

TENANCY AGREEMENTS AND CONDITIONS

Purpose of this Information Sheet

- To provide members with an update further to the reports which came before Housing Committee in October 2014 and December 2014.
- To explain the revised timescale for delivery.

Introduction

- In December 2014, Housing Committee approved a final version of the updated Tenancy Agreement and Conditions for consultation with all of the Council's tenants.
- The consultation ended on 30 January 2015. A summary of comments received included:
 - Concerns regarding being absent from the property for more than 28 days and losing security of tenure.
 - Concerns regarding the removal of cyclical painting for sheltered accommodation.
 - Concerns regarding solar panels, especially in relation to Right to Buy, and whether these should be included in the valuation or not.
- Responses have been issued directly to those tenants who offered comments. These are summarised below:
 - To clarify content of the Housing Act 1985, regards security of tenure, this is only lost if the tenant is absent from their property for more than 28 days without notifying their landlord. Confirmation was also given that legal proceedings are only ever considered as a last resort.
 - Cyclical painting is a service subject to budgetary decisions, and therefore should not be considered as mandatory or legally binding.
 - With regard to solar panels, Housing Committee will be considering a report in September 2015, to consider the way forward with properties fitted with solar panels and other renewable energy improvements, when a tenant exercises their Right to Buy. The decision involves whether the appliance is to be treated as a fixture of the property, or as chattels, and therefore removable.
- In May 2015, a meeting between Tenant Services and Legal Services agreed to await the decision on renewable energy in September 2015, before bringing a final report on Tenancy Agreements and Conditions to December 2015 Housing Committee.

Nick Jermyn, Tenancy Enforcement Officer
Ext: 4530
Email: nick.jermyn@stroud.gov.uk

- An article for June 2015 Keynotes to keep tenants informed of the project is attached as Appendix A.

Next Steps

- June - September 2015 - update to tenants and Housing Committee for decision on renewable energy.
- October - November 2015 - Tenancy Agreement and Conditions to be amended to reflect Committee decision on renewable energy.
- December 2015 - Housing Committee decision on final draft of Tenancy Agreement and Conditions.
- February 2016 - 28 day notification to tenants of the new Tenancy Agreement and Conditions, to be sent with rent increase notification.
- April 2016 - Tenancy Agreement and Conditions legally binding.
- If Members have any questions on this matter, please contact me using the details contained at the bottom of this Information Sheet.

Nick Jermyn, Tenancy Enforcement Officer
Ext: 4530
Email: nick.jermyn@stroud.gov.uk

APPENDIX A

TENANCY AGREEMENT AND CONDITIONS

Thank you to those tenants who offered their comments by 3 January 2015 as part of the Council's consultation on the proposed new Tenancy Agreement. The consultation comments were taken into consideration and amendments were made where necessary.

However, during the consultation process a number of legal issues were highlighted that needed to be resolved. It is anticipated that those legal issues will be resolved by September 2015.

It is envisaged that the new Tenancy Agreement will go before Housing Committee by the end of 2015 and if approval given, the aim is to adopt the new Tenancy Agreement from April 2016.

This project has been delayed but it is important when making changes to a contract (Tenancy Agreement) that it is legally valid to protect the interests of both tenant and landlord.

Further updates will be provided in future editions of Keynotes as required.