

CABINET

Changes to Council Housing Tenancy Agreement 21st October 2025

Report of Chief Officer (Housing and Property)

PURPOSE OF REPORT				
The purpose of the report is to seek approval from Cabinet to consult with tenants on proposed changes to the council housing Tenancy Agreement relating to secure and introductory tenants.				
Key Decision	X	Non-Key Decision		Referral from Cabinet Member
Date of notice of forthcoming key decision		21 st October 2025		
This report is public.				

RECOMMENDATIONS OF COUNCILLOR CAROLINE JACKSON

- (1) That the Community 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.
- (2) That a further report be brought to Members following the completion of the consultation process seeking final approval.

1.0 Introduction

- 1.1 The Tenancy Agreement was last reviewed in 2018. It would be considered best practice to review the tenancy agreement on a regular basis. Based on the dynamic nature of social housing regulations and best practices across the UK, moving forward Lancaster City Council would normally implement a formal review of tenancy agreements every **three years**, or more frequently in response to operational requirements, legislative changes, or regulatory updates. We are satisfied that this represents a proactive and robust approach to compliance and effective tenancy management moving forward. Since 2018 much has changed within the social housing landscape and therefore it is appropriate to seek views from tenants on proposed changes.
- 1.2 The existing tenancy agreement has been reviewed in conjunction with Legal Services, and preliminary consultations with Managers within the Council Housing Service and externally through Trowers Solicitors.

- 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.

2.0 Proposal Details

- 2.1 It is proposed the Cabinet approve the review of the Tenancy Agreement and authorises the Community Housing Manager to consult with tenants regarding any 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 monthly tenant newsletter 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

A minimum of three in person workshops where residents can meet with housing staff face-to-face to discuss changes and / or get support in completing the questionnaire giving their views

- 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:

Action	Date
Cabinet Approval to serve preliminary notice of variation and start consultation with tenants	October 2025
Consultation Commences	November 2025
Consultation Ends	December 2025

Report to Cabinet on outcome of Consultation and approval to serve final notice of variation	January 2026
Final Notice of Variation served	February 2026 (28 days)
New Tenancy Agreement comes into force	April 2026

4.0 Options and Options Analysis (including risk assessment)

	Option 1: Do nothing – continue with the existing tenancy agreement	Option 2: Cabinet approves the proposal to revise the tenancy agreement
Advantages	Simplicity of continuation. Cost savings (minimal e.g. postage costs)	The tenancy agreement is updated to ensure that it meets current standards and requirements, and is fit for purpose. The tenancy agreement remains an effective management tool. The Tenancy Agreement provides tenants with sufficient information to understand their rights and obligations in relation to their home.
Disadvantages	The existing tenancy agreement does not reflect current standards and requirements. This may mean that the Council does not meet the required consumer standards.	Costs of implementation will be incurred with postage – writing to tenants twice.
Risks	The tenancy agreement will not be wholly fit for purpose as an effective management tool. The Regulator of Social Housing deems the Tenancy Agreement to be outdated and not fit for purpose, this could be a breach of the consumer standards.	None known.

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

Council Plan – the proposal supports the Council's objectives: to be a Co-operative, Kind and Responsible Council and links to the Council's ambitions of Openness and the Council's Standards – Transparency, Influence and Accountability.

This review is being undertaken in line with the Service Improvement Plan – 4.8 Council Housing tenancy agreement and license agreement updated to reflect current practices and in line with best practice. This has been given a deadline date of completion of year 2.

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. External legal advice has been taken at an early stage in the drafting of the varied terms of the agreement.

FINANCIAL IMPLICATIONS

The costs involved in the issuing of the Preliminary Notice and new Tenancy Agreement are estimated at £15,000. This will be met from within existing resources, with costs being monitored via the usual corporate monitoring arrangements.

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 further comments to make.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments to make.

BACKGROUND PAPERS

None

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