

# Enfield Council Tenancy Strategy 2022-2025



[www.enfield.gov.uk](http://www.enfield.gov.uk)

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This policy was approved by Cabinet on 16 February 2022 and produced by the Corporate Strategy Service

# Foreword

We want to grow our borough in a way which means no one will be left behind. This means making sure that all tenants hold tenancy agreements that offer them the highest levels of security possible, and that they know and understand their rights and responsibilities. Our aim is to enable residents to stay in their homes, feel settled and build strong, sustainable communities.

This draft strategy sets out the approach Enfield Council, and other Registered Providers of social housing in the borough, need to consider when developing or reviewing their own tenancy policies.

As a local authority, we have both formal powers and an influencing role which we will use to promote high quality, lifetime tenancies for council and Registered Provider tenants and to encourage all landlords to take a 'what can I do to help' mind-set to support residents to stay in their home for as long as it remains suitable for them. We want our residents to live in homes that are appropriate to their needs and will continue to address housing need and actively prevent homelessness in the borough.

We are working to create a borough where anyone born here has a home to grow up in, where they can choose to stay in and age in, to benefit from the great city that is London. By working with other Registered Providers, landlords providing accommodation in the private rented sector and co-ordinating our approach and resources, together we will support Enfield residents to live safe, healthy and confident lives in settled communities across the borough.

**Cllr Gina Needs**  
**Enfield Council's Cabinet Member for Social Housing**

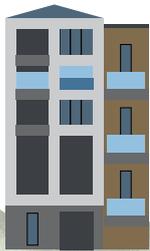


# Introduction and local context

Enfield's Tenancy Strategy for 2022-2025 sets out the matters Enfield Council, and other Registered Providers of social housing in the borough, are required to consider when developing or reviewing their own Tenancy Policies. It also recommends good practice for private landlords and letting agents (Section 9).

Registered providers include local authority landlords and private Registered Providers (such as not-for-profit housing associations and for-profit organisations).<sup>1</sup>

This work is part of a wider set of strategies which enable us to deliver against our [Council Plan 2020-2022](#) objectives which are to provide:



**Good homes in well-connected neighbourhoods**



**Safe, healthy and confident communities**



**An economy that works for everyone**

<sup>1</sup><https://www.gov.uk/government/publications/brief-guide-to-regulation-of-registered-providers/a-guide-to-regulation-of-registered-providers>



## This strategy should be read alongside the following:

- **Enfield's Homelessness and Rough Sleeping Strategy 2020-2025** sets out our vision for ending homelessness in Enfield over the next five years.
- **Enfield's Housing and Growth Strategy 2020-2030** sets out how we will deliver more and better homes to address inequality, create a more balanced housing market and help local people access a good home. Our strategy responds to an under supply of social and affordable homes in Enfield and this Tenancy Strategy has been written in this context. Registered Providers are expected to include an assessment of how they are making the best use of their housing stock and are making a positive contribution to Enfield's strategic housing objectives, as set out in our Housing and Growth Strategy.
- **Enfield's Housing Allocation Scheme** sets out we make sure that social and affordable housing goes to those who need it most.
- **Enfield's Rent Setting Policy** explains how we will set rent levels and service charges for our Council Housing properties.
- **London Housing Strategy -** sets out the Mayor's plans to tackle the capital's housing crisis and his vision to provide all Londoners with a good quality home they can afford.



## 2 Our vision

**Our Council Plan 2020-2022 and our Housing and Growth Strategy 2020 – 2030 make clear that good homes in well-connected neighbourhoods is a critical strategic ambition for Enfield.**

We will use our formal powers and influencing role to set high standards for tenancies in the Borough so that our residents live as healthily, safely, and independently as possible.

Our objectives for delivering on this vision are set out below.

**Objective 1:** Residents have a clear understanding of their tenancy

Tenancy agreements will be easy to understand and will give all the information tenants need to know about their rights and responsibilities. Residents will be signposted to independent advice and support to help them to make informed decisions about their housing options.

**Objective 2:** Lifetime tenancies are the preferred option as to the best approach for addressing housing need in the borough

The council's preference is for lifetime tenancies, to promote settled lifestyles for local people. This means that we expect Registered Providers to issue lifetime tenancies for all new tenants. For those currently on fixed-term tenancies, we expect Registered Providers to have a process in place to move tenants onto lifetime tenancies when appropriate. This guaranteed level of security allows tenants to settle and build support networks within the surrounding community.

