

# **HOUSING MANAGEMENT CONSULTATIVE COMMITTEE**

## **Agenda Item 60**

Brighton & Hove City Council

**Subject:** Chairman's Working Groups (Tenancy Agreement)  
**Date of Meeting:** 20 January 2009  
**Report of:** Director of Adult Social Care & Housing  
**Contact Officer: Name:** Adrian Channon **Tel:** 293233  
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**Wards Affected:** All

### **FOR GENERAL RELEASE**

#### **1. SUMMARY AND POLICY CONTEXT:**

- 1.1 To present the further results of the tenant led Chairman's Working Group considering the development and adoption of a revised tenancy agreement for tenants living in council housing. This follows internal consultation carried out on the draft agreement endorsed by Housing Management Consultative Committee on 23 September 2008.

#### **2. RECOMMENDATIONS:**

- (1) That the Housing Management Consultative Committee notes the amended draft of the Tenancy Agreement agreed by the working group attached at Appendix 1.
- (2) That the Housing Management Consultative Committee endorse the conclusions of the working group which will be taken forward as the basis for wider consultation with stakeholders and tenants on the development and adoption of a revised tenancy agreement for tenants living in council housing and forward to the housing cabinet member meeting for approval.

#### **3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

- 3.1 Housing Management Sub Committee 23 September 2008 considered a report from the chairman's working group on the tenancy agreement. The committee endorsed the draft agreement for consultation with internal stakeholders.
- 3.2 Consultation was carried out with staff during October 2008 and the results were presented to the Focus Group on 17 November 2008 in the form of an amended draft.

- 3.3 The Focus Group endorsed the amended draft in principle and made some further suggested changes which have been incorporated into the draft agreement attached as Appendix 1.
- 3.4 The key changes made to the agreement as a result of the consultation and the meeting of the Focus Group are as follows:
- 3.5 **Clauses relating to sheltered housing and support services.** Specific clauses relating to the provision of support services have been included as part of the tenant's responsibilities and those of the council.
- 3.6 **Succession.** Details about the circumstances that someone may succeed to the tenancy are now included in the section on **Death of a Tenant**. It is proposed that a separate document is signed by a successor whenever a succession or assignment occurs. This document would then be added to the Tenancy Agreement on the tenancy file and a copy given to the successor. This is intended to give any future successor a clearer understanding of the tenancy they have inherited. A draft of the proposed document is attached as Appendix 2.
- 3.7 **Plain Language Review.** The Focus Group agreed that a plain language review of the agreement could be carried out internally by the council's Communications Team rather than by application to Crystal Mark. This represents better value for money and is in line with the process for reviewing other corporate documents.
- 3.8 **Being a good neighbour.** The Focus Group agreed that this was a better section heading than the previous "Living with your Neighbours" as it sent a more positive message in line with the spirit of the rest of the agreement.
- 3.9 **Gas Access.** A specific clause has been added requiring the tenant to allow access for gas safety checks. Previously, this requirement was included in a general clause about allowing access. The Focus Group agreed that this better highlighted the importance of this important issue.

### 3.10 **Timetable.**

February 2009	Consultation with Area Panels
March 2009	28 day formal consultation with all tenants
April 2009	Analysis of consultation comments. Focus group meets to consider results.
May/June 2009	Report to HMCC and Cabinet Member on results of consultation and recommendations for final version of the Agreement.
July 2009	Formal notice sent to all tenants on the variation of the Agreement
July/August 2009	Implementation

Once a final draft is agreed by Housing Management Consultative Committee, it will be taken to Area Panels in February 2009. There will then be a 28-day consultation period when all tenants will have the opportunity to provide comments on the agreement. These comments will be considered and discussed with the working group and any final changes will be made to the agreement and reported back to Housing Management Consultative Committee. A 28-day formal variation notice will then be issued to all tenants. The Tenant Handbook will also be updated to reflect the new conditions and issued at the same time as the notice of variation.

## **4. CONSULTATION**

- 4.1 In order to ensure full and effective consideration of the proposals to develop and adopt a revised tenancy agreement it is proposed that the issues raised and the draft agreement produced will provide the basis for wider consultation with stakeholders and tenants.
- 4.2 The progress of this consultation exercise and the formal consultation with tenants will be subject to consideration by the tenant led review group prior to reporting back to Housing Management Consultative Committee.

## 5. FINANCIAL & OTHER IMPLICATIONS:

### Financial Implications:

- 5.1 The estimated cost of adopting a revised tenancy agreement is approximately £10,000, which includes communications for the initial production of the agreements, the associated postal costs for consulting with tenants and issuing variation notices. These costs will be met within the existing Housing Revenue Account Budget and are likely to occur during the 2009/10 financial year.

*Finance Officer consulted: Susie Allen, Principal Accountant 21 Nov 2008*

### Legal Implications:

- 5.2 The terms of a secure tenancy can be varied in accordance with section 103 of the Housing Act 1985. This involves service of a preliminary notice on tenants, which specifies the variation with its effect and invites tenants to comment within such time, as the landlord considers reasonable. The landlord must consider those comments. If the landlord wishes to go ahead with the variation, a formal notice of variation has to be served, allowing at least four weeks between service and the notice taking effect. The final draft of the revised tenancy agreement will be subject to further legal scrutiny as appropriate.

*Lawyer: Deborah Jones*

*Date: 19 August 2008*

### Equalities Implications:

- 5.3 The development of a revised tenancy agreement will be undertaken with due regard to equalities and diversity issues. An Equalities Impact Assessment is currently being carried out. The Focus Group have been consulted as part of this process.

### Sustainability Implications:

- 5.4 There are no direct implications arising from this report. Housing is one of the 12 key objectives in the Council's sustainability strategy, which aims to ensure that everyone has access to decent affordable housing that meets their needs.

Crime & Disorder Implications:

- 5.5 A revised tenancy agreement will positively contribute to preventing crime and the fear of crime by stating the types of Anti Social Behaviour that is prohibited and the enforcement action that the council can take should such behaviour occur.

Risk and Opportunity Management Implications:

- 5.6 None

Corporate / Citywide Implications:

- 5.7 The development of a revised tenancy agreement will have citywide implications for council tenants.

**6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 Continue with the existing tenancy agreement. However this is not recommended, as it does not allow the council to take advantage of developments in best practice. We need to ensure that we have a comprehensive agreement, which covers all areas of tenancy management and reflects the priorities that are important to the council and tenants.

**7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 To consult members of Housing Management Consultative Committee on the conclusions of the Tenancy Agreement Focus Group.

**SUPPORTING DOCUMENTATION**

**Appendices:**

1. Appendix 1 – Draft Tenancy Agreement
2. Appendix 2 – Draft Succession document

**Documents In Members' Rooms**

None

**Background Documents**

None.

