

WEST DUNBARTONSHIRE COUNCIL

Report by Director of Housing, Regeneration and Environmental Services

Social Justice Committee: 14 June 2006

**Subject: Proposed Alterations to the West Dunbartonshire Council
Scottish Secure Tenancy Agreement**

1. Purpose

- 1.1** This report seeks Committee approval to alter the current Scottish Secure Tenancy Agreement which was approved by West Dunbartonshire Council in August 2002. The proposed alterations are in response to matters raised in the Communities Scotland Pathfinder Inspection Report on WDC landlord services, which was published in July 2004.

2. Background

- 2.1** The current Agreement has been in use since 30 September 2002. This new Agreement was introduced by the Housing (Scotland) Act 2001 in order to provide a standard form of tenancy contract for all tenants of social landlords across Scotland, including local authorities and Registered Social Landlords (RSLs). A "model" Agreement was provided by the Scottish Executive to facilitate the change over for local authorities and RSLs. Certain parts of the model Agreement were mandatory and could not be altered by landlords as these stated the current statutory and common law basis for the new form of contract. Other parts of the model Agreement were open to local interpretation to reflect different circumstances around the country.
- 2.2** Extensive consultation on the contents of the West Dunbartonshire Council Scottish Secure Tenancy (SST) was undertaken during the spring and summer of 2002 to prepare for the introduction of the new Agreement in September 2002. This consultation was facilitated by the Tenant Participation Advisory Service (TPAS) to ensure that all current and potential tenants of WDC had access to impartial advice and information on the implications of the change over to the new Agreement. Those consulted wished to emphasise certain parts of the Agreement relating to the observance of tenancy conditions and to reinforce the sections dealing with anti-social behaviour. Their wishes were reflected in local variations to the Agreement which were incorporated into the final version.

3. Main Issues

- 3.1** The Communities Scotland Inspection Team examined the WDC Agreement as part of their Pathfinder Inspection of landlord services during December 2003 and January 2004. The Inspectors noted that “the WDC SST closely follows the model Scottish Secure Tenancy, with variations in some non-mandatory clauses having been agreed through consultation with tenants” (Pathfinder Inspection Report, paragraph 5.43, p36).
- 3.2** The Inspection Report recommended that we make some minor changes to the Agreement to bring it more into line with the actual wording of the model SST. The Communities Scotland recommendations will not affect the substance of the Agreement therefore it is considered appropriate to comply with the recommendation.
- 3.3** Non-mandatory areas of the Agreement were open to local variations, or to interpretation, and were agreed through consultation, as acknowledged by Communities Scotland in 3.1 above. These local variations reflect:-
- a) An emphasis on the enforcement of tenancy conditions.
 - b) A clear explanation of what WDC considers as constituting anti-social behaviour.
 - c) A clear, Plain English, explanation of the rights and responsibilities of both landlord and tenants with an emphasis on the health and safety of everyone living in, or visiting WDC property.
 - d) Further explanation of tenants’ responsibilities in buildings such as multi-storey blocks, stub blocks, and other flats with common facilities for the avoidance of doubt.
 - e) A clear statement that WDC will take action where there is any breach of the tenancy contract, including failure by tenants to carry out their full range of obligations under the SST.
- 3.4** It is not considered appropriate to alter or remove the local variations inserted into the WDC Agreement in 2002. These variations were examined by Legal and Administrative Services and our Solicitors were satisfied that they were sound both from an information and a legal standpoint.

4. Financial Implications

- 4.1** There are no financial implications.

5. Personnel Issues

- 5.1** There are no personnel issues.

6. Conclusion

6.1 The report provides information on the development of the Scottish Secure Tenancy Agreement for West Dunbartonshire Council tenants.

7. Recommendations

7.1 The Committee is invited to:-

- a) approve the reinstatement of all mandatory text from the Model Scottish Secure Tenancy Agreement into the West Dunbartonshire Council Scottish Secure Tenancy Agreement as in 3.2 above;
- b) approve the retention of all non-mandatory text within the West Dunbartonshire Council Scottish Secure Tenancy Agreement relating to local variations as in 3.3 and 3.4 above; and
- c) Delegate authority to the Director of Housing, Regeneration and Environmental Services to prepare and introduce a revised version of the West Dunbartonshire Council Scottish Secure Tenancy Agreement in compliance with the recommendation contained within the Communities Scotland Pathfinder Inspection Report.

David McMillan

Director of Housing, Regeneration and Environmental Services

Date: 25 May 2006

Wards Affected: All

Appendix: None

Background Papers: Scottish Executive - *Housing (Scotland) Act 2001: Model Scottish Secure Tenancy Agreement* (Scottish Executive, Edinburgh, October 2001)

Scottish Executive/Communities Scotland Regulation & Inspection - *West Dunbartonshire Council: Pathfinder Inspection Report, July 2004* (Scottish Executive/Communities Scotland Regulation & Inspection, Edinburgh, July 2004)

Tenant Participation Advisory Service (TPAS) Report -

*West Dunbartonshire Council Tenant Consultation:
Scottish Secure Tenancy Agreement (TPAS, Glasgow,
June 2002)*

West Dunbartonshire Council Scottish Secure Tenancy
Agreement (WDC, September 2002)

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