There are certain circumstances where a Registered Provider could offer a fixed term-tenancy, as set out in section 5.3.

**Objective 3:** Residents are able to stay in their home for as long as it remains suitable for them

We encourage all landlords to have robust support systems in place so that Enfield residents can stay in their home for as long as it remains suitable for them to do so. For those whose needs change, they will be supported by their landlord to make informed choices, including by considering mobility or mutual exchange schemes and using the Council's Allocation Scheme and Choice Based Lettings website to move to a more appropriately sized and accessible home.

**Objective 4:** If a tenancy ends, residents are supported to avoid homelessness

Our vision is to end homelessness in Enfield<sup>2</sup>. The Council will work with all landlords in the borough so that all stakeholders fulfil their responsibilities under the Homeless Reduction Act 2017 to prevent homelessness.

<sup>2</sup> <https://new.enfield.gov.uk/services/your-council/preventing-homelessness-and-rough-sleeping-strategy-2020-2025-your-council.pdf>

## 3 The legal and regulatory context

The Localism Act 2011<sup>3</sup> has given local authorities the power to influence how social housing is offered and managed in their respective local areas. Enfield's approach, vision and principles are detailed in this Tenancy Strategy, which must be taken into consideration by the Council and Registered Providers when writing their own Tenancy Policies.

Policies must include:

- 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
- how tenancies will be managed towards the end including the offer of a new tenancy
- the approach to tackling tenancy fraud.

All Registered Providers are expected to comply with all economic and consumer standards of the social housing regulator.

## 4 Equality and Diversity

The Council expects that, prior to producing or reviewing their Tenancy Policy, Registered Providers will conduct an Equalities Impact Assessment (or its equivalent) to identify any groups who may be disadvantaged by its implementation. If any are identified the Council expects the Registered Provider to take steps to demonstrate how these disadvantages will be mitigated for the affected group/s. The Tenancy Policy should also set out the Registered Provider's approach to targeting social and affordable housing in Enfield to those most in need whilst supporting sustainable communities, in accordance with the Council Housing Allocation Scheme. This all also applies to the Council in relation to producing or reviewing the Council Housing Tenancy Policy.

The Tenancy Policy should also set out the Registered Provider's approach to targeting social and affordable housing in Enfield to those most in need whilst supporting sustainable communities, in accordance with the Council Housing Allocation Scheme. This all also applies to the Council in relation to producing or reviewing the Council Housing Tenancy Policy.

A copy of Enfield's Equalities Impact Assessment for this Tenancy Strategy and Policy, and its Allocations Scheme, can be found on the Council's website and will be helpful for Registered Providers in undertaking an Equalities Impact Assessment on their policies.

<sup>3</sup> S.150 Localism Act 2011

# 5 Types of Tenancies

The Council encourages all landlords operating in the borough to offer the longest and the most secure tenancy possible. There are several different types of tenancy used in Enfield and they are outlined below in accordance to the Localism Act 2011 and the Housing Act 2004.

## 5.1 Introductory tenancies

In most cases, new Council tenants will be offered a 12-month introductory tenancy unless they were already a secure tenant of a local authority or an assured tenant of a Registered Provider at a previous property. We expect that Registered Providers may also choose to offer an introductory, probationary or a starter tenancy for new tenants.

Tenancies will 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. We expect that an introductory/probationary or starter tenancy will be extended by a further six months if there has been a breach of the tenancy conditions during the trial period. The tenancy conditions are clearly listed in the Tenancy Agreement.

The introductory tenancy will be ended by serving a Notice of Possession Proceedings if:

- 1) the tenant breaks the tenancy conditions; or
- 2) a false or misleading statement had been made to obtain the tenancy.

We expect that tenants will be provided with support to enable them to conduct their introductory tenancy successfully.



Where the tenant has met the conditions of their introductory tenancy at the end of the period, they should be immediately issued with a lifetime tenancy (see 5.2 and 5.3 below).

