

To: Housing and Homelessness Panel
Date: 24 April 2023
Report of: Head of Housing Services
Title of Report: Updated Tenancy Agreement – Council Tenants

Summary and recommendations	
Purpose of report:	To inform panel members of the proposed changes in the updated Tenancy Agreement for secure and introductory Council tenants.
Cabinet Member with responsibility:	Councillor Linda Smith, Cabinet Member for Housing
Corporate Priority:	Support Thriving Communities
Policy Framework:	Housing, Homelessness and Rough Sleeping Strategy
Recommendation: That the Panel resolves to:	
1. Consider the report and agree any recommendations it wishes to make.	

Appendices	
Appendix A	Summary of Amendments
Appendix B	Tenancy Agreement 2023

Background

1. The terms and conditions of the Introductory and Secure Tenancy Agreement were last amended in September 2014. A number of important pieces of legislation have been enacted since the previous version was issued, including the Data Protection Act 2018 and the Building Safety Act 2022 together with the proposed legislation laid down in the Social Housing White Paper first published in November 2020. It is therefore essential that the agreement is updated to a document fit for future use. The Summary of Amendments is shown in Appendix A and the new Tenancy Agreement 2023 is at Appendix B.

Process

2. The statutory process to vary a secure or introductory tenants is set out in sections 102 and 103 of the Housing Act 1985. This is a two stage process that requires a period of consultation and the service of a preliminary notice (to introduce the

consultation) and then a notice of variation once the consultation has closed, views considered and any material changes made. Initial consultation was carried out with internal stakeholders and tenant ambassadors to produce the draft agreement for consultation.

3. Following agreement with the Head of Housing Services and the portfolio holder, in accordance with the Housing Act 1985 a Preliminary Notice and a summary of the proposed changes were served on all Introductory and Secure tenants on the 20 January 2023 advising them of a statutory six week consultation period and requesting their views on the proposals. All feedback received was considered in conjunction with stakeholders and the document revised as necessary. A Final Notice of Variation will be served on tenants together with a copy of the new terms and conditions.

Proposed Amendments to the Tenancy Agreement

4. The proposed changes to the agreement are primarily an expansion on the individual clauses to provide a clearer explanation or additions where there are additional responsibilities for the council and/or the tenant due to new legislation.

Consultation Outcomes

5. An initial consultation was undertaken with the Tenant Ambassadors and the formal consultation with our tenants was carried out between 23 January to 04 March 2023 and 31 responses were received. Of these, 23 respondents were content with the changes or were asking for assistance from their Tenancy Management Officer.

Suggestions and comments that were made by respondents were:

- An annual inspection of gardens
 - Take action to terminate a tenancy after three reports of ASB
 - Elderly persons are unable to test their alarms due to mobility
 - Should be allowed to keep electric scooters in their property
 - Storage for mobility scooters to be made available everywhere
 - Two respondents did not agree with OCC keeping a photograph on their file
 - Does not agree with preventing caravans, motor homes and trailers being kept in car parks
6. No objection to a clause has been received in numbers from the tenants who responded. One further proposed change is to remove clause 19.4 and amend 10.1 to align the requirement for permission to keep pets in Housing for Older People schemes with the rest of the general needs stock (excludes tower blocks).

Next Steps

7. Officers have followed the statutory process to vary the Introductory or Secure tenancies of Council tenants. The final stage is to provide a Notice of Variation to tenants informing them of the commencement date and a copy of the new tenancy agreement.

Report author	Nerys Parry
Job title	Head of Housing Services
Service area or department	Housing Services
Telephone	01865 529181
e-mail	nparry@oxford.gov.uk

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