

<b>Subject:</b>	<b>A Tenant Scrutiny Panel for Brighton &amp; Hove</b>		
<b>Date of Meeting:</b>	<b>11 October 2012</b> Housing Committee 26 September 2012 Housing Management Consultative Sub-Committee 04 September 2012		
<b>Report of:</b>	<b>Strategic Director, Place</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Karen Amsden</b>	<b>Tel: 29-1084</b>
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<b>Ward(s) affected:</b>	<b>All</b>		

**FOR GENERAL RELEASE**

**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 On 30<sup>th</sup> April 2012 Housing Management Consultative Committee (HMCC) noted the draft report from the Tenant Innovation Group which had been established to examine resident involvement in the city. This report included details on the creation of a Tenant Scrutiny Panel (TSP), information which was then presented to City Assembly on 19<sup>th</sup> May 2012.
- 1.2 Members of HMCC requested that a further report on resident involvement would be presented to Housing Management Consultative Sub-Committee (HMCSC). As a result, this report on Tenant Scrutiny has been presented to HMCSC on 4<sup>th</sup> September 2012 and then came to Housing Committee on 26<sup>th</sup> September 2012.
- 1.3 This report describes in greater detail the proposed model for the introduction of a TSP in Brighton & Hove, which forms part of the resident involvement framework in the city outlined above.
- 1.4 The report outlines how this Panel will work to meet the council's regulatory responsibilities as a social landlord and describes how the introduction of Tenant Scrutiny has been consulted upon.

**2. RECOMMENDATION:**

- 2.1 That Policy & Resources Committee agrees to the establishment of a Tenant Scrutiny Panel in Brighton & Hove, with the terms of reference set out in Appendix A to this report with effect from December 2012.
- 2.2 That the Head of Housing be granted delegated powers to:
  - (i) after consultation with the Chair of the Housing Committee and tenant representatives as he/she considers appropriate, appoint the selection panel for the appointment of Members of the Tenant Scrutiny Panel;

- (ii) after consultation with the Monitoring Officer, the Chair of Housing Committee and relevant tenant representatives, agree the code of conduct that would apply to Members of the Tenant Scrutiny Panel;
- (iii) take any steps necessary or incidental to the establishment and continued operation of the Tenant Scrutiny Panel, including the power to make transitional arrangements as he/she thinks fit.

2.3 That Policy & Resources Committee note that the role of the Overview & Scrutiny Committee, including the powers regarding scrutiny and call-in are not affected by these proposals although the existence of the Panel and its work will be a factor taken into account in deciding what issues the committee reviews.

### **3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

3.1 Full Council agreed the council's corporate plan priorities in July of this year. Priority 3 of the plan relates to engaging people who live and work in the city. The third commitment within the priority is to,

*'Establish the new council housing tenant scrutiny panel giving tenants a stronger voice in the management of council housing'*

This report sets out a number of the policy drivers behind this commitment as well as the development work and consultation undertaken to date.

#### **National guidance on co-regulation**

3.2 A new regulatory framework for social housing came into effect from 1 April 2012. From that date the regulation of social housing passed to the Homes and Communities Agency (HCA) Regulation Committee. The new regulations require all registered social housing providers to meet relevant standards. Brighton & Hove City Council, like other local authority landlords, will need to meet the consumer standards which have been set in the following areas:

- Tenant involvement and empowerment
- Home
- Tenancy
- Neighbourhood and community

3.3 The new approach to regulation is built around 'co-regulation'. For local authorities this means robust self-regulation by councillors, whilst enabling tenants to assess the performance of their housing provider.<sup>1</sup>

3.4 The regulator, HCA, may then intervene in cases where a breach, or potential breach, of a consumer standard poses a risk of 'serious detriment' to tenants.<sup>2</sup>

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<sup>1</sup> TSA website

<sup>2</sup> ibid

3.5 A cornerstone of co-regulation is that:

*'Tenants should have the ability to scrutinise their provider's performance, identify areas for improvement and influence future delivery. Providers will also need to continue to support tenants in developing their skills and capacity so that engagement and scrutiny are effective.'*<sup>3</sup>

