

Local Decisions: A Fairer Future for Housing”: Draft Response to the Government’s Housing Consultation Response

	Question	Answer
Q1	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?	<ul style="list-style-type: none"> • Question for Registered Providers (Housing Associations) • As a local authority, we would support the move to affordable rents to be set at a maximum of 80 per cent of local housing markets to try and support the financial viability of future affordable housing. However, we believe social rents may still be applicable given individual personal circumstances and when responding to the need to ensure affordable housing supports the agenda for getting people back into the employment market. • However, it is clear that more work is needed to look at how an up to 80 per cent of market rent offer will work in practice. A model is required that provides a stable platform for tenants, lenders and landlords. There is a need to provide a rental product that fits with the government’s ambitions around controlling housing benefit costs. • We need to find a way of ensuring that additional money raised is used for new supply and not for paying for more land. • We accept that some shorter term tenancies may be appropriate for some people, but we believe that flexible tenancies should importantly continue to provide a stable platform for people to put down roots in a community, find work and get on with their lives.
Q2	When, as a landlord, might you begin to introduce changes?	<ul style="list-style-type: none"> • Question for Registered Providers (Housing Associations) • Although a non stock holding authority we still have considerable statutory and strategic responsibility for housing and therefore would expect to be fully consulted on any changes by RPs operating in Cherwell. We would expect to be fully engaged with RPs and their plans to implement changes in the way they undertake their housing

		responsibilities in Cherwell.
Q3	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?	<ul style="list-style-type: none"> • Given the enhanced options proposed for customers, we would want the strategic role of CDC to be strengthened to exert more influence over RPs, so that local issues and priorities can be addressed. • The removal of the TSA and in its incorporation into the HCA presents a risk of reduced monitor of RP performance – this means LAs need to be able to influence their services. For example, the service failure of a local RP would need to be addressed urgently and locally. • The likelihood of further RP mergers risks undermining localism by making local services more remote, and providing LAs with increased ‘fallout’ from ineffective housing management arrangements • Could a local strategic policy be included within LA housing strategies? We are assuming local allocations (or properties) policies would sit under the local strategic policy. • The local strategic policy would be a major project to resource at senior level between RPs and CDC, and would involve extensive joint working.
Q4	Which other persons or bodies should local authorities consult in drawing up their strategic tenancy policy?	<ul style="list-style-type: none"> • Residents, RPs, Statutory and Voluntary agencies working with vulnerable people, and a full range of other partners.
Q5	Do you agree that the Tenancy Standard should focus on key principles? If so, what should these be?	<ul style="list-style-type: none"> • We strongly support the proposals for a Tenancy Standard, and as a strategic housing authority have recently established our own development and housing management standards with RPs. We offer this practice as something which the government may wish to understand more about, and reiterate the importance of the LA having a driving role in ensuring the delivery of housing does not undermine wider community strategy objectives.

		<ul style="list-style-type: none"> • We strongly believe that the local housing authority should be party to local monitoring of RPs should take place to mitigate against poor performance of RPs and to maximise the contribution to localism. • RPs work across many Districts, so it is more difficult for them to understand local priorities without having strong contact with the LA. • Key principles focussed upon should include supporting and working with vulnerable groups, tenancy support, the environment, antisocial behaviour and so on.
Q6	Do you have any concerns that these proposals could restrict current flexibilities enjoyed by landlords? If so, how can we best mitigate that risk?	<ul style="list-style-type: none"> • LAs have different requirements to RPs, but we believe – in the context of localism – that RPs should be using Tenancy Standards that are flexible and respond to the needs of individual local residents.
Q7	Should we seek to prescribe more closely the content of landlord policies on tenancies? If so, in what respects?	<ul style="list-style-type: none"> • Landlords should develop their tenancy policies in conjunction with the Local Authority strategic tenancy policy to meet local need. We do not see a need for over-prescription.
Q8	What opportunities as a tenant would you expect to have to influence the landlord's policy?	<ul style="list-style-type: none"> • Question for tenants • However, CDC as a non-stock holding authority already works closely with tenant representatives and would expect to work with representatives on our policy development in this area.
Q9	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?	<ul style="list-style-type: none"> • We support the introduction of a more flexible approach to tenancies. We believe that security and stability should be the key starting point but we also recognise that the affordable housing sector is the home to a very diverse range of people with different needs at different times in their lives. • We accept that some shorter term tenancies may be appropriate for some people, but we believe that flexible tenancies should importantly continue to provide a stable platform for people to put down roots in a community, find work and get on with their lives.

