

**REPORT TITLE: VARIATION TO THE TERMS OF TENANCY AGREEMENT**

<b>Meeting</b>	Cabinet
<b>Date</b>	8 <sup>th</sup> July 2025
<b>Cabinet Member</b>	Cllr Moses Crook Deputy Leader and Transport and Housing
<b>Key Decision Eligible for Call In</b>	Yes Yes
<b>Purpose of Report</b> To seek Cabinet approval to vary Kirklees Council's Tenancy Agreement.	
<b>Recommendation</b> That Cabinet approve the variation to the Council's Tenancy Agreement and if approved, this change takes effect from Monday 18 <sup>th</sup> August 2025.	
<b>Reasons for Recommendation</b> The Tenancy Agreement is the legal contract between the Council and its tenants, the agreement sets out both the tenant's and the Council's rights and responsibilities. Under Section 102/103 of the Housing Act 1985, the Council has recently concluded a statutory consultation regarding the proposed amendments to the Council's Tenancy Agreement. The feedback from this statutory consultation is summarised in this report. Given the responses provided Cabinet is asked to approve the variation to the current Tenancy Agreement.	
<b>Resource Implications</b> There will be financial costs incurred as part of this process. Letters will be sent to all tenants (circa 21,500) by 2 <sup>nd</sup> class post on two occasions.	
<b>Date signed off by <u>Executive Director</u> &amp; name</b>	David Shepherd - Place SLT 14 <sup>th</sup> May 2025
<b>Is it also signed off by the Service Director for Finance?</b>	Kevin Mulvaney 24 <sup>th</sup> June 2025
<b>Is it also signed off by the Service Director for Legal Governance and Commissioning (Monitoring Officer)?</b>	Samantha Lawton 25 <sup>th</sup> June 2025

**Electoral wards affected:** All

**Ward councillors consulted:** A Councillor Briefing was sent in April 2025 as part of the formal consultation.

**Public or private:** Public – Appendix 2 is Private

**Has GDPR been considered?** Yes. Appendix 2 is not to be published online.

## 1. Executive Summary

- 1.1 The terms and conditions of Kirklees Councils (KCs) Tenancy Agreement (TA) were last reviewed in 2016 and 2022. The variations made at that time were for the frequency of when rent payments should be made. The last variation in 2022 was for rent payments to be made weekly in advance rather than monthly.
- 1.2 The remaining terms and conditions of the TA have not been comprehensively reviewed for some time and not since the former ALMO (KNH) moved back into the control of KC in April 2021.
- 1.3 The review is necessary to ensure the TA reflects up to date policy, practice, and regulations. It needs to provide clarity about a tenant's rights and their responsibilities. The current TA also needs to provide clarity on:
  - The right to access properties for periodic visits and tenancy reviews
  - The right to access properties for essential work or compliance checks
  - Responsibilities for different types of repairs, and approach to costs & recharge
  - Making tenant responsibilities clear and how we will address neglect, damage to property including tampering of electric meters, smoke detection equipment etc
  - Rent and Service Charges
  - Domestic Abuse, Safeguarding
  - Social Housing Fraud
  - How Tenants can engage with us
  - The Tenants right to complain
- 1.4 There is a statutory duty under Section 103 Housing Act 1985 to consult all tenants likely be affected by a change in an area of housing management. A variation to the conditions of the TA therefore requires a full tenant consultation exercise.
- 1.5 The statutory process provides tenants with the opportunity to comment on the proposed variation and requires KC to consider these comments. The review also offered an opportunity to engage meaningfully with our tenants, in accordance with the Regulator of Social Housing (RSH) Consumer Standards for social housing providers, allowing their views on the proposed changes to be heard, given the TA is the legal contract between the Council and tenant and details the tenant's rights and responsibilities and the Council's rights and responsibilities
- 1.6 In compliance with Section 103 of the Housing Act 1985, the statutory consultation took place over a 28-day period ending on Friday 9<sup>th</sup> May 2025. The Preliminary Notice, a document outlining the changes to the TA, and a set of frequently asked questions were posted to all tenants, inviting them to comment on the proposed changes (**Appendix 1**). Tenants had the opportunity to respond in the following ways:
  - By completing a questionnaire via a dedicated consultation webpage on the Council website
  - By e-mail
  - By completing a feedback form at the back of the Preliminary Notice and posting this to the council
  - By telephone or face to face with Housing Management Staff

1.7 Whilst the consultation ended on Friday 9<sup>th</sup> May 2025 any replies received after this date will continue to be incorporated into subsequent reports on the Cabinet flightpath for 8<sup>th</sup> July 2025.