3.6 In order to meet the standard for involvement and empowerment, providers are expected to support:

*'...the formation and activities of tenant panels or equivalent groups and respond in a constructive and timely manner to them.'*<sup>4</sup>

### **What is a Tenant Scrutiny Panel?**

3.7 According to the Chartered Institute of Housing, this is:

*'...a group of tenants with the power to review information about their landlord's performance and make recommendations for improvement.'*<sup>5</sup>

3.8 Tenant scrutiny forms part of the council's corporate objectives. To achieve Priority 3 (Engaging people who live and work in the city) of the council's Corporate Plan, there is a commitment (for 2011/12) to:

*'Explore how, through Scrutiny, we can improve the council's engagement with council housing tenants'*<sup>6</sup>

3.9 Another outcome being sought is 'A more open and transparent council'. To achieve this, the organisation has stated that it will:

*'...promote the role of scrutiny and encourage people to participate in scrutiny reviews.'*<sup>7</sup>

### **Innovation Group**

3.10 Looking at the creation of a TSP in Brighton & Hove was a key component of the remit of the Innovation Group. This group was made up of longstanding involved residents, Cllr Wakefield (now the Chair of the Housing Committee), residents who were not currently involved and officers. The group had met since November 2011 to look at:

*'... ways that resident involvement could be widened to include as many residents who wished to contribute to their housing management service in ways*

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<sup>3</sup> ibid

<sup>4</sup> ibid

<sup>5</sup> Housing Practice, CIH Briefing 19

<sup>6</sup> BHCC Corporate Plan [http://corporateplan.brighton-hove.gov.uk/sites/default/files/BHCC\\_Corporate\\_Plan\\_2011-2015.pdf](http://corporateplan.brighton-hove.gov.uk/sites/default/files/BHCC_Corporate_Plan_2011-2015.pdf)

<sup>7</sup> Ibid

*that they preferred and to modernise the Council's approaches while strengthening support for tenant and resident associations (TRAs).<sup>8</sup>*

3.11 Housing Management Consultative Committee received a report on 30.04.12, from the Innovation Group. Their report contained a section on its recommendations for establishing Tenant Scrutiny in Brighton & Hove. It was noted at this meeting that the proposals of the Group would be presented to City Assembly on 19.05.12, with further discussion at Area Panels during August 2012. This final report on the issue will be presented to Housing Management Consultative Sub-Committee on 04 September 2012.

#### **4. Proposed model for tenant scrutiny in Brighton & Hove**

4.1 The Innovation Group proposed the following set of principles for the establishment of the Panel:

1. A panel of twelve people
2. Need different skills and experiences to sit on the panel
3. Mix of one third existing elected tenant representatives and two thirds tenants who are not elected tenant representatives
4. Representative of all tenants – e.g. mix of ages, ethnicities, etc
5. An open day for people interested in being involved to come along and find out more about tenant scrutiny
6. Informal recruitment process to the panel that is non intimidating, with selection taking place against some criteria
7. Training and learning opportunities to be offered to all panel members - e.g. in research, working as a group, performance issues, gathering information and evidence
8. The panel should move beyond consultation and engagement. It needs to exercise real power and drill down on issues to get a detailed picture, before making evidence-based recommendations
9. Recommendations will be made to the Housing Committee, which will remain the ultimate decision maker
10. The panel should be supported by the council's Scrutiny Team (independent, experienced and non-political), possibly with independent mentor for the first year or so.
11. Membership of the panel should be time-limited, with positions for 2 years, but 3 years for the first group
12. Members of the panel should be replenished annually one third at a time following the initial tenure of approximately three years - or as required **(please note that following consultation principles 11 & 12 have been amended to work in practice as outlined in footnote below and in Section 5.2 of Appendix 1)<sup>9</sup>**

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<sup>8</sup>Report to HMCC on the Innovation Group 30.04.12 [http://present.brighton-hove.gov.uk/Published/C00000163/M00003304/AI00027376/\\$20120420103404\\_002097\\_0007139\\_HMC\\_CReportofInnovationGroupFINAL2.doc.pdf](http://present.brighton-hove.gov.uk/Published/C00000163/M00003304/AI00027376/$20120420103404_002097_0007139_HMC_CReportofInnovationGroupFINAL2.doc.pdf)