## 5.2 Lifetime tenancies

The Council's preference is for lifetime tenancies, to promote settled lifestyles for local people. This means that we expect Registered Providers to issue lifetime tenancies for all new tenants. For those currently on fixed-term tenancies, we expect Registered Providers to have a process in place to move tenants on to lifetime tenancies when appropriate. This guaranteed level of security allows tenants to settle and build support networks within the surrounding community.

We consider lifetime tenancies to be the best approach to address social housing need and create safe, healthy and confident communities in Enfield.

Registered Providers are expected to issue lifetime tenancies for all new tenants and to have a process in place to move tenants on existing fixed-term tenancies to lifetime tenancies.

There are certain circumstances where a registered provider could offer a fixed term-tenancy, as set out in section 5.3.

## 5.3 Fixed-term tenancies

There may be certain circumstances where a Registered Provider could offer a fixed-term tenancy, based on an assessment of the local housing market and supply and demand for affordable homes.

In these circumstances, the Registered Provider is expected to make a clear case for a fixed-term tenancy being the most appropriate arrangement in the given circumstances and for making the best use of social housing stock in the borough.

Circumstances where a fixed-term tenancy may be appropriate are homes of four or more bedrooms and specially adapted properties. This is due to a shortage of these particular properties in comparison to demand. Properties qualifying as 'specially adapted' would have significant and permanent adaptations, made in addition to the building regulations 'accessible and adaptable' standard for new properties. Enfield has assessed its stock profile against the housing register requirements and intends to introduce 10-year fixed-term tenancies for both homes of four or more bedrooms and specially adapted properties.



When fixed term tenancies are allocated, the bedroom standard<sup>4</sup> is used to identify the housing size and needs of the household. For larger households requiring larger sized homes, this may change over time and a fixed-term tenancy would enable reassessment of needs and identify households who no longer require the larger home. In these circumstances, the household could be supported to downsize and free up the property for another household. For households requiring specially adapted properties, a fixed term tenancy would enable reassessment of needs and, if needed, discussions as to the feasibility of further adaptations to support the tenant to live as independently as possible. If the property was no longer appropriate or the tenant had accessed alternative accommodation, an assessment would be carried out with the household and alternative housing options identified. The property would then be freed up for another household.

Where a fixed term tenancy is to be used, Registered Providers and the Council will be expected to:

- grant a minimum fixed term of 10 years, with a longer term encouraged for families with children aged 5 years and under or 10 years and under if the child is affected by special educational needs or disabilities
- clearly advertise properties available for letting where a fixed term tenancy of a minimum of 10 years applies
- not allow a fixed term tenancy to go beyond its fixed term without renewing it or bringing it to an end
- support tenants with advice and assistance to help them find suitable alternative accommodation in order to prevent them becoming homeless where fixed term tenancies are not being renewed.

There are **no** circumstances where a fixed-term tenancy can be granted to a tenant if they or a member of their household has been a victim of domestic abuse and the new tenancy is granted in connection with that abuse. This is in accordance with the Secure Tenancies (Victims of Domestic Abuse) Act 2018.

## 5.4 Assured shorthold tenancies

An assured shorthold tenancy (AST) usually lasts for 6-12 months and is the most common type of tenancy in the private rented sector for tenancies started on or after 15 January 1989. It is recommended this type of tenancy is not used by Registered Providers for Social Rent, London Affordable Rent or Affordable Rent properties. As a public authority, Enfield Council cannot offer our tenants Assured Shorthold tenancies. However, Assured Shorthold Tenancies are offered by Housing Gateway<sup>5</sup> which is a wholly owned Enfield Council company. This company was set up to provide a quality housing solution to eradicate the use of temporary accommodation for 742 families and prevent homelessness.

## 5.5 Demoted Tenancies

A secure tenancy can be demoted to a 12-month introductory tenancy if the tenant has engaged in housing related anti-social behaviour such as vandalism, causing a nuisance to neighbours or noise disturbance, or has used the property for unlawful purposes.

Enfield Council is not in favour of demoting tenancies unless other options have been explored without success and Registered Providers are expected to have robust support systems in place to help tenants address any issues before any decision to demote is made. The final decision on whether to demote a tenancy will be made by the Community Multi-Agency Risk Assessment Conference (MARAC).

