

# Milton Keynes City Council Tenancy Strategy

September 2022

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## **1.0. Purpose and aims**

- 1.1. The purpose of this Strategy is to set out Milton Keynes City Council's (the "Council") aims for how social housing will be let in Milton Keynes to meet the needs of its residents.
- 1.2. This Strategy should be taken into consideration by registered providers of social housing ("Registered Providers") that own or manage dwellings in the Milton Keynes local authority area, when formulating their tenancy policies.
- 1.3. The Council is also a landlord providing social housing in Milton Keynes, so this Strategy applies to the Council as though it was included in the definition of Registered Providers and where this Strategy applies to the Council, reference to assured tenancies shall include secure tenancies. The Council will ensure that its Tenancy Policy complies with this Strategy.
- 1.4. This Strategy relates to lettings of all social and affordable rented properties, which includes adapted and sheltered housing. It does not cover hostels, temporary accommodation or other forms of supported housing.
- 1.5. The aims of this Strategy are:
  - 1.5.1. to ensure tenants are given the most secure form of accommodation possible to create sustainable communities;
  - 1.5.2. to provide housing to those who need it most;
  - 1.5.3. to make best use of social housing stock in Milton Keynes;
  - 1.5.4. to minimise and prevent homelessness;
  - 1.5.5. to ensure housing is provided in a fair and consistent way across Milton Keynes; and
  - 1.5.6. to encourage Registered Providers to prepare tenancy policies that are:
    - 1.5.6.1. compliant with this Strategy and legislative requirements;
    - 1.5.6.2. fair; and
    - 1.5.6.3. easy to understand and administer.

## **2.0. Homelessness and Housing Strategies and Allocation Scheme**

- 2.1. In preparing this Strategy, the Council has considered:
  - 2.1.1. its Homelessness Strategy;
  - 2.1.2. its Housing Strategy; and
  - 2.1.3. its Allocation Scheme.
- 2.2. The aims of this Strategy support the Council's Homelessness Strategy because providing secure tenancies will help prevent homelessness.
- 2.3. This Strategy is also consistent with and supportive of the Council's Housing Strategy and Allocation Scheme because it supports the allocation of housing to those who need it most.

### **3.0. The types of tenancy that should be granted**

- 3.1. The Council wants tenants to be granted tenancies with **the most secure form of tenure** that is suitable in the circumstances to help create stable, settled homes and sustainable communities.
- 3.2. Registered Providers should therefore offer the most secure form of tenure possible considering:
  - 3.2.1. the purpose of the accommodation;
  - 3.2.2. the needs of the applicant and their household, and any reasonable or additional preference they might be entitled to under the Council's Allocations Scheme;
  - 3.2.3. the sustainability of the community; and
  - 3.2.4. the efficient use of their housing stock.
- 3.3. When considering what form of tenure to offer, Registered Providers should always consider granting assured tenancies first.

### **4.0. The circumstances in which particular types of tenancy should be granted**

- 4.1 Registered Providers should grant the longest tenancies possible in the circumstances. This is particularly important for applicants with Vulnerable People or children within their household. "Vulnerable People" are people who:
  - 4.1.1. have a long-term health issue, disability or support need which has no prognosis of improvement; or
  - 4.1.2. are terminally ill.
- 4.2. Registered Providers should grant assured tenancies to applicants in the following groups:
  - 4.2.1. who are or were tenants under an assured tenancy (of the same or a different home), where someone in the household has been a victim of domestic abuse and the new tenancy is granted because of that;
  - 4.2.2. whose household contains someone over 60; and
  - 4.2.3. whose household contains one or more Vulnerable People.
- 4.3. Registered Providers can grant fixed term tenancies where it is appropriate in the circumstances, for example where it is compatible with the purpose of the housing, the sustainability of the community, the needs of the household and the efficient use of stock.

### **5.0. The length of term that should be used when fixed term tenancies are granted**

- 5.1. Registered Providers should always grant fixed terms of a minimum of 5 years, after (and in addition to) any initial probationary period (which will usually be 12 months, but can be extended if the tenant breaches the tenancy).

- 5.2. Where an applicant has been offered a fixed term tenancy and requests a review of the decision to grant a particular length of term, Registered Providers must keep the original offer open until conclusion of the review.
- 5.3. In exceptional circumstances, Registered Providers may grant fixed term tenancies for a term of less than 5 years but no less than 2 years in general needs housing (following any probationary period). In such circumstances, Registered Providers should always consider first whether the issue can be better addressed using a probationary period or an assured short-hold tenancy.
- 5.4. We expect such exceptional circumstances to be extreme in nature and rare.
- 5.5. Any fixed term tenancies granted in exceptional circumstances must be for a minimum of 2 years and should not be used where:
  - 5.5.1. the applicant will need substantial adaptations to their home (being works worth more than £3,000 or equivalent to a flat floor shower); or
  - 5.5.2. applicants have Vulnerable People or children within their household.
- 5.6. Fixed term tenancies for a minimum of 2 years may also be used where necessary:
  - 5.6.1. to comply with a legislative direction or Government requirement or recommendation (including funding requirements); or
  - 5.6.2. due to the nature and construction of the premises which means that only short-term tenancies are appropriate.

