

Recommendations for changes to the Tenancy Agreement

Theme	Section in Tenancy Agreement		Consultation proposal and reason for proposed change	Consultation response and recommendation
	Previous	New		
Welcome pages	Pages 1 - 2	Not included	<p>The welcome pages at the start of the agreement currently give contact details of the housing offices and how to access different services. We are proposing to remove this section.</p> <p>Reason: This information may change over time. The latest information will be available online and tenants are given some information and contact details in other documents at the sign up process. Details of services tenants receive are available online.</p>	<p>Change to be included in Tenancy Agreement.</p> <p><i>Following consultation feedback we will be producing a new more detailed version of the Tenants Handbook.</i></p>
Garden maintenance	Not included	Page 2	<p>At the start of the Tenancy Agreement, there are the details of the specific tenancy which includes the address, tenant details, start date and property type. Currently this section does not include anything about gardens. We are proposing to add in the following line under the address of the property: 'If there are any gardens attached to the property and they are not communal, these are included as part of the tenancy'.</p> <p>Reason: This section strengthens the wording to ensure that gardens are included as part of the tenancy and property and highlights the requirement for tenants to look after them. This helps to support enforcement action when tenants do not look after their gardens.</p>	<p>Change to be included in Tenancy Agreement.</p> <p><i>Following consultation feedback it was requested that residents would like us to be more specific in relation to the garden maintenance and we have added "and you are responsible for the maintenance of them." Residents also requested further details of the boundaries for properties and these will be made available where required.</i></p>
Tenancy start dates	Page 3	Page 2	<p>Currently tenancies always start on a Monday. We are proposing that tenancies can start on other week days in the future. We will also remove references to Monday start dates elsewhere in the document.</p>	<p>Change to be included in Tenancy Agreement.</p> <p><i>Following consultation feedback we will ensure that we put in place the correct processes to ensure that tenancies can be taken up any day of the week.</i></p>

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			<p>Reason: This means that tenants can move in any week day which makes it more flexible for them in the future. It also ensures the council does not lose any days of rental income.</p>	
List of service charges	Page 4	Page 3	<p>At the moment, we have a table that lists the different service charges that tenants may pay for. As the services we provide can change, we are proposing to add more spaces onto the table for these to be written in at a later date.</p> <p>Reason: Ensures that the Tenancy Agreement reflects the new service charges implemented and any future changes.</p>	Change to be included in Tenancy Agreement.
Former arrears statement	Page 5	Not included	<p>Currently, we have a statement within the tenancy agreement that says if tenants have any former arrears from previous tenancies, how much these are, and that they have a repayment agreement in place to pay these. We want to remove this statement from the proposed Tenancy Agreement. We would like to also remove any other references to this statement in the document.</p> <p>Reason: Former tenant arrears will be collected by a different process.</p>	Change to be included in Tenancy Agreement.
Signature	Page 5	Page 23	<p>At the moment tenants sign the Tenancy Agreement within the first few pages of the document. We are proposing to move where tenants sign to the end of the document.</p> <p>Reason: The signature block is moving to the end of the document to ensure new tenants check the whole document before signing as is good practice elsewhere.</p>	Change to be included in Tenancy Agreement.

