer lifetime tenancies, following the successful completion of an introductory tenancy, for all tenants in an Enfield Council home
- ask all registered providers using fixed-term tenancies to review this approach and put in place a process for transitioning tenants onto lifetime tenancies, unless in exceptional circumstances
- in the exceptional cases where a fixed term tenancy is used, ask registered providers to clearly advertise their tenancy length, assessment criteria and review process to residents
- maximise the incentives for private landlords to encourage longer tenancies through access to free landlord support
- educate 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

### Objective 3: Residents are able to stay in their home for as long as it remains suitable for them

#### We will:

- work with all registered providers to share best practice in regard to supporting tenants to maintain their tenancy
- work together with registered providers so that Enfield residents keep their tenancy if they are forced to leave their home (for example through fear of violence) by enabling a transfer or reciprocal arrangement; and ensuring that where a tenant or a member of their household is a victim of domestic violence and a new tenancy is being granted in relation to this, that they keep their tenancy rights, including their lifetime tenancy, in all circumstances
- facilitate downsizing initiatives with registered providers through nomination agreements and support registered providers to use new smaller homes built within the borough
- set rents and service charges using fair and transparent calculations to enable residents to manage their finances, in accordance with our Rent Policy

### Objective 4: If a tenancy ends, residents are supported to avoid homelessness

Under the Housing Act 1996, homelessness does not solely mean the lack of a home. A person could be treated as homeless if they have no housing that is reasonable or safe for them continue to occupy. The charity Shelter explains what constitutes homelessness and where to get further information.<sup>6</sup>

#### We will:

- ensure Registered Providers fulfil their responsibilities under the Homelessness Reduction Act 2017 and work with the council at the earliest opportunity if a tenancy is likely to end
- offer training to Registered Providers and landlords so that they are confident and able to provide support for tenants at risk of a tenancy ending
- educate all landlords of the requirement of the Secure Tenancies (Victims of Domestic Abuse) Act 2018
- expect all Registered Providers to assist with the local authority's homelessness duty through addressing the under-occupation and overcrowding in their homes and active engagement in mobility or mutual exchange schemes, and through meeting obligations in nominations agreements for lettings of properties within the Borough of Enfield

<sup>6</sup> [https://england.shelter.org.uk/housing\\_advice/homelessness/what\\_is\\_homelessness](https://england.shelter.org.uk/housing_advice/homelessness/what_is_homelessness)





## 9 Guidance for private rented sector landlords

We encourage all landlords and letting agencies, regardless of size of portfolio, to support our vision for high standards for all tenancies in the Borough so that our residents live as healthily, safely, and independently as possible

As a landlord you must<sup>7</sup>:

- keep your rented properties safe and free from health hazards
- make sure all **gas** and **electrical equipment** is safely installed and maintained
- keep your property in good condition and ensure timely repairs are carried out to an adequate standard
- provide an **Energy Performance Certificate** for the property
- **protect your tenant's deposit** in a government-approved scheme
- check your tenant has the **right to rent your property** if it's in England
- give your tenant a copy of the **How to rent** checklist when they start renting from you (you can email it to them) offer tenancies without discrimination, in accordance with the Equalities Act.

Consideration must also be given to:

- provide longer term tenancies of a minimum of 3 years to provide security and assurance for both landlords and tenants. To ensure tenants and landlords are still able to access their rights should there be a breach of contract, an agreed break clause may be considered and shared in advance of the tenancy signing session.

- keep communication lines with their tenants open, either directly or through an appointed third-party manager.
- eviction should always be the last resort action once all other avenues to resolve concerns have been exhausted.
- we would like to promote a 'back to basics' approach with the use of a deposit and rent in advance model over a 'one off' incentive payment. This will empower tenants to take responsibility for their property and finances.

We are committed 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. Eviction should always be the last resort action once all other avenues to resolve concerns have been exhausted.

We recognise the vital role that private landlords and letting agents play in meeting housing need of residents in the Borough. To access information, advice and guidance to help resolve tenancy or rent payment issues at an early stage, please use the **Landlord Advice Line**. If tenancy sustainment is not possible then we may explore options to rehouse tenants in more suitable accommodation and/or advise whether there is any financial support available for the tenant.

## 10 Advice

Enfield Council housing service offers a variety of help and information for tenants and leaseholders. The service also gives advice and financial assistance to council tenants thinking about moving to a smaller home or swapping home with other tenants. There is further information on our website [here](#).

### II Complaints

Details of a complaint and appeals process must be outlined in the tenancy agreement and the Council's and Registered Providers' Tenancy Policy. Our process is in line with the new [Housing Ombudsman Complaint Handling Code](#) and can be found [here](#).

## 12 Review

Following the final publication of our new Strategy after consultation with stakeholders, we expect Registered Providers with social and affordable housing in the London Borough of Enfield to review their own Tenancy Policies within nine months of the strategy publication, giving consideration to the content of this refreshed Strategy, and providing confirmation of completion to the Assessments and Allocations Service Manager.

This Tenancy Strategy covers the period 2021-2025. It will be kept under review and adjusted as required to take into account Enfield's Housing and Growth Strategy, implementation of the Council's new Housing Allocations Scheme, the Council's Homelessness and Rough Sleeping Strategy, the Council's own substantial regeneration plans and other relevant housing strategies and policies. It will also take into account Registered Providers quarterly returns to the Council and changes in legislation.



<sup>6</sup> [https://england.shelter.org.uk/housing\\_advice/homelessness/what\\_is\\_homelessness](https://england.shelter.org.uk/housing_advice/homelessness/what_is_homelessness)

<sup>7</sup> <https://www.gov.uk/renting-out-a-property>



