Westminster City Council Tenancy Strategy

June 2025



FAIRER WESTMINSTER

City of Westminster



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Introduction and Background

Our new Tenancy Strategy 2025 provides updated guidance for registered providers on the types of social tenancies we believe are most suitable for Westminster. Registered providers are expected to take this Strategy into account when developing or updating their own tenancy policies.

To help achieve a Fairer Westminster, our new Strategy marks a departure from the one published in 2012, which encouraged the use of fixed term social tenancies for most new tenants. Under the new approach, lifetime social tenancies are strongly supported for all tenants.

Legislative and regulatory changes from April 2012 gave registered providers, which can be councils and housing associations, the discretion to offer new tenants fixed term social tenancies instead of lifetime ones (the types of tenancies social landlords can offer is in Appendix 1). All social landlords are required by the Regulator for Social Housing to develop a tenancy policy for their stock, outlining the types of social tenancies they offer.

Information on what should be included in these policies is in Appendix 2. These tenancy policies must be accessible to residents, either online or in hard copy.

The Localism Act 2011 requires local authorities to develop a tenancy strategy for their area covering the matters which registered providers should take account of when developing their tenancy policies and this Tenancy Strategy meets that duty.





About Westminster

Westminster has approximately 28,000 social homes, accounting for just over 28% of all housing in the area. Around 57% of these properties are owned by approximately 40 housing associations, while the remaining 43% are council owned. Data on the total number of fixed term social tenancies is unavailable, but there are approximately 2,000 Westminster City Council fixed-term tenancies.

Westminster's housing is unusual with relatively low homeownership rates and the largest private rented sector in England, accounting for 44% of all homes. House prices are amongst the highest in the capital, with a lower quartile flat costing £538k and an average home £848k[1]. Lower quartile flat prices are estimated to be 18.1 times average earnings[2].

Private rents are also expensive, behind only Kensington and Chelsea and the City of London boroughs. Like the rest of the capital, rents continue to rise, with a median weekly rent for a two-bedroom home costing £756 per week, which is up 3% from last year and 17% from two years ago[3].

Demand for social housing is high with 5,200 households on the housing waiting list but only around 700 lettings available each year. The majority (66%) of those on the list are homeless, and homelessness continues to rise across Westminster and London.

Westminster experiences high population turnover, with 33% of residents moving in or out each year, compared to 23% across London.

1 Hometrack January 2025
2 Hometrack January 2025
3 Hometrack January 2025



Developing this Strategy and Working with Registered Providers (housing associations)

Published in November 2024, the Housing Compact[4] between the council and key housing associations reflects a joint commitment to address Westminster's housing challenges. It aims to ensure safe, healthy and secure homes along with good services for our residents.

To develop this Strategy, we have engaged with some housing associations experienced in implementing fixed term tenancies and have incorporated their feedback alongside our own insights. We will continue to welcome feedback from housing associations. Additionally, we have considered the Mayor's London Housing Strategy[5] and believe this Strategy supports his objectives to address homelessness and promote inclusive neighbourhoods. We also note that the GLA's affordable homes funding guidance supports lifetime tenancies for new social homes.

