

## Appendix 1

Swindon Borough Council

Draft Housing Tenancy Strategy

Cabinet July 2013

## Contents

Introduction.....	3
Background .....	4
Swindon Borough Council and the Tenancy Strategy .....	5
Preference to households who make a positive contribution .....	6
Ensuring the waiting list helps households most in need .....	7
Fixed Term Tenancies .....	8
Reviewing Fixed Term Tenancies .....	9
Principles for the Allocations Policy:.....	10

## 1. Introduction

- 1.1. As a result of the Localism Act 2011 and the Government's Housing Strategy 'Laying the Foundations: a housing strategy for England' Councils have more control over the way that we allocate social housing. The intention is for Councils to get the most from this increasingly valuable resource, to ensure that social housing goes to those that 'need and deserve it the most'.
- 1.2. Swindon Borough Council has the opportunity to take advantage of the new flexibility to cater for the particular needs of Swindon. This document sets out our approach to the additional priority groups for housing, the way that the waiting list will be managed more effectively, and the way that flexible tenancies will be managed.
- 1.3. The Tenancy Strategy sets out the principles for allocating social housing in Swindon in future. These principles will be implemented in a new, updated Allocations Policy.

## 2. Background

- 2.1. Previously Councils have been required to use set criteria for prioritising who gets social housing in its area. The Localism Act 2011 added some flexibility to this, so while the traditional criteria still apply Councils have new powers to add other groups that it may wish to prioritise to complement local priorities.
- 2.2. The reasons that households get priority for social housing have been:
  - People who are homeless, or owed a housing duty
  - People living in overcrowded, insanitary or unsatisfactory housing
  - People who need to move on medical or welfare grounds
  - People who need to move to a particular area
- 2.3. Having been allocated a home, people have historically been given lifetime tenancies. This means that households have the right to remain in those properties, regardless of any changes in their circumstances and could only be required to leave by a court order as a result of a breach of the tenancy. Furthermore, families resident in those properties have a right to inherit the tenancy.
- 2.4. Councils have been required to have open waiting lists for social housing. This means that regardless of their circumstances households can register for a council property. Partially as a result of this the number of households on the waiting list has grown to an unmanageable extent. In April 2013 there were 15,663 households on the waiting list, of which more than half were deemed to be in no need of housing or were ineligible to bid.
- 2.5. The changes to tenancies will only affect future tenants, so existing tenants will not see any change in their tenancies, or their rights to remain in their homes.
- 2.6. The changes Swindon Borough Council is considering include:
  - Additional criteria where the Council will give households that are in work, training or volunteering additional priority.
  - Long fixed-term tenancies will be introduced for new tenants of working age.
  - Those who are able to afford to purchase their own home outright will not be eligible for social housing.

### 3. Swindon Borough Council and the Tenancy Strategy

- 3.1. Swindon is a growing town, with some 22,000 new homes projected to be built by 2026, including the development of Wichelstowe and the regeneration of the town centre. It is important that the way that social housing is allocated contributes to this growth, as well as continuing to ensure that the vulnerable are assisted and that we get the most use out of our current housing stock.
- 3.2. Swindon Borough Council is the largest landlord with over 10,000 properties in the town. There are a number of Housing Associations who manage property in the Borough who will use their own allocations criteria.
- 3.3. The Council's strategic priorities are:
  - Find ways to reduce vulnerability and improve health for all
  - Right skills, right jobs in the right places
  - Make best use of Swindon's resources inside and outside of the council
  - Work with residents to create well cared for neighbourhoods
  - Work with people and families to help them fulfil their potential

#### 4. Preference for households who make a positive contribution

4.1. Social housing is an important part of the Borough's infrastructure. Households are expected to use the opportunity of social housing, and then to move on when they have the ability to do so. Therefore the Council will give reasonable preference to certain groups who make a positive contribution to the community.

