

North Yorkshire Council

Executive Member for Culture, Arts and Housing

26 January 2026

Approval of Amendments to the NYC Tenancy Policy Following Consultation

Report of the Corporate Director Community Development

1.0 PURPOSE OF REPORT

- 1.1 The purpose of the report is to seek approval from the Executive Member for Culture, Arts and Housing for amendments to the North Yorkshire Council Tenancy Policy following consultation.

2.0 SUMMARY

- 2.1 Following local government reorganisation, North Yorkshire Council (NYC) has developed a single NYC Tenancy Agreement and accompanying amendments to the Tenancy Policy to address legacy inconsistencies in tenancy arrangements and housing management practices across the Council's housing service.
- 2.2 The proposed Tenancy Agreement and amended Tenancy Policy (Appendix A) reflect legislative requirements, policy alignment, operational improvements and sector best practice, and are intended to provide greater clarity, consistency and fairness for tenants and staff.
- 2.3 In accordance with statutory requirements, consultation on the draft Tenancy Agreement and proposed amendments to the Tenancy Policy was undertaken between 26 November and the 31 December. A total of 89 responses were received through a range of engagement methods.
- 2.4 Feedback demonstrated broad understanding and acceptance of the need to modernise and harmonise tenancy arrangements. Concerns and requests for clarification focused on specific issues, including succession, joint tenancies, rent payment arrangements and the clarity of language used.
- 2.5 Officers have considered the consultation responses and while no substantive changes have been made, minor drafting refinements and clarifications to the documents have been made to improve clarity and tenant understanding. The overall approach to harmonisation remains unchanged.
- 2.6 Approval is sought to adopt the NYC Tenancy Agreement and updated Tenancy Policy and to proceed with implementation.

3.0 BACKGROUND

- 3.1 As part of the wider programme of housing transformation following local government reorganisation, NYC is undertaking work to harmonise tenancy agreements and housing management policies across its housing stock.
- 3.2 Currently, tenants are subject to different tenancy agreements across Harrogate, Selby and Richmondshire. This variation creates challenges in terms of legal consistency, operational efficiency, and fairness for tenants.

- 3.3 The new NYC Tenancy Agreement will apply to all secure and introductory tenancies from April 2026. Existing flexible tenancies will be managed in accordance with their current contractual arrangements during a transitional period, as set out later in this report.
- 3.4 In addition, the Council is proposing amendments to the NYC Tenancy Policy, which was adopted in April 2025. These proposed changes include the introduction of a 52-week rent collection period and a change to tenancy start dates.
- 3.5 These changes are intended to support improved rent collection, simplify tenancy management, and enhance financial planning for tenants.
- 3.6 Both proposals form part of the Council's Housing Improvement Plan and contribute to the emerging Housing Revenue Account (HRA) Policy Framework. They support NYC's ambition to become an exemplar social landlord and ensure compliance with the Regulator of Social Housing's Tenancy Standard.

4.0 TENANCY AGREEMENT

- 4.1 NYC proposes to introduce a single NYC Tenancy Agreement for secure and introductory tenancies, replacing the legacy agreements inherited from Harrogate, Selby and Richmondshire. The agreement has been developed to reflect current legislation, best practice and the Council's strategic priorities, and to provide a consistent and transparent framework for tenants and staff. Tenants have also provided feedback on the draft Tenancy Agreement through the consultation process.
- 4.2 The variation of secure tenancy agreements is governed by Sections 102 and 103 of the Housing Act 1985. The Council was required to serve a Preliminary Notice to affected tenants, setting out the proposed changes and inviting comments; allow a reasonable period for tenants to respond; consider all representations received before deciding whether to proceed; and serve a Notice of Variation at least 28 days before the changes take effect.
- 4.3 In addition, Sections 105 of the Housing Act 1985 and 137 of the Housing Act 1996 require consultation with secure and introductory tenants on matters of housing management that may significantly affect them.
- 4.4 The draft NYC Tenancy Agreement introduces a single agreement covering both introductory and secure tenancies, replacing the previous practice of issuing separate agreements when tenants moved from introductory to secure status.
- 4.5 Existing flexible tenancies in Harrogate and Selby will remain on their legacy agreements until the end of their fixed term, in line with external legal advice regarding the risks and complexities of varying flexible tenancies mid-term. Upon expiry, these tenancies will convert to the NYC Tenancy Agreement. There are approximately 1,055 flexible tenancies across Harrogate and Selby.
- 4.6 Rent payment terms will be standardised. Rent will be due weekly on Mondays, with tenancy agreements running from Monday to Sunday. For tenancies starting mid-week, the first rent payment will be calculated proportionally based on the number of days held in that week. All tenancies will end on a Sunday, simplifying rent accounting and aligning with housing benefit and universal credit systems.
- 4.7 The agreement strengthens the Council's right to access properties for health and safety inspections, such as gas and electrical checks, and outlines consequences for refusal of access. Tenants will also be required to report repairs promptly, including issues related to damp and mould, supporting compliance with safety regulations and proactive maintenance.

