

## **WAVERLEY BOROUGH COUNCIL**

### **OVERVIEW AND SCRUTINY COMMITTEE - HOUSING**

**4 JULY 2017**

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**Title:**

**TENANCY AGREEMENT REVIEW**

[Portfolio Holder: Carole King]

[Wards Affected: All]

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**Summary and purpose:**

To inform the committee of the proposal to review and roll out a revised tenancy agreement to Waverley tenants. The tenancy agreement is the contract between all tenants and the Council stating the roles and responsibilities of each party. The need to review the tenancy agreement was identified as an action in the Housing Service Plan 2017/18. A revised tenancy agreement will ensure the effective management of homes and tenancies.

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**How this report relates to the Council's Corporate Priorities:**

This report supports the priorities of Customer Service, Community Well-being and Value for Money

**Financial Implications:**

There are no direct financial implications at this stage. Work on the consultation stage will be made within current budgets and resources.

**Legal Implications:**

Internal and external legal advice has been sought in order to ensure that the tenancy agreement is brought up-to-date in order that it accords with all relevant legislation and policy, while at the same time providing the robustness and flexibility required by the Housing service. The version attached at Annexe 1 sets out the current proposed changes to the tenancy agreement.

Consultation is a critical element of the process leading into the variation of the tenancy agreement, and the proposed consultation period is reasonable in the circumstances and will provide sufficient time for tenants and other stakeholders to respond.

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**Introduction**

1. The Council has approximately 5000 tenancies. The tenancy agreement is the contract between each tenant(s) and the Council stating the roles and responsibilities of each party. Each party can hold the other to account for non compliance with the agreement. Failure to adhere to the tenancy agreement can result in warning letters, legal notices, fines and ultimately possession. A tenancy agreement must comply with housing legislation and fair contract rules.

## **Why review the tenancy agreement?**

2. The Tenancy and Estates team are currently undertaking a review of all processes; this is to ensure we are providing the best service, not only to our customers, but to the wider community. In order to implement updated procedures it is essential that the tenancy agreement is robust and clearly sets out Waverley Borough Council's position when managing tenancies. It also ensures the team are able to take effective action when addressing tenancy breaches.
3. The current tenancy agreement is, considered by officers to be, too prescriptive in places which has made it difficult for officers to take appropriate enforcement action in some cases. In particular issues have related to:
  - Succession of tenancy
  - Unreported absence from the property
  - Convictions not in the locality of the dwelling
  - Repairs and recharges
  - Keeping of animals including cats and dogs
4. The agreement also needs updating to reflect the withdrawal of Supporting People funding.

## **Legal Advice**

5. As part of the review, we have liaised closely with the Legal Services Team and it was agreed that the current agreement should be submitted to a specialist housing barrister for a health check.
6. The barrister identified a range of amendments to give clarity on:
  - succession,
  - joint tenants ability to end the tenancy
  - notices
  - occupation
  - use of loft space, and
  - permissions
7. It was also recommended to:
  - remove reference to Supporting People
  - add responsibility for condensation, and
  - update the grounds for possession to latest housing act updates
8. The current Tenancy Agreement is attached at Annexe 1 with proposed changes tracked.

## **Project Plan**

9. Further scrutiny and consultation is required to amend clauses which are policy specific to Waverley. It is therefore imperative that we consult with relevant stakeholders, including our tenants and internal colleagues; we propose the consultation will be open from July until the end of October to allow time to gather information and review the current format.

10. The Tenancy and Estates team will facilitate workshops with all relevant parties to ensure the agreement reflects the requirements of the wider housing function. A number of methods will be used to maximise engagement with customers and ensure the process is accessible to all, in particular the involvement of the Tenants Panel, when liaising with tenants, will be essential, they have experience of consulting over a wide range of issues and tenants trust them to advocate on their behalf.
11. The outcomes from this process will be presented at this Committee on 14 November 2017. Formal consultation will then proceed with the final proposed updated tenancy agreement to be discussed and signed off at the next meeting scheduled for 30 January 2018 with implementation from 1 April 2018.

May to Sept 17	To scope review to ensure agreement reflects recent legislation regarding <ul style="list-style-type: none"> <li>• Localism</li> <li>• Housing and Planning Act</li> <li>• Equality Act</li> <li>• Unfair terms</li> </ul>
July to Oct 17	To hold informal Consultation
Nov 17	To make recommendations to Housing Overview & Scrutiny Committee on outcomes of reviews and informal consultation.
Nov 17 to Jan 18	Statutory Consultation with tenants
Jan 18	To make recommendations to Housing Overview & Scrutiny Committee on outcomes of consultation
April 18	Implementation of new tenancy agreement

## **Conclusion**

The updated tenancy agreement, in partnership with the review of Tenancy and Estates processes will ensure more effective management of our housing stock. The Tenancy and Estates team will be better equipped to tackle tenancy breaches with positive outcomes, improving customer satisfaction, and our reputation in the community.

## **Recommendation**

It is recommended that the Committee:

- supports the request to review the tenancy agreement,
- will receive consultation feedback, and
- identifies any areas for further scrutiny.

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## **Background Papers**

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

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