<sup>4</sup> <https://commonslibrary.parliament.uk/research-briefings/sn01013/>

<sup>5</sup> <https://new.enfield.gov.uk/housinggateway/>

## 6 Providing support for tenants to manage their tenancy

We expect Registered Providers to support tenants to sustain their tenancies, taking early action to address any concerns which could put their tenancy at risk. Evictions should be sought only as a last resort once all other avenues have been exhausted without success.

We expect all Registered Providers to offer support to tenants to sustain their tenancy whether this is ongoing or a one-off intervention

and to approach tenancy issues with a 'what can I do to help' mind-set. This approach is beneficial to both Enfield residents and landlords as it avoids costly and unnecessary evictions.

This approach is taken by Enfield Council in relation to the management of all Council Housing tenancies and Housing Gateway tenancies.

## 7 Discretionary (Non-Statutory) Succession Rights

The Localism Act 2012 changed the rules for succession for social housing tenants. Succession is a legal term used when a person takes over a tenancy following the previous tenant's death. For tenancies created before 1 April 2012 existing rights of succession will continue. For tenancies created on or after 1 April 2012 only a spouse, civil partner or a person who lives with them (cohabitee) as if they were a spouse or civil partner will have a statutory right to a succession, and such a succession can only happen once.

Where there is no statutory right to succeed to an Enfield Council Housing tenancy and if moving a successor may cause exceptional hardship, the London Borough of Enfield Council Housing Team will submit a request for a new tenancy to be granted by way of discretion, to the appropriate Housing Panel. This is called a discretionary or non-statutory succession. Where there are children within a household, who have no statutory succession rights, council officers will

work with Children's Services to ensure the best possible outcome for the children involved.

Where there is no right to succeed, and no eligibility for a new tenancy under Council policy (a non-statutory succession), the occupants would be treated as unauthorised occupants. In this situation, within 10 working days of the notification of the tenant's death, a Notice to Quit (NTQ) will be served on the Public Trustee and the property.

We expect Registered Providers to also take this approach, using their own organisational processes, for their tenants in Enfield.

## 8 Delivering on our objectives

**Objective 1:** Residents have a clear understanding of their tenancy

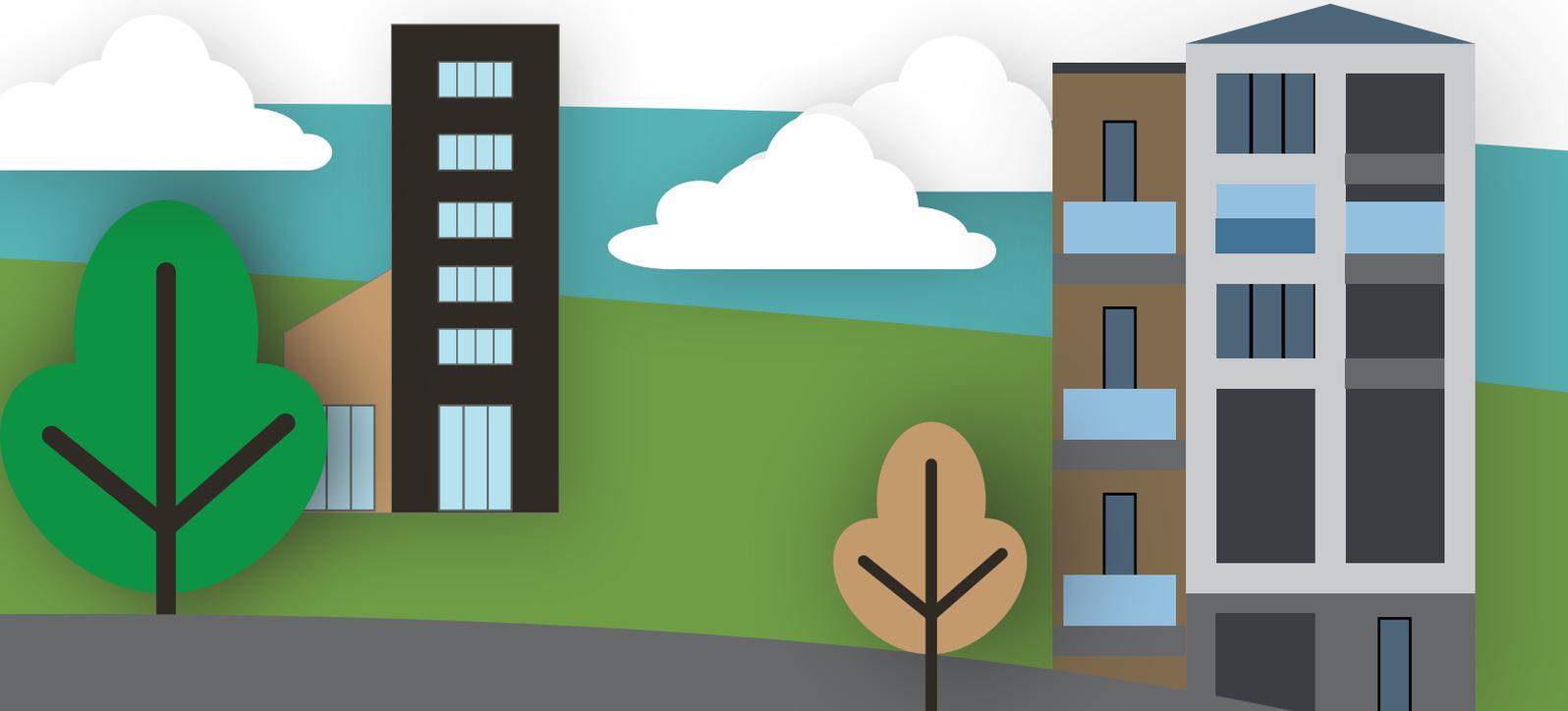
We will:

