



## LOCAL AUTHORITY HOUSING TENANCY STRATEGY 2019-2024

### Executive Summary:

The Localism Act of 2011 introduced a requirement for local housing authorities in England to prepare and publish a Tenancy Strategy. The legal purpose of a Tenancy Strategy is to help to shape the tenancy policies of registered providers of affordable housing who operate in a local housing authority's district.

Barnsley Council's Tenancy Strategy was first published in April 2013. At that time, the document set out the Council's approach to the types of tenancy that it would grant<sup>1</sup>, its approach to Affordable Rents<sup>2</sup> and its approach to the discharge of full duty homelessness into the Private Rented Sector<sup>3</sup>; responding to new Legislation which significantly altered existing social housing policy.

Whilst taking a light touch review of the 2013 Tenancy Strategy, the Council has chosen to remove sections of the Strategy which have been superseded by new legislation and/or which are now referenced elsewhere in the Council's suite of strategic policies.

This updated document sets out the Council's Tenancy Strategy for 2019-24; following an evaluation of the 2013-18 Strategy and a review of relevant legislative changes which have impacted on the allocation of affordable housing over the last five years.

In line with the requirements of the Localism Act, the Local Authority Housing Tenancy Strategy must set out, as a minimum, the matters to which registered providers of social housing for its district are to have regard in formulating tenancy policies in relation to:

- The kinds of tenancies they grant
- The circumstances in which they will grant a tenancy of a particular kind
- Where they grant flexible tenancies, the lengths of the terms; and,
- The circumstances in which they will grant a further tenancy on the termination of the existing tenancy

---

<sup>1</sup> The Localism Act 2011 introduced changes which allowed Council's and Registered Providers of social housing to grant fixed term tenancies known as 'flexible tenancies'. Previously social housing was let on secure or assured tenancies which were effectively for life as long as the rent was paid and other tenancy conditions were complied with.

<sup>2</sup> The "Affordable Rent" product was introduced for housing associations as part of the HCA's Affordable Housing Framework programme 2011-15. Under the "Affordable Rent" regime rents can be set at up to 80% of local market rents for equivalent properties in the private rented sector.

<sup>3</sup> The Localism Act 2011 allowed local authorities to discharge full housing duty by an offer of good quality accommodation in the private rented sector.

The Barnsley MBC Tenancy Strategy addresses the requirements, as listed above. However, it is important that this Strategy is considered alongside:

- Barnsley Council's Housing Strategy 2014-33  
<https://www.barnsley.gov.uk/media/3953/bmbchousingstrategy2014final.pdf>
- Barnsley Council's Lettings Policy 2018  
<https://www.berneslaihomes.co.uk/wp-content/uploads/2018/11/LETTINGS-POLICY-2018-FINAL-COPY-20181026.pdf>
- Barnsley Council's Homeless Prevention and Rough Sleeping Strategy 2018-2023 <https://www.barnsley.gov.uk/media/9406/homeless-prevention-and-rough-sleeping-strategy.pdf>
- Barnsley Council's Tenancy Policy 2013  
<https://www.berneslaihomes.co.uk/wp-content/uploads/2016/02/Tenancy-Policy-2013.pdf> (To be updated summer 2019 in line with this Tenancy Strategy)

The above documents provide greater detail in relation to the Strategic Housing priorities and aspirations for the Borough, the Council's own stock portfolio and the portfolio of its Registered Provider partners, the borough's Housing Need requirements and the Council's own allocation/nominations arrangements.

**The main objectives of this Tenancy Strategy are to:**

- Ensure that we make the best, most effective use of affordable housing provision across the Borough
- Offer an appropriate level of tenancy security to affordable housing tenants with a variety of housing requirements
- Foster and maintain stable and vibrant communities

Whilst it is acknowledged that registered providers of social housing need only "have regard to" the Council's Housing Tenancy Strategy in developing their own tenancy policies, making the best use of the affordable housing across our borough benefits all of our Registered Providers/housing association partners and, most importantly, existing, new and prospective affordable housing tenants.

In considering this, and in the formulation of their tenancy policies, the Council asks that registered affordable housing providers remain mindful of the benefits of:

- **Ensuring that those most in housing need are housed** - Barnsley MBC believes that applicants prioritized through the Council's allocations policy should benefit from social housing.
- **Providing stability for vulnerable people** - social housing is an essential and valuable resource for vulnerable people; this may be for life or for a time-limited period when needed.
- **Making the best use of stock**- the demand for social housing in Barnsley continues to outstrip supply. There is a clear need to make best use of the housing stock for those that need it most.