4.2. In addition to the existing groups that we prioritise:

- People who are homeless, or owed a housing duty
- People living in overcrowded, insanitary or unsatisfactory housing
- People who need to move on medical or welfare grounds
- People who need to move to a particular area

The Council will also offer additional reasonable priority for households who are the following:

- Members of the Armed Forces
- In work
- In training
- In education
- Formal volunteers

## 5. Ensuring the waiting list helps households most in need

5.1. The Council wants the waiting list to focus on those households who are most in need to meet the Government's strategic objectives as set out in its 'Housing Strategy for England, Laying the Foundations'.

5.2. The following groups will not be able to join the waiting list:

Households ineligible for social housing by virtue of being foreign nationals subject to immigration control. This also applies to other households from abroad excluded by statute or regulation, for example those households who do not pass the Habitual Residency Test.

Households with an annual gross income exceeding the amount of money that is needed to buy a property as set out in the Swindon Strategic Housing Market Assessment. The only deduction to be included for consideration in household income will be for those households with child maintenance payments.

Applicants who are under the age of 18.

Households with no strong local connection that have been resident in the Borough for less than 24 months.

Households who have perpetrated anti-social behaviour, where there is evidence that has led to, or would have led to possession of a property.

5.3. Whilst we are seeking to ensure that social housing goes to local households in need, the Council is mindful that there will be instances when households that have not been resident in the Borough should have access to social housing. The following groups will be allowed to go on the waiting list:

Households with a local connection who serve or have served in the Armed Forces

Households with a local connection being released from prison

Households with a local connection who have been resident elsewhere for medical reasons

Households fleeing domestic or associated violence

## **6. Fixed Term Tenancies**

6.1. The Council will issue introductory tenancies of 12-months in all instances, followed by flexible tenancies in the majority of cases.

6.2. The renewal of fixed term tenancies will be particularly important for families whose children are still at local schools. In this instance therefore, families will be offered long tenancies.

6.3. The Fixed Term tenancy is not to be used as a proxy for tenancy enforcement. So, where households breach the terms of their tenancy landlords are expected to take the appropriate action as they would with lifetime tenancies.

6.4. The Council's Strategy will be:

Households moving into Sheltered Housing will not be affected by this, and will continue to be given lifetime tenancies.

Households with dependent children will be offered an introductory tenancy of 12 months, followed by a fixed tenancy for an initial period of 10 years.

Households without children will be offered an introductory tenancy of 12 months, followed by a fixed term tenancy for an initial period of 5 years.



## 7. Reviewing Fixed Term Tenancies

- 7.1. The Council will have the option not to review tenancies, in which case the tenancy will lapse to a secure tenancy. This is to give the Council flexibility in the event of a significant reduction of demand. Where tenancies are reviewed the household will be contacted 6 months prior to the end of the fixed tenancy.
- 7.2. Households will need to demonstrate that they continue to meet the allocations criteria. Households who do not meet the criteria may be offered different accommodation that meets their needs, or they may be offered advice and assistance to seek accommodation elsewhere.
- 7.3. Put simply, reviews will seek to determine whether the household would be allocated the tenancy were it an applicant rather than an existing tenant. The review will consider the following factors:
- Household size compared to the property
  - Health factors
  - Social factors
  - Household income
  - Household conduct
- 7.4. Households who meet the criteria can remain in their property on another fixed-term tenancy which will be applied flexibly to meet their circumstances.

## 8. Principles for the Allocations Policy:

8.1. The Council will develop an Allocations Policy to implement the objectives laid out in the Tenancy Strategy. The council wants the Allocations Policy to meet the following criteria:

Introduce additional, reasonable preference for households who are in work, training or who formally volunteer.

Maintain a more manageable waiting list, excluding those who have little need of social housing in Swindon.

Introduces fixed term tenancies as outlined in the Tenancy Strategy.

8.2. The Allocations Policy will also meet the following criteria:

Choice:

The majority of applicants should be able to choose where they live.

Simplicity:

The policy should be transparent, give clear understanding of housing need in Swindon, be easy to understand, and cost effective to administer

Flexibility:

The policy should deliver flexibility in terms of how it is applied across the Borough and to people. It should offer opportunities for strategic intervention for people and areas.