
Decision Session of the Executive Member 16 December 2015
for Homes and Safer Communities

Report of the Director for Communities and
Neighbourhoods

Proposed Changes to the Tenancy Agreement

Summary

1. To seek approval to consult on proposed changes to the existing tenancy agreement for all existing and future tenants.

Recommendations

2. The Executive Member is asked to agree option 2:
 - To allow consultation on the changes already agreed and introduce the use of flexible tenancy start dates, a 52 week rent collection year and introduction of the requirement for formal permission to keep pets.

Reason: To allow a full consultation with all council tenants on the proposed changes to the tenancy agreement and for this to inform the final changes to be implemented from April 2016.

Background

3. The tenancy agreement was reviewed in January 2015 however the amendments were not implemented at the time following the advice of the Head of Legal services given that the consultation period would have coincided with purdah due to the general election. The main change was the reduction in the number of times a tenancy could be succeeded to (see Annex 1).
4. Before these changes are introduced there is an opportunity to implement a number of other changes that have become more relevant as a consequence of the results of the national election and further consultations on issues affecting residents with staff, legal services and the Anti Social Behaviour (ASB) hub.

5. A summary of all changes can be found at Annex 2. This will be used for the formal consultation.

Consultation

6. A formal period of consultation will take place with all residents over a period of at least 6 weeks from mid December. All customers will be written to outlining the proposed changes, the implications of these and given the opportunity to comment before final changes are agreed and customers given notice of these along with the rent letters at the end of February 2016.
7. The further amendments to the tenancy proposed here have been introduced following consultations with staff, legal services, the ASB hub and the Federation as well as the scrutiny panel.
8. An information sheet / frequently asked questions on changes to succession right will also be included in the consultation pack.
9. Formal consultation with all tenants will take place throughout January and early February.
10. Specific bespoke consultation sessions will take place within sheltered schemes.
11. A summary of the consultation and any further proposed changes as a result of this will be brought back to the Executive Member in February for decision with the intention of giving the statutory 4 weeks notice to tenants of the agreed changes to take place throughout March.

Options

12. Option 1 – Agree to consultation on the changes already agreed
13. Option 2 – Agree to allow consultation on the changes already agreed and introduce the use of flexible tenancy start dates, a 52 week rent collection year and introduction of the requirement for formal permission to keep pets.

Analysis

14. Option 1 - The authority would continue to collect rent on a 48 week cycle which would be out of synchronisation with the payment of universal credit, and it wouldn't take advantage of the additional income that the use of flexible tenancy start dates would bring. Any ability to withdraw permission and to take action against irresponsible pet owners would be restricted.
15. Option 2 - Over the next 2/3 years the government will have completed the roll out of universal credit to all claimants. Universal Credit (UC) is paid on a monthly cycle in arrears. The rent collection cycle at the moment is a 48 week cycle with two rent free periods of two weeks at Christmas and at the end of the financial year. Universal Credit will take no account of this. If the existing payment cycle continues the rent accounts of tenants on benefit will show a distorted level of arrears. By changing to a 52 week collection period the cycle will align with the payment arrangements for universal credit and make it much simpler for UC customers to budget effectively.
16. At present the current tenancy agreement only allows the council to start a tenancy agreement on a Monday. By introducing flexible start dates, tenancies could start from any day in the week and therefore reduce the period a property is empty and reduce the rent loss on the property. Currently, if a prospective tenant accepts a property on a Wednesday the tenancy start date is set at the following Monday. Analysis of voids in 2014 revealed that 4.54 days was lost on average due to constraints of fixed term tenancies, which roughly equates to void rental loss of £27,240.
17. There are significant issues with tenants keeping pets, especially in blocks of flats and with irresponsible owners allowing the pets to foul in communal areas. This causes neighbour disputes and means other tenants are unable to enjoy the communal gardens fully. It creates a health hazard for the operatives cutting the lawns and young children of tenants who may play in the common areas. It is therefore proposed to amend the tenancy agreement to say that tenants must seek permission to keep pets and that the council will reserve the right to refuse or withdraw its agreement where the animal is causing a nuisance or it is not appropriate to keep pets for any reason, such as, property size, location or facilities, neglect, inconsiderate ownership, infestation or noise problems. A detailed

policy around pets and animal welfare will be developed and issued to customers. Permission will not be unreasonably refused and a reasonable level of evidence will be needed before withdrawing permission as this may be dealt with as a breach of tenancy through the courts and would need to meet the required evidence threshold for a possession order to be made by the County Court. This would only be used in the most serious of cases alongside other sanctions available to the council.

18. A draft policy on pets can be found at Annex 4

Council Plan

19. The proposed changes will contribute to the council plan by supporting the following:

20. A focus on front line services – ensuring the city centre, villages and neighbourhoods are clean and safe environments.

Implications

Financial – cost of consultation and issuing new tenancy agreements

Human Resources (HR) none

Equalities A community Impact assessment will be required following the completion of the consultation exercise

Legal – The changes have been advised and agreed with legal services

Crime and Disorder – none

Information Technology (IT) Minimal changes to existing IT systems will be needed.

Property - none

Risk Management

21. Continued challenges by extended family members may continue and these can be costly.

22. Clarifications too many of the clauses can reduce the potential for losing litigation cases and resultant costs due to lack of clarity of terms.
23. Tenants and residents may be less safe and have less clean environments if the ability to withdraw permission is not written in to the tenancy agreement.
24. Making it easier for tenants on UC to budget can help reduce the risk of lost income.

Contact Details

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Steve Waddington

Report Approved **Date** 7 .12.15

Specialist Implications Officer(s) - None

Wards Affected: List wards or tick box to indicate all

All

For further information please contact the author of the report
Background Papers: None

Annexes

Annex A – Proposed Changes to the Tenancy Agreement Report 9
December 2014

Annex B - Summary of Changes to the Tenancy Agreement

Annex C – CYC Tenancy Reference Copy

Annex D – CYC Housing Services Pet Policy

Abbreviations

ASB – Anti Social Behaviour

UC – Universal Credit