



# Tenant Participation Agreement



**Epping Forest District Council  
and  
Epping Forest Tenants and  
Leaseholders Federation**

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**Housing**

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## 1. Parties to the Agreement

1.1 This Tenant Participation Agreement ('Agreement') is dated the 18<sup>th</sup> day of November 2008 and is between Epping Forest District Council ('the Council') and the Epping Forest Tenants and Leaseholders Federation ('the Federation').

## 2. Definitions

'Consult'	To seek views and to take the views into account when making decisions.
'District'	The area administered by the Council.
"Epping Forest District Leaseholders Association"	A group representing Lessees of residential non-commercial, properties of which the Council is the freeholder.
'Estate based agreements'	Individual written agreements between the Council and recognised tenants associations, setting out the approach the Council and the tenants association will take to tenant participation.
'Executive Committee'	A committee of the Federation established to carry out the business of the Federation and comprising representatives of recognised tenants associations.
'Federation'	The Epping Forest Tenants and Leaseholders Federation, which comprises all the recognised tenants associations in the District, the Epping Forest Leaseholders Association, the Epping Forest Sheltered Forum and Rural Tenants Forum, whose representatives meet on a regular basis to discuss local housing issues, and with whom the Council consults on housing issues.
"Housing Management Team"	The Director of Housing, the Asst. Director of Housing (Operations), the Asst. Director of Housing (Property), the Asst Director of Housing (Private Sector and Resources)
'Housing News'	The periodic newsletter, produced by the Council's Housing Directorate and delivered to the homes of all the Council's tenants and leaseholders and if appropriate, Housing Register applicants, giving information on housing issues of interest to tenants.
"Housing Portfolio Holder"	The Councillor given responsibility to make decisions on housing issues by the Council's Cabinet.

"Housing Scrutiny Panel"	A non-executive committee of the Council that considers policy issues in detail prior to decisions being made by the Housing Portfolio Holder or the Cabinet and monitors matters relating to housing.
'Leaseholders'	Lessees of residential, non-commercial, properties of which the Council is the freeholder.
'National Framework for Tenant Participation Compacts'	The National Framework for Tenant Participation Compacts' (Agreements) published by the Office of the Deputy Prime Minister (now Communities and Local Govt)* in March 2005.
"Sheltered Forum"	A group made up of tenant representatives from the district's Sheltered Housing and Group Dwelling schemes.
'Tenant Associations'	Groups of tenants who represent the interests of all tenants within a defined geographical area, and which meet a specified criteria set by the Council for formal recognition by the Council.
'Tenants'	Secure or Introductory tenants and residential leaseholders of non-commercial properties of the Council.
'Tenant Management'	Organisations comprising tenants who choose to manage their Organisations' and 'TMOs' own housing services, as provided by the relevant Housing Acts.
'Tenant Participation'	The involvement of tenants and leaseholders in the provision of housing services to them.
'Tenant Participation Agreement'	A Tenant Participation Compact as defined in the Government's National Framework for Tenant Participation Compacts.
'Tenant Participation Officer'	The Council Officer responsible for the promotion and development of tenant participation and for giving support to the Federation.
'The Forester'	The periodic newsletter, produced by the Council and delivered to the homes of all residents in the Epping Forest District, giving information on Council-based issues of interest.

### **3. Purpose of the Agreement**

3.1 This Agreement sets out the intentions of the Council and the Federation in the approach they will take for;

- a) the provision of information to tenants and to tenant participation generally;
- b) the operation of the Federation; and
- c) reviewing the Agreement.

3.2 This Agreement is a statement of commitment by both the Council and the Federation. It is not legally enforceable. The reason for this is that, for it to be legally enforceable, it would be necessary for the Council to enter into a legal agreement with individually named tenants on behalf of the Federation who would become personally liable for any breaches of the agreement. It is accepted that such a responsibility would be unacceptable to both the Council and the Federation and could hinder the intention of promoting the involvement of tenants in the delivery of housing services.

