

EAST AYRSHIRE COUNCIL

HOUSING COMMITTEE – 3 SEPTEMBER 2003

EAC SHORT SCOTTISH SECURE TENANCY AGREEMENT

Report by Director of Homes & Technical Services

1.0 PURPOSE OF THE REPORT

1.1 The purpose of the report is to seek Members' approval for the Short Scottish Secure Tenancy Agreement for East Ayrshire, attached as Appendices to this report. The Tenancy Agreement is in two forms:

- Unfurnished Accommodation (Appendix 1)
- Furnished Accommodation (Appendix 2)

2.0 BACKGROUND

2.1 The Short Scottish Secure Tenancy was introduced by section 34 of the Housing (Scotland) Act 2001. It is intended for use in specific circumstances and these are detailed in section 4.

3.0 SHORT SCOTTISH SECURE TENANCY

3.1 The Scottish Executive in October 2002 produced a model Short Scottish Secure Tenancy for consideration by landlords. The model provides a framework for the new Short Scottish Secure Tenancy Agreement.

3.2 The model Short Scottish Secure Tenancy consists of three elements i.e.

- The statutory elements which consists of those rights and obligations that are statutory and cannot be varied by either the landlord or the tenant
- The common law elements which consist of those rights and obligations that the landlord and tenant enjoy and have been built up over the centuries.
- The final element is the contractual element. These are the duties and obligations, which should reflect good practice and local circumstances.

3.3 The model Short Scottish Secure Tenancy provided by the Executive, contained various suggested clauses dealing with contractual duties and responsibilities.

3.4 An officer working party consisting of officers from Homes and Technical Services and Legal have regularly met over the last several months to consider the contractual elements and framed these to meet local circumstances and reflect current practice. They mirror the elements already approved, by the Housing Committee on 22 May 2002, for inclusion in the East Ayrshire Scottish Secure Tenancy Agreement.

3.5 Appended to this report are the proposed forms of Short Scottish Secure Tenancies for consideration by members. For ease of reading those elements which are contractual and therefore subject to local change are printed in bold. Those statutory or common law elements, which cannot be changed, are printed in normal type.

3.6 The rights under a Short Scottish Secure Tenancy Agreement are identical to the full Scottish Secure Tenancy except that:

- There is no right to buy;
- There is no provision for succession; and
- Security of tenure is limited.

Right to assign and sublet under a Short Scottish Secure Tenancy are limited to the period of the Short Scottish Secure Tenancy Agreement. The let must be for a minimum period of 6 months.

4.0 SHORT SCOTTISH SECURE TENANCY – KEY FEATURES

4.1 The circumstances in which a Short Scottish Secure Tenancy may be used are set out in paragraphs 1-7 of Schedule 6 to the Housing (Scotland) Act 2001. In summary they are:

1. Lets to persons evicted for anti-social behaviour from any tenancy in Scotland, England, Wales or Northern Ireland, within a period of 3 years prior to the service of a notice that a short SST will be offered;
2. Lets to persons where they or other members of their household are the subject of an Anti Social Behaviour Order granted on or after 30 September 2002 under s.19 of the Crime and Disorder Act 1998;
3. Lets to persons moving into the area in order to take up employment;
4. Lets pending development affecting the house;
5. Lets to homeless persons in specific circumstances;
6. Lets to persons requiring or receiving housing support services;
7. Lets of houses leased by the landlord from another body where the terms of the lease preclude the landlord subletting under a full Scottish Secure Tenancy.

5.0 FINANCIAL IMPLICATIONS

5.1 There are no financial implications as the Scottish Executive has provided specific grant to all social landlords. The funding is based on a flat rate of approximately £14,800 for landlords with a stock of more than 250 units and £10 per unit, which in East Ayrshire's case equates to approximately £184,800.

6.0 LEGAL IMPLICATIONS

6.1 The Council requires to comply with its statutory obligations in terms of the Housing (Scotland) Act 2001 in connection with the introduction of the Short Scottish Secure Tenancy Agreement.

7.0 RECOMMENDATIONS

7.1 It is recommended that members:

- i) Approve the attached drafts of the local Short Scottish Secure Tenancy Agreement for use by the department;
- ii) Otherwise note the contents of this report.

James Lavery
Director of Homes & Technical Services
September 2003

LIST OF BACKGROUND PAPERS

Nil

For further information please contact Joseph Cassidy, Policy Manager on 01563-576617.

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