On the 6th January 2011 the Housing and Neighbourhood Partnership held a session to debate the government’s consultation paper, Local Decisions: a fairer future for social housing.

Key points raised by partnership members at the meeting are detailed below:

<table>
<thead>
<tr>
<th>Tenure - Fixed Term tenancies</th>
<th>If fixed term tenancies could come to an end as a result of a reasonable change of circumstances, what would that ‘reasonable change in circumstances’ be?</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>If households were asked to leave at the end of the fixed term, it would be important that they had an opportunity to remain in the same community (for schooling, support network, community reasons). Community might need to be defined as neighbourhood rather than borough.</td>
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<tr>
<td></td>
<td>If a term was two years would tenants invest in their community, want to get work, or even stop paying their rent once they knew in 6 months they would have to leave?</td>
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<td>There would need to be effective systems in place to support people if they were asked to leave.</td>
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<tr>
<th>Tenure – Affordable Rents</th>
<th>Registered Providers with a smaller level of stock and a low turnover might find it difficult to use affordable rents to fund the development of new homes.</th>
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<tr>
<td></td>
<td>This new model is much more risk based as if market rents drop then this affects Registered Providers business plans for using the additional rent to fund new homes.</td>
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<td>Will market rents be reducing due to LHA changes and therefore reduce what surplus can be made from 80% of market rents?</td>
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<td>Model might be less suited to the north where the gap between social rents and 80% market rent is smaller.</td>
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<table>
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<tr>
<th>Strategic policy on tenancies</th>
<th>How much agreement between Local Authorities in a sub-region on these will be able to be made? If not, is this a problem?</th>
</tr>
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</table>

<p>| Empty homes                  | 3,000 nationally through £100m. This will be very few for the borough. It can take a long time to bring empty |</p>
<table>
<thead>
<tr>
<th><strong>Waiting Lists</strong></th>
<th>Will this move to making social housing only for the most in need mean that eventually all social housing tenants will be claiming benefit? What does this mean for mixed communities?</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Reasonable Preference</strong></td>
<td>Suggestion that people with children with disabilities be added to the reasonable preference category and to the list of households that should be offered longer social rented tenancies.</td>
</tr>
<tr>
<td><strong>Transferring Tenants</strong></td>
<td>The Tees Valley already has a sub-regional mutual exchange system which works well.</td>
</tr>
</tbody>
</table>
| **Homelessness** | Using the private sector more to accommodate homeless households will create additional work for private sector housing teams in assessing both properties and landlords. Should we stipulate that it must be a landlord that is part of the Council’s accreditation scheme?  

Will landlords want to give 12 month tenancies or longer?  

Bonds will need to be paid. Council currently runs a guarantee scheme for housing options clients.  

Stockton has very few homeless acceptances. These are often the most vulnerable clients. Should they be the ones given only 12 month tenancies in the private rented sector? |
| **Overcrowding** | Fixed term tenancies could help with tackling under occupancy. E.g. once a household’s fixed term has come to an end and their children have moved out then they would have to leave the property they were under occupying.  

Important to give households the support they need to move from under occupied properties, e.g. make it as smooth as possible. |

The 5 local authorities in the Tees Valley submitted a joint response to the consultation. This response is shown below.
Local decisions: a fairer future for social housing

Sub-regional consultation response from the Tees Valley local authorities and their housing provider partners

Tees Valley local authorities includes:

- Middlesbrough Council
- Stockton-on-Tees Borough Council
- Redcar & Cleveland Borough Council
- Hartlepool Borough Council
- Darlington Borough Council
Introduction

This is a sub-regional response on behalf of local authority and housing provider partners across the Tees Valley region. Over the years there has been a great deal of sub-regional working, for example, a sub-regional choice based lettings scheme and common allocations policy, therefore a joint response was considered appropriate.

To inform the response, a sub-regional event was held, which included representatives from the five local authorities and Executive Members, as well as senior representatives from Registered Providers and their Board Members, the Homes and Communities Agency, and the Northern Housing Consortium (Appendix 1). The event provided an opportunity for the proposals to be discussed and debated. Following some presentations, delegates were split into focus groups to discuss particular aspects of the proposals. Some organisations which attended the event and fed into this response will also be submitting their own response to reflect their own local/organisational circumstances. The sub-regional response to the consultation is set out below.

