

North East Derbyshire District Council

Cabinet

22 November 2017

Severn Trent Water Severance of Agreement with NEDDC - Implications

Report of Councillor Mrs E A Hill, Portfolio Holder with Responsibility for Housing Strategy and Social Inclusion

This report is public

Purpose of the Report

- To seek Cabinet approval to amend Tenancy Agreements as a result of the withdrawal of Severn Trent Water (STW) from the agreement with North East Derbyshire District Council (NEDDC).

1 Report Details

- 1.1 Severn Trent Water have ended an agreement for North East Derbyshire District Council (NEDDC) to collect water rates for NEDDC tenants. This will come to an end as from 31 March 2018. From this date tenants of NEDDC and Rykneld Homes will have individual agreements in place with Severn Trent Water directly.
- 1.2 Water charges are included in the current NEDDC and Rykneld Homes tenancy agreements. In order for these agreements to accurately reflect what NEDDC and Rykneld Homes are responsible for, in terms of rent and other charges, the tenancy agreement for both NEDDC properties and Rykneld Homes' properties needs to be amended.
- 1.3 As a social housing landlord the terms of the tenancy agreement for secure and assured tenancies can be changed by issuing a Preliminary Notice of Variation followed by a Notice of Variation. Landlords are obliged from a legal perspective to allow sufficient time, at least 4 weeks between the Preliminary Notice of Variation and the Notice of Variation for tenants to provide their comments on the proposed change. It is also required to leave at least 4 weeks between the Notice of Variation being served to the changes taking effect.

2 Conclusions and Reasons for Recommendation

- 2.1 As a result of the withdrawal by Severn Trent Water from the Agreement with North East Derbyshire District Council (NEDDC) the collection of water charges. The Council are required to remove water charges from the NEDDC Tenancy Agreement.

2.2 Other changes to the Tenancy Agreement are for reasons of accuracy and legislative change.

3 Consultation and Equality Impact

3.1 An Equality Impact Assessment has been completed and no issues have been identified arising from this change.

4 Alternative Options and Reasons for Rejection

4.1 None

5 Implications

5.1 Removal of the water charges from section 1 of the tenancy agreement. This is a mandatory change as the agreement with Severn Trent Water and NEDDC will come to an end as from 01.04.2018 and Rykneld Homes will no longer collect this charge.

5.2 To amend terminology throughout the agreement to adhere to current legislation and operational practices such as:

- Change any reference to “Neighbourhood Support Officer” to “Rykneld Homes Ltd”
- Amend reference to the collection of other charges to fall in line with the above change as stated in 2.1 above.
- Update reference to data protection to adhere to legislation coming into force from April 2018 by introducing a Privacy Statement.
- Update the qualifying period for Right to Buy from 2 years to 3 to comply with current legislation.

5.1 Finance and Risk Implications

5.1.1 All costs associated with this tenancy agreement change will be contained within existing budgets.

5.1.2 Removing the water charge:
Major Change for our customers – it may cause some confusion. It is therefore crucial that we provide support for customers to ensure they understand the changes and are set on with the best arrangements possible with STWA.

5.2 Legal Implications including Data Protection

5.2.1 There are legal obligations associated with changing the tenancy agreement in terms of consultation and notification of any changed. Two Notices are required to be served, a Notice of Intention and the actual Notice of Variation. At least 28 days are required between these two Notices.

5.2.2 The Notice of Variation will include a date for implementation. This will be the same for existing and new tenancies. The suggested date for implementation is 01 April 2018.

5.3 Human Resources Implications

5.3.1 There are no additional staff and/or staff resource requirements contained within this report.

6 Recommendations

6.1 That Cabinet agree to change tenancy agreements as a result of the withdrawal of Severn Trent from the agreement with NEDDC. This arrangement to commence from 1 April 2018.

6.2 That Cabinet note the requirements to serve notices of variations.

7 Decision Information

Is the decision a Key Decision? 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: BDC: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> Please indicate which threshold applies	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Affected	All
Links to Corporate Plan priorities or Policy Framework	All

8 Document Information

Appendix No	Title
None	
Background Papers (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 Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
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