



LONDON BOROUGH OF BRENT

# Tenancy Strategy

2020–2024





## Foreword

As Lead member for Housing and Welfare Reform, I am delighted to launch this new Tenancy Strategy. Our commitment to 'Building a Better Brent' is not just about increasing the number of affordable homes in the borough, but making sure that these homes are a place where Brent residents can feel safe, secure and settled.

We want all Brent residents who are renting to have a clear understanding of their tenancy, their rights and a guaranteed level of security.

To deliver this vision, all social and private landlords need to play their part. In this strategy, the Council has committed to leading the way by ending the use of fixed term tenancies and offering all existing and future Council tenants a tenancy for life.

I am calling on all landlords to follow our lead and work with us to deliver the four commitments set out in this strategy.

Cllr Eleanor Southwood, Lead member for Housing and Welfare Reform

## 1.0 Introduction

In the London Borough of Brent, we have worked with partners, researchers and Brent residents to build a clear understanding of local housing need and how these needs can be met through:

- the types of tenancy granted
- how a person's circumstance should be considered when deciding the type of tenancy to grant
- the length of time a tenancy will be granted for
- and how tenancies will be managed towards the end including the offer of a new tenancy

The Localism Act 2012, was instrumental in empowering Councils to influence how social housing is offered and managed in the local area.

The Act removed the requirement for Registered Providers (RPs) and Councils to offer the most secure tenancy possible and introduced a new type of tenancy for Councils known as a fixed term tenancy. The aim of this was to allow social housing landlords to review a tenant's circumstance at the end of a tenancy and if improved support the household into alternative tenures such; as the private rented sector (PRS) or affordable home ownership.

The duty however, remained with the responsible Council to produce a tenancy strategy for social housing providers that communicates local housing need and how social housing should be offered in keeping with the Council's vision for residents.

We know there is a shortage of genuinely affordable homes across London, including Brent. The lack of genuinely affordable homes has resulted in households living in temporary accommodation for long periods of time. In some cases, up to 27 years. Brent also has the highest number of residents receiving housing benefit within the PRS.

We want all residents to fully benefit from moving into a home that is affordable so they can feel settled, build relationships and be a part of their local community. Developing a guaranteed level of security for all, is our priority.

The importance of security and stability is essential in all tenures. This has led the Council to extending the requirement outlined by the Localism Act 2011 to include the private rented sector (PRS).

This strategy will set out a vision and a set of desired outcomes that we will deliver over the next four years so all Brent residents who are renting whether this is social or private rented housing will feel secure in their homes.

All social housing landlords will be expected to review their tenancy policies to help us to deliver this strategy.

This strategy should be read alongside the Council's [Rent Guide](#), [Allocations Scheme](#) and [Homelessness and Rough Sleeper strategy](#) as well as the [London Housing strategy](#).

## 2.0 Vision

Our borough plan sets out a clear commitment to make Brent a great place to live and work, where people feel that they have opportunities to change their lives for the better '[Building a better Brent together – Borough Plan](#)'.

To achieve this, our vision for this strategy is for all Brent residents who are renting, to have a clear understanding of their tenancy, their rights and a guaranteed level of security in their home.

## 3.0 Equality and Diversity

Brent is the second most culturally diverse borough in the United Kingdom (UK).

This strategy supports the Council's commitment to championing equality and ensuring procedures are in place so all residents are treated fairly and without unlawful discrimination in line with the Equality Act 2010.

To develop this strategy, an equality impact assessment was undertaken.

## 4.0 Context

There is shortage of genuinely affordable homes in London, including Brent. At the time of writing this strategy, 2,889 households are on the councils housing register and the average waiting time is 14 years. The table below shows the number of households registered and the size of home required by number of bedrooms.

Number of bedrooms required	Number of households
One bedroom	470
Two bedrooms	755
Three bedrooms	1168
Four bedrooms	415
Five bedrooms	74
Six or more bedrooms	7

Table one: household need in Temporary Accommodation (June 2002)

To tackle this, we have kick-started building new council homes. We have also invested in our relationships with housing providers so we can see more new affordable housing than ever before that meets our residents' needs.

Our aim is to see 1,000 new affordable homes built here in Brent, every year for the next five years, 1,000 of which will be Brent Council homes.