		<ul style="list-style-type: none"> We would want this to be a choice tenants have rather than the only form of tenure on offer. We would also like a choice of rolling tenancies.
Q10	<p>Should we require a longer minimum fixed term for some groups?</p> <p>If so, who should those groups be and what minimum fixed terms would be appropriate?</p> <p>What is the basis for proposing a minimum fixed term of that length?</p> <p>Should a distinction be drawn between tenancies on social and affordable rents? If so, what should this be?</p>	<ul style="list-style-type: none"> Important to consider the needs of some groups over a longer period e.g. vulnerable people to be determined by the strategic housing authority to reflect local needs. Tenants/applicants could be re-assessed on reaching their retirement to see if their needs are sufficiently are met in a cost effective way. The range of terms in place means increased workloads for both RPs and LAs, given the regular review and management this will necessitate. This should be acknowledged. We would expect Local Housing Allowances (LHA) to cover Affordable Rents and Social Rents, and highlight the importance of tenants having to pay service charges, believing that the rent and leasehold charges combined should always be below LHAs. Our own local modelling suggests the new affordable rents (at 80%) will be much too close to the LHA.
Q11	<p>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?</p>	<ul style="list-style-type: none"> Yes, subject to the home meeting the tenant's requirements It is not cost effective to move people when expensive adaptations have been built out using public money.
Q12	<p>Are there other types of household where we should always require landlords to guarantee a social home for life?</p>	<ul style="list-style-type: none"> We believe that security and stability should be the key starting point but we also recognise that the affordable housing sector is the home to a very diverse range of people with different needs at different times of their lives. Homes for life could be considered for those for whom social housing is not a "springboard" either because of age or some other reason or who could not be expected to find accommodation in the private sector e.g. extra care, very highly adapted properties for physically

		disabled people
Q13	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?	<ul style="list-style-type: none"> This suggestion is good in principle as market stagnation could be caused if tenants did not move for fear of their tenancy status being “demoted”. As a minimum, tenants could be offered a lifetime tenancy if downsizing.
Q14	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?	<ul style="list-style-type: none"> They should be guided by the LA tenancy policy because the LA has the strategic responsibility and can take an over view of the whole area and respond to what the community wants
Q15	Do you agree that we should require social landlords to provide advice and assistance to tenants prior to the expiry of a fixed term tenancy?	<ul style="list-style-type: none"> Yes, this is essential to ensure their longer term housing needs are met in a sustainable way
Q16	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?	<ul style="list-style-type: none"> CDC not landlord, but our view would be: how the tenants conducted their tenancies e.g. their willingness to pay rent, and the impact for the tenant on whether finding a new home is a viable option.
Q17	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?	<ul style="list-style-type: none"> Part of the local authority’s role is to understand housing needs – this helps in being pro-active in tackling housing need and homelessness. The LA Housing Register has always been an excellent source of information, and has been used to find appropriate accommodation – including intermediate options such as shared ownership. In this context, we would want to encourage local people in need to be included on the register. By not allowing an open register customers could attempt to get registered in any event taking up officer time etc... It would be much easier to allow residents to apply and assess according to needs. Applicants in low bands (on the housing register) are still in housing need.

Q18	In making use of the new waiting list flexibilities, what savings or other benefits would you expect to achieve?	<ul style="list-style-type: none"> • We would need to invest more in providing customers with personal information, advice and support • The Enhanced Housing Options Service being developed at CDC could assist in providing more flexible and comprehensive support. • We would still need to protect and develop housing support, and people in housing need require advice to mitigate against the risk of homelessness and hence higher costs to local authorities.
Q19	What opportunities as a tenant or resident would you expect to have to influence the local authority's qualification criteria?	<ul style="list-style-type: none"> • Question for tenants and residents • The Council would expect tenants and residents to be encouraged to comment on local authority policies. Cherwell DC as a strategic housing authority already does this via its Residents' Panel where residents from RPs across the District come together to work with the authority.
Q20	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?	<ul style="list-style-type: none"> • We support the Government conclusion that these categories have broadly worked. • We need to be especially mindful in homelessness terms about single people (locally) and the needs of vulnerable adults as identified in our homelessness strategy
Q21	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?	<ul style="list-style-type: none"> • The principle of good rehabilitation is very important for both the individual and customers
Q22	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?	<ul style="list-style-type: none"> • As a local authority, we do not support this proposal. The Council's Allocation framework should be a common gateway for all customers ensuring a consistent approach to re-housing - we believe it is much preferable for them to have their needs assessed, following which they it could be better for them to move into other tenures.

