

REPORT FOR DECISION

DECISION OF:	Cabinet
DATE:	17 December 2014
SUBJECT:	Approval of New Tenancy Agreement
REPORT FROM:	Councillor Rishi Shori Deputy Leader of the Council and Cabinet Member Health and Wellbeing
CONTACT OFFICER:	Maria Worthington Business Manager for Neighbourhoods Six Town Housing Marcus Connor Corporate Policy Manager
TYPE OF DECISION:	COUNCIL (KEY DECISION)
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain.
SUMMARY:	<p>Bury Council's current tenancy agreement for lettings of its residential dwellings, was last reviewed in 2009. In line with good practice the Council and its managing agent, Six Town Housing, have reviewed this document. The revisions, in particular, take into account changes in national legislation and local policies.</p> <p>Extensive consultation has already been carried out on the proposed document and the key changes to it, including discussions with Councillor, tenants, residents, and officers from the Council, Six Town Housing and Springs Tenant Management Organisation. The issues raised have, whenever possible, been incorporated into the new document.</p> <p>Subject to Cabinet approval, it is proposed to carry out</p>

	the statutory consultation on the new tenancy agreement in the New Year, with any further changes delegated to the Executive Director of Communities and Wellbeing, to allow it to become effective as from 1 April 2015.
OPTIONS & RECOMMENDED OPTION	<p>The options for consideration are:</p> <p>Option 1 – Do nothing. This would result in the Council continuing to use the current version of tenancy agreement. However, this document has been found to not be 'fit for purpose' in light of recent legislative changes and examples of good practice.</p> <p>Option 2 – Approve the consultation on the new draft tenancy agreement, with approval for any changes arising from the consultation to be delegated to the Executive Director for Communities and Wellbeing, allowing the new tenancy agreement to be implemented from 1 April 2015.</p> <p>Recommendation Option 2 is the recommended option as this would ensure that the Council has a 'fit for purpose' tenancy agreement, and so better able to take enforcement action against any breaches of the agreement. Regular review of the tenancy agreement is also considered to be good practice, allowing the Council to review the range of services offered and the way these are provided to customers.</p>
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes
Statement by the S151 Officer: Financial Implications and Risk Considerations:	<p>The current tenancy agreement was drafted in 2009 and now requires updating to reflect legislative and policy changes e.g. Welfare Reform, Revised Allocations Policy, and new Anti Social Behaviour legislation.</p> <p>The new agreement allows the Council and Six Town Housing to more proactively manage tenancies, ultimately leading to better use of the Council's housing stock, and a better service for tenants.</p>
Health and Safety Implications	There are no implications in terms of Health, Safety and Welfare.
Statement by Executive Director of Resources (including Health	There are no additional resource implications arising from the report.

MO

and Safety Implications)	
Equality/Diversity implications:	Yes (see paragraph below)
Considered by Monitoring Officer:	Yes Comments Legal consideration has been given to the new draft tenancy agreement and there are no legal issues relating to the variations, reasons for the variation or proposed amendments.
Wards Affected:	All Wards
Scrutiny Interest:	Overview and Scrutiny Committee

JH

TRACKING/PROCESS

DIRECTOR:

Chief Executive/ Strategic Leadership Team	Cabinet Member/Chair	Ward Members	Partners
10.11.14			
Scrutiny Committee	Cabinet/Committee	Council	
	17.12.14		

1.0 BACKGROUND *[brief]*

1.1 Bury Council’s current housing tenancy agreement has been in place since 2009. In line with good practice, a review of the document has been carried out, in particular taking into account a number of legislative and policy changes, such as

- a) response to Welfare Reform;
- b) changes in the Council’s Allocation Policy;
- c) response to the Council’s Strategic Tenancy Policy;
- d) response to the Anti Social Behaviour, Crime and Policing Act 2014; and
- e) general legislative changes

1.2 The review has taken into account the responses to a number of consultation exercises with Councillors; officers from relevant Council and Six Town Housing Departments and Springs Tenant Management Organisation; and tenants and residents.

