

# CABINET

## Changes to Council Housing Tenancy Agreement 20 March 2018

### Report of Chief Officer (Health and Housing)

PURPOSE OF REPORT				
The purpose of the report is to seek approval from Cabinet to make changes to the Council Housing Tenancy Agreement relating to secure and introductory tenants and consult with tenants on these proposed changes.				
Key Decision	X	Non-Key Decision		Referral from Cabinet Member
Date of notice of forthcoming key decision		19 February 2018		
This report is public.				

#### RECOMMENDATIONS OF COUNCILLOR ANDREW WARRINER

- (1) That Cabinet approve the proposed changes to the Tenancy Agreement.
- (2) That the Principal Housing Manager be authorised to consult with tenants regarding the proposed changes to the Tenancy Agreement and to serve the necessary preliminary notice of variation.
- (3) That a further report be brought to Members following the completion of the consultation process

#### 1.0 Introduction

- 1.1 The Tenancy Agreement was last reviewed in 2008. It is best practice to review the tenancy agreement on a regular basis. Through the business planning process it was agreed that the Tenancy Agreement would be reviewed during 2017/18.
- 1.2 The existing tenancy agreement has been reviewed in conjunction with Legal Service, and preliminary consultations have taken place through the District-wide Tenants' Forum.
- 1.3 Any material change to services to tenants and / or the tenancy agreement require consultation with all secure and introductory tenants, in accordance with the Housing Act 1985.
- 1.4 The current Tenancy Agreement with the proposed variations is attached at Appendix 1 together with a summary of the variations.

## **2.0 Proposal Details**

- 2.1 It is proposed that Cabinet approve the changes to the Tenancy Agreement and authorises the Principal Housing Manager to consult with tenants regarding the proposed changes to the Tenancy Agreement and to serve the necessary preliminary notice of variation.

## **3.0 Details of Consultation**

- 3.1 Sections 102 and 103 of the Housing Act 1985 give the Council the power to vary the terms of the tenancy agreement by serving a notice of variation on the tenant. A Preliminary Notice of Variation has to be served and tenants should be given a minimum of 28 days in which to make any written representations.

- 3.2 The consultation will include;

- An article in our quarterly tenant newsletter House Calls setting out the proposed areas for change and why they are being proposed, the consultation process including a timetable of events and the associated benefits
- A letter to all tenants (Preliminary Notice of Variation) including;
  - The current version of the Tenancy Agreement
  - The proposed new Tenancy Agreement
  - A summary of changes to the Tenancy Agreement
  - A short questionnaire for tenants to let us know their views and comments (with entry to a Free Prize Draw on completion)
- An online version of the consultation, FAQ's and questionnaire on the Council's Website

- 3.3 Any comments received from tenants will be reported for consideration by Cabinet, and where appropriate will be incorporated or reviewed within the draft tenancy agreement. Once Cabinet approves the tenancy agreement a 28 day Notice of the Variations will be served upon tenants together with a copy of their new tenancy agreement.

- 3.4 An indicative consultation timetable is set out below:

<b>Action</b>	<b>Date</b>
Cabinet Approval to serve preliminary notice of variation and start consultation with tenants	February or March 2018
Consultation Commences	April 2018
Consultation Ends	May 2018
Report to Cabinet on outcome of Consultation and approval to serve final notice of variation	June 2018
Final Notice of Variation served	July 2018

New Tenancy Agreement comes into force	September 2018
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#### 4.0 Options and Options Analysis (including risk assessment)

	<b>Option 1:</b> Do nothing – continue with the existing tenancy agreement	<b>Option 2:</b> Cabinet approves the proposal to revise the tenancy agreement
Advantages	Simplicity of continuation. Marginal cost savings	The tenancy agreement is updated to ensure that it meets current standards and requirements, and it fit for purpose.  The tenancy agreement remains an effective management tool.
Disadvantages	The existing tenancy agreement does not reflect current standards and requirements.	Marginal costs of implementation.
Risks	The tenancy agreement will not be wholly fit for purpose as an effective management tool.	The Office of Fair Trading publication on unfair terms in tenancy agreements has been referred to throughout this process. This approach will help minimise risk relating to the robustness of the content of the new agreement.

#### 5.0 Officer Preferred Option (and comments)

5.1 The Officer preferred option is Option 2 for the reasons set out above.

#### 6.0 Conclusion

6.1 The need has been identified for the Council to review its tenancy agreement to ensure that the agreement remains fit for purpose and can be used as an effective management tool. The agreement has also been updated to ensure that it meets tenant expectations in terms of clarity and understanding.

#### **RELATIONSHIP TO POLICY FRAMEWORK**

Corporate Plan – the proposal supports the Council's objectives: to deliver value for money, customer focussed services; to support sustainable communities; to continue to improve the Council.

Service Business Plan – the proposal is contained within the Services agreed service business plan for 2017/2018.

#### **CONCLUSION OF IMPACT ASSESSMENT**

**(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, HR, Sustainability and Rural Proofing):**

Impact assessments have been undertaken and no issues have been identified.

**LEGAL IMPLICATIONS**

Sections 102 and 103 of the Housing Act 1985 give the Council the power to vary the terms of the tenancy agreement by serving a notice of variation on the tenant. Before serving a notice of variation the Council has to give preliminary notice and the tenant has to be invited to make comment on the proposed changes. The Council is required to consider the comments made.

Legal Service have also been consulted at an early stage in the drafting of the varied terms of the agreement and having made recommendations of the terms these have been incorporated into the revised tenancy agreement that was sent to all tenants for consultation.

**FINANCIAL IMPLICATIONS**

The costs involved in the issuing of the Preliminary Notice and new Tenancy Agreement are estimated at £5,000. This will be met from within existing resources across 2017/18 and 2018/19 as appropriate.

**OTHER RESOURCE IMPLICATIONS, such as Human Resources, Information Services, Property, Open Spaces:**

None.

**SECTION 151 OFFICER'S COMMENTS**

The Section 151 Officer has been consulted and has no comments.

**MONITORING OFFICER'S COMMENTS**

The Deputy Monitoring Officer has been consulted and has no further comments.

**BACKGROUND PAPERS**

None

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