Local decisions: a fairer future for social housing

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SECTION 1: CONSULTATION SCOPE

Scope
The Government’s intention is to change the legislation governing the way social housing is allocated; how local authorities may discharge their main homelessness duty; and the types of tenancies granted to social housing tenants. Changes to these matters will be introduced in the forthcoming Localism Bill.

Areas for consultation
Reform of social housing:
- social housing tenancies
- empty homes
- social housing allocations
- mobility
- homelessness
- regulation
- council housing

Comment
The Government has set 5 key objectives of social housing reform:
- Localism, fairness and focusing social housing on those most in need in a way that enables them to use it as a springboard to further opportunities
- The flexible and availability of social housing is improved allowing better access to more people and those that genuinely need it
- Make the best use of four million social rented homes
- Increase social landlords ability to determine the sort of tenancy they grant to new tenants
- Protect the rights of existing tenants.

To achieve this the main proposals are:
- In addition to the existing secure and introductory tenancies, create a new local authority flexible tenancy with a minimum fixed term of two years.
- Invest £100m nationally to bring empty homes into use as affordable housing
- Give local authorities the powers to manage their housing waiting lists to respond better to local needs and demands
- Introduce a nationwide social home swap programme for social tenants
- Enable local authorities to fully discharge their duty to accommodate eligible homeless households via an offer of a suitable private rented home, without requiring the applicant’s agreement
- To seek views on the reforms needed to enable local authorities and landlords to tackle overcrowding

SECTION 2: TENURE

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<th>PROPOSAL</th>
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| **Overview**  
Local authorities and housing associations will be able to let social housing on fixed term rather than lifetime tenancies  
- The fixed term would be a minimum of two years but could be longer  
- When the fixed term of a flexible tenancy comes to an end tenants could:  
  o remain in social housing, either in existing home or another social property at social or Affordable Rent  
  o move into the private rented sector  
  o move into home ownership  
Where a landlord decides not to reissue a tenancy at the end of the fixed term, and the tenant is unable to obtain alternative accommodation and becomes homeless | There are a number of benefits of a more flexible approach to social housing tenancies as the affordable housing sector is home to a very diverse range of people with different needs at different times in their lives, but security and stability should be the key starting point for any changes to the legislation. Although some shorter term tenancies may be appropriate for some people, it is important flexible tenancies should not adversely affect people’s ability to ‘put down roots’ in a community, find work, get their children into local schools and get on with their lives. There needs to be clearly agreed criteria leading to decisions to renew or not renew tenancies at the end of a fixed term with effective protection against arbitrary decisions by landlords which could result in increased households becoming homeless. |
homeless, the tenant would be considered to have become homeless unintentionally (unless the decision not to reissue the tenancy is a direct consequence of the tenant’s behaviour)

Local authorities would be expected to provide advice and assistance for tenants moving out of social housing at the end of a fixed term, to help them seek and secure suitable alternative accommodation. There is a recognition that social housing will always be the best tenure option for some groups, particularly for older people and those with a long term illness or disability.

<table>
<thead>
<tr>
<th>There will be resource implications as a result of such a change.</th>
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<td>• Staff resources to monitor new fixed tenancies</td>
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<td>• Serving of ‘6 month’ notice prior to possible end of tenancy</td>
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<td>• Review of personal circumstances prior to serving final notice requiring property back</td>
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<td>• Development of an appeals process and hearing appeals</td>
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<td>• Eviction of households refusing to leave at end of tenancy including potential court costs</td>
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<td>• Increase cost of additional voids/rental loss</td>
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<td>• If a tenant knows their tenancy may not be renewed there could be increased anti-social behaviour with the associated costs of managing this. Increased cost of repairs to properties due to higher usage/numbers of households</td>
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<tr>
<td>• Increase in numbers of homeless households, households requiring housing options advice and assistance with private rented housing</td>
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There would also be extra costs faced by households needing to move if a flexible tenancy is not renewed:

- Cost of additional moves including removal costs, furniture, carpets etc
- Frequent moves resulting in disruption to stability of household, inability to settle in community, possibility of need for new GP, schools etc,
- Risk of increase of housing related and other debt through possible court action to evict if household unable to secure alternative accommodation.

