



Report for:	Cabinet
Title of report:	Tenancy Agreement Review
Date:	10th December 2024
Report on behalf of:	Councillor Simy Dhyani, Portfolio Holder for Housing & Property Services
Part:	I
If Part II, reason:	N/A
Appendices:	Appendix 1 – Tenancy Agreement Review – Summary of Proposed Changes Appendix 2 – Tenancy Agreement Review – Community Impact Assessment
Background papers:	None
Glossary of acronyms and any other abbreviations used in this report:	CIA – Community Impact Assessment DBC – Dacorum Borough Council HRA – Housing Revenue Account HSLT – Housing Senior Leadership Team PH – Portfolio Holder SLT – Strategic Leadership Team TLC – Tenants & Leaseholders Committee GDPR - General Data Protection Regulations

<p>Report Author / Responsible Officer</p> <p>Ryan Glanville, Assistant Head of Housing Operations</p> <p>✉ 📞</p> <p>Ryan.Glanville@dacorum.gov.uk / 01442 228086 (ext. 2086)</p>
--

Corporate Priorities	<ul style="list-style-type: none"> • Community engagement: Engage with residents and partners to have a real say on our services and the borough • Service improvement and delivery: Running the Council efficiently and putting residents at the heart of everything we do • Clean, safe and green: Provide a clean, safe and green-focussed environment • Homes to be proud of: Enable well-maintained and affordable homes, where people want to live
-----------------------------	--

Wards affected	All
Purpose of the report:	Inform Cabinet members of the work completed to date to review the tenancy agreement and outline the next steps.
Recommendation(s) to the decision maker(s)	That Cabinet agrees the summary of proposed changes as set out in Section 2 and detailed in Appendix 1 and agrees to proceed to formal tenant consultation.
Period for post policy/project review:	Subject to any major legislative changes, reviews will take place every 5 years.

1 Introduction:

The Council is conducting a review of its Secure Tenancy Agreement, which is issued to all Council tenants. Following the review, and a statutory consultation period, the revised agreement and its conditions will apply to both existing and new tenants.

While the tenancy rights of social housing tenants are determined by legislation, the tenancy conditions allow landlords to manage their housing stock effectively and ensure compliance with regulations.

2 Key Issues

Context

The last review of the Council's Tenancy Agreement for social housing occurred in 2012, following the introduction of new provisions in the Localism Act 2011.

In 2013, the Council began offering flexible fixed-term tenancies for all new tenants. However, after consulting residents in 2019, Cabinet decided to cease offering flexible fixed-term tenancies from April 1 2020, and revert to offering secure tenancies only.

At that time, two key recommendations were made:

1. Implement a programme of regular tenant visits (now known as 'Tenancy Reviews').
2. Undertake a full review of the current Secure Tenancy Agreement.

Due to the restrictions caused by the COVID-19 pandemic, work on the second recommendation was delayed. This project aims to restart the work and ensure that the Tenancy Agreement is up to date and fit for purpose.

Purpose of the review

The review is designed to assess whether the current Tenancy Agreement remains fit for purpose, focusing on whether clauses need adjusting, removing, or adding. Despite the delay, this goal remains unchanged.

This review also offers an opportunity to engage meaningfully with our residents, in accordance with the Consumer Standards for social housing providers, allowing their views on the proposed changes to be heard.

The Tenancy Agreement governs the relationship between tenants and their landlord, outlining the roles, rights, and responsibilities of both parties. As the agreement has not been updated in over ten years, some elements are now outdated and in need of revision.

Summary of key changes to the Tenancy Agreement

Several key changes have been recommended as part of this comprehensive review to improve clarity, ensure legal compliance, and enhance communication between tenants and the Council. These updates are intended to create a more transparent and accountable relationship between the two parties, fostering better tenancy management.

Below is a summary of the most important changes and their significance:

a) Non-interference (Clause 1)

- **Change:** The clause now includes the possibility of interference when a court grants an injunction against the tenant.

