



TENANCY STRATEGY

2022

Introduction

West Lindsey District Council, as the local housing authority, has a duty to prepare and publish a Tenancy Strategy as set out in the Localism Act 2011.

The Localism Act 2011 introduced a fundamental reform of social housing, the principal reforms were:

- Ability for Registered Providers to offer Fixed Term Tenancies
- Increased flexibility for Councils to devise their own Allocations Policies to meet local needs and circumstances
- The ability for Councils to place homeless households in suitable private rented accommodation
- New social housing developments to include Affordable Rent model with rents of up to 80% market rent on new homes
- Registered Providers being required to adopt and publish a Tenancy Policy
- Councils being required to consult on, adopt and publish a Tenancy Strategy
- The introduction of Affordable Rents and Fixed Term Tenancies has implications for tenants who wish to Mutual Exchange
- Changes to the rights of Succession has limited those able to succeed to a Tenancy on the death of the tenant

This is the second published West Lindsey Tenancy Strategy and replaces the Central Lincolnshire Tenancy Strategy published in 2013.



Aims and Objectives

The three main aims of the strategy are:

- To make the best use of the affordable housing stock
- To reduce under-occupancy
- To reduce overcrowding

The strategy aims to give Registered Providers in the Central Lincolnshire area guidance to inform their policies and practices. It will also continue to go some way to meeting the identified housing need within the area.

The key objective of the strategy is to ensure the social housing stock is used in the best possible way to provide homes for those households who are unable to secure or afford a home that meets their needs in the private sector.

Registered Providers in the past have been required to offer the most secure form of tenure to their tenants, with a variety of tenancies being used, none of which had a fixed term.

Under the government reform in 2011, it was recognised that these tenancies are not always appropriate as people's circumstances often change. This led to the introduction of flexible tenancies whereby a Registered Provider can determine the length of a tenancy given to a new tenant. These tenancies, in turn, should assist with ensuring the best use is made of the limited social housing stock available and help to address issues such as under-occupancy.

Registered Providers must have in place a tenancy policy which sets out what type of tenancies they will offer, how they will be managed and if they are offering fixed-term tenancies, how they will either be renewed or terminated at the end of the fixed term. A copy of the policy should be sent to each local housing authority in which the Registered Provider operates.

This Tenancy Strategy details the position West Lindsey District Council has taken in relation to this reform which Registered Providers operating in the district need to have regard to in formulating their own tenancy policies. Specifically, this Tenancy Strategy provides guidance to RPs relating to:

- Fixed tenancies
- Existing social housing tenants
- Succession of tenancies
- Affordable rents

Why is it important to make best use of existing social housing stock?

Access to the private rented sector has become more restrictive for people on low incomes and benefits since changes to the Local Housing Allowance and wider welfare and policy reform. This has led to higher demand for social rented properties and in turn leads to the supply of affordable housing being limited. For this reason, it is important that the stock that is available is being used to its full potential in order to assist those people who are not able to afford to rent or buy in the private sector.

Local Context

In order to understand how to implement the Localism Act 2011 within West Lindsey, local context needs determining to ensure maximum impact can be achieved from the changes.

The below table highlights the low percentage of social housing available in West Lindsey and assists in highlighting the importance of making the best use of the limited social housing stock available.

West Lindsey Tenure	Dwellings	Percentage
Owner Occupier	29,235	69%
Private Rented	8,050	19%
Total Private Sector Stock	37,285	88%
Housing Association (RP)	5,084	12%
Total	42,369	100%

Overcrowding and Under-occupancy:

The Central Lincolnshire Housing Needs Assessment 2020 suggests only 2% of people across the Housing Market Area live in an overcrowded household. In contrast, 43% of people live in a home, which has an excess of two or more bedrooms.

	Occupancy Rating			
	+2 or more	+1	0	-1 or less
All households	43%	37%	19%	2%
One-person household	43%	39%	18%	0%
Couples without dependent children	69%	28%	4%	0%
Families with dependent children	21%	41%	33%	5%
Families with other adults	23%	48%	26%	3%
Other households	18%	37%	37%	8%

Source: Census 2011

Even though this data is not broken down by tenure, due to the Welfare Reform Act 2012, families will no longer be supported with the rent on accommodation bigger than they require through housing benefit. However, as this does not apply to people of a pensionable age, it is assumed under occupancy in affordable housing is within the older age bracket. Ensuring that people are suitably housed can free up larger family properties within the area and go some way to meeting the housing need.

Affordable housing need:

The Housing Needs Assessment identified there is a requirement for an additional 156 new affordable homes every year across West Lindsey.