There are also concerns about the potential loss of “community” on housing estates which could lead to more anti-social behaviour. There is also a potential risk of increase in worklessness due to reluctance by tenants to take up work if this may result in loss of fixed term tenancy, should this happen it could reinforce the “poverty trap”. 
LOCAL AUTHORITIES
In addition to secure and introductory tenancy the Government will create a new local authority fixed term flexible tenancy, with a minimum fixed term of two years. However local authorities will be able to give a much longer term flexible tenancy, or choose not to offer them at all.

Local authority flexible tenants will have similar rights to secure tenants, including the right to:
- exchange
- take in lodgers
- sub-let part of the property (with the landlord’s consent)
- have repairs carried out
- buy their property (Right to Buy)
- consultation and information

During the fixed term of a flexible tenancy the tenant will have the same protections from eviction as a secure tenant.

Landlords must have a policy on the reissue of flexible tenancies detailing what happens in at the end of a tenancy and where the authority intends not to reissue the tenancy at the end of the fixed term, a notice must be served on the tenant six months before the end of the tenancy.

The rights of existing secure and assured tenants will not change.

All new secure and flexible tenants will include a right

The proposal to give local authorities a choice in deciding whether or not to use flexible tenancies is welcomed and to be able to determine the length of such tenancies. It is however very important that landlords have very clear policies on the reissue of tenancies to give appropriate protection to tenants.

There is however a missed opportunity to give local authorities and potentially housing associations more flexibility to offer shorter tenancies or licences in some circumstances making best use of “short life” properties.

For example in respect to land assembly for redevelopment purposes. This Council is preparing to redevelop one of its last remaining airy house estates. This involves significant decanting and may take up to 3 years to have the site ready to develop. This means that homes will be left empty when they could be let on short term tenancies for say 6 months on an AST. Housing Associations have the ability to let AST’s so why not local authorities?

Consideration should also be given to increasing the flexibility of local authorities in respect to lettings of housing outside the HRA. For example this Council owns a number of homes located in parks, cemeteries etc and these are not always suitable for use as tied tenancies although letting to staff would be in most instances be appropriate but without the security and benefits as those offered flexible tenancies in HRA housing. Given the need for flexible deployment of staff and different ways of delivering services staff can be recruited on short fixed term contracts. It would be helpful to have the ability to link a tenancy/licence to occupy or AST with a fixed term contract period.

Although it is understood why the rights of existing secure and assured tenants will be protected at present, it is considered that this should be reviewed in the future. Over time there will be an increasing two tier tenancy profile in our communities based on historic occupancy as opposed to...
to one succession for spouses and partners, and landlords will be able to grant additional succession rights if they wish to include other relatives or long term carers

Existing secure and assured tenants will be granted a new secure or assured tenancy where they move to another social rent property

**HOUSING ASSOCIATIONS**

The Government intends to legislate to enable housing associations to have the same flexibility as local authorities to grant additional rights of succession in addition to the one statutory right for a spouse or life partner to succeed.

In addition where a housing association grants a fixed term AST of two or more years and does not propose to renew the tenancy, a notice must be served on the tenant six months before the end of the tenancy, advising the tenancy is unlikely to be extended. This measure applies as well as the steps currently required to end an AST.

| housing need. Although it is important to protect the most vulnerable including the elderly and disabled, this must be balanced with making best use of scarce social housing stock and avoiding under-occupation which is unfortunately prevalent in the social housing sector.

It may not always be appropriate to grant a new secure or assured tenancy where a tenant moves to another social rent property if their circumstances have changed significantly. This could be perceived as being unfair by other tenants with less security of tenure but with a greater housing need

The proposal re succession is reasonable with the discretion proposed.

A consistent approach for housing associations and local authorities is welcomed. There is however as concern that different landlord’s in an area may offer offering different tenancy lengths unless the proposed tenancy strategy is able to resolve this.
### A NEW TENANCY STANDARD

The Secretary of State will be able to direct the regulator on the content of the regulator’s tenancy standard.

The intention is to use the tenancy standard to increase freedom for all social landlords on the tenancies they can grant and on transparency and appropriate protections for all social tenants.

The standard will be used to give housing associations the same ability as local authorities to offer fixed term tenancies (the current tenancy standard prevents this from happening) although this will not interfere with their ability to offer Assured Shorthold Tenancies (AST’s).

