

HOUSING MANAGEMENT CONSULTATIVE COMMITTEE

Agenda Item 36

Brighton & Hove City Council

Subject: Establishing a tenant scrutiny panel
Date of Meeting: 26 September 2011
Report of: Strategic Director - Place
Contact Officer: Name: Nick Hibberd Tel: 291383
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Key Decision: No
Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report describes how, and why, a tenant scrutiny panel is being developed as a requirement for registered social landlords and outlines the proposed model and timetable for introducing it to Brighton & Hove.
- 1.2 The report follows the development of the Resident Involvement Strategy and outlines proposals for involving tenants and leaseholders in the further development and implementation of the scrutiny arrangements.

2. RECOMMENDATIONS:

- 2.1 That Housing Management Consultative Committee note the progress made towards establishing a tenant scrutiny panel, and the timetable for involving tenants in its further development.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The council's administration has outlined their key priorities for the city and made a number of manifesto commitments in relation to housing. The next phase of the Housing Improvement Programme will help to deliver these commitments. The priorities are:
 - Tackling Inequality
 - Creating a more sustainable city
 - Engaging people who live and work in the cityA key commitment in relation to 'engaging people who live and work in the city' is to explore how, through Scrutiny, the council's engagement with council housing tenants can be improved.

3.2 Objective 4 of draft Housing & Social Inclusion Resident Involvement Strategy is:

- Involve residents in monitoring and scrutinising our performance in delivering housing services

Residents within the tenant participation movement have expressed an interest in the development of a tenant scrutiny panel, and these discussions are reflected in the report.

Legislative Context

3.3 The current regulation of social housing is contained in the Housing and Regeneration Act 2008. However the Government has sought to achieve significant reforms to this sector. This is being delivered through both the Localism Bill and a set of five directions to the social housing regulator.¹ A consultation paper on the draft directions was produced in July 2011 by Communities and Local Government (CLG) which explains that there will be a...'*greater emphasis on local mechanisms to scrutinise performance and stronger tools for tenants to hold registered providers to account on service delivery*'.²

3.4 These draft directions state that registered providers would be expected to give tenants a wide range of opportunities to influence, and be involved in, the following areas:

- Formulating their landlord's housing related policies and priorities
- Making decisions about how housing related services are delivered, including setting service standards
- Scrutinising their landlord's performance and recommending how performance might be improved
- The management of their homes (where applicable)
- The management of repair and maintenance services

3.5 Registered providers would be expected to help their tenants to achieve the above by '*...supporting the formation and activities of tenant panels or equivalent groups*'.³ This direction sits alongside the provision in the Localism Bill for tenant panels that have been recognised as a designated person for the purpose of referring complaints to the Housing Ombudsman. It is recognised that tenant panels may not choose to fulfil this role.

3.6 This approach is known as 'co-regulation' and its aim is to improve service delivery, governance and performance. As it has developed, the focus has become on replacing the framework of inspection and auditing social housing with a system where the onus is placed on residents to identify

¹ These directions build on the Regulatory Framework which set out six standards developed by the TSA that registered social housing providers were expected to meet from April 2010

http://www.tenantservicesauthority.org/upload/pdf/Regulatory_framework_for_social_housing_in_England_from_2010.pdf

² <http://www.communities.gov.uk/documents/housing/pdf/1936126.pdf>

³ *ibid*

issues of concern. Therefore, tenant scrutiny provides a formal route to raise these concerns with their housing provider

What issues could be suitable for tenant scrutiny?

- 3.7 The Chartered Institute of Housing (CIH) recommend that a mix of staff-selected and tenant-selected areas are considered. This is similar to current scrutiny practice in Brighton & Hove. CIH also suggest that a good place to start scrutinising is looking at service delivery. According to the CIH, this kind of regulation should be characterised by:
- Independence from other governance and management structures
 - Formality in operation
 - Power to effect change

Current Housing Structures in Brighton & Hove

- 3.8 The council currently has a number of tenant forums through which types of scrutiny are undertaken.