1.3 The key changes to the tenancy agreement have been:

- a) stating the need for two tenancy visits by officers from the Council’s managing agent (Six Town Housing) during the first 12 months of the tenancy;
- b) emphasising the need for tenant(s) to pay their rent on time;

- c) allowing the Council or their managing agent (Six Town Housing) to carry out work on a property prior to termination of the tenancy in order to reduce void turnover time;
- d) stressing why another home may not be offered in circumstances such as eviction; abandonment; outstanding rent arrears or leaving the property in poor condition;
- e) strengthening the Council's position in respect to the rules that apply to tenant(s) wishing to take in a lodger;
- f) increasing tenant(s)' responsibility for reporting to the Council or their managing agent (Six Town Housing) any faults in their properties that may damage other properties;
- g) placing greater emphasis on rights of the Council or their managing agent (Six Town Housing) to gain access to properties, including to allow them to carry out tenancy checks;
- h) increasing health and safety measures, including the Council or their managing agents (Six Town Housing) enforcement powers and the responsibilities of tenant(s) not to tamper with meters;
- i) restricting the number of animals that can be kept at a property;
- j) ensuring that adapted properties are only allocated to and occupied by those in need of the adaptation, in accordance with the Council's Strategic Tenancy Policy;
- k) strengthening of the Anti Social Behaviour Section including Absolute Powers of Possession and new criteria for enforcement of the new Anti Social Behaviour, Crime and Policing Act 2014 which came in force on 20 October 2014.

1.4 Subject to Cabinet approval, and in accordance with statutory requirements the following consultation will be undertaken:

- a) 14 January 2015: Issue of a Preliminary Notice which informs tenants of the intention to serve a Notice of Variation and specifies the proposed variations and their effects (28 days consultation period)
- b) 18 February 2015: Notice of Variation served stating the date it will take effect; usually accompanied by a FAQ sheet. N.B. This is a change to the conditions and not an issue of a new tenancy. (28 days consultation period).
- c) 1 April 2015 proposed implementation date.

1.5 In order to be able to take into account any comments that are received as a result of the statutory consultation and to ensure that the new tenancy agreement can be introduced by 1 April 2015, it is requested that any changes are delegated to the Executive Director for Communities and Wellbeing.

2.0 ISSUES *[brief]*

2.1 Risk Management (including Health and Safety)

2.1.1 There is a risk to the Council and their managing agent (Six Town Housing) from not introducing the new tenancy agreement in that enforcement powers available to landlords against those in breach of the conditions of their tenancies will not be fully available for use.

2.1.2 The new tenancy agreement will protect the welfare of officers and other tenants by placing new or reinforcing health and safety obligations of tenants.

2.2 Equality and Diversity

- 2.2.1 Due to the tenancy agreement addressing the requirement of the Council's Strategic Tenancy Policy to ensure that adapted properties are lived in by the person for whom the adaptation was provided and that that adaptation is still required, there will be a positive impact on disabled applicants and their carers.

3.0 CONCLUSION

- 3.1 The introduction of the new tenancy agreement will allow a more effective landlord and tenancy management service to be offered by the Council and their managing agent (Six Town Housing).
- 3.2 There are two options available to Cabinet, Option 1 – Do Nothing is not viable as this would result in the Council continuing to use the current version of tenancy agreement. However, this document has been found to not be 'fit for purpose' in light of recent legislative changes and examples of good practice.
- 3.3 It is recommended that Cabinet approve Option 2, to approve the consultation on the new draft tenancy agreement, with approval for any changes arising from the consultation to be delegated to the Executive Director for Communities and Wellbeing, allowing the new tenancy agreement to be implemented from 1 April 2015. This would ensure that the Council has a 'fit for purpose' tenancy agreement, and so better able to take enforcement action against any breaches of the agreement. Regular review of the tenancy agreement is also considered to be good practice, allowing the Council to review the range of services offered and the way these are provided to customers.

List of Background Papers:-

Draft Tenancy Agreement

Contact Details:-

Maria Worthington
Business Manager for Neighbourhoods
Six Town Housing

Marcus Connor
Corporate Policy Manager