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### PUBLICATION OF A TENANCY STRATEGY

Local authorities will have a new duty to publish a strategic policy on tenancies for their local area. It should explain the broad objectives to be taken into consideration by individual social landlords in the area regarding their own policies on granting and reissue of any tenancy. This will be part of their strategic role not their landlord role.

Government will set out who local authorities must consult in preparing the policy, such as tenants and local voluntary and community organisations and groups.

This proposal is important as there needs to be an effective local framework for social lettings and this should be part of the local authority strategic housing responsibilities.

The tenancy strategy should set out the proportion of voids/new properties to be let on affordable rents. It should not be an opportunity just to increase rent levels and reduce security for new tenants. If existing social housing units are converted to affordable rents this should only be with the express intention of facilitating future housing development with the resources being reinvested in the same locality area not elsewhere.

Consideration should be given to permitting local authorities have a “veto” on
The strategic tenancy policy must be regularly reviewed and it must be consistent with the aims of the local allocation scheme and homelessness strategy. It must meet the requirements of the tenancy standard and the local tenancy strategy and include:

- circumstances in which a lifetime tenancy or flexible tenancy with fixed term will be granted
- for flexible, fixed term, tenancies, the duration and the circumstances in which a tenancy will be reissued at the end of the fixed term.

| landlords proposal’s where this would breach the principles of the tenancy standard. |
| It is appropriate that there should be extensive consultation and regular reviews of the strategic tenancy policy and that this should fit with the aims of the local housing allocation scheme and homelessness strategy. Reviews of the strategy should be at least every 5 years with ability to review more regularly if necessary. |
### AFFORDABLE RENT

As announced in the Comprehensive Spending Review from April 2011 the Government is introducing the ‘affordable rent’ model to be offered by housing associations, initially on a proportion of their existing ‘voids’ and on all new stock in due course.

Affordable rent homes are intended to help those who would not otherwise have been able to afford adequate housing in the market, and will be allocated just like other social housing, through local choice-based lettings schemes.

Affordable rent will offer shorter term tenancies at a rent higher than social rent, to be set at a maximum of 80% of local market rents.

Affordable Rent homes:
- will be eligible for Housing Benefit
- local authorities will be able to discharge their homelessness function through affordable rent homes
- tenancies will be offered on a fixed term of at least two years
- tenants will have the right to buy their home under the ‘Right to Acquire’

It is intended that the additional rental income providers receive will contribute towards the provision of new affordable homes.

### AFFORDABLE RENT

Rent flexibilities for some properties may help tenants who don’t have any other options access homes. However it may not work in high value markets as the 80% rent level would not always be achievable for those seeking affordable homes, plus there may be problems around housing benefit following the proposed changes to LHA.

Higher rent levels for some properties should encourage further housing development but this may be at the cost of socially rented homes.

It is suggested that it may be desirable to have restrictions on additional rent income use eg for major repairs or redevelopment purposes.
**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?

We would consider this but only following extensive consultation with local stakeholders and once the strategic tenancy policy has been agreed. The tenancies would initially be useful for some of our supported housing units for people with mental health problems and learning disabilities to help facilitate their move on to more independent accommodation as necessary.

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

Not known. Subject to timing of the strategic tenancy policy.

**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 develop the policy based on our assessment of local housing needs. This would involve reference to our housing strategy, prevention of homelessness strategy, planning framework and sustainable community strategy. It would involve consultation with all the key stakeholders including tenants, housing applicants, social housing providers, developers, health and social care, voluntary and community sector organisations, the police, probation and the wider community.

It is difficult to assess the costs but detailed consultation is time consuming and expensive and there might be a need to repeat the exercise at least every 3-5 years.

Initial consultation estimate £8,000 subsequent reviews estimated £5,000.

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

As above

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

- The length of fixed tenancies
- The criteria for renewal
- The criteria to end a fixed tenancy/grounds for possession
- The procedure for bring such tenancies to an end
- The appeals process
- The right to be given advice and assistance.
- Potential for a modest “disturbance” payment payments for very long standing tenants say 10 years plus to help them move.

**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?**

They do not appear to restrict flexibilities but are very likely to place a significant administrative burden on landlords in respect to the requirement to review tenancies. There is also an issue about who pays for this additional work. For Local authorities with their own stock will this be an HRA or GF expense?