- publish a tenancy policy that is consistent with this Tenancy Strategy and which details the different types of accommodation, tenancy and residents' rights concerning tenancy reviews, length of tenancy, expectations of the tenant and termination of tenancies
- proactively promote this strategy so all residents understand the types of tenancy available in Enfield
- share nationally recognised sources of information to enable residents to make informed decisions or seek additional help if needed
- encourage residents entering into Assured Shorthold Tenancies in the private rented sector to use the checklist provided on the Ministry of Housing, Communities and Local Government [website](#) so they understand their rights and responsibilities
- encourage all landlords to make tenancy agreements as accessible as possible. This may mean considering posting tenancy agreements online and using websites that meet Web Content Accessibility Guidelines (WCAG).

**Objective 2:** Lifetime tenancies are the preferred option as to the best approach for addressing housing need in the borough

We will:

- offer lifetime tenancies, following the successful completion of an introductory tenancy, for all tenants in an Enfield Council home, only offering fixed-term tenancies for larger households or specially adapted properties in accordance with section 5.3 of this strategy
- expect all registered providers using fixed-term tenancies to review this approach and put in place a process for transitioning tenants onto lifetime tenancies, unless in exceptional circumstances in accordance with section 5.3 of this strategy
- in cases where a fixed term tenancy is used, expect Registered Providers to clearly advertise their tenancy length, assessment criteria and review process to residents
- maximise the incentives for private landlords to encourage longer tenancies through access to free landlord support
- educate Registered Providers of the requirement of the Secure Tenancies (Victims of Domestic Abuse) Act 2018 to offer existing tenancy holder/s, or new tenancy holders that meet the criteria, a new lifetime tenancy.



**Objective 3:** Residents are able to stay in their home for as long as it remains suitable for them

We will:

- work with all Registered Providers to share best practice in regard to supporting tenants to maintain their tenancy
- work together with Registered Providers so that Enfield residents keep their tenancy if they are forced to leave their home (for example through fear of violence) by enabling a transfer or reciprocal arrangement; and ensuring that where a tenant or a member of their household is a victim of domestic violence and a new tenancy is being granted in relation to this, that they keep their tenancy rights, including their lifetime tenancy, in all circumstances
- facilitate downsizing initiatives with registered providers through nomination agreements and support Registered Providers to use new smaller homes built within the borough
- set rents and service charges using fair and transparent calculations to enable residents to manage their finances, in accordance with our Rent Policy