- **Importance:** Provides clarity on additional legal scenarios where the Council may need to interfere with the tenant's right to quiet enjoyment, helping to prevent disputes.
-

b) Ensuring the Property is Habitable (Clause 2)

- **Change:** A reference to specific housing standards (e.g., Housing Health and Safety Rating System) has been added to define what "fit for human habitation" means.
 - **Importance:** Ensures transparency regarding the level of upkeep tenants can expect, reducing ambiguity about the landlord's obligations.
-

c) Repairs to Structure and Installations (Clause 3)

- **Change:** A timeframe for urgent repairs has been added.
 - **Importance:** Clear response times give tenants confidence that essential maintenance will be addressed promptly, improving accountability.
-

d) Consequences for Non-compliance (Clauses 9 & 11)

- **Change:** New provisions detail the consequences if tenants fail to notify the Council of their inability to move in within 14 days or of extended absences.
 - **Importance:** Encourages better communication, ensuring smooth tenancy management and preventing misuse or abandonment of properties.
-

e) Periodic Visits and Tenancy Reviews (NEW Clause 10)

- **Change:** A new clause has been introduced, requiring tenants to allow access for periodic home visits to review their tenancy and household details. Tenants must also inform the Council of any changes in their circumstances between visits.
 - **Importance:** Ensures the Council can monitor compliance with the tenancy agreement, verify household composition, and remain updated on changes. This helps detect breaches of tenancy and maintains ongoing communication, preventing issues related to eligibility or misuse.
-

f) Health and Safety Obligations (Clause 24)

- **Change:** Penalties for repeated health and safety violations (e.g., tampering with fire doors) have been introduced.
 - **Importance:** Strengthens the focus on maintaining safe living environments, particularly in communal spaces, and helps protect residents from potential hazards.
-

g) Right to View Personal Information (Clause 55)

- **Change:** A clear timeframe for the Council's response to GDPR data access requests has been added.
 - **Importance:** Aligns with General Data Protection Regulations (GDPR), ensuring tenants are informed of their rights regarding personal data and that the council meets its legal obligations.
-

h) Right to Complain (NEW Clause 59)

- **Change:** Specifies the formal complaints procedure and includes the option to escalate complaints to the Housing Ombudsman if necessary.
 - **Importance:** Enhances tenant rights by providing clear guidance on how to seek external resolution if the council's response is unsatisfactory.
-

i) Emergency Access (Clause 60)

- **Change:** Specific examples of emergencies (e.g., gas leaks, floods) have been added to clarify when the Council can enter the property without notice.

- **Importance:** Provides tenants with a clearer understanding of emergency access scenarios, reducing confusion.

j) **Returning Keys (Clause 64)**

- **Change:** The clause now outlines the procedure for lost or damaged keys, including the need to notify the Council immediately.
- **Importance:** Addresses common practical issues like lost keys, ensuring smooth and predictable tenancy turnover.

Other notable amendments:

- Assistance with internal decorations for Supported Housing Tenants has been removed (Clause 20).
- Access for viewings during the notice period has been clarified (Clause 65).
- References to supporting policies, such as the Tenancy Management Policy and the Safety in Communal Areas Policy, have been introduced. This ensures that detailed information is in the relevant documents, so the Tenancy Agreement will not need frequent updates if these policies change.

For a full breakdown of the proposed changes, please refer to **Appendix 1**, where comparisons between the current and revised clauses are provided.

3 **Options and alternatives considered**

- a) Progress the review of the Council's current Tenancy Agreement as outlined in this paper – recommended.
- b) Continue to use the Tenancy Agreement in its current format – not recommended due to the risks identified in section 7 below.

4 **Consultation**

Feedback from Pre-Consultation Process

Feedback from the pre-consultation process, including input from TLC, HSLT, SLT and PH Group, has been incorporated into the agreement, with adjustments made as needed. Alongside this, the agreement has been benchmarked against other local authorities to ensure best practices are integrated. The final draft will then undergo review by Legal Services to confirm compliance.

