



Cherwell District Council Tenancy Strategy 2017

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1. Introduction to the Tenancy Strategy

The Tenancy Strategy continues to provide guidance for Registered Providers (RPs) operating in the Cherwell District Council area. It sets out the council's position on the provision of affordable housing including the use of Flexible Tenancies, Affordable Rents and the use of private sector tenancies for homeless households.

The Localism Act (2011) introduced a duty for Local Authorities to produce a Tenancy Strategy which outlines both the council's and Registered Provider's approach to issues which affect tenants living in Cherwell. Further legislation since then has also had impacts upon some of these same issues, affecting them in different ways. This Tenancy Strategy is an updated version of the document which ran between 2012 – 2015, and also incorporates the applicable changes of the more recent legislation.

The council supports the Government's aim to make best use of housing stock, focussing support on the most vulnerable people in society. We believe this can be achieved through greater freedom to respond to local circumstances. The Tenancy Strategy sets out the role of affordable homes as part of the broader housing market in Cherwell.

2. Vision and Objectives

Our **vision** is for good quality housing provision where successful tenancies can be sustained. This vision is at the heart of Cherwell District Council's aims to support vibrant, mixed communities and to achieve a district of opportunity.

The Tenancy Strategy is intended to promote clarity and fairness, and to offer a guide to Registered Providers who may manage stock on a wide geographical basis as to what Cherwell District Council's vision for its residents

encompasses. Cherwell District Council no longer owns much stock, having transferred its stock to two Housing Associations now both part of the Sanctuary Housing Group.

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

- To provide access to decent accommodation that people can afford
- To stimulate a diverse and resilient economy
- To provide opportunities for all the community

These objectives reflect thinking within the Cherwell Housing Strategy 2012–17 and the Cherwell Sustainable Community Strategy “**Our District, Our Future**”¹ as well as reflecting the council's approach in its Allocation Policy and the its Homeless Action Plan. These aims and objectives will also act as a thread running through future policies and strategies.

Scope of Cherwell's Tenancy Strategy

This Tenancy Strategy mainly covers the following areas, as required by Section 150 of the Localism Act (2011), but also:

- Flexible Tenancies
- Affordable Rents
- The Housing Register
- Using the private sector to house homeless people
- Disposals of social housing stock

Although the Voluntary Right to Buy does not fall into the category of prescribed policies in the Localism Act, it is included in this Tenancy Strategy update as it relates closely to the other subjects covered.

¹ www.cherwell.gov.uk/media/pdf/s/t/Sustainable_Community_Strategy.pdf

3. Background to Cherwell District Council's housing situation

Cherwell District Council covers a large geographic area within north Oxfordshire and is one of five district councils in Oxfordshire. As of September 2016, there are 8210 social properties in the district, split between the twenty two Registered Providers currently operating in the district who are managing stock, many of whom are also actively developing new affordable housing.

Population

› Distribution

There are approximately 144,500 people living in Cherwell district, according to mid-2014 estimates. Cherwell's main settlements are Banbury, Bicester and Kidlington which together account for 64% of the population of the entire district. The majority of the growth in population between 2001 and 2011 was in Banbury and Bicester.

The district has fewer mid-sized settlements than other rural districts in Oxfordshire. The rural make-up of the district is unusual, with a higher number than average of small settlements – 59% of parishes have fewer than 500 residents. Small settlements are considered less sustainable in planning terms and are less likely to have identified land supply for development.

› Ethnicity

The latest Office of National Statistics (ONS) results for ethnicity in Cherwell show that the area remains predominantly White British (83.6%), with the largest minorities being Other White (6.2%), Indian (1.3%), Pakistani (1.2%), Other Asian (1.2%), African (1%) and Irish (1%).

› Religion

The ONS also provided data showing that the most popular religions in Cherwell were Christianity (63.4%), Islam (2.3%) then Buddhism and Hinduism (both 0.4%).

Housing Need

Cherwell has high levels of housing need and demand. The council's Housing Register had over 1,000 applicants as of September 2016.