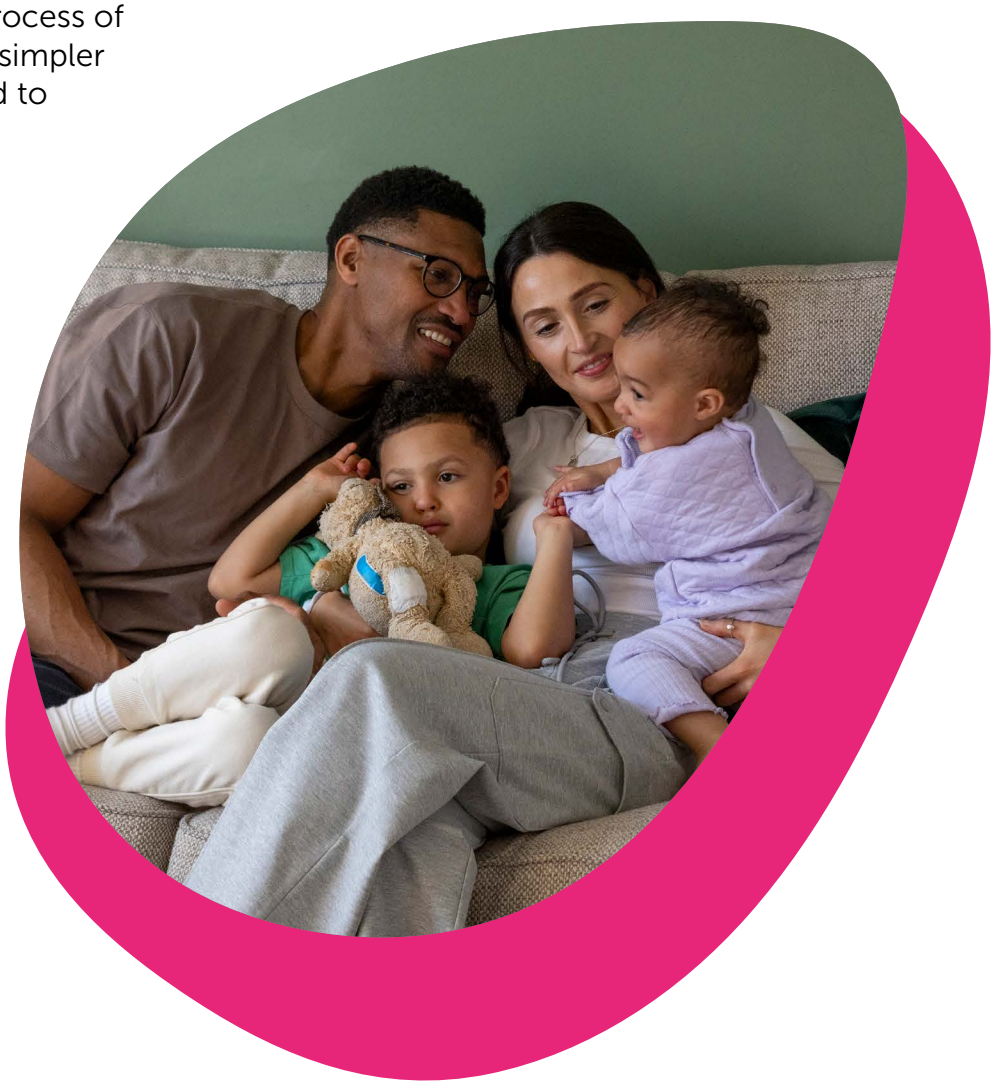
4 www.westminster.gov.uk/housing/westminster-housing-compact
5 www.london.gov.uk/programmes-strategies/housing-and-land/london-housing-strategy

Aims and Objectives

Through our Fairer Westminster Strategy[6] and Annual Delivery Plan[7] we are working towards a more inclusive and equitable Westminster – where residents are at the heart of decision making and feel welcome, safe and secure.

We want Westminster to be a great place for children to grow up, live in stable communities and for residents to be satisfied with our housing services. Tackling homelessness is a key priority, and our new Homelessness and Rough Sleeping Strategy 2025 – 2030 includes a comprehensive plan to help prevent it. Our new Housing Allocation Scheme 2025 aims to make the process of allocating social housing simpler and more transparent and to better support applicants with multiple and complex needs.

We believe that only lifetime social tenancies fully support these objectives. Further information on why this is the case is provided on the following pages.



6 www.westminster.gov.uk/sites/default/files/media/documents/Fairer%20Westminster%20Strategy.pdf
7 www.westminster.gov.uk/delivering-our-plan-build-fairer-westminster

Tenancies

After an introductory or probationary tenancy, we support the use of lifetime tenancies for *all* new social tenants across Westminster. This includes:

- Secure periodic tenancies for council tenants
- Assured tenancies for housing association tenants
  (See Appendix 1 for more on these tenancies)

We also encourage registered providers to transition any existing fixed term tenancies into lifetime tenancies.

