

Report of Director of Environment and Housing

Report to Housing and Regeneration Scrutiny Board

Date: 26th November 2013

Subject: Tenant Scrutiny

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	No
Are there implications for equality and diversity and cohesion and integration?	No
Is the decision eligible for Call-In?	No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	No

Summary of main issues

1. The Executive Board on 19th June 2013 resolved to integrate housing management within the council's Environment and Housing Directorate. The Executive Board report of July 2013 set out the principles for the role of Tenant Scrutiny in the new service. Namely that it should be a single Tenant Scrutiny Board, working in partnership with the Housing and Regeneration Scrutiny Board supported from within Democratic Services. The new model also needs to meet the requirements of the Regulatory Framework for Social Housing 2012.
2. The role of the Tenant Scrutiny Board is to provide independent, customer focused scrutiny which will robustly challenge policy practice and performance to ensure that Leeds City Council provides a high quality housing service that retains tenants at the heart of the organisation.
3. A draft of a protocol between the Tenant Scrutiny Board and the Housing and Regeneration Scrutiny Board has been developed. The protocol will establish a close dialogue between the two Boards but will fall short of a formal link. This will enable the Boards to remain independent but come together as both Boards so require.
4. Draft Terms of Reference, Procedures and General Arrangements have been drafted and consulted upon with Leeds Tenants Federation. Further consultation is being planned with the current chairs of the three existing Tenant Scrutiny Panels.

Recommendation

5. The Housing and Regeneration Scrutiny Board is asked to note the progress to date in developing a single Tenant Scrutiny Board and make any relevant recommendations to incorporate into the final model.

1 Purpose of this report

- 1.1 The purpose of this report is to update the Housing and Regeneration Scrutiny Board on progress in developing the future of Tenant Scrutiny within the new Housing Leeds Service.

2 Background information

- 2.1 The meeting of Executive Board 19 June 2013 resolved to integrate housing management within the council's Environment and Housing Directorate.
- 2.2 A subsequent Executive Board report on 17 July 2013 set out a range of implementation arrangements and detailed the governance structures that were to be put in place.
- 2.3 The Executive Board report of July 2013 set out the principles for the role of Tenant Scrutiny in the new service:
- § As part of the development of the new service model, we will establish a single Tenant scrutiny body which will work in partnership with Housing and Regeneration Scrutiny Board. The new body will be supported from within Democratic Services to ensure independence and establish strong links with the Council scrutiny functions. We will work with Housing and Regeneration Scrutiny Board, existing tenant scrutiny panels, and other key stakeholder groups over the next few months to further shape the role of the new body, including its functions, scope, and who will be part of it/how people are selected to be on the new body. Terms of reference and protocols will be developed. Progress will be reported to a future Executive Board.
 - § We will work with Housing and Regeneration Scrutiny Board to develop strong links between the new tenant scrutiny arrangements and the work of the Scrutiny Board.
 - § Some of the ways Housing and Regeneration Scrutiny Board can utilise the role of tenant scrutiny include:
 - § Taking account of relevant information that tenant scrutiny may have gathered in relation to any issue it is considering;
 - § Asking Tenant Scrutiny Panel to help gather local views about a particular service they are reviewing.
 - § Tenant Scrutiny can:
 - § Refer matters of concern about local housing services to Housing and Regeneration scrutiny board for consideration;
 - § Provide an annual report of their activity to scrutiny;
 - § The work programmes of both will be shared to ensure duplication is avoided and activity is combined where appropriate

