

## **ITEM 6 - DEPUTATION REQUEST FROM TENANTS COUNCIL – VARYING SOUTHWARK’S CONDITIONS OF TENANCY**

### **Comments from the Strategic Director of Environment and Housing**

14. From September 28 2009 a preliminary notice of variation was served to all individual tenants (not just each household) in accordance with the terms of Southwark’s conditions of tenancy.
15. The decision to use a distributing company to post the notices instead of hand delivering the documents was based on feedback received in 2003 when this process was last carried out and issues arose regarding the reliability of the hand delivery method.
16. Whilst the council believes the notices were served in accordance with the tenancy agreement and statutory requirements, in view of the representations and deputation, the council is sending out a further preliminary notice to all tenants including the full text of the proposed changes to be read together with the September documents and inviting any further comments to be received by January 18 2010.
17. Further copies of the September documents can be obtained by visiting the Council’s one stop shops, viewing or downloading from the council’s website or upon request by calling 0800 952 4444 or by emailing [tenancyagreement@southwark.gov.uk](mailto:tenancyagreement@southwark.gov.uk)
18. The borough and bankside area housing forum’s motion was not received before the draft agenda was issued for this meeting and so did not appear on the agenda. However, the issues it raised were discussed at length during the meeting on the November 30 2009.
19. In 2003, tenants were given a sixty page booklet containing the current text and proposed text of the conditions of tenancy, the council only received 128 tenant responses. It was deemed by the number of responses and comments received that this format was not accessible. This feedback was considered when the format for the current preliminary notice was drafted.
20. Section 103 (2) (b) states that the landlord must ‘specify the variation and its effect’. The council felt that this could be achieved without sending the full text of the proposed new clauses to every tenant, instead summarising each current clause, the change the council was proposing to make and its effect. The notice letter advised that a copy of the full text together with additional documents could be seen and downloaded from our public website or obtained on request by telephone call or email.
21. It was hoped that this would make the document more accessible and correspondingly increase the number of responses received from tenants – which it did -an increase from 128 to 379. It was also an approach used successfully by a number of other local authority landlords.
22. However the council has noted the concerns of the Southwark Group of Tenant Organisations and Tenant Council and the council is therefore sending out a further preliminary notice to all tenants including the full text of the proposed changes to be read together with the September documents and inviting any further comments to be received by January 18 2010. Further copies of the September documents can be obtained from the one stop shops or on request by telephone or email and viewed or downloaded on-line from on the council’s

website. Any further comments will then be considered as part of the consultation process.

23. The deputation refers to a 10 yearly review of the tenancy agreement due in 2013. It is understood that officers in 2003 may have advised that a review would be carried out *at least* every 10 years but best practice as communicated by the Charter Institute of Housing, advises a tenancy agreement should be reviewed and updated every 4-5 years.

24. The Audit Commission Tenancy and Estate Management KLOE states an excellent authority:

*'Updates the tenancy agreement, conditions of tenancy and the Tenants' Handbook to take account of changes in the law, regulatory requirements, and its own policy or procedures in a timely fashion'.*

25. The first briefing that was circulated to all area housing forums in May 2009 and subsequently to Tenant Council in July 2009 stated the following three broad themes as the reviews objectives.

- The incorporation of changes in legislation and legal obligations
- Ensuring compatibility with all London Borough of Southwark policies and procedures introduced or amended since 2004.
- Making tenancy agreement more user friendly.

26. The same briefing included a summary of the proposed changes which referenced dog chipping and the removal of an automatic right to two successions of tenancy.

27. The council therefore believes that the purpose and scope of the review was clearly and openly communicated from the outset.

28. The council cannot pay for legal advice advising against the council itself as this represents a conflict of interest.

29. In previous tenancy agreement reviews the Southwark Group of Tenant Organisations secured legal advice and the council encouraged this course of action. The decision on whether or not tenant representatives seek legal advice rests with the tenant's movement itself.