- **Ensuring the sustainability of local communities** - social housing plays an important role in this regard. This implies that there will continue to be a degree of diversity in the nature of households occupying such housing whilst at the same time ensuring that those assessed to be in greatest housing need receive the greatest benefit from affordable housing.
- **Ensuring that rents remain affordable.**
- **Simplicity and transparency for the public in regard to social housing matters** - the benefits of tenancy policies that take advantage of greater local flexibilities should not come at the cost of greater bureaucracy and red tape for the public.
- **Investment in new housing stock of a diverse type/tenure/geographical locality to meet housing need.**

#### **Flexible Tenancies:**

The Localism Act 2011 introduced changes which allow Councils and Registered Providers of social housing to grant fixed term tenancies. Previously, social housing was let on a secure or assured tenancy basis only which were effectively for life, regardless of if there were any changes in the tenant's housing requirements, personal or financial situation.

#### **The new flexibilities announced under the Localism Act 2011:**

- Enabled Social landlords, after the expiry of introductory or starter tenancies, to grant tenancies for a fixed length of time.
- Set the statutory minimum length of tenancy at 2-years (to be used only in exceptional circumstances) with a tenancy term of 5-years being considered the norm.
- Stated that there is no upper limit on the length of the tenancy, as social landlords could still offer lifetime tenancies.
- Stated that prospective tenants must be given prior written notice that their tenancy is to be a flexible tenancy and have the right to request a review of the length of the term.
- Stated that when a social landlord decides not to reissue a tenancy at the end of the term they must give 6-months' notice of this decision before the end of the tenancy and must provide advice and assistance for tenants to help them to find suitable alternative accommodation.

Proposals in the **Housing and Planning Act 2016** were set to end the granting of secure tenancies to all but a few "nationally" agreed exceptions. The Social Housing Green Paper 2018 announced that these proposals would not be enacted at this time; allowing Local Authorities to continue to determine the types of tenancy that they would offer, locally.

## **Barnsley Council's Tenancy Strategy:**

In 2013, the Council set out its approach to the types of tenancy that it would offer its tenants; following the flexibilities announced in the Localism Act 2011.

At that time, Barnsley Council was clear that, whilst it was supportive of the use of fixed term tenancies in limited, clearly defined circumstances, in the majority of cases the **Secure** or **Assured** tenancy should continue to be issued.

In reviewing the 2013 Tenancy Strategy, **Barnsley Council remains of the view that Secure or Assured Tenancies should still be issued in the majority of cases.**

However, there are a number of areas in which the use of flexible tenancies has proven to be beneficial to the overall supply/turnover of social housing over the last 5 years; striking the right balance between the 'security of tenure' and making best use of limited stock in a borough which suffers from a mismatch of supply vs demand. In this instance, the Council continues to support the use of flexible tenancies in the following circumstances:

- Where there is a likelihood of under-occupation as household size diminishes with the departure of children from the larger family home.
- Where prospective tenants have a proven history of serious and / or prolonged breaches of tenancy conditions.
- Where properties are specifically designed or significantly adapted for use by disabled persons.
- Where housing related support is being provided on a fixed-term basis -for example, in cases where children in care are leaving care to ensure a smooth transition and avoid homelessness as a route into accommodation.

Generally speaking, Barnsley Council considers that the term of a flexible tenancy should be at least 5-years; but recognizes that there might be certain circumstances where a shorter tenancy term would be more appropriate. An example of this would be for those households that are in receipt of short-term support.

For those registered social landlords planning to use flexible tenancies there is an expectation that within their Tenancy Policies they will also include details of:

1) Their appeals procedure and the circumstances where the applicant/flexible tenant has a right of appeal including:

- Appealing against the type of tenancy offered
- Appealing against the length of tenancy offered
- Appealing against the decision not to offer a new tenancy at the end of the fixed term

2) It is also expected that information will be provided on:

- The advice and assistance that will be given to secure alternative accommodation at the end of a fixed term tenancy which is not to be renewed

A copy of Barnsley MBC/Berneslai Homes' current Tenancy Policy can be located at: <https://www.berneslaihomes.co.uk/wp-content/uploads/2016/02/Tenancy-Policy-2013.pdf>

The Policy will be updated, where required, following adoption of the Council's Tenancy Strategy 2019-24.

The table below summarizes Barnsley Council's approach to the granting of social housing tenancies across the Borough.

