

HOUSING CABINET MEMBER MEETING

Agenda Item 75

Brighton & Hove City Council

Subject: Tenancy Agreement Review
Date of Meeting: 6 January 2010
Report of: Director of Adult Social Care & Housing
Contact Officer: Name: Diane Freeland Tel: 29-3841
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Key Decision: Yes HSG 13718
Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 To present the results of the statutory consultation carried out with all tenants on the adoption of a revised tenancy agreement for tenants living in council housing.
- 1.2 To present an amended draft of the revised tenancy agreement as a result of comments received during the consultation.

2. RECOMMENDATIONS:

- (1) That the Cabinet Member for Housing notes the results of the consultation exercise and the themes arising as detailed in appendix 1.
- (2) That the Cabinet Member for Housing agrees to the implementation of the revised tenancy agreement, attached at appendix 2.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS

- 3.1 During July and August 2009 a preliminary notice of variation was issued to all council tenants. This notice was the first stage of our consultation with all tenants about making changes to the tenancy agreement and gave tenants the opportunity to make comments. Tenants were invited to give their comments in a variety of ways. These were:

- by returning a feedback form
- by contacting their local housing office either on the telephone or in person
- by email
- by attending a drop in surgery (sheltered housing tenants)

Tenants who had indicated they had literacy issues or who were working with the tenancy sustainment team were also contacted by the housing teams to discuss the agreement and the proposed changes.

Copies were made available in large print, audio tape and Braille. Interpreters were arranged on request and contact was made with the council's Community Support Team who support residents with learning disabilities. An easy read document to accompany the tenancy agreement is currently in development and the Community Support Team were provided with a draft copy to assist with explaining the agreement to their clients.

3.2 The feedback form was split into five sections to reflect the sections in the new tenancy agreement:

- Your rent and other charges
- Repairs and improvements
- Living in your home
- Being a good neighbour
- Ending your tenancy

Tenants were able to say overall how much they agreed or disagreed with each section of the revised agreement and to say if there was anything else they thought should be included or anything that should be removed. Tenants were also able to provide any other additional comments they had on the agreement. The consultation period ended on the 18 September 2009.

3.3 We received 2327 feedback forms and an additional 57 responses to the consultation. This represented a 16.9% response rate. For those returning feedback forms there was a high level of agreement for the changes in each of the sections of the agreement. Over 90% agreed with most or all changes within each section. A full breakdown is enclosed in the following table.

Overall do you agree or disagree with the changes under....	Agree with all	Agree with most	Agree with a few	Do not agree with any of them
Your rent & other charges	62.1%	30.6%	6.5%	0.7%
Repairs & Improvements	54.5%	35.9%	8.2%	1.4%
Living in your home	62.6%	30.3%	6.1%	1.0%
Being a good neighbour	71.8%	22.6%	4.9%	0.8%
Ending your tenancy	66.4%	27.5%	5.1%	1.0%

3.4 A third (34%) of tenants who responded included additional comments about what more should be included and or what should be removed. A total of 1615 comments were received on the revised tenancy agreement. Comments related both directly to the contents of the new agreement, the service we currently deliver and the service tenants would like to receive from their landlord. The comments on service delivery have been passed to heads of service to help inform improvements. Feedback on how we have used this information and the results of the consultation will be reported back to all residents in the spring edition of homing in.

4.0 **CONSULTATION FEEDBACK**

4.1 On the 23 October 2009, the Chairman's resident focus group met with officers to review the comments and decide on changes needed to the agreement. Attached at appendix 1 is an overview of the comments received on the draft tenancy agreement grouped into subject areas and our responses.

4.2 The comments outlined in appendix 1 have been used to make changes to the draft tenancy agreement. The feedback has been invaluable and has enabled officers and the resident focus group to ensure that the agreement is fair and easy to understand. A revised draft is attached at appendix 2. Changes to the agreement have been highlighted in red.

4.3 The results of the consultation and revised tenancy agreement were presented at Housing Management Consultative Committee on the 7 December 2009. The committee noted the results of the consultation and endorsed the revised version of the agreement. A further amendment has since been suggested to clause 2.5 of the draft agreement to clarify our position should alterations or improvements take place without our written permission. This has now been included in the draft attached at appendix 2.

4.4 The next stage will be to implement the revised agreement. We will write to all tenants issuing them with Notice of Variation, which will vary the conditions of tenancy. This document will summarise the main changes and will give a date when the revised tenancy agreement will come into effect, which will be at least 28 days from the date of the notice. We anticipate the agreement coming into effect in March/April 2010.

5. **FINANCIAL & OTHER IMPLICATIONS:**

Financial Implications:

5.1 The direct expenditure relating to this review is estimated to be 38,000 and will be resourced from within the HRA revenue budget for 2009/10. This expenditure will be reported as part of the monthly TBM (Targeted budget Management) process for 2009/10.

Finance Officer Consulted: Monica Brooks, Principal Accountant Date: 04/11/09

Legal Implications:

- 5.2 Section 103 of the Housing Act 1985 prescribes the procedure to be adopted when varying the terms of secure and introductory tenancies. Tenancies are varied by serving a Notice of Variation, prior to which there must be a period of consultation with tenants in which they can comment on the proposed changes. The landlord must consider those comments. This report demonstrates that the Council has complied with the statutory requirements to date. The Council must take the Human Rights Act into account in respect of its actions but it is not considered that any individual's Human Rights Act rights would be adversely affected by the recommendations in this report.

Lawyer Consulted: Liz Woodley

Date: 04/11/09

Equalities Implications:

- 5.3 The development of the revised tenancy agreement has been taken with due regards to equalities and diversity issues and will be available in a range of formats to meet to meet tenants needs. Feedback from the consultation has been used to finalise the Equality Impact Assessment on the revised tenancy agreement.

Sustainability Implications:

- 5.4 An effective tenancy agreement will contribute to the development of sustainable communities.

Crime & Disorder Implications:

- 5.5 The revised tenancy agreement will positively contribute to preventing crime and the fear of crime by stating the types of anti social behaviour and harassment that is prohibited and the enforcement action that the council can take should such behaviour occur.

Risk and Opportunity Management Implications:

None

Corporate / Citywide Implications:

- 5.7 The introduction of a revised tenancy agreement will have citywide implications for council tenants.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 Continue with the existing tenancy agreement. However this is not recommended, as it does not allow the council to take advantage of developments in best practice and does not reflect the wishes of tenants. During the consultation exercise whose who responded expressed a high level of support for the changes the council were proposing to make. We need to ensure we have a comprehensive agreement, which covers all the areas of tenancy management and reflects the priorities that are important to the council and tenants.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 To provide the Cabinet Member for Housing with the results of the tenancy agreement consultation. To seek the Cabinet Member for Housing's agreement to the implementation of the revised tenancy agreement, attached at appendix 2.

SUPPORTING DOCUMENTATION

Appendices:

- Appendix 1: Tenancy Agreement Consultation Comments
Appendix 2: Draft Tenancy Agreement

Documents in Members' Rooms

None

Background Documents

None

