

VARIATION OF COUNCIL HOUSING TENANCY CONDITIONS

SUMMARY

- 1.1 Derby Homes' Local Housing Board South approved the serving of a notice to vary tenancy conditions of the Council's current and new housing tenants in June 2010 in respect of introducing two new conditions.
- 1.2 Similarly Derby Homes' City Board has approved a number of variations to the Tenancy Agreement as a result of the review of the conditions of tenancy conducted over the early part of 2011.
- 1.3 Derby Homes have carried out the necessary statutory and informal consultations and all that now remains is for the Council to approve the proposed variations as set out within the following paragraphs.
- 1.4 The proposed insertions and amendments are set out within the body of the report.

RECOMMENDATION

- 2.1 To approve the two new tenancy conditions recommended by the Local Housing Board South as set out within sub-paragraphs 4.4.1 and 4.4.2 of this report and that the precise wording of such be agreed by the Head of Legal Services.
- 2.2 To approve the insertions and amendments to the tenancy conditions set out within sub-paragraphs 4.5.1 and 4.6.1 and that the precise wording of such be agreed by the Head of Legal Services.

REASONS FOR RECOMMENDATION

- 3.1 The new and amended tenancy conditions have been the subject of full review and consultation.

SUPPORTING INFORMATION

- 4.1 Derby Homes' Local Housing Board South approved the serving of a notice to vary tenancy conditions of the Council's current and new housing tenants in June 2010 in respect of introducing two new conditions.

- 4.2 Similarly Derby Homes' City Board has approved a number of variations to the Tenancy Agreement as a result of the review of the conditions of tenancy conducted over the early part of 2011.
- 4.3 Derby Homes have carried out the necessary statutory and informal consultations and all that now remains is for the Council to approve the proposed variations as set out within the following paragraphs.
- 4.4 The new conditions proposed by the Local Housing Board are as follows:
- 4.4. 1 Derby Homes has been working in partnership with the Derbyshire Fire and Rescue Service in order to reduce the impact of fires within the home through Fire Risk Assessments and mitigation, a key aspect of which is the fitting of smoke alarms into properties. The proposed insertion to a condition requiring the tenant to allow access to their property for fitting and servicing of smoke alarms within the general terms of section 4 of the Agreement.
- 4.4. 2 The second proposed condition authorises Derby Homes to share information with utility companies in respect of providing details of tenants leaving Derby Homes' properties with debts on meters. Currently if the utility company cannot trace the outgoing tenant at the forwarding address, Derby Homes bears the cost of the debt on the meter.
- 4.5 As a result of the review of Conditions of Tenancy, Derby Homes' City Board has recommended amendments to the Tenancy Agreement. The key amendment relates to tenant responsibilities in respect of behaviour and specifically linked to gang related activity. The Board has recommended that:
- 4.5. 1 Under the definition of "Harassment" contained within section 6 to insert "involvement in gang related activities" as an additional bullet point definition and furthermore to include within paragraph 6.4a reference to illegal firearms and offensive weapons.
- 4.6 The City Board has also recommended the following minor changes. These are set out as follows:
- 4.6. 1 Paragraph 2.2- insertion of "communal cleaning";
Paragraph 3.7- insertion of comma between "vehicle" and "trailer";
Paragraph 3.7- inclusion that consent should be obtained to keep a caravan, boat or trailer anywhere on the property;
Paragraph 6.2- insert as sub paragraph (e) : "behave or act in a manner that affects the health and safety of people living, visiting or working in the locality";
Paragraph 7.2- insertion after "property": "or carrying out work at the property".

OTHER OPTIONS CONSIDERED

- 5.1 The alternative option is not to approve the amendments. This would however undermine the tenancy condition review process and conflict with the statutory consultation process carried out with council tenants.

This report has been approved by the following officers:

Legal officer	Olu Idowu
Financial officer	Not needed for this report
Human Resources officer	Not needed for this report
Service Director(s)	Brian Frisby
Other(s)	Ian Fullagar, Maria Murphy

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Background papers:	None
List of appendices:	Appendix 1 – Implications Appendix 2 – Current Tenancy Agreement

IMPLICATIONS

Financial and Value for Money

- 1.1 The only financial implication relates to the new condition proposed that authorises Derby Homes to share information with utility companies in respect of providing details of tenants leaving Derby Homes' properties with debts on meters. This will reduce Derby Homes' potential liability in this matter.

Legal

- 2.1 Sections 102(1)(c) and 103 of the Housing Act 1985 set out the manner in which material variations to tenancy terms and conditions should be undertaken. Paragraph 1.3 of this report indicates that the necessary statutory consultation processes have been observed.
- 2.2 Beyond approval by the Council, there remains the statutory obligation to formally notify the fact of variation before the changes can take effect, in accordance with the provisions in section 103(4). The variation cannot take effect until four weeks after the notification is given.

Personnel

- 3.1 None arising from this report.

Equalities Impact

- 4.1 None arising from this report.

Health and Safety

- 5.1 None arising from this report.

Environmental Sustainability

- 6.1 None arising from this report.

Asset Management

- 7.1 None arising from this report.

Risk Management

8.1 None arising from this report.

Corporate objectives and priorities for change

9.1 A strong community.