

**Medway Tenancy Strategy 2024**

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**Introduction from Chief Housing Officer – Rebecca Wilcox**

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## Introduction

The Localism Act 2011 requires local authorities to develop a Tenancy Strategy to guide Registered Providers of social housing in their area in developing tenancy policies for their own stock and it requires the Registered Providers to have due regard to the strategy.

The Act introduced flexible tenancies which can be offered for a minimum of two years and indicate the move away from life-long social housing tenancies, to tenancies for a period of housing need.

This updated Tenancy Strategy takes account of changes in the legislation and sets out how the council will use fixed term tenancies to make the most effective use of its housing stock in meeting the needs of people unable to find suitable accommodation through the open market. Medway Council recognises the valuable role social landlords play in meeting housing need. It hopes that they will have due regard to the principles of this strategy whilst recognising they work across borough boundaries.

The Social Housing Green Paper, published in 2018, proposed a new deal for social housing. In November 2020, this was published its White Paper, The Charter for Social Housing Residents, which affirms social rent homes as places where residents can put down roots and build communities.

Residents should have control over their lives and homes as this can help to build thriving communities and offering secure tenancies supports this.

This discusses the use of fixed term tenancies and states the government is proposing it does not make fixed term tenancies

mandatory for local authorities whilst recognising the benefits of fixed term tenancies and still permitting the use of introductory and fixed term tenancies by social landlords.

The aim of the tenancy strategy for Medway is to ensure that both the council and other local housing providers manage tenancies in the most effective way, allocating to those who need it most and providing security for households across Medway.

## Council Values and Priorities

The One Medway Plan sets out how we will provide the best possible services for our residents, our priorities, and ways of working. Our five key priorities are:

- Delivering quality social care and community services
- Benefiting from good education, quality jobs and a growing economy
- Enjoying clean, green, safe and connected communities
- Improving health and wellbeing for all
- Living in good-quality, affordable homes.

The One Medway Plan can be found here  
<https://www.medway.gov.uk/onemedwayplan>

Our values and behaviors are at the heart of what we do, defining us as an organisation and underpinning how we work with others:

- **We are Caring** – compassionate towards our communities and colleagues
- **We are Respectful** – valuing Medway's diversity, heritage and each other
- **We are Trusted** – we do what we say, are open and accountable
- **We are Ambitious for Medway** – innovative, bold and positive

- **We are Collaborative** – working together – One Medway
- **We are Proud to be Medway** – taking pride in what we do.

The Housing Strategy to 2030 sets out how we aim to improve housing within Medway and our priorities which are to;

1. Supply – increase affordable housing supply
2. Quality – driving up housing standards
3. Participation – involving Medway Housing Tenants and other residents so they can have a say
4. Independence- helping people to stay living in their own homes

Our full Housing Strategy to 2030 is available on our website: (link to be added when live)

The Homelessness Prevention and Rough Sleeping Strategy 2025-2029 is currently being written, and will likely set out 4 main priorities:

- Prevention of homelessness
- Relief of homelessness
- Accommodation
- One Medway Approach

The strategy sets out how we aim to reduce homelessness in the Medway area.

The 2019-2024 strategy can be found here:

[https://www.medway.gov.uk/downloads/file/8217/strategic\\_housing\\_homelessness\\_and\\_rough\\_sleeper\\_strategy\\_2019\\_to\\_2024](https://www.medway.gov.uk/downloads/file/8217/strategic_housing_homelessness_and_rough_sleeper_strategy_2019_to_2024) and its action plan is monitored quarterly.

The Allocations Policy 2019 aims to ensure that the limited number of social homes available are allocated to those in greatest housing

need as set out in the legal definition of reasonable preference. Our full Allocations Policy can be accessed here:

[https://www.medway.gov.uk/downloads/file/1509/strategic\\_housing\\_allocations\\_policy](https://www.medway.gov.uk/downloads/file/1509/strategic_housing_allocations_policy)

The Allocations Policy is designed to meet all legal requirements and support the objectives of Medway's Housing Strategy. The key objectives of the Allocations Policy are to:

- Provide a fair and transparent system by which people are prioritised for social housing
- Help those that are most in housing need
- Promote the development of sustainable communities
- Encourage tenants to take up employment and training opportunities
- Provide greater flexibilities for the movement of existing social housing tenants
- To assist in the mitigation of the impact of welfare reform
- Recognise applicants that are making a contribution to their local community

The council has had due regard to these documents when drafting this Tenancy Strategy.

Medway's Profile

Medway, sitting in the north of the county is the only unitary authority in Kent. According to the 2021 census there is an estimated population of 282,702, making up 111,457 households.

## Local Housing Market

The 2021 census showed 13.6% of households in Medway lived in socially rented homes, showing a lower proportion of socially rented homes than for Kent (13.9), the southeast (13.7) or England and Wales (17.6%). The number of social rented households in Medway has increased by 8.1% since 2011. In the same period the average house price has increased by 95.5% to around £303,000.

