

## PART A - Initial Impact Assessment

**Proposal Name:** Variation of Tenancy Conditions

**EIA ID:** 2574

**EIA Author:** Jack Hewitt

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**Proposal Outline:** Work is being undertaken to consider the Council's Tenancy Conditions, as set out in You and Your Home. This is to ensure they are clear, precise, and allow the Council to carry out its statutory duties effectively. The primary driver of this work relates to varying conditions to ensure the Council is fully compliant with regulator consumer standards, across all compliance areas, such as gas and fire safety. Alterations to the conditions will allow for this, alongside other changes to either respond to policy developments, or to make useful clarifications where the current language used could be improved. This will ensure tenants, and the Council as landlord, are clear on respective responsibilities.

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**Proposal Type:** Non-Budget

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**Year Of Proposal:** 24/25

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**Lead Director for proposal:** Janet Sharpe (HSG)

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**Service Area:** Housing & Neighbourhoods

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**EIA Start Date:** 01/02/2024

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**Lead Equality Objective:** Break the cycle and improve life chances

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**Equality Lead Officer:** Louise Nunn

## Decision Type

### Committees:

Policy Committees

- Housing

## Portfolio

### Primary Portfolio:

Housing & Neighbourhoods

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### EIA is cross portfolio:

No

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### EIA is joint with another organisation:

No

## Overview of Impact

### Overview Summery:

The proposed changes to the Tenancy Conditions (You and Your Home) represent variations to a limited number of existing clauses. The new Conditions will apply to all Secure and Introductory Council tenants, without scope for exceptions. While this change will apply to all tenants, it is important that the Council takes steps to ensure vulnerable tenants are supported to understand the proposed changes, what it means for them, and what support will be available to help them comply with the varied conditions. Proposed changes within this project that may be of particular issue with regards to vulnerable tenants are: -Variation to the existing access clause to allow for forced entry where access is not given to the Council to carry out its statutory duties in relation to Gas and other health and safety compliance requirements. -Variation to the existing abandonment condition to state that tenants should inform the Council if they are away from their property for more than a month. -Variation to the existing clause relating to gardens and communal areas, to give tenants clarity on how aspects of their garden (e.g. hedges) should be maintained in terms of, for example, height. To mitigate equalities concerns and to ensure that the proposed changes should apply to any tenant with a vulnerability, the following steps will be taken: - A full consultation will

be carried out, with every tenant contacted in writing and their comments asked for on the proposed changes. This will be done by mailing a Preliminary Notice of Variation to all tenants. This will set out the existing condition and the proposed change to ensure tenants are clear about these proposals. Tenants will be able to respond either online or in paper, and the notice will be made available in accessible formats (including translation) on request. - All the support that tenants currently receive to help them comply with their tenancy conditions will still be available after these changes are made. For example, tenants can apply for hardships funds, and Neighbourhood Officers will help to sustain tenancies and provide signposting to access other support services. - Where the Council is considering enforcement action, individual EIAs are carried out to assess a tenant's circumstances in that case. Regarding particular variations within this proposal, the impact will be considered on specific characteristics below, however a summary overview will be given here. - Gas Access: The key potential concern here relates to forced entry. Forced Entry will only be used in situations where the Council has a statutory safety duty that we must legally comply with. A process will be followed to try and agree access with the tenant prior to Forced Entry being used, and tenants will be given notice that this is being considered (except in emergency situations). The safety concerns relating to Gas and other health and safety factors (such as a fire) in properties and in particular shared blocks, are of such severity that this is a proportionate means of achieving a legitimate aim. We must ensure the safety of properties, and this is in the interest of tenants, neighbours, and communities. Where access is not given currently, we may consider seeking possession of the property as this is a breach of tenancy. - Abandonment: The proposed variation to this condition will state that the tenant must inform us if they will be away from their property for more than a calendar month. The existing wording is vague, and only refers to an extended period of time. This change, therefore, only gives tenants useful clarity, rather than representing a significant change in practice. Additionally, where the tenant has not informed us of their planned absence, at one month we will begin a multi-stepped procedure to try and contact them and establish their situation. Multiple checks and attempts will be made to establish this contact before the abandonment procedure approaches a conclusion where we will consider the property abandoned and take steps to re-let it. We will, in these cases, consider factors which may mean tenants will be away from their properties for extended periods, such as if they