## **6.0. The circumstances in which tenancies will be renewed**

- 6.1. Registered Providers should ensure that all fixed term tenancies are renewed at the expiry of the fixed term so that they do not expire and become insecure periodic tenancies.
- 6.2. The tenancy renewal process should be timed so there is enough time to consider all of the issues and for appeals to be made. Registered Providers should start tenancy reviews at least 9 months before the end of the fixed term, but ideally 12 months before the end of the fixed term.
- 6.3. Registered Providers must provide written notice to the tenant stating either:
  - 6.3.1. that they propose to grant another tenancy on the expiry of the fixed term;
  - or
  - 6.3.2. that they do not propose to grant another tenancy.
- 6.4. Registered Providers should start from the presumption that they will grant a new tenancy which will either be an assured tenancy or a fixed-term tenancy for a term at least equivalent to the current fixed term.
- 6.5. Before deciding not to renew, Registered Providers should consider the impact on the whole household's needs and the impact on the wider community and neighbours.
- 6.6. If a Registered Provider believes that there is good reason not to renew the tenancy for at least the same term, the Registered Provider must give the tenant a full explanation of the reasons justifying that decision and explain what alternative tenancies are available. Any reasons given by the Registered Provider must be:
  - 6.6.1. in accordance with the Registered Provider's policies;

- 6.6.2. in the interests of good housing management; and
- 6.6.3. proportionate given the tenant’s personal circumstances.
- 6.7. Examples of good reasons not to renew the tenancy for the current property are:
  - 6.7.1. that the home is under-occupied in accordance with the social sector size criteria; and/or
  - 6.7.2. there are unused, substantial adaptations.
- 6.8. If a Registered Provider does not renew, it should consider providing or finding an alternative suitably priced and sized home. Registered Providers should consider:
  - i. providing financial or other incentives for tenants to move;
  - ii. negotiating with the Council or another Registered Provider which owns or manages dwellings in Milton Keynes local authority area, to provide a suitable home; and
  - iii. supporting the household into affordable/market rent or owner occupation if appropriate to their social and financial circumstances.
- 6.9. Registered Providers should not adopt a policy of non-renewal because of rent arrears and should consider ways in which rent arrears can be resolved.
- 6.10. Registered Providers should not adopt a policy of non-renewal because of complaints of antisocial behaviour. Any breaches of tenancy should be dealt with under the normal possession process, so that a court can consider the case. In exceptional circumstances, if Registered Providers do consider non-renewal as a result of antisocial behaviour, they must consider community care needs in any assessment.
- 6.11. Registered Providers can consider not renewing tenancies where the tenant is not engaging with the review process, but only where the Registered Provider has first explored whether the tenant has any vulnerability which is affecting their ability to engage.
- 6.12. Registered Providers should not update the rules on tenancy renewal in their policies more often than once in every 2 years to provide some security to tenants on the criteria for renewal.

## **7.0. Reviews and complaints against tenancy decisions**

- 7.1. Registered Providers should publish their renewal and appeals processes in a form that is clear and accessible, with clear timescales that start early enough to ensure homelessness is prevented.
- 7.2. Registered Providers must ensure that vulnerable tenants are made aware of their right to get independent advice and support in seeking a review of any decision about their tenancy, including decisions not to renew fixed-term tenancies.
- 7.3. When sending formal notice of the decision not to grant another tenancy, Registered Providers should advise tenants to seek independent advice on requesting a review.
- 7.4. Registered Providers should include the statutory provisions on review in their Tenancy Policies.
- 7.5. Registered Providers may also create their own right to review a decision not to renew and/or the decision to serve a section 21 notice seeking possession.

## **8.0. Advice and assistance in finding alternative accommodation**

- 8.1. Before making a final decision on review, Registered Providers should explore possible housing alternatives so that homelessness is avoided.
- 8.2. Registered Providers must provide advice and/or help to tenants whose tenancies are not being renewed to find alternative accommodation that is suitable to the needs of their household.
- 8.3. Registered Providers should provide advice and information to all tenants whose tenancy is not being renewed.
- 8.4. Registered Providers should help find suitable alternative accommodation for those households who need help. The help should include:
  - 8.4.1. discussing with the tenant other appropriate, affordable housing options, having regard to statutory guidance on suitability;
  - 8.4.2. understanding and considering the applicant's income and capital resources; and
  - 8.4.3. using this as an opportunity to link the household with any other necessary support, such as employment support.