**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?

There is support for landlords having more flexibility, however, as long as this is a choice and flexible tenancies are not the only form of tenure which landlords can issue. There will need to be careful consideration on what the circumstances would be in which a tenancy would be reissued at the end of the fixed term, for example if this was linked to income, would it provide a disincentive to work? However, it was also suggested that it might provide an incentive for households to review their situation periodically, and result in them identifying a better housing offer. The cost of the household moving house needs to be considered as this could be a drain on the household’s income.

In the North of England, the gap between social rent and market rent levels is small and the introduction of shorter term tenancies with rent set at a maximum of 80% of local market rents would not raise significant levels of capital to develop the required number of units to meet housing need. With shorter term tenancies, housing providers will have an increase in void property and repair costs, due to increased turnover. Local authorities may look to private developers to increase the availability of housing stock, with the local authorities negotiating for affordable housing through land deals.

Consideration will need to be given to ensuring balanced communities to avoid concentrations of vulnerable, low income households. With the introduction of flexible, shorter term tenancies there will also need to be the development of new housing products to enable people to move on within the same community, enabling children to remain at the same schools and support networks to be maintained. Sustainable communities are crucial to support the government’s agenda of the ‘big society’.

In the present economic climate, the new reforms introduce higher rents and restrictions on Housing Benefit/Local Housing Allowance against a backdrop of lower household income and uncertainty in prospects for permanent/full time employment.

When tenancies come to an end, residents will need advice and assistance to support them through the process of finding alternative housing solutions and this will inevitably place an extra burden on local authority housing advice services and registered providers.
Tenancy/Housing officers would need to manage areas with a range of tenancy agreements and be requested to have knowledge of the personal circumstances of all households under their management.

In terms of implementing the policy, there is support for a sub-regional approach with local authorities and registered providers to ensure consistency and avoid confusion for customers/residents.

If changes were implemented, some outcomes may be:

a) to continue to develop new social/affordable housing to meet local need;
b) potentially some re-modelling of existing stock, e.g. sheltered schemes to assist move-on for older people living in unsuitable accommodation; and,
c) improved working with private sector to increase access to the rental market.

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

While local authorities need to have time to assess the strategic implications of converting social to affordable lets, registered providers that wish to develop have to make assumptions to complete their bids to the Homes and Communities Agency for resources by the end of March. There is nowhere near enough time for local authorities to get this agreed, to consult with groups and implement a strategic policy on tenancies.

Local authorities will be working with registered providers over the next 6-12 months. Prior to any changes being implemented, there will need to be some preparatory work needed, which was considered to be:

a) market testing, consultation and setting a time frame for implementation;
b) registered providers will need to consider the expectations of the local authority (within their policy document);
c) registered providers will need to consider what they could contribute to the overall housing provision and how many affordable tenancies will be required to meet the gap in future provision;
d) some modelling around waiting lists, use of B&B and pressures on existing properties; and,
f) to work with the private sector to have quick access to accommodation and this may require landlord incentives.

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?

The Strategic Housing Market Assessment, Local Housing Assessments, Local Implementation Plan and other local authority data would form an evidence base for the policy.

Wide consultation would be undertaken (see response to question 4 below) to ensure that the views of all relevant stakeholders are considered to ensure that local needs and priorities are understood.

Consideration would be given to:

a) policy monitoring and compliance;
b) the regularity and process of future reviews;
c) consider the impact on the private rented sector, including how to raise standards of management and the properties.
Costs associated with the development of the policy are estimated to be around £5,000 per local authority to carry out the necessary research and consultation events, make changes to existing policies and strategies referred to above and changes to IT systems, and would expect it to take approximately 6 months to develop.

Clarity on the definition of ‘local’ would be welcomed, does this refer to local authority area, or can this be applied sub-regionally?

Given the cross-boundary nature of housing markets and the fact that many registered providers work across Tees Valley, there is support for such a policy to be developed on a sub-regional basis. It is important to avoid creating a quasi-market through the adoption of incompatible policies by neighbouring authorities.

