

Appendix A

Copy of Kettering Borough Council's response to the Government's consultation document:



LOCAL DECISIONS: A FAIRER FUTURE FOR SOCIAL HOUSING Response from Kettering Borough Council

Question 1: As a landlord, do you anticipate making changes in light of the new tenancy flexibilities being proposed? If so, how would you expect to use these flexibilities? What sort of outcomes would you hope to achieve?

A significant proportion of the Council's customer base comprises elderly and vulnerable people who will have an ongoing need for long term social tenancies. However, the Council does anticipate making some use of the new tenancy flexibilities as these will enable us to make match lettings policies to local needs more easily and enable us to make more efficient use of the housing stock. In particular, we envisage making use of the flexibilities to enable applicants to take up employment opportunities through short term tenancies. We believe that the flexibilities can also be used to help create and sustain broadly-based communities on council housing estates. Greater flexibility can also help to create a more level playing field between the different forms of tenure that might be available in particular localities.

Question 2: When, as a landlord, might you begin to introduce changes?

We would initially introduce flexible tenancies in selected localities on a pilot basis following the passing of the necessary legislation. .

Question 3: As a local authority, how would you expect to develop and publish a local strategic policy on tenancies? What costs would you expect to incur?

We would take a collaborative approach to the development of a strategic policy on tenancies. This would be similar to the process that we follow in reviewing and updating our Housing Strategy. We would work closely with elected members, tenants, housing applicants, community groups and voluntary agencies as well as with the twenty registered providers who operate in Kettering. We anticipate, however, that there may be difficulty in achieving engagement from some national registered providers who operate across many local authority areas.

At this stage it would be difficult to specify costs explicitly but there would inevitably be substantial opportunity costs associated with the development of a

strategic policy on tenancies. If officers are engaged in developing a strategic policy, then there will be other work that will not be done.

Question 4: Which other persons or bodies should local authorities consult in drawing up their strategic tenancy policy?

We would expect to consult a wide range of organisations and individuals including elected members, tenants, housing applicants, community groups, faith groups, voluntary agencies, housing associations, PCT's/GP consortia, local hospitals, employers, police, adult social care and the children and families department.

Question 5: Do you agree that the Tenancy Standard should focus on key principles? If so, what should these be?

We believe that the Tenancy Standard should focus on key principles rather than detailed prescription. The Tenancy Standard should aim to achieve fairness and clarity in allocation policies but beyond that it should be left to local authorities to devise a menu of tenancy options that meet local needs and maximise customer choice.

Question 6: Do you have any concerns that these proposals could restrict current flexibilities enjoyed by landlords? If so, how can we best mitigate that risk?

We do not consider that the proposals will restrict any current flexibilities.

Question 7: Should we seek to prescribe more closely the content of landlord policies on tenancies? If so, in what respects?

We do not believe that it is appropriate for DCLG to prescribe the content of landlord policies on tenancies. To be effective and to gain the acceptance of all stakeholders, it is essential that such policies are based on local needs and considerations rather than national policies. In addition, we would argue that national prescription of landlord policies would run counter to the Government's localism agenda.

Question 8: What opportunities as a tenant would you expect to have to influence the landlord's policy?

In Kettering, tenants can influence our landlord policies through the Tenants Forum, which is a formal committee of the Council that meets every month. Tenants also participate in the Tenants Forum Monitoring Group which scrutinises, on an on-going basis, the effectiveness of landlord policies and the Council's performance as a landlord.

For major initiatives, such as tenancy reform, we would arrange ad hoc consultation exercises so that our tenants could specifically discuss and respond to these proposals. In the past, these exercises have included focus groups, door-to-door surveys, postal questionnaires and "speed dating" events.

Question 9: Is two years an appropriate minimum fixed term for a general needs social tenancy, or should the minimum fixed term be longer? If so, how long should it be? What is the basis for proposing a minimum fixed term of that length? Should a distinction be drawn between tenancies on social and affordable rents? If so, what should this be? Should the minimum fixed term include any probationary period?