On the 1<sup>st</sup> April 2024 the council owned and managed 3023 lettable homes. During the year 2022/23 approximately 6.4% of the stock became available for reletting. Currently 93.5% of council owned properties meet the Decent Homes standard. The council lets properties at both social and affordable rates. During the year 2022/23 the average weekly rent for social properties was £87.30 and £148.67 for affordable properties.

Other social landlords manage a further 12396 lettable homes and approximately 4 % of their stock became available for reletting.

The main issues Medway faces regarding housing are:

- Demand for affordable housing currently outpaces demand.
- High levels of homelessness
- The high cost of renting in the private rented sector

The local housing allowance is lower than the private sector rents, leaving tenants with a rent shortfall to top up. A buoyant housing market leaves a significant section of the population unable to afford to buy a home in Medway. These factors can lead to a large number of households seeking the lower rents found in the socially rented sector. Currently 64.6% of Medway Council tenants are in receipt of housing benefit indicating they would be unable to afford to buy their own home and may struggle to pay the rent in a privately rented home.

On 31 March 2024 there were 2,271 households registered with Homechoice in active bands A-D with a housing need, 410 registered for sheltered housing or extra care accommodation only. Additionally, there are 2,874 people who have applied but are on the inactive register.

## Background

The original tenancy strategy was developed in 2012 in response to the Localism Act 2011 which required local authorities to publish a Tenancy Strategy. The strategy set out how different terms of tenancies would be used by Medway Council and recognised that with the limited number of social rented homes available it is important to manage the stock as effectively as possible to assist those in greatest housing need.

The Localism Act 2011 and then the Housing and Planning Act 2016 amended the Housing Act 1985 and the Housing Act 1996 to reform social tenancies. Social housing no longer has to be let as a lifelong tenancy and social housing providers can choose to let a home on a fixed term tenancy.

Medway Council previously offered Flexible tenancies, however following a successful introductory period the decision was made to revert to offering secure tenancies.

Medway Council uses a small number of its homes for households in temporary accommodation. These households are given a licence to occupy until they leave temporary accommodation.

The Regulator of Social Housing published new Consumer Standards in April 2024, including new Tenancy Standards. Medway Council is dedicated to meeting the requirements of this standard and aim to deliver accommodation and services that meet the needs of our tenants.

Medway Council expects all Registered Providers with stock in the Medway area to have their own clear and accessible policies on their approach to tenancy management.

#### Consulting with social landlords

Medway Council will continue to consult with both social landlords with stock in the Medway area, as well as Medway Council residents. The consultation will run online, and landlords and tenants will have six weeks to respond. The responses of the consultation are considered for the final draft of this consultation, prior to publication.

#### Tenancy Preferences

The Localism Act 2011 requires local authorities to publish a tenancy strategy setting out the matters to which the registered providers of social housing for its district are to have regard in formulating policies relating to;

1. The types of tenancies they grant,
2. The circumstances in which they will grant a tenancy of a particular type,
3. Where tenancies are granted for a certain term, the lengths of the term, and
4. The circumstances in which they will grant a further tenancy on the coming to an end of an existing tenancy.

Medway Council will let its socially rented stock in accordance with the guidance below and encourages other social landlords to consider these options.

#### Introductory Tenancy

**Introductory Tenancies** are usually granted for 12 months. They allow the Landlord and Tenant to test whether the tenancy is suitable. At the end of a satisfactory introductory tenancy a fixed term tenancy or secure tenancy, could be granted.

Medway Council offer households an introductory tenancy that do not currently have a social tenancy.

They can be extended by six months in the circumstances described in section 125A Housing Act 1996, if there are rent arrears on the rent account, or that the tenant has been involved in anti-social behaviour.

At the end of a satisfactory introductory period, Medway Council will grant the tenant a secure tenancy, in most cases.

#### Secure Tenancy

**A secure tenancy** is usually a lifetime tenancy. Non-Local Authority social landlords cannot issue secure tenancies, they will offer Assured Tenancies instead.

Alongside offering a secure tenancy following the satisfactory introductory period, Medway Council may offer a Secure Tenancy in the following circumstances:

- where The Council required the tenant to move home on a like for like basis.
- where the tenant has moved into specially designated housing, including sheltered housing and extra care

housing, having completed a satisfactory introductory tenancy if a new tenant.

**The Domestic Abuse Act 2021** places additional obligations on social landlords. For those who have fled domestic violence and previously held any Secure Tenancy (other than flexible or fixed), they retain their secure tenure if they are offered alternative social housing because of the domestic abuse.

This means that those who have **not** lost a secure social tenancy because of Domestic abuse, do not have to be offered a secure, social tenancy.

#### Flexible term tenancies

**Flexible tenancies** could be offered to households following a satisfactory introductory tenancy or to make use of limited housing stock. During this period the tenant has most of the same rights as a secure tenant, including security of tenure but after the initial period, the social landlord can choose to recover possession of the property or to grant a further tenancy.