have caring responsibilities elsewhere. - Garden maintenance: Tenants are, already, expected to maintain their gardens in a reasonable state. The proposed changes give clarity on what this means and how they can comply with the condition, avoiding the existing vague language. This clarity, therefore, should have a positive impact on how tenants comply with their tenancy agreement. Likewise, it may have a positive impact on communities and neighbourhoods, where overgrown and unkept gardens cause issues. Where tenants have additional vulnerabilities that may make it more difficult for them to maintain their garden, we will work with them to coordinate support to allow this to happen, as is currently the case.

**Impacted characteristics:**

- Age
- Armed Forces
- Care Experienced
- Carers
- Cohesion
- Disability
- Health
- Gender Reassignment
- Partners
- Poverty & Financial Inclusion
- Pregnancy/Maternity
- Race
- Religion/Belief
- Sexual Orientation
- Sex
- Voluntary/Community & Faith Sectors

**Consultation and other engagement**

**Cumulative Impact**

**Does the proposal have a cumulative impact:**

Yes

Consultation with all tenants is required under S103 of the Housing Act. Every household will be contacted directly by post with a Preliminary Notice of Variation. This notice will explain the changes to the tenant, and request comment. Comms to tenants will support

awareness of the proposed changes, via GovDelivery service, tenant bulletines, and social media. The consultation runs until the 20th of March. Interim results show the vast majority of tenants are in agreement with each of the proposed changes, with a small percentage (circa 5% - 10%) in disagreement. A link to the survey is below:  
[haveyoursay.sheffield.gov.uk/variation-of-tenancy-conditions](https://haveyoursay.sheffield.gov.uk/variation-of-tenancy-conditions)

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**Impact areas:** Year on Year

## Initial Sign-Off

**Full impact assessment required:** Yes

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**Review Date:** 01/02/2024

## PART B - Full Impact Assessment

### Health

**Staff Impacted:** No

**Customers Impacted:** Yes

**Description of Impact:** The proposed changes are predicated to have a positive impact on health. In particular, this relates to ensuring the Council complies with their health and safety duties in relation to things such as gas safety, fire or asbestos. Making properties safe is positive for health in properties and shared blocks.

**Name of Lead Health Officer:**

**Comprehensive Assessment Being Completed:** No  
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Public Health Lead signed off health impact(s):

## Age

Staff Impacted: No

Customers Impacted: Yes

**Description of Impact:** Along with the general overview, specific consideration has been given to the change to the garden maintenance condition in relation to age. These changes are not predicted to have a negative impact in this case due to the fact that, as noted, the responsibility to maintain gardens is already within the existing tenancy agreement. This proposed variation gives clarity to tenants on this pre-existing responsibility. All support that is currently available, will be available once this change has occurred.

## Armed Forces

Staff Impacted: No

Customers Impacted: Yes

**Description of Impact:** There is no obvious positive or negative impact based on membership of the Armed Forces. Consideration has been given to the altered abandonment condition, where tenants due to their involvement with the Armed Forces may be away from their home for over a month. This change is not predicted to have a negative impact, however, as tenants are only asked to inform the Council when they will be away for over one month. The abandonment procedure currently would still be followed where we believe a property has been abandoned, the change simply clarified the existing vague language of 'an extended period of time'. This should give tenants greater reassurance, where they are able to inform the council of an extended absence. As part of the abandonment procedure, as noted above, checks will be carried out to try and establish the tenant's whereabouts.

## Carers

**Staff Impacted:** No

**Customers Impacted:** Yes

**Description of Impact:** Consideration has been given to how these changes may impact carers. In particular this relates to the abandonment proposed changes, and changes to garden maintenance where caring responsibilities make this harder to comply with. However, a negative impact is not predicted here. Garden maintenance responsibilities are already within the tenancy conditions, with the change providing additional clarity. Likewise with abandonment, where caring responsibilities may mean extended absences are more likely, tenants are only asked to notify the council if they will be away for more than one month, rather the vague existing condition. Checks around abandonment will still be carried out where this is suspected, and tenants are still free to spend extended periods away from the property.