In addition the proposal to take transfers out of existing allocations schemes would also increase workload as most landlords have now given up holding separate transfer registers with the move to choice based lettings. Although there may be a desire to increase potential scope for tenants to transfer separating out transfer registers could benefit existing tenants with lower housing needs compared to other housing applicants which may not be considered fair. This proposal may result in tenants qualifying to be on two lists - their landlord transfer list AND the general housing register. This is less efficient than administering one list and not necessarily be fair as tenants will have greater opportunity to move compared to non tenants.

It is not clear what the overall benefit is likely to be from such a change..

**Question 7: Should we seek to prescribe more closely the content of landlord policies on tenancies? If so, in what respects?**
There is scope for more prescription in respect to assignments or transfers of tenancies for example as a result of a relationship breakdown. Most tenancies are joint tenancies and it can be very complicated bringing these to an end under existing legislation. Assuming both parties agree it is common to transfer to one tenants name but this can result in under-occupation. It is further complicated if the joint tenant can’t be found as they have left the home due to domestic abuse.

Simpler procedures would be welcomed if possible.

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

Through the tenant involvement and empowerment standard.

**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?**

The Council tenants forum in Guildford considered that the minimum tenancy period should be 5 years, but thought it should be able to be extended up to 20 years to ensure community stability. They also considered that this should include any probation period. They suggested that tenancies should be reviewed rather than ended at end of fixed period. They suggested that the factors to be taken into account when deciding if tenancy should end should include – income level, keeping to tenancy agreements (taking account of serious breaches and patterns of behaviour), make up of family.

There are merits in being able to offer shorter term tenancies in some circumstances including the equivalent of AST’s as indicated in the general comments above.

There does not seem to be any reason to distinguish between tenancies on social and affordable rents.

**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?**
The Council tenants’ forum in Guildford considered that the elderly and some disabled should retain lifetime tenancies. It is therefore suggested that any lettings of any designated accommodation for the elderly such as sheltered housing, certain blocks of flats and bungalows should be let on lifetime tenancies.

Properties where adaptations have been carried out to meet the needs of the tenant and or their family should be let on long term tenancies, however where adaptations are carried out for the benefit of a disabled child or young person where similar adaptations may be required to another property when the child grows up and wants to live independently consideration should be given to use of fixed tenancies which are reviewed when the child becomes an adult, with a view to the tenancy potentially transferring to the disabled person if appropriate to avoid the need to carry out further costly adaptations in future as this would make better use of housing stock.

**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?**

See comments above in respect to the elderly. There should be discretion to offer a social home for life based on certain circumstances which could include long term illness or disability but a “blanket” approach is not felt desirable. Those given a “home for life” should meet the criteria within the strategic tenancy policy and take account of best use of housing stock.

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

See above

**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?**

The Council tenants’ forum in Guildford considered that existing secure and assured tenants who move to another social rented property should continue to keep their security and be given a lifetime tenancy in their new home.

This may not however make best use of the housing stock or be appropriate if the circumstances of the household change over time. For example- a young family with one child moves into a two bedroomed home. They have more children and apply for larger accommodation. If they move into a three bedroomed house it may be suitable for them for the next 20 years but then their
children will want to leave home and a couple or single parent may be left under occupying a much needed family sized home. Understandably this would be unpopular with tenants so it may also be necessary to incentive “downsizing” through the offer of a lifetime tenancy.

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?

Landlords should be required to adhere to the strategic tenancy policy in each area they have housing stock, otherwise there will be considerable confusion and inconsistency in practice in local areas. Guildford Borough Council has its own housing stock but there are also over 2000 social rented homes provided by housing associations, some of which have limited stock in the borough, this restricts the options for tenants seeking to transfer and this would not be fair if one landlord took one approach and another a different one.

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 any tenancy?

Yes this is important as many tenants may be vulnerable and they have an existing relationship with the landlord who should be well placed to assist them.

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 Council tenants forum in Guildford considered that the actors to be taken into account when deciding if tenancy should end should include – income level, keeping to tenancy agreements, make up of family

As a landlord and strategic housing authority we consider the conduct of their tenancy but more importantly their continued housing need for the accommodation provided should be the key criterion. Although there may be evidence of tenancy breach this should not be an automatic reason to end a tenancy, unless the courts would grant possession on the basis of the evidence of the breach.