The reasons why:

✔ We want tenants and members of their households to feel secure in their homes and have peace of mind, which is a core purpose of social housing. Fixed term tenancies can cause anxiety for tenants and their families. Even when a tenancy is likely to be renewed after five years, some residents have told us that the process itself is unsettling. Secure tenancies contribute to stable communities, especially in an area like Westminster where population turnover is high.

✔ We believe secure housing provides the best opportunity for people who may have experienced homelessness or lived in insecure housing to rebuild their lives. There is also a risk that fixed term tenancies could result in homelessness, given the limited affordable alternative housing options in Westminster.



- We want people to feel connected to their local area and invest in their homes without the fear of having to move. On average, 37% of new social homes across the city are let to homeless households, many of whom have already spent years in temporary accommodation, which is insecure. *The New Deal for Housing Green Paper 2018*[8] identifies that residents value stability in their home, with some believing that lifetime tenancies make tenants more likely to look after their property, neighbours, and the community.

- There is no evidence that fixed term tenancies offer significant benefits. For example, using them to address under occupation would take many years, as household sizes are more likely to grow than to reduce. Under occupation can be addressed through incentives and support to move on. Fixed term tenancies will not solve the shortage of affordable housing which needs to be addressed in other ways. They should not replace strong housing management practices that enforce tenancy agreements.

- The policy landscape is changing. The government decided against making fixed term tenancies mandatory through the *Housing and Planning Act 2016*. The *Domestic Abuse Act 2021* mandates councils to offer lifetime tenancies to social tenants leaving their existing secure tenancies due to domestic abuse. The *Renters Rights Bill 2024* also proposes to abolish fixed term assured shorthold tenancies, which could make it impossible for housing associations to offer fixed term tenancies in the future.

- Several early adopters of fixed term tenancies have revisited their policies, given the insecurity they cause for residents and the administrative burden of implementing them and as that time that could be better spent on important housing management activities.

- Having a consistent approach to tenancies across Westminster is fairer, easier to communicate and more effective. Our Housing Compact recognises the importance of Westminster's registered providers aligning and coordinating their approaches where possible.

It is acknowledged that some registered providers may choose to offer fixed term tenancies. Where this is the case, they are encouraged to do so only in exceptional circumstances and where a strong case for them. An initial term of ten years is recommended to provide tenants with a period of stability and with peace of mind before their tenancy is reviewed.

Lifetime tenancies for older people in sheltered or extra care housing are strongly encouraged. Registered providers should consider the needs of vulnerable people when developing their approach to tenancies and should conduct a full equalities impact assessment of their tenancy policies.

Registered providers will also be aware that there are certain circumstances where the law and regulatory framework do not permit the use of fixed term tenancies, and these are outlined in Appendix 3.

8 https://assets.publishing.service.gov.uk/media/5b71a31840f0b61376d5e3d8/A_new_deal_for_social_housing_web_accessible.pdf

Tenancy Reviews, Termination and Advice and Assistance

This section is for registered providers that choose to offer fixed term tenancies. The tenancy review should be carried out at least six months before the tenancy expires, allowing enough time to discuss options and to consider any appeals. It is expected that most tenancies will be renewed. All timelines and requirements relating to reviews, granting further tenancies, notifications and appeals set out in the *Localism Act 2011* should be followed.

The review should be a positive experience for residents and sensitive to their needs. The council does not support reviews that assess whether the household still 'needs' social housing as a reason to end the tenancy, given the high cost of alternative housing in Westminster.

If a smaller property is offered, the council's Bedroom Standard in its Housing Allocation Policy should be considered when determining the size of the new home. Additionally, consideration should be given to whether it is a reasonable for the household to move, the impact on vulnerable household members and the support available to move.