- 4.8 Clear guidance is provided on the process for requesting permission to carry out home improvements or alterations. The agreement also sets out when tenants may be charged for works, such as damage or unauthorised alterations. A new clause addresses appropriate use of social media, particularly where it may impact neighbours or staff.
- 4.9 Succession rights are clarified, with consistent rules for new tenants and tailored provisions for existing tenants based on legacy arrangements. It included detailed guidance on succession scenarios, including discretionary grants of new tenancies where succession is refused.
- 4.10 The agreement outlines the process for ending a tenancy, including specific provisions for joint tenancies. If one joint tenant gives notice to quit, the tenancy will end for both parties. The Council will consider requests from the remaining tenant to remain in the property, but this is discretionary. This reflects a principle of law and is therefore not a new provision introduced by the NYC Tenancy Agreement; however, it is now clearly stated within the agreement.
- 4.11 Following approval, tenants will receive information outlining the key differences between their previous tenancy agreement and the new NYC Tenancy Agreement, to ensure clarity and understanding during implementation.

5.0 TENANCY POLICY

- 5.1 In addition to the proposed changes to the Tenancy Agreement, the Council proposing amendments to the NYC Tenancy Policy. The Tenancy Policy was adopted in April 2025 following consultation with tenants and stakeholders and sets out the Council's framework for tenancy management, including tenancy types, sustainment interventions, and enforcement actions.
- 5.2 Since implementation, operational feedback has highlighted areas where improvements could be made. As a result, the Council is proposing two key amendments aimed at improving consistency and simplifying tenancy administration. The first proposal is to introduce a uniform 52-week rent collection period for all tenants. This would replace the current variation in rent schedules, currently set at 48, 50, or 52 weeks depending on legacy arrangements, with a consistent model where rent is paid every week of the year. While the total annual rent payable will remain unchanged, this change would eliminate "rent-free" weeks and ensure rent payments are evenly distributed across the year. It should be noted that legacy Selby flexible tenants will be excluded from this 52-week model until the end of their fixed term, as specified in the policy documentation.
- 5.3 The second proposed amendment involves standardising tenancy start dates to align with weekly rent cycles. This change is intended to simplify rent accounting and tenancy management by ensuring that tenancy commencements are synchronised with the rent payment schedule.
- 5.4 Although the Tenancy Policy is not a contractual document, the proposed amendments are subject to statutory consultation requirements where they may significantly affect tenants. The relevant legal framework and consultation duties are set out in Section 11 of this report.
- 5.5 The consultation ran concurrently with the Tenancy Agreement consultation, from 26 November to 24 December 2025. However, it is treated as a distinct process with separate materials and feedback mechanisms. Tenants have been invited to review the proposed changes and provide feedback through online forms, email, drop-in sessions, and written correspondence.