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Tenants Handbook	Page 5	Not included	<p>Tenants currently sign to confirm that they have received a copy of the Tenants Handbook with their Tenancy Agreement. This handbook has information on services that tenants can access. As this handbook has been available online for some time, we are proposing to remove the reference to it within the Tenancy Agreement.</p> <p>Reason: This information is now available electronically on the council website or printed copies can be made available.</p>	<p>Change to be included in Tenancy Agreement.</p> <p><i>Following consultation feedback the reference in the Tenancy Agreement will be removed and the Tenants Handbook will be reviewed and rewritten.</i></p>
Subletting	1.12 a	1.12 c	<p>Tenants are currently told they are not allowed to sublet the whole of their property. Recently the laws on this have been updated and strengthened. The proposed Tenancy Agreement now includes a new reference to criminal penalties for subletting including criminal prosecution.</p> <p>Reason: This reflects changes to the criminalisation of subletting from the Housing Fraud Act 2013. Tenants can now face criminal prosecution if they sublet their home.</p>	<p>Change to be included in Tenancy Agreement</p> <p><i>Following consultation feedback more information is to be made available on what the guidelines are for tenants when taking in lodgers and what subletting means.</i></p>
Rent accounts	2.1	Not included	<p>The current Tenancy Agreement tells tenants to access their rent account online. The details provided are now out of date and we proposing to remove this reference.</p> <p>Reason: To bring the Tenancy Agreement up to date in relation to rent accounts and this reference is already at the beginning of the agreement.</p>	<p>Change to be included in Tenancy Agreement.</p> <p><i>Following consultation feedback we can confirm that tenants are given information relating to access to their online rent account when they sign the paperwork for their new tenancy.</i></p>
Income based benefits	2.2	2.2	<p>In the current Tenancy Agreement we reference the term "Housing Benefits". To take into account all types of benefit, we are proposing to change this to "income based benefits" throughout the document.</p>	<p>Change to be included in Tenancy Agreement.</p>

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			<p>Reason: This change to language is to reflect implementation of Universal Credit.</p>	
Non rent weeks	2.3	2.3	<p>At the moment, tenants can pay their rent over 48 weeks of the year (49 weeks in a 53 week rent year). This means there are 4 non rent weeks in the year. We are proposing to change to a 52 week rent year (Some years will have a 53 week rent year). The total cost of rent and other charges for the year will be divided by 52 rather than 48.</p> <p>Reason: We would like to do this to make it easier for tenants to understand their rent account. This also makes benefit claims easier to understand as the 52 week rent year aligns to the timescales of Universal Credit.</p>	<p>Change to be included in Tenancy Agreement.</p> <p><i>Following consultation feedback tenants expressed concerns around not being able to make use of the non-rent weeks to save for Christmas. We will therefore provide information in the annual rent letter of recommended ways to save.</i></p>
Allocations policy	2.7 e	2.7 e.	<p>In the current Tenancy Agreement we say that applicants may be excluded from reapplying for housing with us if they have arrears from a previous tenancy. The allocations policy has changed and uses different eligibility criteria and as a result applicants may no longer be eligible rather than completely excluded.</p> <p>Reason: Rewording brings section up to date and aligns to current allocations policy.</p>	<p>Change to be included in Tenancy Agreement.</p>
Health and safety considerations	3.2 d / 3.5 c	3.2 d / 3.5 c	<p>In the current Tenancy Agreement, there are lists of items that tenants must not tamper with or obstruct in both their own property and communal areas. We would like to add the following items to the lists: Sprinkler systems installed in tower blocks; Fire doors, fire equipment and fire escape routes; and that communal areas are not used for swimming pools, trampolines, sheds or similar.</p>	<p>Following the consultation feedback and on further consideration of the Tenancy Agreement as a whole we will include the references to; Sprinkler systems installed in tower blocks; Fire doors, fire equipment and fire escape routes. We will not be including; Using communal areas of land for swimming pools, trampolines, sheds or similar. This is because these items are already covered by point 3.5 b.</p>

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			<p>Reason: To reflect the changes to the buildings and addition of sprinkler systems and to reinforce health and safety requirements, fire regulations and how communal areas are used.</p>	
Use of gardens, yards and balconies.	3.6 a	3.6 a	<p>Within the current Tenancy Agreement, we have a list of instructions on how tenants must look after their gardens, yards and balconies. We would like to add the following to this list to instruct tenants to keep them free from: vermin and pests; and any Japanese knotweed which they must report to us.</p> <p>Reason: This section has been reworded in order to make it clearer what tenant's responsibilities are in relation to their gardens, yards and balconies and to support enforcement action.</p>	<p>Change to be included in Tenancy Agreement.</p> <p><i>Following consultation feedback we will provide information on examples of what are recognised as pests and vermin. We provide tenants with a leaflet giving information on Japanese knotweed.</i></p>
Alterations to property	3.6 d	3.6 d	<p>In the current Tenancy Agreement, tenants are told that they must get our permission before making certain alterations to their home. We are proposing to amend the wording of this slightly to add make it clear that tenants must get our permission 'for any alteration to your home before you undertake this work'. We would also like to add the following to the list: installing floodlights or closed circuit television; building an extension or decking; making structural alterations to walls, roofs and floors; creating openings in internal/external walls; making alterations to drainage systems; blocking up fireplaces; installing, removing or replacing gas fires, cookers or solid fuel appliances; making electrical alterations; replacing kitchens or bathroom; using roof spaces for storage purposes; building ponds. We have also updated the types of</p>	<p>Change to be included in Tenancy Agreement with additional amendments following feedback that the changes were too prescriptive. We have therefore added; this includes but is not limited to and amended the text to the certification you require will be advised when permission is sought from us. We have also added to the list; Laminate or wood-block flooring and satellite dishes from point 5.12 d to ensure that all the permissions are listed at the same point within the Tenancy Agreement.</p>

