

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

CABINET – TUESDAY, 9 APRIL 2019

Title of report	TENANCY AGREEMENT CHANGES
Key Decision	a) Financial No b) Community Yes
Contacts	Councillor Roger Bayliss 01530 411055 roger.bayliss@nwleicestershire.gov.uk Strategic Director of Housing and Customer Services 01530 454819 glyn.jones@nwleicestershire.gov.uk Head of Housing and Property 01530 454780 chris.lambert@nwleicestershire.gov.uk
Purpose of report	To seek approval from Cabinet for the revised tenancy agreement.
Reason for decision	The tenancy agreement requires amendment in order to comply with GDPR changes.
Council priorities	Homes and Communities
Implications:	
Financial/Staff	The proposed changes with the introduction of a new tenancy agreement, can be met from within the existing approved Housing Revenue Account budget.
Link to relevant CAT	None
Risk Management	This report outlines the approach in managing and mitigating against risks.
Equalities Impact Screening	The Equality Impact Matrix has been completed and no further action needs to be taken due to a neutral impact score.
Human Rights	None
Transformational Government	Approval of this report will support the delivery of a more effective service by ensuring we are balanced in our approach to the management of our stock.

Comments of Head of Paid Service	The report is satisfactory.
Comments of Section 151 Officer	The report is satisfactory.
Comments of Monitoring Officer	The report is satisfactory.
Consultees	Members of Landlord Working Group Tenants and Leaseholders Consultation Forum All tenants Policy Development Group
Background papers	Cabinet 9 February 2016 – Review of tenancy conditions
Recommendations	IT IS RECOMMENDED THAT CABINET APPROVES THE PROPOSED REVISIONS TO THE TENANCY CONDITIONS

1.0 CONTEXT

- 1.1 The tenancy agreement is the formal contract between the council and its' tenants and details the responsibilities of both parties. It was last reviewed in 2016 and due to legislative changes specifically in relation to the General Data Protection Rules (GDPR), the agreement is being updated.
- 1.2 Officers within Housing and Legal Services reviewed the agreement and the key changes proposed are:

Previous Document	Proposed Change
Not included	Inserted as a new definition: Mutual Exchange: Secure tenants have a statutory right to exchange with certain other tenants of social housing by mutually assigning their tenancies with the consent of their landlords. The Landlord can only withhold consent to an exchange if one of the conditions contained within legislation is met.
Not included	Inserted as new 1.7 (and all subsequent sub-section 1s renumbered): A sole tenancy cannot be transferred into joint names
1.12 stated: "We are committed to the prevention and detection of fraud and participate in	Removed from 1.12 and changed to read at 1.13: 1.13 We are committed to the prevention and detection of fraud and may share your data with others as permitted by law.

<p>data monitoring exercises for this purpose. We advise you that the data held by us in respect of your Tenancy will be used for cross-system and cross-authority comparison purposes for the prevention and detection of fraud. We may also share your data with others as permitted in law, including utility providers”</p>	<p>1.14 In relation to your personal data, the Council will act as a data processor and data controller.</p> <p>1.15 At all times, the Council shall comply with its obligations under data protection laws.</p> <p>1.16 All personal information supplied to the Council will be stored in line with data protection laws and the Council’s privacy notice, which is available to view on the main Council website.</p>
<p>8.3 stated: “You, relatives or anybody living with you, your animals and your visitors must not cause or act in a way which is likely to cause people living, visiting or working in the locality of the Property to feel harassed, abused or threatened.”</p>	<p>Changed to read at 8.3: You, relatives or anybody living with you, your animals and your visitors must not cause or act in a way which is likely to cause people living, visiting or working in the locality of the Property to be harassed, abused or threatened</p>
<p>Not Included</p>	<p>Added at 8.3: You must not cause or act, or permit to cause or act in a way which is likely to result in Our employees being harassed, abused or threatened.</p>
<p>8.3 stated: “Interference with the peace or comfort of any other person because of a person’s sexuality, gender, gender reassignment, colour, race, age, nationality, ethnic or racial origins, disability, religion, marital status or because they have HIV/AIDS”</p>	<p>8.3 changed to read: Interference with the peace or comfort of any other person because of a person’s sexuality, gender, gender reassignment, colour, race, age, nationality, ethnic or racial origins, disability, religion or marital status</p>
<p>9.1 stated: “Selling or conspiring to sell, possessing, storing, manufacturing or cultivating illegal drugs or other illegal substances”</p>	<p>9.1 changed to read: Possessing, selling or conspiring to sell, storing, manufacturing, cultivating or consuming illegal drugs or other illegal substances</p>

Not Included	<p>Added at 10.8:</p> <p>You must not store building materials within the curtilage of your property for an unreasonable amount of time</p>
<p>18.2 stated: “We must provide you with a copy of your Tenancy Agreement. We publish policies and procedures which you may see, together with a range of other information booklets on our website www.nwleics.gov.uk. These are available in hard copy upon request. The Data Protection Act 1998 provides you with the right to request information regarding your housing records. The Freedom of Information Act 2000, makes additional information available to you”</p>	<p>18.2 changed to read</p> <p>We must provide you with a copy of your Tenancy Agreement. We publish our policies and procedures which you may see, together with a range of other information booklets on our website www.nwleics.gov.uk. These are available in hard copy upon request. The Data Protection Act 2018 provides you with the right to request information that we hold about you. The Freedom of Information Act 2000, makes additional information available to you.</p>

2.0 CONSULTATION

- 2.1 Some of our tenants have participated in the review of the tenancy agreement. They are involved tenants from the Landlord Working Group and the Tenant and Leaseholder Consultation Forum and already have a broad understanding of the housing service.
- 2.2 In addition to this, all tenants have the right to be consulted on changes to the tenancy agreement. To this end, a letter to all tenants informing them of the review was sent in December 2018 which included a summary of the proposed changes and although many tenants contacted the Housing Service to discuss the changes, no amendments are required as a result. Tenants will also be issued with a copy of the approved version of the tenancy agreement if approved by Cabinet.
- 2.3 A copy of the proposed agreement attached as Appendix A.

3.0 NEXT STEPS

3.1 The next steps have been identified:

What	When
Notification to all tenants*	By 30 April 2019
Staff awareness training*	May 2019
Revised tenancy agreement effective date*	3 June 2019

*subject to Cabinet approval

4.0 RESOURCE COMMITMENTS

4.1 The review of the tenancy agreement is being undertaken from within existing approved HRA budgets.

5.0 FINANCIAL IMPLICATIONS

5.1 There are no additional financial implications as a result of the review of the tenancy agreement.

6.0 COMMENTS FROM THE POLICY DEVELOPMENT GROUP

6.1 This report and the next steps referred to in section 3 above were considered by the Policy Development Group at its meeting on 6 March 2019. The comments of the group are attached as Appendix B.