

REPORT TO CABINET

REPORT OF: Corporate Governance and Housing Portfolio Holder

REPORT NO: TSE0057

DATE: 7th March 2011

TITLE:	IMPLEMENTATION OF SECURE TENANCY AGREEMENT	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	Key Decision	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Councillor Paul Carpenter, portfolio holder for Corporate Governance and Housing	
CONTACT OFFICER:	Jane Booth, Acting Head of Housing & Neighbourhood Services Tele: 01476 406631 Email: j.booth@southkesteven.gov.uk	
INITIAL IMPACT ASSESSMENT:	Completed	Full impact assessment Required: No
Equality and Diversity		
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Your Council and Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	Current Tenancy Agreement Equality Impact Assessment	

1. RECOMMENDATIONS

Cabinet is requested to approve the new Tenancy Agreement as appended to this report.

2. PURPOSE OF THE REPORT

To present the updated Tenancy Agreement (Appendix A) to Cabinet for approval.

3. DETAILS OF REPORT

The Council is required to have a Tenancy Agreement setting out our obligations as landlord and the rights and responsibilities of our tenants. The current tenancy agreement was adopted by the Council in April 2002 and requires updating following changes to legislation and to reflect best practice.

The proposed draft Tenancy Agreement has been written using references from

our current Tenancy Agreement and other examples of good practice from various local authorities and Registered Social Landlords. The document was drafted and agreed by an officer, tenant and Member group including input from our legal team.

In accordance with the Housing Act 1985 and following approval from the Cabinet on 4th October 2010, all of our secure tenants received a letter (a Preliminary Notice of Variation) explaining the need to vary the current Tenancy Agreement and a copy of the proposed Tenancy Agreement was sent to all secure tenants who were given a freepost number and asked to feedback with any comments or concerns regarding the changes within the new tenancy agreement. The letter and Draft Tenancy Agreement was sent out with the December edition of Skyline magazine and a minimum 4 weeks was given to receive any replies.

Following the consultation, we received 5 comments, three from tenants and two from officers. All of the comments received have been considered and changes made as appropriate (enclosed at appendix B).

Any reference to the legislation relating to succession of tenancy has also been removed as this may be changed in light of the government's proposals for fundamental reform of social housing in England. Full details on the current rights to succession are contained in the Tenants' Handbook and on our website.

4. OTHER OPTIONS CONSIDERED

We could carry on with our current Tenancy Agreement however it is vital that we have an agreement that reflects the current law and best practice. The new Tenancy Agreement will allow us to effectively manage our housing stock.

5. RESOURCE IMPLICATIONS

There will be initial printing and postage costs. However, there will be no additional costs following implementation of the Tenancy Agreement.

6. RISK AND MITIGATION

N/A

7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT

Changes have been included in the Tenancy Agreement

8. CRIME AND DISORDER IMPLICATIONS

The additional and amended clauses contained in the proposed Tenancy Agreement will assist officers to deal with incidents of anti-social behaviour in a more proactive way and will support us in our aim and obligation to reduce crime and disorder.

9. COMMENTS OF DEPUTY SECTION 151 OFFICER

The proposed changes to the tenancy agreement will enable the allocated resources for the repairs and maintenance of the housing stock to be maximised

by having clearly defined responsibilities between landlord and tenant. It is important that once the changes have been made, tenant repair obligations are clearly communicated and defined in order to avoid confusion.

10. COMMENTS OF MONITORING OFFICER

In accordance with sections 102 and 103 of the Housing Act 1985, the Council served a preliminary Notice of Variation with the December 2010 edition of the Skyline magazine, together with a copy of the proposed new tenancy agreement as part of the consultation process. The Cabinet must now consider all representations received as a result of that process and any suggested amendments.

Thereafter, the Council must issue a Notice of Variation which must give a date upon which the new tenancy agreement, if approved, will take effect.

11. COMMENTS OF OTHER RELEVANT SERVICE MANAGER

N/A

12. APPENDICES

Appendix A – Draft Tenancy Agreement
Appendix B – Summary of responses to consultation