

Tenancy Agreement Review (Housing, Maggie Ward)

Synopsis of report:

The Council needs to carry out a review of its Tenancy Agreement issued to its tenants. Following the review and a statutory consultation period the new agreement and its conditions will apply to all existing and new tenants.

The tenancy rights of social housing tenants are determined by legislation, but the Tenancy Conditions enable landlords to ensure effective management of their stock.

A project to review the current Tenancy Agreement will commence in March 2023 and will involve a statutory consultation of minimum three months duration with tenants.

It is anticipated that the project including the consultation and external legal review will be completed by June 2024

Recommendation:

Committee approves the review of the Tenancy Agreement issued to tenants of properties held within the social housing stock.

1. Context and background of report

- 1.1 The Council last reviewed its Tenancy Agreement for its social housing stock in 2013 and this was in response to the new provisions for social tenancies introduced in the Localism Act.
- 1.2 Runnymede Borough Council's Housing Tenancy Agreement governs the relationship between tenants and their landlord (RBC), outlining the roles, rights, and responsibilities of each. Despite the importance of this legal document, the current tenancy agreement has not been updated since it was adopted in 2014, meaning some elements are in significant need of reviewing.
- 1.3 An out-of-date agreement leaves RBC open to legal challenges, and an urgent refresh is required to reflect changes including developments in case law, legislative changes, internal RBC policy changes, and developments in tenancy-related contractual terms.
- 1.4 As such, updated terms are required on matters including but not limited to: rent arrears in relation to flexible tenancies, succession rights, anti-social behaviour, domestic abuse, damp and mould, and requests for alterations.

2. Report

- 2.1 The current tenancy is legally compliant but needs to be reviewed in line with good practice.

- 2.2 A project group will review the existing agreement, research existing good practice and ensure that the new agreement has provisions to deal robustly with breaches of tenancy.
- 2.3 The Tenancy Agreement Review aims to deliver an updated and modern set of tenancy conditions which reflect current priorities and the economic, legal and societal context in which the Council Housing Service now operates.
- 2.4 The conditions will be clear and enforceable, emphasising the rights and responsibilities involved in taking a Council Tenancy. Whilst most of the proposed changes are around clarity and ability to enforce, they will reflect recent policies approved by this Committee such as new conditions to promote responsible pet ownership and enable better management of pets and animals in our properties. They will also strengthen our rights and tenants' responsibilities in terms of fire safety. Management of rent arrears of tenants with a flexible tenancy will also be addressed.
- 2.5 Following an internal review including the Council's legal department and consultation with stakeholders a draft agreement will be submitted for an independent specialist legal review.
- 2.6 There will be a statutory consultation with residents, this is required under Section 105 of the Housing Act 1985 and it is anticipated that this will be for a period of 3 months. Although there is no intention to make significant changes to the Tenancy Agreement, any change to a Council tenancy is important to the holder. It is therefore essential that the consultation is meaningful and timely, and that it uses a variety of engagement methods:
 - Online surveys
 - Face-to-face consultation events
 - Dedicated web-pages
 - Social media updates
 - Inclusion in the Tenants Newsletter
 - Email, letter and texts

3. Policy framework implications

3.1 The Housing Service Area Plan 2023/24 identifies the following action: -

Legislative/ Regulatory Change	Housing and Neighbourhood Services	Refresh the 2014 RBC tenancy agreement. This will involve updating clauses, reflecting best practice, independent legal advice & extensive consultation	A compliant and effective tenancy agreement £10K is requested as a one off to support a refresh
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4. Resource implications/Value for Money

4.1 The £10k required for the review has already been incorporated within the 2023/34 budgets.

5. Legal implications

- 5.1 The Tenancy Agreement is the legal document which governs the relationship between the Council, as landlord, and its tenants. Over time there will be changes in legislation and case law which will require that document to be reviewed to ensure it reflects the current legal position. Changes to the document will have an impact on the relationship between the Council and its tenants and therefore it is appropriate that tenants are consulted on any proposed changes. Section 105 of the Housing Act 1985 - Consultation on matters of housing management.

(1) A landlord authority shall maintain such arrangements as it considers appropriate to enable those of its secure tenants or secure contract-holders who are likely to be substantially affected by a matter of housing management to which this section applies—

(a) to be informed of the authority's proposals in respect of the matter, and
(b) to make their views known to the authority within a specified period;
and the authority shall, before making any decision on the matter, consider any representations made to it in accordance with those arrangements.

6. **Equality implications**

- 6.1 A review of the Tenancy Agreement is required to ensure it is fit for purpose. The review will consider equality implications within the process, involving the Council's Equalities Group.

7. **Timetable for Implementation**

- 7.1 The project will commence in March 2023 with a target to seek approval to implement the new agreement from this Committee in March or June 2024 depending on the level of changes generated from the external legal review and the consultation.

8. **Recommendation**

- 8.1 Members approve the review of the Tenancy Agreement issued to tenants of properties held within the social housing stock.

(To resolve)

Background Papers

None