## **9.0. Monitoring and reporting**

- 9.1. To ensure that this Strategy meets its aims, the Council will monitor the effects of it.
- 9.2. At least every 3 years, the Council will review data from national published data and provided by Registered Providers about:
  - 9.2.1. how many tenancies are being granted in Milton Keynes;
  - 9.2.2. what type of tenancies are being granted and the length of them;
  - 9.2.3. what type of applicants are being granted tenancies;
  - 9.2.4. how many tenancies are renewed following review;
  - 9.2.5. how many homelessness applications are made following termination of fixed term tenancies;
  - 9.2.6. the number and outcome of appeals/reviews against adverse decisions; and
  - 9.2.7. the way in which tenancy breaches are managed and how this impacts on decisions to renew tenancies.
- 9.3. The Council will also regularly review Registered Provider's tenancy policies to see if they are taking this Strategy into consideration.

## **10.0. Reviewing this Strategy**

- 10.1. The Council will consider this Strategy when exercising its housing management functions.

- 10.2. The Council will keep this Strategy under review and may amend or replace it from time to time.
- 10.3. The Council will take this Strategy into account when reviewing its Homelessness Strategy, Housing Strategy and Allocation Scheme and will also review this Strategy whenever those documents are updated.
- 10.4. Before making any major change to this Strategy, the Council will send the proposed change to Registered Providers and will give them a reasonable opportunity to comment on the proposals. It will also consult with any other parties it is required to consult by law.
- 10.5. A copy of this Strategy will be available for the public to see at the Council's principal office during opening hours. There will be no charge for this.
- 10.6. A copy of this Strategy will be on the Council's website, it can also be provided on request, but there may be a reasonable charge for this.

## **11 Equality and Diversity**

- 11.1 The Council will apply this Strategy in a way that is fair and consistent to all tenants.
- 11.2 The Council will not directly or indirectly discriminate against any person or group of people because of their race, religion/faith, gender, disability, age, sexual orientation or any other grounds which are set out in the Council's Equality and Diversity policy or are a legally protected characteristic.
- 11.3 The Council will ensure this Strategy and any supporting procedures do not create an unfair disadvantage for anyone, directly or indirectly.
- 11.4 The Council will advise tenants that equalities information will be collected to enable a better understanding of peoples' housing needs and to ensure that no one is discriminated against as a result of the way this Strategy has been framed, or during the administration of it. Tenants will be informed as to how such data will be used, handled, and stored.
- 11.5 An Equality Impact Assessment has been completed in conjunction with adopting this Strategy.

## **12 Data Protection**

- 12.1 The Council will hold all information about tenants in a secure manner in line with data protection legislation applicable to the Council.
- 12.2 The Council is subject to the information disclosure requirements of the Data Protection Act 2018. The administration of this Strategy will ensure compliance with this legislation. For further information please reference the Council's *Data Protection Policy*. Tenants

will be advised of their right to make a complaint to the Office of the Information Commissioner if they believe the Council has failed to fulfil its obligations and responsibilities as set out in the Data Protection Act 1998.

### 13 Information about this Strategy

13.1 The Council will provide a copy of this Strategy to any person who requests one.

Electronic copies will be provided and copies in alternative formats will be considered on an individual basis. A copy of this Strategy is available on the Council's website.

13.2 Copies of this Strategy can be requested:

13.2.1 In person Civic, 1 Saxon Gate East, Central Milton Keynes, MK9 3EJ, but you will need to make an appointment.

13.2.2 In writing Civic, 1 Saxon Gate East, Central Milton Keynes, MK9 3EJ, but there may be a reasonable charge for this.

13.2.3 On the phone 01908 691691

13.2.4 By email [customerservices@milton-keynes.gov.uk](mailto:customerservices@milton-keynes.gov.uk)

13.2.5 Online <https://www.milton-keynes.gov.uk/housing>

13.3 The Council will use tenancy agreements which accord with this Strategy, and which will be reviewed when this Strategy is reviewed. No amendments to those may be made without the approval of the Neighbourhood Services Manager.

### 14 How will the Strategy be implemented?

This strategy crosses all service areas of the Council. All senior managers in the housing service are aware of the importance of implementing appropriate procedures to support the application of this Strategy.

### 15 Legislation, Related Policies and Other References

This strategy also has due regard to the Acts and Policies listed below:

- [Landlord and Tenant Act 1985](#)
- [Housing Act 1985](#)
- [Housing Act 1996](#)
- [Service Charges \(Consultation Requirements\) \(England\) Regulations 2003](#)
- [Pre-Action Protocol for Possession Claims by Social Landlords](#)
- [Homelessness Reduction Act 2017](#)
- [MKC Complaints Policy and Procedure](#)
- Fees and charges
- Draft Recharge Policy
- Equality Act 2010



- MKC ASB Protocol
- [The Tenancy Standard](#) (2012 as amended)
- MKC Tenancy Policy

## 16 Review

We will formally review this strategy every five years unless changes in legislation or regulation require an earlier review.

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