

SOLIHULL COUNCIL

SOLIHULL TENANCY STRATEGY 2013 - 2018

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December 2012

1. Introduction

1.1 This Tenancy Strategy has been developed by Solihull Council under section 150 of the Localism Act 2011.

1.2 The Solihull Tenancy Strategy (STS) was approved by the Council in December 2012 and sets out,

- (i) The decisions made by Solihull Council in its approach to Fixed Term tenancies (part 4) and,
- (ii) The broad objectives to be taken into consideration by Registered Providers with landlord responsibilities in Solihull regarding their policies and practices on Fixed Term tenancies and associated matters (part 5).

1.3 The STS supports and is consistent with,

- Solihull Council's Housing Strategy, Homelessness Strategy (2012-2015) and the current Housing Allocation Scheme
- The Regulatory Framework for Social Housing in England (March 2012), published by the Homes and Communities Agency (HCA).

1.4 The decisions made by the Council on the operation of fixed-term tenancies (FTT) have been made in the context of the broader vision of the Solihull Partnership that by 2018 Solihull will be a place,

'Where everyone has an equal chance to be healthier, happier, safer, and more prosperous'

The Partnership's priorities for change are building,

- Healthier Communities
- Safer Communities
- Stronger Communities
- Prosperous Communities

1.5 Council housing in Solihull is managed by Solihull Community Housing (SCH) under approved delegations by Solihull Council. SCH will manage and operate FTTs for Council housing in Solihull and will have regard to this Strategy in exercising its housing management functions.

1.6 The STS has been developed in consultation with a broad range of relevant interests. Every Private Registered Providers (RPs) of social housing in the Borough has been given a reasonable opportunity to comment on it. The full list of consultees is shown in Appendix 1.

1.7 Appendix 2 defines the key terms used in this STS.

2. Housing Market Context

2.1 The Council has developed this STS in the context of both the social housing market in the Borough and its place in the wider housing market.

2.2 The main characteristics of the social housing market in Solihull are that,

- Individual dwelling condition is good and properties are in popular and sustainable residential settings
- Demand for social housing is very high
- There are acute shortages of social housing. In particular, two, three and four bedroom houses are a relatively small proportion of the stock
- Household income of the social tenant population is very low. At 1 April approximately 70% of social tenant households were in receipt of housing benefit.

2.3 The Council is committed to developing more social and affordable rented housing to help meet housing need.

2.4 With regard to the wider housing market in which the social housing market exists, the main aspects are,

- A Borough that provides an attractive and popular residential environment, which encourages in-migration from other areas
- A high level of home ownership compared to the regional and national average
- House prices that are significantly higher than the regional and national average
- Strong demand for intermediate tenure, such as shared ownership and equity share, although most social tenants cannot afford to move into these types of affordable tenure
- A comparatively small private rented sector, although one that is growing quickly. The private rented sector has strong market demand.

2.5 Appendix 3 provides summary information on social housing in Solihull. The Council publishes quarterly information on the housing market, housing need and supply and this is available at, <http://www.solihull.gov.uk/policies/housingstrategy.htm>

3. Objectives

3.1 The objectives of this STS are to,

- Make best use of social housing in Solihull
- Support tenancy sustainment, maintaining and promoting sustainable communities
- Promote mobility in social housing
- Help people into sustainable home ownership or other tenure arrangements

- Provide clear and appropriate guidance to RPs with social housing in Solihull in the creation, operation and review of their tenancy policies.

4. Solihull Council: Fixed Term Tenancies

Overview of Approach

4.1 The Council's main objective is that a tenancy should provide a secure, stable basis for people to live their lives, bring up their families and access health and other local services, education, employment and training.

4.2 Solihull Council welcomes the new tenancy flexibilities introduced by the Localism Act.

4.3 The Council will implement FTTs in 2013/14 and will use FTTs in order to,

- Make best use of the available social rented housing, including reducing under-occupation
- Engage with people to help connect them to advice and assistance in accessing employment and/or education and training
- Facilitate increased mobility in social housing
- Help people to periodically review their housing options

4.4 The Council will delegate the function of operating and managing the STS to Solihull Community Housing (SCH).

4.5 Following the approval of this Strategy, SCH will work with the Council to develop a Tenancy Policy that meets the requirements set out in section 2.1 of 'The Regulatory Framework for Social Housing in England from April 2012' (March 2012).

4.6 The Council does not currently use Introductory Tenancies or Demoted Tenancies, but the case for their introduction will be evaluated and a decision made on their adoption during 2013/14..

