



Tenancy Strategy 2024 - 2029

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Introduction

As per the Localism Act 2011, South Holland District Council has a duty to prepare and publish a Tenancy Strategy setting out expectations and guidance on the Council's approach to tenure, affordable housing, and collaboration with Registered Providers (RPs).

The purpose of the Strategy is to set out the high-level objectives with which RPs operating in the district need to have regard to in formulating their own policies on tenancies. Specifically, the Strategy provides guidance to RPs relating to:

- the types of tenancies they will grant.
- the circumstances in which different types of tenancies will be granted.
- where fixed-term tenancies are granted, the length of the fixed term and the circumstances in which a further tenancy will be granted when the fixed term expires.

Details of the Council's approach to allocating homes in the district are set out in our Housing Allocations and Lettings Policy available at <https://www.sholland.gov.uk/Housing-policies>.

Aims and objectives

The Localism Act 2011 states that RPs must have regard to local authorities' tenancy strategies when preparing their own tenancy policies.

The Regulator of Social Housing's Tenancy Standard states that RPs must cooperate with local authorities' strategic housing functions and assist local authorities to fulfil their duties to meet identified local housing need. This includes assistance with local authorities' homelessness duties, and through meeting obligations in nominations agreements. The guidelines that follow have been produced to help RPs meet these obligations.

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.

The Strategy will also set out the Council's approach to offering different types of tenancies and towards social and affordable rents within the district. Each RP must have regard to this Strategy when formulating and applying their own tenancy policies.

National context

This Strategy has been developed to align with all relevant current statutory legislation and best practice.

The Housing and Regeneration Act 2008 established the framework for the regulation of social housing, a function which is currently performed by the Regulator of Social Housing (RSH). The RSH regulates the sector via a set of regulatory standards which contain specific expectations that RPs must comply with. The Tenancy Standard forms part of the RSH's consumer standards and sets out expectations around allocation of affordable housing and terms around tenure.

The Localism Act 2011 introduced significant reform to affordable housing tenure, introducing the ability for RPs, should they choose, to offer tenancies for a fixed term to new tenants. The Government no-longer champions the use of flexible fixed term tenancies in social housing and discarded plans to make them mandatory, as put forward in the Housing and Planning Act 2016. The Renters (Reform) Bill, introduced to parliament in May 2023 (currently in its second reading in the House of Lords), proposes to change the law about rented homes, including abolishing fixed-

term assured tenancies – RPs will grant periodic assured tenancies, although this does not apply to secure tenancies, such as council tenancies.

The Localism Act also introduced an Affordable Rent model which enables RPs to set rent at up to 80% of local market rents (including service charges, if applicable) on both a proportion of their existing re-lets and on new build properties.

Most recently, the Social Housing Regulation Act 2023 (implemented 1 April 2024) has laid new foundations for increased regulation of RPs including proactive programmed inspection, revised consumer standards and the introduction of Tenant Satisfaction Measures.

It is the responsibility of all RPs to ensure that their respective organisations are delivering the consumer standards. Full details of Regulatory Standards for social housing are published on the Government’s website <https://www.gov.uk/guidance/regulatory-standards>

Local context

With over 850 households on South Holland District Council’s Housing Register, the Council works in partnership with RPs to offer affordable, well maintained and managed, safe homes.

The availability of good-quality housing has an important part to play in supporting the local economy, as well as being critical in promoting wellbeing and achieving positive health outcomes. It is vital that the Council ensures best use of its own housing stock and supports those applicants most in need of rehousing. It is important to maintain a mix of different sizes, types and tenures of housing to meet a wide range of housing needs.

In February 2024, the average house price in South Holland stood at £259,900, lower than the regional average of £275,200. The demand for affordable homes, whether for rent or purchase, remains high across the district.

The Council collaborates with developers and RPs to boost the provision of affordable housing throughout the district, aiming to meet local needs. The Council's current Local Plan stipulates that a 25% provision of Affordable housing will be sought on Market housing sites comprising 11 or more dwellings (or residential developments with an internal floor area of 1,000 sqm or more).

Guidance for Registered Providers

Introductory tenancies

RPs may choose to offer an introductory, probationary or a starter tenancy for new tenants. Tenancies will remain introductory until the end of a “trial period” which lasts for one year after the date on which the tenancy was entered into, or the date on which the tenant was first entitled to possession, whichever is later.

Introductory, probationary or starter tenancies should only be extended by a further six months, if there has been a breach of the tenancy conditions during the trial period. The introductory tenancy will be ended by serving a Notice of Possession Proceedings if:

1. the tenant breaks the tenancy conditions; or
2. a false or misleading statement had been made to obtain the tenancy.

Tenants should be provided with support by their RP to enable them to conduct their introductory tenancy successfully. Where the tenant has met the conditions of their introductory tenancy at the end of the period, they should be immediately issued with a lifetime tenancy.

Note - Section 154 of the Localism Act 2011 states that a tenancy with no less security should be offered where existing social housing tenants choose to move to another social rented home, whether with the same or another landlord. (This requirement does not apply where tenants choose to move to accommodation let on Affordable Rent terms).