Step	Source	Lincoln	North Kesteven	West Lindsey	Central Lincs
Shortfall in affordable housing to meet current backlog over remainder of plan period	3.3	334	17	224	575
Newly arising future need (annual and total over remainder of plan period)	6.3	214	206	145	565
	6.3 x 21 years	4,489	4,326	3,050	11,864
Net affordable housing need over plan period	3.3 + (6.3 x 21)	4,823	4,343	3,274	12,439
Net annual affordable housing need	7.3 / 21	230	207	156	592

The breakdown of numbers of bedrooms required for the need is as follows:

	1 bed	2 beds	3 beds	4+ beds	Total
Shortfall in affordable housing to meet current backlog over remainder of plan period	691 120%	29 5%	-188 -33%	43 7%	575 100%
Newly arising future need (annual and total over remainder of plan period)	103	219	212	31	565
	2,167 18%	4,602 39%	4,443 37%	652 5%	11,864 100%
Net affordable housing need over plan period	2,858	4,631	4,256	695	12,439
Net annual affordable housing need	136 23%	221 37%	203 34%	33 6%	592 100%

This shows a high need for smaller properties. This is due to the amount of larger affordable housing properties within the Housing Market Area alongside an aging population, which requires smaller accommodation.

Review of Central Lincolnshire Tenancy Strategy 2012-18

A full review of the previous strategy has been completed and can be found at appendix 1. Alongside this, a review of the tenancy policies for the majority of Registered Providers that have a presence in West Lindsey can be found at appendix 2.

Flexible tenancies were addressed in detail in the previous strategy. Although West Lindsey will continue to support the use of Flexible tenancies within this strategy, as set out in the Localism Act, it is clear through the review of Registered Provider policies that they have determined the use of flexible tenancies is not a priority going forward. Registered Providers have commented that flexible tenancies did not have the desired effect of making best use of the housing stock.

Feedback received from Registered Providers suggested that tenancy reviews that are triggered by the use of flexible tenancies were cumbersome, time consuming, and made little to no difference to turnover of stock or housing being under occupied or over crowded. This is mainly due to newer tenants being suitably housed for a period of 4-5 years and acknowledged that under occupancy in particular is occurring within older household on secured or assured tenancies.

Other elements have been removed from the strategy due to either no longer being relevant or already being addressed through different strategies and policies. The review at appendix 1 gives the reasoning behind elements of the strategy being included or removed.

Consultation

As part of the formulation of this strategy, consultation has taken place with all Registered Providers who hold housing stock within West Lindsey.

A copy of the strategy and a pro forma was circulated to all Registered Provider's, only three responses were received and these are collated at appendix 3.

Consultation responses have been considered and where this strategy differs from that of the Registered Provider tenancy policies, rationale is given at appendix 2 for that decision.

The Strategy

Flexible Tenancies:

A flexible tenancy is a tenancy that has a fixed term. These will be longer than the standard 6-month private rented tenancies offered to tenants who rent in the private sector but are different from lifetime tenancies, which have previously been the standard for tenants of social housing. Tenants with a flexible tenancy will maintain the same rights as secure tenants including right to buy (following qualifying period, as with secure tenants) but gives opportunity to review tenancies to ensure the property is still meeting the tenants needs.

West Lindsey support the use of fixed term tenancies to ensure social housing stock is available for those who need it most. Registered Providers have fed back they do not intend to use fixed term tenancies, however, should that decision change, it is important that how West Lindsey view fixed term tenancies is set out within this strategy.

Where Registered Providers decide to use fixed term tenancies the following should be taken into account.

- Fixed Term Tenancies should be for a minimum of 5 years, with consideration given for longer periods of time in specific circumstances. In particular, longer Fixed Term Tenancies should be considered for families with young children, older households and for vulnerable tenants who would benefit from the increased stability offered.
- Shorter Term Tenancies (2 years) should only be used in exceptional circumstances, for example; where the accommodation is only intended to be short term or where there have been significant previous tenancy breaches
- All prospective tenants should be given clear information on the type of tenancy that is being offered, the reasons for offering that type of tenancy and how the process for reviewing fixed term tenancies.

Reviewing Fixed Term Tenancies:

If Registered providers are offering fixed term tenancies, their tenancy policies should include the process for reviewing a fixed term tenancy, detailing how frequently a fixed term tenancy will be reviewed and what factors will be considered as part of that review.

It is expected that the process for undertaking fixed term tenancies reviews begin at least 9 months prior to the end of the tenancy.

Reviews should include information on the tenants:

- Financial situation
- Conduct
- Employment
- Need for adaptations
- Type and suitability of property
- Over or under occupation.

