

AMENDMENTS TO TENANCY AGREEMENT

1 SUMMARY

- 1.1 On 8th January 2004 Committee agreed in principle to a number of changes to be made to the Tenancy agreement. Members were advised that should tenants not agree with any of the proposals that a follow up report would be submitted.

2 INTRODUCTION

- 2.1 Following Committee decision, a full consultation exercise was carried out. Each resident received a voting form to register their opinion on each proposed amendment and the matter was raised at each Tenants Association meeting to promote discussion and understanding of the issues.

3 DETAILED CONSIDERATION

- 3.1 Each Council property had a voting form delivered to them with Your Home by 21st March giving one month to respond. By 21st April 2004, 762 out of a possible 1779 tenancies had responded, (43%).
- 3.2 Leaseholders were not given a vote because the terms of their leases do not specify the exact re-painting period and any amendments will not require an amendment to their lease.
- 3.3 The results of the survey were as follows:

Question	Agree	Disagree
1. To make glazing your responsibility	79	669
2. To reduce painting in communal areas of Sheltered Schemes from five to seven years unless recommended to be done by the Surveyor	604	146
3. To reduce painting in communal arrears of general blocks from five years to 'as often as necessary and as circumstances dictate'	622	89
4. To introduce a non-urgent repair priority rating. These items will become part of a long-term plan to improve the overall appearance of the property.	596	157
5. To make the responsibility for blockages to waste pipes inside the property the Council's responsibility and not yours.	699	58
6. To make the responsibility for installing loft insulation the Council's responsibility and not yours.	700	45

- 3.4 Whilst the negative response to making glazing tenants responsibility is still less than half the possible tenants, there is obviously a strong feeling against this proposal, 88% of those who responded voted against this proposal.
- 3.5 Many of those who voted against assuming responsibility for glazing were old aged pensioners living in Sheltered flats who were naturally concerned with the cost of having to repair double glazed windows.
- 3.6 As the residents are strongly against this proposal it is proposed that this change to the tenancy agreement be dropped. Instead a clause will be introduced into the Tenancy agreement, which clearly states that if a breakage of windows is caused deliberately, wilfully or negligently by the tenant, his/her family or visitors, then a re-charge of the repair will be made.

4 RISK MANAGEMENT

4.1 Resource Risk

By retaining the glazing responsibility the Council is committing to approximately an additional £1500 per annum expenditure.

4.2 Operational Risk

A training programme of the staff dealing with repair issues will have to be undertaken to ensure that the new system is adhered to.

4.3 Reputation Risk

Failure to consider the vote against the glazing and implementing it anyway could result in adverse publicity.

4.4 Information Risk

Changes to the Tenancy Agreement will be advertised in Your Home so that all tenants are made aware of the result of the survey and the changes to be implemented.

5 RESOURCE IMPLICATIONS

- 5.1 New amended tenancy agreements will be issued to each tenant at a cost of approximately £1100.

6 LEGAL IMPLICATIONS

- 6.1 The terms of a secure tenancy are that any amendments must be reasonable and can only be varied by agreement between the landlord and the tenant following statutory consultation. If only changes 2 to 6 occur which were supported by the majority of tenants there should be little chance of a successful appeal.

7 RECOMMENDATION

7.1 It is proposed that the Committee **RESOLVES**

- (1) To agree that the tenancy agreement should not be amended to include glazing becoming the responsibility of tenants.
- (2) To agree that all the other proposed amendments to the tenancy agreement agreed on 8th January 2004 be confirmed as accepted following the full consultation.

Steve Clarkson

Head of Revenue and Housing Management

Background Papers:

Survey ballot papers

For further information please contact Steve Clarkson on:-

Tel:- 01702 318005

E-Mail:- steve.clarkson@rochford.gov.uk