



Nottingham City Council Tenancy Strategy

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This Tenancy Strategy has been produced by Nottingham City Council for Registered Providers of social housing operating in the city of Nottingham.

It has been developed to provide a guide as to the kind of tenancies available to be granted, the circumstances in which a particular tenancy shall be issued and the length of tenancy term.

This strategy has been developed in consultation with local Registered Providers to meet the requirements set out in the Localism Act 2011.

1 Introduction

- 1.1 Section 150 of the Localism Act 2011 places a statutory duty on local housing authorities to produce a tenancy strategy setting out the matters to which the Registered Providers of Social Housing for its district are to have regard when formulating policies relating to:
- The kinds of tenancies they grant
 - The circumstances in which they will grant a tenancy of a particular kind
 - Where they grant tenancies for a fixed term, the length of the term
 - The circumstances in which they will grant a further tenancy at the end of a fixed term tenancy
- 1.2 Nottingham City Council (NCC) requires all Registered Providers (RPs) to have regard to this strategy when reviewing their tenancy policies, so that the principles expressed within this strategy are reflected in the detail of each individual tenancy policy.
- 1.3 NCC has produced a tenancy strategy as required by the Localism Act 2011. The reasons are to provide clarity, simplicity and flexibility for RPs of Social Housing working across the city.
- 1.4 This strategy only considers the matters related to 1.1. When developing this strategy, registered providers should also have regard to:
- Housing Strategy [housing-strategy.pdf \(nottinghamcity.gov.uk\)](#)
 - Homelessness & Rough sleeping Prevention Strategy [Homelessness and Rough Sleeping Prevention Strategy \(2\).pdf](#)
 - Housing Allocations Policy [Social Housing Allocations Policy - Nottingham City Council](#)

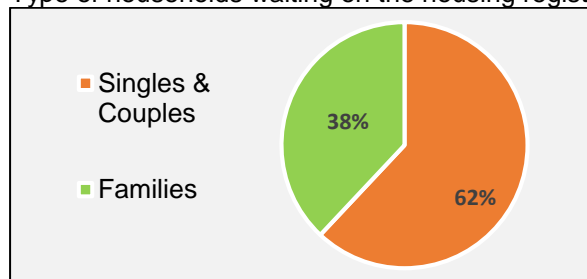
2 Local Context

- 2.1 Nottingham has a population of 323,700 living in 141,884 dwellings. Both NCC and RP social housing represent 25% of housing in the city. The breakdown of the council's social housing and all types of registered provider properties in Nottingham is shown below:

Stock profile	1 bed	2 bed	3+ bed	Total
Council housing	8,587	6,830	9,703	25,120
Registered Providers	4,598	3,488	2,369	10,455

The demand for social housing in Nottingham exceeds the supply, and the increased demand continues to see households applying to join the housing register.

Type of households waiting on the housing register



There continues to be high demand for homes with singles and couples seeking housing, consistently making up over 62% of the applicants on the housing register. As of November 2022, approx. 8,767 households are registered on the housing register.

3 Consultation

3.1 As set out in the Localism Act 2011, and before adopting this tenancy strategy, or making a modification to it reflecting a change of policy, the Council must:-

- Send a copy of this draft strategy to every RP active in the city and give RPs a reasonable opportunity to comment on this strategy
- Consult with such other persons such as the Secretary of State may by regulations prescribe

4 Registered Providers operating in the city

4.1 All RPs operating in the city appear in Section 9.

4.2 The type of tenure to be granted by each RP should be detailed within their organisation's Tenancy Policy. As a minimum, RPs Tenancy Policy should address the following:

- Circumstances in which a certain type of tenancy will be issued
- Whether or not they intend to use fixed term tenancies and, if they do, the length of those fixed terms
- Circumstances in which fixed term tenancies will be renewed
- Length of notice period required for each tenancy option
- If not renewing a tenancy, what appropriate support is in place

4.3 The RPs individual organisational tenancy policies can be located by visiting their websites.

4.4 This is a general strategy to set out the councils' expectations. It does not prescribe how individual tenancies are to be managed. If a person is not sure of their tenancy rights, they should check their individual tenancy agreement. If they are not sure what type of tenancy is being offered, or why they are being offered that type, they should consult the Tenancy Policy of the RP concerned.

5 Types of tenancies available

5.1 The City Council shall grant the following tenancies:

- Introductory tenancies to new tenants;
This is a 12 month tenancy given to new tenants. It is managed and reviewed regularly, including at 9 months. At this point, a decision is taken on whether the tenancy should be extended or ended as a result of tenancy breaches. If no decision is warranted or taken, the tenancy will automatically become secure at the end of the 12 month period. For extended introductory tenancies there will be a further review of the conduct of the tenancy to determine whether there have been any further breaches, before expiry of the introductory period.
- Secure or assured tenancies to existing tenants;
Introductory tenants whose tenancies have not been ended will become secure tenants automatically after a period of 12 months or if the introductory tenancy is extended – 18 months.

Introduced for most social housing tenants by the Housing Act 1980. The Housing Act 1988 subsequently introduced the assured tenancy regime for housing associations. This regime has applied to most new housing association tenancies created since 15 January 1989.

The level of security of tenure offered by these tenancies has led to them being described as 'lifetime tenancies.' Essentially, with some limited exceptions, if a secure or assured tenant does not breach the conditions of their tenancy agreement they cannot be evicted.