- 2.4 The current approach to the regulation of social landlords is based on the concept of co-regulation. The Tenant Services Authority made scrutiny part of its Tenant Involvement and Empowerment Standard in 2010. The role was further developed when the Homes and Communities Agency took over as the Social Housing Regulator in 2012.
- 2.5 The Regulatory Framework for Social Housing in England from April 2012 requires:
“...providers to support tenants to both shape and scrutinise service delivery and hold Boards and Councillors to account.”
- And:
- “Providers are expected to engage meaningfully with their tenants and offer them opportunities to shape the tailoring of services to reflect local priorities. Tenants should have the power to scrutinise their provider’s performance, identify areas for improvement and influence future delivery. Providers will also need to support tenants in developing their skills and capacity so that engagement and scrutiny are effective.”
- 2.6 In line with the principles of the Localism Act 2011, residents and their landlords are expected to resolve problems locally. The government sees tenant scrutiny panels as the main mechanism for identifying problems and finding solutions.
- 2.7 There is no single model for tenant scrutiny: the expectation is that each organisation will decide for itself how it will organise things.
- 2.8 It is within this Regulatory Framework and the wishes of the Council’s Executive Board that officers will establish the new Tenant Scrutiny Board.

3 Main issues

- 3.1 The role of the Tenant Scrutiny Board is to provide independent, customer focused scrutiny which will robustly challenge policy, practice and performance to ensure that Leeds City Council provides a high quality housing service that retains tenants at the heart of the organisation.
- 3.2 It will do this by acting as a critical friend and through a series of reviews and inquiries make an assessment of, and where appropriate, make recommendations on the following areas;
- § The quality of Housing Services
 - § Tenant Satisfaction
 - § Performance Management
- 3.3 A draft protocol has been developed that will govern the relationship between the Housing and Regeneration Scrutiny Board and the Tenant Scrutiny Board. The protocol will ensure that there is a close working dialogue between the two Boards but ensures that the relationship falls short of there being a formal link. This will

operate in much the same way as healthwatch. The draft protocol is attached at Appendix 1.

- 3.4 Specifically the Tenant Scrutiny Board will have a discussion with the Housing and Regeneration Scrutiny Board at the start of the municipal year over potential work programme topics. It will share its on going work programme. It will circulate any final inquiry report to the Chair of the Housing and Regeneration Scrutiny Board. It will provide an annual report of its work and achievements. It will give due consideration to requests for Scrutiny. It will inform the Housing and Regeneration Scrutiny Board of any findings of concern regarding Housing Services.
- 3.5 In addition to the draft Protocol between the Tenant Scrutiny Board and the Housing and Regeneration Scrutiny Board, draft terms of reference, draft procedures and draft general arrangements have been drafted for the Tenant Scrutiny Board and are attached at Appendices 2, 3 and 4.
- 3.6 In the redesign of the Housing Service, the Housing Advisory Board has recommended that there should not be a reduction of tenants involved in the running of the service. The ALMO model saw three Tenant Scrutiny Panels established, one within each ALMO. The move to a single Board could mean that fewer tenants will be involved in the scrutiny process. This could mean that a valuable trained resource could be lost. Therefore, it is the intention to devise a Tenant Scrutiny Model that, whilst only having one Board, will be able to make use of Tenants previously part of the old panels but not on the new Board.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 The draft Protocol, terms of reference, procedures and general arrangements have been consulted upon with Leeds Tenants Federation (LTF). The Tenant Standards Panel at LTF was supportive of the new proposals and felt that the link to the Council's Housing and Regeneration Scrutiny Board would strengthen the role of tenant scrutiny.
- 4.1.2 The standards Panel requested that the tenant training and development role at LTF was used to support the training and development offered by Democratic Services.
- 4.1.3 The proposals are to be discussed with the existing chairs of the three Panels.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 There are no issues for Equality and Diversity / Cohesion and Integration

4.3 Council policies and City Priorities

- 4.3.1 The development of the Tenant Scrutiny Board is in line with Council policies and will help support City Priorities by ensuring there is a high quality Council Housing offer in the city.

4.4 Resources and value for money

- 4.4.1 In the current model each Panel has its own officer support resources. As part of the service re design Housing Leeds will agree the distribution of existing support resources with Scrutiny and Member Development.
- 4.4.2 The move to a single Tenant Scrutiny Board will offer a better value for money solution.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 The development of the single Tenant Scrutiny Board will be in line with The Regulatory Framework for Social Housing 2012 and the Localism Act 2011.