Formal Tenant Consultation

Following Cabinet approval to consult, formal consultation with tenants, as required under Section 105 of the Housing Act 1985, will follow. This consultation will last at least one month and include online surveys, face-to-face events, dedicated web pages, social media updates, the Housing Matters newsletter, Dacorum Life magazine, and communication via email, letters, and texts.

Final Approval and Implementation

Once the consultation ends, and any necessary amendments are made, the final agreement will move through the Council's approval processes, culminating with Cabinet. Tenants will then receive a formal Notice of Variation under Section 103 of the Housing Act 1985, informing them of the effective date of the changes.

Each tenant will also be provided a copy of the new Tenancy Agreement for reference. Options are currently being explored to produce these agreements efficiently and cost-effectively, minimising impact on the HRA.

5 **Financial and value for money implications:**

The financial implications of reviewing the Tenancy Agreement primarily involve staff time, legal consultation fees, and printing and distribution costs. Staff across multiple departments, including Housing, Legal Services, and Communications, will need to dedicate time to reviewing, updating, and implementing the agreement, as well as engaging in tenant consultations. External legal advice may be required to ensure compliance with updated legislation, which would incur additional costs. Once the agreement is finalised, there will be expenses associated with printing and distributing the new Tenancy Agreement to all tenants, as well as covering the administrative costs for processing tenant feedback and issuing formal notices of variation.

Digital communication methods, such as emails and website updates, can help mitigate some of the printing costs, but face-to-face consultations and events may also require logistical expenses.

These costs will be absorbed within the existing associated budgets in the Housing Revenue Account, ensuring the review and implementation process remains financially sustainable.

5 Legal Implications

An out-of-date agreement could leave the Council exposed to legal challenges, so a thorough update is required to reflect:

- Developments in case law
- Legislative updates
- Internal Council policy changes
- New tenancy-related contractual terms

6 Risk implications:

Key risks of not reviewing the agreement include:

- Non-compliance with legislation, leading to potential court cases or fines.
- Increased disputes with tenants due to outdated or ambiguous clauses.
- Vulnerability in enforcing tenancy conditions, such as those linked to health and safety, data protection, or tenancy breaches.
- Poor customer service from using out of date legal documents

By proactively updating the agreement, the Council ensures legal protection for both itself and its tenants, while aligning with best practices and reducing the likelihood of costly litigation.

7 Equalities, Community Impact and Human Rights:

Equalities and Community Impact

A Community Impact Assessment (CIA) has been completed and is annexed to this report, please refer to **Appendix 2**. The CIA identifies predominantly neutral to positive impacts arising from the proposed Tenancy Agreement Review. The updates aim to enhance clarity, accessibility, and inclusivity, ensuring that tenants from all protected groups, as defined under the Equality Act 2010, are treated fairly and equitably.

The key findings of the CIA include:

- **Positive Impacts:**
 - Tenants with disabilities and older tenants are likely to benefit from clearer language and enhanced provisions for tenancy reviews, habitability standards, and health and safety obligations.
 - The focus on energy efficiency, communal area management, and emergency access protocols supports improved living conditions, fostering better health and wellbeing.

- Inclusive engagement during the consultation process ensures the perspectives of diverse tenant groups, including those from different cultural, religious, and socioeconomic backgrounds, are considered.
- **Neutral Impacts:**
 - The updated agreement does not negatively impact any specific protected groups, including those based on gender reassignment, sexual orientation, marital status, or religion.
- **Addressing Issues:**
 - To ensure inclusivity, tenant feedback will be actively sought during the formal consultation phase. This includes engaging with tenants who may require additional support, such as those with language barriers or cognitive impairments, to ensure their needs are addressed.

Human Rights

The review of the Tenancy Agreement has been conducted in line with human rights considerations. There are no Human Rights implications arising from this report. The updated agreement ensures fairness, equity, and respect for all tenants while safeguarding their rights to security, privacy, and access to adequate housing.