6.0 CONSULTATION UNDERTAKEN AND RESPONSES

- 6.1 Initial engagement was undertaken with internal stakeholders including Housing Management teams, Legal Services, Finance, and Communications. These discussions have played a vital role in shaping both the draft Tenancy Agreement and the proposed amendments to the Tenancy Policy. Stakeholders provided operational insights, legal guidance, and expertise to ensure the proposals are practical, compliant, and clearly articulated.
- 6.2 Legal Services have reviewed the draft Tenancy Agreement and confirmed the statutory process for variation under Sections 102 and 103 of the Housing Act 1985. External Counsel has also provided input on key clauses, including succession and assignment, and advised on the difficulties and complexities of varying existing Harrogate and Selby flexible tenancies. This advice informed the decision to retain these flexible tenancies on their legacy agreements until the end of their fixed term. The legal input has helped ensure the draft agreement is both defensible and aligned with current legislation.
- 6.3 In addition to internal engagement and statutory tenant consultation, the draft Tenancy Agreement and associated tenancy management arrangements have been considered through the Council's wider regulatory assurance activity. Feedback has been received from external advisers, including Savills, as part of work undertaken to assess compliance with the Regulator of Social Housing's Consumer Standards. This feedback has informed officers' understanding of how the revised tenancy agreement and policy align with regulatory expectations and has led to additional clauses being incorporated into the draft Tenancy Agreement to ensure compliance with the Regulator of Social Housing's Consumer Standards. This includes provisions on Decent Homes, health and safety, and reasonable adjustments for tenants with disabilities.
- 6.4 Statutory consultation with tenants was undertaken in accordance with the Council's legal obligations in relation to tenancy variation and housing management matters, as detailed in Section 11 (Legal Implications). The consultation ran from 26 November to 31 December 2025.
- 6.5 All affected tenants were issued with a Preliminary Notice of Variation letter, setting out the proposed changes to the tenancy agreement and tenancy policy, the statutory basis for consultation, and how tenants could provide feedback. Tenants were invited to respond through a range of channels including an online survey, email, written correspondence or a Microsoft Teams session. In addition, face-to-face drop-in sessions were held in Richmond, Harrogate and Selby, providing tenants with the opportunity to ask questions and discuss the proposals directly with officers. Paper copies of consultation materials were made available on request
- 6.6 A total of 89 responses were received. Overall feedback demonstrated broad understanding and acceptance of the proposals, alongside a number of queries and requests for clarification on specific elements of the draft documents. While consultation responses raised a number of detailed and, in some cases, strongly expressed concerns, these related primarily to matters of clarification, understanding of existing legal principles, or requests for clearer guidance, rather than opposition to the overall proposals.
- 6.7 The consultation feedback has been carefully considered. No substantive changes to the proposals are recommended; however, a small number of minor wording and presentational refinements have been made to improve clarity, explanation and tenant understanding. The overall policy intent and approach to harmonisation remain unchanged.
- 6.8 A summary of the Consultation findings can be found at Appendix B.

7.0 CONTRIBUTION TO COUNCIL PRIORITIES

- 7.1 The proposed variation of tenancy agreements and the introduction of a unified NYC Tenancy Agreement contribute directly to the Council's strategic priorities. It supports the delivery of a fair, consistent, and customer-focused housing service across North Yorkshire, ensuring that tenants receive equitable treatment regardless of their locality or legacy landlord.
- 7.2 By harmonising tenancy terms and aligning them with current legislation and policy, the Council is improving transparency and accountability in its housing management functions. This contributes to the Council's commitment to fairness and inclusion, ensuring that all tenants understand their rights and responsibilities and are supported by clear, consistent service standards.
- 7.3 Alongside the Tenancy Agreement, the proposed amendments to the NYC Tenancy Policy, including the introduction of a 52-week rent collection period and potential change to tenancy start day support the Council's ambition to modernise tenancy management and improve operational efficiency. These changes are designed to enhance financial planning for tenants, reduce administrative complexity, and align NYC's approach with sector best practice.
- 7.4 Together, the harmonisation of tenancy agreements and the review of tenancy policy form key elements of the Council's housing transformation programme. They are closely linked to the Housing Improvement Plan and the Housing Revenue Account (HRA) Policy Framework, and reflect the Council's commitment to strengthening governance, improving service delivery, and meeting the expectations of tenants and regulators.
- 7.5 In doing so, the proposals contribute to NYC's ambition to become an Exemplar Social Landlord. They support compliance with the Regulator of Social Housing's Tenancy Standard and lay the foundation for improved performance, tenant satisfaction, and regulatory assurance.

