

**REPORT FOR: TENANTS' AND
LEASEHOLDERS'
CONSULTATIVE FORUM**

Date of Meeting: 31 March 2011

Subject: INFORMATION REPORT - Review of
Terms of Reference for TLCF

Responsible Officer: Lynne Pennington, Divisional Director
Housing Services

Exempt: No

Enclosures: None

Section 1 – Summary

This report builds on the proposals to review the terms of reference for TLCF that were reported to TLCF in November. A presentation on each of the options will be made on the night to generate discussion. The views of TLCF will be taken into account so that further consultation can be undertaken at the Residents Conference on 6th April.

FOR INFORMATION

Section 2 – Report

Introduction

2.1 This review is needed for a number of reasons and informal discussions between the author of the report and the Housing Portfolio Holder, residents and officers has helped to shape the options now being put to the forum for discussion.

2.2 Firstly the role of the Tenant Services Authority as the Housing Departments' regulator increases the responsibility of the Council to effectively involve residents in regularly reviewing and challenging performance. This includes the requirement to develop resident led scrutiny arrangements. Whilst the future of the Tenant Services Authority is unclear, it is envisaged that this commitment to involving residents more effectively in the decision making of the housing department will continue with a change of regulator.

2.3 Secondly "Putting customers at the heart of everything we do" is a key part of Housings Ambition Plan and a commitment in our resident involvement vision statement that was agreed with our residents in 2010. This means that despite the uncertainty that surrounds a forthcoming change of regulator - Harrow have clearly made a commitment to deliver on these objectives.

2.4 Thirdly residents, elected members and officers have all expressed concern with the length of agendas. Holding TLCF meetings only 4 times a year means there is often a great deal of work to get through and this does not always allow enough time for full debate on all items on the agenda. The need for wide discussion on the implications of national policy changes over the next 12 months put even more pressure on agendas.

2.5 More frequent meetings are therefore needed and establishing sub groups of TLCF to look at some more detailed work such as performance monitoring, finance and resident led scrutiny of the housing departments delivery against both the Ambition Plan and the local offers would complement more frequent meetings of the main group.

2.6 Fourthly the language used in the existing terms of reference is no longer suitable for modern resident involvement. From our resident involvement vision it is clear that resident involvement should involve all residents on our housing estates, not just tenants. There are a number of constituted groups represented at TLCF that are not just for tenants, and the Leaseholder Steering Group, which is exclusively for leaseholders. However, it may be appropriate to ensure that tenants, leaseholders and freeholders are represented proportionately in relation to the wider resident involvement strategies. We also want to ensure that the wider resident body can have a voice when critical decisions are made.

2.7 The final reason residents gave in requesting the review is that meetings of TLCF can be "taken over" by political issues and discussions, which take up

precious time and distract the meeting from its main objective which is to formally consult residents on housing matters.

Current situation

2.8 The existing Terms of Reference for TLCF are:

- 1. to consider and submit it's observations to the Executive on:
 - a) the annual Housing Revenue account budget, in particular on the consequent rent implications, and**
 - b) such other specific issues as may be referred from time to time by the Executive****
- 2. To discuss items of major significance to all, or a number of, associations concerning the management and ownership of the Council's Housing Stock.**
- 3. Individual items and matters relating to particular estates shall be considered by the forum only if they have initially been referred to the appropriate division/directorate and, after an appropriate length of time has elapsed, the Association are not content with the Council's response.**
- 4. The Forum shall meet four times (quarterly meetings) in the municipal year with representatives of recognised Tenants Associations drawn from all of the Council's Housing Estates. One meeting shall include discussion of the revenue budget proposals.**
- 5. Meetings of the Forum with individual tenants associations may be held only to discuss items of major significance relevant to a particular estate, such as a major refurbishment works etc, as necessary and on an ad hoc basis (but not more than twice in a twelve month period). Such meetings may be held either:**
 - at the request of the Council, or**
 - upon a request by a tenants association.**

Relevant ward members shall be advised of meetings of the forum with individual Tenants Associations.

- 6. Recognised Tenants Associations shall be entitled to send two representatives each to the quarterly meetings. In the event that a vote is taken in order to gauge tenant's opinions on a particular issue, recognised tenants associations shall be entitled to one vote each.**
- 7. The Chair of the Forum shall be appointed annually by the Cabinet.**

Note: Except where the views of the Consultative Forum have been requested by the Executive/another committee, no recommendation or

reference to the Executive or another Committee can be made unless it is agreed by a majority of the elected Councillors.

Note: a proposal to establish any subsidiary body of this Forum shall be subject to it's prior referral to and approval by the Cabinet

Why a change is needed

2.9 The existing terms of reference appear unclear, or do not allow for the following issues:

- Reference throughout the terms of reference is made to *tenants associations* rather than *Tenant and Residents Associations* and there is no reference to other recognised resident groups i.e. Leaseholder Support Group.
- Mechanisms to ensure that resident representation is proportional between tenants, leaseholders and freeholders. Given the number of residents in each group we should aim for approximately 40% of representatives from both tenants and freeholders, with approximately 20% leaseholders.
- The role of individual residents who are recognised as representing an estate where there is currently no recognised TRA as members of TLCF.
- The role of residents in scrutinising and challenging the performance of the housing department.
- The role of the wider resident body and the feedback mechanisms from both representatives and council staff on the outcomes of TLCF.
- The mechanism for other resident involvement groups- i.e. service focus groups, complaints panel etc to feed in to TLCF.
- Whether /when cabinet may consider reports that have not first been to TLCF.
- What redress do residents have if unhappy with the performance of the housing department- how should any concerns that are not resolved at TLCF be escalated?
- Currently sub groups of TLCF are not allowed to be established. Many feel that these would help to undertake some of the detailed work on policy and finance decisions, and make recommendations to TLCF. This could help reduce the workload and lengthy agendas that come to TLCF.
- There are currently no resident led scrutiny arrangements as required by our regulator. A resident led scrutiny panel could be an important sub group of TLCF in the future.
- That members of the public are invited to attend TLCF- but it is unclear how the meetings are publicised to this group and when they can take part in discussions.

