

Meeting:	Cabinet
Date:	15 <sup>th</sup> February 2007
Subject:	Tenancy Agreement, Garage licence
Key Decision: (Executive-side only)	Yes
Responsible Officer:	Gwyneth Allen, Head of Housing
Portfolio Holder:	Camilla Bath, Portfolio Holder for Housing
Exempt:	No
Enclosures:	Preliminary notice to tenants week commencing 20 <sup>th</sup> October 2006  Summary of Feedback received following consultation  Final version of the tenancy terms and conditions  Revised garage licence

## **SECTION 1 – SUMMARY AND RECOMMENDATIONS**

This report sets out:  
Action taken to consult and proposed changes to tenancy agreement adopted for letting all Harrow Council houses.  
Reasons for not pursuing introductory tenancies  
Action being taken to introduce a revised Garage Licence

### **RECOMMENDATIONS:**

The Cabinet/ is requested to:

**1: Agree to implement the revised terms & conditions of tenancy**

**2: Agree not to pursue introductory tenancies**

**3: Agree to implement the revised garage license**

**REASON:** To ensure that tenancies and licences are offered on terms and conditions that comply with housing legislation

## **SECTION 2 - REPORT**

### **2.1 Brief History**

**Cabinet are advised that this report follows two previous reports dated October 2005 on tenancy changes and garage licences and a housing update report on progress on 9<sup>th</sup> November 2006. This report concludes the work set out in those reports.**

#### **Secure Tenancies**

- 2.1.1 A working group including Council Officers, Tenant Representatives and a Consultant from another housing organisation was set up in July 2006 to review and update the Council's tenancy agreement. The working group examined a previous draft tenancy agreement produced a year earlier by Harrow Officers and in producing a revised draft, took into consideration current best practice adopted by other local authorities in the development of their tenancy agreements.
- 2.1.2 Following previous approval by Cabinet (October 2005), the Head of Housing directed housing staff to commence consultation with secure tenants in respect of the proposed variation of the tenancy terms and conditions, including the requirement to provide a digital photograph.

#### **Introductory Tenancies**

- 2.1.3 The Housing Act 1996 introduced the concept of the introductory tenancy. The sections of the act relating to introductory tenancies came into effect in 1997. The idea was that new tenants who would normally be given a secure tenancy are given a tenancy, which in effect, puts them on probation for a period of twelve months. If during the course of this initial twelve months the tenant breaches either through anti-social behaviour, by accumulating high rent arrears or not paying promptly, then a possession order could be sought without the need for the Council to demonstrate to the Court that it is reasonable to make an order and the offending tenants could be evicted.
- 2.1.4 Of the 116 new tenancies, which commenced in the last year, there have been no reports of anti-social behaviour against any of them and only one of these could have been taken to Court for rent arrears. It is the view of Officers that new tenants tend to be on their best behaviour during at least

the first few months of their tenancy and cases of anti social behaviour and nuisance are in fact caused by established long-term tenants.

### **Consultation on the proposed Tenancy Agreement**

- 2.1.5 The preliminary notice of variation was sent to all tenants during week commencing 20 October 2006 with an explanation of the proposed changes, a copy of the proposed agreement and a timetable for implementation. The preliminary notice and information sent with it are attached at **Appendix A**.
- 2.1.6 During the consultation period 19 public meetings were held, 18 on weeknights and 1 on a Saturday. Attendance at the meetings varied from poor to reasonable and at each meeting Housing Officers answered questions as well as making a formal presentation. Approximately 50 officer hours were dedicated to consultation meetings and responding to consultation feedback.
- 2.1.7 During the statutory 28 day consultation period officers responded to a number of telephone enquiries and letters from tenants. A few who responded simply wanted the process explained to them or were confused or even alarmed at having received formal documents from the Council. One or two tenants said that they had not received the papers – in respect of which we are satisfied that the distribution company tasked with posting the documents did so, and that the list of tenants used as the basis for distribution is as accurate as it can be. The majority of those who responded substantively were opposed to some of the proposals, but there were many who favoured them and some who felt that they did not go far enough in some respects.
- 2.1.8 Following the close of formal consultation and taking into account the responses to it, officers made amendments to the proposed terms and conditions, but some issues remain contentious.
- 2.1.9 Those issues about which most opposition was expressed by those responding to the consultation, and which are perceived by officers as likely to be still contentious following amendments reflected in the final version of the terms and conditions, are:
- a) Responsibility for maintaining fencing other than in communal areas
  - b) Failure to excuse those less able to personally undertake maintenance (internal and external) from the requirement to do so.
  - c) Prohibition of erecting satellite dishes for tenants residing in blocks of flats.

