

Report to: **Housing Review Board**

Date of Meeting: 20 June 2019

Public Document: Yes

Exemption: None

Review date for release none



Subject: **Tenancy Agreement updated**

Purpose of report: To summarise the process of updating the Tenancy Agreement and to confirm that the revised agreement is now in place

Recommendation: **1. That members note the content of this paper**

Reason for recommendation: Paper is for information only

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

Financial implications: No specific financial implications within the report.

Legal implications: There are no legal implications identified.

Equalities impact: Low Impact

Risk: Low Risk

Links to background information:

- [28th March 2019 report](#)
- [22nd November 2019 report](#)
- [Revised Tenancy agreement and associated documents](#)

Link to Council Plan: Encouraging communities to be outstanding

Report in full

1. Summary of process

- 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 As well as reviewing the content of the agreement, Housing teams also updated a number of housing policies. This ensured that the clauses of the agreement would match Council Policy.
- 1.3 We employed an external tenancy agreement specialist lawyer to check the legality and robustness of the revised agreement.

- 1.4 Following HRB approval of the draft revisions to the tenancy agreement in November 2018, a preliminary notice letter was sent to all tenants on 13th December 2018. This marked the start of a statutory 6 week consultation period.
- 1.5 Over 50 responses were received in relation to the consultation. Main areas of concern related to the following areas:
 - 1.5.1 Loft Spaces – this was a formalisation of existing policy to not allow tenants the use of loft spaces for any purpose; the loft space does not form part of the tenancy. Tenants had not been aware of this, and the comments received reflected this.
 - 1.5.2 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. Some tenants felt that this was unfair as it made it harder for them to store their vehicles.
- 1.6 Following the consultation it was agreed at the March 2019 HRB meeting that no further changes to the tenancy agreement would be made. Whilst we understood the comments made in relation to paragraphs 1.5.1 and 1.5.2 above, the clauses have been included to enable us to comply with fire safety regulations and advice and it was felt that we should not amend these clauses for this reason.
- 1.7 A final notice of Variation letter was sent to tenants on 2nd May 2019. We were required to give five weeks' notice of our intention to amend the tenancy agreement. We have actually provided more than this, closer to seven weeks, in part because we staggered the mail out over 3 days.
- 1.8 The revised tenancy agreement came into force on 17th June 2019.

2. Additional information

- 2.1 Alongside the revised tenant agreement, we have also revised the tenant handbook to reflect the changes made to the agreement. We plan to work with a tenant group to look at how the tenant handbook could be further amended in the future. This will be discussed at a future Tenant Involvement Forum.
- 2.2 We have also updated our Tenancy Policy to reflect the changes made to the agreement. This will require the approval of HRB and as such is covered in a separate report.

3. Recommendations

- 3.1 That members note the content of this report.