This strategy will play a key part in ensuring Brent residents feel the maximum benefit of these new homes. The investment in more affordable homes will mean the council is less reliant on the PRS when supporting homeless households secure housing. It aims to protect those already living in affordable housing but are concerned that they

will be forced to move on if they are considered no longer 'in need'. And it will reassure people living in temporary accommodation can finally feel secure knowing that their new home is somewhere they can establish roots and build relationships with their neighbours.

To inform the content of this strategy, a range of sources were used to develop a comprehensive evidence base. This includes:

- The London Housing Strategy
- The London Borough of Brent 2016 Strategic Housing Market Assessment (SHMA)
- Findings from Cambridge University commissioned study 'Affordable housing products and their affordability to target client groups'
- Analysis of rents against Local Housing Allowance rates

## 5.0 Types of Tenancies

It is essential when granting tenancies, all tenants are told the type of tenancy they are being offered at the point of sign up. This should also be clearly presented in the tenancy agreement along with any rights specific to the type of tenancy. There are several tenancy types used for affordable housing in Brent, this varies depending on the landlord. This section outlines the different types of tenancy under the Housing Act 1980, 1988, 1996 and Localism Act 2011. These are:

**Introductory tenancies:** New Council tenants may be offered an introductory tenancy lasting up to 12 months. Similarly, RPs may choose to offer a probationary tenancy or a starter tenancy. Tenancies 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. An introductory tenancy can be extended by a further six months.

**Secure tenancies:** A secure tenancy is a lifetime tenancy without a fixed term that is granted by the Council and can only be ended if the tenant breaches their tenancy conditions during the tenant's lifetime. A secure tenancy can only be granted by Councils which are local housing authorities.

**Assured tenancies:** An assured tenancy can be granted either with or without a fixed period, similar to a secure tenancy by an RP. An assured tenancy can only be ended if the tenant breaches their tenancy conditions during the tenant's lifetime if the tenancy has no fixed term and during the fixed term, if the tenancy has a fixed term.

**Assured shorthold tenancies:** an assured shorthold tenancy (AST) usually lasts for 6-12 months. An AST is the most common type of tenancy in the PRS for tenancies started on or after 15 January 1989. It is recommended this type of tenancy is not used by RPs for Social Rent, London Affordable Rent or Affordable Rent properties. The property must be the tenants main home and the landlord must not be living in the property.

**Demoted tenancy:** If a tenant has been involved in antisocial behaviour and they are a secure tenant, RPs can demote the tenancy for 12 months. This is achieved by obtaining a court order. A demoted tenancy reduces a tenant's rights and facilitates the eviction process if required. At the end of the 12-month period, if the tenant has complied with the court order their tenancy will automatically revert back to a secure or fixed term tenancy.

**Flexible secure tenancies (fixed term tenancy):** A flexible tenancy gives tenants the similar rights to a life time secure tenancy, but only last for a fixed period of time. Introduced by the Localism Act 2011, this tenancy type can only be granted by the Council. It is recommended if using this type of tenancy, it is offered for a minimum of 5 years following the completion of an introductory tenancy.

The Council encourages all landlords operating in the borough to offer the most secure tenancy possible. This can be assessed on an individual household.



**We want all Brent residents who are renting; to have a clear understanding of their tenancy, their rights and a guaranteed level of security**



## 6.0 Strategy commitments

### Commitment one: When moving into a new home, Brent residents are offered the longest tenancy possible

This strategy has presented a range of information showing how many households are forced to wait for a home they can afford. Commitment one of this strategy sets out the importance of granting Brent residents the longest possible tenancy so households feel safe to establish roots in their community and build lives knowing they will be there for a long period of time.

#### To achieve this commitment, we will:

- Review the use of fixed term tenancies for Council tenant and prioritise security of tenure
- Encourage RPs to offer secure tenancies to Brent residents
- Work with RPs allocations and lettings team to highlight any members of the household who would be considered vulnerable so they can be granted a longer tenancy
- Maximise the use of incentives for private landlords to encourage longer tenancies and rents at Local Housing Allowance levels.
- Champion initiatives such as community led housing so the PRS can be a long term and affordable housing option
- Develop a local model tenancy agreement and champion the use of longer tenancies within the PRS.

### Commitment two: Brent residents understand their tenancy agreement and how long the tenancy is

All Brent residents who are renting should be provided with a legal tenancy agreement which includes how long the tenancy is for. Commitment two in this strategy seeks to make the information within a tenancy agreement as accessible as possible.

