



Report to:	Housing, Economy and Business Committee	Date:	23 June 2015
Report title:	Revisions to the Council's Tenancy Conditions		
Report from:	Mary Morrissey, Strategic Director of Environment, Housing and Regeneration		
Ward/Areas affected:	Borough wide		
Chair of Committee/Lead Member:	Cllr Jayne McCoy		
Author(s)/Contact Number(s):	Trevor Hart, Housing Strategy and Commissioning Manager (020 8770 5844)		
Corporate Plan Priorities:	<ul style="list-style-type: none"> • A Fairer Council 		
Open/Exempt:	Open		
Signed:		Date:	10 June 2015

1. Summary

- 1.1 This report seeks the Committee's approval of some proposed changes to the Council's Conditions of Tenancy following a consultation exercise with tenants carried out by Sutton Housing Partnership (SHP). Subject to the Committee's approval it is proposed that the new Conditions be brought into effect from 1 October 2015.

2. Recommendations

- 2.1 It is recommended that the proposed changes to the current Conditions of Tenancy, as set out in Appendix B, be implemented from 1 October 2015.

3. Background

- 3.1 The Council's Conditions of Tenancy, which apply to all secure and introductory tenants, were last revised in 2010. A copy of the current conditions is set out at Appendix A. Since that time there have been a number of changes in legislation, policy and practice, which it is considered now need to be reflected in a revised and updated Tenancy Conditions document.
- 3.2 In order to make changes to its Tenancy Conditions the Council is required, under s105 Housing Act 1985, to consult with its tenants. Following discussions with the Council, Sutton Housing Partnership (SHP), in its role as managing agent, notified all tenants of the proposed changes in a letter dated 10 April, and invited comments, to be sent in by 22 May. Although the landlord is statutorily required to give just 28 days notice, for good measure a period of six weeks was given.
- 3.3 In the next section the proposed changes, and the rationale for them, are briefly discussed. The responses from tenants are summarised, with commentary set against these including where further amendments to the proposed changes have been made in light of comments received.

4. Issues and Options Considered

- 4.1 Set out at Appendix B is a table comprising three columns. The first states the relevant existing term or condition, the second the proposed change to that term (or in some cases a proposed new term) where new or replacement wording is shown underlined. Set out in the third column is a summary of comments received and SHP's suggested response(s) to these (in bold type). Also, at the end of the Appendix are listed a number of other comments received that did not directly relate to one of the clauses or conditions where a change was proposed. In total 18 responses were received from individual tenants or tenant groups.
- 4.2 It can be seen that a number of the proposed changes are essentially about strengthening or clarifying the wording of the existing conditions. These apply to (revised number) clauses 1.1 (payment of rent), 2.1 - 2.2 (ending a secure tenancy), 4.3 (leaving the property unoccupied), 4.8 (demoted tenancies), 4.19 - 4.30 (firearms, fire prevention and health and safety issues), 4.32 (keeping of pets), 4.36 (compensation for tenant alterations), 4.38 (installation of aerials/satellite dishes), 4.39 (parking), 5.5 - 5.6 (succession rights) and 6.2 (changing this agreement).
- 4.3 There are, however, also some new clauses proposed. These are :
- 3.9 (maintenance of suited locks, proposed wording "We are responsible for maintaining suited locks, where fitted. You must not remove or replace any suited lock fitted to your property. Additional keys to suited locks can be supplied by us, but a charge will be made.")
 - 3.12 (compliance with landlord requests, proposed wording "You are expected to cooperate with the management of your home and neighbourhood by, for example complying with reasonable requests, not to obstruct staff carrying out their duties, and by keeping appointments."),
 - 4.48 (storage of mopeds and scooters, including motorised scooters used by disabled people, proposed wording "You must not keep mopeds, motor scooters or motorbikes inside your home or in communal areas inside the building your home is in (for example, entrance halls, stairs or landings). Battery-powered scooters for use by disabled people may be permitted in certain circumstances but you would need to get our written permission first and comply with any conditions attaching to that permission. Permission will not usually be given where it could create a health and safety or fire risk. If we provide parking areas for battery-powered scooters, you must park any battery-powered scooter within those parking areas.")
 - 5.10 – 5.11 (Right to Buy, proposed wording "5.10 As long as you qualify under the legislation, you may have the Right to Buy your home under the Housing Act 1985. 5.11 You will not be able to exercise the right to buy your home if you live in sheltered housing, or other housing excluded from this legislation").
- 4.4 With regard to the feedback received, SHP has already or will be responding to every individual or group who sent in comments, including those who provided the comments contained at the end of Appendix B.
- 4.5 As a result of the comments received, a number of further amendments have been or will be made to the original proposed changed wording, as indicated under the SHP responses sections. In some cases it was deemed that no further amendment was required, for the reasons given, although in a number of instances SHP has undertaken to provide clarity within the Tenants Handbook.
- 4.6 Although not one of the terms or conditions where a change was proposed, a comment was received regarding clause 3.25 (servicing of gas appliances), and is contained in the additional comments at the end of Appendix B. Following discussions between the Council and SHP it has been agreed that the clause will be amended along the lines suggested.



5. Impacts and Implications

Financial

- 5.1 There are no direct financial implications arising from this report.

Legal

- 5.2 It is not considered that that there are any significant legal issues or hurdles to making the proposed amendments to the tenancy conditions.

Integrated Impact Assessment

- 5.3 No negative impacts on tenants as a whole or particular groups of tenants have been identified as a result of the proposed changes to the Conditions of Tenancy. Indeed many of the changes will be helpful in clarifying the rights and responsibilities of tenants and the Council as landlord, and the role of SHP as its managing agent. They should also help to foster neighbourliness and reduce incidences of anti-social behaviour impacting upon the wider tenant community.

6 Appendices and Background Documents

Appendix Letter	Title
A	Current Conditions of Tenancy
B	Proposed Changes to the Current Conditions of Tenancy
Background Documents	
Conditions of Tenancy, LB Sutton (2010)	

Audit Trail		
Version	Final	Date: 10 June 2015
Consultation with other officers		
Officer	Comments Sought	Comments checked by
Finance	Yes	Sue Hogg
Legal	Yes	Claire Williams

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