## **2. Information required to make a decision**

2.1 Outcomes from the consultation. As at noon on Wednesday 18<sup>th</sup> June 2025, 798 consultation responses had been received. The following provides a summary of responses relating to each section of the TA. A copy of the responses provided is shown in **(Appendix 2)**.

### **2.1.1 Rent**

#### Proposed changes

The TA variation provides clarity on how service charges will be applied and what tenants must pay. It allows the council to introduce service charge payments at any point in the year for service charges not already claimed from tenants, to cover reasonable block and estate costs, such as communal cleaning, communal grounds maintenance and communal lighting etc.

Whilst not directly included in the TA the frequently asked questions explained that should this tenancy variation be adopted then the Council intends to introduce a service charge for communal grounds maintenance that will be limited to a maximum amount of up to £1.00 a week in 2025/26.

#### Summary of responses

The most common theme is that tenants do not agree with paying a service charge for communal grounds maintenance. Concerns were raised around the quality of the current service and that if a service charge is levied then the quality should improve. To provide some context, the results from the informal consultation undertaken in summer 2024 to introduce a service charge for communal grounds maintenance reflected the same concerns, with 70% of respondents disagreeing with the proposal to introduce a charge and 24% stating they felt the current service is poor.

Concerns were also raised around what the service charges will cover, and that these additional charges could be open ended. There were concerns raised about rising rents and service charges, which are becoming unaffordable and causing hardship for tenants.

Respondents stated they have a right to be formally consulted if any new service charges are introduced. Social landlords must provide at least one month's notice written notice before implementing service charges.

Help and support is available to any tenant facing hardship or requires additional support, in doing so protects our most vulnerable tenants.

#### Additional Variation

Kirklees Council currently runs weekly tenancies from Monday to Sunday, with new tenants unable to move in until the following Monday if they sign up after a Monday. This causes inconvenience and additional costs for temporary accommodation and void rent loss. The proposed change allows tenancies to start any day between Monday and Friday, enabling immediate occupancy and reducing void-related costs. The TA will be

updated so that rent is due each Monday in advance, with the first rental payment prorated based on the start day of the tenancy.

Consultation with existing tenants is not required as this change only affects new tenants. The council will be required to proportion the rent due, if the tenancy is not commenced on a Monday, and provide the information on the tenancy agreement together with the full weekly rental liability. Training will be required for housing officers, so they are aware of the need to document any proportioned rent together with the full weekly rental liability.

### **2.1.2 Repairs**

#### Proposed change(s)

The TA variation is more prescriptive on what repairs the council is responsible for and what the tenant is responsible for and a list of these will be published. The TA also directs the tenant to read the Councils Repair and Maintenance Policy for more information, including information on how often the Council will paint the exterior of properties.

#### Summary of responses

Of the responses, we did receive some positive feedback with regards our repairs service. Some responses referred to damp, mould and condensation concerns. The other comments were about delays with repairs and them taking too long to complete, remaining incomplete, or still waiting to be undertaken.

There were also concerns around the condition of fixtures and fittings that need replacement and were out of date. A number commented about how often planned maintenance programmes should take place with a lack of painting highlighted several times. Suggestions include providing an online option to upload photos/videos of repairs needed, and that we should provide a list of what the council and the tenant is responsible for. There was also a comment about KC checking property conditions annually, and a suggestion that KC should offer items to be sold to tenants with a pre-payment agreement.

### **2.1.3 Access**

#### Proposed change(s)

The TA variation enhances the Council's authority to enter a tenant's home for addressing repair issues and any health and safety concerns. Tenants must also allow access for an annual home visit to be undertaken. In either case failure to allow access may result in legal action being taken.

#### Summary of responses

Feedback was generally positive in relation to allowing access to undertake repairs etc. Although, one respondent felt the council made it difficult for tenants when arranging access for repairs as the appointments are too vague and should take more account of tenant commitments.

There were comments made about the need for KC to consider tenant vulnerabilities and make reasonable adjustments when access is required.

There were also concerns raised around the increased use of CCTV/ring doorbells and the need for permission, given privacy issues.

### **2.1.4 Using your home and keeping you safe**

#### Proposed change(s)

The TA variation provides more clarification on a range of tenant responsibilities and how the council will address significant safety concerns, around the storage of items, accumulations of refuse, neglect and damage to property including tampering of electric meters, smoke detection equipment etc.

It outlines in more detail what prescribed items tenants can keep in the property and that permission must be sought for certain items such as a mobility scooters/ motorised wheelchair. If the safety rules are compromised this puts resident at risk, and legal proceedings will be taken. This means that the tenant could be at risk of losing their home or subject to criminal proceedings.

#### Summary of responses

There is a general agreement on the proposed changes, in relation to the storage of items such as e-scooters, flammable substances etc, the unauthorised use of communal grassed areas and storage of junk and litter.

