

**Report to:** **Housing Review Board**

**Date of Meeting:** 28 March 2019

**Public Document:** Yes

**Exemption:** None

**Review date for release** None



**Agenda item:** 18

**Subject:** **Tenancy Agreement Changes**

**Purpose of report:** This report will update members on the results of the tenant consultation on the proposed changes to the tenancy agreement and present the final version of the 2019 Tenancy agreement for approval

**Recommendation:**

- 1. That members note the results of the consultation**
- 2. That members approve the implementation of the revised tenancy agreement in line with the process outlined in this report**

**Reason for recommendation:** Statutory Consultation has been undertaken and comments considered. No further changes have been made to the revised tenancy agreement approved by the Board at the November Meeting

**Officer:** Andrew Mitchell, Housing Needs and Strategy Manager,  
[amitchell@eastdevon.gov.uk](mailto:amitchell@eastdevon.gov.uk)

**Financial implications:** To be completed by Finance.

**Legal implications:** To be completed by Legal.

**Equalities impact:** Low Impact

If choosing High or Medium level outline the equality considerations here, which should include any particular adverse impact on people with protected characteristics and actions to mitigate these. Link to an equalities impact assessment form using the [equalities form template](#).

**Risk:** Low Risk

Failure to adopt the revised tenancy agreement will make it harder for breaches of the tenancy to be enforced as the current agreement does not reflect all related policies

**Links to background information:**

- <http://eastdevon.gov.uk/media/2197069/combined-hrb-agenda-070917.pdf>
- <http://eastdevon.gov.uk/media/2700348/combined-hrb-agenda-221118.pdf>

**Link to Council Plan:** Encouraging communities to be outstanding

## **1. Background**

1.1 A housing project group was set up in September 2017 to revise our tenancy agreement.

- 1.2 Following HRB approval of the draft revisions to the tenancy agreement in November 2018, a preliminary notice letter was sent to all tenants on 13<sup>th</sup> December 2018.
- 1.3 This preliminary notice letter, sent together with a document explaining the proposed changes marked the start of a statutory 6 week consultation period. The decision was made to extend this period to 7 weeks to allow time for postage and the Christmas period.

## **2. Consultation responses**

- 2.1 We received 53 responses in relation to the proposed changes. This included 17 people who wished to be sent a copy of the tenancy agreement.
- 2.2 Of the remaining 36 responses received, there were 3 main areas that were raised.
  - 2.2.1 Loft spaces – the revised agreement adds a clause that clearly states that the loft space does not form part of the tenancy and that the loft should not be used without our written consent. This clause reflects our current policy. 6 responders felt that this was unfair as they considered the loft to be part of the tenancy and some had been using the loft for storage for many years.
  - 2.2.2 Mobility Scooters – A new clause states that such vehicles are not to be left in communal areas or anywhere that might block access for other people. 3 responders felt that this was unfair as they had nowhere else to store scooters.
  - 2.2.3 Permissions (CCTV and Firearms) – 7 people contacted us to request retrospective permission for CCTV or firearms storage on the back of the inclusion of these two new clauses requiring tenants to obtain written permission to store firearms and for the installation of CCTV. An addition 2 people sought clarification on what was allowed in relation to CCTV.
- 2.3 All other queries were more general in nature or were requesting clarification on other clauses or the process of reviewing the agreement.

## **3. Review of responses and conclusions**

- 3.1 In relation to the points detailed in 2.2.1 and 2.2.2 above, whilst we understood the concerns raised, these clauses have been included to enable us to comply with fire safety regulations and advice. It is therefore felt that we should not amend these clauses.
- 3.2 Following legal advice, our approach to the tenancy agreement has been to make the document easier to understand, but to also maintain it as a legal document rather than as a detailed guide to the tenancy. As such, it is suggested that tenants should refer to their Tenant Handbook if they need further information (or contact a housing officer/mobile support officer).
- 3.3 The tenant handbook is being updated with a view to a revised version being available by the time the revised tenancy agreement goes live.
- 3.4 We therefore plan to make no further changes to the tenancy agreement and to proceed with our implementation plan.

#### **4. Next Steps**

- 4.1 The attached Final Notice of Variation (Annex 2) and the Tenancy agreement document will be sent to all tenants on 25<sup>th</sup> April 2019. An explanation of the proposed changes will also be included with the letter.
- 4.2 We are required to give five weeks' notice of our intention to amend the tenancy agreement. However in anticipation of there being a number of queries raised, we are planning to stagger the mail out of the notice letter over a week. The revised tenancy agreement will therefore "go live" from 17<sup>th</sup> June 2019.
- 4.3 In line with this timeline, the tenant handbook will be revised to reflect the changes to the tenancy agreement and the queries raised during the consultation period. It is proposed that a tenant group be set up to look at how the tenant handbook could be further amended in the future. This will be discussed at a future Tenant Involvement Forum with a view to reporting to HRB with more detailed proposals at a later date.
- 4.4 Consideration will also be given to how best to offer information for our tenants online in the future. Whilst there are clear benefits to providing this information in an online format – making it easier to link to other related documents and policies, for example – we need to be mindful of the fact that we have a sizeable number of tenants who do not access the internet. The Housing Strategy team will be considering this over the coming months, working with the EDDC Digital Communications Officer.

#### **5. Recommendations**

- 5.1 That members note the results of the consultation
- 5.2 That members approve the planned conclusion of the variation process detailed in paragraphs 4.1 and 4.2.