## Care Experienced

**Staff Impacted:** No

**Customers Impacted:** Yes

**Description of Impact:** The changes proposed do not alter the Council's duty owed to care leavers. In addition to the general points set out above, making our tenancy agreement less vague and therefore easier to comply with, may have a positive impact on tenants who are care experienced. Any further support for tenants who are care experienced that is already in place before these changes occur will remain so. Where tenants who are care experienced are having difficulty sustaining their tenancy, we will work with them to coordinate support, and where any enforcement action is being considered an individual EIA will be completed to assess the specifics of the case.

**Staff Impacted:** No

**Customers Impacted:** Yes

**Description of Impact:** A positive impact is predicted on cohesion, in relation to a greater sense of security in the knowledge that the council is carrying out its gas access and other safety duties. Neighbours, and whole blocks, are put at risk where tenants do not allow access for safety checks. Therefore by ensuring that this does not prevent the council in carrying out its duty, this may encourage better neighbour relationships, by reducing the number of non-compliant properties.

## Disability

**Staff Impacted:** No

**Customers Impacted:** Yes

**Description of Impact:** Along with the general overview, specific consideration has been given to the change to the garden maintenance condition in relation to disability. These changes are not predicted to have a negative impact in this case due to the fact that, as noted, the responsibility to maintain gardens is already within the existing tenancy agreement. This proposed variation gives clarity to tenants on this pre-existing responsibility. All support that is currently available, will be available once this change has occurred.

## Gender Reassignment

**Staff Impacted:** No

**Customers Impacted:** Yes

**Description of Impact:** Particular consideration has been given in this area due to situations where tenants due to gender reassignment have additional privacy concerns. In particular in relation to forcing access for safety purposes giving officers access to the property. Officers should be respectful of this, and sensitive to individual



tenants who have had their gender reassigned. However, forced entry is a proportionate means of achieving a legitimate aim. The council must comply with its statutory duty with regards to gas and other safety aspects in order to safeguard tenants, buildings and communities. Where forced entry is considered, this will only either be in an emergency, or where a robust process with multiple attempts to contact a tenant to arrange for access have failed.

## Partners

**Staff Impacted:** No

**Customers Impacted:** Yes

**Description of Impact:** A positive impact is predicted on partners. This relates to Fire services and Police services in relation to the council carrying out its public safety duties; this is both from a gas safety perspective, as well as by requesting identification from tenants, thereby ensuring that the correct tenant is living at the property. This may assist in preventing fraud or crime. Better safe-guarding for tenants may have a positive impact on internal stakeholders such as Care services, by ensuring officers are able to identify where instances of fraud or crime may be taking place.

## Poverty & Financial Inclusion

**Staff Impacted:** No

**Customers Impacted:** Yes

**Description of Impact:** Due regard should be given where tenants are financially excluded or are experiencing poverty. These factors can mean disproportionate impacts are felt, in particular this may be relevant to recharging tenants for work done, as referenced in the proposed changes. Additionally, proposed changes to the repairs condition would now include reference to the tenant's responsibility to, where possible, keep properties adequately heated and ventilated. Tenants experiencing poverty may find this condition harder to comply with. However, the council must take steps to

ensure properties and gardens are maintained where this is a tenant's responsibility. In these cases, consideration should be given to poverty and financial inclusion. Specialist teams with the Income Management and Financial Inclusion service are able to refer tenants for additional support and advice, assist tenants in claiming all entitled benefits, and direct tenants to hardship funds and cost of living support.

## Pregnancy / Maternity

**Staff Impacted:**

No

**Customers Impacted:**

Yes

**Description of Impact:**

There is no obvious positive or negative impact based on pregnancy and maternity. Consideration has been given to the altered abandonment condition, where tenants, due to pregnancy/maternity, may be away from their home for over a month. This change is not predicted to have a negative impact; however, tenants are only asked to inform the Council when they will be away for over one month. The abandonment procedure currently would still be followed where we believe a property has been abandoned, the change simply clarified the existing vague language of 'an extended period of time'. This should give tenants greater reassurance, where they are able to inform the council of an extended absence. As part of the abandonment procedure, as noted above, checks will be carried out to try and establish the tenant's whereabouts.