S.79 of the Domestic Abuse Act 2021 requires RPs to ensure that existing lifetime social tenants fleeing domestic abuse are offered a new tenancy on a lifetime basis. We expect RPs to adopt this approach for victims/survivors of domestic abuse — including where a resident is rehoused through our Housing Register.

Lifetime-secure tenancies

The Council's preference is for lifetime tenancies, considering lifetime tenancies to be the best approach to address social housing need and create safe, healthy, and cohesive communities.

The Council recommends that all RPs managing properties in the district issue lifetime tenancies for all new tenants. For those tenants currently on fixed-term tenancies, the Council requires RPs to have a process in place to move tenants on to lifetime tenancies when appropriate. This guaranteed level of security allows tenants to put down roots and build support networks within the surrounding community.

Fixed term tenancies

The Council prefers lifetime tenancies and discourages RPs from using fixed term tenancies.

Where a fixed term tenancy is to be used, in line with the Social Housing Regulation Act 2023 Tenancy Standard, RPs will be expected to:

- grant a minimum fixed term of 5 years or exceptionally, a tenancy for a minimum fixed term of no less than two years, in addition to any probationary tenancy period.
- clearly advertise the length of any fixed-term tenancies used, and the assessment criteria, and review process used when the tenancy is coming to an end.
- set out their policy on taking into account the needs of those households who are vulnerable by reason of age, disability or illness, and households with children, when deciding whether to grant a fixed-term tenancy (and the length of such a tenancy) rather than a lifetime tenancy.
- support tenants with advice and assistance to help them find suitable alternative accommodation in order to prevent those becoming homeless where fixed term tenancies are not being renewed.

Where fixed term tenancies are issued, the Council would expect that most fixed-term tenancies would be renewed, other than in exceptional cases where a tenant's circumstances have changed significantly or where there have been significant tenancy breaches. In these instances, the Council would expect RPs to work proactively with the Council in order to prevent homelessness as far as possible.

The Council expects that:

- i) RPs inform the Council's Housing Options team at the point of serving notice (see also Pre-Action Protocol for Possession Claims by Social Landlords) and the National Housing Federation's Commitment to Refer.
- ii) tenancy reviews should consider the individual circumstances of the household, including any recommendations from the Council and other partner organisations. The outcome should not be based solely on factors such as household income; and

- iii) where a tenancy is to be terminated without a breach of tenancy, reasonable efforts should be made to offer suitable other accommodation and consideration should be given to extending the tenancy until alternative suitable accommodation can be found.

Demoted tenancies

The Anti-social Behaviour Act 2003 introduced a power for RPs to apply to demote a tenancy where a tenant, resident or visitor to a property is guilty of anti-social behaviour (ASB).

A demoted tenancy is a form of tenancy that reduces a tenant's security of tenure and other rights for 12 to 18 months. When a tenancy is demoted, for example, rights to succeed to or assign that tenancy and the right to buy may be altered for the duration of demotion. If the ASB in question is addressed appropriately during the length of the tenancy demotion, the tenancy will be reinstated to its former status.

Affordable rents

The concept of affordable rent was introduced as an alternative to social rent to help fund new development. All RPs who have entered into a contract with the Homes and Communities Agency (HCA) (now Homes England) are able to charge affordable rents. Affordable rents enable RPs to set rent levels at up to 80% of market rent for comparable properties within the same area.

Affordability is a key focus. Through increased joint working, robust S106 agreements and SLAs, the Council is committed to ensuring that any RP properties nominated via the Council are let at an affordable rent and therefore that tenants are charged an absolute maximum of 80% of market rent levels.

RPs should consult with the Council at an early stage on plans to convert existing social rented properties to affordable rent. In this scenario, the Council would wish to see additional income received through conversions invested in new housing supply in South Holland.

Making best use of housing stock

As per the Tenancy Standard, RPs must allocate and let their homes in a fair and transparent way that takes the needs of tenants and prospective tenants into account.

The Council recommends that RPs hold a register of all properties with disabled adaptations. In addition, all properties with adaptations should be let to households who need such adaptations.

As per the Tenancy Standard, RPs should consider how they can assist tenants who are under occupying their homes, or living in accessible homes they do not need, to voluntarily move to alternative suitable housing — thereby freeing-up these valuable homes for residents who need them.

RPs should also consider how they can assist tenants who need to move to alternative housing, including those who need to move on medical grounds and households who are severely overcrowded.

Tenants could be assisted to move to alternative housing within the RPs own housing stock, or through the Council's Housing Allocation Scheme where the tenant meets the criteria for one of the priority categories.

As per the Tenancy Standard, RPs should offer a mutual exchange service which allows tenants eligible for mutual exchange to easily access details of available matches without payment of a fee. The availability of any mutual exchange services offered to tenants should be published by the RP

along with the provision of support and helpful information to assist tenants to access mutual exchange services where they may otherwise be unable to use them.