Local authorities will need to ensure the strategic policy on tenancies is consistent with the Allocations Policy, as well as the Housing and Homelessness Strategies.

The strategy would be made available through local authority websites.

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

Residents; Registered Providers; current social housing tenants; Local Strategic Partnerships; relevant internal council service areas, such as Social Care; Members; sub-regional choice based lettings partnership; local voluntary sector organisations; Probation; private landlords, lettings agencies, community groups, Homes and Communities Agency, and neighbouring local authorities.

Local authorities and housing providers should ensure that stakeholders are given an 'informed consultation' i.e. where tenants/residents are actively encouraged to ask questions and feedback any views and concerns within meetings or focus groups. This would be in preference to the use of questionnaires, which market researchers often report are not always fully read or understood and the return rate is very low.

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

Yes, the Tenancy Standard should focus on key principles to allow for Registered Providers to have more flexibility. As well as the key principles already included in the existing tenancy standard, they would also need to include:

- how registered providers will allocate properties (social or affordable, fixed or for life);
- how differing rent levels will apply;
- when local lettings policies will be used;
- what the rationale is for time limited tenancies;
- the requirement for registered providers to work with the local authority's Strategic Housing function and sign up to nomination agreements, to assist the local authorities with their homelessness duties; and,
- a clear requirement for registered providers to take account of local strategic policies on tenancies when determining their own policies.

Following discussion with tenants in Middlesbrough they think that the relatively recently introduced tenancy standard is a good guideline for landlords and the key principles should remain.
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?

There needs to be clear guidance issued to landlords on the types of tenancies which can be issued. Social landlords are sometimes required to adopt local lettings policies to address particular concerns within an area e.g. low demand or to create a more balanced community. Local lettings policies, on occasion, have included the use of 6 month assured shorthold tenancies (ASTs) to be used on an introductory/probationary period. If this is being replaced by a minimum of 2 years fixed term, this would remove some of the flexibility which landlords have and if they are no longer able to issue 6 month ASTs this could have a negative impact on the ability to effectively manage change in a particular area. The use of probationary tenancies should be left to the discretion of the registered provider, as long as they are in keeping with the local authority's strategic policy on tenancies.

Question 7
Should we seek to prescribe more closely the content of landlord policies on tenancies? If so, in what respects?

Landlords need to be given some flexibility on what is contained within their policies, but need to be upfront about what changes are being considered/made. Information within the policy needs to include: how properties are allocated, differential rents, local lettings policy, length of tenancies, preferential groups and rent levels. There also needs to be an overview of the circumstances in which they will grant either tenancies for life, fixed term, and if or when they will use the Affordable Rent option. However, many social landlords operate across many different local authority areas, where local priorities may differ significantly; this would make it challenging to include too much detail into their policies to take into account all the different tenancy strategies for each local area.

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

Discussions with Middlesbrough tenants found that they would expect to be part of the consultation process, expect feedback on the final policy document and participate in policy reviews when required. A comment was also made that current tenants are likely to have a more favourable view of secure, lifetime tenancies as that is what they have ‘signed up for’. However, potential new tenants may have differing views and they should be captured as well.

Local authorities should ensure that appropriate agencies acting on behalf of disadvantaged groups are contacted as part of the consultation process.

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?

Fixed term tenancies will fundamentally change the role of social housing. It was not felt, generally, that there is a strong case locally for moving to fixed-term tenancies instead of lifetime tenancies. It is considered that generally that a 2 years minimum term is not long enough and suggestions have been proposed that this is increased to 4 or 5 years, with the ability to have a one year probationary period. One reason for proposing a minimum fixed term longer than 2 years would be based in income levels which are
not high enough for people to move onto low cost home ownership or private renting, 2 years will be
difficult for people to develop a settled home as a springboard into a different tenure. There should be no
distinction between tenancies on fixed term and affordable rents.

