

# Nottingham City Council Delegated Decision



**Nottingham**  
**City Council**

Reference Number:	1713
Author:	Leon McLean
Department:	Development
Contact:	Leon McLean (Job Title: Partnership Officer, Email: leon.mclean@nottinghamcity.gov.uk, Phone: 01158765055)
Subject:	Amendment to the Nottingham City Council Introductory and Secure Tenancy Agreement
Total Value:	Nil (Type: Nil)
Decision Being Taken:	To agree amendments proposed to the Nottingham City Council tenancy agreement

**Reasons for the Decision(s)**

**The Council as a landlord needs to continually keep its tenancy agreement and policies under review to ensure that such documents:**

- 1. Reflect changes in legislation**
- 2. Remain fit for purpose**
- 3. Remain robust and an effective tool in allowing the Council or Nottingham City Homes to manage its housing stock and the relationship with its tenants**

**More recently, it has been identified that there is a need to review the tenancy agreement used for both Introductory and Secure tenants of Nottingham City Council. The review has been influenced by a number of national changes to legislation.**

**An integral part of the review by Nottingham City Homes (NCH) was to consult with all tenants to consider their views on the proposed changes. As well as seeking the views of established tenant forums, consultation is planned in line with section 105 of the Housing Act 1985 and section 103 of the Housing Act 1985 by way of a preliminary Notice of Variation.**

**The preliminary variation notice was delivered to every tenant (Section 103 1985 Housing Act) in February 2014 asking for comments, and a 5.5% feedback response received. Following this feedback, a number of changes to the variation notice were proposed.**

**The most significant changes to the agreement are detailed below, but not limited to:**

**Access: Alongside permitting access to our staff, NCH and utility companies, the clause has been enhanced to inform tenants access must be allowed to members of the Fire Service or Police for the purpose of inspection and /or assessment, or carrying out essential work.**

**Smoking in your home: The clause has been enhanced to include "smoking in communal areas e.g. enclosed corridors, stairwells, lifts and enclosed entrance areas is illegal and as such is prohibited".**

**Paying your rent: Where a former or existing tenant is being rehoused and has former arrears or an outstanding repairs recharge on a Council property, the new tenancy agreement clearly details the agreed amount to clear previous debt(s) upon the commencement of the new tenancy.**

**Garden, hedges, fences and gates: It is now an additional requirement that tenants must not plant any climbing plants, which may damage the fabric of the building, and must remove self-seeding climbing plants and self-set trees e.g. ivy (NCH reserves the right to recharge for the cost of removal)**

**Conduct in your home, additional clauses as follows:1) Tenants must not park vehicles in their garden, yard on a grass verge, or any other place that would cause an obstruction2) Tenants must not store or charge mobility scooters in any communal areas. Mobility scooters can be stored in their home as long as they do not block access/egress routes3) Allow an accumulation of personal property in your home that may obstruct an inspection conducted by or on behalf of NCH, cause structural damage to the property, or pose an environmental health risk**

**Anti-social behaviour: the clause has been amended predominantly to include social media as follows: Tenants must ensure that their family, friends, visitors or any other people living at their home do not cause or behave in a way that is likely to cause, harassment, alarm, distress, a nuisance an annoyance, or disturbance to anyone in Nottingham either directly or indirectly. This includes but is not limited to communication by letter, telephone, text message, email or social media (such as Facebook or Twitter)**

**An additional clause on pets is as follows: You must get our written permission if you want to keep pet(s). You need to inform us with the details of your pet(s) (and working dogs i.e. guide or hearing dogs) before they are brought in the household.**

**To understand further changes to the tenancy agreement, reference needs to be made to the variation document which sets out the full proposed changes. (background document)**

**All the proposed changes have been proposed in order to provide further clarity surrounding the rights and obligations for tenants and for NCH that manages the tenancies.**

**Other Options Considered:** Do nothing - This option was discounted as Nottingham City Homes would not be able to enact flexibilities made available by the Localism Act 2011.

**Background Papers:** Variation to tenancy agreement

**Unpublished background papers:** Notice of Variation & Tenancy agreement proposed amendments\_Aug 2014.pdf

**Published Works:** Housing Act 1985  
Localism Act 2011

**Affected Wards:** Citywide

**Colleague / Councillor Interests:**

**Consultations:** Date: 21/07/2014  
Other:  
Will Morritt (Nottingham City Homes)  
The amendments to the tenancy agreement enables Nottingham City Homes to continue to be abreast of Government legislation. It also provides the opportunity to use new powers as set-out in the Localism Act 2011 and other general legislative changes.

Those not consulted are not directly affected by the decision.

**Crime and Disorder Implications:** The strengthened provisions in relation to ASB and hate crime are expected to assist in developing positive relations between different equality groups in our neighbourhoods.

**Equality:** Please login to the system to view the EIA document: EIA Tenancy Policy and Tenancy Agreement final 270614.doc

**Decision Type:** Portfolio Holder

**Subject to Call In:** Yes

**Call In Expiry date:** 10/11/2014

**Advice Sought:** Legal, Finance, Equality and Diversity

**Legal Advice:**

I confirm that the proposed changes to the tenancy agreement are necessary due to past and present changes in legislation around Housing and matters affecting housing stock . Legislation including the Anti-social Behaviour, Crime and Policing Act 2014; Prevention of Social Housing Fraud Act 2013 and Localism Act 2011 have been considered in drafting the proposed changes to the tenancy agreement. Changes have also been necessary to encompass problems that have arisen in enforcing tenancy terms and conditions . Tenancy terms have been tightened to deal with this. I am satisfied that the changes are necessary and that the appropriate legal advice has been sought and given.

Jacqueline Heffron  
Senior Solicitor  
Housing, Employment & Education Team  
Legal Services

**Finance Advice:**

The policy changes have no direct financial impact as no expenditure is required.

Advice provided by Julie Dorrington (Finance Analyst (Housing)) on 27/08/2014.

**Equality and Diversity Advice:**

Any disproportionate impacts on BME and disabled/elderly tenants will need to be monitored closely and remedial action or reasonable adjustment made accordingly.

Whilst proposals seek to be made for the benefit of tenants, it is important that already vulnerable groups do not face a detriment and wherever necessary appropriate support is provided.

Advice provided by Adisa Djan (Equalities and Diversity Consultant) on 22/08/2014.

**Signatures**

Dave Liversidge (PH Community Safety, Housing and Voluntary Sector)

SIGNED and Dated: 03/11/2014

David Bishop (Deputy CE, CD for Development and Growth)

SIGNED and Dated: 31/10/2014