There does not need to be a limit to the number of times a tenancy was reissued.
### SECTION 3: EMPTY HOMES

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<th>EMPTY HOMES</th>
<th>COMMENT</th>
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<td>The Government intends to invest £100m via the Homes &amp; Communities Agency (HCA) to enable housing associations to refurbish over 3,000 empty properties nationally and manage them at as affordable rent for up to 10 years. The Government also plans to encourage house building by paying a ‘New Homes Bonus’ to local authorities. This bonus will match the additional council tax received by authorities from each new home, for 6 years. In addition for each new social housing home developed the Government will pay an extra 25%. The Government may also consider using the ‘New Homes Bonus’ to provide an incentive for local authorities to tackle any empty homes in their area.</td>
<td>It is unclear how effective these measures will be in bringing empty homes back into use, particularly in areas with high value properties. The possible use of the proposed New Homes Bonus as an added incentive to bring properties back into use may be helpful. Although this is unlikely to have a huge impact in Guildford the Council’s new Empty Homes policy should improve the possibility of bringing homes back into use and work needs to be done in regard to how we can take advantage of the New Homes Bonus.</td>
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### SECTION 4: ALLOCATING SOCIAL HOUSING

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<td>The Government intends to amend legislation to give local authorities the flexibility to decide which categories of applicants should qualify to join the waiting list. This will enable local authorities to put in place arrangements that suit the local needs within their area. Some local authorities may choose to restrict social housing applications to those in housing need such as those living in overcrowded or unsuitable homes or homeless households. Some local authorities may wish to impose local connection assessments or exclude those with the financial need</td>
<td>Although “open waiting lists” are considered to have increased numbers seeking social rented housing the majority of applicants do have an identifiable housing need. The current framework and legislation for allocations also gives local authorities considerable flexibility to take account of local needs. It is already possible to take account of location connections and financial position in determining priorities for housing.</td>
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capability to rent or buy privately.

It remains important that those who are vulnerable and in housing need are not adversely affected by any changes and continue to be able to access social housing and appropriate support. Groups that may be affected include those fleeing domestic violence, members of the armed forces having to leave married quarters and those leaving prison with no family to return to.

Where local authorities choose to restrict access to their housing register, people who do not qualify for social housing may require advice or support to help them secure appropriate alternative accommodation (whether in the private rented sector or in low cost home ownership). A strong housing options approach will help meet this need and ensure everyone seeking homes in the local area can access quality advice about their options.

The Government will retain a role in determining which groups should have priority for social housing through the statutory reasonable preference requirements:

- are homeless or owed certain duties under the homelessness legislation
- live in overcrowded, unsatisfactory or insanitary conditions need to move on medical or welfare grounds (including grounds relating to a disability)
- need to move to a particular locality in the local authority’s district to avoid hardship to themselves or others.

In addition the Government is seeking views on whether other groups in housing need, not covered by the existing reasonable preference categories, should be added to the list.

There is however a legitimate concern that housing registers are too big with many households having no prospect of social rented housing in the future, therefore there may be benefit in people facing a “reality check” about their housing options.

The proposal to take transferring tenants out of the housing allocation scheme is not considered the best approach to making best use of housing stock. It restricts choice for housing applicants and tenants too.

Although removing social housing tenants wishing to transfer from the housing needs register may be welcomed by some landlords looking to re-house their existing tenants, this may cause issues between local authorities managing the housing registers and housing associations who may increasingly look to prioritise lets to existing tenants.

With the introduction of Choice Based Lettings most social housing landlords stopped holding transfer lists. This was a really positive outcome for most local housing authorities as it provided a fairer more consistent approach to local lettings and maximised choice for those in housing need in the area (including tenants with a need to move). This system works well at present and a change back to a multitude of local transfer policies across up to 30 landlords or more in some areas will not help prevent homelessness and meet local housing needs.

If a Local Authority with greater flexibility to decide who it will offer homes to chooses to “exclude” tenants and that landlord only has a handful of properties in that locality then
The rules that determine which persons from abroad are eligible for social housing will continue to be set centrally.

Finally the Government is proposing to take transferring tenants out of the allocation system, which would avoid them competing with new applicants on the housing register. Instead they would be assisted via mobility schemes such as the proposed national ‘homeswap’ scheme and existing local mutual exchange arrangements. It is considered this will give local authorities more flexibility to manage their stock.

The proposed measures will give greater power to both local authorities and local communities to set out who they want to prioritise for housing.