4.7 The types of tenancy granted by Solihull Council, and the circumstances in which they will be provided, are set out in the following table. The precise definitions of the terms used will be set out in the forthcoming Tenancy Policy.

Table 1: Tenancy Types provided by Solihull Council

Tenancy Type	Circumstances determining the type of tenancy granted
Secure periodic tenancies	Existing secure tenants moving to another social rented property New tenancies where the tenant or a person normally resident in the household is of State pensionable age New tenancies where the tenant or a person normally resident in the household is disabled as defined by the Equality Act 2010 New tenancies where the tenant has left the care or has been looked after by Solihull MBC (first social tenancy only)
Fixed term secure tenancies	New tenancies where the exemptions listed above do not apply will be for a five year fixed term. Two year fixed term tenancies will be granted in exceptional circumstances.
Non-secure tenancies (including licence agreements)	People in temporary or emergency Council accommodation under homelessness legislation
Leaseholder	People who own their own home and Solihull Council owns the freehold

4.8 Where a tenant(s) moves into one of these vulnerable person categories during a FTT period the Review will take this into account and it is likely that a secure periodic tenancy will then be granted as an outcome of the Review. Where the tenant(s) contacts SCH and it is agreed that they are now vulnerable it will be possible for them to become a secure tenant.

Fixed Term Tenancies – Review Process

4.9 A FTT Review will be carried out by SCH in the final year of the fixed term and involve an interview and assessment to establish the tenant's circumstances and review their need for the current home.

4.10 The Review shall result in one of the following outcomes,

- Renewal of the fixed term for a further 5 year term
- The grant of a secure tenancy where the tenant(s) or a person normally resident in the household have become vulnerable by reason of age or disability or where a household member is now disabled within the meaning of the Equality Act 2010.

- A decision not to renew the tenancy for the property currently occupied by the tenant but to offer a tenancy of suitable alternative social housing
- A decision not to renew without offering alternative housing.

4.11 In deciding whether to re-issue a tenancy at the end of the fixed term, or to pursue one of the other options, the Review will consider,

- Suitability of the current property for the household's circumstances (including size, ages, vulnerabilities and dependencies of household members)
- The need for continuity of schooling and avoiding disruptive change
- Need for households to integrate with the local community, to access employment, health and other local services
- Whether the household could reasonably be expected to source alternative suitable housing which is suitable for their needs, is affordable and is available for long-term occupation. In most cases the basis of assessment would be whether the household could afford to rent or buy in the open or intermediate housing market

4.12 Examples of circumstances that may lead to non-renewal of a FTT include,

- The property is adapted and no one residing at the property now requires these. Adaptations usually mean structural changes are made to a home such as adapting the home for wheelchair use (for example widening doors, installing a ramp). As adaptations can be expensive it is important that adapted properties are lived in by those needing the adaptations. Where there is a change in circumstances and the tenant no longer requires an adapted property the Council will carefully consider whether the tenant should be rehoused and the adapted property be allocated to someone requiring these adaptations to ensure that the best use is made of that property and a scarce resource is made available to as many applicants as possible. Decisions on these matters will be made sensitively, particularly where the tenant has suffered a bereavement
- Property is under-occupied, as defined by the Council's Housing Allocation Scheme
- Customer does not engage in the FTT review
- Financial circumstances of the tenant(s) have changed meaning that other housing options are available to them. In considering this regard will be had to the qualification criteria in the Council's Housing Allocation Scheme.

4.13 If SCH decide not to re-issue the tenancy, a 'minded to' notice will be served at least 6 months before the end of the fixed term and the tenant(s) will be provided with information on the review process.

4.14 A decision not to renew will be accompanied by housing options advice, in particular options for purchase including,

- Right to Buy
- Social HomeBuy
- Shared ownership through SCH and RPs
- Other schemes that may be available, for example 'equity loan' arrangements with private developers

4.15 In some cases the fixed term will be renewed but additional housing needs might be identified. This may include,

- Overcrowding (as defined by the Council's Housing Allocation Scheme), requiring a larger home
- Property adaptations are required
- Difficulty in sustaining the tenancy
- Financial hardship

4.16 SCH will provide appropriate housing advice and assistance to address these needs.

5. Registered Provider Tenancy Policies

Developing Tenancy Policies

5.1 Solihull Council recognises the significant role that RPs play in helping to meet housing need in the Borough.

5.2 RPs are independent organisations working across local government boundaries. This STS therefore sets out broad principles that RPs are expected to have regard to and does not take a prescriptive approach.

