

Meeting:	Overview and Scrutiny Committee
Date:	4 November 2008
Subject:	Right to Manage Process ( RTM)
Responsible Officer:	Gwyneth Allen Divisional Director Housing Services
Portfolio Holder:	Cllr Barry Macleod-Cullinane Portfolio Holder Adults and Housing
Exempt:	No
Enclosures:	Appendix 1 Minutes of TLCF meeting 22 July 08 Appendix 2 Notes of meeting between FIRST Call and Council Officers 5 Sept 08 Appendix 3 Complaints received via e mail

## Section 1 – Summary and Recommendations

### Recommendations:

**(1) That current issues, as identified in the main body of the report, are considered and any appropriate actions to resolve them are suggested.**

**(2) That members decide if issues relating to RTM should be examined further by Scrutiny**

**(3) That these decisions, and a summary of the committee's discussions, be reported to the Tenants and Leaseholders Consultative Forum (TLCF).**

### **Reason: (For recommendation)**

This item arises from a request by the Portfolio holder for Adults and Housing Services that scrutiny consider this issue following concerns raised at TLCF meeting on 22<sup>nd</sup> July 2008; the decision with regard to further action is at the discretion of the Committee.

## Section 2 – Report background

- 2.1 Cabinet agreed on the 23 June 2005, following conclusion of the Housing Stock Options Appraisal to investigate, the potential for establishing a Tenants' Management Board (TMB), supported by an Independent Tenants' Advisor Service and other resources as necessary. In December 2006 First Call were appointed as Independent Tenant Advisor. The ITA was selected by resident representatives, supported by officers, from a list of accredited companies experienced in resident empowerment.
- 2.2 With local authority and resident support, First Call were successful in applying for Section 16 funding, from the Housing Corporation, for a borough wide Pre Feasibility Study based on an investigation of the "Right to Manage".
- 2.3 Starting in the summer of 2007 First Call has worked with tenants and leaseholders to gauge the level of interest in a Tenant Management Organisation (TMO) managing part or all of the council's housing stock.
- 2.4 To date, 82% of residents who responded to the survey supported more investigation into the setting up of a TMO. A Residents' Steering Group has been formed to explore the options in more detail. A briefing session was held on the 8 Oct 2007 where First Call explained the Right To Manage (RTM) legislation, outlined the role of the Residents' Steering Group and the next steps in the development of Tenant Management. The Steering Group is now up and running and Harrow Federation of Tenants and Residents Associations (HFTRA) form part of the group, to ensure that they are kept informed at all stages of the process.
- 2.5 In light of resident support for further investigation of TMO options, a decision was made to adopt an area model to progress to the Feasibility Stage. It should be noted that under current arrangements, Feasibility Studies are fully funded by the Housing Corporation. This is referred to as S16 funding.
- 2.6 In order for any S16 activity in Harrow to enter the Feasibility Stage, there were a number of requirements to be fulfilled:
  - A constituted Tenants' Organisation must sponsor RTM activities OR a new body must be established
  - Membership Drive – 20% of secure tenants and tenants overall (including leaseholders) must join the TMO or the newly constituted body
  - Vote of TMO/or newly constituted body members on Right to Manage Motion
  - Majority of TMO/similar body members who vote must be in favour of exploring tenant management further
  - RTM Notice must be distributed to tenants and leaseholders living within the defined area of the proposed TMO and served on the Council in the prescribed format.

This work has now been completed and 3 RTM notices have been served on Harrow Council.

2.7 The Residents Steering Group has decided that they would like to explore the feasibility of area TMO's. It was felt that an area approach would deliver solutions that could appeal to tenants and leaseholders.

2.8 A local area approach has been agreed with the four areas as follows:

- Central Harrow
- West Harrow
- East Harrow
- South Harrow

East Area's meeting was not particularly well attended and for this reason it has been decided to reconvene the meeting.

2.9 The areas have been selected on the basis of concentrations of council housing, road and public transport links. As the Central Area contains the largest number of tenants' and leaseholders' of the four areas the next stage of the consultation began in this area.

