



Tenancy Strategy 2024-2029

Introduction

Welwyn Hatfield Borough Council, is committed to providing high quality housing, thriving neighbourhoods and sustainable communities. A contributory factor to achieving this is to ensure that all tenants in the borough hold tenancy agreements that offer them the highest levels of security possible, and that they know and understand their rights and responsibilities.

The council's previous tenancy strategy published in 2012 set a preference for the use of flexible fixed term tenancies underpinned by the council's aim to make best use of its housing supply. The flexibility for local authorities to introduce this type of tenancy in place of secure lifetime tenancies was initiated by the Localism Act 2011. In 2022, a full review of our tenancy strategy and the use of flexible fixed term tenancies was undertaken to determine if outcomes have met the council's objectives.

The Tenancy Strategy for 2024-2029 has been revised to take into account the outcomes identified in that review.

Purpose

The Localism Act 2011 introduced a duty for local authorities to produce a Tenancy Strategy, the purpose of which is for Welwyn Hatfield to set out what the council, and other Registered Providers of social housing in the borough, are required to consider when developing or reviewing their Tenancy Strategy. This includes:

- The kinds of tenancies they grant.
- The circumstances in which they will grant tenancies of a particular type.
- Where they grant tenancies for a fixed term, the length of those terms.
- The circumstances in which a tenancy may or may not be reissued at the end of the fixed term, in the same property or in a different property.

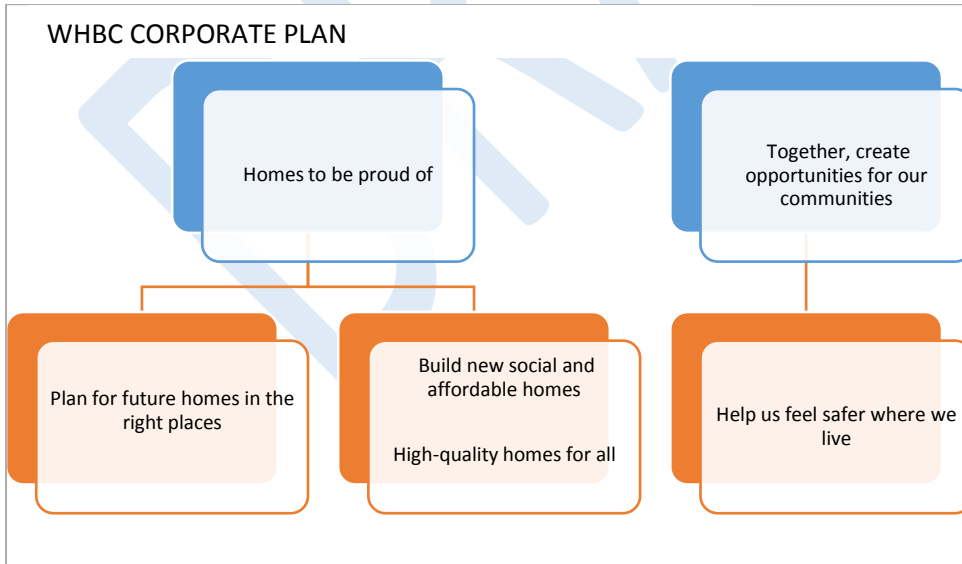
In preparation of this Tenancy Strategy, the council has had regard to its current Allocation Scheme (which is currently under review), WHBC's Homelessness Housing and Rough Sleeping Strategy 2019-2024 and the Local Plan. Whilst private sector landlords and agents are not required to have regard to the Strategy, it does contain recommended good practice for private landlords and letting agents to support our commitment to quality of tenancy throughout our borough.

A copy of the Tenancy Strategy is available at our offices free of charge. It is also published on our website.

Our Corporate Focus



The council's business plan sets out five corporate objectives and the Tenancy Strategy is linked to the following corporate objectives:

