

Item No	Open	Date 9 th September 2003	Meeting Name Executive
Report Title		Review of Tenancy Agreements for Secure Tenancies	
Ward(s) or groups Affected		All	
From:		Strategic Director of Housing	

RECOMMENDATIONS

1. That Executive note the progress so far undertaken.
2. That the Strategic Director of Housing is instructed to proceed with the next stages of the consultation process including the report back to the next Tenants Council and the consultation exercise with individual secure tenants.
3. That a final report is referred to the Executive to consider the outcome of the consultation process and to confirm the changes and amendments to the secure tenancy. Those changes and amendments to be implemented from April 2004.

BACKGROUND INFORMATION

4. Tenants Council nominated representatives to form a working party supported by officers to review the existing secure tenancy agreement and to develop proposals to amend and update the Agreement.
5. The Working Party undertook this task over several months and drafted a report to the Tenants Council at its meeting on the 14th April 2003. The Working Party held a number of meetings to consider each element of the Tenancy Agreement. Experts were invited to attend the Working Party to provide advice and these are highlighted within Appendix 1 of this report.
6. The primary objective of the Working Party was to modernise the agreement. This included:
 - An attempt to simplify the contents
 - Focus on issues of particular concern to tenants and the Council. This included issues such as anti-social behaviour and parking.
 - To, where practical, reduce the contents of the tenancy agreement and concentrate issues of policy and statutory entitlement to a new edition of the Tenants Handbook. This handbook is to be timed for publication with the changes to the Agreement. It is intended to form a working party of tenant representatives and officers to develop the new Tenants Handbook once changes to the agreement have been finalised.

7. The findings of the Working Party were consolidated into a single document. This is attached as Appendix 1 to the report. These findings were presented to the Tenants Council on the 14th April 2003. The Tenants Council accepted the report and requested that the next stage of consultation take place by way of referral to each of the Neighbourhood Forums to allow for specific comments to be made on each of the new clauses.
8. This process is close to completion and the individual comments are contained within Appendix 2 of this report. This Appendix is presented clause by clause together with the comments of each Forum in instances where comments have been made.

KEY ISSUES FOR CONSIDERATION

Policy Implications

9. The proposed changes will require a complete review of all those individual policies and procedures currently in place that directly or indirectly relate to the existing tenancy agreement. However the intention is to develop a new Tenants Handbook which will address all policies contained within existing clauses as well as the new clauses. This Handbook will be the focal point for accessing information to all secure tenants about such policies.

Effect of proposed changes on those affected

10. The proposed changes will have a profound impact on secure tenants. These changes, described within the proposed agreement and the Tenants Handbook, intend to comply with the objectives summarised within paragraph 6 of this report.

Resource Implications

11. The changes that are proposed will have financial implications to the Housing Revenue Account. There will be an increased emphasis on enforcement and management of the tenancy agreement. This is highlighted by the detailed clauses on anti-social behaviour, parking and other tenancy obligations. Housing will have the primary responsibility for the management of the tenancy agreement. There is however an increasing emphasis being placed on other Council services, for example warden patrols, and the police services which will be used to highlight issues and work in partnership with Housing to manage individual problems.
12. The Best Value Review of Housing Management is now entering the implementation stage. The decision to develop an Area based service with a recognition that a specialist style of management will emerge will take into account the needs that will be generated by the proposed tenancy changes. Whilst this report is not intended to supersede or pre-empt the finalisation of the structure it is inevitable that tenancy management and enforcement will be a significant element of the Area service. A one-off provision of £155k is included in the 2003/4 HRA budget to fund changes to the tenancy agreement.

13. Any additional on-going resource requirements which cannot be contained within existing revenue budgets will be identified as part of the 2004/5 HRA budget setting process.

Consultation

14. A detailed description above has outlined the work so far undertaken in the consultation process. This is in keeping with the Councils statutory obligations contained within Section 104 of the Housing Act 1985.

The consultation process has generated a great deal of participation. There has been a range of views expressed about the proposals. It will be noted that a number of clauses have attracted particular attention and comment.

At the time of preparing this report all Neighbourhood Forums, with the exception of Leathermarket Gardens have completed the review process.

The next stage of the process will involve:

- A report back to the Tenants Council on the findings of the individual Neighbourhood Forums.
- Individual consultation with tenants.

The final stage of the process will require the Executive to consider the outcome of the full consultation process and to make a final decision on the changes that are to be made to the conditions of tenancy.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Notes & Minutes of Working Party meetings. Copy of existing secure tenancy agreement Copy of existing policies and procedures for housing management services	Southwark Housing, Larcom Street Offices Walworth SE17	H.R.Marshall

APPENDIX A

Audit Trail

Lead officer	C.Brown Acting Head of Housing Management Services	
Report Author	H.R.Marshall Divisional Housing Manager	
Version	Final version	
Dated	29th August 2003	
Key Decision	Yes	
CONSULTATION WITH OTHER OFFICERS/DIRECTORATES/EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Borough Solicitor & Secretary	yes	consultation incorporated
Chief Finance Officer	no	no
List other officers here		
Executive Member	yes	consultation incorporated
Date final report sent to Constitutional Support Services	28 th August 2003	