- Family intervention tenancies where appropriate;
Family Intervention tenancies were introduced by the Housing and Regeneration Act 2008. This type of tenancy can be considered where a tenant is likely to be evicted from their current home on the grounds of anti-social behaviour and to support the provision of behaviour support services made available through Family Intervention Projects. This type of tenancy is not a secure tenancy and are only used for the purpose of providing behaviour support services that have been outlined in a written behaviour support agreement. This is an agreement between the tenant, Family Intervention Project, other support agencies, NCH and NCC. When a family has completed a programme a decision on the longer term housing needs will be reached between the family, NCH and relevant partner agencies. These tenancies can be converted to secure tenancies if applicable.
- Fixed Term (Flexible) Tenancies (FTT) by exception only;
A fixed-term tenancy is a secure tenancy for a specified period of time with modified statutory rights. The main difference between a periodic secure tenancy and a fixed-term secure tenancy is that the former can only be brought to an end if a court thinks it is reasonable to make an order for possession. With a fixed-term tenancy, the court must order possession if the fixed term has come to an end.

NCC in its role as landlord, is not intending to use fixed term tenancies in the general letting of its homes. However, in exceptional cases, NCC will issue a fixed term tenancy, this will generally be in circumstances where a household

needs a certain type of accommodation temporarily. For example, where a property has been adapted, but the need of the household for such adaptations, is only temporary.

Further detail on these tenancy policy tenures are set out in Nottingham City Homes Tenancy Policy Section 4 ([NCH Tenancy Policy](#))

6 Where fixed term tenancies are offered

- 6.1 The Council acknowledges the use of fixed term (flexible) tenancies should be used in very exceptional circumstances only, for example; a household which requires high level very specific adaptations to the property, and the need for such adaptations are temporary.
- 6.2 The Council sets out below the matters to which RPs should consider in formulating their policies relating to the length of the terms of fixed term tenancies and the circumstances in which they will grant a further tenancy on the coming to end of an existing fixed term tenancy.
- 6.3 Other than in exceptional circumstances, the RPs should have no regard to an improvement in the tenant's economic circumstances in determining whether to grant a fixed term tenancy or whether to renew one. Rather, they should have regard to issues that ensure social stability for the applicants, their families and the community.
- 6.4 The factors they should consider, but are not limited to:
- Fixed term tenancies should not be for a period of less than 5 years (a shorter period could be considered appropriate if history of rent arrears or antisocial behaviour).
 - Fixed term tenancies should be renewed if the property has been adapted for a person with a disability who still resides in the premises and requires the adaptations.
 - In every case, when a fixed term tenancy is not to be renewed, the tenant should be notified by writing by serving a Minded Notice at least 6 months before the end of the fixed term tenancy. A Section 21 Notice shall be served 3 months before the end of the fixed term tenancy. During this period, tenants should be given advice and assistance by the provider in respect of their housing options either within the social housing sector or within the private rented sector.
 - Any other relevant factors should be taken into account and each case should be assessed on its own merits. A blanket policy should not be applied.
 - The Director of Housing with consent of the Portfolio Holder of Housing & Human Resources has the discretion to consider other exceptional circumstances as required.

7 The Council's role

- 7.1 NCC in its role as Landlord is not intending to use fixed term tenancies (unless in exceptional circumstances). The reasons are that social housing makes up approximately 25% of the housing stock in the city with some neighbourhoods having a very high level of social housing. The Council considers that the type of tenancy offered contributes directly to the cohesion or otherwise of neighbourhoods.
- 7.2 The authority therefore considers that the interests of residents and communities are best served by residents having access to long-term settled accommodation. The right of tenants to certainty about the future of their home should not fundamentally differ to those of owner-occupiers.
- 7.3 The Council is generally against the use of financial means testing for determining whether or not to grant tenancies or whether to renew them.
- 7.4 The Council believes that there may be a work disincentive for tenants who risk losing their home at the point of review if they have improved their own circumstances by way of a new job, promotion or extra hours.
- 7.5 Instability – the Council believes that quicker turnover of tenancy leads to a loss of cohesion in communities. For example, the prospect of having to move home may reduce a person's ability to plan for the future in terms of employment, childcare and children's schools. In addition, it may result in a disincentive to persons from engaging in community activities if that person's perception is that they will not be a member of the community for a long period of time.
- 7.6 The Council believes that if middle-income working households are removed from social housing following a review of their fixed term tenancy, whilst low income households and those on benefits are allowed to remain, this will gradually increase levels of poverty and deprivation on social housing estates.
- 7.7 The Council requests that all RPs have regard to this tenancy strategy in formulating their policies relating to the kinds of tenancies they grant, the circumstances in which they grant them and, in addition, in respect of flexible tenancies, the length of the terms and the circumstances in which they will grant further tenancies.
- 7.8 The Council reserves the right to review its position in respect of fixed term tenancies.

8 Review

- 8.1 This tenancy strategy covers the period 2023 onwards and will be reviewed and adjusted if necessary, taking into consideration any other relevant changes in housing legislation.

9 List of Registered Providers consulted

Abbeyfield
Accent Group
Anchor Hanover Group
Derwent Living
East Midlands Homes Group
Framework
Housing 21 & Care
Johnnie Johnson Housing
Longhurst Group
Mansfield Road Baptist Housing Association
Metropolitan Thames Valley
Nottingham City Homes
Nottingham Community Housing Association
Nottinghamshire YMCA
P A Housing
Places for People
Platform Housing
Salvation Army Housing Association
Stonewater
The Guinness Partnership
The Riverside Group
Tuntum Housing Association