5.3 RPs have a range of tenancy types, including Secure, Assured, Assured Shorthold Starter and Demoted tenancies. These should still be used as appropriate; FTTs should not necessarily be the default tenancy type.

5.4 The Council recognises that individual social landlords may identify various purposes for FTTs. The Council encourages social landlords to share good practice locally.

5.5 All RPs must have regard to this STS in framing their tenancy policies in respect of social housing in Solihull. In developing their tenancy policies RPs are expected to engage and consult with Solihull Council to ensure their policies are in line with the STS. Engagement with residents and stakeholders is also expected.

5.6 RPs should ensure that the Council and SCH always have an up to date copy of their Tenancy Policy.

Tenancy policies must,

- Comply with the HCAs Regulatory Framework, or any successor standards that may be issued
- Be developed in consultation with Solihull Council
- Provide clear and understandable information for customers
- Clearly set out the tenancy types that can be granted, and in what circumstances
- Say whether tenancies lasting for fewer than 5 years will be offered, and in what exceptional circumstances this will be done
- Explain how tenancy reviews will be dealt with
- State the approach to offering a tenancy on expiry of the fixed term, either in the same or a different property
- State how the RP will support tenancy sustainment and avoid unnecessary eviction
- Specify the RPs policy on discretionary succession, assignment and transfer
- Set out how the RP will encourage mobility in social housing
- Explain how customers can complain and request a review of decisions with regard to the,

- Length of the fixed term offered
 - Type of tenancy offered
 - Decision not to grant another tenancy on the expiry of the fixed term
- Specify service standards and timescales in dealing with complaints and reviews. More specifically, the Council expects RP tenancy policies in this area to:
 - Set out to whom appeals or reviews should be made (this is expected to be a more senior officer that wasn't involved in the original decision) and how they can be made
 - Give timescales for dealing with appeals or reviews
 - Set out how the tenant can take their appeal or review further if they are dissatisfied with the response i.e. to a tenant panel or Housing Ombudsman and where they may get independent advice
 - Be accessible and easily available i.e. published on websites/available in local offices
 - RPs should show in their Tenancy Policy how they have considered principles of equality and diversity, and applied them in a way that is relevant to their purpose and context. The Tenancy Policy must comply with the Equality Act 2010, other legislative requirements and show how the RP will promote the Public Sector Equalities Duty and give due regard to the need to:
 - Eliminate unlawful discrimination – i.e. harassment, victimisation
 - Advance equality of opportunity – between people that share 'protected characteristics' and those that do not
 - Foster good relations – between people that share protected characteristics and those that do not.

'Protected characteristics' are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation.

- Explain the advice and assistance to be given to tenants on finding alternative accommodation in the event that a decision is taken not to re-issue a tenancy. This should include defining the affordability criteria to be applied in assessing the suitability of alternative housing options
- Explain arrangements for monitoring and review of the Tenancy Policy.

Table 2: Tenancy Types provided by RPs

Tenancy Type	Circumstances determining the type of tenancy granted
Assured (housing associations – periodic with no upper limit)	Existing assured tenants moving to a social or affordable rented property Existing secure tenants moving to a social or affordable rented property
Fixed Term	New housing association tenants: dependent on policy of individual housing association Where an existing secure or assured tenant chooses to move to an affordable rented property they may provided with fixed term tenancy, provided that they consent to this beforehand. Length of fixed terms defined in Tenancy Policies of individual RPs
Other	Defined in Tenancy Policies of individual RPs

Advice and Assistance

5.7 To ensure a fair and transparent approach for customers, when a property is advertised through Solihull Home Options information shall be provided that sets out a clear explanation of how the duration of the tenancy will be defined and the criteria by which the tenancy will be reviewed. All RPs will clearly state the nature of the tenancy to be granted on all property adverts placed through Solihull Home Options.

5.8 Advice and assistance must be available that enables existing and prospective tenants to consider alternative options and then, if necessary, secure alternative accommodation. RPs should clearly set out how advice and assistance will be accessible and understandable for all customers.

5.9 RP's should recognise that advice and assistance may be required at several times during a fixed – term, not just in the period approaching the date for review.

5.10 At the end of a fixed term tenancy, if the RP decides not to issue a further tenancy, they are expected to,

- discuss alternative housing options with the tenant
- give clear details to the tenant about how to appeal against a decision not to grant a new tenancy
- offer timely and reasonable advice and assistance to the existing tenants to help them find suitable alternative accommodation. RPs are

5.11 RPs must take careful account of the implications of a decision not to re-issue a FTT on the Council's homelessness and housing advice service.

