

HOUSING CABINET MEMBER MEETING

Agenda Item 28

Brighton & Hove City Council

Subject:	Annual report to council tenants and leaseholders 2011		
Date of Meeting:	7 September 2011		
Report of:	Head of Housing & Social Inclusion		
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Ward(s) affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 The council is required under the current regulatory framework for social housing landlords to publish by 1 October 2011 for our council tenants a performance report for the year ending 31 March 2011.
- 1.2 An annual report has been produced with the involvement and scrutiny of tenants and leaseholders, in line with the plan and timetable agreed with the Housing Management Consultative Committee on 24 January 2011.

2. RECOMMENDATIONS:

- 2.1 That the Cabinet Member for Housing approves the annual report to council tenants and leaseholders 2011 at Appendix 1 for publication and distribution to all council tenants and leaseholders.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The current regulatory framework for social housing which is still in force requires 'registered providers' (including council landlords) to publish an annual report to their tenants containing a self assessment of their performance against the standards set by the Tenant Services Authority (TSA). The annual report is a key mechanism for landlords to make themselves accountable to their tenants, as part of 'co-regulation'.
- 3.2 The TSA's requirements are that the annual report should:
 - assess how the council is currently meeting the TSA standards, including how it measures its compliance
 - note any gaps and any associated improvement plans
 - include the council's service offer to tenants against the standards over the current year, including local service offers
 - include reference to how the council has gained assurance on the outcomes reported, including how tenants have been involved in scrutinising performance

and, where appropriate, use of external validation, peer review and benchmarking and

- detail how tenants have been involved in producing and scrutinising the report.

It expects an honest and robust self assessment that is evidence based.

Landlords must meet the commitments they make to tenants in the report.

3.3 Under the regulatory framework landlords are also required to send a copy of the report to the TSA as a means for it to assess landlords' compliance with their standards. However, the government's Localism Bill currently going through Parliament proposes to abolish the TSA next year and transfer a 'backstop' role to intervene on consumer matters to the Homes and Communities Agency, repealing the regulator's power to receive annual reports. In view of these changes, the TSA announced in July that it does not require providers to routinely send them a copy of their 2011 annual reports.

3.4 In January the Housing Management Consultative Committee noted the progress already made in implementing the council's improvement plans included in the first annual report to council tenants and leaseholders last year. The Committee also noted the proposed plan and timetable for involving residents in producing and scrutinising this annual report to tenants and leaseholders for the year ending 31 March 2011.

3.5 We followed the agreed plan with the aim of involving as wide a range of residents as possible in the production and scrutiny of the report. The section of the annual report entitled 'How tenants and leaseholders have been involved in producing and checking this annual report' outlines the opportunities we offered to residents to have their say in the report, which were extensively publicised in Homing In magazine, at the City Assembly and Area Panels. In addition to asking all residents what they would like to see or say in the report, a consultation draft version was issued on 29 June and sent to all tenant and resident associations, made available at our offices and put on our website and the council's consultation portal. We emailed over 2,200 tenants and leaseholders who we have email addresses for with a link to the portal for their comments. We also posted on Twitter and Facebook that we were asking all council tenants and leaseholders to have their say in the annual report. Despite greater notice and publicity for the consultation draft this year - in order to give all tenants and leaseholders the opportunity to scrutinise the annual report before it is published - we received fewer comments on this year's draft than last year. Only three comments were made via the consultation portal although further comments and quotes were received by letter, email and telephone.

3.6 We have included a range of the comments received from tenants and leaseholders in the final draft to reflect the feedback we received. As in last year's report, residents are strongly featured in the annual report in pictures and their own words, demonstrating the key role they have in co-regulating our housing management services. The Homing In Tenant Editorial Board have also been requested to comment on the final draft at their meeting on 30 August. Finally, the final draft report will be scrutinised by members and tenant and leaseholder representatives at the Housing Management Consultative Committee meeting on 5 September 2011.