8.0 ALTERNATIVE OPTIONS CONSIDERED

- 8.1 The principal alternative to the proposed variation would be to retain the existing Tenancy Agreements inherited from the three legacy authorities of Harrogate Borough Council, Selby District Council, and Richmondshire District Council. This option was considered but rejected for several reasons.
- 8.2 Maintaining multiple tenancy agreements would perpetuate inconsistency in the rights and responsibilities of tenants across the NYC area. It would also create ongoing operational challenges for staff, who would be required to navigate different legal frameworks, service standards, and enforcement mechanisms depending on the tenant's locality. While the introduction of the NYC Tenancy Agreement will significantly reduce these inconsistencies for secure and introductory tenancies, some variation will remain because Harrogate and Selby flexible tenancies will continue under their legacy agreements until their fixed term ends.
- 8.3 Retaining legacy agreements would also limit the Council's ability to implement housing management improvements identified in the Housing Improvement Plan and the Housing Revenue Account (HRA) Policy Framework. Although the new NYC Tenancy Agreement will modernise tenancy management for most tenants, full harmonisation cannot be achieved immediately because the NYC Tenancy Agreement differs from the legacy Harrogate and Selby flexible tenancy agreements, which will remain in place until expiry.

9.0 IMPACT ON OTHER SERVICES/ORGANISATIONS

- 9.1 The proposed variation of tenancy agreements and tenancy policy will involve collaboration across several Council services. Legal Services have provided advice on the statutory framework and have reviewed the draft tenancy agreement, including referral to Counsel for external input. Their continued involvement will be required to ensure legal compliance throughout the implementation phase.
- 9.2 The harmonisation of Tenancy Agreements and the proposed amendments to the Tenancy Policy will also have operational implications for Housing Management teams. Staff will need to be briefed and trained on the new tenancy agreement and any changes to tenancy management practices arising from the revised policy.

10.0 FINANCIAL IMPLICATIONS

- 10.1 The costs associated with the proposed variation of tenancy agreements and the associated consultation process have been met, and will continue to be met from existing Housing Revenue Account (HRA) budgets.
- 10.2 Additional expenditure may be incurred in relation to legal advice, including the referral to Counsel, and the finalisation of the tenancy agreement documentation. These costs are considered necessary to ensure legal compliance and mitigate risk and will be managed within the existing HRA allocation for legal and governance support.
- 10.3 The implementation of a unified tenancy agreement is expected to generate longer-term efficiencies by reducing duplication, streamlining tenancy management processes, and improving clarity for both tenants and staff. These operational benefits will support the Council's wider housing transformation programme and contribute to improved value for money.
- 10.4 The proposed amendments to the Tenancy Policy are also expected to deliver financial and operational benefits. The introduction of a 52-week rent collection period may improve income collection and reduce arrears, while changes to tenancy are intended to simplify rent accounting and reduce administrative overheads.

11.0 LEGAL IMPLICATIONS

- 11.1 The variation of secure tenancy agreements is governed by Sections 102 and 103 of the Housing Act 1985. Section 102 provides the Council with the power to vary the terms of a secure tenancy, while Section 103 sets out the procedural requirements for doing so. These include the service of a Preliminary Notice, a period for tenant representations, and the subsequent service of a Notice of Variation, subject to consideration of any feedback received.
- 11.2 In addition, Section 105 of the Housing Act 1985 requires local housing authorities to consult secure tenants on matters of housing management, including changes to tenancy terms. For introductory tenants, Section 137 of the Housing Act 1996 imposes a similar duty. The Council must consider the views of tenants before making a final decision on the proposed variation.
- 11.3 The Council has sought legal advice throughout the development of the proposed North Yorkshire Council Tenancy Agreement. Legal Services have reviewed the draft agreement and advised on the statutory consultation and variation process to ensure compliance with legislative requirements. In addition, the draft agreement was referred to Counsel for external legal input, providing assurance on the robustness of the terms and the lawfulness of the variation process.

- 11.4 The amendments to the Tenancy Policy, including the introduction of a 52-week rent collection period and changes to tenancy start dates, are not subject to the formal variation process under Sections 102 and 103 of the Housing Act 1985, as the policy is not a contractual document. However, as these changes may significantly affect tenants, consultation has been undertaken in accordance with Section 105 of the Housing Act 1985 and Section 137 of the Housing Act 1996. Legal Services have confirmed that this approach satisfies the Council's statutory obligations.