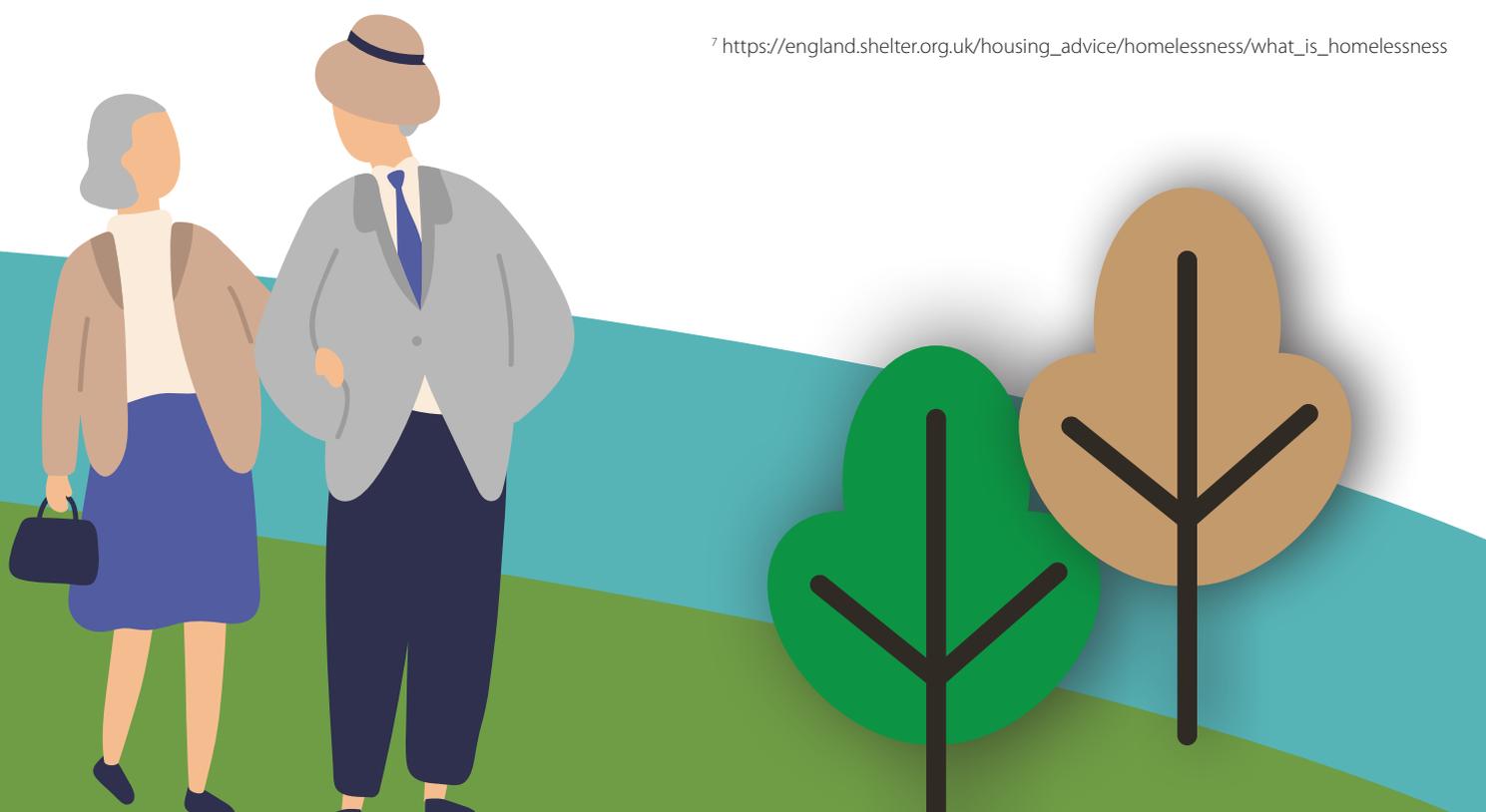
**Objective 4:** If a tenancy ends, residents are supported to avoid homelessness

Under the Housing Act 1996, homelessness does not solely mean the lack of a home. A person could be treated as homeless if they have no housing that is reasonable or safe for them to continue to occupy. The charity Shelter explains what constitutes homelessness and where to get further information<sup>6</sup>.