Extensions to tenancies should be for at least 5 years.

Where a review has taken place and the decision is taken for the tenancy to be terminated, the Registered Provider must:

- Give the tenants a minimum of 6 months' notice.
- Inform the tenants of the reasons why a new tenancy is not being granted.
- Inform the tenant of their right to a review of the decision.

Registered Providers are also expected to:

- Inform their housing team of the termination and work with them to put a move-on plan in place.
- Assist the household to find suitable alternative accommodation.
- If alternative accommodation cannot be sought, the RP must inform West Lindsey Home Choices of the termination and this must be no less than 56 days before the termination.

Circumstances that would trigger a Tenancy Review

These circumstances would trigger an early review of a tenancy:

- A change in the household that results in a person who is named on the tenancy no longer residing in the property. The review will need to assess the suitability of the property;
- If a request for an adaptation to the property is received. The review will highlight if the property is no longer suitable for the household and if finding alternative accommodation would be a better solution.
- A breach in the tenancy conditions by the tenant

Starter Tenancies are supported where the tenant has not held a tenancy with the Registered Provider before or it is deemed appropriate due to other reasons e.g. previous anti-social behaviour problems or rent arrears. They should not ordinarily be used where a tenant is transferring within RP stock or from RP to RP housing.

Starter tenancies should be in place for at least a 12-month period and should revert to an assured tenancy if there have been no problems in that 12 month period. 12 months still offers greater security of tenure than an assured shorthold tenancy, which are offered for 6 months as standard.

Assured tenancies should be offered when the need of the tenant is seen as lifelong and no change would come from reviewing the tenancy at any point. It would be expected assured tenancies to be considered particularly for elderly and disabled people.

If other tenancy types other than the above are to be offered, they must be explicitly listed within the Registered Provider tenancy policies and they should adhere to those policies at all times.

Existing Social Housing Tenants

One of the main objectives of this strategy is to address under-occupancy in social housing by encouraging existing tenants to transfer and exchange, as appropriate. West Lindsey already has in place various measures to encourage people to move, such as giving applicants who are under-occupying additional priority for rehousing. Mobility amongst tenants is also promoted where they need to move to give or receive support or to obtain employment.

However, we do not want to deter people from obtaining a more suitable property due to the threat of a less secure tenancy.

Existing housing tenants should not be deterred from transferring to accommodation that is more suitable so existing tenants should be given the same security of tenure when transferring between properties.

Succession

The Localism Act gave Registered Providers increased discretion regarding the succession of tenancies. Previously, any family member living at the property for more than 12 months could succeed to the tenancy. However, tenancies created after the Localism Act came into force in 2012 will have no family member right of succession unless expressly stated in the tenancy agreement. The only succession will be for a spouse, civil partner or a person living with the tenant as their spouse or civil partner.

Should an RP wish to offer succession to others outside of the requirements set out in the act, this must be within their policies. Alongside that, it would also be recommended to RP's that exceptional circumstances can be accounted for to give flexibility if it is required and where there is a risk of homelessness should a succession not be granted.

Affordable Rent

The concept of affordable rent was introduced as an alternative to social rent to help fund development of new affordable housing. Social rented housing has a rent level determined through the National Rent Regime. Affordable rented housing is not subject to the new National Rent Regime and rents can be set at a level of up to 80% of the market rent.

All Registered Providers who have entered into a contract with the Homes England will be able to charge affordable rents.

Due to the lower market rent levels in West Lindsey and Local Housing Allowance rates covering affordable rents, West Lindsey through the Central Lincolnshire Local Plan support the delivery of affordable rented properties on all new build affordable housing.

Alongside this, as Registered Providers can raise additional capital to invest in new affordable housing on units that are affordable rent, conversion of properties from social rent to affordable rent is also supported, as long as this does not breach existing S106 agreements already in place for specific developments.

Monitoring and Review

In contrast to the previous strategy, this strategy has not been implemented for a specific period of time as this could restrict the review of this strategy should it be required, as well as unnecessarily prompting an unrequired review. To ensure the correct governance is in place, the strategy will be reviewed every three years with a new version adopted at review.

West Lindsey will continue to work in partnership with Registered Providers to ensure best use is made of housing stock, new affordable housing is developed and there are consistently affordable housing options available for residents of West Lindsey.

Registered Providers Policies

The Act states this strategy must provide details of where Registered Providers tenancy policies can be found. Below are details of all the main Registered Providers that operate within West Lindsey and their websites.

