

Area Panels: September 2017

Briefing Paper: Revised Tenancy Agreement update

Background

The Housing and Planning Act 2016 (HPA) received Royal Assent on 12 May 2016. The Act has introduced numerous amendments including changes to succession rights for all tenants which required updating our current Tenancy Agreement.

Commencement Orders for the relevant legislation were expected in autumn 2017 but these have been delayed and further advice on commencement is not anticipated before April 2018.

It is important that a tenancy agreement is kept up to date in terms of legislative requirements as well as the potential mandatory changes. Our current agreement has not had any significant update since 2009 and there are a number of clauses which could now benefit from change.

The new Tenancy Agreement will accommodate future changes to succession if and when the law comes into force.

We have produced a very good, clearer, and easier to read new Tenancy Agreement with updated examples and strengthened clauses. Examples of which include;

- Clause 3.n – That you must allow us access to carry out fire risk assessments and to complete any repairs.
- Clause 4.f – That you will need to notify us if you or a member of your household needs to store oxygen cylinders in your home for medical purposes. This is because these are potential fire hazards in storing oxygen cylinders.
- Clause 5.i - That you or anyone living with you or visiting you must not keep firearms and other weapons or ammunition in your home, unless you are legally entitled to keep them and you have our permission in writing to keep them.
- Clause 5q - Additional wording had been added to this clause to clarify that in shared areas you must contact us before purchasing each and every mobility scooter, in order to obtain permission and to discuss safe storage options. This is particularly important with regards fire safety.

We have added a new section and clauses dedicated to Seniors' and extra care housing. 'Extra Care housing' is similar to Seniors Housing but with social care provision on site.

Examples of new clauses in this section include:

- Clause 6.a - This clause clarifies our responsibilities to your wellbeing. It confirms that if you do not respond to the wellbeing call service (at least once per week) we will seek to make contact with you to check on your wellbeing.
- Clause 6.b - This clause confirms that we will carry out a fire drill at least once per year.
- Clause 6.h - This clause clarifies that you must not misuse the community alarm equipment and you must allow access to your home in order to test alarm equipment each quarter or when required.
- Clause 6.i - This clause confirms that you must accept that Seniors housing staff or on site care staff (Extra Care Schemes) can enter your home where they have a serious concern about your wellbeing.
- Clause 6.j - This clause confirms that you must report to the Scheme Manager if you have reason to believe someone else is using your home for criminal or illegal purposes such as drug dealing.

Opportunities for residents to be involved in the report

During 20 and 21 April 2017 a Preliminary Notice of Variation was issued to over 11,300 council tenants. This notice was the first stage of our consultation with tenants about the proposed changes to the tenancy agreement and gave tenants the opportunity to give feedback. Copies were made available in large print, Braille and Interpreters were available on request.

Although not required to do so tenants were invited to give their comments in a variety of ways. These were:

- returning a feedback form
- completing the survey on the council website
- completing a feedback form either over the telephone or in person at a local housing office
- Seniors housing could provide comments at a surgery in their scheme
- emailing comments to the tenancy agreement inbox
- by attending one or all of the five pre-arranged drop-in events held between 15 May and 25 May across the city at:
 - Woodingdean Library, Woodingdean
 - Moulscroomb Housing Centre, Moulscroomb
 - Robert Lodge, Whitehawk
 - Friends Centre, Brighton
 - Portslade Town Hall, Portslade

An additional 57 new tenants who signed tenancy agreements during the consultation period between 22 April and 11 June 2017 were sent Preliminary Notice of Variations giving them the opportunity to comment on the proposed changes. Consultation ended on 12 June 2017.

From 12 June 2017 and until the new agreement is implemented, anticipated January 2018, a letter is being included with all new tenant information at sign up stage. The letter confirms that due to the timing of their new tenancy, we were unfortunately not able to include them in the consultation process. The letter also confirms that the terms and conditions which they have signed up to will almost certainly change and their tenancy will change with it.

Consultation Feedback

We received 615 responses to the consultation. This included feedback from postal surveys and the consultation portal. Of those 615 responses a total of 527 additional comments were included on the revised tenancy agreement.

Feedback was very positive with between 84% and 92% in agreement with most or all changes within each section and no more than 2% disagreeing with the changes.

Attached to the committee report at Appendix 1 is a summary of the additional comments received, grouped into subject areas along with our response to the comment. A further 37 comments were received via email and from the drop-in sessions.

Resident involvement groups were involved in the drafting of the revised tenancy agreement and meetings were held with the Neighbourhood and Community & Tenancy Service Improvement Group on:

- 2 November 2016
- 7 December 2016
- 3 August 2017

All comments were taken into account when making changes to the revised tenancy agreement. As a result of the feedback we do not propose to make any further key changes to the revised version of the agreement.

We will however, in response to tenant feedback, make minor changes to the layout including the wording on the following clauses:

Clause 2.b - We may increase or reduce your rent and other charges. If this is going to happen we will give you at least four weeks' notice in writing after which the changes in your rent will be implemented. This usually takes place in April each year in line with government guidelines

Clause 5.g -You or anyone living with you or visiting you must not harass or threaten any other person (or group of people) at all and in particular not do so because of their age, disability (which includes mental health conditions) ethnicity/race, gender reassignment, religion or belief, sex, sexual orientation, or for any other reason

Recommendations

- Area Panel note the contents of the briefing paper.

Next steps

- The feedback from all Area Panels will be noted on the report being presented to Housing & New Homes Committee on 20 September 2017.
- Feedback on how we have used this information and the results of the consultation will be reported back to all residents in the autumn/winter edition of Homing In as well published on our website and social media. It will be available in other formats to ensure it is accessible to tenants.
- We anticipate the new tenancy agreement coming into effect in January 2018.

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