Housing Options - Affordability

5.12 It is important that the housing options made available to a tenant(s) are affordable. In determining the affordability of housing options, RPs should apply the affordability criteria they use when assessing new customers for products such as shared ownership, equity share and intermediate rent products.

Affordable Rents

5.13 The Council recognises that the use of Affordable Rents is essential to the delivery of new social housing under the Homes and Communities Agency Affordable Housing Programme. However, the introduction of Universal Credit and the relatively low incomes of most social tenant households means that RPs must take a responsible view when determining when and how Affordable Rents (new build and conversions) will be used.

5.14 The Council expects RPs discuss with it at an early stage proposals for affordable rent levels on new properties and conversion from social to affordable rent.

6. Monitoring and Review

6.1 The STS will be regularly monitored and assessed with an annual report being provided to the Council. This will include information on tenancies granted in the year and decisions taken by SCH under delegated powers.

6.2 The STS will be reviewed every five years, or sooner if circumstances show that this is necessary.

6.3 The STS review shall be conducted in consultation with the organisations and groups identified in Appendix 1 and with any other relevant interests that emerge since the publication of this STS.

6.4 Before making a modification to the STS the Council shall send a copy of proposed modification to every RP of social housing in the Borough and give RPs reasonable opportunity to comment on the modification proposals.

Appendix 1: List of Consultees

Group	Organisation
Advice Agencies	
	Citizens Advice Bureau
Arms Length Management Organisation	
	Solihull Community Housing
Community	
	SUSTAiN (<i>provides support, development and representation for all Voluntary & Community Sector organisations serving the people of Solihull</i>)
Government	
	Communities & Local Government
	Homes & Communities Agency
Homelessness	
	Solihull Multi-Agency Homelessness Forum
Local Councils	
	West Midlands Housing Officers Group
Registered & Supported Housing Providers	
	Abbeyfield
	Accord
	Ashram
	Berrow Cottage Homes
	Birmingham and Solihull Women's Aid
	Bromford
	Foundation of Lady Katherine Leveson
	Fry Housing Trust
	Hanover
	Home Group
	Housing 21
	Jephson
	Keyring Living Support Network
	Mercian
	Midland Heart
	Sanctuary
	Sir Josiah Masons Trust
	Solihull Care Housing Association
	Solihull Mind
	South Warwickshire Housing Association
	St. Basils
	Trident
	Viridian
	Warwickshire Rural

	Waterloo
	West Mercia
Solihull Council	
	Adult Social Care
	Children's' Services
	Legal Services
	Income & Awards

Appendix 2: Definition of Key Terms

Adaptation. An alteration to a property or the provision of a facility to make it more habitable for a person with a disability or impairment

Affordable Rent. Rents for new lettings of homes by Registered Providers, above social rent levels and up to 80% of market rents

Assignment. Transfer of a tenancy from the tenant to another person. For secure, fixed and assured tenancies assignment can take place during a mutual exchange.

Assured Tenancies. The normal form of tenancy provided by Registered Providers. There is no automatic right for the landlord to repossess the property and the tenant(s) can stay in the property for an unspecified period of time.

Demoted Tenancy: A secure tenancy may be 'demoted' by a Court granting a Demotion Order under housing legislation. This will end the secure tenancy and replace it with a 'demoted tenancy'. The period of demotion will initially be for 12 months but may be extended if the landlord serves notice to seek possession of the property during this period.

Disability. under the Equality Act 2010 a person has a disability if:

- they have a physical or mental impairment
- the impairment has a substantial and long-term adverse effect on their ability to perform normal day-to-day activities

For the purposes of the Act, words have the following meanings:

- 'substantial' means more than minor or trivial
- 'long-term' means that the effect of the impairment has lasted or is likely to last for at least twelve months (there are special rules covering recurring or fluctuating conditions)
- 'normal day-to-day activities' include everyday things like eating, washing, walking and going shopping.

Elderly. A person who has reached State Pension Age.

Equity loan. The sharing of equity (or value) in a property between the occupier and another party, normally a private developer or housing association.

Fixed Term tenancies. Fixed Term Tenancies or 'Flexible Tenancies'. At the end of the fixed term the tenancy is either renewed or terminates

Homes and Communities Agency. The national housing and regeneration agency for England. The HCA provides public investment for new affordable housing and to improve existing social housing, as well as for regenerating land and regulating Registered Providers.

Homelessness Strategy. The Homelessness Act 2002 placed a legal obligation on all local housing authorities to,

- (a) carry out a Homelessness Review in their area and then
- (b) develop a Strategy for tackling and preventing it.