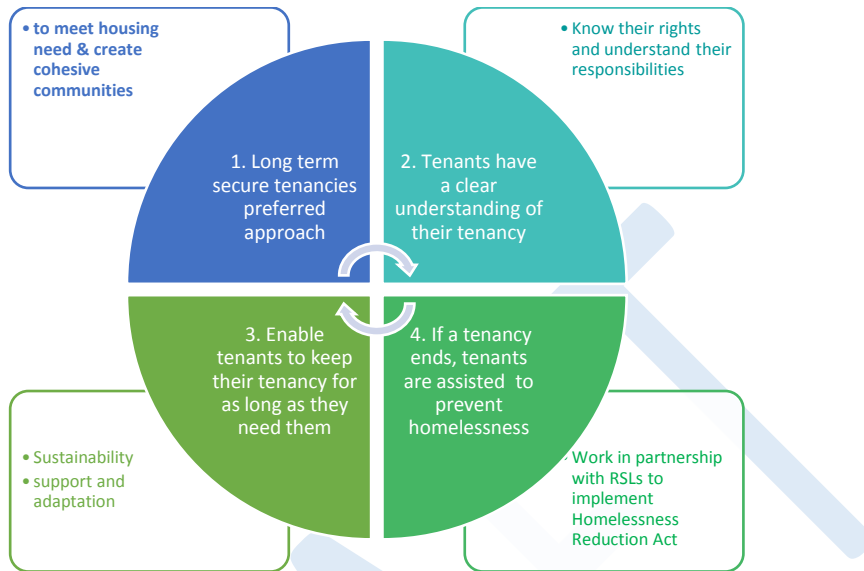


Our Vision

Our Corporate Plan 2024-2027 and our Housing Homelessness and Rough Sleeping Strategy 2019-24, make clear that good quality homes residents can be proud of, enjoy settled, secure and healthy lives, in thriving neighbourhoods and sustainable communities, is a key ambition for the council.

We commit to using our influencing role and the legal powers available to us to set high standards for tenancies in our borough so that our tenants have the safety, security, and independence, living in a good home should bring.

Our Tenancy Strategy Objectives



National Context

The Localism Act 2011 made it mandatory for all Local Authorities to have a Tenancy Strategy. Their purpose is to set out matters, which all social housing providers in the area, must consider when framing their own tenancy policies.

In addition to the mandatory requirement to have a Tenancy Strategy, the Localism Act 2011 introduced new discretionary flexibilities for housing providers to offer social housing tenancies for a fixed term instead of life-time tenancies. The key aims behind the Government's introduction of flexible fixed term tenancies were to:

- Make the best use of council stock
- Increase mobility
- Target social housing for those in genuine need
- Support tenants to take up work
- Support tenants into other housing options
- Support vulnerable/young people to develop skills to maintain tenancies
- Tackle ASB and other tenancy issues

Nationally there was a relatively low take up of the use of fixed term tenancies by social landlords. Of those social landlords who did adopt fixed term tenancies, many already have or are now looking to discontinue using them.

Apprehension crept in as the earlier fixed terms came to an end, that flexible fixed term tenancies were not achieving their aims. The Government commissioned research from Heriot Watt University who conducted a study on the effectiveness of flexible tenancies.

The policy recommendations presented to the government by the researchers were that the 'Fixed Term Tenancy' policy framework for social housing should be abandoned.

The Government no-longer champions the use of flexible fixed term tenancies in social housing and discarded further plans to make them mandatory, as put forward in the Housing and Planning Act 2016.

The Social Housing (Regulation) Act 2023 introduced revised Economic and Consumer Standards to be introduced alongside a new Statutory Code of Practice from April 2024. All registered housing providers are expected to adhere to these. The standards relevant to this strategy are:

- Rent standard.
- Transparency, Influence and Accountability standard (information about landlord services)
- Tenancy standard (Tenancy sustainment and evictions)
- Tenancy standard (Tenure)

Local Context

With over 3400 residents on our housing needs register Welwyn Hatfield Borough Council are dedicated to ensuring that registered housing providers help us meet this need, and offer affordable, well maintained and managed, safe homes, by encouraging them to follow this strategy and fulfil their obligation to endeavour to work in the best interests of local residents and, in so far as possible, allocate homes consistently in line with our Housing Allocations Policy [Council housing allocations policy – Welwyn Hatfield Borough Council \(welhat.gov.uk\)](https://www.welhat.gov.uk/council-housing-allocations-policy).

Our findings locally support the national view that flexible fixed term tenancies are not achieving their aims. Both the flexible tenancies and the five-year reviews have been problematic, placing un-necessary anxiety and uncertainty on residents and resource intensive for the council. Data identified that of the 850 flexible tenancies that ended in Welwyn Hatfield, only 2 properties became available to re-let as a direct result of the fixed term flexible tenancy review process.

The Council also carried out a consultation with our tenants, and applicants on our housing needs register, on the future use of flexible fixed term tenancies in our housing stock. The vast majority of respondents were in favour of ending the use of flexible fixed-term tenancies.

As a result of both of the above, the council's preference is now for the use of secure lifetime tenancies in our borough and the council itself have stopped issuing or renewing flexible fixed term tenancies as of November 2023. Evidence supports that secure tenancies are the best type of tenancy to address local housing need, support the development of sustainable communities and improve the health and wellbeing of tenants.