<sup>9</sup> Succession arrangements for the panel will be as follows: **'Membership of the panel should be time-limited, with the panel members being appointed initially for 3 years. Members of the panel will be**

13. The possibility of working collaboratively with other local housing providers to share learning and skills should be explored once the panel has been up and running for a while.<sup>10</sup>
- 4.2 These principles were included in the report of the Innovation Group which went to HMCC on 30<sup>th</sup> April 2012, which also contained the following information prepared by the council's Scrutiny Team:
- A short briefing on how Tenant Scrutiny could operate in Brighton & Hove
  - Draft Terms of Reference for the Tenant Scrutiny Panel (TSP)
  - Draft TSP Member Role Description
  - Draft TSP Application Form
- 4.3 The formation of the TSP will be developed in line with the principles developed by the Innovation Group. These findings of the Innovation Group have been presented to:
- Housing Management Consultative Committee on April 30<sup>th</sup> 2012
  - City Assembly on 19<sup>th</sup> May 2012
  - Housing Management Consultative Sub-Committee to be held on 4<sup>th</sup> September
- 4.4 Feedback on Tenant Scrutiny from the August round of Area Panels suggested a range of possibilities for publicising the recruitment to the TSP to all residents particularly those who might be harder to reach. Suggestions include the usual communication channels of Homing In and letters, as well as placing an article in the Friday Ad, in the Argus and in residents newsletters; a radio or television advert; bus or bus stop advertising; door-knocking; publicity to local community groups; and all staff commutations to residents they come into contact with. Ideas for where an awareness raising open day event should be held were Jubilee Library, Brighton Town Hall or the Brighton Centre. There could also be a stand at the next City Assembly depending on the dates. On the matter of whether the TSP would need an independent mentor, the feedback from Area Panels is that this is something that the panel can probably best decide for itself once it is set up.

## 5. Operation of the Panel

- 5.1 The development of Tenant Scrutiny by social landlords across the country is at a relatively early stage, with organisations learning from the experience of the nationally known co-regulation champions. Therefore the intention is not to be overly prescriptive about the workings of the Panel at this stage, especially prior to recruiting its members. However once the Panel has been established it will be expected to report annually to tenants and residents and agree an annual work plan.

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**then required to stand down, but can be re-appointed to the panel through the selection process. Members may not serve longer than six years.'**

<sup>10</sup> Report to HMCC on the Innovation Group 30.04.12 [http://present.brighton-hove.gov.uk/Published/C00000163/M00003304/AI00027376/\\$20120420103404\\_002097\\_0007139\\_HMCCReportofInnovationGroupFINAL2.doc.pdf](http://present.brighton-hove.gov.uk/Published/C00000163/M00003304/AI00027376/$20120420103404_002097_0007139_HMCCReportofInnovationGroupFINAL2.doc.pdf)

- 5.2 The Scrutiny Team has produced an information pack for distribution to potential Panel Member recruits. It is contained in Appendix A of this report and provides further detail on the purpose and workings of the Panel.

### **Relationship between the Tenant Scrutiny Panel and the Housing Management Consultative Sub-Committee**

- 5.3 The role and function of the HMCSC will not be affected by these proposals for the Tenant Scrutiny Panel. From time to time, the HMCSC may refer matters to the Panel for consideration.

### **Relationship between the Tenant Scrutiny Panel and the Overview & Scrutiny Committee**

- 5.4 The work of the Tenant Scrutiny Panel will be a factor that the Overview & Scrutiny Committee takes into account when developing a work-programme. Beyond this however the powers of the Overview & Scrutiny Committee are not affected by these proposals.

### **Servicing the Tenant Scrutiny Panel**

- 5.5 The TSP will be supported in its establishment and operation by the Council's Scrutiny Team. This arrangement will enable the panel to operate independently from the council's housing service. The panel will be able to benefit from the Scrutiny Team's experience in carrying out challenging and constructive reviews of pressing issues.