Area Panels

These are four geographically based groupings made up of locally elected representatives from the seventy two associations. They consider issues relating to the Council's role as landlord, including performance, services, budgets, delivery, and policy

Housing Management Consultative Committee (HMCC)

The HMCC considers reports for the Cabinet Member for Housing on the discharge of the Council's functions as a housing landlord before decisions are taken. The Committee makes recommendations and includes non-voting tenant representatives.

The Committee has the following advisory functions:

- Housing Management
 - Tenant Consultation
- 3.9 In addition, various tenant working groups and panels exist that undertake specific pieces of work. Representatives on these groups and on HMCC are largely nominated from the area panels.

How tenant scrutiny could operate in Brighton & Hove

- 3.10 Initial discussions between Tenants, the Housing Department, Scrutiny and the Executive have resulted in a draft set of principles which now require further discussion. These are that a tenant scrutiny panel could:
- be made up of tenants only (including a leaseholder)
 - provide an independent check of housing services and challenge, in order to shape, influence and drive up standards and performance
 - form part of the family of scrutiny committees
 - reflect the demographic profile of tenants in the city

- have a range of powers e.g. to compel officers to attend scrutiny meetings, rights to information, power to receive and consider 'Requests for Scrutiny' from HMCC or the wider tenant body, and the right to make recommendations that are responded to within given timescales

4 INVOLVING TENANTS IN DEVELOPING AND IMPLEMENTING THE SCRUTINY ARRANGEMENTS

- 4.1 Members of the Tenant Compact Monitoring Group (TCMG) have been consulted on the contents of this report and will oversee the delivery of the Resident Involvement Strategy. The Cabinet Member for Housing has made clear her commitment to building on the excellent work of everyone currently involved in community participation by seeking further opportunities to extend involvement in ways and on matters that residents prefer, including establishing arrangements for tenant scrutiny. This is as part of the new Administrations manifesto commitment to widen engagement.
- 4.2 The Cabinet Member for Housing will establish an innovation group, working with the Tenant Compact Monitoring Group and other residents to see how we can make an even bigger difference to engagement, and enabling residents to play a part in helping monitor and improve their housing services. Work will also include using technology to widen participation, listening to a range of ideas for how we can remove any current barriers to involvement, and establishing with residents the type of scrutiny arrangements they would like to see in place. A key task for the innovation group will be to examine options for developing tenant scrutiny.
- 4.3 The indicative timetable for working with residents to develop final proposals for establishing tenant scrutiny is outlined below.

Launch engagement process	September 2011
Cabinet Member Innovation Group to lead development process	September 2011 – January 2012
Area Panels	September/October
City Assembly	November 2011
Range of engagement initiatives and events	September/December 2011
Report back with final proposals and recommendations for establishing Tenant Scrutiny (and wider resident involvement)	January 2012

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 Any costs associated with involving tenants and leaseholders in developing and implementing the scrutiny arrangements will be met from the current Housing Revenue Account (HRA) budget for 2011/12 and reported as part of the monthly budget monitoring process as necessary.

Finance Officer Consulted: Monica Brooks

Date: 05/09/11

- 5.2 As the proposals for a Tenant Scrutiny Panel are still at an early stage, it is not necessary to consider the specific legal and Human Rights Act implications arising. However, as the Panel's remit and processes are developed, Legal Services will need to consider them.

Lawyer Consulted: Liz Woodley

Date: 14/09/11

Equalities Implications

- 5.3 An Equalities Impact Assessment will be carried out on final proposals for establishing tenant scrutiny.

Sustainability Implications:

- 5.4 None in relation to this report.

Crime & Disorder Implications:

- 5.5 None in relation to this report.

Risk and Opportunity Management Implications:

- 5.6 None in relation to this report.

Corporate / Citywide Implications:

- 5.7 None in relation to this report

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 The Cabinet Member Innovation Group will be tasked with considering and evaluating different options for establishing tenant scrutiny (and widening inclusive participation), and will report back in January 2012.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 To provide Housing Management Consultative Committee with an update on proposals to establish tenant scrutiny in Brighton & Hove.

SUPPORTING DOCUMENTATION

Appendices:

None.

Documents In Members' Rooms

None

Background Documents

None