The annual number of lets, including supported properties, in the last five years are:

2011/2012	415
2012/2013	396
2013/2014	541
2014/2015	493
2015/2016	585

There is a high demand for private rented accommodation, partly fuelled by many residents being unable to buy on the open market due to inability to access mortgage finance (including the need for large deposits) and because of the high house prices in the district, which is especially stark when compared to average earnings in the district. The average house price in Cherwell for July 2016 was £292,251 (Source: Land Registry).



4. Housing Policy Background

Key National Policies

The Localism Act 2011:

- › All Local Authorities to have a Tenancy Strategy
- › Fixed Term Tenancy introduction
- › Rent model (Affordable Rent)
- › Housing Register eligibility criteria delegated to Local Authorities
- › Discharging of homelessness duties into the private sector
- › Social housing succession rights changes

Welfare Reform Act 2012:

- › Universal Credit roll out
- › Benefit Cap introduction
- › Spare Room Subsidy removal
- › Local Housing Allowance rate introduction

Welfare Reform and Work Act 2016:

- › Lowering of the Benefit Cap
- › 1% annual social housing rent reduction

Housing and Planning Act 2016:

- › Starter Homes
- › Self-build and custom house building
- › Voluntary Right To Buy
- › Vacant higher value Local Authority housing to be sold
- › Rents for higher income social tenants
- › Secure tenancies abolished
- › Disposals of social housing amended

All of the above legislation can be accessed independently at www.legislation.gov.uk

Key Local Policy

Housing Strategy

Cherwell District Council produced a Housing Strategy to meet the needs of the District's residents between 2012 – 2017, and will be updated to reflect the changing needs of the district in the future accordingly. It contains the following strategic priorities:

- › Strategic Priority One: Increase the supply and access to housing
- › Strategic Priority Two: Develop financially inclusive, sustainable communities
- › Strategic Priority Three: House our most vulnerable residents
- › Strategic Priority Four: Ensure homes are safe, warm and well managed
- › Strategic Priority Five: Prevent Homelessness (Cherwell's Homelessness Action Plan)
- › Strategic Priority Six: Maximise resources and be an investment-ready district.

5. Providing new affordable homes

Cherwell District Council sets itself a target for the number of new affordable homes it expects to be delivered. Between 2012 – 2016 that target was set out in the Housing Strategy as being 150 homes each year. This number has since increased to provide 190 affordable properties per year from 2016/2017 onwards. Over the last five years delivery has been as follows:

Year	Delivery
2011/2012	213
2012/2013	113
2013/2014	145
2014/2015	195
2015/2016	322

Delivery

There are four main streams for the delivery of the planned affordable housing, which are:

› Through Registered Provider led sites

The Homes and Communities Agency (HCA) signs agreements with Registered Providers to provide homes under the 2015 – 2018 **Affordable Homes Programme** and now the **Shared Ownership and Affordable Homes Programme 2016 – 2021**, and makes it clear that new homes should be provided with a minimum of public subsidy. Registered Providers are expected by the HCA to use their income generation facility through the use of affordable rent model together with their own resources to fund the building of new homes.

› Through s106 planning gain

Homes provided on market developments as part of s106 planning agreements should normally be provided without subsidy. Cherwell's Affordable Housing Viability Study 2010 recommends that this is achievable on sites if they do not have additional factors affecting viability.

› Build! ® project

Cherwell District Council has created its **Build! ®** programme (community led and self-build / self-finish housing) to deliver housing on sites

which might otherwise be non-viable for other Registered Providers to develop. The properties are partially built to pre-agreed levels, and then the tenants/purchasers are expected to complete the properties themselves. Proportional financial discounts are awarded to tenants on the basis that they are not buying a finished product, and are putting in time rather than money. The number of opportunities delivered through this scheme in the last 3 years is:

Year	Delivery
2013/2014	34
2014/2015	22
2015/2016	37

› Self-build properties

Following on from the success of the **Build! ®** programme the council wanted to ensure that it was helping to lead on the self-build initiative and offer this opportunity on a large scale to provide a different style of opportunity in the district, and so has established **The Graven Hill Village Development Company** to provide 1,900 self-build plots in Bicester.