- Acis Group - www.acisgroup.co.uk
- Longhurst Group - www.longhurst-group.org.uk
- Lace Housing - www.lacehousing.org.uk
- Ongo - www.ongo.co.uk
- Platform Housing Group - www.platformhg.com
- Anchor Hanover - www.anchorhanover.org.uk
- Heylo Housing - www.heylohousing.com
- Lincs Rural Housing Association - www.lrha.co.uk
- Derwent Living - www.derwentliving.com
- Sanctuary Housing - www.sanctuary-housing.co.uk



Risks

This section highlights possible risks that will arise from the implementation of this strategy and how we intend to manage those risks.

Risk	Mitigation
When a fixed term tenancy is being terminated and the tenants are given a 9-month notice, there is a risk within the 9 months that a suitable property is not found.	We have suggested a minimum 9 month period as this is seen as a long enough period to assist with finding a new home. We would hope to manage this in a way in which it would be a priority to find the household a suitable property so the above situation never arises.
There is a risk that levels of homelessness would increase if reviews of tenancies are not done correctly.	To ensure Registered Providers carry out reviews comprehensively and have procedures in place to maintain a constant approach to reviews. Copies of all Registered Providers review procedures should be obtained by each local authority. Good relationships with the West Lindsey Home Choices team and communication throughout a review process is also essential.

Glossary

Term	Explanation
Affordable Housing	Housing options available to residents who cannot afford to rent or buy a home in the open market. Includes social rented housing, affordable rent housing and intermediate housing solutions, such as shared ownership.
Affordable Rent	Rents offered by Registered Providers of social housing at up to 80% of the rent that would be charged if the property were let in the open market.
Fixed-Term Tenancy	A tenancy with a fixed start and finish date.
Homes England	The national housing and regeneration agency for England, responsible for allocating funding for new affordable housing. Homes England is also the regulator of social housing providers.
Local Housing Allowance	The current form of housing benefit paid to people with low income who are renting in the private sector.
Market Rent	The rental income that a property would command on the open market.
Registered Providers	Organisations that provide affordable (of social housing) housing to those in need. Often these providers are housing associations.

Section 106 Agreement	Legal agreements made under Section 106 (S106) of the Town and Country Planning Act 1990. These agreements are used to enhance the quality of development, enabling proposals to go ahead where they might otherwise have been refused. They can include an obligation for a developer to deliver affordable housing.
Social Rent	Housing for which guideline target rents are determined through the National Rent Regime, aimed at helping people in housing need. Rents are usually significantly lower than market levels.
Strategic Housing Market Assessment	An assessment of how housing markets operate in defined areas, used to identify housing needs within that area.
Tenancy Policy	A Registered Provider's policy that defines how the provider will make decisions about the types of tenancy they will provide to tenants.

Appendix 1

Central Lincolnshire Tenancy Strategy 2012-18 review:

Strategy Area	Included in RP Policies	Included in New Strategy	Rationale for Inclusion/Removal
Flexible tenancies, use of tenancies, tenancy length, tenancy reviews, circumstances that trigger a review	Majority No	Yes	It is clear from the RP policies that the use of flexible tenancies is not part of their plans. Tenancy reviews are time consuming and RP's are advising that starter tenancies are a better solution for new tenants. WLDC supported the use of these tenancies in the original strategy and this support is still in place should an RP consider the use of flexible tenancies appropriate to use in specific circumstances, WLDC will however allow RP's to determine the most appropriate mechanism for the control of flexible tenancies and reviews of those tenancies.
Starter Tenancies	Yes	Yes	Starter tenancies are include in the majority of the RP policies and WLDC wants to support the continued use of these tenancies through this strategy.

Assured Tenancies	Yes	Yes	Assured tenancies are included in the majority of the RP policies and WLDC supports the continued use of these tenancies through this strategy.
Existing Social Housing Tenants	Yes	Yes	Existing tenants have rights through the law if they remain in their properties. However, this strategy acknowledges the importance of allowing tenants to move to more suitable accommodation while maintaining their security of tenure.
Succession	Yes	Yes	All RP's include succession in their tenancy policies, succession is included within the Localism act and WLDC want to support the line taken in the Localism Act and not support any deviation apart from in exceptional circumstances.
Affordable Rents	Yes	Yes	Affordable rent is the most appropriate type of new affordable housing and the majority of RP's in West Lindsey use this type of rent on all new build developments. WLDC are supportive of this rent type due to an understanding of the value it can bring in terms of raising capital for future developments.
Intermediate Rents	No - Not Used by RP's	No	Intermediate rent is not acknowledged as a rent anymore within the new NPPF.
Adapted Properties	No	No	RP's do not hold a register and even though it would be preferred, it is understood this would be a huge task that may not hold as much value.
Disposals	No	No	Not under the jurisdiction of WLDC to determine through this strategy and not required under the Localism Act.
Discharging the Homeless Duty	No	No	Legislation gives powers for this, no need to stipulate in this strategy.
Access to the Housing Register	No	No	Covered in the WLDC Lettings Policy