Tenancy Type	Who Should Qualify?	Length of Tenancy	Extension Circumstances
<b>SECURE OR ASSURED</b>	<p>Following the completion of an introductory period and/or upon moving from another secure/assured tenancy):</p> <p><b>The majority of Tenants.</b></p>	<p>At the tenants request by the giving of four weeks' notice in writing</p> <p>or</p> <p>On the death of the secure tenant where there is no legal right of succession; or</p> <p>By a court order if there has been any breach of the Tenancy Agreement</p>	N/A
<b>Flexible Tenancy (Fixed Term)</b>	<p>Following the completion of an introductory period:</p> <ul style="list-style-type: none"> <li>• <b>Tenants moving into properties with 4 or more bedrooms.</b></li> <li>• <b>Tenants moving into a purpose built or significantly adapted property.</b></li> <li>• <b>Tenants who might otherwise be excluded from the register due to serious</b></li> </ul>	<p>A flexible tenancy is usually granted for a <b>5 year period.</b></p> <p>However the minimum term <u>could</u> be as little as 2 years for households who:</p> <ul style="list-style-type: none"> <li>• <b>Have a serious and proven record of breaches of tenancy conditions.</b></li> <li>• <b>Are in receipt of short term support.</b></li> </ul>	<p>A flexible tenancy will be considered for extension where:</p> <ul style="list-style-type: none"> <li>• the household is occupying a larger property with 4 or more bedrooms and the size of the household is such that the number of bedrooms they have are still required;</li> <li>• the household is occupying a property that was specifically designed or significantly adapted for use by disabled persons and a member of the household still has a need for this</li> </ul>

Tenancy Type	Who Should Qualify?	Length of Tenancy	Extension Circumstances
	<p><b>breaches of tenancy conditions.</b></p> <ul style="list-style-type: none"> <li>• <b>Tenants in receipt of short term support.</b></li> </ul>		<p>type of accommodation;</p> <ul style="list-style-type: none"> <li>• tenants with a previous proven history of serious anti-social behaviour and/or prolonged breaches of tenancy conditions have used the opportunity to demonstrate a change in their behaviour and the current tenancy is being managed in an appropriate manner;</li> <li>• a vulnerable household has used the opportunity to develop the necessary skills to manage a tenancy and is demonstrating the ability to maintain the tenancy with the level of support that they are receiving.</li> </ul>

**Equalities Monitoring:**

All tenancy policies should be consistent with equalities legislation and should be subject to an equality impact assessment and continuous equalities monitoring.

**Provision of Information of Tenancy Policies:**

The Council has to provide information on the tenancy policies of the registered providers of social housing active in the borough; this will be facilitated through the publishing by registered providers of their tenancy policies on their websites with the Council being provided with the web-links for inclusion on the Council's own web-site.

**Arrangements for review of Local Authority Housing Tenancy Strategy:**

The Local Authority Housing Tenancy Strategy will be reviewed and updated every 5-years or sooner in the event of significant changes in factors impacting on the provision of social housing.

## **Appendix 1: Affordable Housing Definition:**

For the purposes of the Tenancy Strategy, the Council's Housing Strategy and Affordable Housing Supplementary Planning Document (SPD), in referring to Affordable Housing, Barnsley Council adopts the National Planning Policy Framework (NPPF) definition of affordable housing as:

**'Housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers)'**

**Affordable Housing must comply with one or more of the following definitions:**

**Affordable housing for Rent – meets all of the following conditions:**

- a. The rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges);
- b. The landlord is a registered provider, except where it is included as part of a Build to Rent scheme;
- c. It includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision.

For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision otherwise known as 'Affordable Private Rent'.

Starter Homes – are expected to be well designed and suitable to purchase for young first time buyers. It aims to help young first time buyers (below the age of 40) purchase a home with a minimum 20% discount off the market price. A starter home is not expected to be priced significantly more than the average price paid by a first time buyer. This would mean the discount price should be no more than £250,000 in Barnsley.

## **Appendix 2: Active Registered Social Landlords in Barnsley**

Berneslai Homes (Barnsley Council Arm's Length Management Organization - ALMO)

South Yorkshire Housing Association

Yorkshire Housing Association

Guinness Northern Counties Housing Association

Equity Housing Group

Leeds & Yorkshire Housing Association

Together Housing Association Ltd (Charitable)

Wakefield District Housing

Riverside Housing Group

Habinteg Housing Association

Hanover Housing Association

Sanctuary Housing

Home Group

Places for People

Acis Group



This page is intentionally left blank