Formal complaints

The Housing Ombudsman Service's Complaint Handling Code states that RPs should have clear processes and guidelines on how current or prospective tenants can make a formal complaint if they are dissatisfied with the service or response they have received, or the way in which their case has been handled.

The Council expects RPs to have sufficient policies and procedures in place, including publishing:

- complaint and appeal policy and procedures.
- service standards for dealing with complaints and appeals.
- information on how tenants can take a complaint further, with reference to the Housing Ombudsman and any other dispute remedies available.
- details of where to seek independent legal advice.
- clear details on how councillors or other advocates can raise casework with RPs on residents' behalf.

Social housing fraud

The Council encourages RPs to take action to prevent and tackle tenancy fraud — including through developing robust, clear and accessible policies/procedures, using the full force of powers available to recover homes, and working in partnership with the Council, where appropriate.

South Holland District Council's approach

Full details on the Council's approach letting and managing tenancies is set out in the Tenancy Management policy, available at <https://www.sholland.gov.uk/Housing-policies> .

In summary, the Council adopts the following approach:

- Introductory tenancies are issued to all new Council tenants (unless they were existing social housing tenants immediately prior to letting - in this case, they will be issued a Secure tenancy, ensuring that they have no less security of tenure).
- Secure tenancies are issued to tenants following a successful introductory tenancy.
- Demoted tenancies are not utilised by the Council, choosing instead to seek anti-social behaviour injunctions and/or possession proceedings as enforcement routes.
- Fixed term tenancies are not utilised by the Council.
- As standard, affordable rents are charged for all new homes acquired (with exceptions to be agreed on a scheme-by-scheme basis).
- Priority is given to disabled households in need of adaptations when letting properties with adaptations.
- Tenants who have been moved into alternative accommodation during redevelopment or other works are granted a tenancy with no less security of tenure on their return to settled accommodation.
- The Council will only seek to evict a social housing tenant where there have been serious breaches of their tenancy agreement and all possible options have been explored for preserving the tenancy, including providing support to the tenant. All applications for warrant are reviewed by the Assistant Director – Housing prior to application.
- A copy of our complaint handling policy is available at <https://www.sholland.gov.uk/Housing-policies>
- The Council takes tenancy fraud very seriously including sharing information as part of the National Fraud Initiative (a data matching exercise operated by the Public Sector Fraud Authority).

Homelessness prevention

As per the Tenancy Standard, RPs must support tenants to maintain their tenancy or licence. Where a RP ends a tenancy or licence, they must offer affected tenants' advice and assistance.

Where an RP decides to end a tenancy, they must take a proactive approach to preventing homelessness – they should support the tenant to access the help they need to prevent a crisis situation including accessing support from the Council's Housing Options team.

The Council strongly recommends that RPs establish effective support systems to enable tenants to remain in their homes for as long as it remains suitable for them. Should tenants' needs change, landlords are encouraged to assist them in making informed choices. This support may include exploring mutual exchange schemes and utilising the Council's Allocation Scheme to facilitate a move to a more appropriately sized and accessible home.

The Domestic Abuse Act 2021 has established specific provisions to support victims of domestic abuse, including duties on local authorities to provide accommodation. We request that RPs assist wherever possible with actions to prevent and/or alleviate homelessness for this vulnerable group.

The Council expects RPs to give support to their tenants facing difficulties and tackle perpetrators causing anti-social behaviour.

Where a tenancy is to be terminated, we request that RPs inform the Council's Housing Options team at the point Notice is served, in line with existing protocols (see also Pre-Action Protocol for Possession Claims by Social Landlords) and the National Housing Federation's Commitment to Refer.

Working in partnership with Registered Providers

The Council has working relationships with all RPs that operate within the district. The overarching aim of this section of the Tenancy Strategy is to ensure that measures are in place so that all social housing properties are affordable, well maintained and managed, safe homes.

Whilst the Council cannot dictate the policies and procedures of other RPs, in the interests of partnership working, we expect all RPs with landlord responsibilities in the district to consider the needs of South Holland residents and apply similar principles to our own.

The Council expects all RPs managing properties in South Holland to publish their policies online and make copies available to anyone who may request it.

Conclusion

South Holland District Council is committed to ensuring that - through this Strategy - the needs of our residents are being met and that local people have access to genuinely affordable homes. This Strategy demonstrates the Council's commitment to ensuring that by working with in partnership with RPs, the Council has the ability to shape the affordability and security of social housing managed in the district.

Governance and monitoring

The Strategy will be kept under review to take into account changes to Council strategies and policies, and changes to national legislation, regulation and guidance. We will aim to review the Tenancy Strategy within five years from the date it is introduced.

We have consulted RPs as part of drafting this Strategy and expect them to review their own tenancy policies following the introduction of this Tenancy Strategy.

Equality and diversity

The Council is committed to providing services which embrace diversity and promote equality of opportunity. As an employer, the Council is committed to ensuring equality and valuing diversity within its workforce. An Equality Impact Assessment has been undertaken on this Strategy and there are no additional mitigations required.