4.6 Risk Management

- 4.6.1 Risk management of the development of the new Board will be managed within the Housing Management Review Programme Board and the Housing Advisory Board.

5 Conclusions

- 5.1 The Executive Board has given a clear commitment to Tenant Scrutiny and required a single Board to be established as part of the Housing Management Review.
- 5.2 The new proposals will meet this requirement as well as meeting the Council's responsibilities under the Regulatory Framework for Social Housing 2012.
- 5.3 The new Board will be part of the Council's Scrutiny responsibility and will have a link via a protocol to the Housing and Regeneration Scrutiny Board. Support for the Board will be provided for through the re design of the Housing Service.
- 5.4 The final model will also allow existing tenants involved in scrutiny who are not part of the new Board to remain involved with the scrutiny role.

6 Recommendation

- 6.1 The Housing and Regeneration Scrutiny Board is asked to note the progress to date in developing a single Tenant Scrutiny Board and make any relevant recommendations to incorporate into the final model.

7 Background documents¹ None

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

PROTOCOL BETWEEN THE TENANT SCRUTINY BOARD AND SCRUTINY BOARD (HOUSING AND REGENERATION)

Introduction

This protocol concerns the relationship between the Tenant Scrutiny Board and Scrutiny Board (Housing and Regeneration).

Its purpose is to ensure that:-

- (i) Mechanisms are put in place for exchanging information and work programmes so that issues of mutual concern/interest are recognised at an early stage and dealt with in a spirit of co-operation and in a way that ensures the individual responsibilities of the Tenant Scrutiny Board and Scrutiny Board (Housing and Regeneration)
- (ii) There is a shared understanding of the process of referrals and exchange of information and that arrangements are in place for dealing with these.

The role of the Tenant Scrutiny Board

The role of the Tenant Scrutiny Board is to provide independent, customer focused scrutiny which will robustly challenge policy practice and performance to ensure that Leeds City Council provides a high quality housing service that retains tenants at the heart of the organisation.

It will do this by acting as a critical friend and through a series of reviews and inquires make an assessment of, and where appropriate, make recommendations on the following areas;

The quality of Housing Services
Tenant Satisfaction
Performance Management

The role of Scrutiny Board (Housing and Regeneration)

The role of Scrutiny Board (Housing and Regeneration) is to scrutinise the performance of the Housing and Regeneration Partnership Board which includes issues around housing policy and housing management, value for money and performance.

It will achieve this by

Providing critical friend challenge to executive policy and decision makers
Listening to the concerns of local people
Acting as an improvement committee by recommending actions for service, performance or policy change

Working values

Given the common aims of the Tenant and Scrutiny Board (Housing and Regeneration) are to improve service outcomes and to ensure the delivery of high quality, appropriate and efficient Housing services, it is vital that they:-

- (i) Work in a climate of mutual respect, courtesy and transparency in partnership;
- (ii) Have a shared understanding of their respective roles, responsibilities, priorities and different perspectives;
- (iii) Promote and foster an open relationship where issues of common interest and concern are shared and challenged in a constructive and mutually supportive way;
- (iv) Share work programmes and information or data they have obtained to avoid the unnecessary duplication of effort.

Whilst recognising the common aims and the need for closer working, it is important to remember that the Tenant Scrutiny Board and Scrutiny Board (Housing and Regeneration) are independent bodies and have autonomy over their work programmes, methods of working and any views or conclusions they may reach.