Local authorities will need to be much more accountable to their communities and ensure those communities are represented in the process to make sure sections of the community are not excluded.

The Government has maintained existing homelessness and reasonable preference categories alongside this additional flexibility, which protects these groups.

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?

We have just reviewed the housing allocations scheme and do not consider that the proposed “new” flexibilities will necessarily change our priorities about who should qualify for housing. We might exclude those without a local connection or with capital or realistically their tenant has no ability to transfer. Other tenants might however have much greater choice, if they meet one of the reasonable preference categories, say through over crowding, and their landlord has its own transfer scheme they could get rehoused through two routes, or even three as they can also apply for a mutual exchange. and this mode of mobility should be made more use of to encourage moves without reliance on just transfers.

There does need to be some flexibility re transfers but not in such a way that it can be perceived as inequitable by all those seeking rehousing..

The protection for homeless households and other vulnerable groups through retention of the reasonable preference categories is appropriate. These categories cover the key elements of housing need therefore should not be reduced. There is however merit in extending them to include transferring tenants for the “efficient use of housing stock” or Council “special interest” moves already adopted in some allocation schemes.

A national homeswap scheme is welcomed.
income to secure their own housing, however such applicants are a low priority and unlikely to be housed so it would make little difference locally.

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<th>Question 18: In making use of the new waiting list flexibilities, what savings or other benefits would you expect to achieve?</th>
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<td>It is not clear that any savings or benefits would accrue. If a separate transfer allocation policy was required this could increase costs for the Council slightly but more substantially for other landlords.</td>
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<th>Question 19: What opportunities as a tenant or resident would you expect to have to influence the local authority’s qualification criteria?</th>
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<td>We would expect to involve tenants and residents in the consultation exercise to determine the local authorities qualification criteria.</td>
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<th>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?</th>
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| The existing reasonable preference categories cover the key elements of housing need therefore do not need changing but some clarification would be welcomed. Eg what is meant by “hardship” this can have either a high or low threshold, it would be sensible to make it clear that it is a high threshold.  
Eg what is meant by “unsatisfactory or insanitary” housing- |

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<tr>
<th>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</th>
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| There may however be merit in extending the reasonable preference categories to clearly include transferring tenants for the “efficient use of housing stock”- etc or Council “special interest” moves already adopted in some allocation schemes.  
eg under-occupation, decanting, management moves |

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<tr>
<th>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?</th>
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It is unlikely that we would take advantage of this change as the current allocation scheme includes transfers and support is available to help tenants apply for a mutual exchange. Treating transfers differently would potentially increase voids and void rent losses.

### SECTION 5: MOBILITY

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<td>The government is seeking to increase mobility within the social housing sector. The measures proposed to achieve this are:</td>
<td>Most organisations and agencies working with people in social housing finding it difficult to move welcome a national mobility scheme, as there was one previously which ended some years ago. Now there are several schemes which have effective online access but are not “joined up”.</td>
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<td>• introduction of a national social home swap scheme</td>
<td>Local flexibilities re approvals of mutual exchanges would be welcomed as currently there is scope to under occupy or overcrowd homes. Clarity re S106 rural housing tenants seeking to exchange would also be helpful.</td>
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<td>• requirement for existing home swap services to develop a data sharing/pooling approach</td>
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<td>• statutory requirement for social landlords to subscribe to a home swap scheme to enable tenants to consider the full range of properties available both locally and nationally.</td>
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<tr>
<td>• legislate to grant the Secretary of State a power to direct the social housing regulator to issue a standard on mutual exchange</td>
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**Question 23:** What are the reasons why a landlord may currently choose not to subscribe to a mutual exchange service?

Cost may be a factor particularly for small housing associations.