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			<p>certification required including 'building regulation approval and where appropriate, gas and electric safety certification and in some instances party wall permission'.</p> <p>Reason: This section reinforces which items tenants need to get permission for before considering altering the property and garden. It also emphasises the need to refer to the appropriate health and safety and building regulations.</p>	
Barriers and gates	Not included	3.6 f	<p>In the current Tenancy Agreement we do not mention the use of shared paths or walkways. We would like to add the following phrase in: You must not erect barriers and/or gates across shared access paths or walkways.</p> <p>Reason: Reinforces the requirement for tenants not to erect barriers of any description in communal areas.</p>	Change to be included in Tenancy Agreement.
Antisocial behaviour	4.2 c	4.2 c	<p>In the current Tenancy Agreement there is no specific reference to the possession or use of illegal drugs. We are proposing to add this reference to support any enforcement action we may take.</p> <p>Reason: This section strengthens the wording to ensure that tenants understand that we take this matter seriously. This helps to support enforcement action.</p>	Change to be included in Tenancy Agreement.
Antisocial behaviour	4.2 c	4.2 c	<p>Some of the terminology in the current Tenancy Agreement is out of date. We are proposing to replace the term "arrestable" with "indictable"</p> <p>Reason: To align the wording with current terminology.</p>	Following consultation feedback and a review of the legal terms used we have amended the term "arrestable" with "criminal". This change will be included in the Tenancy Agreement. We will be including a section on 'Definitions of Terms' as part of the new Tenants Handbook.

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Equalities	4.2 d	4.2 d	<p>We are proposing to amend the current list of characteristics to make it consistent with the protected characteristics of the equalities Act 2010. These protected characteristics are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.</p> <p>Reason: Updated list to reflect changes and language in Equalities Act 2010.</p>	Change to be included in Tenancy Agreement.
Domestic abuse	4.2 e	4.2 e	<p>In the current Tenancy Agreement there is no reference to domestic abuse. Recently our approach to domestic abuse has become a priority for us as a landlord and we would like to reflect this in the proposed Tenancy Agreement. We are proposing to add that tenants must not perpetrate any domestic abuse which includes harassment, mental, emotional, financial, racist or sexual abuse.</p> <p>Reason: Aligns with the new Domestic Abuse Act 2019 and enables us to explicitly describe behaviours covered within the act enabling us to take action against perpetrators and give immediate support to vulnerable household members. This has also been added to align with the values and commitments of the organisation to tackle these issues.</p>	Change to be included in Tenancy Agreement with the amendment following consultation feedback to include the word 'physical' also.
Antisocial behaviour orders	4.4	4.4	<p>We refer to antisocial behaviour orders within the document. These are no-longer in existence so we are proposing to remove references to them.</p> <p>Reason: Antisocial behaviour orders no longer exist.</p>	Change to be included in Tenancy Agreement.

