

WAVERLEY BOROUGH COUNCIL

HOUSING OVERVIEW & SCRUTINY COMMITTEE

30 JANUARY 2018

Title:

TENANCY AGREEMENT REVIEW

[Portfolio Holder: Carole King]

[Wards Affected: All]

Summary and purpose:

To inform the committee of the progress regarding the review of the tenancy agreement for 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.

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 further perceived financial implications. 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.

Legal advice has been sought on required formal consultation timescales.

Introduction

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 ?

1. The Tenancy and Estates team are have undertaken 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.

2. 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
3. The agreement also needs updating to reflect the withdrawal of Supporting People funding.

Progress

4. All relevant internal stakeholders have been consulted and have submitted feedback on elements of the current agreement which have had some logistical or financial impact on the service they provide to our customers. Information on updates required due to legal or policy changes have also been included. Overall there was a positive response to the review with no challenges to the overall proposed changes as the general perception is the agreement will provide more clarity around tenant and landlord obligations. Specific issues which were raised and have been considered for inclusion in addition to the initial matters set out in the July report are as follows:
 - Repairs responsibility
 - Out of date terminology
 - Recharges
 - Management of trees and shrubs
5. The Tenancy and Estates team continue to review their processes but many have now been updated and are embedded in the team, providing consistent and accurate information to our tenants. Training is being rolled out to the new customer service team, to ensure continuity across the wider housing operations service. This progress will be shared with our customers as part of our formal consultation process, to demonstrate how service will be improved for individuals and the wider community with more robust procedures to back up the tenancy.
6. Further to the Housing Overview and Scrutiny Committee recommendation for an explanatory text to be produced alongside the agreement this has been a priority consideration when looking at the potential composition and layout of the new agreement. A number of examples from other housing providers have been reviewed and sample agreements will be produced and shared with customers as part of the consultation meetings
7. The tenant panel have been involved in the informal consultation and the matter was discussed at their AGM on 14 September 2017. No resistance was expressed from those in attendance at the meeting and the review was welcomed by a number of tenants who stated they were in agreement with a more robust approach to dealing with issues of recharging and tackling Anti – Social Behaviour.

8. There has been a slight delay in the formal consultation process, due to the operational housing re-structure, which has impacted directly on the Tenancy and Estates team in the past few months with the amalgamation of the Co-ordinators with the Customer Service team, and the introduction of a new Team Leader post.

Legal Advice

9. The legal team have instructed that a formal consultation period of 8 weeks is required followed by the service of a 'Notice of Variation' to all tenants setting out the changes, their effect and the date on which they will apply. There is then a 4 week period to consider any responses. The formal consultation period will start on Monday 15 January.

Project Plan

10. The Project Plan has been updated to reflect the changes to the process. The roll out of the new agreement will be delayed for 2 weeks at the beginning of April.

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

Conclusion

The review of the agreement is progressing and the response so far has been positive from stakeholders and customers. The new agreement will be ready for rollout at the beginning of April as anticipated by the Housing operational team.

Recommendation

It is recommended that the Committee notes the revised project plan, and receives a report and recommendations at the March 2018 meeting, following the formal consultation with tenants.

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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