Solihull's current Homelessness Strategy covers the period 2012-2015 and is available at www.solihull.gov.uk/policies/homelessnessstrategy.htm

Housing Allocation Scheme. Scheme for determining priorities and for defining the procedures to be followed in allocating housing accommodation. Solihull's current Housing Allocation Scheme is available at www.solihullcommunityhousing.org.uk/index.php?option=com_flexicontent&view=category&cid=318

Housing Register. A list of people seeking accommodation from the Council and Registered Providers. All Council housing is let to people on the Register according to the Housing Allocation Scheme.

Housing Strategy. This provides the overall framework for housing activity and investment by the Council and its partner organisations. It is concerned with housing in all tenures and links to more detailed strategies on specific segments of the market, such as council housing and supported housing www.solihull.gov.uk/policies/housingstrategy.htm

Intermediate housing market. Housing at prices and rents above those of social rent, but below market price or rents.

Intermediate rent. A part of the intermediate housing market. Rent levels will be above social or affordable rents but below market rents

Introductory Tenancy: a probationary period of normally twelve months of a first social tenancy

Localism Act 2011: the legislative basis for tenancy strategies

Mutual Exchange. The voluntary exchange of homes between two tenants.

Registered Provider. Any organisation registered with the Homes and Communities Agency as a provider of social housing. This can include Housing Associations, Local Authorities and private companies.

Regulatory Framework: rules on the letting and management of homes by Registered Providers and councils

Right to Buy. A national scheme that helps social tenants in England buy their council home at a discount. Further information is available at, http://www.direct.gov.uk/en/HomeAndCommunity/BuyingAndSellingYourHome/HomeBuyingSchemes/DG_4001398

Secure Tenancies. Defined by Part IV of the Housing Act 1985. A secure tenant is entitled to remain a tenant unless a court order for possession is made against them. To gain possession of a secure tenancy, the landlord must prove one or more statutory grounds.

Shared ownership. A tenure arrangement whereby the occupier purchases only part of their home whilst paying rent on the remainder. A part of the 'intermediate housing market'.

Social Homebuy. A government scheme that enables a social housing tenant to buy a share in their home and pay rent on the remaining share. The share purchased must be at least 25 per cent, but the tenant can buy more or even the whole property. The tenant gets a discount so they do not have to pay the full 'market value'. Further information is available at, http://www.direct.gov.uk/en/HomeAndCommunity/BuyingAndSellingYourHome/HomeBuyingSchemes/DG_066479

Solihull Home Options. The name of the programme that implements the Council's Housing Allocation Scheme.

Solihull Partnership. The strategic partnership responsible for improving outcomes for all people in Solihull.

Succession. The automatic transfer of a tenancy on the death of a tenant. This is typically the succession by a spouse or of an adult son or daughter to the tenancy of his/her spouse's or parents' home.

Tenancy Policy. A statement of the tenancies provided by a social landlord and the detailed provisions for their use. Each policy will have regard to this Tenancy Strategy

Transfer. A tenant's move from one property to another, organised by the relevant social landlords via the Solihull Home Options system

Underoccupation. A household living in a home with more bedrooms than they need, as defined by the Housing Allocation Scheme.

Appendix 3: Social Housing Data

(i) Solihull Council – Council housing, April 2012

Type/Size Property Type	Number of Beds				Total
	0-1	2	3	4+	
Bungalow	1691	67	2	0	1760
House	0	620	2514	252	3386
Low-Rise Flat	1621	1143	321	0	3085
Multi-Storey Flat	814	1136	2	0	1952
Total	4126	2966	2839	252	10183

(ii) Registered Provider - Social Housing in Solihull, April 2012

Type/Size Property Type	Number of Beds				Total
	0-1	2	3	4+	
Bungalow	0	50	0	0	50
House	3	379	617	54	1053
Low-Rise Flat	1031	496	25	0	1552
Total	1034	925	642	54	2655

(iii) Social Housing – Summary of Demand and Supply, 2011/12

Supply by bedroom size	Council (Note 1)	Registered Provider	Total Social Lettings	Ratio of supply to demand (Note 1)
1	381	41	422	1:21
2	259	93	352	1:12
3	115	50	165	1:12
4 or more	5	3	8	1:57
TOTAL	760	187	947	1:16

Note 1: This column compares total social housing availability with the total demand from the Housing Register at 31.3.2012

(iv) Social Housing Allocations, 2011/12

Reason	Solihull Council	Registered Provider
Transfers (existing social tenants)	28%	30%
Homeless	23%	3%
Applicants	49%	67%