6. Tenure options – flexible tenancies

› Aim of flexible tenure

The Localism Act gave Registered Providers the ability to offer flexible tenancies with the aim of making better use of existing homes in a diminishing market and encouraging tenants to use Affordable Housing opportunities as a springboard to other more aspirational tenures. The existing agreements between Registered Providers and their tenants are not affected and it is possible for Registered Providers to offer fixed term tenancies at social rent levels as well as at affordable rent levels. The affordable rent model is usually reserved for new build properties and a limited number of conversions.

The minimum recommended term for fixed term tenancies is two years, with five years as the norm, although the Housing and Planning Act (2016) gave an additional option of offering ten year fixed term tenancies, if the household has a child under the age of 9 years. The Housing and Planning Act also eliminating the use of lifetime tenancies in all but the exceptional circumstances detailed below.

Cherwell District Council wants to continue to see a balance of available tenancies which shows an effective use of stock and the wish to create sustainable communities where affordable housing tenancies can provide an opportunity for households to build a stable future, with children settled in school and where other community links can be developed. We want to continue to see a minimum of five year tenancies with the ten year tenancy option used where applicable, as this gives the option to review rents and keep them in line with any changes in the market. Very occasionally, for example on properties which are linked to employment or educational opportunities, a two year tenancy could be agreed.

We also believe that the use of fixed term tenancies can help ensure that properties adapted for use by disabled occupants can continue to be made available for those who need them; so ensuring that best value is obtained from limited

adaptation budgets.

› Making a clear offer to applicants

A variety of tenancies are available to new social tenants in Cherwell:

- › Fixed term tenancies at Social Rent (50% of market level rent)
- › Fixed term tenancies at Affordable Rent (80% of market level rent)
- › Starter tenancies (which has the option to convert to a fixed term tenancy after 1 year)
- › Introductory tenancies (which has the option to convert to a fixed term tenancy after 1 year)

Cherwell District Council wants tenants to be able to make informed choices about their housing options and will work with our Registered Provider partners to make the process of offering tenancies through the Choice Based Lettings system as clear and transparent as possible, so that applicants can understand and choose the option which is right for them, and we see this as an important part of the Registered Providers pre-tenancy work in explaining tenants' rights and responsibilities.

› Exceptions where lifetime tenancies should be offered

Cherwell District Council believes that for some residents the offer should still be a lifetime tenancy and would expect this to apply to long term supported housing for people with enduring mental health needs, learning disability, some types of physical disability and for older people in supported accommodation (but in most cases, not in adapted properties). This is because for these groups of people, social housing is likely to fill the need for a secure home; rather than act as a springboard to other tenures. A lifetime tenancy gives security to these tenants and their carers and families.

Cherwell District Council also wishes to follow the HCA recommendation of offering lifetime

tenancies to tenants who have been involved in self building or self finishing their homes as recognition of the engagement they have made in providing their own housing solution.

Specialist housing

› Properties with adaptations

Cherwell District Council expects that homes which have been purpose built or adapted to accommodate people with physical disabilities will be let on Flexible Tenancies. Adaptations are made to make it easier for people with physical disabilities to occupy their homes. Such adaptations can be expensive and it is important that as part of the best use of stock, homes are let to people who need them. Cherwell District Council believes that where there is a change of circumstances and the adaptations are no longer needed, the household should be re-housed. Flexible tenancies facilitate using stock in the most flexible way.

› Older peoples' housing

We would usually expect that lifetime tenancies are offered to people moving into specialist older people's housing, especially for people who are giving up a larger home and lifetime tenancy, and who might be put off from moving if a less secure tenancy is offered.

› Supported housing

We expect lifetime tenancies will usually be issued to tenants in specialist supported housing as homes for life, where health conditions mean that they require long term support or who have permanent disabilities. Where support is being delivered in these circumstances it may be more appropriate for support providers to assess whether residents have an improved level of independence which would enable them to move on as circumstances change rather than at a fixed point of tenancy review.

7. Tenancy review

At the end of a tenancy

The government guidance requires that the end of the tenancy period should be accompanied by a tenancy review, conducted in good time. Cherwell District Council believes that this should take place between 6–9 months from the date the tenancy is due to end. Registered Providers need robust arrangements in order to be aware of when tenancies are due for review.