Many of our newer tenants are young people with complex social needs. They need considerable support to maintain their tenancies and often require help to develop life skills in diverse areas such as household budgeting, healthy cooking, and personal health. Some people need help to build-up their skills and experience so that they can get a job whilst others will have recently left prison or other long term institutional settings. Many others may have had a history of substance misuse or poor mental health. It is our view that a two years fixed term tenancy is much too short for tenants such as these who are vulnerable and require support. We believe that a minimum five year term is more appropriate in these cases as this will provide a degree of stability for tenants; many of whom have had chaotic lives.

A two year fixed term can be appropriate where a tenancy is being granted for employment reasons or where an objective of a local lettings policy is to create a broadly –based and balanced community.

We believe that it is appropriate that the fixed term tenancy should follow the probationary period.

Question 10: Should we require a longer minimum fixed term for some groups? If so, who should those groups be and what minimum fixed terms would be appropriate? What is the basis for proposing a minimum fixed term of that length? Should a distinction be drawn between tenancies on social and affordable rents? If so, what should this be?

Our view is that a minimum period of five years with a review would be appropriate for most groups of customers although we would be content with a two year fixed term where a tenant is moving into the area to take up a job.

Question 11: Do you think that older people and those with a long term illness or disability should continue to be provided with a guarantee of a social home for life through the Tenancy Standard?

We agree with the proposal to guarantee a social home for life for older people and those with a long term physical or mental illness or disability

Question 12: Are there other types of household where we should always require landlords to guarantee a social home for life?

There are no other categories of household which should, on principle, be guaranteed a social home for life.

Question 13: Do you agree that we should require landlords to offer existing secure and assured tenants who move to another social rent property a lifetime tenancy in their new home?

We think that it is appropriate that existing tenants should retain the contractual rights associated with their original social tenancy as this is a fair and equitable position. Also, any attempt to reduce security of tenure would mean that a great many tenants would be reluctant to move from their present home; thereby reducing mobility.

Question 14: Do you agree that landlords should have the freedom to decide whether new secure and assured tenants should continue to receive a lifetime tenancy when they move?

Our view is that it would be more appropriate and practical for local authorities to devise a local policy based on local circumstances and needs rather than deal with this on a case-by-case basis.

Question 15: Do you agree that we should require social landlords to provide advice and assistance to tenants prior to the expiry of the fixed term of the tenancy?

We firmly believe that social landlords have a clear role in providing appropriate advice and assistance to their tenants so that they are able to make informed choices about their housing options.

At Kettering, we operate a HomeMove service for our tenants which provides practical support and advice to tenants who wish to downsize to a smaller home. The practical help we provide for tenants includes assistance with home removals, packing and dealing with public utilities on behalf of tenants.

Question 16: As a landlord, what are the factors you would take into account in deciding whether to reissue a tenancy at the end of the fixed term? How often would you expect a tenancy to be reissued?

The factors that we would take into account in deciding whether to reissue a tenancy would include the household's conduct of its existing tenancy, rent payment record, current employment status, health, the availability of other suitable options and the potential impact on the household if it were asked to vacate its current home. We would take particular note of whether a household would be likely to become homeless in the event that it was asked to vacate its home.

Because the circumstances of individual households could be expected to vary considerably, it is difficult to estimate precisely how often a tenancy would be reissued. However, given the vulnerability of a significant proportion of social tenants we would expect reissued tenancies to be a fairly common occurrence.

One area where we anticipate practical difficulties concerns tenants living in rural areas. There are unlikely to be viable alternative housing options for tenants

living in affluent villages. In such cases, would we require tenants to move to urban locations?

Question 17: As a local authority, how would you expect to use the new flexibilities to decide who should qualify to go on the waiting list? What sort of outcomes would you hope to achieve?

After taking into account the reasonable preference categories, we would expect to use the new flexibilities to give preference to local residents, households who are moving to take up a job or a training opportunity. We would also consider restricting entry to the housing register to those households with a clear housing need.

The outcomes that we would wish to achieve include more balanced and sustainable communities on our housing estates and a local housing register that took account of the range of local needs.

Question 18: In making use of the new waiting list flexibilities, what savings or other benefits would you expect to achieve?

By restricting entry to the register to those households with a clear housing need, we would reduce the bureaucratic burden of administering the considerable number of applications from households that are already in satisfactory accommodation.

Question 19: What opportunities as a tenant or resident would you expect to have to influence the local authority's qualification criteria?