Note: it is not expected that persons, through disability or otherwise, that are unable to carry out maintenance would do so. There are a number of other support arrangements in place that recognise these difficulties.

A full summary of the feedback received by officers is attached at **Appendix B**.

**The Tenants' and Leaseholders' Consultative Forum approved the tenancy agreement and the garage licence that are now recommended to Cabinet.**

**Consultation on Introductory Tenancies**

2.1.10 The content and approach that Harrow proposed in the application of Introductory Tenancies, should they be introduced, was outlined for the Residents' Empowerment Working Group on 9<sup>th</sup> May 2006.

2.1.11 Members of the Residents' Empowerment Working Group made a number of comments during the presentation on 9<sup>th</sup> May 2006, which outlined the proposed procedure for implementing Introductory Tenancies. The Group made further comments on 25<sup>th</sup> May 2006. The primary concerns of the Residents' Empowerment Working Group were as follows:

- a) Introductory tenancies would not make the process of dealing with anti social behaviour any quicker since a Court hearing would still be needed.
- b) There were long delays for court hearings in Harrow.
- c) Introductory tenancies would not address the longer term issues of anti social behaviour since people can be model tenants and then cause nuisance at a later date.
- d) Would like to see a review of the proposals

2.1.12 The comments made by the Residents' Empowerment Working Group have resulted in Harrow re-examining the proposals made during 2005 and concluding that they do not represent effective use of resources and are not required in the context of changes proposed in this report for secure tenancies

**Garage Licenses**

2.1.13 The existing garage tenancy agreement permits the Council to terminate the agreement on one week's notice and to raise rents on four weeks' notice. Given that the Council proposes to do both of these things, there will be a minimum four-week notice period before introduction of the new garage licence and increased rent. Notice will have to be given to each holder of a garage tenancy (of which there are approximately 1000).

2.1.14 General consultation with residents took place at Tenants' & Leaseholders' Consultative Forum (TLCF) which was held on 24<sup>th</sup> January 2007.

2.1.15 Work on revising the garage licenses dates back to July 2004 when a working group involving residents and councillors was set up. In October 2005 a report to cabinet including the revised garage licence was approved. The attached **appendix D** sets out the revised garage license.

## Variation of the Tenancy Agreement

- 2.1.14 The final version of the terms and conditions proposed for introduction with effect from 1<sup>st</sup> April 2007 is attached at **Appendix C** and is recommended by officers although cabinet members are asked to note that, time permitting, the document will be submitted to the Plain English Campaign with the intention that any minor amendments recommended by that organisation will be incorporated, with the approval of the Head of Housing, without further consultation. It may also be necessary to make minor amendments on the advice of the Council's Solicitor.
- 2.1.15 The final version of the tenancy terms and conditions takes into account all feedback received from tenants. The proposals have been developed over a period of approximately 2 years taking into account best practice from other local authority landlords.
- 2.1.1 If the variation is approved, given the amount of time needed to prepare the documents for service on the 5,000 Council tenants, it is anticipated that the formal notices of variation would be posted late January/early February 2007, with the actual variation date being at least 4 weeks after that.

## SECTION 3 - STATUTORY OFFICER CLEARANCE

Chief Finance Officer	<input type="text" value="3"/>	Name: ...Anil Nagpal..... Date: ...2 Feb 2007.....
Monitoring Officer	<input type="text" value="3"/>	Name: ...David Galpin..... Date: ...1 Feb 2007.....

## SECTION 4 - CONTACT DETAILS AND BACKGROUND PAPERS

**Contact:** William Manning, Resident Services Manager, 2473

### **Background Papers:**

Report to Cabinet dated October 2005  
Housing update report to Cabinet dated 9<sup>th</sup> November 2006.

**IF APPROPRIATE, does the report include the following considerations?**

1.	Consultation	YES
2.	Corporate Priorities	YES
3.	Manifesto Pledge Reference Number	