8 Sustainability implications:

Reviewing the tenancy agreement provides an opportunity to thoughtfully consider several sustainability implications, including those related to climate change, health and wellbeing, and community safety. These considerations will be further explored as part of an ongoing benchmarking exercise, comparing practices with other local authorities. Below are the key elements to be evaluated:

Climate Change

- **Energy Efficiency:** Updated tenancy agreements and associated materials, such as the Tenant Handbook, may incorporate tenant responsibilities for energy-saving measures, such as proper use of heating systems and timely reporting of issues with insulation or windows. This can help reduce energy consumption and lower carbon footprints.
- **Sustainable Practices:** Clauses encouraging recycling and responsible waste disposal can support broader environmental goals and reduce reliance on landfill sites.

Health and Wellbeing

- **Living Conditions:** Including clear standards for habitability (e.g., alignment with the Housing Health and Safety Rating System) ensures tenants live in safe and healthy environments. This directly supports physical and mental health by addressing common issues like mould, dampness, or inadequate heating.
- **Tenant Engagement:** Regular tenancy reviews facilitate open communication between tenants and landlords, allowing earlier identification and resolution of issues affecting wellbeing, such as overcrowding or poor living conditions.
- **Encouraging Healthier Behaviours:** Provisions on smoking restrictions in communal areas or requirements for garden maintenance can promote healthier environments for tenants and their neighbours.

Community Safety

- **Anti-Social Behaviour:** Strengthened clauses targeting anti-social behaviour, subletting, and tenant responsibilities can foster safer communities by discouraging disruptive or harmful activities.

- **Emergency Access:** Clearly defined emergency access protocols allow for quicker responses to urgent health and safety risks, such as gas leaks or electrical faults, protecting tenants and neighbouring properties.
- **Fire Safety:** Clauses covering fire safety, including the maintenance of fire doors, communal area rules, and prohibited storage of hazardous materials, minimise risks and enhance overall safety.

Community Cohesion

- **Tenant Responsibilities:** Updating agreements to emphasise the importance of communal area maintenance and respectful behaviour can enhance shared spaces and improve relationships among neighbours.
- **Inclusive Practices:** Engaging tenants meaningfully throughout the review process fosters a sense of inclusion and shared responsibility, contributing to stronger community bonds.

The sustainability implications of reviewing a tenancy agreement are diverse, contributing to improved environmental practices, healthier living conditions, and safer, more cohesive communities. These benefits align closely with the Council's Corporate Priorities to provide sustainable, high-quality, and well-managed housing.

10 Council infrastructure (including Health and Safety, HR/OD, assets and other resources)

Staff across multiple departments, including Housing, Legal Services, and Communications, will need to dedicate time to reviewing, updating, and implementing the agreement, as well as engaging in tenant consultations.

11 Statutory Comments

Monitoring Officer:

The updated agreement is required to ensure that the Council complies with relevant statutory provisions, guidance and best practice and is therefore recommended to progress to the next stage of consultation.

S151 Officer:

The work is ongoing on the Tenancy Agreement review and the costs of this review are included in approved and proposed housing business plans and budgets, in the short and medium term.

12 Conclusions:

The Tenancy Agreement Review is a vital step in ensuring that the Council's Housing Service continues to meet the needs of tenants while aligning with current legislation, operational priorities, and best practice. The proposed updates to the agreement reflect a commitment to clarity, fairness, and inclusivity, enhancing the relationship between tenants and the council and fostering sustainable, well-managed communities.

This review process has been informed by contributions from key stakeholders, including Heads of Service, Legal Services, the Tenancy & Leasehold Committee, and the Housing Senior Leadership Team. Their insights have shaped the proposed changes, which aim to address emerging challenges, support tenant wellbeing, and ensure compliance with statutory obligations.

The next steps involve incorporating further feedback, engaging tenants through a formal consultation process, and finalising the revised agreement. These steps are pending Cabinet approval to move to the next stage of the review process.

If approved to proceed, this will culminate in the issuance of a modern, legally compliant Tenancy Agreement that supports the Council's broader objectives of delivering high-quality housing services and maintaining sustainable tenancies. By taking this proactive approach, the Council

reinforces its commitment to providing tenants with a clear, accessible, and equitable agreement that meets the evolving needs of both the Council and the communities it serves.