

Executive Committee

29th October 2019

Housing Tenancy Agreement and Conditions

Relevant Portfolio Holder	Cllr Craig Warhurst
Portfolio Holder Consulted	Yes
Relevant Head of Service	Judith Willis
Wards Affected	All
Ward Councillor Consulted	No
Non-Key Decision	

1. SUMMARY OF PROPOSALS

Following approval of Executive Committee on 9th July 2019 to proceed to consult on the proposed implementation of a revised Housing Tenancy Agreement and Conditions. This report contains the outcomes of the consultation and seeks final approval of the Agreement and Conditions.

2. RECOMMENDATIONS

The Executive Committee **RESOLVE** that:-

2.1 Following formal consultation, the Housing Tenancy Agreement and Conditions be adopted; The proposal to introduce a new Tenants Handbook to be endorsed by members to compliment the Housing Tenancy Agreement and Conditions.

3. KEY ISSUES

Financial Implications

3.1 There are no direct financial implications from the adoption of the new Housing Tenancy Agreement and Conditions, however, the new document will provide tenants with a clearer understanding of both landlord and tenants requirements and obligations. Consequently the Council will be able to pursue the recovery of costs from tenants where appropriate, for example replacement keys, or charging for repairs from deliberate damage. A Tenants Recharge Policy has been developed to support these proposals and is the subject of a separate Committee report to Executive.

Legal Implications

- 3.2 It is a legal requirement for social housing landlords to provide social housing tenants with a written tenancy agreement setting out the terms and conditions applicable to both tenants and landlords.
- 3.3 There are other legal obligations for both tenants and the Council, which may not be 'spelled out' in the agreement, however are implicit in all tenancy agreements. An example is required compliance with other statutory frameworks which impact on both parties
- 3.4 The statutory duties of a Local Authority Housing Landlord are set out in section 3 'Our Responsibilities' of the Housing Tenancy and Conditions document.
- 3.5 Under the Legislative Reform (Regulator of Social Housing) England Order 2018, the Regulator of Social Housing became a stand-alone Regulator, from 1 October 2018.
- 3.6 The RSH proactively seeks assurance from social housing providers that they are meeting Economic and Consumer standards.
- 3.7 A Tenancy Standard (being part of the Consumer Standards) regulated by the RSH states the following: *registered providers shall meet all applicable statutory and legal requirements in relation to the form and use of tenancy agreements or terms of occupation*. It is therefore essential that we have an appropriate tenancy agreement in place enabling compliance.

Service / Operational Implications

- 3.8 To ensure the effective operational management of social housing tenancies it is essential to ensure that a contract is in place between the tenant and the council as the landlord. Full details were set out in the Executive report dated 9th July 2019. A copy of the proposed Housing Tenancy Agreement and Conditions are attached at Appendix 1.

- 3.9 Following approval by Members in July 2019, a four week consultation has taken place via social media, local press and direct contact with tenants. Detailed information on the consultation and the responses received are contained within Appendix 2. In summary the responses showed:
- (a) 83% of the people that responded agreed that the document was well laid out, 21% agreed strongly.
 - (b) 85% of the people that responded agreed that the document was easy to follow, 20% agreed strongly
 - (c) 81% of the people that responded agreed that the tenants responsibilities in the document were clear, 31% agreed strongly
 - (d) 87% of the people that responded agreed that the landlords responsibilities in the document were clear, 26% agreed strongly
 - (e) 76% of the people that responded agreed that the notes/information in the document are helpful, 24% agreed strongly
- 3.10 To sit alongside the new 'agreement', a new 'Tenancy Handbook' will also be introduced and made available to tenants. As part of the consultation undertaken a Focus Group was held with residents who had indicated that they wished to participate in such a group. Details of outcomes of the Focus Group are contained within Appendix 2.
- 3.11 In summary, the responses showed collective agreement that the Council should produce a Tenants Handbook that is available for all tenants via the website. There was also an agreement that tenants should not automatically be sent a copy of the Handbook, particularly as it is a lengthy document. However copies could be provided to tenants that did not have access to the website, with copies also available at key access points erg Town Hall, libraries.

Customer / Equalities and Diversity Implications

- 3.12 It is considered best practice under Housing Regulatory Standards to provide tenants and customers with information that helps them understand their contractual obligations, and their rights as tenants.
- 3.13 Tenants also have the right to be consulted with and participate in the monitoring of services

- 3.14 It is essential in law that agreements take into account the diverse needs of tenants. Throughout the Housing Tenancy Agreement and Conditions it indicates where help and assistance can be obtained for those tenants with diverse needs. An Equality Impact Assessment has been undertaken and shows no detrimental effect.
- 3.15 Information on data protection rights and privacy statements are included as part of the agreement.

4. RISK MANAGEMENT

- 4.1 There are no specific risks associated with the revisions to the Tenancy Agreement and Conditions, however, should the agreement not be sufficiently robust enough to manage contracts with tenants, the following are the key risks associated:
- (a) Increase in none rent payers and arrears
 - (b) Sustainment of the Housing Revenue Account
 - (c) Increase in Officer workloads
 - (d) Increase in Anti-social behaviour
 - (e) Organisational reputation
 - (f) Risks to Tenants rights
 - (g) Disputes between tenants and the Council
- 4.2 There is a risk that tenants may find it challenging to navigate the new style tenancy agreement, with its combination of tenancy provisions and information notes; however, this risk was not identified/raised during consultation.

5. APPENDICES

Appendix 1: Housing Tenancy Agreement and Conditions
Appendix 2: Housing Tenancy Agreement and Conditions Survey
Responses and feedback on Tenants Handbook Focus
Group

6. BACKGROUND PAPERS

None

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