

**Bolsover District Council**

**Meeting of the Customer Services Scrutiny  
Committee on 21<sup>st</sup> March 2022**

**Tenancy Agreement  
Report of Victoria Dawson, Assistant Director Housing Management and  
Enforcement**

<b>Classification</b>	This report is Public
<b>Report By</b>	Victoria Dawson, Assistant Director Housing Management and Enforcement , 01246 242231
<b>Contact Officer</b>	Victoria Dawson, Assistant Director Housing Management and Enforcement , 01246 242231

**PURPOSE/SUMMARY OF REPORT**

The purpose of this report is for the Customer Services Scrutiny Committee to consider and feedback on the draft tenancy agreement. The Committees comments will be considered as part of the formal consultation of the draft agreement.

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**REPORT DETAILS**

**1. Background**

- 1.1 The tenancy agreement is the document that defines and governs the contractual relationship between landlord and tenant. It contains the rights and obligations of both parties, which reflect statutory requirements imposed upon the landlord by the Housing Act 1985 and contractual requirements imposed through the agreement itself.
- 1.2 The purpose of the tenancy agreement is to set out clearly each party's rights and responsibilities and provides the basis for either landlord or tenant to enforce non-performance of any obligation or refusal of the exercising of any right.
- 1.3 Apart from setting out clearly statutory rights and responsibilities, the tenancy agreement also has to fulfil other conditions, notably the requirements of the Unfair Contract Terms Act 1977.
- 1.4 The Council's existing tenancy agreement is more than a decade old. It is considered good practice for landlords to revise their tenancy agreements on a regular basis. Changes in legislation, regulation and accepted good practice are also reasons why tenancy agreements should be revised.

## **2. Details of Proposal or Information**

- 2.1 The existing tenancy agreement is attached as Appendix 1; and the draft new tenancy agreement is attached as Appendix 2. The changes proposed are summarised below and in the attached summary documents at Appendix 3.
- 2.2 The existing tenancy agreement is split into 3 sections, The Terms, the Tenant's rights and obligations and the Landlord's obligations and rights.
- 2.3 The new tenancy agreement is divided into **nine** very clear and distinct sections focusing on landlord's and tenant's rights and obligations, with a welcome page.

Section 1: Definitions - an explanation of words used in the agreement

Section 2: Your Tenancy – captures commencement date and all applicable charges as well as tenants and household members, and property details.

Section 3: Paying your rent

Section 4: Using your property

Section 5: Repairs and Maintenance

Section 6: Nuisance and Anti-Social Behaviour

Section 7: Moving home or Ending the tenancy;

Section 8: Notices

Section 9: Signature and declaration

- 2.4 The overall structure and format changes are designed to make the agreement easier for the tenant to read and find key information. Within each section every paragraph is individually numbered so as to provide an easy method of referencing and cross-referencing.
- 2.5 The new draft agreement also reflects current legislation and removes some points within the existing agreement that are either now out of date or inappropriate.
- 2.6 The changes fall into two broad categories additional clauses that do not have any equivalent in the existing Agreement or existing clauses re-written, clarified, expanded upon and/or strengthened to support enforcement action.

## **3. Reasons for Recommendation**

- 3.1 The new tenancy agreement sets out the required information more clearly and logically for tenants. It protects the tenant's right to quiet enjoyment of their homes.
- 3.2 It addresses deficiencies in the existing agreement as a result of a number of legislative changes and updates both Council rights and obligations as a landlord, as well as the tenants' rights.
- 3.3 This agreement strengthens our ability to enforce conditions of tenancy against those who wilfully and/or persistently fail to abide by them.

#### 4 Alternative Options and Reasons for Rejection

- 4.1 To do nothing and to continue to operate using the existing, outdated tenancy agreement would mean that the Council will not have a modern, easily understandable, fit for purpose, tenancy agreement in place.

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#### RECOMMENDATION(S)

1. That Members review the attached draft new tenancy agreement and provide comments for consideration as part of the formal consultation.

Approved by the Portfolio Holder - Cllr Peake, Executive Member for Housing

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#### IMPLICATIONS:

**Finance and Risk:** Yes  No

**Details:**

All costs incurred will be met from within existing HRA Budgets.

On behalf of the Section 151 Officer

**Legal (including Data Protection):** Yes  No

**Details:**

As set out in the report.

On behalf of the Solicitor to the Council

**Staffing:** Yes  No

**Details:**

There are no staffing implications contained within the report

On behalf of the Head of Paid Service

#### DECISION INFORMATION

<b>Is the decision a Key Decision?</b> A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:  <b>Revenue - £75,000</b> <input type="checkbox"/> <b>Capital - £150,000</b> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
<b>Is the decision subject to Call-In?</b> <i>(Only Key Decisions are subject to Call-In)</i>	No

<b>District Wards Significantly Affected</b>	No
<b>Consultation:</b> <b>Leader / Deputy Leader</b> <input type="checkbox"/> <b>Executive</b> <input checked="" type="checkbox"/> <b>SLT</b> <input type="checkbox"/> <b>Relevant Service Manager</b> <input type="checkbox"/> <b>Members</b> <input type="checkbox"/> <b>Public</b> <input type="checkbox"/> <b>Other</b> <input type="checkbox"/>	Details:

<b>Links to Council Ambition: Customers, Economy and Environment.</b>
Customer Services – increasing customer satisfaction with our services, providing good quality housing where people chose to live

<b>DOCUMENT INFORMATION</b>	
<b>Appendix No</b>	<b>Title</b>
1	Current Tenancy Agreement
2	Draft Tenancy Agreement
3	Summary of Change document

<b>Background Papers</b>
<i>(These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Executive you must provide copies of the background papers).</i>