3.3 This Agreement has been drafted in accordance with, and having due regard to, the guidelines set out in the 'National Framework for Tenant Participation Compacts' produced by the Office of the Deputy Prime Minister\*.

3.4 Although the Government refers to 'Tenant Participation Compacts', the Council and the Federation believe that the description 'Tenant Participation Agreement' is more understandable to tenants. The term 'Tenant Participation Agreement' has therefore been adopted. However, for the avoidance of doubt, it is confirmed that they amount to the same.

3.5 Neither the Federation nor its Executive Committee will be liable, either jointly or as individual members, for any losses incurred as a result of any act or decision of the Federation or its individual members, unless that act or decision was made wilfully or fraudulently.

### **4. Duration of the Agreement**

4.1 The Agreement will be effective for a three-year period from the date of signature and will be subject to review in accordance with the arrangements set out in this Agreement.

### **5. Joint Statement of Commitment to Tenant Participation**

5.1 The Council and the Federation recognise the importance and benefits of tenant participation.

5.2 The Council and the Federation aim to enable the Council's tenants to participate in the delivery of their housing services through;

- a) the receipt of good quality information;
- b) adequate and appropriate consultation on relevant housing issues; and
- c) opportunities to provide feedback to the Council.

5.3 Together and independently, the Council and the Federation will ensure that appropriate, effective and adequate arrangements are made to enable tenants to participate in the delivery of their housing services, to the extent detailed in this Agreement.

5.4 The Council and the Federation will work together to ensure that the Federation is an organisation that is effective, efficient, open, accountable, fair and properly represents the views of tenants.

## 6. The Council's General Approach to Providing Information to Tenants

The Council intends to take the following approaches to informing tenants about their housing services on an ongoing basis:

### 6.1 General:

Information provided by the Council to tenants will be;

- a) in plain language;
- b) expressed clearly, avoiding jargon; and
- c) of good quality, timely and tailored to tenants' needs.

### 6.2 General Information to all Tenants:

- a) The Council will endeavour to provide general information to all tenants on the following:
  - i) Housing strategies & investment plans, including present/future capital works;
  - ii) Housing management issues and issues relating to the delegation of housing services;
  - iii) Tenant participation and Agreements, including opportunities for being involved in decision-making and the support available for getting involved;
  - iv) Key performance indicators; and
  - v) Matters of interest to tenants.
- b) General information to all tenants will be reported in 'Housing News', produced at least three times each year, and provided to the local press and radio through media press releases. Special issues of 'Housing News' will be published to deal with important issues that require extensive coverage.
- c) The Council will provide each Tenant with a copy of the Tenant's Handbook. This will include information on Tenant Participation and a summary of this Tenant Participation Agreement.
- d) The Council will make available to tenants, on reasonable request, any publications that it produces.
- e) The Council will maintain a Housing Section of the Council's website, that will provide tenants with the following information:
  - a) A-Z of Housing Services
  - b) Contact details for Housing Services
  - c) Housing publications and leaflets
  - d) Latest housing news
  - e) Tenant Participation

### 6.3 Important Information to Individual Tenants on Specific Issues:

- a) Tenants will be advised of important and specific issues affecting all tenants by individual letter.
- b) Tenants of individual estates will be informed of important issues affecting them (eg improvement schemes) either by special newsletter, by letter or through resident's meetings.
- c) Tenants will be provided with written confirmation of repairs they have reported to the Council within three working days of report.

#### 6.4 Information to Tenants with Special Needs:

- a) Special arrangements will be made on request to provide information in large print, Braille or spoken word for visually impaired tenants.
- b) The Council will publicise the arrangements for providing information to tenants in large print, Braille or spoken word.
- c) Special language requirements for non-English speaking tenants will be considered when providing information to tenants and the Council will utilise the translation service appointed by Essex County Council to translate information to individual tenants when necessary on request.
- d) A portable hearing loop will be made available to visitors to Council offices, on request.

### **7. The Council's General Approach to Tenant Participation**

The Council intends to take the following approach to tenant participation on an ongoing basis:

#### 7.1 General:

The Council's detailed approach to tenant participation will be set out in a Housing Directorate Strategy on Tenant Participation. This approach will be summarised in a chapter of the Council's Housing Strategy and within the Housing Revenue Account Business Plan.