Some respondents referred to tenants leaving bags of rubbish outside of their properties, and that some tenants allow their pets to foul in communal areas and fail to clear it up.

Several respondents believe unannounced visits are necessary to inspect property conditions, as mentioned in 'Repairs' above. Responses also included references to the quality of the communal grounds' maintenance service.

### **2.1.5 Anti-Social Behaviour**

#### Proposed change(s)

The TA variation strengthens the Councils approach when dealing with ASB and refers directly to the ASB policy. Tenants must adhere to the requirements set out in this section failing which legal action may be taken to end their tenancy. The impact on tenants who may suffer or be a perpetrator of Domestic Abuse is that if reports are made, these will be escalated to the Police and other agencies that can offer support and advice. If Domestic Abuse causes anti-social behaviour within the community, action will be taken to remove the perpetrator.

#### Summary of responses

The responses are very clear in that most tenants who responded to this section feel that ASB, litter, fly tipping, drug taking and dealing, criminal activity and damage does not appear to be dealt with and needs improvement with better and swifter enforcement

### **2.1.6 Flats, maisonettes and shared areas**

#### Proposed change(s)

The TA variation states that tenants must adhere to the provisions requiring communal areas, balconies and alleyways to be kept clear of rubbish failing which legal action may be taken. Tenants will be expected to dispose of rubbish using chutes or refuse bins.

#### Summary of responses

Tenants generally agree with the proposals. The standard of communal grounds maintenance was again referred to. Dog fouling, the quality of the maintenance of communal areas, and car parking were also raised as concerns.

The need for KC to undertake regular tenancy checks was raised

## 2.1.7 Animals

### Proposed change(s)

This proposed change outlines the need for tenants to be responsible for their pets. They must ensure that pets are well cared for and not left to stray or tied up in communal areas, in gardens, or on balconies. The impact on tenants is that if they have pets, they are responsible to clean away faeces and any mess left by them and ensure that they do not cause a nuisance. Tenants will be required to seek permission from the council for keeping a dog or cat(s). There will be an impact on tenants who breed animals as this will not be permitted

### Summary of responses

The responses are very clear in that most tenants who responded to this section feel that nuisance pets, mainly dogs are not dealt with and that the Pet policy needs to be better enforced.

Respondents suggested that dogs should not be allowed in flats and that there should be a limit on the number of pets in a household.

Two responses have referred to tenants feeding pigeons which results in excess bird droppings and the risk of rodent infestation.

## 2.1.8 Vehicles and parking

### Proposed change(s)

This change will impact tenants as it could restrict the type of vehicles they park within the boundary of their property. The proposal will impact tenants who have not requested permission for dropped kerbs so they can park vehicles in their garden.

### Summary of responses

Most respondents raised concerns about the lack of car parking and that anyone is allowed to park anywhere. A respondent suggested introducing permit parking and/or for the council to provide more parking.

## 2.1.9 Leaving your home and ending the tenancy

### Proposed change(s)

This proposed change will affect tenants who fail to make contact when it is suspected their tenancy has been abandoned. The TA variation also provides clarity on a tenants' succession rights and will only entitle certain people to succeed to the tenancy provided they have lived with the deceased tenant for set times prior to the death of the tenant. Tenants who succeed may be required to move to suitable alternative accommodation if the property is too large for the remaining occupier(s) following a death of either tenant.

### Summary of responses

Respondents raised that they needed more clarity on what to do if a tenant passes away.

Some respondents said that they liked living where they did and didn't want to end their tenancy. Other responses stated that they may wish to purchase their property through the Right to Buy in future.

## 2.1.10 Information, consultation and participation

### Proposed change(s)

The TA variation updates how tenants personal data will be stored and used by the council to assist with the effective management of its properties.

#### Summary of responses

No issues raised in this section, but some respondents said there needed to be communication and consultation with tenants more on a local basis, not just via on-line methods. Respondents also asked for more feedback on initiatives or consultations.

### 2.1.11 Notices

#### Proposed change(s)

Updated with a new PO Box address.

#### Summary of responses

No issues were raised with this section, although some respondents stated that any Notices should be clear, easy to understand, and in formats to support those with disabilities or language barriers.

### 2.1.12 Fraud

#### Proposed change(s)

This is an entirely new section that has been added to outline how the council will deal with cases of suspected tenancy fraud.

#### Summary of responses

No issues were raised with this section and tenants are supportive of the inclusion in the tenancy agreement. A respondent raised that consideration should be given for those who may commit fraud but are unaware they have done so.

The feedback provided at this stage of the consultation period does not highlight any specific concerns about the proposed variations to the TA. However, the feedback in relation to service charges for communal grounds maintenance, how we arrange repair appointments, and our response to ASB does provide an insight into the areas of service delivery tenants are not satisfied with.

