

## **REVISED CONDITIONS OF TENANCY**

Report of the Director of Housing and Customer Service

### **1. SUMMARY OF REPORT**

At the meeting on the 14 September 2006 the Local Housing Board South received a report on amendments to the current conditions of tenancy. The Local Board approved the report subject to consultation.

### **2. RECOMMENDATION**

- 2.1 To recommend to the Council the introduction of new conditions of tenancy as detailed in paragraph 3.2 and paragraph 3.6 of this report.
- 2.2 Subject to positive outcomes from consultation, to recommend to the Council to issue a formal notice of variation which would enforce the 'new' tenancy conditions on all tenants with tenancies commencing prior to 31 May 2005.

### **3. MATTER FOR CONSIDERATION**

- 3.1 The Local Board has previously received comprehensive information on the reasons behind introducing the proposals which are outlined in summary below.
- 3.2 The thirteen Community Panels were consulted regarding the following variations to conditions of tenancy:
  - To prohibit the use of motorised scooters within category 2 sheltered housing schemes
  - To prohibit the use of laminate flooring in upper floor flats of unity, and wooden floor type construction because of noise transmission for all future tenants
  - To include a clause that new tenants renting lock up garages should pay by direct debit monthly in advance
  - Compulsory Home Safety Risk Assessments by the Fire and Rescue Service for all new tenants.
- 3.3 All 13 panels agreed to all proposals with the exception of New City Panel who did not agree to direct debit being the only method of making payment for lock-up garages.

### **3.4 New conditions of tenancy – for all tenants**

The full Tenancy Agreement was last updated in May 2005 to include provisions relating to introductory and demoted tenancies and to also include new requirements in relation to emergency access and domestic violence.

3.5 For these new conditions to apply to ‘all’ tenants we must consult prior to serving a formal notice of variation which would give 28 days notice before the new conditions come into force.

3.6 The new conditions are shown below:

Paragraph 4.7 – In an emergency, we or any other person authorised by the Council may require immediate access to your home. In the event that such access is necessary and the property is unoccupied or access is denied, the Council may use reasonable force to gain entry to your home. Upon completion of the works and/or inspection, your home will be properly secured and repaired if necessary. An emergency in these circumstances is when either the property or a person’s safety is deemed to be at risk.

In the event that access is denied, you may be prosecuted for obstruction.

Paragraph 6.4 – You and/or anyone living at/or visiting your home must not inflict violence or threaten violence against any other person, either living with your or in another Council home. You must not harass or use physical, mental, emotional or sexual abuse against anyone residing in, visiting or otherwise engaged in lawful activity within the locality.

## **4. CONSULTATION IMPLICATIONS**

4.1 Consultation of the Community Panels and City Housing Consultation Group took place throughout August and September 2006. All panels with the exception of one approved the changes outlined in paragraph 3.2 of this report.

4.2 Consultation in relation to the new conditions as shown in paragraph 3.6 will be carried out during December 2006 and January 2007 with a view to formally introducing the new conditions for all tenants from April 2007.

## **5. FINANCIAL AND BUSINESS PLAN IMPLICATIONS INCLUDING EFFICIENCY SAVINGS**

5.1 Provision may be necessary for external housing of scooters. The estimated cost of implementing the proposal is £140,000 which will be financed from Estates Pride funding during 2006/2008.

5.2 Direct Debit payments for lock-up garages will reduce garage rent arrears.

5.3 Longer term savings will be made through Home Safety Risk Assessments.

## 6. LEGAL AND CONFIDENTIALITY IMPLICATIONS

Derby Homes must write to tenants giving them 28 days notice before varying conditions of tenancy under provision of the Housing Act 1985.

## 7. EQUALITIES IMPACT ASSESSMENT

Motorised scooters provide users with increased mobility but they are designed for outdoor use. Social Services will be involved in individual assessments and will take full account of an individual needs in order not to disadvantage disabled people.

## 8. HEALTH AND SAFETY IMPLICATIONS

The introduction of home safety risk assessments will reduce the risks of fire and injury or death to tenants and their families. The ban on motorised scooters will also reduce the risk of fire and obstructed exits in sheltered housing schemes. The ban on laminated flooring will reduce noise nuisance and stress arising from that.

The proposal to introduce a condition of tenancy which allows access to properties in an emergency will reduce the risk of serious damage to property and/or life.

**The areas listed below have no implications directly arising from this report**

- Personnel
- Environmental

**If Board members or others would like to discuss this report ahead of the meeting please contact the author, or the Chief Executive, [phil.davies@derbyhomes.org](mailto:phil.davies@derbyhomes.org) - Tel 01332 711010**

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**Background Information:** None

**Supporting Information:** Appendix 1