**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?

The Council tenants forum in Guildford considered that mutual exchange lists could have a section on private lettings.
SECTION 6: HOMELESSNESS

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<tr>
<th>HOMELESSNESS</th>
<th>COMMENT</th>
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<tbody>
<tr>
<td>There will be no change in the homelessness priority need groups, and no change in the duty on local authorities to secure suitable accommodation for people in these groups who are eligible for assistance and become homeless through no fault of their own. The priority need groups include:</td>
<td>Being able to discharge the homelessness duty owed to a household by the offer of private rented home increases flexibility for local authorities and this is welcomed.</td>
</tr>
<tr>
<td>• a pregnant woman or a person with whom she resides (or might reasonably be expected to reside)</td>
<td>The main concern is that private sector rents may soon be higher than the levels of housing benefit payable, this means that although this option may be available in theory, in reality it may become difficult to achieve.</td>
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<tr>
<td>• a person with whom a dependant child resides (or might reasonably be expected to reside)</td>
<td>The safeguard measure of a duty re-occurring within a two year period is helpful for stability of households placed in the private sector.</td>
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<tr>
<td>• a person aged 16 or 17 (not owed a duty by Children’s Services)</td>
<td>Although not included in the proposed changes the government may also wish to consider the following changes.</td>
</tr>
<tr>
<td>• a person under 21 previously in care between the ages of 16 and 18 or a person over 20 who is vulnerable as a result of having been in care</td>
<td>Discharge of duty to a gypsy or traveller that has a cultural aversion to “bricks and mortar” housing with an offer of a pitch on an authorised site. Currently this is only possible if the applicant is agreeable to the offer which may not necessarily be the case.</td>
</tr>
<tr>
<td>• a person who is vulnerable as a result of old age, mental illness or handicap or physical disability or other special reason (or a person with whom such a person resides or might reasonably be expected to reside)</td>
<td>A review of the definition of intentional homelessness. Currently someone can only be found intentionally homeless is they “cease to occupy” accommodation. For example If a person agrees to take a private sector tenancy signs up for the tenancy and the Council pays the</td>
</tr>
<tr>
<td>• a person who is vulnerable as a result of having been a member of the Armed Forces; having served a custodial sentence; having been committed for contempt of court; having been remanded in custody; or ceasing to occupy accommodation because of violence (or threat of violence likely to be carried out)</td>
<td></td>
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<tr>
<td>• a person who is homeless, or threatened with homelessness, as a result of an emergency such as flood, fire or other disaster.</td>
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<tr>
<td>There will be no changes to the existing legislation governing restricted cases</td>
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Being able to discharge the homelessness duty owed to a household by the offer of private rented home increases flexibility for local authorities and this is welcomed.

The main concern is that private sector rents may soon be higher than the levels of housing benefit payable, this means that although this option may be available in theory, in reality it may become difficult to achieve.

The safeguard measure of a duty re-occurring within a two year period is helpful for stability of households placed in the private sector.

Although not included in the proposed changes the government may also wish to consider the following changes.

Discharge of duty to a gypsy or traveller that has a cultural aversion to “bricks and mortar” housing with an offer of a pitch on an authorised site. Currently this is only possible if the applicant is agreeable to the offer which may not necessarily be the case.

A review of the definition of intentional homelessness. Currently someone can only be found intentionally homeless is they “cease to occupy” accommodation. For example If a person agrees to take a private sector tenancy signs up for the tenancy and the Council pays the
The government will legislate to give local authorities greater flexibility in bringing the homelessness duty to an end with offers of accommodation in the private rented sector, without requiring the applicant’s agreement. However any private rented tenancies offered under this arrangement would need to be an assured shorthold tenancy (AST) available for a minimum fixed term of 12 months.

A safeguard will be put in place for the homelessness duty to recur for applicants that become homeless again within a period of two years through no fault of his or her after their main homelessness duty had been ended with an offer of accommodation in the private sector.

deposit and or rent in advance but the family fail to take up occupancy and them approach the Council as homeless they cannot be found intentionally homeless.

A similar situation might apply if someone at risk of homelessness, bids for a property through CBL is offered the property but refuses and subsequently becomes homeless they too cannot be found intentionally homeless as they have never occupied the property.

A further suggestion is to require a homelessness applicant to co-operate with the housing authority in preventing their homelessness.

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

We already prevent homelessness through the use of the private rented sector and will continue to so as long as it remains affordable for housing applicants.

**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?

This is difficult to answer as Guildford is currently quite an expensive area for private rents. We have been successful in making use of the private sector in preventing homelessness but the changes to Local Housing Allowance rates from April 2011 will be a challenge as will the future benefit changes.

**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 AST? If you consider the period should be longer, do you consider that private landlords would be prepared to provide fixed term AST’s for that longer period to new tenants?