The Tenant Scrutiny Board will

Have a discussion with Scrutiny Board (Housing and Regeneration) at the start of the municipal year over potential work programme topics

Share with Scrutiny Board (Housing and Regeneration) it's on going work programme

Circulate any final inquiry report to the Chair of Scrutiny Board (Housing and Regeneration)

Provide Scrutiny Board (Housing and Regeneration) will an annual report of its work and achievements

Give due consideration to requests for Scrutiny

Inform Scrutiny Board (Housing and Regeneration) of any findings of concern regarding Housing Services

The Tenant Scrutiny Board may

Request that Scrutiny Board (Housing and Regeneration) undertake a scrutiny inquiry

Co-opt a member of the Scrutiny Board (Housing and Regeneration) for the duration of an Inquiry

The Scrutiny Board (Housing and Regeneration) will

Have a discussion with the Tenant Scrutiny Board at the start of the municipal year over potential work programme topics

Share with the Tenant Scrutiny Board its on-going work programme

Circulate any final inquiry report to the Chair of the Tenant Scrutiny Board

Give due consideration to requests for Scrutiny

Inform the Tenant Scrutiny Board of any findings of concern regarding Housing Services

The Scrutiny Board (Housing and Regeneration) may

Request the tenant Scrutiny Board undertake a particular piece of work in order to inform the Board of public opinion and experience of services where there are particular concerns and enable the public to influence decisions.

Request that the Tenant Scrutiny Board contributes evidence to an inquiry

Co-opt a member of the Tenant Scrutiny Board for the duration of an Inquiry

TENANT SCRUTINY BOARD – TERMS OF REFERENCE

The Tenant Scrutiny Board provides independent, customer focused scrutiny which will robustly challenge policy practice and performance to ensure that Leeds City Council provides a high quality housing service that retains tenants at the heart of the organisation.

The Tenant Scrutiny Board is authorised to discharge the following scrutiny functions:

1. Provide independent assurance on the quality of service delivery against agreed performance indicators.
2. Assist in supporting the process of establishing performance indicators.
3. Act as a “critical friend” on behalf of tenants and residents providing “challenge” to the Council in relation to its Housing service delivery and by reviewing policies and strategies.
4. Review tenant satisfaction.
5. Ensure tenants are consulted before major changes to Housing Services are implemented.

Form an integral part of the governance of Leeds City Council through effective links with the Housing Advisory Board and Scrutiny Board (Housing and Regeneration)

TENANT SCRUTINY BOARD - PROCEDURE RULES

1.0 FREQUENCY AND PLACE OF MEETINGS OF THE SCRUTINY BOARDS

- 1.1 The Tenant Scrutiny Committee will meet every ??????.(monthly. Quarterly?)
- 1.2 Extraordinary meetings may be called from time to time as and when appropriate.
- 1.3 A meeting may be called by
 - the Chair or
 - the Scrutiny Officer if he/she considers it necessary or appropriate.
- 1.4 The Tenant Scrutiny Board may sit at such place and at such time as it considers necessary and appropriate.
- 1.5 The Tenant Scrutiny Board may appoint a Working Group as it feels appropriate and necessary to assist in ensuring the effectiveness and efficiency of its work².

2.0 QUORUM / SUBSTITUTE MEMBERS

- 2.1 The quorum for a Scrutiny Board shall be ??? (Depending on Board membership numbers)
- 2.2 Substitute members will not be allowed

3.0 NOTICES OF MEETINGS

- 3.1 Notices for all meetings of a Tenant Scrutiny Board shall be issued from the office of the Scrutiny Officer.

4.0 ADMISSION TO MEETINGS

- 4.1 All meetings of the Tenant Scrutiny Board shall be open to the public unless identified as confidential. This shall be without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting.
- 4.2 The Tenant Scrutiny Board may resolve to exclude the press and public from a meeting (whether the whole or part only of the proceedings) by passing a resolution.

5.0 MINUTES

- 5.1 All meetings of each Tenant Scrutiny Board shall be minuted.

² These must be appointed to carry out specific tasks such as visits to premises or other information gathering activities as part of an on-going Inquiry.

5.2 Oral evidence given to a Tenant Scrutiny Board may be recorded via tape recording as shall appear to the Tenant Scrutiny Board to be appropriate.

6.0 RIGHTS OF TENANT SCRUTINY BOARD MEMBERS TO DOCUMENTS

6.1 When a Tenant Scrutiny Board conducts a review, every member of the Board³ shall have a right of access to any documents which are relevant to the subject matter of the review and are not deemed confidential.