Please see our answer to question 4

Question 20: Do you agree that current statutory reasonable preference categories should remain unchanged? Or do you consider that there is scope to clarify the current categories?

We are satisfied that the current reasonable preference categories work well in practice and there is therefore no case for changing these.

Question 21: Do you think that the existing reasonable preference categories should be expanded to include other categories of people in housing need? If so, what additional categories would you include and what is the rationale for doing so?

As we are satisfied that the current reasonable preference categories work well, we do not think there is any merit in expanding them.

Question 22: As a landlord, how would you expect to use the new flexibility created by taking social tenants seeking a transfer who are not in housing need out of the allocation framework? What sort of outcomes would you hope to achieve?

Our view is that an integrated allocations system covering both transfers and general allocations can work perfectly well providing preference is given to certain transfer requests such as where tenants wish to downsize to smaller accommodation. At Kettering, our choice based allocations system places tenants who wish to transfer to smaller properties in the second highest priority band.

Question 23: What are the reasons why a landlord may currently choose not to subscribe to a mutual exchange service?

We can see no practical reason why a landlord would not want to subscribe to a mutual exchange service and we do subscribe to the House Exchange service.

Question 24: As a tenant, this national scheme will increase the number of possible matches you might find through your web-based provider but what other services might you find helpful in arranging your mutual exchange as well as IT-based access?

Our experience with the HomeMove service is that tenants appreciate practical help with issues such as house removals and transferring accounts with public utilities.

Question 25: As a local authority, how would you expect to use the new flexibility provided by this change to the homelessness legislation?

We would wish to explore the feasibility of discharging our homelessness duty by using accommodation in the private rented sector. However, we do believe that local authorities will need to have robust structures in place for inspection and accreditation of private sector properties as a prerequisite.

In addition, our experience suggests that both tenants and landlords will benefit from readily-accessible support from the local authority if private tenancies are to be sustained.

Question 26: As a local authority, do you think there will be private rented sector housing available in your area that could provide suitable and affordable accommodation for people owed the main homelessness duty?

We believe that there is a largely untapped supply of good quality residential properties in the private rented sector in Kettering. Our view is that many of these could be utilised for people who are owed a homelessness duty. However, to reiterate a point made in our answer to question 25, both landlords and their tenants would require support from the Council. This is because many newer landlords lack experience in dealing with vulnerable tenants with complex needs and are often reluctant to cater for this part of the market.

At a recent meeting of our Landlords Forum, several landlords stated that they would stop providing accommodation for low income households if, firstly, Local Housing Allowance rates forced their rents down and, secondly, they did not receive direct payments from the Council. Therefore, our ability to discharge duty

in the private rented sector may be compromised by the outcome of forthcoming changes to Local Housing Allowance.

Question 27: Do you consider that 12 months is the right period to provide as a minimum fixed term where the homelessness duty is ended with an offer of an assured shorthold tenancy? If you consider the period should be longer, do you consider that private landlords would be prepared to provide fixed term assured shorthold tenancies for that longer period to new tenants?

Although we would support a 12 month minimum fixed term tenancy, our experience is that currently very few landlords grant a tenancy with a term of more than six months. For landlords to grant longer periods as a matter of routine, it would be necessary to work intensively with many of them to develop their confidence and capacity and to provide on-going support for those occasions where there are problems. In our locality, landlords tell us that this is a key factor, rather than financial incentives, in deciding whether to provide accommodation for more vulnerable customers.

Question 28: What powers do local authorities and landlords need to address overcrowding?

In Kettering, we encounter very few cases of overcrowding although with the forthcoming changes to Local Housing Allowance, there is a danger that some larger households may become overcrowded as they move into properties that fall within the LHA cap.

Given the nature of our caseload, we consider the current powers to be satisfactory.

Question 29: Is the framework set out in the 1985 Housing Act fit for purpose? Are any detailed changes needed to the enforcement provisions in the 1985 Act?

Our view is that the framework in the 1985 Housing Act should be revised and updated to reflect contemporary housing needs and lifestyles.

Question 30: Should the Housing Health and Safety Rating System provide the foundation for measures to tackle overcrowding across all tenures and landlords?

Our view is that the complexity of the Housing Health and Safety Rating System can sometimes frustrate prompt action where overcrowding is found. There may well be grounds to introduce other measures specifically to tackle overcrowding.