## Race

**Staff Impacted:**

No

**Customers Impacted:**

Yes

**Description of Impact:**

Particular consideration has been given to the variation where ID will be requested on visits (Condition 27). While this will be applied to all tenants, not focused on any specific group or community, there may be groups or communities where this request may be more traumatic or stigmatising. We already ask tenants for

identification at sign up, and clearly explain to tenants the list of acceptable documentation. Further, when officers will make this request following the tenancy condition variation, the rationale for this should be clearly explained. The change will allow SCC to better safeguard tenants, neighbours, and communities by ensuring that the property is occupied by the correct tenant. Likewise, this will aid in the prevention of tenancy fraud. This is a proportionate means of achieving a legitimate aim.

## Religion / Belief

**Staff Impacted:** No

**Customers Impacted:** Yes

**Description of Impact:** Particular consideration has been given in this area due to situations where tenants may use their property as a place of worship, in particular in relation to forcing access for safety purposes. Officers should be respectful of this, and sensitive to individual religious practices. However, forced entry is a proportionate means of achieving a legitimate aim. The council must comply with its statutory duty with regards to gas and other safety aspects in order to safeguard tenants, buildings and communities. Where forced entry is considered, this will only either be in an emergency, or where a robust process with multiple attempts to contact a tenant to arrange for access have failed.

## Sexual Orientation

**Staff Impacted:** No

**Customers Impacted:** Yes

**Description of Impact:** Particular consideration has been given in this area due to situations where tenants due to their sexual orientation have additional privacy concerns. In particular, in relation to forcing access for safety purposes giving officers access to the property. Officers should be respectful of this, and sensitive to individual sexual orientations. However, forced entry is a proportionate means of achieving a legitimate aim. The

council must comply with its statutory duty with regards to gas and other safety aspects in order to safeguard tenants, buildings and communities. Where forced entry is considered, this will only either be in an emergency, or where a robust process with multiple attempts to contact a tenant to arrange for access have failed.

## Voluntary / Community & Faith Sectors

**Staff Impacted:**

Yes

**Customers Impacted:**

No

**Description of Impact:**

There is not predicted to be a negative impact on the Voluntary, Community and Faith sectors. Consideration has been given to changes to garden maintenance potentially increasing the burden on this sector. However, as noted, this responsibility is pre-existing, and the change being designed to give clarity to tenants, and other groups. Where tenants may struggle to understand the changes that the council is proposing, there may be an additional request for support from Voluntary, Community and Faith sector, for example to be with a tenant when an officer is visiting, or to help understand communication. The council aims to be aware of extra needs where the Voluntary, Community and Faith sector may need to be involved and seeks to facilitate this and make communication accessible.

## Action Plan & Supporting Evidence

**Outline of action plan:**

To mitigate equalities concerns that could apply to any tenant with a vulnerability, the following steps will be taken: - A full consultation will be carried out, with every tenant contacted in writing and their comments asked for on the proposed changes. This will be done by mailing a Preliminary Notice of Variation to all tenants. This will set out the existing condition and the proposed change to ensure tenants are clear about these proposals. Tenants will be able to respond either online or in paper, and the notice will be made available in accessible formats (including translation) on request. - All the support that tenants currently receive to help them comply with their tenancy conditions will still be available after these changes are

made. For example, tenants can apply for hardships funds, and Neighbourhood Officers will help to sustain tenancies and provide signposting to access other support services. - Where the Council is considering enforcement action, individual EIAs are carried out to assess a tenant's circumstances in that case.

**Action plan evidence:**

-Officer working group formed to consider each aspect of the EIA based on experience. Equalities officers engaged to consider content of EIA.

**Changes made as a result of action plan:**

## Mitigation

**Significant risk after mitigation measures:** No

**Outline of impact and risks:**

## Review Date

**Review Date:** 01/02/2024

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