#### 7.2 Consultation with Tenants on General Issues:

Individual tenants will be consulted on important general housing issues and policies either through 'Housing News' or by individual letter.

#### 7.3 Consultation with Tenants on Specific Issues:

- a) Tenants of individual estates will be consulted on major issues that affect them (eg improvement schemes) either by special newsletter, by letter or through residents meetings, and their views will be taken into account.
- b) Where individual choices are available to tenants on specific issues (eg improvement schemes), they will be consulted either through letter/questionnaire or personal visit, on tenants' preferences.

#### 7.4 Obtaining Feedback from Tenants and Dealing with Complaints:

- a) The Council will undertake a comprehensive tenants satisfaction survey every two years or as directed by Government, and compare the results with those of other local authorities and registered social landlords.
- b) Tenants will be sent Repairs Satisfaction Forms every time they report a repair, and invited to complete and return the form after the repair has been undertaken, giving comments on their level of satisfaction in respect of:
  - i) the general quality of the work;
  - ii) the politeness and co-operation of the workmen;
  - iii) how clean and tidy their home was left by the workmen;

- iv) the time it took for the repair to be undertaken; and
  - v) the general standard of the service received.
- c) Tenants will be provided with satisfaction forms after the Council has undertaken planned improvements to their home.
  - d) The Council will operate and publicise a Complaints and Compliments Procedure, with increasing levels of reporting, to enable tenants to progress their complaints, commencing with complaints made to the officer dealing with the matter and with the provision for complaints to be made to the Council's Chief Executive, a Complaints Panel of Councillors and the Local Government Ombudsman.

#### 7.5 Developing and Supporting Tenant Associations:

- a) Council officers and members will endeavour to identify opportunities for the formation of new tenants associations when they deal with individual tenants and informal groups of tenants.
- b) Practical, and where appropriate, financial support and advice will be provided by the Council to new groups wishing to form tenants associations, including attendance at meetings.
- c) Tenants wishing to form tenants' associations will be encouraged to form steering groups in the first instance. The Council will formally recognise tenants association steering groups that;
  - i) comprise at least 10 named tenants from within the geographical boundary of the proposed tenants association;
  - ii) agree one person to be 'lead resident' until a formal Constitution has been agreed and a Chairman has been formally elected;
  - iii) make the 'lead resident' responsible for any money received or paid by the Steering Group; and
  - iv) endeavour to form a recognised tenants association within 6 months of recognition as a steering group.
- d) The Council will provide start-up funding of £100 to any recognised steering group wishing to form a recognised tenants association, and will provide a further grant of £200 on formal recognition as a tenants association.
- e) Tenants association steering groups will be required to return any unexpended funding made available by the Council if the proposed tenants association is not formed within 6 months of the first meeting of the steering group.
- f) The Council will formally recognise tenants associations that;
  - i) have a membership of at least 10 named tenants at any one time;
  - ii) have membership open to all tenants and leaseholders within the defined area of coverage;
  - iii) have a written Constitution, in a form acceptable to the Council's Director of Housing, following agreement at an open meeting to which all members are invited, and only make changes to the Constitution at an open meeting to which all members were invited;
  - iv) provide a copy of the latest version of the Constitution to the Council within ten working days of adoption or any amendments being agreed;