Options to Consider

2.10 The following options are to be presented in more detail to TLCF for discussion:

- Proposed frequency of meetings

- Proposed sub groups of TLCF, what these sub groups might cover and developing and formalising the relationship between the different groups
- Proposals to ensure membership of TLCF is representative of the wider resident body, both proportionally (i.e. between tenants, leaseholders and freeholders) and geographically.
- Proposals to ensure that members of TLCF feedback appropriately and promptly to the group they represent
- Proposed new Terms of Reference to incorporate these options.

2.11 Because of their complexity a first draft of proposed new Terms of Reference are included below so that members of TLCF have an opportunity to read and consider them in advance of the meeting. However please bear in mind these are only proposals for discussion and amendment.

Proposed New Terms Of Reference (for discussion)

- 1. To be the overarching Residents Consultation mechanism for the Council on all policy, strategy and financial decisions affecting the management and ownership of the Council's housing stock and it's estates**
- 2. To discuss items of major significance to all, or a number of, tenant and resident associations and forums concerning the management and ownership of the Council's housing stock.**
- 3. To scrutinise the performance of the Housing Department in all aspects of the service delivery, challenging poor performance and requesting improvements**
- 4. To receive reports and updates from other Resident Involvement activities, particularly in relation to the setting and monitoring of service standards, resident scrutiny and inspection activities, but for all other areas of work as required. Reports may be presented by officers or residents as appropriate.**
- 5. To request reports on specific areas of work in particular where they are perceived as not meeting agreed service standards/timescales etc. Requests for future reports or information on specific areas may be made at TLCF meetings by any residents in attendance.**
- 6. The Forum shall meet at least six times in the Municipal Year, more often if the workload requires it. One meeting each year shall include discussion of the revenue budget proposals.**
- 7. Recognised Tenants and Residents Associations, HFTRA and the Leaseholder Support Group shall be entitled to**

send two representatives each to the meetings. With the exception of the Leaseholder Support Group where two representatives attend at least one must be a Council tenant. In the event that a vote is taken in order to gauge residents' opinions on a particular issue, recognised groups shall be entitled to one vote each.

- 8. Residents who represent an estate where there is currently no Tenant and Resident Association are eligible to attend TLCF and have one vote per estate that is represented in this way**
- 9. All resident members of TLCF have a responsibility to feed back to the group they represent the discussions that take place and decisions made at TLCF in a timely way. Resident Participation Officers can support representatives in providing feedback, and may from time to time carry out spot checks to audit the effectiveness of the feedback process.**
- 10. The Chair of the Forum shall be appointed annually by the Cabinet.**
- 11. Sub groups may be set up, with the agreement of the Chair to take forward specific pieces of work, or look at specific areas of the housing service. However sub groups will not have authority to make decisions but will report back to the main group on all work undertaken, making recommendations where appropriate.**
- 12. Reports to Cabinet, on any proposed new policies or changes to policies that directly impact on tenants and leaseholders will first be considered by TLCF so that resident views can be incorporated into the Cabinet report. Where an issue is too urgent to wait for a TLCF meeting this must be clearly stated in the Cabinet report and a subsequent report, explaining the reasons for urgency, should be made to TLCF.**
- 13. TLCF was established as a forum to consult with residents and this is its primary purpose. Elected members and officers must bear in mind that residents should always have priority in contributing to discussion and debates.**
- 14. Members of the public are also invited to attend meetings, but do not have voting rights. TLCF meetings will be publicized in advance through Homing In and on the Council's website**

Process

- 2.12 The views emerging from discussion at TLCF will be used to formulate the workshops that will take place at the Residents Conference of 6th**

April. This will ensure that the ideas generated through discussion at TLCF can also be discussed with the wider residents body before proposals are finalised.

- 2.13 The finalised proposals will be brought back to the next TLCF for decision, before moving through the Council process to change the Terms of Reference.
- 2.14 As TLCF is a sub-body of Cabinet there is a formal process to follow to implement any changes to the Terms of Reference. Once TLCF have agreed the revised Terms of Reference the change has to be ratified by Cabinet. In addition as this would be a constitutional change there is a need to notify the Constitution Review Working Group, which can be arranged within a reasonable timescale for the specific purpose of looking at the recommendation.

Section 3-Financial Implications

3.1 There are no specific financial implications arising from this report. Although there is likely to be a change in the working arrangements of some officers in supporting the proposed changes, it is anticipated that this can be absorbed within existing resources. However some more work will done on this before the next report is taken to TLCF for decision.

Section 4 – Corporate Priorities

4.1 The proposals in this report incorporate the corporate priority:

United and involved communities: a Council that listens and leads

4.2 Engaging more effectively with more of our residents, across all areas of the work of the housing department and developing local offers in partnership with residents will greater assist in implementing this priority.

Name: Donna Edwards	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 16 March 2011		

Section 5 - Contact Details and Background Papers

Contact: Maggie Challoner, Resident Services Manager 020 8424 1473

Background Papers: None