12.0 EQUALITIES IMPLICATIONS

- 12.1 An Equality Impact Assessment (EIA) has been undertaken in relation to the introduction of the NYC Tenancy Agreement. The assessment considers the potential impact of the changes on tenants with protected characteristics under the Equality Act 2010, including age, disability, race, gender, religion or belief, sexual orientation, and other relevant factors. The proposed amendments to the NYC Tenancy Policy including the introduction of a 52-week rent collection period and potential change to tenancy start day have also been considered through the EIA process. See Appendix C.
- 12.2 The harmonisation of Tenancy Agreements is intended to promote fairness, consistency, and transparency across the Council's housing stock. From 1 April 2026, all existing tenants (except those on flexible tenancies) will move to the new NYC Tenancy Agreement, while new secure and introductory tenants will also be subject to this agreement. The NYC Tenancy Agreement ensures that existing tenants retain their succession and assignment rights as set out in their legacy tenancy agreements. These rights differ between legacy tenancies, and the NYC Tenancy Agreement includes clear reference to these legacy provisions for clarity. Flexible tenants will remain on their current agreements until the end of their fixed term.
- 12.3 The Council will continue to monitor the equalities impact of the proposed changes throughout the implementation phase and will take appropriate action to address any issues identified.

13.0 CLIMATE CHANGE IMPLICATIONS

- 13.1 A Climate Change Impact Assessment (CCIA) screening form has been completed in relation to both the proposed variation of tenancy agreements and the proposed amendments to the Tenancy Policy. The assessment concluded that neither proposal is expected to have a significant negative impact on the Council's climate change objectives. See Appendix D.

14.0 PERFORMANCE IMPLICATIONS

- 14.1 The introduction of the NYC Tenancy Agreement is expected to have a positive impact on the performance of the Council's housing service. By replacing multiple legacy agreements with a single, consistent document, the Council will be able to streamline tenancy management processes, reduce ambiguity, and improve operational efficiency.
- 14.2 The proposed amendments to the Tenancy Policy including the introduction of a 52-week rent collection period and potential change to tenancy start day are also expected to support improved performance. These changes aim to simplify rent accounting, enhance income collection, and reduce administrative complexity, contributing to more efficient service delivery.

15.0 POLICY IMPLICATIONS

- 15.1 The new Tenancy Agreement will replace the legacy agreements inherited from Harrogate, Selby and Richmondshire, and will become the standard legal framework for all secure and introductory tenancies managed by the Council.
- 15.2 The proposed amendments to the NYC Tenancy Policy specifically the introduction of a 52-week rent collection period and change to tenancy start day represent a revision to the policy adopted in April 2025. These changes will require an update to the published policy document following consultation and approval.

16.0 RISK MANAGEMENT IMPLICATIONS

- 16.1 There is a legal risk if the statutory process for varying tenancy agreements is not followed correctly. This includes the requirement to serve a Preliminary Notice, undertake meaningful consultation, consider tenant feedback, and issue a Notice of Variation in accordance with statutory timescales. This risk has been mitigated through close involvement of Legal Services, adherence to the relevant provisions of the Housing Acts 1985 and 1996, and the completion of the required consultation process.
- 16.2 There is also a legal and reputational risk associated with the amendments to the Tenancy Policy. Although the policy is not a contractual document, the Council is required under Sections 105 of the Housing Act 1985 and 137 of the Housing Act 1996 to consult tenants on matters of housing management that may significantly affect them. This risk has been mitigated through the completion of statutory consultation and consideration of tenant feedback prior to finalising the policy.

17.0 CONCLUSIONS

- 17.1 The harmonisation of tenancy agreements is a central component of North Yorkshire Council's housing transformation programme following local government reorganisation. The draft NYC Tenancy Agreement has been designed to provide a consistent, legally compliant, and tenant-focused framework across the Council's housing stock.
- 17.2 The proposed changes to both the Tenancy Agreement and Tenancy Policy reflect statutory requirements, operational improvements, and best practice. They support the Council's strategic priorities, including fairness, transparency, and improved service delivery, and represent a significant step towards establishing a unified housing service.

18.0 REASONS FOR RECOMMENDATIONS

- 18.1 The recommendations are made to enable a decision to be taken on the adoption of the NYC Tenancy Agreement and the amended Tenancy Policy, following completion of statutory consultation and consideration of tenant feedback. This approach ensures legal compliance, supports consistency across the housing service, and provides a clear and robust framework for tenancy management across North Yorkshire.

19.0 RECOMMENDATION(S)

It is recommended that the Executive Member for Culture, Arts and Housing:

19.1 Approves the amended Tenancy Policy as outlined in this report.

APPENDICES:

Appendix A – Draft Tenancy Policy
Appendix B – Consultation Response Summary
Appendix C – EIA
Appendix D – CCIA

BACKGROUND DOCUMENTS: None

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Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.