There are concerns about sustainability, and communities not being able to establish themselves. However,
the fixed term would be ideal for certain groups e.g. the Boho live/work units in Middlesbrough, which are
designed for people wanting to start their own business, or possibly accommodation for young people,
where it would be anticipated they would move on to other accommodation. There should be the ability to
use probationary periods, although the length will have to be determined, it could depend on local
circumstances, and should be at the discretion of the individual registered provider.

Two years is the minimum period presently used for many temporary accommodation hostels and while
suitable during a transition stage, such as someone breaking out of a chaotic life into a more stable one, it
is too short a period of time in a general needs tenancy to allow for proper resettlement. Tenants who
have been vulnerable may not commit to managing the tenancy as well as they would have if they were
staying for a longer period.

Fixed term tenancies will create more costs for registered providers e.g. a higher turnover of voids, rent loss
through void periods, re-let repairs, and more bureaucracy. They will also undermine objectives relating to
the creation of mixed and balanced communities.

If families are to be awarded longer fixed term tenancies, there could be situations where a two year fixed
term tenancy has been awarded to a young working couple, and within the two year period their
circumstances could have changed significantly e.g. no longer working, had a family. It will be difficult for
registered providers to prescribe when tenancies can be reissued, as there will be so many different
scenarios, further guidance on this would be beneficial.

**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?

Although there was some support for the introduction of fixed term tenancies, it was strongly felt that
households with dependant children should be offered longer term tenancies, as a family being forced to
move home in two years could have a detrimental effect on the children if they are required to change
schools etc.

A minimum fixed term of longer than 2 years would be based on creating a settled lifestyle for vulnerable
groups.

There should be no distinction between tenancies on social and affordable rents; there should also be the
option to offer affordable rent properties on secure tenancies.

**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?

Yes, there is strong support for vulnerable groups e.g. elderly or those with a disability (including families
with a disabled child) to still receive a secure tenancy, particularly where they require, or are likely to
require, adaptations to the property to assist them to live independently.
Clarity would be welcomed on what age constitutes being considered an older person, and a definition for disability.

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

Registered providers should have the discretion to offer secure tenancies for any housing type and for any households, where this is in line with a local authority’s strategic policy on tenancies.

**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?

Yes, otherwise registered providers may be open to challenge. It would discourage tenants to transfer to another property, for example where they are under-occupying, which could free up more family accommodation, if their existing rights are not protected.

**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?

Yes, this should be at registered providers’ discretion. Generally speaking, however, where a tenant has a secure or assured tenancy they should receive similar security of tenure when they move.

**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 the tenancy?

Yes, but registered providers should provide meaningful advice and assistance at the end of fixed term tenancies, and not simply signpost all of their tenants to the local authority’s housing options team. However, providers would need to be monitored, which would also impose an additional cost on the local authority.

The requirement to provide appropriate advice, support and assistance should be prescribed in legislation. It is recognised that there will be a significant administrative burden for landlords who choose to adopt fixed term tenancies, and they should be made fully aware of this when adopting their tenancy policies. Even with this requirement, it is extremely likely that the introduction of fixed term tenancies will lead to an increase in homelessness presentations to local authorities.

However, whilst housing providers could provide advice, it is unlikely and unrealistic to expect them to have the breadth of knowledge about the current housing options available to tenants. The local authority is best placed to provide the advice, but this will present a capacity issue, and opportunities for joint working should be explored.

Is there scope to extend the National Housing Advice Service to assist registered providers also?

**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 factors to be taken into account when renewing a tenancy would be conduct of the tenancy e.g. rent arrears, anti-social behaviour or other tenancy breaches, or under-occupation. It would also depend on demand, location of the stock and property type.

The local authority should have input into these factors, possibly as part of the tenancy policy, factors may include:

- vulnerability;
- ability to sustain a different tenure;
- social/welfare aspect of moving; and
- affordability issues linked to move home.

**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?

Tees Valley operates a sub-regional choice based lettings scheme, with a Common Allocations Policy. An open waiting list is currently in operation and it is felt that this provides equal opportunities to all residents of Tees Valley. It is possible and practicable to prioritise existing residents whilst continuing to operate an open housing register. Although anyone can apply there is a banding system in place which gives priority to those in the most need.