Reviews or policies that could result in no further tenancy being offered are expected to be rare and should be carefully considered. They should include advice about alternative housing options and discussion with the council is expected, particularly if there are children in the household or if the decision could lead to homelessness.



Succession

Statutory succession refers to the legal right for a tenancy to be passed on when the tenant dies, provided that certain conditions are met. Social tenants have different statutory succession rights depending on the type of tenancy they hold and when it was issued (see Appendix 1). For example, assured tenancies, can only be passed on once, typically to a partner or spouse, while secure tenancies issued before 1st April 2012 can be passed on once to a wider range of family members.

Registered providers are encouraged to have discretionary succession policies in place to allow succession where the law does not provide for it. In developing these policies, registered providers are encouraged to consider the needs of resident family members, including vulnerable people, the length of time they had been living with the tenant, the size of home needed and the shortage of social housing across Westminster, particularly for larger bedroom homes.



Reviewing the Strategy

The council will review and update this Strategy as needed.

Appendices

Appendix 1

Registered Provider Tenancies

Council tenancies

Introductory Tenancies

Trial tenancies for twelve months prior to a longer tenancy being offered. After twelve months they can either become a Secure Periodic or Flexible Tenancies. Introductory tenancies can be ended much more easily than the ones below, but a court order is needed.

Secure Periodic Tenancies

These tenancies are governed by the *Housing Act 1985* and have no end date, so are for life and can only be brought to an end with a court order. Court orders are only granted if one of the statutory grounds for possession is met, which are subject to the 'test of reasonableness', or another statutory test is met.

Flexible Tenancies

A form of Secure Tenancy introduced by the *Localism Act 2011* and let on a fixed term for a minimum of two years although the Regulator for Social Housing requires them to generally be for five years. During the term, the tenancy can only be ended by court order and if one of the obligations of the tenancy agreement is broken. The local authority also needs to prove in court that it was reasonable to repossess the property. At the end of the term the local authority still needs a court order to repossess the property, but the court must grant it if all the correct notices have been served, and a decision has been made not to renew the tenancy in line with its tenancy policy.

Housing association tenancies

Assured Shorthold Tenancies

These tenancies are governed by the *Housing Act 1988* and can be granted for fixed periods and for a minimum of 6 months.

They can be used by housing associations as trial tenancies (like Introductory Tenancies for council tenants) or if their tenancy policy supports the use of fixed term tenancies. The Regulator for Social Housing generally requires them to be for a minimum of five years.

Assured Periodic Tenancies

These tenancies are also governed by the *Housing Act 1988* and have no end date so are for life. They can only be brought to an end if one of the statutory grounds for possession is met. Some are subject to the 'test of reasonableness' but there are also mandatory grounds.

Succession

Council tenancies

Introductory tenancies	Introductory tenants have the right of succession The deceased tenant's spouse or civil partner can succeed to the tenancy if they occupied the property as their only or principal home at the time of the tenant's death. Where there is no spouse or civil partner, a cohabitee or member of the tenant's family succeeds if they: • occupied the property as their only or principal home at the time of the tenant's death. • resided with the tenant for the 12 months before the tenant's death.
Secure periodic tenancies granted before 1st April 2012	The *1985 Housing Act* allows for one succession to either: • The deceased tenant's spouse or civil partner provided they were residing with the deceased tenant at the time of their death as their only or principal home, or • If there is no such spouse or civil partner residing with the tenant, then the tenancy may vest in a member of the deceased tenant's family who had been residing with the deceased tenant for twelve months prior to the tenant's death as their only or principal home. The statutory right to succession applies provided the deceased tenant was not themselves a successor. A tenant who became a sole tenant from a joint tenancy is deemed to be a successor. Family members are defined as, spouses, civil partners, parents, grandparents, children, grandchildren, siblings, uncles, aunts, nephews and nieces. The law does not allow for joint succession, so if there are a number of potential joint successors, they need to choose who will take over the tenancy. If they cannot choose, the landlord is able to do so. Where the successor is not a spouse or civil partner but is a member of the family, and the property is too large for them, they can be granted the secure tenancy of a smaller property which meets their needs.
Secure periodic tenancies granted on or after 1st April 2012	The *Localism Act 2011* allows one statutory succession to a spouse or civil partner of the deceased tenant, who was living with them at the time of the tenant's death as their only or principal home. A person that was living with the tenant as their husband or wife or civil partner will be treated as a spouse or civil partner.
Flexible tenancies	The *Localism Act 2011* allows one statutory succession to a spouse or civil partner of the deceased tenant, who was living with them at the time of the tenant's death as their only or principal home. A person that was living with the tenant as their husband or wife or civil partner will be treated as a spouse or civil partner. The tenancy only lasts however for as long as the flexible tenancy lasts.