- v) democratically elect their Chairman and give all members of the Tenants' Association equal opportunity to seek election as Chairman;
  - vi) have an annual general meeting to elect key officer positions including the Chairman, which a minimum necessary number of tenants attend before the meeting can take decisions;
  - vii) take minutes of the Annual General Meeting;
  - viii) hold at least two meetings of the association within a twelve-month period, to which all members of the association are invited;
  - ix) designate a person as Treasurer (or similar), who is made responsible for maintaining records of any income and expenditure and producing a written summary of income and expenditure (accounts) annually;
  - x) ensure that all expenditure by the association, including petty cash, is authorised by at least two officers of the association;
  - xi) ensure that any cheques or withdrawals of money from any of the association's bank or building society accounts are signed by two officers of the association;
  - xii) have the accounts audited for accuracy and probity by a person, independent of the Treasurer, at least once every twelve months; and
  - xiii) submit copies of its accounts to the Council within one month of them being audited;
  - xiv) agree (and sign) an Estate-based Tenant Participation Agreement setting out the agreed responsibilities of the Council and the Association, based on the Council's Model Tenant Participation Agreement to be produced in liaison with the Tenants Federation; and
  - xv) have a mechanism for written communication with their members.
- g) Reference to tenant associations in this Agreement includes resident and community associations that have a wider membership than just tenants, including residents/tenants panels.
- h) Estate-based Agreements will be drafted by the Council and sent for comment to new tenant associations that meet the Council's requirements for recognition within three months of their Constitution being approved by their membership.
- i) The Council will provide annual Tenants Association Support Grants of up to £250 to each recognised tenants association, with the individual amounts provided to each tenants association agreed by the Council's Housing Portfolio Holder on an annual basis after taking into account;
    - i) the amount requested by the tenants association;
    - ii) the size of the association;
    - iii) the Council's perceived performance of the association over the previous year;
    - iv) the association's use of funds during the previous year; and
    - v) the need for funding based on the latest accounts of the association.
- j) Where possible the Council will make premises available for the use of tenants associations to hold meetings of all its members, or alternatively meet the reasonable cost of hall bookings, for no more than 4 meetings per annum. However, communal lounges of sheltered housing schemes will only be made available to tenant associations that substantially represent the tenants of the sheltered housing scheme concerned.

- k) The Council will provide a free printing/photocopying service to recognised tenants associations and recognised tenants association steering groups for a maximum of 1,000 sheets of A4 (or equivalent) per annum per association/steering group.
- l) The Council will delegate a budget of between £50 and £500 per annum to each recognised tenants' association for minor estate enhancements within the defined boundaries of the area covered by the individual associations, with the individual amounts agreed by Housing Portfolio Holder.
- m) The Council will arrange and provide training to representatives of tenants associations on housing-related issues as required.

#### 7.6 Tenant Management Organisations:

- a) Tenant Management Organisations comprise tenants who choose to manage their own housing services, in accordance with the detailed rules set out in law and by the Government. Details of these rules will be provided by the Council on request. Tenants seriously wishing to investigate the formation of Tenant Management Organisations will be fully supported by Council officers.
- b) Any proposals for the formation of Tenant Management Organisations will be given full consideration by the Council.

#### 7.7 Promotion of Tenant Participation:

- a) The Council will hold regular 'Tenant Participation Roadshows' or alternative events, across the district, with the aim of starting new Tenants Associations and promoting existing associations.
- b) The Council will endeavour to attend local events across the district, for example fetes or fun days, to promote Tenant Participation.
- c) The Council will carry out surveys of tenants' interests from time to time in order to assess opportunities for participation, set up focus groups to discuss specific topics and consult with tenants on particular issues.

### **8. The Council's General Approach to the Operation of the Federation**

The Council intends to take the following general approach towards the Federation on an ongoing basis:

#### 8.1 Information:

- a) Copies of the following plans will be provided to members of the Federation's Executive Committee annually:
  - i) Housing Revenue Account (HRA) Business Plan;
  - ii) Repairs and Maintenance Business Plan.
- b) Housing officers will provide the Federation with advice and information on relevant housing issues, at both national and local levels, as appropriate.

- c) The Director of Housing or another member of the Housing Management Team, and the Tenant Participation Officer will attend each meeting of the Federation's Executive Committee to report on current issues.
- d) The Housing Portfolio Holder will endeavour to attend meetings of the Federation's Executive Committee.
- e) The Council will provide the Federation's Executive Committee with general information on the following:
  - i) Housing strategies & investment plans, including present/future capital works;
  - ii) Housing management issues and issues relating to the delegation of housing management;
  - iii) Tenant participation and Agreements, including opportunities for being involved in decision-making and the support available for getting involved;
  - v) The Council's housing performance; and
  - vi) Matters of interest to the Federation.
- f) In order to keep Members of the Council informed about tenant participation, the Tenant Participation Officer will provide a quarterly report on the Federation's activities in the Council's Members Bulletin.