We will:

- ensure Registered Providers fulfil their responsibilities under the Homelessness Reduction Act 2017 and work with the council at the earliest opportunity if a tenancy is likely to end
- offer training to Registered Providers and other landlords so they are confident and able to provide support for tenants at risk of their tenancy ending
- educate all Registered Providers of the requirement of the Secure Tenancies (Victims of Domestic Abuse) Act 2018
- expect all Registered Providers to assist with the local authority's homelessness duty through addressing the under-occupation and overcrowding in their homes and active engagement in mobility or mutual exchange schemes, and through meeting obligations in nomination agreements for lettings of properties within the Borough of Enfield

<sup>7</sup> [https://england.shelter.org.uk/housing\\_advice/homelessness/what\\_is\\_homelessness](https://england.shelter.org.uk/housing_advice/homelessness/what_is_homelessness)



# 9 Guidance for private rented sector landlords and letting agents

Private landlords and letting agents play a vital role in meeting the housing needs of residents in the Enfield. Many landlords and letting agents responsibly provide good quality homes, meet their legal duties and are supportive of tenants who adhere to the tenancy agreement. We would like this good practice to extend to all landlords and letting agents.

As stipulated on the government website, all landlords must<sup>7</sup>:

- keep their rented properties safe and free from health hazards
- make sure all [gas](#) and [electrical equipment](#) is safely installed and maintained
- keep their property in good condition and ensure timely repairs are carried out to an adequate standard
- make sure smoke alarms are fitted and in proper working order
- provide an [Energy Performance Certificate](#) for the property
- [protect their tenant's deposit](#) in a government-approved scheme
- check their tenant has the [right to rent their property](#) if it's in England
- give their tenant a copy of the [how to rent](#) checklist when they start renting from and offer tenancies without discrimination, in accordance with the Equalities Act
- obtain the correct property licence if they rent a property as a House of Multiple Occupation (HMO) or the property is situated in an area where a selective licensing scheme operates. Landlords of licensed HMOs and properties must by law give tenants a written statement of the terms and conditions on which they occupy it, e.g. a tenancy or licence agreement

Consideration must also be given to:

- provide longer term tenancies of a minimum of 3 years to provide security and assurance for both landlords and tenants.
- keep communication lines with their tenants open, either directly or through an appointed third-party manager.
- avoid eviction which should always be the action of last resort once all other avenues to resolve concerns have been exhausted.
- promote a 'back to basics' approach with the use of a deposit and rent in advance model over a 'one off' incentive payment. This will empower tenants to take responsibility for their property and finances.

We encourage all landlords and letting agencies, regardless of size of portfolio, to support our vision for high standards for all tenancies in the Borough so that all our residents live as healthily, safely, and independently as possible. We are committed to support and provide advice for private landlords and tenants in order to help resolve situations where the tenant has got into financial difficulty and is struggling to make rent payments. Eviction should always be the action of last resort action once all other avenues to resolve concerns have been exhausted.

To access information, advice and guidance to help resolve any tenancy or rent payment issues at an early stage, we encourage landlords to use the Council's [Landlord Advice Line](#). If tenancy sustainment is not possible then we may explore options to rehouse tenants in more suitable accommodation and/ or advise whether there is any financial support available for the tenant.

<sup>7</sup> <https://www.gov.uk/renting-out-a-property>

## 10 Advice

Enfield Council Housing Service offers a variety of help and information for tenants and leaseholders. The service also gives advice and financial assistance to Council tenants thinking about moving to a smaller home or swapping home with other tenants. There is further information on our website [here](#).

## 11 Complaints

Details of a complaint and appeals process must be outlined in the tenancy agreement and the Council's and Registered Providers' Tenancy Policy. Our process is in line with the new [Housing Ombudsman, Complaint Handling Code](#) and can be found [here](#).

## 12 Review

This Tenancy Strategy covers the period 2022-2025. It will be kept under review and adjusted as required to take into account Enfield's Housing and Growth Strategy, implementation of the Council's new Housing Allocations Scheme, the Council's Homelessness and Rough Sleeping Strategy, the Council's own substantial regeneration plans and other relevant housing strategies and policies. It will also take into account Registered Providers quarterly returns to the Council and changes in legislation.

We expect Registered Providers with social and affordable housing in the London Borough of Enfield to review their own Tenancy Policies within nine months of this strategy publication, giving consideration to the content of this refreshed Strategy, and providing confirmation of completion to the Assessments and Allocations Service Manager ([EH.Allocationsteam@enfield.gov.uk](mailto:EH.Allocationsteam@enfield.gov.uk))