7.0 AGENDA ITEMS

7.1 A Scrutiny Board shall as a minimum consider the following business at an Ordinary Meeting:

- apologies for absence;
- minutes of the last meeting;
- the Board's work programme; and
- the business otherwise set out on the agenda for the meeting.

8.0 WORK PROGRAMMING

8.1 No Tenant Scrutiny Board may undertake a review into:

- any decision of a Plans Panel or the Licensing Committee or a Licensing sub-committee;
- any decision taken by an officer under delegated authority which falls within the terms of reference of a Plans Panel or the Licensing Committee or a Licensing Sub-Committee;
- any matter which falls outside of the Tenant Scrutiny Board's Terms of Reference
- any decision in respect of which there are:
 - ongoing judicial proceedings, Ombudsman or audit inquiry or complaint under the Council's formal complaints procedure;⁵ or
 - individual personnel issues.

9.0 REQUESTS FOR SCRUTINY

9.1 Reviews requested by a member of the Tenant Scrutiny Board

Any member of the Tenant Scrutiny Board may propose that a review be undertaken into a relevant matter. The Board will then consider whether to undertake the review. In doing so, it shall take into account the wishes of all members of that Board.

³ Information received as a member of a Tenant Scrutiny Board should be used only in this capacity.

9.2 Requests for reviews from other sources

The Tenant Scrutiny Board shall consider a request from any other source to conduct a review.

- 9.3 If the Scrutiny Board decides not to carry out a review into the matter, the Scrutiny Officer will inform the referring body about the decision of the Tenant Scrutiny Board, and the reasons for its decision

10.0 SELECTING SCRUTINY INQUIRIES

- 10.1 Before deciding to undertake a scrutiny Inquiry, the Tenant Scrutiny Board must
- consider how the proposed Inquiry falls within its terms of reference and
 - consider the current workload of the Tenant Scrutiny Board and the available resources required to carry out the work.
- 10.2 Where any Scrutiny Board decides that there shall be an Inquiry, the Scrutiny Board shall
- consult with the relevant Director and Executive Member.
 - agree the Terms of Reference of the Inquiry;
 - agree the period within which the Inquiry's Report is to be completed;
 - compile a preliminary list of witnesses from whom the Tenant Scrutiny Board require evidence; and
 - compile a preliminary list of documents which the Tenant Scrutiny Board requires to be produced.

11.0 REPORTS AND RECOMMENDATIONS

- 11.1 At the conclusion of a review the Tenant Scrutiny Board shall, where it considers it to be appropriate, produce a written report summarising the evidence that it has taken and set out its recommendations.
- 11.2 Where the Tenant Scrutiny Board is considering making specific recommendations it shall invite advice from the appropriate Director(s) prior to it finalising its recommendations. The detail of that advice shall be reported to the tenant Scrutiny Board and considered before the report is finalised.
- 11.3 The review report shall include:
- an explanation of the matter reviewed or scrutinised;
 - a list of the participants involved in the Inquiry (save where the Board considers that a name of a witness should be withheld for reasons of confidentiality) ;
 - a list of all documentation that has been considered by the Board; and
 - any conclusions and recommendations on the matter reviewed or scrutinised.
- 11.4 Where any member of the Tenant Scrutiny Board does not agree with the content of the Board's Report, they may produce a Minority Report setting out their findings and recommendations. The Minority Report will be an appendix to the Tenant Scrutiny Board's Report.

12.0 RESPONSES TO REPORTS AND RECOMMENDATIONS

12.1 The Housing Advisory Board, the Executive Board, Area Committees or officers shall consider any report and recommendations of the Tenant Scrutiny Board within two months of it being received. The Council or Executive is under a duty to respond to the Tenant Scrutiny Board, indicating what action (if any) it proposes to take and to publish its response.