## 8.2 Consultation:

- a) The Council will endeavour to consult the Federation's Executive Committee on strategic and policy issues affecting all tenants and leaseholders and, where possible, before consideration by the Housing Portfolio Holder or Council committees, ensuring a minimum consultation period of 14 days.
- b) In particular, the Federation will be consulted on;
  - i) the Council's housing strategies contained within its Housing Strategy prior to amendment;
  - ii) the Council's draft Housing Revenue Account (HRA) Business Plan annually;
  - iii) the Council's draft annual Repairs and Maintenance Business Plan annually;
  - iv) proposed amendments to the Housing Allocations and Mutual Exchange Schemes annually;
  - v) new housing policies or proposed changes to existing policies, affecting all or the majority of tenants; and
  - viii) fees and charges for housing related services.
- c) Council housing officers will endeavour to respond in writing to queries from members of the Federation's Executive Committee within 5 working days.
- d) The Chairman of the Federation's Executive Committee will be invited to attend meetings of the Council's Housing Scrutiny Panel to represent the views of the Federation and tenants and leaseholders generally.

### 8.3 Publicity:

- a) Publicity will be given to tenants on the work of the Federation through:
  - i) Housing News;
  - ii) The Forester; and
  - iii) The Council's Website.

### 8.4 Support and Funding:

- a) The Council will provide a sufficient annual budget for tenant participation to support the Federation's activities.
- b) The Council's Tenant Participation Officer will produce, and arrange the copying of, agendas and minutes for the Federation, on behalf of and in conjunction with the Chairman of the Federation.
- c) In liaison with the Federation, the Council will maintain a Mailing List of the Federation's Executive Committee members and send the following information to members on behalf of the Federation:
  - i) Agenda and details/dates for future meetings in advance of the meetings;
  - ii) Minutes of meetings (within one month of the meetings being held); and
  - iii) General information.
- d) The Council will ensure that the Federation has access to independent advice by meeting the Federation's annual subscription to the Tenant Participation Advisory Service (TPAS).
- e) A basic desktop publishing service will be provided by the Council for the Tenants Federation News sheet and other Federation information (eg posters).
- f) The Council will ensure that the Federation is aware of the resources available to them, including staff time.
- g) The Council will provide transport or pay the reasonable transportation costs of residents attending meetings of the Federation.

### 8.5 Training:

- a) The Tenant Participation Officer will co-ordinate the Federation's training requirements.
- b) The Tenant Participation Officer will notify the Federation's Executive Committee of relevant training courses for tenants that he/she becomes aware of.
- c) Available places on courses held by the Council under its Corporate Training Programme will be made available to key members of the Federation, subject to Council staff having first refusal.

## 9. The Federation's General Approach to its Operation

The Federation intends to take the following general approach towards its own operation:

### 9.1 Structure and Constitution:

- a) The Federation will have a written Constitution in a form acceptable to the Council's Housing Portfolio Holder, following agreement at a meeting of the Executive Committee to which representatives of all the recognised tenants associations in the District and the Leaseholders Association are invited.
- b) The Federation will only make changes to the Constitution at a meeting of the Executive Committee to which representatives of all the recognised tenants associations in the District and the Leaseholders Association are invited.
- c) The Federation will provide a copy of the latest version of the Constitution to the Council within ten working days of any amendments being agreed;
- d) The Federation will comply with the Constitution at all times.
- e) The Federation will endeavour to ensure that it represents all tenants and leaseholders.
- f) The Federation will maintain an Executive Committee to carry out the business of the Federation, including the offices of Chairman, Vice-Chairman and if considered necessary, Secretary, with the officers of the Executive Committee elected annually from the standing representatives of the recognised tenants associations, the Leaseholders Association and the Sheltered Forum, with the exception of the Chairman who shall be elected every three years.
- g) The Federation will appoint one member of its Executive Committee as "Tenant Liaison Representative", to act as a link between the Federation and tenants who are not members of recognised tenants associations.
- h) The Federation's Executive Committee will hold an Annual General Meeting and give all members of the Executive Committee at least 14 days notice of its date, time and venue.
- i) Members of the Federation's Executive Committee will endeavour to obtain the views of tenants through their tenants and leaseholder associations. The views of all tenants will be sought on particularly important housing issues, through 'Housing News' or the Federation's Tenants News sheet.
- j) The Federation will endeavour, and take positive steps, to ensure that tenants with special interests are adequately represented, including:
  - (i) older people;
  - (ii) families and younger tenants;
  - (iii) people with disabilities;
  - (iv) tenants from ethnic minorities; and
  - (v) tenants with other special needs.

