

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:-	Cabinet Member for Safe and Attractive Neighbourhoods
2.	Date:-	12th January 2015
3.	Title:-	Draft Council Housing Tenancy Agreement
4.	Directorate:-	NEIGHBOURHOOD & ADULT SERVICES

5. Summary

The purpose of this report is to seek the authority of the Cabinet Member for Safe & Attractive Neighbourhood to consult with all Council Housing tenants on a proposed new tenancy agreement.

6. Recommendations

That Cabinet Member,

- Consider the draft Tenancy Agreement and agree that it can be the subject of consultation with all of the borough's council housing tenants.
- Notes that serving the Preliminary Notice of Variation and Notice of Variation will cost approximately £60,000 however the costs will be met from forecasted savings.

7. Proposals and Details

7.1 Background

The Council, in consultation with its tenants, periodically revises its tenancy agreement to reflect changes in legislation and also adapt the document to reflect changes in lifestyles and aspirations. The Tenancy Agreement was last revised in 2008. The Tenancy Agreement is an important document as it represents the contract between the council and the tenant, setting out the respective rights and responsibilities of each party.

Following the passing of the 2011 Localism Act and associated guidance and secondary legislation that has followed, the Council intends to issue a Draft Tenancy Agreement for consultation with council tenants to reflect the changes it is seeking to make. The revised Tenancy Agreement will provide for existing secure lifetime tenants as well as introductory tenants and fixed term tenancies. Proposed changes are highlighted in Appendix 2.

Under Section 105 of the Housing Act 1985 the Council has a statutory duty to consult with tenants on matter of housing management. This includes the variation of the tenancy agreement.

Section 103 of the Act sets out the procedure that must be followed to vary the Tenancy Agreement, the first step is to serve a Preliminary Notice on all tenants:

- (a) Informing the tenant of our intention to serve a notice of variation
- (b) Specifying the proposed variation and its effect, and
- (c) Inviting the tenant to comment on the proposed variation within such time, specified in the notice, as the landlord considers reasonable;

The Council must properly consider any comments made by the tenants. Failure to take into account any relevant considerations would void the variation. Officers may receive advice on the content of the Tenancy Agreement which may require further minor amendments which will be agreed in consultation with the Cabinet Member for Safe and Attractive Neighbourhoods.

Finally a Notice of Variation must be served on all tenants which must specify, the nature and details of the variation and the date it will take effect. As set out in the report there must be at least 4 weeks between the date the Notice of Variation is served and the date on which the Tenancy Agreement will be varied

After the Notice of Variation has taken effect all Council tenants will be bound by the terms of the new Tenancy Agreement.

The milestone dates for consultation and approval are set out in section 7.3 of this report. The requirements for consultation are governed by legislation and there is a relatively long timescale from issue of a Draft Tenancy Agreement (and associated documents) to final adoption. In this instance, the Council intends to issue the documents in June 2015 with a view to adoption of the final Tenancy Agreement in July 2015.

7.2 Summary of proposed changes in the Tenancy Agreement

The proposed changes to the current Tenancy Agreement are identified in the Preliminary Notice of Variation (Appendix 2)

7.3 Next steps

The next steps for delivering this piece of work are as follows:

	Action	Target Date
Stage 1	Report submitted to Cabinet Member Safe & Attractive Neighbourhoods to approved draft tenancy agreement consultation process	12 th January 2015
Stage 2	Despatch of letter from Director of Housing and Neighbourhood Service; Preliminary Notice of Variation highlighting changes to the Tenancy Agreement that tenants should have regard to; propose new Draft Tenancy Agreement	End January 2015
Stage 3	Eight week consultation period begins	2 nd February 2015
Stage 4	Eight week consultation period ends	30 th March 2015
Stage 5	Consideration of tenants' responses. Any change made to the Draft Agreement at this stage will be made in consultation with the Cabinet Member for Safe and Attractive Neighbourhoods.	30 th March to 13 th April 2015
Stage 6	Final draft of Tenancy Agreement approved by Cabinet	3 rd June 2015
Stage 7	Statutory Variation notice served (4 weeks' notice)	Middle June 2015
Stage 8	Tenants Handbook 'A Guide to Your Home' amended to reflect new Tenancy Agreement'	June 2015
Stage 9	New Tenancy agreement and handbook implemented (four weeks after date of serving Statutory Variation notice)	July 2015

8. Finance

Serving of the Preliminary Notice of Variation and of the Notice of Variation will cost approximately £60,000 (printing and postage costs). This work was not anticipated when preparing the Housing Revenue Account budgets for 2013/14 however the costs will be met from forecasted savings within the Supervision and Management budget.

The costs of producing a new updated tenant handbook and updated tenancy agreement are likely to be operational costs that will be covered by service budgets.

9. Risks and Uncertainties

The key risk areas that will need to be carefully managed are:

To ensure that the timelines described in section 7.3 are adhered to and comments submitted by tenants are fully and demonstrably considered. Where comments are not accepted by the Council, there will need to be reference and justification as to why this is

not the case. This will help ensure that the final Tenancy Agreement document is robust and opportunities for legal challenge are limited.

Ensuring that all tenants receive notice of the proposed changes to ensure any possibility of legal challenge regarding the comprehensiveness of the consultation process is minimised.

Regarding the implementation of the new Tenancy Agreement, there will need to be full and ongoing communication with Elected Members and tenants of the new approach being adopted. Finally, there will need to be sufficient time and resources made available for staff training so that officers are able to work with tenants in understanding their tenancy obligations in line with the new tenancy agreement.

10. Policy and Performance Agenda Implications

This scheme supports Council priority;

- CP4 – Helping people to improve their health and wellbeing and reducing inequalities within the borough

11. Background Papers and Consultation

2011 Localism Act

Appendix 1 – Draft Tenancy Agreement

Appendix 2 - Preliminary Notice of Variation

Appendix 3 – Feedback form

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