13.0 WITNESSES – GENERAL PRINCIPLES

13.1 Where the Tenant Scrutiny Board wishes to take evidence from a witness, the Scrutiny Officer shall notify the witness of:-

- the date upon which their evidence is to be taken;
- the matters upon which evidence is sought;
- any documents that the Tenant Scrutiny Board wishes to have produced; and
- the date upon which the Board requires any written evidence from the witness.

13.2 Those assisting the Scrutiny Board by giving evidence shall be treated with respect and courtesy.

14.0 MEMBERS AND OFFICERS GIVING ACCOUNT/ INFORMATION

14.1 The Tenant Scrutiny Board may require any Executive Member, or Member in relation to a matter where the Member has exercised functions, the Chief Executive and/or any senior officer to attend before it to answer questions and provide information about:

- any particular decisions or series of decisions;
- the extent to which actions taken implement Council policy

14.2 It is the duty of those officers and Members to attend and to answer questions.

14.3 The Chair of the Tenant Scrutiny Board will inform the Scrutiny Officer if the Scrutiny Board requires any Member (including an Executive Member) or officer to attend a Scrutiny Board under this provision. The Scrutiny Officer shall inform the Member or officer of this, giving at least 7 working days' notice of the meeting at which he/she is required to attend.

14.4 The notice will state:

- the nature of the item on which he/she is required to attend to give account; and
- whether the Tenant Scrutiny Board requires him/her to produce any documents or reports.

14.5 Where the Scrutiny Board requires the person to produce a report, then the Scrutiny Officer will give the Member or officer concerned sufficient notice to prepare it.

14.6 The Chair of the Tenant Scrutiny Board will inform the Scrutiny Officer where a Scrutiny Board requires a Director to attend the Tenant Scrutiny Board in person.

14.7 Directors may be accompanied by any other officer the Director feels appropriate.

- 14.8 Where the Tenant Scrutiny Board does not require a Director to attend in person, he/she will be responsible for ensuring that an officer of sufficient knowledge and requisite seniority attends. Any such witness may be accompanied by such adviser(s) as he/she considers necessary.
- 14.9 Where, in exceptional circumstances, the Member or officer is unable to attend on the required date, and then the Scrutiny Officer shall, in consultation with the Chair of the Tenant Scrutiny Board and the Member or officer, arrange an alternative date for attendance, or agree an appropriate substitute.

15.0 ATTENDANCE BY OTHERS

- 15.1 A Tenant Scrutiny Board may invite members of the public or other persons to attend meetings, address it, discuss issues of local concern and/or answer questions.

TENANT SCRUTINY BOARD – GENERAL ARRANGEMENTS

1.0 ROLE

1.1 The Council will have one Tenant Scrutiny Board.

1.2 Within its terms of reference the Tenant Scrutiny Board will

- Give an independent and objective view of landlord services
- Make reports or recommendations to the Housing Advisory Board, Executive and/or appropriate committees arising from the outcome of the scrutiny process
- question and gather evidence

2.0 PROCEEDINGS

2.1 The Tenant Scrutiny Board will conduct its proceedings in accordance with its Procedure Rules

3.0 TENANT SCRUTINY BOARD CHAIRS

3.1 The Chair of the Tenant Scrutiny Board will be appointed by the Tenant Scrutiny Board for a period of one municipal year.

4.0 GENERAL MEMBERSHIP

4.1 Appointments will be made by a selection process after open canvassing of interested tenants and leaseholders made against clear criteria and shall seek to achieve a balanced representation of the Council's customers, e.g. age, gender, ethnicity and area representation as well as against the skills necessary to be an effective Tenant Scrutiny Board.

Where appointed from?

How?

Restrictions i.e. not member of Housing Advisory Committee?

Length of office

Skills criteria

Character criteria, eg clear rent account, willing to undertake training

5.0 CO-OPTED MEMBERS

5.1 The Tenant Scrutiny Board shall be entitled to appoint up to two non-voting co-opted members for a term of office which relates to a particular Scrutiny Inquiry.