2.10 In order to enter the next stage of the work in Central Harrow, West Harrow and South Harrow, Tenants Organisations with an approved constitution have been set up with support from Council tenants and leaseholders.

2.11 Joining the TMO is much like being a Tenants' and Residents' Association (TRA) member and will mean that tenants and leaseholders can vote on whether they wish to conduct a Feasibility Study (the next stage in the TMO process) Residents can remain a member of their local TRA when they join the TMO if they so wish.

2.12 At least 20% of tenants and leaseholders in the 3 areas have joined the TMO, and a vote was organised to enter in to the next stage of the process. This took place at a public meeting (supported by online and text voting) where the group's constitutions were also adopted.

#### Membership Drive (April/July 2008)

<b>AREA</b>	<b>ELIGIBLE TENANTS</b>	<b>MEMBERS</b>	<b>ELIGIBLE RESIDENTS</b>	<b>MEMBERS</b>
<b>Central Harrow</b>	2316	518 (22%)	2588	565 (22%)
<b>East Harrow</b>	1369	318 (23%)	1603	339 (21%)
<b>South Harrow</b>	1693	377 (22%)	2054	443 (21%)
<b>West Harrow/Pinner</b>	727	157 (22%)	1009	205 (20%)

#### **RIGHT TO MANAGE VOTES**

Central Harrow – Tuesday 24<sup>th</sup> June

West Harrow – Tuesday 1<sup>st</sup> July  
 East Harrow – Thursday 17<sup>th</sup> July  
 South Harrow – Tuesday 22<sup>nd</sup> July

- Invites to all Members
- Posters on Estates
- “Digivote” System
- Postal Votes

AREA	TENANTS IN FAVOUR	TENANTS AGAINST	RESIDENTS IN FAVOUR	RESIDENTS AGAINST
Central Harrow	38	8	46	8
South Harrow	19	2	22	4
West Harrow/Pinner	7	2	13	2

### 3. Current Situation

3.1 Following TLCF on the 22 July, where concerns were raised by Elected Members and members of Tenant Groups, regarding the RTM process in Harrow, a meeting was held between Council Officers and Officers from FIRST Call, where FIRST Call presented their findings and addressed these concerns.

3.2 It was agreed that Harrow Council would support the RTM Feasibility Applications to the Housing Corporation, but that due to concerns relating to complaints received from tenants and leaseholders regarding resident engagement, Overview and Scrutiny Committee will be reviewing the process applied by First Call in engaging tenants and that support for the investigations may be completely withdrawn if Scrutiny substantiates the concerns.

3.3 It was also agreed that a communications protocol is drawn up between Harrow Council and FIRST Call that completely eliminates the confusion that has been evident during this process to date and that the protocol continues to involve a process of regular liaison with the Tenants, Leaseholders, Members and Council Officers.

### 4. Main options

4.1 Should members feel that the process applied by First Call fell short of the standards expected, and that the complaints made are substantiated, the Committee will need to decide if and how members should be involved further in ensuring that the Council’s relationship with tenants is maintained.

4.2 In the first instance, it may be that the Committee consider that the issue should be referred to the scrutiny leads for Sustainable Development and Enterprise to investigate further and feed back at a meeting later this year.

### Financial Implications

There are no immediate costs identified with the proposal at this stage, however any future costs around the development of this initiative would need to be considered as part of the budget setting process for the HRA.

## Performance Issues

None

## Risk Implications

5. If the Council decides to withdraw support for the project an explanation would need to be provided to tenants and leaseholders who have voted to move to the feasibility stage and to the Housing Corporation who have provided the funding for this project.

## Section 3 - Statutory Officer Clearance

Name: Donna Edwards	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 22 October 2008		
Name: Paresh Mehta	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 22 October 2008		

## Section 4 - Contact Details and Background Papers

Contact: Carol Yarde – Service Development Manager Housing Services 0208 420 9660 carol.yarde@harrow.gov.uk

Background Papers: None

If appropriate, does the report include the following considerations?

1.	Consultation	NO
2.	Corporate Priorities	NO