Any changes considered within the new proposals would be informed by wide consultation with existing tenants, current applicants and the wider community. Where local authorities based in the south of the country may welcome the ability to restrict their waiting lists, Tees Valley is focussed on creating balanced sustainable communities. There is a concern that the new reforms will move away from balanced communities and the changes could create concentrations of deprivation and more vulnerable households.

However, there could be some consideration given to household types to be given priority within the scheme e.g. key workers.

**Question 18**

In making use of the new waiting list flexibilities, what savings or other benefits would you expect to achieve?

There would be initial costs in introducing any changes e.g. consultation, reviewing the policy, ICT costs. If the waiting list is restricted to certain households, there would still need to be an initial assessment undertaken to ascertain if the household was eligible to apply or not. The local authority would then pick ineligible clients up through their housing advice service – which may include a referral to a registered provider.

As such, these proposals are likely to lead to increased costs rather than benefits or savings, particularly as local authorities will need to provide advice/support to the ineligible groups also.
Question 19
What opportunities as a tenant or resident would you expect to have to influence the local authority's qualification criteria?

Following discussions with tenants in Middlesbrough, they would expect to be part of the consultation process and see the policy before it is implemented. They would also like to be part of any review process.

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?

There is support for the statutory reasonable preference categories to remain unchanged. It is important that central government retains the role of setting these categories to ensure that those most in need are protected. There is already enough flexibility to allow other groups to be included where needed, dependant upon local evidence and agreement.

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?

No, there is no need for the reasonable preference categories to be expanded or clarified.

Other applicants should be able to join the list in the interests of balanced communities.

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?

The existing system which is in use across Tees Valley offers the flexibility for the local authorities and their partner landlords to make amendments as required based on local need.

Existing tenants with a higher housing need must still be recognised within the prioritisation bands. However, transferring tenants with no housing need could be placed into a new band, and a quota applied for lettings e.g. 75% to the existing bands based on level of housing need and 25% to transferring tenants (each local authority could apply their own quota, based on local need).

However, removing transferring tenants from the allocation framework could encourage some landlords to use higher demand housing for tenant transfers, leaving the lower demand accommodation for local authority nominations.

Question 23
What are the reasons why a landlord may currently choose not to subscribe to a mutual exchange service?

The main reason would be cost. Some analysis carried out in Tees Valley is that generally tenants want to move within their own local authority area or neighbouring local authority (usually within a 10 mile radius). Not sure that subscription to a mutual exchange service should be mandatory.
The detail is unclear on whether it is suggested that a whole new system be introduced, and whether there will be interfacing with current housing register systems.

Tees Valley already operates a sub-regional mutual exchange scheme. It is a service provided in addition to choice based lettings.

**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?

Discussions with tenants in Middlesbrough have highlighted that, in this region, there will be little take up of such a scheme, therefore for the small amount of people it would benefit, there should not be any additional costs incurred by the landlord through increased services.

**Question 25**

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

Local authorities will be able to use the new flexibilities to discharge duty in a timely manner to households accepted as homeless. However it was strongly felt that this must be suitable affordable accommodation. It was recognised that the private rented sector is already used but as a prevention tool and that clients tend to prefer the security of social rented accommodation.

Local authorities would need to ensure that the landlords were in the accreditation schemes, however, the schemes are not always mandatory and also dependent on funding, and so can this be sustained?

Ensuring that this part of the process is right and that properties are inspected will be a resource issue for local authorities. Implications around vulnerability, support and affordability need to be considered.

This could have a positive impact on the private rented sector, through encouraging more landlords to become accredited and use the choice based lettings system.

**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?

Whilst the private rented sector may respond to the challenge and provide the additional accommodation, success will very much be dependent on the location, level of rent, affordability for the individual households and the terms and conditions of the tenancy. There may be an issue finding landlords willing to offer a minimum of 12 month tenancies, and it will be crucial that vulnerable groups are not exploited. There may be an opportunity to work with private rented landlords in the area and assist with management etc. Need to think about the wider implications on schools/primary care.

Is this placing a new duty on local authorities, i.e. what duties do local authorities have before referring households to the private rented sector regarding quality of property etc.?

