

Housing Scrutiny

Revision of Conditions of Tenancy

20 August 2018

Assistant Mayor for Housing: Cllr Andy Connelly

Lead Director: Chris Burgin



City Mayor

Useful information

- Ward(s) affected: all
- Report author: Nick Griffiths
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- Report version number: 2.0

1. Summary

The current conditions of tenancy used by Leicester City Council are in need of modernisation and updating. As such, a project group was set up in 2017 to look at revising the Tenancy Agreement in light of the changing legislation

The group looked at a number of agreements in use by a range of different housing providers, including other local authorities, ALMOs and housing associations. From this, and in conjunction with legal services, a revised document has been drafted. The aim is to have a simplified version that tenants can understand, and staff can enforce where breaches occur.

In June 2018, the draft was circulated for internal comment, and the Tenant Forum will be consulted on the draft proposals on 26 July.

Once the agreement has been finalised, it will be used for new tenants, and a copy served on all existing tenants, making the conditions binding on both parties.

The draft has been approved by Cllr A Connelly, Chris Burgin , housing managers and Legal Services.

2. Recommendations

That scrutiny note and approve the proposed draft changes

3. Supporting information including options considered:

Appendix I – copy of draft conditions of tenancy.

Summary of changes

Below is set out a precis of the main changes in the agreement

The revised agreement has been broken down into 7 separate sections, this is for ease and clarity. It also means that the agreement “flows” better, and distinguishes between rights and obligations (on both sides). The clauses have been renumbered in keeping with the sections

The final section is specifically about termination to make it clear to tenants what the

expectations are when ending tenancies, this includes returning the property to us in a clean and tidy state with all of the keys and ensuring that the property is left empty and free of household furniture

We have tried to modernise the agreement and to a certain extent “future proof” it, so we have included a section on cyber bullying and using electronic means to harass or intimidate people/

We have also included a section on membership of proscribed (banned) organisations, and taking part in terror-related incidents.

We believe that the revisions mean that we now have a comprehensive set of tenancy conditions, which will assist us in effectively managing our estates and neighbourhoods.

1. General terms

These have been updated and expanded. This also clarifies:

- Terminations by joint parties end the tenancy
- Rent and other costs, period of payment etc
- Clarifies that insurance is down to tenant
- Self-service and online portal
- Permissions – new, expanded and clarified section
- Recharges - new. Sets out what we will do

2. Our obligations

This section sets out our Legal obligations as a landlord to the tenant (contractual)

This contains things such as our repair obligations and the provision of services .

3. Your obligations (tenant)

The third section covers the tenant obligation – i.e. things that Tenant(s) must comply with or do in a certain way. If tenants do not, it is a breach of tenancy, and the Council can take legal action in certain circumstances.

Some notable changes / additions / new clauses

- 3.5 Overcrowding – we set out the tenant must not make themselves overcrowded
- 3.6.2 locks – clarifies responsibility for lost and stolen keys etc.
- 3.7 condensation – sets out differences between damp and human-made condensation.
- 3.9 decanting – places onus on tenant to cooperate
- 3.10 décor and hygiene – primarily for us to use as a lever when enforcing tenancies where tenants are storing and accumulating items (not hoarding – that is different)

- 3.11 Gardens etc – covers all gardens, including courtyards and other shared spaces, quite a wide ranging clause
- 3.12 storage area – new
- 3.13 access – Health and Safety considerations for staff and operatives
- 3.14 Fire safety – Gives us some “teeth” when dealing with people who don’t take this seriously
- 3.15 alterations, expanded clause
- 3.17 flats and maisonettes -additional conditions, these were in the old COT, but these have now been updated
- 3.18 Animals – updated and expanded clause, includes clauses on preventing people encouraging vermin, and one on dog fouling
- 3.19 mobility scooter – this is new

4. Anti Social Behaviour

A much expanded and updated section. This now covers:

- Abuse of staff
- Nuisance behaviour
- Hate crime (including proscribed organisations)
- Domestic violence
- Cyber bullying
- Criminal activity
- Enviro crime (fly tipping)

5. Your (tenants) rights

These are the legal rights a tenant has.

6. General Data Protection Regulations

Specific section on how we process and keep our data in relation to agreement and tenancy

7. Ending a tenancy

This sets out, updates and expands what the expectations are when a tenant wants to terminate a tenancy

4. Details of Scrutiny

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5. legal

5. Legal implications

The agreement and clauses have been drafted in conjunction with legal advice, and the final version will be checked before the conditions are served on tenants