Private landlords and letting agents, are not required like social landlords to take account of this strategy, but they are crucial in meeting the housing needs of residents in Welwyn Hatfield. Many landlords and letting agents responsibly provide good quality homes, meet their legal duties and are supportive of tenants who adhere to the tenancy agreement. We would like this good practice to extend to all landlords and letting agents in our area and commit to continue to persuade the sector to do so in our tenancy strategy. The Government guidelines we strive for our private sector landlords and agents to adhere to is set out in appendix A.

TYPES OF TENANCY

Introductory tenancies:

Welwyn Hatfield Council do not use Introductory Tenancies for new tenants; however it is our understanding that some Registered Providers 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. We would ask that an introductory/probationary or starter tenancy will be extended by a further six months, only once, if there has been a breach of the tenancy conditions during the trial period. The tenancy conditions are clearly listed in the Tenancy Agreement.

The introductory tenancy will be ended by serving a Notice of Possession Proceedings if:

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

We would ask that tenants be provided with support by their provider 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.

Life-Time Secure Tenancies

The Council’s preference is for lifetime tenancies; we consider lifetime tenancies to be the best approach to address social housing need and create safe, healthy, and cohesive communities in Welwyn Hatfield.

This means that we would like all Registered Providers working in our area to issue lifetime tenancies for all new tenants. For those currently on fixed-term tenancies, we ask Registered Providers 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

With the council's preference for secure lifetime tenancies, we would discourage Registered Providers 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 Registered Providers will be expected to:

- grant a minimum fixed term of 5 years, with a longer term encouraged for families with children aged 5 years and under or if a family member is affected by special educational needs or disabilities.
- clearly advertise properties available for letting where a fixed term tenancy of a minimum of 5+ years applies.
- not allow a fixed term tenancy to go beyond its fixed term without renewing it or bringing it to an end.
- support tenants with advice and assistance to help them find suitable alternative accommodation to prevent those becoming homeless where fixed term tenancies are not being renewed.

Assured Short-Hold Tenancies

An assured shorthold tenancy (AST) usually lasts for 6-12 months and is the most common type of tenancy in the private rented sector for tenancies started on or after 15 January 1989.

It is recommended this type of tenancy is not used by Registered Providers for Social Rent, or Affordable Rent properties. As a local authority, Welwyn Hatfield Council cannot offer our tenants Assured Shorthold tenancies.

Demoted Tenancies

A secure tenancy can be demoted to a 12-month introductory tenancy if the tenant has engaged in housing related anti-social behaviour such as vandalism, causing a nuisance to neighbours or noise disturbance, or has used the property for unlawful purposes.

Welwyn Hatfield Council does not use demoted tenancies. Our expectation is that all Registered Providers in our area, should not consider demoting tenancies unless all other options have been explored without success and are expected to have robust support systems in place to help tenants address any issues before any decision to demote is made.

Delivering On Our Objectives?

We work in partnership with a variety of housing providers in both the social and private sectors operating in our borough. This provides the council with a variety of forums at which to set expectations and encourage landlords in our area to offer the longest and the most secure tenancy possible and actively support those tenants to sustain the tenancy. These include:

- The Homelessness Forum
- The Accredited Landlord Scheme

- The Strategic Housing Forums
- Strategic Housing Network (to be set up)

Objective One: Secure life-time tenancies is our preferred approach

- offer lifetime tenancies, for all Welwyn Hatfield tenants in a council home from the outset or at the end of a current flexible fixed term tenancy.
- expect Registered Providers working in our area to support our preferred approach to secure tenancies.
- encourage all Registered Providers using fixed term tenancies to review this approach and put in place a process for transitioning tenants onto lifetime tenancies.
- utilise our accredited landlord scheme (PAL) to educate private sector landlords on the benefits of longer-term tenancies and encourage provision of them.
- encourage all landlords to make tenancy agreements as accessible as possible. This may mean considering posting tenancy agreements online and using websites that meet Web Content Accessibility Guidelines (WCAG)

Objective Two: Tenants have a clear understanding of their tenancy

- Review, revise and consult on a new tenancy agreement for residents of Council owned homes, with a view to writing in plain English and making clearer the responsibilities of both tenant and landlord.
- Implement a process to transition tenants, currently on flexible fixed term tenancies over to lifetime tenancies, fully explaining the change and implications for them under the new tenancy type.
- Publish a Tenancy Policy that aligns with this Tenancy Strategy and which details the different types of accommodation, tenancy and residents' rights concerning tenancy reviews, length of tenancy, expectations of the tenant and termination of tenancies.
- Provide comprehensive information on our website and through our Private Sector Housing and Housing Needs teams, for private rented tenants that explains the types of tenancy available and the rights and responsibilities as a private sector tenant.