Housing association tenancies

Assured shorthold tenancy	Under the *Housing Act 1988* an assured shorthold tenancy can be passed on once to the deceased spouse, civil partner or cohabitee, as long as they were living with them at the time of their death as their only or principal home.
Assured tenancy	Under the *1988 Housing Act* an assured tenancy can be passed on once to the deceased tenant's spouse, civil partner, partner as long as they had been living with them as their principal home.

Appendix 2

Tenancy policies: Regulatory Requirements

All registered providers are required to follow the Regulator of Social Housing's Tenancy Standard[9] which requires them to:

'Offer tenancies or terms of occupation which are compatible with the purpose of the accommodation, the needs of individual households, the sustainability of the community, and the efficient use of their housing stock.'

It also requires them to publish policies which include:

(a) The type of tenancies they will grant.

(b) Where they grant tenancies for a fixed term, the length of those terms.

(c) The circumstances in which they will grant tenancies of a particular type.

(d) Any exceptional circumstances in which they will grant fixed term tenancies for a term of less than five years in general needs housing following any probationary period.

(e) The circumstances in which they may or may not grant another tenancy on the expiry of the fixed term, in the same property or in a different property.

(f) The way in which a tenant or prospective tenant may appeal against or complain about the length of fixed term tenancy offered and the type of tenancy offered, and against a decision not to grant another tenancy on the expiry of the fixed term.

(g) Their policy on taking into account the needs of those households who are vulnerable by reason of age, disability or illness, and households with children, including through the provision of tenancies which provide a reasonable degree of stability.

(h) The advice and assistance they will give to tenants on finding alternative accommodation in the event that they decide not to grant another tenancy

(i) Their policy on granting discretionary succession rights, taking account of the needs of vulnerable household members.

The Standard also says that registered providers:

'Must grant general needs tenants a periodic secure or assured (excluding periodic assured shorthold) tenancy, or a tenancy for a minimum fixed term of five years, or exceptionally, a tenancy for a minimum fixed term of no less than two years, in addition to any probationary tenancy period'.

9 Tenancy Standard - GOV.UK

Appendix 3

Circumstances where fixed term tenancies cannot be offered:

- Where the registered provider offers a social tenancy to an applicant who was already a social housing tenant at 1st April 2012.
- Where a secure periodic / assured tenant had been moved into alternative accommodation during any redevelopment or other work.
- The Renters' Rights Bill proposes to abolish fixed term assured shorthold tenancies and prevent landlords from terminating tenancies on a "no fault" basis.
- The Mayor expects all new build social rent homes that are funded by the GLA 2021-2026 Affordable Homes Programme to be offered as lifetime homes.[10]
- Where a secure periodic / assured tenant or member of the person's household is or has been the victim of domestic abuse carried out by another person and the registered provider of social housing grants a new tenancy for reasons connected with that abuse.[11]

www.legislation.gov.uk/ukpga/2021/17/contents

10 www.london.gov.uk/sites/default/files/201123_homes_for_londoners_-domaffordable_homes_programme_2021-2026_-_funding_guidance_fa.pdf
11 www.legislation.gov.uk/ukpga/2021/17/contents

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