#### To achieve this commitment, we will:

- Proactively promote this strategy so residents understand what the Council expects from landlords in Brent
- Champion the use of interpreters including British Sign Language at the point of sign up and publish tenancy agreement guidance in a range of languages
- Signpost to services in Brent who can offer independent advice to renters on their tenancy agreements
- Encourage all social housing landlords to publish template tenancy agreements online including easy read versions and alternative formats where required
- Encourage all social housing providers of supported housing to regularly audit themselves against the 'real tenancy test' to ensure Brent residents living in supported housing are receiving their full tenancy rights.
- The Council to develop a local model tenancy agreement for Brent PRS landlords to use.

## Commitment three: Brent residents are supported to stay in their home and or tenancy for as long as it remains suitable for them

Some tenants may require extra support to sustain their tenancy whether this is ongoing or a one off intervention. Commitment three aims to encourage all landlords to approach tenancy issues with a 'what can I do to help' mind-set, so, Brent residents can stay in their homes and landlords avoid costly and unnecessary evictions.

### To achieve this commitment, we will:

- Challenge RPs to keep Brent residents in their tenancy if they are forced to leave their home (e.g. fear of violence) by enabling a transfer or reciprocal arrangement
- Support people at risk of homelessness to sustain their tenancy through the Homelessness Prevention service.
- Improve resources on our website so Brent residents or landlords know who to contact if they are worried about their tenancy or receiving rent payments and can access information 24/7
- Support and implement the 'expected end to no fault evictions' in the Private Rented Sector
- Facilitate downsizing initiatives with RPs' through nomination agreements and support RPs' to use new smaller homes built in the borough

## Commitment four: Brent residents are supported if, or when their tenancy ends to avoid homelessness

Throughout this strategy, the focus has been to help keep Brent residents who are renting in their home. This may not always be possible. Commitment four acknowledges the importance that residents know what their housing options are and what support they can access if they do need to find a new home.

### To achieve this commitment, we will:

- Ensure RPs fulfil their responsibilities under the Homelessness Reduction Act 2017 and work with the Council at the earliest possible point if a tenancy is likely to end
- Offer training and publish information for RPs on what advice to provide if someone is at risk of a tenancy ending
- Use Personalised Housing Plans to support Brent residents at risk of homelessness by clearly setting out alternative and accessible housing options
- Influence RPs' reviewing fixed term tenancies and discourage ending tenancies unless a tenants circumstances have significantly improved financially
- Promote the offer of a deposit guarantee scheme to help people in the PRS start a tenancy whilst a deposit is being held by another landlord.

## 7.0 Local Tenancy Policies

Every RP operating in Brent should publish a tenancy policy outlining their approach to the requirements set out in the strategy. These policies should be available online or provided on request to any resident. The Council will also publish its own tenancy policy.

Tenancy policies should include:

- The different types of accommodation offered and their purpose.
- The types of tenancy offered and how this links to different types of accommodation.
- How a household's needs are considered when granting a tenancy including vulnerable groups.
- The landlord's approach to targeting social and affordable housing to those most in need whilst supporting sustainable communities.
- The approach to tackling tenancy fraud.

If a landlord has chosen to adopt Flexible Tenancies, it should also include the following:

- How tenancies will be reviewed and any criteria a household would be assessed against.
- How to appeal against the type of tenancy granted or ending of tenancy.
- Support available when ending a tenancy.

## 8.0 Monitoring and delivering this strategy

The Localism Act 2011, requires the Council to take on the strategic responsibility of tenancies for the borough of Brent. There is however no requirement for RPs to adopt the content set out within this strategy.

We recognise however to successfully achieve our vision "*Brent residents who are renting; to have a clear understanding of their tenancy, their rights and a guaranteed level of security in their home*", we need the support of our RP partners and PRS landlords.

The Council has invested in a dedicated Housing Supply and Partnerships Service to continue developing the right relationships and identify even more opportunities to work together. Continuing to build on these partnerships and pooling knowledge and resource will ensure we can collectively deliver the affordable housing and services Brent residents want and need. So this can be effectively monitored, the Council's Housing Strategy and Delivery Board which includes representatives from most RPs will take on the operational responsibility for monitoring delivery of this strategy and feeding back to members. This strategy will expire in 2024. There is no statutory time period for reviewing this strategy but we will continue to monitor it specifically against any changes in legislation.