

## **HIGH PEAK BOROUGH COUNCIL**

### **Report to The Executive**

**3 August 2017**

<b>TITLE:</b>	<b>Proposed Amendments to Tenancy Agreement</b>
<b>EXECUTIVE COUNCILLOR:</b>	<b>Councillor Julie McCabe – Executive Councillor for Housing</b>
<b>CONTACT OFFICER:</b>	<b>Mary Walker – Head of Customer Services</b>

#### **1. Reason for the Report**

- 1.1 The purpose of this report is to make Members aware of the need to up-date the Councils current Tenancy Agreement and the extent of the changes recommended.

#### **2. Recommendation**

- 2.1 That members note the content of the report and agree that officers continue to progress changes to the Tenancy Agreement.

#### **3. Executive Summary**

- 3.1 The Councils current secure tenancy agreement was amended and changes came into effect from 1<sup>st</sup> September 2014.
- 3.2 A review of the way in which service charges are recouped through the rent has highlighted significant financial savings however the current tenancy agreement needs up-dating to allow us to progress with this.
- 3.3 Ongoing case work, complaints and trends have highlighted further changes needed to the 2014 version which will enable us to continue to effectively manage tenancies and protect and enhance our communities.

#### **4. How this report links to Corporate Priorities**

- 4.1 This report links to the Council's aim to help create a safer and healthier environment for our residents to live and work

## 5. Options and Analysis

- 5.1 Continue with work to consult on and implement the amendments to the Tenancy Agreement **Recommended**
- 5.2 Do not amend the Tenancy Agreement **Not recommended**

## 6. Implications

- 6.1 Community Safety - (Crime and Disorder Act 1998)  
Section 2.5 of the tenancy agreement refers to the management of anti-social behaviour; this has been updated
- 6.2 Workforce  
In order to best support our staff in taking enforcement action the Tenancy must be reflective of current legislations and issues experienced on the ground.
- 6.3 Equality and Diversity/Equality Impact Assessment  
The changes proposed which are not being made to reflect legislative amendment are designed to support the majority who wish to maintain peaceful enjoyment of their home and community.
- 6.4 Financial Considerations  
Updating the sections relating to service charges and rental arrears allows the Council to maximise rental income
- 6.5 Legal  
Applicable legislation is:  
The Housing Act 1985 (as amended)  
The Housing Act 1996  
The Homelessness Act 2002  
Crime & Disorder Act 1988  
Anti-Social Behaviour Act 2003  
Equalities Act 2010  
Anti-Social Behaviour, Crime and Policing Bill 2013-14  
Housing and Planning Act 2016
- 6.6 Sustainability  
Not applicable
- 6.7 Internal and External Consultation  
Please see section 7.3
- 6.8 Risk Assessment  
There are risks in not maintaining an up-to-date agreement in that our ability to remedy issues which arise is compromised.

## 7. Proposed Changes

- 7.1 As mentioned above, the proposed changes are required to both up-date operationally and legislatively whilst also maximising the Council's ability to proactively manage its housing stock.
- 7.2 A summary of the current proposed amendments is given below (this is potentially subject to addition/amendment throughout the consultation process) :-

Issue	Rationale
Your rights as a secure tenant	This section has had minor amendments for ease of reading/completeness  The section relating to repairs has been reworded to give a more accurate reflection of our legal obligations
False Statement	For completeness "knowingly withholding information" has been added
Rental Payments	Amendment to wording to accommodate daily tenancies  Greater clarity around charges associated with the tenancy including Carelink charges
Use of the Property	Set timeframes for what is viewed as a "temporary" absence to allow swifter resolution of potential misuse/abandonment cases.
Anti-social behaviour	Updated to include abuse via social media  Storage of weapons within properties has been included
Keeping of pets	Wording updated to ensure permission sought more widely
Pests and Vermin	Responsibility for ensuring recycling/waste containers are available has been added
Repairs & Maintenance	Greater clarity around safety equipment and ensuring this is adequately powered  Greater clarity around tenant alterations  The need to ensure tumble driers are properly vented has been added as this has been a feature in recent disrepair cases

Letting us into your home	Greater clarity around why/when we may need to enter some-ones home  Abortive out-of-hours calls to be recharged
Conduct to staff etc.	Updated to include abuse via social media
Ending your tenancy	Amendment to wording to accommodate daily tenancies Clarity around items left once a tenancy has ended
What happens if we don't keep to this agreement	Clarity that written permission is needed to deal with a third party

## 8.0 Consultation

- 8.1 The proposed changes have already been discussed and agreed with relevant managers and the Councils Solicitor.
- 8.2 A draft agreement has now been produced and can be found at Appendix A of this report to be produced.
- 8.3 An informal “reality check” consultation can now take place with tenants which will be followed by a further, larger scale consultation undertaken to enable all tenants to be given an opportunity to comment. Any changes proposed/required will be incorporated at this stage.
- 8.4 Once a final draft is complete, the formal, statutory consultation as dictated by the Housing Act can take place. Whilst this is referred to as a “consultation” it is in practice more of a notification, hence the requirement for the consultation outlined at 8.3.
- 8.5 Under section 103 of the Act we are required to complete this consultation at least 28 days prior to the changes coming into effect to allow tenants the opportunity to terminate their tenancy should they so desire. We mitigate against this by completing the earlier stages of informal consultation and indeed at the last two tenancy amendments there were no terminations tendered.

## 9. Proposed Timeline for Amendment

- 9.1 A draft tenancy agreement, has been compiled and is ready for consultation.
- 9.2 It is proposed to complete a “reality check consultation” with customers attending our receptions over a 2 week period.

- 9.3 Once this is completed, a consultation involving all tenants will take place. This is anticipated to take place during early autumn.
- 9.3 Any suggestions for further amendment or changes to be omitted can be fully considered, an initial legal ratification undertaken and a final draft version agreed.
- 9.4 The finalised draft agreement will be subject to Executive approval, assessment for use of “plain English” and final legal ratification.
- 9.5 When a completed version has been agreed, the formal section 103 consultation will take place. The agreement will be in force prior to April 2018 to allow for the proposed changes in service charges to take place.
- 9.6 In order to ensure the agreement remains up-to-date I would suggest that a review continues to be considered on a tri-annual basis.

**Mark Trillo**  
**Executive Director - People**

**Web Links and  
Background Papers**

**Location**

**Contact details**

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