



CABINET REPORT

Report Title	New Tenancy Agreement
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AGENDA STATUS: PUBLIC

Cabinet Meeting Date:	January 20 th 2010
Key Decision:	NO
Listed on Forward Plan:	YES
Within Policy:	YES
Policy Document:	NO
Directorate:	HOUSING
Accountable Cabinet Member:	Sally Beardsworth
Ward(s)	All

1. Purpose

- 1.1 To update Cabinet on ongoing progress in developing the new secure and introductory tenancy agreements following consultation.

2. Recommendations

- 2.1 That Cabinet note the current position and instructs Officers to consider and incorporate any suggestions from the consultation, if appropriate, and submit the final draft Agreements to the next meeting of Cabinet for formal approval.

3. Issues and Choices

3.1 Report Background

- 3.1.1 The tenancy agreement forms the basis of the relationship between the Council and its tenants and sets out the rights and responsibilities of both parties.
- 3.1.2 The tenancy agreement was last reviewed in 1997. It does not give any information on the rights that tenants have. It contains no clauses on domestic violence, has no fraud prevention mechanisms, and has limited information on the payment of rent. The current agreement no longer complies with best practice, current legislative requirements of the Office of Fair Trading guidance on unfair contract terms in tenancy agreements.
- 3.1.3 New draft Introductory and Secure tenancy agreements were submitted to Cabinet on the 8th July and were approved for consultation purposes.

3.2 The Consultation process

- 3.2.1 The Housing Act 1985 specifies a statutory format for the consultation and this requires that every tenant be sent a preliminary notice to vary the terms and conditions of their tenancy. This is set out in sections 102 and 103 of the Act. There is a statutory requirement for a 28-day consultation period, but in accordance with best practice and the Council's consultation toolkit a consultation period of 12 weeks was given. The closing date of 23rd October was clearly stated on documentation sent out and on the Council's web site.
- 3.2.2 Copies of the existing and draft new documents were lodged with the One Stop Shop for inspection.
- 3.2.3 The Council's legal department produced the preliminary notice of variation and this was sent out to all tenants by the 3rd August 2009. The notice was accompanied by an explanation leaflet.
- 3.2.4 The Tenants Sounding Board considered the proposals in November. Overview and Scrutiny considered the draft in July and set up an Appreciative Enquiry which met on the 14th October. At that meeting Members suggested amendments which were taken on board and the draft amended accordingly. This included strengthening the clauses that apply to communal areas. Consultation was also undertaken with the fire service, police, and other council departments. Following concerns that consultation had only been held with invited tenants, a drop-in session was held on the 9th December.
- 3.2.5 The existing and draft new tenancy agreements were put on the Council's website and a dedicated e-mail address was provided to make it easy for tenants to respond.

3.3 Finalising the consultation

- 3.3.1 Additional requests for suggested amendments to be considered have very recently been received. There have also been a number of amendments suggested during the consultation period. In order to allow these to be properly considered and for the required due diligence to take place, the final drafts are being reviewed and will be submitted to the next meeting of Cabinet for approval.

4. Implications (including financial implications)

4.1 Policy

None

4.2 Resources and Risk

The existing tenancy agreement does not comply with best practice or recent legislation in relation to civil partners and there is, therefore, a risk that it would have a detrimental effect on the outcome of an audit commission inspection.

4.3 Legal

The tenancy agreement is a contract between the Council and its tenants. It has been written in consultation with the legal department and taking into account published guidance from the Office Of Fair Trading on unfair contract terms.

4.4 Equality

An Equalities Impact screening assessment was carried out. No issues were identified requiring a full impact assessment. It has been acknowledged that it would be best practice to produce a vulnerable tenants policy and this is in preparation.

4.5 Consultees (Internal and External)

All council tenants and relevant stakeholders.

4.6 How the Proposals deliver Priority Outcomes

The proposals are consistent with the following corporate priorities as outlined in the Councils' Corporate Plan

- **Safer, greener and cleaner communities**
 - Reducing crime, fear of crime and anti social behaviour
 - Increased recycling
 - Achieving cleaner neighbourhoods

4.6 Other Implications

None

5. Background Papers

None

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