

Meeting:	Cabinet
Date:	6 October 2005
Subject:	Council Tenancy Agreements
Responsible Officer:	Ian C Brown Interim Director of Corporate Property
Contact Officer:	Julie Cook – Beljit Dhaliwal
Portfolio Holder:	Planning, Development and Housing
Key Decision:	Yes
Status:	Part 1

Section 1: Summary

Decision Required

- To agree the formal tenant and stakeholder consultation necessary to review the Standard Housing Tenancy Agreement and Garage Licence with the intention of introducing the revised agreement and licence by August 2006.
- To report on the commencement the Introductory Tenancy Scheme.

Reason for report

- This report provides information on the process necessary to review the Standard Housing Tenancy Agreement, revise the Garage Licence and to formally endorse the commencement of the Introductory Tenancy Scheme.

Benefits

- To improve the management of the Council's Housing and Garage stock and optimise rental income,
- To improve the Council's housing service by the introduction of agreements and licenses easily read and understood by occupants,
- To assist in the delivery of the action necessary to take forward the Council's anti-social behaviour partnership.

Cost of Proposals

The costs are likely to be in the region of £5,000 excluding officer time, and can be met from existing resources. These costs will cover the consultation stages and the printing, stationery and postage costs for distributing the agreed documents.

Risks

- Failure to review and implement revised agreements and licenses may result in Harrow Council being unable to ensure compliance with current terms and conditions of occupation and could impact on the delivery of decent homes programme.

Implications if recommendations rejected

Without the implementation of Introductory Tenancies, it will continue to be difficult to take early and effective action in connection with new tenants who demonstrate breaches of tenancy and show early signs of not being capable of holding a secure council tenancy. The Standard Tenancy Agreement needs to be a flexible tenancy agreement that accords with changes in government policy and the changes in legislation that have taken place since the last review, for example anti-social behavior legislation and protection of Council staff. The changes will enhance the Council's ability to protect its asset value and assist in delivering the decent homes standard required by government by 2010.

Section 2: Report

2.1 Brief History

2.1.1 The current tenancy agreement was reviewed in 1992 and requires updating to ensure the continued good management of the Council's homes. The revised draft Tenancy Agreement is designed to capture changes in legislation and to outline the Council's and Tenants obligations in greater detail. The changes proposed include making domestic violence and racial harassment specific clauses of the Tenancy Agreement and strengthen the council's ability to enforce policy in these areas. The draft agreement is written in plain English and sets out clearly rights and obligations of the landlord and tenant. It will also assist in gaining access to carry out urgent repairs in an emergency.

2.1.2 The date of the last revisions to the garage licence is not known but it is likely to pre-date the tenancy agreement review. The licence is out dated and needs to be revised to enable effective management and maximisation of rental income of the garages to continue. Priority in garage letting is given to Council tenants and lessees.

2.1.3 A project team has been working to develop, review and oversee the revisions to the Standard Tenancy Agreement and the Garage Licence. The project team consists of Housing officers, a representative from Legal Services, the Communications Team, Councillors from each political group and HFTRA. The priority agreed by that team has been the development and implementation of the Introductory Tenancy. The project team will now progress the review of the standard tenancy agreement and garage licence.

2.1.4 Cabinet approved the Introductory Tenancy Scheme for implementation in principle in July 2004. Full tenant consultation was undertaken before that approval was achieved. The project group is now working on the procedure and delegations necessary to achieve the proposed revised implementation timetable of March 2006. A review of the scheme will be reported to Cabinet after the first twelve months of operation.

2.2 Options considered

Continue to use existing tenancy agreement and garage licence.

2.3 Consultation

Subject to Cabinet approval, it is intended to consult with agencies and stakeholders that can assist new and potential tenants of the Council, such as the Citizens Advice Bureaux, the Housing Advice Centre and Harrow Council for Racial Equality. The revised tenancy agreement and revised garage licence will also require statutory consultation with tenants under section 105, Housing Act 1985.

2.4 Financial Implications

The estimated costs are likely to be in the region of £5,000 and can be met from existing resources.

2.5 Legal Implications

The legal department has been part of the project team and the draft agreements/licences have been amended as recommended by the legal advisers. The proposed agreement will be referred for legal comment following conclusion of the consultation process.

2.6 Equalities Impact

The agreements/licences are developed to ensure equality of opportunity for all tenants and prospective tenants of the Council housing stock. Consideration of the need and requirement to provide a translation service has been a key driver in developing agreements/licences written in plain English that can be routinely translated when requested.

Section 3: Supporting Information/Background Documents

Appendix 1 - Draft of the proposed tenancy agreement

Appendix 2 -Draft of the proposed license agreement

Appendix 3 -Implementation plan for introductory tenancies

(The Appendices have been circulated in the Cabinet Supporting Documents Pack)

Background Documents:

Cabinet - 29 July 2004 – decision 569 – noted the outcome consultation, approved the implementation of the Introductory Tenancy Scheme and requested a review of the scheme after the first 12 months of operation

Tenant and Leaseholders Consultative Forum report - 6 January 2005

Any person wishing to inspect the background papers should telephone 020 8424 5618