We do not anticipate that homelessness will be an outcome for Registered Providers' tenants; but that a variety of options will be considered. Where the decision is made to not extend a tenancy, Registered Providers should be confident that tenants have received all the advice and support necessary to provide a new housing solution which better meets their needs and prevents homelessness. Where tenants who are over working age do not have their tenancy renewed we expect that the Registered Provider will make an offer of alternative accommodation that meets the needs of the tenants, using the stock allocation over which they have nomination rights.

Throughout the tenancy

The use of a flexible tenancy is to fulfil its aim for social housing to be a springboard to other opportunities it gives tenants the opportunity to take stock of their situation and to access relevant information about education, training, skills and work opportunities. Cherwell District Council expects that Registered Providers will be providing this support throughout a tenancy and not simply as an 'add on' at the time of tenancy review. The role of the Registered Provider can range from signposting existing provision to offering apprenticeships and other training opportunities.

8. Affordable Rents

Affordability

› Aim

Affordable Rent was introduced in order to raise funds to build further Affordable Homes. Registered Providers can charge up to 80% market rent levels – higher than the social rents previously charged. Affordable rents can be charged in new properties and on a proportion of re-let homes.

› Ability to afford

The government promotes work to reduce levels of benefit dependency, so it is important that rent levels do not deter tenants from entering employment.

In addition, the proposed introduction of Universal Credit (UC) is likely to have an effect on the ability to pay for those residents who are dependent on benefit payments to meet their rental responsibilities.

Cherwell District Council intends to review this approach and will take into account any further information that has been confirmed about the operation of Universal Credit.

The latest development on this front is the transitioning of single claimants from the previous system to Universal Credit, as part of one of the initial pilot schemes. As the roll-out continues to progress, more categories of applicants will be switched over from current system. Couples and family claimants are expected to be switched over to UC soon, as part of the overall national roll-out between now and 2021.

› Setting the level of a market rent

Registered Providers use the RICS User Guide “Market Rent” which was produced in association with the Homes and Communities Agency to assess market rents.

› Capping the level of Affordable Rent

Cherwell District Council continue to support the use of Affordable Rents because we want to see development in the district to meet the housing need of our residents whilst also understanding that Registered Providers have a need to generate income through higher rents to replace public subsidy, which has been lost in current grant programmes.

However, in order that the housing provided still meets local need, we believe that Affordable Rents should be capped at a level to match Local Housing Allowance. We want to avoid a situation where high rents prove a disincentive for people to take up employment or make tenancies which are unsustainable. The Cherwell district falls into two Broad Market Rental Areas for housing benefit purposes, Cherwell Valley and Oxford, of which the rents nearer to Oxford are considerably higher.

We expect Registered Providers to discuss with us the level of rent it will be reasonable to charge as Affordable Rent. Where Cherwell District Council has invested Capital Funding in a building or acquisition project, the council will have a greater say in the negotiation of rent levels, although we would expect all Registered Providers to charge rents that do not fall outside of the Local Housing Allowance rates for the local area.

Registered Providers should take into account the availability of property and the demographics of the district when setting rents. For example, in areas such as Kidlington where the availability of market and affordable properties is comparatively low, it will be important to retain a proportion of social rented properties. Market rents in rural areas can be extremely high while wages can be lower than average. We expect to discuss this with Registered Providers who are building in our villages. In these cases we anticipate rents may need to be set lower than 80% and we will work jointly with Registered Providers to assess information on local incomes. We will expect Registered Providers to take account of this information when setting rents. Where rents

appear to be unduly high the council will reserve the right to see and challenge the valuation. If necessary the council will refer rents to the Rent Officer service for adjudication.

› **Exceptions to Affordable rents**

The provision of supported housing is an important tool in preventing homelessness and improving the quality of life of many of Cherwell's vulnerable residents.

We require that supported housing properties are an affordable option for residents who need housing options with support. The levels of rent / service charge should not act as a deterrent to those service users who are in a position to seek or continue with employment while receiving housing related support.