The proposed changes to Local Housing Allowance are also likely to have an impact on the availability and affordability of private rented accommodation. Those changes are likely to make it much harder in practice to discharge homelessness duties through the private rented sector.
In some areas, private renting is seen as the least popular tenure choice. The use of selective licensing schemes could be used as an incentive to people knowing that their landlord and property is being inspected and managed at a basic level.

Discussions with landlords at a meeting of the Teesside Landlords Association found that landlords thought there probably would be enough accommodation available, however, only if the households being referred were not in receipt of Local Housing Allowance. Many of the landlords present stated they were choosing to favour those in paid employment, due to the proposed welfare reforms.

**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 assured shorthold tenancy? 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?

Need to take into account the points raised in questions 25 and 26 above, ensuring quality, location and affordability, this could be an option.

Landlords do not normally issue 12 months tenancies, usually 6 month shorthold. There may be a need to introduce incentives e.g. fast track Local Housing Allowance claims and direct payments, undertaking reference checks and offering continued support during the 12 month period in the event of tenancy breaches.

Discussions with landlords at a meeting of the Teesside Landlords Association highlighted that there was no support for issuing fixed term tenancies for 12 months or more. They did not see the use of the Rent Bond Guarantee Scheme (RBGS) or direct payments were enough of an incentive for them to offer a 12 month tenancy. Concerns raised were: who would be responsible for providing tenancy/landlord support for a new ‘vulnerable’ tenant, and would the RBGS cover the actual loss to landlords rather than a set limit?

The safeguard of a continuing homelessness duty up to two years is welcomed. However, where households are offered accommodation in the private rented sector for 12 months, it is inevitable that repeat homelessness levels will rise alongside administrative burdens on local authorities.

**Question 28**
What powers do local authorities and landlords need to address overcrowding?

There does not need to be any additional powers for local authorities to address overcrowding, the current powers are sufficient. The key issue is being able to re-house the tenants appropriately once a notice has been served.

Tees Valley already operates a generous scheme to deal with overcrowding through the priority banding system on the choice based lettings scheme. Overcrowding is not a major issue in Tees Valley; there is more of an issue with under-occupation.

Local authorities could be provided with funds to be able to offer grants/loans to enable landlords of an overcrowded household in the private rented sector to carry out property renovations such as loft conversions/ small extensions/ splitting large bedrooms.

**Question 29**
Is the framework set out in the 1985 Housing Act fit for purpose? Are any detailed changes needed to the enforcement provisions in the 1985 Act?
The framework set out in Part 10 of the Housing Act 1985 relating to space standards (room use, room occupancy and room size) does not adequately reflect what should be reasonably accepted as modern day living standards. The enforcement provisions within the Act should be reviewed; there are parts which are outdated. However, certain sections which relate specifically to overcrowding can be of benefit. Reviewing Part 10 and incorporating the relevant parts and aligning with the enforcement powers/requirements of the Housing Act 2004 can strengthen this piece of legislation.

**Question 30**
Should the Housing Health and Safety Rating System provide the foundation for measures to tackle overcrowding across all tenures and landlords?

The 1985 Housing Act provides only statutory method by which overcrowding in a dwelling may be determined. There could be some guidance issued for assessing overcrowding through the Housing Health and Safety Rating System.

A bedroom standard could be introduced, like the English House Survey. There could be some guidance included in the Tenancy Standard.

**Appendix 1**

**Attendees of the sub-regional Social Housing Reforms Event**

Representatives from the following organisations attended the sub-regional event to discuss and debate the proposals and to inform the sub-regional consultation response:

- Middlesbrough Council
- Stockton-on-Tees Borough Council
- Redcar & Cleveland Borough Council
- Hartlepool Borough Council
- Darlington Borough Council
- Executive Members
- Erimus Housing
- Vela Group
- Tristar Homes
- Coast and Country Housing
- Housing Hartlepool
- Endeavour Housing Association
- Home Group
- Registered provider board members
- Compass (sub-regional choice based lettings partnership)
- Homes and Communities Agency
- Northern Housing Consortium
- Frank Haslam Milan