The feedback from tenants is greatly appreciated and provides clarity on the key areas of concern that tenants have with the service, and where improvements need to be made.

If the proposed variations to the TA are supported, a revised TA has been developed for consideration and approval. (**Appendix 3**).

## 3. Implications for the Council

### 3.1 Council Plan

The review and any proposed variations to the existing terms and conditions of the TA supports the key principles of the Council Plan. It ensures we get the basics right, take responsibility, focuses on customers, collaborates, connects, listens and responds.

### 3.2 Financial Implications

There will be financial costs incurred as part of this process. Letters will be sent to all tenants (circa 21,500) by 2<sup>nd</sup> class post on two occasions.

The postage costs for the first batch of letters cost £54,961.48 and a similar cost is expected when the next set of letters are sent.

### 3.3 Legal Implications

The general power of management of its housing stock is vested in KC by section 21 of the Housing Act 1985. Section 103 of the Housing Act 1985 enables a local authority to vary the terms of a TA by serving a notice of variation on each tenant. KC has complied with the prerequisite to the notice of variation, this being the service of the preliminary notice (see 1.6 above) and inviting tenant consultation on the proposed changes.

If Cabinet approves the proposed amendments to the TA, then Section 103 of the Housing Act 1985 requires a Notice of Variation to be served on all tenants informing them of (i) the variation affected by the notice and (ii) the date on which the variation shall take effect. It is important to note that the period between the date on which it is served and the date on which it takes effect must be at least four weeks given that KC operate a weekly period tenancy.

KC must also ensure that the notice of variation, when served, should be accompanied by such information as KC considers it necessary to inform the tenant of the nature and effect of the variation. For example, this should include details of any increase in weekly payments payable by any tenants.

### 3.4 Climate Change and Air Quality

Not applicable.

### 3.5 Other (e.g Risk, Integrated Impact Assessment or Human Resources)

The revised TA has been drafted following support and advice from Legal Services. The statutory tenant consultation closed the 9<sup>th</sup> May 25, and to date no major objections have been received, or have any specific risks been identified with the proposed conditions.

Although the consultation period has ended, any further feedback will continue to be incorporated into subsequent reports on the Cabinet flightpath.

An Integrated Impact Assessment was approved and published on 30<sup>th</sup> April 2025, and no adverse impacts were identified - [IIA-697989281](#).

## 4. Consultation

Please see paragraphs 2.1.1 to 2.1.12 above which outlines feedback from the consultation. All consultation responses can be found in (**Appendix 2**).

## 5. Engagement

This report and the outcome of the tenant consultation will be presented at the following meetings for the flightpath to Cabinet on the 8<sup>th</sup> July 2025. Although the tenant consultation deadline for feedback is the 9<sup>th</sup> May 2025, any feedback after this date has continued to be updated in reports on the flight path to Cabinet.

Any feedback from tenants that raises concerns about areas of service delivery will be reviewed and used to inform future improvements.

## 6. Options

Although the existing TA meets KCs Landlord obligations, it has not been fully reviewed for some time and parts of the agreement are no longer in keeping with the services delivered. This review focussed on whether clauses need adjusting, removing, or adding.

## **Options considered**

There are no alternative options other than to retain the current Tenancy Agreement, but this needs to be updated to enable KC to undertake its obligations in relation to the Regulator of Social Housing, Consumer Standards.

## **Reasons for recommended option**

The recommendation to vary the Tenancy Agreement is made as there has not been a comprehensive review of the terms and conditions of the agreement since 2016. There has also not been a review since the former ALMO (KNH) moved back into the control of KC in April 2021.

The review is necessary to ensure the Tenancy Agreement reflects up to date policy, practice, and regulations. It also needs to provide clarity about tenant and landlord rights, and their responsibilities.

## **7. Next steps and timelines**

If Cabinet approve the recommendation made, a Notice of Variation to the Tenancy Agreement will be posted to all tenants with a copy of the new Tenancy Agreement.

There is a 28-day notice period before the new Tenancy Agreement can come into force.

## **8. Contact officer**

Lisa Ramsden, Head of Housing Management and Partnerships.  
Tel: 01484 221000 extension 72919 or Email: [lisa.ramsden@kirklees.gov.uk](mailto:lisa.ramsden@kirklees.gov.uk)

## **Background Papers and History of Decisions**

None.

## **9. Appendices**

- Appendix 1A,B,C - Preliminary Notice of Variation sent to tenants.
- Appendix 2 - Updated Consultation feedback from Tenants\*
- \*Appendix 2 is private and not to be published online.
- Appendix 3A,B,C - Draft Revised Tenancy Agreement (June 2025)

## **10. Service Director responsible**

Philip Jones for Homes & Neighbourhoods  
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