		<ul style="list-style-type: none"> • Would not want to see Registered Providers making decisions around such allocations, when affordable homes should be used to meet District housing need.
Q23	What are the reasons why a landlord may currently choose not to subscribe to a mutual exchange service	<ul style="list-style-type: none"> • Factors may include costs, and fear of housing tenants without knowing their full background. • Landlords may not choose subscribe to a mutual exchange service as the legislation is already very clear on this matter and providing the tenants meet the requirements set out in the Act they may proceed with a mutual exchange. Often they do not go ahead because there are either outstanding arrears or damage etc... to the property or the property is the wrong size.
Q24	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?	<ul style="list-style-type: none"> • Question for tenants • As a local authority, we have found that tenants require advice and support on their mutual exchange plans – the opportunity to talk through their situation is helpful to them, as they sometimes feel uncertain about certain aspects of the process.
Q25	As a local authority, how would you expect to use the new flexibility provided by this change to the homelessness legislation?	<ul style="list-style-type: none"> • We use the private sector as one of the main homelessness prevention tools and have difficulty securing enough private sector properties so welcome this proposal. • We would like legislation for a minimum of twelve months, as would like the possibility of utilising the accommodation for other priority cases should household personal circumstances improve.
Q26	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?	<ul style="list-style-type: none"> • The ability of the private rented sector to meet the demand for rented accommodation particularly for those clients with complex or higher support needs will need to be carefully monitored and proactively resourced. An underestimation of this area of work will result an increase in homelessness and poor outcomes. • We require more tools to develop the private rented sector, and

		<p>require more supply and are concerned at the economic downturn's effect on supply.</p> <ul style="list-style-type: none"> The change in benefit rules increasing the age for single room allowance from 25 to 35 will increase the demand for Houses in Multiple Occupation.
Q27	<p>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?</p> <p>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?</p>	<ul style="list-style-type: none"> We believe that twelve months would be manageable, but think two years would be more desirable, and safeguard measures are needed. Landlords would need an incentive especially if the tenant is in receipt of LHA
Q28	<p>What powers do local authorities and landlords need to address overcrowding?</p>	<ul style="list-style-type: none"> Assessment of overcrowding, and the responses a local authority makes as a result, are currently subject to 3 different approaches: the Bedroom Standard, the Statutory Overcrowding Provisions (Part 10 Housing Act 1985) and to the Housing Health & Safety Rating System. These approaches are not inter-related and produce different conclusions. Consequently, judgements about overcrowding are confused, confusing and subject to challenge. There are currently 2 routes to enforcement in relation to overcrowding in dwellings (and others in relation to HMOs according to whether or not they are subject to a licence). There is a pressing need for simplification of approach, preferably through a single set of enforcement provisions for dwellings in single-occupation, which should include minimum floor-space standards along the lines of those that already exist in the 1985 Act. (We consider that legislative overcrowding provisions for HMOs are currently adequate.)
Q29	<p>Is the framework set out in the 1985 Housing Act fit for</p>	<ul style="list-style-type: none"> We judge that the Housing Act 1985 provisions are no longer satisfactory in their entirety. The positives in the current provisions

	<p>purpose? Are any detailed changes needed to the enforcement provisions in the 1985 Act?</p>	<p>are that they allow for objective determination of overcrowding and also include floor-space standards which are conspicuously absent elsewhere (and which we regard as absolutely essential to any proper assessment). The 1985 provisions are however inadequate in 3 major respects: 1) the requirement that all habitable rooms are assessed as being available for sleeping purposes, 2) that children aged under 10 are counted as half-people and 3) that it is deemed appropriate to assume that adult couples could sleep apart from each other so as to share with same sex children and thereby avoid the need for children of opposite sex to have to share a room.</p>
<p>Q30</p>	<p>Should the Housing Health and Safety Rating System provide the foundation for measures to tackle overcrowding across all tenures and landlords?</p>	<ul style="list-style-type: none"> • The HHSRS provisions already apply to all tenures other than council-owned accommodation. As Cherwell DC is an LSVT authority, all residential accommodation is already subject to the HHSRS. The difficulty with applying the HHSRS, particularly in relation to the assessment of housing need, is that the omission of any reference to minimum floor-space standards means that it cannot be sufficiently objective. Although it includes a 'bedroom-standard' this can, in the absence of floor-space standards, be no more than an indication of the extent of overcrowding. We strongly contend that whilst overcrowding can be influenced by a variety of issues (most of which are touched upon in the HHSRS Operating Guidance), it must fundamentally be an assessment of the floor space available and of the ability to properly separate household on the basis of their age, sex and relationships.

Questions in red, not specifically directed at local authorities.