To achieve this we require that the total sum of rent and service charge is still within the local housing allowance rates. This may mean that rents are set below 80% market rents, even if they are not set at social rent levels. Where new developments of supported housing are proposed we will work with Registered Providers to determine the rent levels required to offer a suitable product to our residents. We will scrutinise the affordability of combined rents and housing benefit charges where these do exceed local housing.

› **Conversions of re-let properties to Affordable Rent**

As a Local Authority, Cherwell District Council seeks to ensure that housing provision is good value for money and minimises public funding through Housing Benefit payments and we are concerned that a lack of properties set solely at the maximum affordable rent levels (80% of market levels) may lead to residents being placed in a "benefit trap", where they are discouraged from taking up employment because they would be unable to pay an Affordable Rent. The issue is particularly important in the south of the District, where private rents are comparatively

higher than the rest of the district. However, Cherwell District Council understands that there may still need to be a level of re-let properties converted to Affordable Rent in order to support new development. Therefore, Cherwell will support Registered Providers in converting up to one third of their re-let vacancies (excluding supported housing) to Affordable Rents, although affordability should still be monitored and is of the utmost importance to Cherwell District Council.

We require our Registered Provider partners to do the following:

- › Spread the number of conversions as evenly as possible throughout the year, so that a variety of rental levels are available
- › Select properties for conversion with an even distribution over the district (as far as possible)
- › Select properties for conversion predominantly from one and two bedroomed stock, allowing larger properties to be re-let at proportionately lower rent levels

We will monitor the number and proportion of conversions to ensure that:

- › no more than one third of rents are converted on re-let from social rent to affordable rent
- › a reasonable distribution of social rented opportunities exists across the district
- › rents and service charges do not exceed the Local Housing Allowance

Cherwell District Council expects that properties subject to existing s106 agreements will not be converted to Affordable Rent where a Social Rent is specified.

› **Monitoring the effect of Affordable Rents**

We will work with Registered Providers to monitor the effect of lettings at Affordable Rents, through the use of the RP Management Forums. We will monitor the bidding levels through Choice Based Lettings so that they can be compared to bids of

all let properties, and will ask Registered Providers to supply information on the sustainability of Affordable Rent tenancies. This information will then be used to review the policy where appropriate.

9. Disposals

Cherwell District Council is not generally in favour of the disposal of social housing stock but it is understood that at times the best solution may be for a Registered Provider to dispose of stock that has become surplus to requirements or is too costly to bring up to the required housing standards. We expect that particularly where a property has been given in trust to a Registered Provider, or where Cherwell District Council has invested in the property, any gain should be reinvested back into the Cherwell district.

Cherwell District Council maintains a close relationship with Registered Providers through the RP Development and RP Management Forums, through regular one-to-one meetings and through the annual Registered Provider appraisal processes and expects that part of the asset management decision making process by the owning Registered Provider will be a meaningful dialogue with the Local Authority. This dialogue is to ensure that adequate notice is given to the council of a proposal to dispose of a property in good time before any disposal occurs, to which the council will consider the variety of options available to it.

10. Mobility

Moving for employment/social and welfare reasons

Cherwell District Council supports the government's aim to make it easier for tenants who wish to move for employment or social and welfare reasons and expects that Registered Providers will offer assistance to their residents in these circumstances from the stock available to them through the nominations agreements.

Downsizing

Cherwell District Council expects all Registered Providers operating in its area to be open to their tenants wanting to downsize. Whilst the Spare Room Subsidy penalises Housing Benefit claimants who under-occupy social properties, downsizing also offers advantages of smaller, more accessible properties being easier and cheaper to run and also frees up much needed family accommodation for those that require it. Registered Providers should continue to be looking to see whether tenants who are in properties of a size they don't require would consider moving to smaller properties within their own stock, especially vulnerable tenants and older people, and offer a support service where necessary to facilitate a move. The council will also continue to work with Registered Providers to aid in this activity.



11. Housing Register

Cherwell undertook a review of its Housing Register in 2012, and then made amendments to it in both 2013 and 2015. The changes were in line with the freedoms granted in the Localism Act.