### **Reporting arrangements for the Panel**

- 5.6 All recommendations of the TSP will be presented to the council's Housing Committee. This Committee will agree a response to the report and/or recommendations of the panel. The response of the Housing Committee, along with the original report of the TSP, will then be reported to Housing Management Consultative Sub-Committee.

### **How the Panel will differ from the HMCSC**

- 5.7 The table below highlights some of the key differences between the proposed Panel and HMCSC:

<b>Tenant Scrutiny Panel</b>	<b>HMCSC</b>
Reviews past performance and policies	Consulted on upcoming policies
Carries out in-depth research	Contributes their experience
Made up of a representative group	Represents the views of tenants as tenant representatives
Looks into a specific aspect of the service in detail	Looks at the breadth of the housing service

## **6. COMMUNITY ENGAGEMENT AND CONSULTATION**

- 6.1 Consultation on the proposed creation of a Tenant Scrutiny Panel has been carried out through the Innovation Group, at a special meeting of tenant association chairs and secretaries, at Area Panels and at the City Assembly.
- 6.2 The Scrutiny Team ran workshop on Tenant Scrutiny at the City Assembly on November 19<sup>th</sup> 2011 and then had an information stall at the City Assembly on 19th May 2012.
- 6.3 A community engagement and communication strategy is being developed for the establishment of the TSP. This has the following aims to:
- Use the profile of our residents and tenants to ensure that the panel is made up of a representative mix of residents
  - Use community engagement to communicate with hard to reach groups and encourage not currently involved residents to take part
  - Link the work of the TSP to the wider resident involvement framework for council housing, and other community engagement mechanisms such as Neighbourhood Councils
  - Consider how Social Media can be used to engage currently not involved tenants

## **7. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 7.1 The costs of establishing and supporting the Tenant Scrutiny Panel will be approximately £17,000 per annum. These costs can be met from the HRA Resident Involvement budget, which had an increase in budget allocation for Tenant Scrutiny as part of the 2012/13 Housing Revenue Account (HRA) Budget setting process.

*Finance Officer Consulted: Susie Allen*

*Date: 12.09.2012*

### Legal Implications:

- 7.2 Under the Council's constitution, the power to establish standing working groups or consultative bodies is reserved to the Policy & Resources Committee.
- 7.3 The proposals in this report will assist the Council in complying with its duties under the new framework for social housing.

*Lawyer Consulted: Abraham Ghebre-Ghiorghis*

*Date: 08.08.2012*

### Equalities Implications:

- 7.4 An Equality Impact Assessment is being carried out as part of the development of this project.

### Sustainability Implications:

- 7.5 There are no sustainability implications arising from the report.

#### Crime & Disorder Implications:

- 7.6 There are no crime & disorder implications arising from the report.

#### Risk and Opportunity Management Implications:

- 7.7 The introduction of Tenant Scrutiny in Brighton & Hove will enable the authority to meet the co-regulation standards as set out in regulatory framework for social landlords introduced in April 2012.

#### Public Health Implications:

- 7.8 There are no public health implications arising from this report.

#### Corporate / Citywide Implications:

- 7.9 The successful introduction of tenant scrutiny, as a means of improving the council's engagement with council housing tenants, is one of the commitments outlined in the council's Corporate Plan.

### **8. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 8.1 The Tenant Innovation Group considered a number of issues and alternatives in making its recommendations as to the model it would like to see progressed. Proposals have been further developed after research into good practice at a national level.

### **9. REASONS FOR REPORT RECOMMENDATIONS**

- 9.1 Registered social housing providers are now expected to support tenants to develop and implement opportunities for their involvement and empowerment. A key component of this is to support the formation and activities of Tenant Scrutiny Panels.
- 9.2 Establishing a TSP is also a priority within the council's corporate plan.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

- A. Draft Guide to Tenant Scrutiny in Brighton & Hove
- B. Extract from the draft minutes of the Housing Management Consultative Sub-Committee meeting on 4<sup>th</sup> September 2012
- C. Extract from the draft minutes of the Housing Committee meeting held on the 26<sup>th</sup> September 2012.