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Allocations policy regarding antisocial behaviour	4.6	4.6	<p>In the current Tenancy Agreement we say that applicants may be excluded from reapplying for housing with us if they have a previous record of antisocial behaviour. The allocations policy has changed and uses different eligibility criteria and as a result applicants may no longer be eligible rather than completely excluded.</p> <p>Reason: Rewording brings section up to date and aligns with current allocations policy.</p>	Change to be included in Tenancy Agreement.
Electrical inspections	5.1	5.1	<p>The current Tenancy Agreement states that we will do an inspection of the electrical wiring every 10 years. To enable us to carry out checks at any time, we are proposing to remove the number of years.</p> <p>Reason: We are proposing to change this because there have been changes in legislation and regulations in relation to the timescales required for periodic checks.</p>	Change to be included in Tenancy Agreement.
Gas and electrical safety requirements	5.8	5.8	<p>In the current Tenancy Agreement we do not mention gas and electrical certification. We propose to add this in as a requirement of the Tenancy Agreement. Where certification is required for a particular area of maintenance (Gas servicing, electrical etc.) tenants will be responsible for ensuring compliance for their own household appliances.</p> <p>Reason: To ensure equipment in tenants' homes is safe for the health and safety of all tenants.</p>	<p>Change to be included in Tenancy Agreement.</p> <p><i>Following consultation feedback more information is to be made available on the types of certifications tenants may require for their own household appliances.</i></p>
Fences, hedges and boundaries	Not included	5.11	<p>In the current tenancy there is no specific statement that tenants are responsible for maintaining the fence, hedge or other boundary on their property. We are proposing to add this in to the Tenancy Agreement.</p>	Change to be included in Tenancy Agreement.

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			<p>Reason: This highlights and reinforces the tenant's responsibilities for doing this.</p>	<p><i>Following consultation feedback tenants requested further details of the boundaries for properties and these will be made available where required.</i></p>
Unsafe electrical installations	5.11c	5.12c	<p>In emergencies, there is a list of situations where the council will force entry to the property. We are proposing to add 'unsafe electrical installation' as one of the reasons why the council can force entry in an emergency situation.</p> <p>Reason: To keep the property safe.</p>	Change to be included in Tenancy Agreement.
Services maintenance	5.11	5.12a	<p>In the current Tenancy Agreement, we do not specifically say that tenants must ensure we have access to all services for maintenance purposes. For example to maintain your boiler. We would like to add this in.</p> <p>Reason: Reinforce tenant's responsibilities in ensuring that we are able to maintain services to and within the property.</p>	Change to be included in Tenancy Agreement.
Fuel burning appliances	5.13	5.14	<p>In the current Tenancy Agreement there is a list of work we will charge tenants for and must be paid for. To this list, we propose to add the removal of fuel burning appliances if tenants did not ask for permission before installing.</p> <p>Reason: To add more detailed information on what is required and reinforces this requirement relating to fuel burning appliances.</p>	Change to be included in Tenancy Agreement.
Moving out	6	6	<p>We are proposing to change the heading of this section from "moving out" to "ending the tenancy".</p>	Change to be included in Tenancy Agreement.

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			Reason: To make it clearer what this section is about.	
Ending the tenancy	6.1 - 6.3	6.1 - 6.3	We are proposing to amend the wording and added extra detail in this section to make it clearer what the process is for ending the tenancy. This shows the difference between the tenants giving notice and the council giving notice to end the tenancy. Reason: To make the section more detailed.	Change to be included in Tenancy Agreement.
Notice	Not included	6.7	In the current Tenancy Agreement we do not provide details on where a notice may be served to the council from tenants. We are proposing to add in the following: 'Any notice (whether in proceedings or otherwise) may be served on Southampton City Council by sending or delivering to: Southampton City Council, Civic Centre, Southampton, SO14 7LR.' Reason: To ensure we are legally compliant and providing additional information for tenants.	Change to be included in Tenancy Agreement.
Appendix 1	Appendix 1	Not included	The current Tenancy Agreement has Appendix 1 which includes descriptions of antisocial behaviour. We are proposing to remove Appendix 1 and remove references to it from the rest of the document. Reason: This section is outdated and the terms are now redundant.	Change to be included in Tenancy Agreement.
List of definitions	List of definitions	Not included	At the very end of the current Tenancy Agreement, there is a list of definitions. The aim of this section was to provide additional information to tenants. We propose to put the terms online to allow us to update them regularly and keep them relevant.	Change to be included in Tenancy Agreement. <i>Following consultation feedback we will make this information available in the Tenants Handbook.</i>

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			Reason: To ensure terms are up to date.	