Appendix 2

RP Tenancy policies review:

RP	Fixed Term (Flexible) Tenancies	Starter Tenancies	Affordable Rent	Other Tenancy Types
Acis	No Longer Offered	Offered on all new tenancies for 12-month period. Will revert to assured tenancy or assured affordable rent tenancy.	All new build properties that are rented will be at an affordable rent. Specific criteria set out for converting social rented to affordable rented tenancies.	Not specified
Lace Housing	Not Offered	Not Offered	Offered on all new properties on Assured Shorthold tenancies.	Assured Shorthold Tenancies offered to all new tenants.
Longhurst Group	Not Offered	Offered on all new tenancies, after 12 months, reverts to assured tenancy if no action has had to be taken.	Understood to be offered on all new build properties where it isn't specified as different in a S106. Strategy for conversion from social rent to affordable rent not specified.	Equitable AST's for tenants under 18. AST's are used where Longhurst manage the properties on behalf of someone else.
Platform	Not Offered	Offered on all new tenancies, after 12 months, reverts to assured tenancy if no action has had to be taken.	Offered on all new build properties. Strategy for conversion from social rent to affordable rent not specified.	AST's are used where Platform do not own the property or the future of the property is uncertain.
Ongo	Included in the policy but not used as standard, will only use in conjunction with LA area and their relevant tenancy strategy.	Offered on all new tenancies, after 12 months, reverts to assured tenancy if no action taken.	Most properties let are a social rent due to LSVT from NLC but all new properties are affordable rented where applicable.	Family intervention tenancies to help tackle anti-social behaviour. AST fixed term tenancies.

Appendix 3

West Lindsey Tenancy Strategy – Registered Provider Consultation. RP’s consultations sent to:

- Acis Group Ltd
- Anchor Housing
- Lincs Rural HA
- Heylo
- Derwent Living
- Platform
- Longhurst Group
- Sanctuary Housing
- Lace Housing
- Ongo

3 responses received from Acis Group Ltd, Sanctuary Housing and Lace Housing. Lace housing response detailed they had no comments to make.

Strategy Area	West Lindsey Position	Acis Group Ltd	Sanctuary Housing
Fixed Term Tenancies	West Lindsey support the use of fixed term tenancies to ensure social housing stock is available for those who need it most.	AGL no longer offer fixed term tenancies. A number of fixed term tenancies remain in place, upon expiry new tenancies will be offered in line with our Tenancy Management Policy.	Fixed term tenancies no longer offered.
Starter Tenancies	Supports the use of starter tenancies where it is a new social housing tenant. Must be put in place for a minimum of 12 months.	AGL offer starter tenancies where the existing customer does not have a current tenancy with us. These tenancies are for an initial 12 month period, with the option to extend for a further 6 months where appropriate.	Starter Tenancies offered on all new tenancies for 12 months, reverts to assured tenancy if no action has had to be taken.
Assured Tenancies	Support the use where the tenants needs are seen as long term and a review of the tenancy would not be required.	AGL offers Assured tenancies on new tenancies where the customer is an existing AGL tenant with an Assured tenancy. Any starter tenancy which is successfully completed will be converted to an Assured tenancy.	Assured tenancies offered to all tenants aged 65 and over.

Existing Social Housing Tenants	Offer same security of tenure to existing social housing tenants wishing to move to accommodation that is more suitable so as not to deter them from moving.	AGL offer the same tenure security to existing customers moving to another property. Starter tenancies are offered where the customer is not an existing AGL customer.	Existing tenants are offered the same security of tenure should they move to alternative accommodation.
Succession	RP's to have succession rights in their policies and to offer flexibility where appropriate.	AGL covers succession with individual tenancies, our Tenancy Management Policy and succession procedure. In all cases, successions are managed in line with section 17 of the Housing Act 1988. Where appropriate, AGL offer flexibility to standard succession policy.	The right to succession is in our policy & procedure.
Affordable Rent	West Lindsey supports the use of affordable rents in all new build properties and the conversion to affordable rent where it does not breach any S106 requirements.	AGL endorse the approach for both new developments and conversions where allowable.	Affordable rents are offered on all our new build properties but we are not converting social rented to affordable rented in West Lindsey.