

## London Borough of Enfield

### Cabinet

16 February 2022

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

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### Purpose of Report

1. This report explains the process undertaken to draft a new Tenancy Strategy 2022-2025 and seeks approval of the strategy by Cabinet.

### Proposals

2. Approve the new Tenancy Strategy.
3. Agree to update the Council Housing Tenancy Policy, within nine months, in accordance with the new Strategy.

### Reason for Proposal(s)

4. The new Tenancy Strategy 2022-2025 will replace the previous Tenancy Strategy 2018 – 2020 and meet our requirement under the Localism Act 2011 to review and produce a strategy that sets out the matters to which Registered Housing Providers are to regard in formulating their policies on tenancies.
5. The new strategy 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

#### 6. **Good homes in well-connected neighbourhoods**

The new strategy stipulates that lifetime tenancies are the Council's preference except in certain circumstances and requires all social housing providers to provide tenants with information and advice so that they know and understand their rights and responsibilities. Any fixed term tenancies can only be offered in certain circumstances and must be for at least 10 years. 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.

## 7. **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.

## 8. **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. The strategy also helps enable the best possible use of our social housing stock, including of larger properties where demand currently outstrips supply.

### **Background**

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

### **Main Considerations for the Council**

11. The new strategy outlines the Council commitment to good homes in well-connected neighbourhoods through the setting of high standards for tenancies in the Borough.
12. The strategy has four objectives:

**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, except in certain exceptional circumstances. 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 certain 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. Circumstances in which a fixed-term tenancy may be appropriate are homes of four or more bedrooms and specially adapted properties. As at 1 January 2022, there were 458 households on our housing register requiring a property of 4 beds or more. So far this financial year, from 1 April 2021 to January 2022, only 4 homes became available and were allocated to people in housing need. Of these, 3 were new build properties. Our current stock profile, as at January 2022, lists 150 x 4 bed, 15 x 5 bed and 3 x 6 bed properties. The Council will trial the introduction of fixed term tenancies on homes of four or more bedrooms and specially adapted properties. This will be implemented through the review and refresh of the Council Housing Tenancy Policy.

Fixed -term tenancies must be for a minimum 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. This is a change from five years in the previous strategy.

**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 Housing 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.

13. 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.
14. Upon approval and final publication of the Tenancy Strategy 2022-2025, all registered providers (including Enfield Council), are required to consider the content of this strategy and review their own Tenancy Policies within a period of nine months.
15. The Council will also update for the new Council Tenancy Policy in line with the new strategy and bring this to Cabinet for approval.

## Engagement

16. The Tenancy Strategy 2022-2025 has been informed by engagement and formal consultation with stakeholders. The objectives 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. Attendees at both the January and March Housing Operations Meetings were also given the opportunity to discuss specific issues linked to the draft strategy.
17. Formal public consultation on the draft strategy took place between 15 September - 11 November 2021, following approval of the draft strategy by the Cabinet Member for Social Housing (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, which was also available in Easy Read format and as a paper copy. Officer details were listed on the consultation page should respondents have further questions or need support to complete the questionnaire. Facilitated feedback on the draft was sought through attendance 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. Following the closure of the formal consultation, further engagement with stakeholders continued until 28 December 2021.
18. The consultation was advertised via multiple media channels including [Enfield Independent](#), [Enfield Dispatch](#), [Avrupa Times](#), [Landlord Today](#) and via the Council's social media channels, Twitter and [LinkedIn](#). 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.
19. Key findings were as follows:
  - **Registered Providers:** Feedback was positive and supportive of the vision, objectives and timescale. Our largest Registered Provider in Enfield, committed to delivery of lifetime tenancies in 2019 and are therefore, supportive of this draft strategy. The second largest Registered Provider in Enfield noted "We are supportive of Enfield's tenancy strategy and see it as a positive step in aligning how [we] deliver services to our combined resident base in a consistent and equitable manner."
  - Further feedback from one of our Registered Providers noted that they provide fixed term for all four bed homes. Section 5.3 of the final version of the strategy has been strengthened to further clarify that in this specific circumstance a fixed term tenancy is permissible provided a clear case is made based on assessment of housing need.
  - **Council housing tenants and leaseholders:** Feedback given at the Leaseholders Forum and Housing Advisory Group was positive, with the majority supporting the objectives. This was also reflected by tenants and

leaseholder feedback obtained via the questionnaire. Further clarity was sought concerning statutory and non-statutory (discretionary) succession and section 7 in the draft document was amended to provide further clarity.

- **Residents in Enfield (those not currently a tenant or leaseholder of Council Housing):** A small number of residents shared their views via the public questionnaire. The feedback was supportive of the vision and objectives.
- **Private landlords and letting agents:** Feedback included a request to include more information on positive tenant behaviour in regards to respect of property and prompt payment of rent, to help increase understanding of tenants' responsibilities. Section 9 of the new strategy has been amended accordingly.
- Feedback from private landlords and letting agents also highlighted some confusion on the draft strategy in regard to what is expected of private landlords, as distinct to what is expected of registered providers of social and affordable housing. The new strategy has been amended to further demarcate the expectation of registered providers of social and affordable housing; from the recommended good practice for private landlords/letting agents.

### **Safeguarding Implications**

20. The new strategy states that lifetime tenancies are 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. 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**

21. By providing tenants in social and affordable housing with 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**

22. We have completed an Equality Impact Assessment (EqIA) on the draft Tenancy Strategy which is attached as appendix to this report. The EqIA shows 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.

23. 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**

24. 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 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**

25. 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.
26. 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.

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

27. 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.
28. 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**

29. The Tenancy strategy is a high-level objectives document and does not detail specific budget requests.
30. 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.
31. The new strategy is proposing the following:
- a. minimum term of a tenancy changes from 5 to 10 years and can only be grant in exceptional circumstances and with explicit justification based on an assessment of local housing need and best use of social housing stock
  - b. stricter criteria around the exceptional circumstances where a fixed-term tenancy could be given
  - c. it is expected that Registered Providers support tenants to sustain their tenancies, taking early action to address any concerns. The new draft strategy makes clearer the intention to work with registered providers and our expectations in regard to preventing homelessness.
  - d. introduces the expectation for Registered Providers to follow the discretionary (non-statutory) approach to succession rights
32. All Council tenancies will be charged rent in line with the Social Housing Rent Standards Policy.

### **Legal Implications**

33. 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.
34. 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.
35. 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.
36. The Tenancy Strategy should be publicly and easily available.
37. The Tenancy Strategy should be consulted on with every registered provider in Enfield and allow comment on the document.

38. 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.
39. 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**

40. No HR implications.

### **Property Implications**

41. HRA property implications: these are found throughout this report
42. Corporate property implications: none.

### **Options Considered**

The previous Tenancy Strategy focused solely on matters to which registered social housing providers are to regard in formulating their policies on tenancies as listed in the Localism Act 2011, but did not also include good practice for all landlords in the borough. This approach was also initially considered when reviewing and drafting this strategy. However, the inclusion in the strategy of good practice for all landlords reflects the Council's role in improving housing outcomes for all residents, including those living in the private rented sector.

### **Conclusions**

43. The new 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. It is recommended that Cabinet approve the Strategy for implementation.

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Report Author: Karen Lucas  
Head of Housing Management  
Helen Baeckstroem  
Strategy and Policy Team Manager

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### **Background Papers**

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

- Draft Enfield Council Tenancy Strategy 2022- 2025
- EqlA Tenancy Strategy