

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **HOUSING OVERVIEW & SCRUTINY COMMITTEE**

DATE: **WEDNESDAY, 10 SEPTEMBER 2014**

REPORT BY: **CHIEF OFFICER, COMMUNITY AND ENTERPRISE**

SUBJECT: **TENANCY AGREEMENT CONSULTATION**

1.00 PURPOSE OF REPORT

- 1.01 The purpose of this report is to provide an overview of the formal consultation process in relation to the council's intention to introduce a revision of its tenancy conditions.
- 1.02 Members are requested to consider the document and note its content and support the final implementation of the new agreement.

2.00 BACKGROUND

- 2.01 The existing tenancy document used by the council has been in use for nearly 20 years. Legislation has developed during this time period which the existing tenancy document does not reflect.

Cabinet approved a revised tenancy agreement for Council Housing on the 19th July 2011. It was agreed at the time that the process of consultation and implementation would start after the Housing Ballot in Spring 2012.

This has been a complex and detailed piece of work which has been advised upon by both specialist external solicitors and the council's own legal team.

3.00 CONSIDERATIONS

- 3.01 The consultation period ran from March 2014 to May 2014. The consultation period was for two months to give tenants ample opportunity to read the documentation, attend any of the drop-in sessions or ask questions of council staff.

3.02 Consultation Methods

Tenant's Conference

The consultation was launched at the tenant's conference at The Civic Hall, Connahs Quay on 3rd February 2014. This included a presentation on the proposed agreement, along with copies of the

documents to be sent to tenants and an opportunity to come to a presentation stand to look at these and ask questions and give feedback.

Postal

A copy of the proposed tenancy agreement along with the preliminary notice of variation was sent to all tenants in March 2014. Accompanying these documents was a summary of the changes between the existing tenancy conditions and the proposed ones. In addition, a schedule of drop-in events which were held across the county in the consultation period was included in the pack.

Details of how customers could respond to the consultation along with a form for customers to complete were also sent.

Documents were provided in the medium of Welsh and English along with details of how the documents could be provided in other formats if required.

As a result of making the consultation documents available in other formats, a request was received to produce these in audio format for accessibility reasons. This was produced and provided to the customer requesting it.

Social Media & Flintshire County Council Website

Details of the consultation were posted on both the council's website and on the Housing in Flintshire Facebook page.

Drop-In Events

A series of 15 drop-in events was held throughout the consultation period. The details of these are as follows:

Date	Location
Friday 28th March	Saltney Ferry
Friday 28th March	Sealand Manor
Friday 28th March	Riverside park
Monday 31st March	Holway
Wednesday 2nd April	Treuddyn
Thursday 3rd April	Drury
Thursday 3rd April	Buckley
Wednesday 9th April	Saltney
Wednesday 9th April	Ewloe
Thursday 10th April	Mold
Thursday 10th April	Bagillt
Tuesday 15th April	Mostyn
Tuesday 15th April	Pen-Y-Ffordd (North Flintshire)
Thursday 17th April	Shotton
Thursday 17th April	Connahs Quay

- 3.03 The responses to the consultation were predominantly questions about how the tenancy agreement could be enforced, whether security of tenure was affected and whether ownership of tenant's homes would be affected by the changes.

Responses provided to tenants were that enforcement of the tenancy agreement would remain the same (pending new powers to tackle anti-social behaviour being introduced in law in October of this year). Security of tenure is not affected and Flintshire County Council would still be the landlord on introducing the new agreement.

Some customers used the feedback form to provide feedback on other issues and services. These were sent to the relevant departments and actioned.

The key area of concern from customers was the proposed condition that if they failed to give access for a pre-arranged appointment then a charge could be raised against them. Customer feedback was that this either needed to be reciprocal or excluded from the agreement.

One customer raised concerns regarding the legal provisions on tenants "right to manage" or "right to choose an alternative landlord". Legal clarification was sought from the council's solicitor and this feedback was provided to the customer who requested it. Of particular concern to the customer was tenants right to choose an alternative landlord which is a right provided by the Housing Act 1985.

Section 32 of the Housing Act 1985 is the statutory power provided to local authority landlords to dispose of land held for housing purposes.

To exercise that power (apart from in limited circumstances such the letting of housing land on a secure tenancy or the right to buy etc) consent must be given by Welsh Government. A lengthy and complex consultation process (like the one this authority went through a few years ago) would have to be followed and this would involve balloting the tenants.

Section 32 is applicable to Wales; however, the exercise of the power to dispose of housing land would be subject to consent from the Welsh Minister as opposed to the Secretary of State in England.

As the above relates to tenant's qualified legal rights, and not to a contractual term of the tenancy, it is not thought either necessary or appropriate to remove this section, particularly as one of the aims of the new agreement was to make tenant's legal rights more explicit.

Next Stage

The next stage of the process is to issue a notice of variation to all tenants. This will advise them of the outcome of the consultation

process and that the new agreement will take effect from 1st November 2014.

4.00 RECOMMENDATIONS

- 4.01 Members of this Committee are asked to consider the content of this report and support the final implementation stage of the new agreement which will involve writing to all tenants.

5.00 FINANCIAL IMPLICATIONS

- 5.01 Administrative and postage costs.

6.00 ANTI POVERTY IMPACT

- 6.01 No negative impact.

7.00 ENVIRONMENTAL IMPACT

- 7.01 No negative impact

8.00 EQUALITIES IMPACT

- 8.01 The documents have been made available in different formats and any format is available on request.

9.00 PERSONNEL IMPLICATIONS

- 9.01 None

10.00 CONSULTATION REQUIRED

- 10.01 As above, details of how the consultation has been used will be included in details to tenants.

11.00 CONSULTATION UNDERTAKEN

- 11.01 As detailed above.

12.00 APPENDICES

- 12.01
1. Copy of the proposed agreement
 2. Copy of the preliminary notice of variation
 3. Copy of the summary of changes

LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS

None

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