Medway Council do not commonly offer flexible term tenancies, however other social landlords in the Medway area may wish to use these more frequently. Generally, flexible tenancies are issued for up to five years, but this can vary.

Medway Council will consider offering a flexible tenancy in some circumstances. For example:

- To families with Limited Leave to Remain. This may assist vulnerable groups such as people fleeing domestic abuse with a Destitute Domestic Violence Concession (DDVC) in securing somewhere safe to live.

- To those who have previously been evicted due to ASB, rather than a secure tenancy.

When a flexible tenancy is coming to an end, before a further fixed term tenancy will be granted Medway Council will consider:

- The tenants' financial circumstances and their ability to access appropriate accommodation through the private housing market
- The level of occupation of the home and any special requirements members of the household may have regarding their health and wellbeing.
- General conduct of the tenancy (only to be used in extreme situations such as serious rent arrears or anti-social behaviour cases)
- The tenants' eligibility to access social housing stock and public funds.

We anticipate that most flexible tenancies will be renewed however it is possible that the make-up of the household has changed, and another property would be more appropriate or that the household no longer needs a socially rented home.

Following a Department of Communities and Local Government consultation exercise in 2012, the government introduced a discretionary power that allows social landlords to charge the full market rent to tenants with an income of £60,000 or more. The scheme is known as 'pay to stay' and has been adopted by Medway Council for its tenants.

#### Tackling Anti-Social Behaviour (ASB)

Medway Council are aware of the negative effects ASB can have on neighbours and a local community. Where possible, the Council will attempt to work with those both causing ASB and those

experiencing the effects of ASB in the community to achieve the best outcome for everyone involved.

Offering different kinds of tenancies can be one way of managing ASB.

If a tenant, household member or their visitors are found to be involved in ASB in the property, the council will consider the use of the following tenancies:

#### Family Intervention Tenancy

**A family intervention tenancy (FIT)** could be used to support families who have been involved in anti-social behaviour. FITs came into force on 1 January 2009 and were introduced by the Housing and Regeneration Act 2008.

FIT Tenancies can only be offered in certain circumstances.

FITs can only be offered for the purposes of providing behavioural support services to tenants against whom a possession order:

- has been made in relation to a secure or assured tenancy on the grounds of antisocial behaviour.

Families offered a FIT, must engage in a Behaviour Support Agreement and will usually last between 6 to 12 months.

Medway Council will offer these tenancies to support families involved in ASB, to attempt to prevent these families from becoming homeless.

#### Demoted Tenancies

Where there are instances of ASB that are persistent, Medway Council can apply to the court to demote a tenancy. This usually happens when a tenant, household member or visitor:

- Is involved in ASB
- Uses the property for illegal activity
- Threatens to behave in this way.

Demoted Tenancies last for 12 months, and tenants lose many of the rights they have during a secure or flexible tenancy.

When considering prospective tenants Medway Council will consider offering a flexible tenancy to those who have previously been evicted due to Anti-Social Behaviour (ASB). This would be following a successful introductory period if the person does not currently hold a social tenancy.

#### Safeguarding vulnerable tenants

Medway Council is dedicated to ensuring that our most vulnerable tenants receive the support they need.

This will include working with other teams within the council and external partners such as:

- Social Care to make sure those with additional care needs have the appropriate care packages and broader support in place.
- Housing Options to support households that are at risk of homelessness.
- Relevant Housing Teams, working alongside Social Care services, to make sure those with disabilities have correct adaptations made to their homes.
- Multiagency Meetings – for instance the Vulnerability panel

**Tenancy sustainment team**

Medway Council employs a small tenancy sustainment team who provide specific support for our tenants. This includes support with things like applying for the correct benefits and any appropriate grants, assistance with budgeting and rehousing application. The team also assist new tenants with utility connection and other services.

**Complaints**

Medway Council will have regard to the Regulator of Social Housing's Consumer Standards as well as following The Housing Ombudsman's complaint Handling Code.

**The Housing Ombudsman Compliant Handling Code**

Both Medway Council and Registered Providers of social housing are required to comply with the Housing Ombudsman's Complaint Handling Code. New requirements were set in April 2024.

As a landlord of social housing, Medway Council must submit a self-assessment annually to the Ombudsman.

If a tenant has an issue with their home, Medway Council support the Government's Make Things Right campaign and will endeavour to work with tenants to resolve any issues and inform them of their rights.

Medway Council's complaint policy is clear and accessible to anyone who needs to access it.

[https://www.medway.gov.uk/info/200422/complaints/470/make\\_a\\_complaint\\_about\\_a\\_medway\\_council\\_service](https://www.medway.gov.uk/info/200422/complaints/470/make_a_complaint_about_a_medway_council_service)

**Monitoring**

This Tenancy Strategy will be reviewed in line with legislation, regulations, best practice, or operational issues.