

Report to: **Housing Review Board**

Date of Meeting: 22 November 2018

Public Document: Yes

Exemption: None

Review date for release None

Agenda item: 8

Subject: **Revision to Tenancy agreement**

Purpose of report: This report updates members on progress made in the development of a revised tenancy agreement. The report contains the final draft of the revised tenancy agreement, along with an explanation of the changes made and seeks approval of the revised tenancy agreement. With this approval, we plan to enter a six week statutory consultation with tenants from 12 December 2018.

The report also recommends that the Strategic Lead for Housing, Health and Environment, and the Portfolio Holder be given the authority to make any minor amendments to the tenancy agreement following the Statutory consultation.

Recommendation:

- 1. That members approve the revised tenancy agreement, and**
- 2. That members note the next steps detailed in Section 2 of this report, and**
- 3. That delegated authority be given to the Portfolio Holder for Homes & Sustainable Communities and the Strategic Lead Housing, Health & Environment to make minor amendments to the Tenancy Agreement following the consultation process.**

Reason for recommendation: The tenancy agreement requires updating to reflect changes in policy and legislation.

Officer: Andrew Mitchell – Housing Needs and Strategy Manager
amitchell@eastdevon.gov.uk

Financial implications: The financial implications of the revised tenancy agreement are laid out in the explanatory note.

Legal implications: The draft tenancy agreement reflects the most recent legislative changes. It has been reviewed by Andrew Lane, barrister at Cornerstone Chambers. The process of adopting the new tenancy agreement is set out within ss 102-103 of the Housing Act 1985, the procedure for which is set out in the report.

Equalities impact: Low Impact

Risk: Low Risk



Links to background information:

- <http://eastdevon.gov.uk/media/2197069/combined-hrb-agenda-070917.pdf>

Link to Council Plan: Encouraging communities to be outstanding

Report in full

1. Background

- 1.1 In September 2017, a project group was set up to revise our tenancy agreement to ensure that it reflected changes in policy and legislation implemented since the previous revision of the agreement in 2015.
- 1.2 The project group consists of Housing Service managers, housing team members and legal representation. There was additional consultation with Mobile Support Officers.
- 1.3 Tenants were also updated on progress through the TIF, and we have received suggested amendments through the Tenant Readers Panel.
- 1.4 Running concurrently with the tenancy agreement revision, housing teams have been reviewing and updating their housing policies, making sure that the revised tenancy agreement will be consistent with them.
- 1.5 The process of updating housing policies took longer than anticipated, leading to a delay in the production of the final draft of the revised tenancy agreement. However, this was agreed to be a necessary step to ensure the robustness of the tenancy agreement.
- 1.6 Following the updating of policies project group members were given a last chance to suggest amendments to the tenancy agreement, leading to the production of the 13th and final draft agreement. This is attached as **Annex 1** to this report for your information and approval.

2. Next steps

- 2.1 As detailed in 1.5 above, work was put on hold for a period to allow time for housing policies to be updated. Our new timeframe is detailed below.
- 2.2 A preliminary notice letter will be sent to all tenants, along with a document detailing the changes that have been made to the tenancy agreement. This document is attached as **Annex 2** to this report.
- 2.3 The Statutory Consultation will run for six weeks from 12 December 2018 until 31 January 2019.
- 2.4 Any further amendments arising from the consultation period will be incorporated into the tenancy agreement before the final agreement is presented to HRB on 28 March 2019 for approval. This will then go through to Cabinet and Full Council for ratification.
- 2.5 The formal Notice of Variation and Tenancy agreement will then be sent to all tenants on 25 April 2019.
- 2.6 The new tenancy agreement would then come into effect from 10 June 2019, six weeks after the Notice of Variation is issued.

3. Recommendations

- 3.1 That members approve the final draft of the tenancy agreement contained within Annex 1 of this report.
- 3.2 That members note the next steps and revised timescale.