

Meeting: Housing Sub-Committee

Date: 28 September 2015

Title: Review of the Tenancy Agreement

**Author: Dawn Statham, Area Neighbourhood Housing
Manager East**

Service: Housing Operations, Housing Department

Directorate: Environment, Housing and Leisure

Wards affected: All

1. Purpose of Report

To provide the Housing Sub-Committee with information in relation to the proposed changes as a result of the review of the Council's tenancy agreement.

2. Recommendations

The Housing Sub-Committee is asked to consider the proposed changes to the tenancy agreement and comment as appropriate.

3. Details

General

The council's secure and introductory tenancy agreement was fully updated in 2010 to take into account legislative changes and best practice. A further minor update took place in 2013 following provisions in the Localism Act 2011. A review has been conducted of the existing tenancy agreement and a number of changes are required to take into account best practice and legislative changes.

Proposed changes

The main changes to the tenancy agreement are as a result legislative changes, the recommendations from the tenant, resident and member led review of low level anti-social behaviour and the need to remove ambiguity and strengthen some of the clauses within the tenancy agreement. We need to:

- Remove ambiguity over the right of succession (section 2)
- Strengthen the right to improve in relation to permission (section 4)
- Remove ambiguity in relation to the rights of joint tenants (section 5)
- Change the rent payment frequency to 52 weeks instead of 50 weeks due to the introduction of Universal Credit (section 7)

- Amend clauses relating to damage to property following the review of the rechargeable repairs policy (section 9)
- Amend access for emergency situations (section 9)
- Strengthen some of the clauses in respect of anti-social behaviour as a result of the tenant and member led review of low level anti-social behaviour (section 10)
- Update the clause in respect of discrimination following the Equality Act 2010 (section 10)
- Clarify the clause relating to dogs barking (section 10)

Consultation process

Internal consultation staff, Legal Services, the Mayor and Cabinet Member for Housing is required. The proposed changes will be discussed with the Estates and Tenancy Services Scrutiny Group.

Cabinet will be asked to agree the amendments to the tenancy agreement and give approval to consult with all council tenants on the proposed changes.

Any plans to change the tenancy agreement are subject to statutory consultation and notification requirements. Under section 106 of the Housing Act 1985 and section 137 of the Housing Act 1996 the council is required to consult with its tenants on any matter of housing management that is likely to substantially affect them, which includes any significant change to tenancy agreements, and to give tenants the opportunity to comment on the proposed changes.

There is also a requirement to serve notice on tenants pursuant to sections 102 and 103 of the Housing Act 1985. The council must inform its tenants that it intends to serve them with a Notice of Variation in order to change their conditions of tenancy. This must inform the tenants of the key changes and give them an opportunity to respond. There is a statutory 28 day period for responses.

At the end of the consultation period a formal Notice of Variation is sent to all tenants giving them notice of the date that the new terms and conditions come into effect. The updated tenancy agreement will need to be enclosed with the Notice.

4. Appendices

The Tenancy Agreement 2013.

5. Background Information

The following documents have been used in the compilation of this report and may be inspected at the offices of the author.

- Tenant, Resident and Member Scrutiny Service Review of Low Level Anti-Social Behaviour – Final Report
- Rechargeable Repairs Policy (Draft) – Report to Cabinet 9 February 2015