- k) Representatives of the Federation attending Council committees will report back to each meeting of the Federation on;
  - (i) the matters discussed at the meeting; and
  - (ii) the views expressed by the Federation's representatives.
- l) With the assistance of the Council, the Federation will produce a regular Federation News sheet that will be distributed to all tenants and leaseholders informing them of the work of the Federation.
- m) The Federation will keep under review the possibility of the Federation supporting a Tenant Management Organisation (TMO).

## 9.2 Executive Committee - Meeting Arrangements:

- a) Meetings of the Federation's Executive Committee will be held at least every three months.
- b) The Federation's Executive Committee will endeavour to ensure that meetings are adequately accessible for the majority of the members of the Executive Committee, in terms of physical access and geographical convenience.
- c) Meetings of the Executive Committee will be conducted in a fair way, ensuring every member has a reasonable opportunity to speak.
- d) The Federation's Chairman will ensure that meetings consider appropriate issues and give sufficient time to important issues, with an appropriately drafted agenda, and that the majority of time at meetings is spent on important issues, with individual cases/complaints only discussed if they illustrate a general point.
- e) All meetings of the Executive Committee will have clear objectives, a written agenda, a clear action plan to deal with agreed matters and arrangements for reporting back to future meetings on matters arising.

## 10. Monitoring and Review of the Agreement

- 10.1 In accordance with the 'National Framework for Tenant Participation Compacts', the Council and the Federation will undertake a review of the Council's Housing Directorate Strategy on Tenant Participation, every three years to;
- a) identify and investigate failure to meet service standards and targets on tenant participation;
  - b) monitor and evaluate different approaches to tenant participation, looking particularly at the scope for changing the approach taken by the Council and the Federation to ensure that it remains effective and efficient;
  - c) monitor tenant representatives and groups to ensure they continue to carry out their roles effectively;
  - d) monitor equality of opportunity and levels of involvement by all groups, including ethnic minorities;

- e) assess performance against what other housing organisations are achieving; and
- f) check that the Council consults with, and involve, tenants from all parts of the community effectively.

10.2 In conjunction with the Federation, the Council's Housing Scrutiny Panel and Housing Portfolio Holder will undertake a review of the Council's Housing Directorate Strategy on Tenant Participation to;

- a) assess the results of this Agreement and estate-based Agreements against the Council's and the Federation's original expectations;
- b) review the Council's tenant participation policies, practice and performance;
- c) assess whether the Council's policies are still relevant and meet tenants' hopes and needs;
- d) measure against national and local performance indicators, including a comparison with performance achieved by other councils or registered social landlords; and
- e) set performance measures and targets for tenants' satisfaction in the following year in respect of;
  - i) participation arrangements;
  - ii) services, including value for money; and
  - iii) their local area.

10.3 The Council and the Federation will undertake a formal review of the success of this Agreement six months before its expiry date.

### **11. Equal Opportunities Statement**

The Federation will represent all sections of the community. All members should actively seek to represent the various needs of the district, and must not discriminate on the grounds of nationality, political opinion, race, religious opinion, sex, sexuality or disability.

### **12. Signatures**

Housing Portfolio Holder

Chairman of the Epping Forest  
Tenants and Leaseholders Federation



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