Yes
### SECTION 7: OVERCROWDING

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<tr>
<td>The Government has set a series of proposals for local authorities and landlords to reduce overcrowding, including:</td>
<td>Although these proposals may make some difference to overcrowding particularly increasing access to mutual exchanges It is not certain that any of will reduce overcrowding significantly. Removing overcrowded tenants from the housing allocations system may in fact increase overcrowding if tenants of landlords with limited stock have less access to moves.</td>
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<tr>
<td>• introduction of short term flexible tenancies</td>
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<td>• removing transferring tenants from the allocation system</td>
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<td>• strengthening home swap provisions</td>
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<td>• reforming homelessness rules to allow for more flexible use of the private rented sector</td>
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<td>• retaining the ‘reasonable preference’ categories for the allocation of social housing</td>
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### SECTION 8: REFORM OF SOCIAL HOUSING REGULATION

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<tr>
<td>The Government plans to implement the recommendations of the recent review of the role and purpose of the Tenant Services Authority (TSA) and framework for social housing regulation via the Localism Bill.</td>
<td>We see the requirement for a tenant and scrutiny panel as already implied within the existing regulation standard. We have no objection to it being made an explicit requirement.</td>
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<tr>
<td>The review considered that the reformed system should be designed to achieve the outcomes outlined below. <strong>Consumer protection:</strong></td>
<td>The Council already recognises the benefits of sharing performance information with the tenants. In doing so the opportunities to improve services exists and allows tenants to quite properly hold us as their landlord to account.</td>
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<td>• social housing is well managed and of appropriate quality</td>
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• social housing tenants have an appropriate degree of choice and protection and have the opportunity to be involved in the management of their homes and to hold landlords to account
• social housing provision makes a contribution to the social and economic wellbeing of the areas in which it takes place, including to broader environmental objectives

**Economic outcomes:**
• taxpayers are protected – landlords operate efficiently, value for money is obtained from public investment in social housing, public investment is safeguarded and not misused and unreasonable burdens are not imposed on public funds
• social housing supply – private sector investment in social housing is retained and expanded and housing associations remain financially viable and properly managed (consistent with their independent status).

In line with the Government’s commitment to reduce the number of quangos, the TSA will be disbanded and its economic regulation and remaining consumer regulation functions transferred to the Homes and Communities Agency (HCA), generating efficiency savings.

Some of the specific changes that were recommended by the review include:
• Creating an obligation under the tenant involvement and empowerment standard for landlords to welcome scrutiny via a Tenant Panel (or equivalent body)
• Creating a new obligation to provide timely, useful performance information to tenants to support effective scrutiny
• Repealing the requirement to submit an annual report to the regulator but maintaining the requirement to provide one to tenants

Creating a requirement to involve MPs, Councillors or Tenants

The requirement to provide a copy of the annual report for the regulator inevitably means it is tailored to meet their expectations and requirements. Tenants have said they prefer shorter and more focused reports as they find them more useful. We support the proposal to remove the requirement to submit the annual report to the regulator.

We support the local resolution of complaints and welcome the opportunity this proposal offers democratically elected representatives to contribute to the process. As a local authority this mechanism already exists in practice and its extension to other local registered providers is supported.

We are happy to involve tenants in the process where it is appropriate to do so but need to recognise the practical difficulties that may exist in some cases – for example, data protection.
Panels in resolving complaints locally before they are sent to the Ombudsman. The Ombudsman will also be given an enhanced role.

SECTION 9: REFORM OF COUNCIL HOUSING FINANCE

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<tr>
<td>The Government’s stated intention is to replace the Housing Revenue Account (HRA) system with a new, transparent, self-financing arrangement that gives local authorities the power to make decisions locally about housing investment and enables tenants and the wider community to hold their local authority accountable for the cost and quality of social housing. Self-financing will be implemented through a one-off settlement payment between each local authority and central government, determined by the valuation of each local authority’s social housing business. The Government anticipate self-financing will: • end the centralised subsidy system where annual decisions have encouraged a patch-and-mend mentality • fully devolve local financing to local government – rents are kept and used locally to maintain homes for current and future tenants • provide greater transparency for tenants and a stronger relationship between them and the local authority • encourage better long term asset management The Government plans to introduce the new arrangements in April 2012 via the Localism Bill. In the meantime, the present system will continue; there is a consultation on a draft Housing Revenue Account subsidy determination for 2011/12.</td>
<td>We have previously made comments on these proposals.</td>
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