

Kirklees Council
PO Box 1720
Huddersfield
HD1 9EL

Date:

To: (Col C)
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Our Ref: (Col A)

Important information for all Kirklees Council tenants: Changes to the terms and conditions of your tenancy agreement

I wrote to you on xx February 2025 to tell you about proposed changes to your tenancy agreement (TA) which meant that there would be several changes to your tenancy agreement.

In my previous letter, I explained the nature of the changes and the Council's reasons for wanting to make the changes. I also invited you to comment on the proposed changes by 5.00pm Friday 9th May 2025 – this being the consultation period.

Consultation

We received responses from 798 tenants. The responses can be summarised as follows.

Rent

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.

The most common response was that tenants did not agree with the proposal to pay a service charge for communal grounds maintenance. Concerns were raised around the quality of the current service and it was stated that if a service charge is levied then the quality of the workmanship should improve. Tenants also raised concerns around what the service charges would cover, and that these additional charges could be open ended. Several concerns also referred to the rent and service charge increases resulting in affordability concerns for tenants resulting in hardship. Tenants also felt that they have a right to be formally consulted if any new service charges are introduced.

Repairs

The TA variation clarifies what repairs the council is responsible for and what each tenant is responsible for, 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.

Of the responses received, several felt the repair service was of a good standard, some referenced damp, mould and condensation concerns. Tenants commented about delays with repairs 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. Several tenants commented about how often planned maintenance programmes should take place with a lack of painting highlighted several times. Suggestions included providing an online option to upload photos/videos of repairs needed, and that the Council should provide a list of what the council and the tenant is responsible for. There was also a comment about the Council checking property conditions annually and offering items to be sold to tenants with a pre-payment agreement.

Access

The TA variation strengthens the Councils ability to access a tenants home where there are repair issues and any potential 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.

Feedback from tenants was generally positive in relation to allowing access to undertake repairs etc. Although, one tenant 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.

Tenants commented that the Council should consider tenant vulnerabilities and make reasonable adjustments when access is required. Concerns were raised by tenants around the increased use of CCTV/ring doorbells and the need for permission to be granted to use them given privacy issues.

Using your home and keeping you safe

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, accumulation 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 scooter/ motorised wheelchair. If the safety rules are compromised then residents are placed 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.

There is a general agreement on the proposed changes from the tenants, 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 tenants made reference 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. A number of tenants stated that unannounced visits should be undertaken to check property conditions etc.

Anti-Social Behaviour (ASB)

The TA variation strengthens the Councils approach when dealing with ASB and refers directly to the ASB policy. Tenants must adhere to the requirements 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.

Many 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.

Flats, maisonettes and shared areas

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.

Tenants generally agree with the proposals. Tenants raised dog fouling, the quality of the maintenance of communal areas and car parking concerns.

Animals

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). Breeding of animals will not be permitted.

Many 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. Tenants suggested that dogs should not be allowed in flats and that there should be a limit to 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.

Vehicles and parking

This change will impact tenants as it could restrict the type of vehicles parked 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.

Many tenants raised concerns about the lack of car parking and that people park anywhere. A tenant suggested introducing permit parking and/or for the council to provide more parking.

Leaving your home and ending the tenancy

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.

Tenants stated that they needed more clarity on what to do if a tenant passes away. Some tenants said that they liked living where they did and didn't want to end their tenancy. Other tenants stated that they may wish to purchase their property through Right to Buy.

Information, consultation and participation

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.

Tenants raised no issues relating to this section.

Notices

Updated with a new PO Box address.

No issues were raised with this section.

Fraud

This section has been added to outline how the council will deal with cases of suspected tenancy fraud.

No issues were raised with this section and tenants are supportive of the inclusion in the tenancy agreement.

Consultation outcome

The feedback provided at this stage of the consultation period does not highlight any specific concerns about the proposed variations to the TA.

After careful consideration of the outcome of the consultation we have decided to change your tenancy agreement and introduce the proposed TA variations for all Kirklees Council properties.

This means that the terms of your tenancy agreement will be changed so that from **XX XXXX** 2025 the proposed variations will take effect.

What this change means for you

Your TA will change to introduce the proposed changes and will take the form of the attached agreement.

The Council is required to formally notify you of the change to your tenancy agreement by issuing a 'Notice of Variation'. The notice is enclosed along with documents titled 'New tenancy agreement' and 'Frequently asked Questions.'

Yours sincerely

**HEAD OF HOUSING SERVICES
KIRKLEES COUNCIL**