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21 December 2017

Dear Mr Bryant

We have been passed a copy of your letter to Secure Tenants dated 12 December and titled 'Sheerwater Regeneration and your views on the proposed changes to your tenancy'. We will be assisting our clients to prepare their own responses to the Consultation questionnaire, but we have a number of concerns regarding the letter and enclosed Consultation Document which we would like to raise with you separately from our clients' personal responses. These concerns are set out below:

1. Timing: This letter has been sent just before the Christmas and New Year break and requires a response to be submitted by mid-January. In view of the closure over the Christmas period of the Council offices and the various local advice service providers, we feel that a consultation period which is interrupted by a major national holiday should have been avoided;
2. Content: Our a general comment is that the content of this Consultation demonstrates a poor appreciation on the part of those who prepared it as to the likely levels of understanding of the people to whom the Consultation would be sent.
3. Section Headed 'Proposed Tenancy Type':
  - a. There is no express clarification that Thamesway will be a private landlord, not a social landlord, or that an Assured Shorthold tenancy is the tenancy type offered in the private sector. We consider that it should be made absolutely clear that what is being offered is not a social tenancy.

- b. Contrary to what is stated in the paragraph, Assured Shorthold tenancies are different from Council flexible tenancies, and any suggestion that they are analogous is misleading and inaccurate. There is a fundamental difference of security of tenure, particularly in the availability of the section 21 no fault procedure to end an AST. There appears to be no proposal by Thamesway that it intends to forego its entitlement to use the s.21 procedure, unlike many housing associations which have made policy decisions not to use the s.21 procedure to evict their tenants.
4. Question 1. Do you understand how your tenancy is going to change? Please be aware that vulnerable tenants may answer 'yes' to this question, even if the answer is 'no' because they feel too embarrassed to say they do not understand. Also any understanding that they feel they have gained will have been based on the statements which, as stated above, are misleading.
5. Proposed Tenancy Length This paragraph continues the misleading comparison between ASTs and Flexible tenancies. The secure tenants to which this letter has been sent do not currently have a flexible tenancy nor are they being offered a flexible tenancy. ASTs have none of the protections in relation to the length of the fixed term and procedure for termination that apply to flexible tenancies.
6. Q2. Do you think this fixed term should be five, seven or ten years? A question about the length of a tenancy is meaningless unless the proposed tenant is told whether, and if so, how that tenancy can be brought to an end during its term, and also what will happen at the end of the fixed term.
7. 'Proposed' rent levels: Again we consider that the information contained in this section is misleading for the following reasons:
- a. The tenants are not being told that the rent figures shown are those charged by a housing association (Thames Valley) which is a social landlord, not a private landlord like Thamesway;
  - b. No details have been given of service charge levels. Indicative service charge levels should be provided, particularly as service charges are often not covered by housing benefit/housing cost element of universal credit, in which case the tenant will be required to fund the service charge themselves;
  - c. The reference to the Council in this section suggests a link between the Kingsmoor Park development and the Council as landlord, which is not the case;



- d. As a private landlord, Thamesway would not be subject to any of the rent increase restrictions that apply to social landlords, but this has not been made clear;
  - e. There is no indication of the comparable rents currently being charged by Thamesway in the Borough, which are higher and closer to market rents than the examples of rents given in this Consultation document, and are much higher than the tenants' current rents under their secure tenancies.
8. Q3. Do you consider these rent levels fair and reasonable for a new property in Woking? Tenants cannot be expected to comment on whether or not a rent is reasonable. They are not lettings agents or experts in rent assessments and they have not been provided with enough information about the rents charged currently by Thamesway in order to provide an informed response.
9. 'Proposed rent increases' Tenants are unlikely to know what the CPI is and may not understand what the total increase in rent proposed is therefore likely to be. The tenants have been given no indication of how the proposed mechanism for rent increases differs from the statutory mechanism that applies to their existing tenancies. The continued reference to the Thames Valley Housing development is misleading.
10. Q4 Do you consider that these rent increases fair and reasonable for a new property in Woking? Tenants cannot be expected to give an informed answer to this question. The ability to answer this questions requires a detailed knowledge and understanding of the mechanisms for increasing rent used in the various forms of tenancy agreement and in particular in ASTs.
11. 'Proposed Earn Your Deposit Scheme' This paragraph merits a separate response, as there are a significant number of issues that arise out of the proposed Scheme. Our comments in this letter are limited to the Proposal in the context of this Consultation.

We consider that tenants would require independent financial and legal advice to help them decide whether the EDS provides an adequate substitute for the loss of their Right to Buy under their existing secure tenancy. No detail has been given to enable a tenant to determine how this proposal would be put into effect in practise. For example, no detail is given as to how the amount payable differs according to length of tenancy, what difference accommodation type would make to the payment, when the payment would be made, or what the capped upper limit will be. Also there is a reference to 'The scheme would only be offered to tenants who have always complied with the terms of their tenancy agreement'. To which tenancy does this refer, the secure tenancy or the AST? If it's the former then surely if the tenancy has not been demoted as a result of any breach, there should be no bar to the EDS applying? If it the latter, what happens if non-compliance is not the fault of the tenant? For example, where the

tenant's earnings or benefit income reduces through no fault of their own and there is a period during which there is a rent shortfall?

12. Question 5 – 'Do you think this is a good idea?' This question is unspecific (is *what* a good idea? How is '*good idea*' to be measured?) and the tenant cannot know what they are being asked to comment on. In addition they will not be in a position to comment on the effect of a proposal on third parties.
13. Proposed management of the new rented properties. This section says absolutely nothing about the proposed management, and identifies only who will *own* the properties, again without identifying expressly that the owner is a private landlord. The tenants should be told who currently manages Thamesway properties (New Vision Homes) and who it is proposed will manage the new properties.
14. Q 6. Do you have any views about the future management of the properties? Our view is that the tenant cannot give a view if they have not been given any information on which to form a view.

If you would like us to clarify any of the above, please do not hesitate to contact any of the above.

Yours sincerely



**Lorraine Buchanan – Chief Executive Officer**



**Jakki Mimms – Housing Caseworker**