


REPORT TO SAFER NEIGHBOURHOODS AND ACTIVE COMMUNITIES SCRUTINY BOARD

01 August 2019

Subject:	Tenancy Conditions Review
Cabinet Portfolio:	Councillor Joanne Hadley - Cabinet Member for Homes
Director:	Director - Housing and Communities - Alan Caddick
Contribution towards Vision 2030:	
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DECISION RECOMMENDATIONS

That Safer Neighbourhoods and Active Communities Scrutiny Board:

1. Consider and comment upon the information presented on the Tenancy Conditions Review;
2. Make recommendations on taking forward the revised policy options.

1 **PURPOSE OF THE REPORT**

- 1.1 The Scrutiny Board has requested to consider the review and refresh of tenancy conditions in greater detail.

2 **IMPLICATIONS FOR VISION 2030**

- 2.1 Housing allocations contribute to a number of ambitions within Vision 2030:-

Ambition 1 – Sandwell is a community where our families have high aspirations and where we pride ourselves on equality of opportunity and on our adaptability and resilience.

Ambition 2 – Sandwell is a place where we live healthy lives and live them for longer and where those of us who are vulnerable feel respected and cared for.

Ambition 5 – Our communities are built on mutual respect and taking care of each other, supported by all the agencies that ensure we feel safe and protected in our homes and local neighbourhoods.

Ambition 10 – Sandwell now has a national reputation for getting things done, where all local partners are focused on what really matters in people's lives and communities.

3 BACKGROUND AND MAIN CONSIDERATIONS

- 3.1 The current Tenancy Conditions came into force in October 2009. Since that time the general view is that the conditions have served both tenants and the authority well and there has been no direct legislative change since 2009 to prompt a review particularly with elements of the Housing and Planning Act 2016 recently being 'shelved'.
- 3.2 In 2018, and in part in response to the Government's Housing Green Paper, a decision was taken to review the Council tenancy conditions. The Green Paper has five key principles, two of which are centred around tenant empowerment and a greater voice that requires the Council to consider what this may mean with regard to our future relationship with tenants, and how the agreement may have to be framed differently as a consequence. A subsequent scoping exercise was undertaken with officers to obtain suggestions as to where the conditions should be amended. Subject to further ratification by the Council's Legal Department this exercise was concluded in the latter part of last year.

4 THE CURRENT POSITION

- 4.1 Officers will present further information to the meeting on the current policy amendments being considered, however, following the conclusion of this scoping exercise a series of proposed amendments has been drawn up that currently centre on:
 - Encouraging the use of Direct Debit to pay rent
 - Restricting succession rights to spouses, civil partners and common law partners
 - Prohibiting smoking whilst council employees/agents are in attendance
 - Introducing tenant obligations to pre-prepare for repairs, e.g. removing carpets

- Clarifying that the Council is not responsible for dividing fences, other than privacy panels
- Clarifying the need to adhering conditions when making alterations to a property
- Clarifying tenant responsibilities covering solid fuel appliances, fob keys and door entry systems, leaving rubbish in communal areas, the installation and use of CCTV systems, and ensuring that any actions on the part of the tenant do not damage neighbouring properties
- Prohibiting taser/stun guns, abstracting electricity, benefit fraud, cultivation of drugs, and the dumping of rubbish in communal areas
- Clarifying the grounds for emergency access to property and grounds for allowing access to carry out repair to neighbouring properties

4.2 Members of the Scrutiny Board have also received the current Tenancy Conditions as background information.

5 CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)

5.1 Consultation has already commenced with local TMOs, the Tenant Review Panel and Sandwell as well as a programme of lead offer consultation. Under statutory regulation a full consultation with existing Council tenants will also be carried out at a later date.

6 ALTERNATIVE OPTIONS.

6.1 If the Scrutiny Board does not consider the information presented to it then potential recommendations and actions to improve services would be missed.

7 STRATEGIC RESOURCE IMPLICATIONS

7.1 There are no specific strategic resources implications arising from this report.

8 LEGAL AND GOVERNANCE CONSIDERATIONS

8.1 The proposed tenancy condition amendments and the process to be undertaken to adopt them complies with the current legal framework, most notably the Housing Act 1985.

9 EQUALITY IMPACT ASSESSMENT

9.1 No equality impact assessment is required for this report.

10 DATA PROTECTION IMPACT ASSESSMENT

10.1 No data protection impact assessment is required for this report.

11 CRIME AND DISORDER AND RISK ASSESSMENT

11.1 Tackling crime and anti-social behaviour is an integral part in delivering sustainable communities. The tenancy conditions will continue to underpin this.

12 SUSTAINABILITY OF PROPOSALS

12.1 There are no specific sustainability issues associated with this report.

13 HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)

13.1 Housing is key to improving wellbeing and health outcomes for our residents.

14 IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND

14.1 Effective tenancy conditions will contribute to increased tenancy sustainability that in turn will allow the Council's housing stock asset to be managed more effectively and efficiently

15 CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

15.1 The Board is invited to consider the information presented to it and determine if there are more specific areas of interest that it would like to review in further detail.

16 BACKGROUND PAPERS

16.1 None.

17 APPENDICES:

Appendix 1 - Current Council Tenancy Conditions.

Alan Caddick
Director – Housing and Communities