- 3.7 Once approved by the Cabinet Member for Housing, the annual report will be sent to all tenants and leaseholders with the September edition of Homing In magazine. It will also be publicly available on our website and made available in alternative formats on request.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 Council tenants and leaseholders have been extensively involved in producing and scrutinising the annual report. We consulted residents on what they wanted to say and see in the report and on the draft report. The introduction to the annual report and paragraphs 3.4 to 3.6 above detail the consultation that has been carried out. Residents' responses have shaped the final version of the annual report and some are quoted within the annual report itself.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 There are no direct financial implications arising from the recommendations in this report. The cost of producing and distributing the annual report to council tenants and leaseholders 2011 is included in the Housing Revenue Account Budget 2011/12

Finance Officer Consulted: Sue Chapman Date: 23/08/11

Legal Implications:

- 5.2 By section 193 of the Housing and Regeneration Act 2004 the TSA may set standards for registered providers as to the nature, extent and quality of accommodation, facilities or services provided by them in connection with social housing. Section 204 of that Act permits the TSA to require a registered provider to prepare an annual report assessing the provider's performance by reference to the section 193 and 194 standards, and to send a copy to the Authority within a specified period. The TSA have indicated that they do not require a copy of the report to be sent to them this year. Failure to comply with a requirement is a criminal offence, punishable with a fine of up to £20,000.

Lawyer Consulted: Liz Woodley Date: 23/08/11

Equalities Implications:

- 5.3 An Equalities Impact Assessment was carried out on the housing management work programme to meet the TSA's regulatory requirements, including the production of an annual report. The TSA's Tenant Involvement and Empowerment standard requires providers to understand and respond to the diverse needs of tenants. The annual report illustrates how the council meets that standard and its progress in continuously improving its performance in this area.

Sustainability Implications:

- 5.4 The annual report outlines how the council as landlord addresses sustainability issues and its progress in meeting its objectives. The commitments in the report include actions to cut carbon emissions and residents' energy bills, support apprenticeships and initiatives to help get people into work and training and also benefit our residents and to work with communities to develop community gardens and growing projects.

Crime & Disorder Implications:

- 5.5 The annual report outlines how the council as landlord addresses anti-social behaviour, its progress in meeting its objectives and commitments to continue to work with residents to improve our services.

Risk and Opportunity Management Implications:

- 5.6 The TSA standards specify that landlords must meet the commitments they make to tenants in the annual report. The report demonstrates how the council has met the commitments it made in the last annual report and includes commitments for this financial year 2011/12. The TSA states in its regulatory framework that it will take a risk-based and proportionate approach in considering any further regulatory intervention in respect of landlords' performance on their commitments, as it wants an approach that encourages registered providers to aspire to better service outcomes and avoids perverse incentives from regulation.

Public Health Implications:

- 5.7 There are strong links between improving housing and reducing health inequalities. The annual report details the council's investment in improvements to its housing stock to bring all tenants' homes up to Decent Homes Standard. The annual report also reflects our progress and commitments to reducing inequality, such as continuing to extend financial inclusion and support the Credit Union to help residents manage their finances and to increase our understanding of tenants' needs and tailor our services to meet them.

Corporate / Citywide Implications:

- 5.8 Publication of this honest and robust assessment of our performance to council tenants and leaseholders meets the council's commitment to resident involvement and transparency. The commitments in the annual report to further improve our landlord services and housing stock support the council's priorities to involve residents in everything we do, tackle inequalities and make Brighton & Hove the greenest city in Britain. The annual report illustrates how the council as landlord works in partnership with residents and other agencies to improve the neighbourhoods that council tenants and leaseholders live in and provide opportunities for local residents.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 The council is required to publish the annual report as explained in the body of this report.
- 6.2 The report plan and timetable were agreed with Housing Management Consultative Committee on 24 January 2011.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 The council is required to publish an annual report for its tenants by 1 October 2011 to meet the TSA's requirements under the current regulatory framework.

SUPPORTING DOCUMENTATION

Appendices:

1. Annual report to council tenants and leaseholders 2011 final draft
(Note that the outstanding photo will be inserted before the meeting date)

Documents in Members' Rooms

None

Background Documents

1. *The regulatory framework for social housing in England from April 2010*
Tenant Services Authority, March 2010
(http://www.tenantservicesauthority.org/upload/pdf/Regulatory_framework_for_social_housing_in_England_from_2010.pdf)
2. Annual report to council tenants and leaseholders 2010 (http://www.brighton-hove.gov.uk/downloads/bhcc/housing/council_housing/3231_Housing_Annual_Report_summary.pdf)