

Wards Affected:

All Wards

ITEM 6**DELEGATED DECISION****30 JULY 2019****CONSULTATION ARRANGEMENTS UNDER SECTION 105 OF THE HOUSING ACT 1985**

Responsible Cabinet Member: Councillor Long, Cabinet Member for Housing and Regeneration

Report Sponsor: Michael Kelleher, Director, Housing & Regeneration, Tel: 01908 254167

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Executive Summary:

Under Section 105 of the Housing Act 1985 the Council has a legal obligation to consult its secure tenants on matters of housing management such as changes to the management, maintenance, improvement or demolition of houses let by them, or changes in the provision of amenities. There are similar obligations under Section 137 of the Housing Act 1996 for consulting with introductory tenants.

The Statement of Arrangements for Consultation sets out how Milton Keynes Council will consult with secure tenants under Section 105 of the Housing Act 1985 and introductory tenants under Section 137 of the Housing Act 1996.

Councillor Nigel Long**Cabinet Member for Housing and Regeneration****1. Recommendation(s)**

That the Statement of Arrangements for Consultation under Section 105 of the Housing Act 1985 and Section 137 of the Housing Act 1996 be approved..

2. Background

2.1 Under Section 105 of the Housing Act 1985 the Council has a legal obligation to consult its secure tenants on matters of housing management such as changes to the management, maintenance, improvement or demolition of houses let by them, or changes in the provision of amenities.

2.2 There are similar obligations under Section 137 of the Housing Act 1996 for consulting with introductory tenants.

2.3 Once the Section 105 of the Housing Act 1985 consultation with secure tenants, and the Section 137 of the Housing Act 1996 consultation with introductory tenants is carried out and responses considered, the Council has undertaken its

statutory duty. The Council will consider all representations made before any final decisions on proposals are taken.

2.4 This report seeks approval to adopt the Statement of Arrangements for Consultation, as attached at the Annex.

3. The Statement of Arrangements for Consultation

3.1 The Statement of Arrangements for Consultation sets out the following:

- The Council's obligations to consult with secure and introductory tenants
- How tenants will be informed of the consultation and its outcomes
- How tenants can make their views known

4. Implications

4.1 Policy

There are no immediate policy implications in respect of the proposals set out in this report or the statement of consultation as they merely reflect the prevailing legal position.

4.2 Resources and Risk

Resources: Any costs relating to s105 or s137 consultation can be contained within existing HRA budgets.

Risk: The Statement of Arrangements for Consultation sets a clear framework for consulting with secure and introductory tenants and will minimise the risk of challenge by ensuring that we fulfil our legal obligations.

4.3 Carbon and Energy Management

None noted at this stage.

4.4 Legal

As detailed previously, Section 105 of the Housing Act 1985 places a legal obligation on the Council to consult its secure tenants on matters of housing management. There are similar obligations under Section 137 of the Housing Act 1996 for consulting with introductory tenants.

4.5 Other Implications

Y	Equalities/Diversity	N	Sustainability	N	Human Rights
N	E-Government	Y	Stakeholders	N	Crime and Disorder

Background Papers: None

Annex: Statement of Arrangements for Consultation under Section 105 Housing Act 1985 and Section 137 Housing Act 1996