Objective three: Enable tenants to keep their tenancy for as long as they need them

- We work to proactively to support tenants to sustain their tenancies, taking early action to address any concerns which could put their tenancy at risk, with evictions sought only as a last resort once all other avenues have been exhausted without success.

- We expect all partner Registered Providers to offer support to tenants to sustain their tenancy whether this is ongoing or a one-off intervention and to approach tenancy issues with the same helpful proactive approach we adopt.
- Set rents and service charges using fair and transparent calculations to enable residents to manage their finances, in accordance with The Social Housing (Regulation) Act 2023 economic and consumer regulatory standards and our Rent Policy and set expectations for Registered Providers in our borough to do the same.
- For those whose needs change, we will work with both tenant and landlord to ensure support and information is available to make informed choices, including access to adaptations or by considering mutual exchange and using the Council's Allocation Scheme and Choice Based Lettings website to move to a more appropriately sized and accessible home.

Objective Four: If a tenancy ends or is under threat of ending, tenants are assisted to prevent homelessness

- Provide a tenancy sustainment service that supports all tenants at risk of homelessness and provides early interventions to keep the tenancy running.

Ensure Registered Providers realise their responsibilities under the Homelessness Reduction Act 2017 and work with the council at the earliest opportunity if a tenancy is likely to end.

- Work with Registered Providers and other landlords so they are confident and able to provide support for tenants at risk of their tenancy ending.
- Encourage and support Registered Providers to assist residents who are under-occupying their homes, especially where there is an affordability issue, to move to a home of the right size by mutual exchange or via our housing needs register in accordance with our housing allocations policy.
- Work in partnership with landlords in the private rented sector

Equality and Diversity

The public sector equality duty under the Equality Act 2010 requires public bodies, in exercising their functions, to have due regard to the need to: Welwyn Hatfield Borough Council Tenancy Strategy January 2024 - 29

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- Advance equality of opportunity between people who share a protected characteristic and those who do not; and
- Foster good relations between people who share a protected characteristic and those who do not. The protected characteristics are, age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, and sexual orientation.

An Equality Impact Assessment has been carried out on this strategy to ensure that the needs of all groups are taken into account, and that particular groups of people are not adversely affected by it.

The Council expects RPs to carry out Equality Impact Assessments on their own tenancy policies.

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Appendix A: GUIDANCE FOR PRIVATE RENTED SECTOR LANDLORDS AND LETTING AGENTS

As set out on the government website [Renting out your property: Landlord responsibilities - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/renting-out-your-property-landlord-responsibilities), all landlords must:

- keep their rented properties safe and free from health hazards.
- make sure all gas and electrical equipment is safely installed and maintained.
- keep their property in good condition and ensure timely repairs are carried out to an adequate standard.
- make sure smoke alarms (and carbon monoxide detectors where necessary) are fitted and in proper working order.
- provide an Energy Performance Certificate, that meets industry minimum requirements, for the property.
- protect their tenant's deposit in a government approved scheme.
- check their tenant has the right to rent their property if it's in England.
- give their tenant a copy of the how to rent checklist when they start renting from and offer tenancies without discrimination, in accordance with the Equalities Act
- obtain the correct property licence if they rent a property as a House of Multiple Occupation (HMO) or the property is situated in an area where a selective licensing scheme operates.
- Landlords of licensed HMOs and properties must by law give tenants a written statement of the terms and conditions on which they occupy it, e.g. a tenancy or licence agreement.

Consideration must also be given to:

- provide longer term tenancies of a minimum of 3 years to provide security and assurance for both landlords and tenants.
- keep communication lines with their tenants open, either directly or through an appointed third-party manager.
- avoid eviction which should always be the action of last resort once all other avenues to resolve concerns have been exhausted.
- promote a 'back to basics' approach with the use of a deposit and rent in advance model over a 'one off' incentive payment to empower tenants to take responsibility for their property and finances.
- the measures contained in the Renters Reform Bill 2022-23.
- WHBC's Partnership Accreditation for Landlords scheme, [Improving standards of rented homes - Partnership Accreditation for Landlords \(pal-online.org.uk\)](https://www.pal-online.org.uk/)

We encourage all landlords and letting agencies, regardless of size of portfolio, to support our vision for high standards for tenancies in the Borough so our residents live as healthily, safely, and independently as possible.

We are committed to support and provide advice for private landlords and tenants to help resolve situations where the tenant is in financial difficulty and struggling to make rent payments. Eviction should always be the action of last resort once all other avenues have been exhausted.

To access information, advice, and guidance to help resolve any tenancy or rent payment issues at an early stage, we encourage landlords to use the Council's Landlord Advice Line. If tenancy sustainment is not possible, we may explore options to rehouse tenants in more suitable accommodation and/or advise whether there is any financial support available for the tenant.

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