

# FAREHAM

## BOROUGH COUNCIL

### Report to Housing Tenancy Board

**Date**                    **29 July 2013**

**Report of:**            **Director of Community**

**Subject:**              **REVIEW OF TENANCY AGREEMENTS**

#### **SUMMARY**

This report provides board members with an update following the setting up of a working group to review the existing tenancy agreements and an outline of the consultation process and timetable.

#### **RECOMMENDATION**

That board members note the contents of the report.

## **INTRODUCTION**

1. A report outlining plans to review the existing introductory and secure tenancy agreement was considered by the board at its meeting on 18<sup>th</sup> March 2013, when Paula Weaver, co-opted tenant representative was nominated to join a working group with two elected members from the Health and Housing Policy Development Review Panel and officers to review the agreements.
2. The working group met three times, focusing their attention in particular on reviewing the secure tenancy agreement as this had more recently been updated albeit back in 2006. Arising from discussion it was suggested that we combine the introductory and secure tenancy agreement, in that way there would be consistency in regard to terms and conditions.
3. The working group looked in detail at the existing secure tenancy agreement and viewed a number of other organisations tenancy agreements. Following discussion a revised combined agreement has been drafted for consultation purposes, a copy of the revised draft agreement is shown in appendix A for information purposes.

## **VARYING THE TENANCY AGREEMENT - LEGAL REQUIREMENTS**

4. The terms of a secure tenancy may be varied in accordance with section 103 of the Housing Act 1985. This can be achieved through the service of a notice of variation on the tenant.
5. Before serving a notice of variation on the tenant the Council as landlord must issue the tenant with a preliminary notice;
  - (a) informing the tenant of the landlord's intention to serve a notice of variation,
  - (b) specifying the proposed variation and its effect, and
  - (c) inviting the tenant to comment on the proposed variation within such time, specified in the notice, as the landlord considers reasonable; and the landlord shall consider any comments made by the tenant within the specified time made by the tenant within the specified time.
6. Once the Council as landlord has considered any comments made by the tenant a notice of variation will need to be prepared, which should:
  - (a) The variation effected by it, and
  - (b) The date on which it takes effect; and the period between the date on which it is served and the date on which it takes effect must be at least four weeks or the rental period, whichever is the longer.
7. The notice of variation, when served, shall be accompanied by such information as the landlord considers necessary to inform the tenant of the nature and effect of the variation.

## **THE CONSULTATION PROCESS**

8. Informal consultation on the draft revised agreement will be carried out with the General Tenants Forum, other Council teams such as Building Services, Community Safety, Environmental Health, Strategic Housing and Streetscene Services, and partner organisations such as Southampton City Council's Legal Services team.

9. Following the informal consultation and any further amendments to the revised agreement the Council will need to prepare and serve a preliminary notice of consultation in accordance with section 103 as referred to earlier in this report and attach a copy of the proposed revised agreement.
10. Guidance states that the minimum consultation period for the preliminary notice should be 4 weeks. However as the consultation period is likely to be carried out at a time many residents may take their holidays the period is to be extended to 8 weeks.
11. The Council will need to consider any comments made within the preliminary notice period before serving the notice of variation. An audit trail of comments made and any responses or amendments will need to be kept.
12. Before service of the notice of variation a further report to the board will be made, with a similar report being taken to the Health and Housing Policy Development Review Panel prior to a report to the Council's Executive for final approval.

### **ESTIMATED TIMESCALES**

13. The varying of a tenancy agreement can be a lengthy process. A guide on the timescales for each stage of the process is shown in the table below:

<b>Consultation Stage</b>	<b>Target Dates</b>
Informal consultation with Tenants Forum, other council teams and legal services	Ending 31 <sup>st</sup> July 2013
Preliminary notice to Tenants	Ending 11 <sup>th</sup> October 2013
Report to Housing Tenancy Board and Health and Housing Policy Development Review Panel	28 <sup>th</sup> October 2013 & 14 <sup>th</sup> November 2013
Report to Council's Executive	6 <sup>th</sup> January 2014
Variation notice to Tenants	3 <sup>rd</sup> February 2014
Revised Tenancy Agreement start date	3 <sup>rd</sup> March 2014

### **RISK ASSESSMENT**

14. There are no significant risk considerations in relation to this report

### **CONCLUSION**

15. This report has provided board members with details of the consultation process involved in updating the existing secure and introductory tenancy agreements.
16. The report also provides board panel members with an early opportunity to see the updated revised agreement upon which consultation will be carried out.

**Appendices:** [Appendix A](#): Revised Draft Secure and Introductory Tenancy Agreement

**Background Papers:** None

**Reference Papers:** Tenancy Agreement Report to Housing Tenancy Board 18<sup>th</sup>  
March 2013

**Enquiries:**

For further information on this report please contact Jon Shore. (Ext 4540)