These changes were made in order to ensure that emerging households were being considered and to ensure the sustainability of new and existing communities.

The council will continue to monitor and review its Allocation Policy in light of the changing housing policy environment to ensure the policy remains both relevant and deliverable.

12. Discharge of homelessness duty through a private sector tenancy offer

Previously Local Authorities had the option of offering a private sector tenancy to households who have been found to be statutorily homeless, but the households did not have to accept the offer. The Localism Act has given Local Authorities powers to discharge their homelessness duty with a suitable private sector offer.

Cherwell District Council believes in a strong flourishing private sector, and seeks to build good relationships with effective private landlords through its Landlords' Forum and education work. We continue to promote the use of private sector tenancies as a valuable Housing Option where applicants can exercise choice, and control their own housing solutions. Where properties of suitable standard can be found at the right cost, Cherwell District Council will make offers of private sector accommodation.

13. Succession

The Localism Act provides for a right of succession for spouses and civil partners in fixed term assured tenancies provided that:

- (i) the tenancy is for a term of not less than two years;
- (ii) the landlord is a private registered provider of social housing; and,
- (iii) the tenancy agreement contains an express term allowing for succession. The intention is to ensure that affordable rent tenants enjoy similar rights of succession to those enjoyed by periodic tenants.

Where an assured shorthold tenancy becomes a family intervention tenancy and a new tenancy is then granted, that tenancy will also be a family intervention tenancy.

Under the Localism Act, the statutory right of succession to a secure tenancy for family members was abolished. Accordingly, succession will be limited to spouses, civil partners and those in equivalent relationships. This will not, however, affect existing secure tenancies.

Cherwell expects that its Registered Providers will act according to the provisions of the appropriate legislation.



14. Voluntary Right To Buy

As a local authority, we are supportive of creating new opportunities for those who wish to get onto the property ladder and own their own home. However we are also acutely aware that the need to maintain the availability of affordable rented accommodation in Cherwell District is also paramount, with needs only increasing.

Cherwell District Council support RPs offering the opportunity for tenants to purchase their homes where eligibility and availability avail themselves, however we ask that the following criteria be considered for creating an exemption for specific properties;

- › Properties in rural locations, which have less than 3000 persons
- › Designated elderly person accommodation
- › Specialist or supported forms of housing
- › Disabled adapted properties – secured through planning obligations
- › Shared accommodation

We also request that Cherwell District Council be kept informed of any proposed Right to Buy purchases, similar to how the council is currently informed of any disposals which are proposed by Registered Providers. This is to ensure that the council maintains a robust and up to date understanding of the affordable housing stock which it has in the district.

15. Governance – monitoring and reviewing

Cherwell District Council monitors and reviews the Tenancy Strategy in co-operation with individual Registered Providers. This includes reviewing Registered Providers records of tenancy sustainment. The RP Management Forum will

support the council in assessing the effectiveness of the strategy, by analysing trends in housing need and homelessness.

Registered Providers will be expected by their regulator to have their own set of tenancy policies and Cherwell District Council will support them in monitoring and reviewing their success through the appraisal process.

16. Risk

Cherwell District Council has a strong, preventative approach to homelessness, which is covered by Cherwell's Homeless Prevention Action Plan. Through our Housing Strategy we want to create an environment which enables people to be part of their own housing solutions and see the support offered during a social housing tenancy and at the end of the tenancy as a contributory factor.

We aim to mitigate risk through careful discussion with Registered Providers about rent levels, tenancies and affordability on both new properties and conversions; through partnership working to improve tenants' financial circumstances and by continuing our successful prevention work offered through the Housing Options team's Early Intervention Protocol.

17. Equalities

This document is subject to an Equality Impact Assessment.

Cherwell District Council expects Registered Providers to carry out Equality Impact Assessments when devising their own tenancy policies.

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The information in this document can be made available in other languages, large print braille, audio tape or electronic format on request. Please contact 01295 227001

Jeżeli chcieliby Państwo uzyskać informacje w innym języku lub w innym formacie, prosimy dać nam znać. 01295 227001

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