

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

Date of Meeting: 19 July 2011

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

Responsible Officer: Lynne Pennington, Divisional Director
of Housing Services

Exempt: No

Enclosures: Appendix 1: Existing Terms of
Reference

Section 1 – Summary

This report builds on the discussions that took place on the proposed review of the terms of reference for TLCF that were reported to TLCF in November 2010 and March 2011 to produce a final proposal for new terms of reference. The views of TLCF are sought on this proposal before it is submitted to Cabinet for decision in September.

FOR INFORMATION

Section 2 – Report

Introduction

2.1 This review is needed for a number of reasons and discussions between the author of the report and the Housing Portfolio Holder, residents and officers as well as the discussions at TLCF have all been taken in to account in finalising the proposal.

2.2 As has previously been reported to TLCF changes in the existing Terms of Reference are needed to:

- More effectively involve residents in regularly reviewing and challenging the housing department's performance.
- Develop resident led scrutiny arrangements, as required by Housing's regulator (currently the Tenant Services Authority (TSA) but likely to become the Homes and Communities Agency if the Localism Bill is enacted). Further discussions are needed on how resident scrutiny arrangements will be developed in Harrow, but this review of the Terms of Reference will create the flexibility to give us choices on how best to incorporate more effective resident led scrutiny into our structure.
- Ensure that we meet our Ambition Plan commitment to "actively involve residents in helping to shape services to meet their needs and aspirations" This will include involvement in helping to drive improvements to the existing housing service, as well as the need to involve more residents in the decisions that lie ahead on forthcoming policy changes.
- Meet our resident involvement vision statement commitment to "Put customers at the heart of everything we do"
- Address the concerns raised by residents, elected members and officers with the length of TLCF agendas which do not always allow enough time for full debate to take place on all items on the agenda.
- Address the difficulties the timetabling of the existing 4 meetings a year present. In particular because of the budget setting timetable 3 of these meetings are by necessity close together (November, January and February) which leaves long gaps between February and July, and the July and November meetings where urgent issues cannot be discussed.
- Allow sub groups of TLCF to be established so that where issues need more detailed analysis, or to involve wider resident views it will be possible to examine the issues in detail at sub group level.
- Update the language used in the existing terms of reference so that it reflects our resident involvement vision to involve all residents on our housing estates, not just tenants and leaseholders.
- Ensuring that the role of individual residents who are recognised as representing an estate where there is currently no recognised TRA is referred to in the Terms of Reference.
- To take steps to try to ensure that tenants, leaseholders and freeholders are represented proportionately on TLCF-but where this is not possible find alternative ways to discuss issues with a wider audience. An example that reflects this need is TLCF's concerns last November that there were too few tenants present to have a

meaningful discussion on the options for rent setting for the coming financial year.

- To find ways to ensure that the wider resident body can have a voice when critical decisions are made. For example 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.

Proposed New Terms of Reference

2.3 The proposed terms of reference are detailed below. These have been amended since the discussions that took place at the special TLCF meeting in March to take on board the comments made. The actual terms of reference are in bold type but where an explanatory note is needed this is in italics.

Functions and Objectives

- 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 its 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 service delivery, challenging poor performance and requesting improvements.** *Discussions are underway about how to develop resident scrutiny in Harrow and whether there should be links to the Council's formal Overview and Scrutiny process.*
- 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 either officers or residents, or in partnership 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 or in writing to Democratic Services by the advanced timetable that will be published for each meeting. Requested items will only be considered with the agreement of the Chair.**

Meetings and Membership

- 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. *(this is an increase of two scheduled meetings per annum- i.e., changing from 4 to 6)*

- 7. Additional special meetings of TLCF may be called where there are urgent issues to discuss, one or more TRA's have concerns that need resolution or where more time is needed for discussion than would be possible on the scheduled TLCF agenda.** *(although the wording of this point of the Terms of Reference has changed, it does not necessarily mean additional meeting dates, as there is provision for special meetings in the existing terms of reference and the Executive Procedure Rules)*
- 8. 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 every effort should be made to send at least one 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.**
- 9. Residents who are recognized by HFTRA as representing an estate where there is currently no Tenant and Resident Association are eligible to attend TLCF and have one vote each. Only one individual can represent each estate in this way.**
- 10. Voting rights may be restricted in certain areas of the work. For example where an item only directly affects tenants voting may be restricted to tenants that are present only, and a similar restriction where the item only directly affects leaseholders. *(This is a new proposal- for discussion at TLCF)***

Consultation and recommendations

- 11. 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 ask to see meeting minutes and undertake surveys of TRA members to review the effectiveness of the feedback process.**
- 12. The Chair of the Forum shall be appointed annually by the Cabinet.**
- 13. 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 decide the way forward, or choose from available options but will report back to the main group on**

all work undertaken, making recommendations where appropriate.

- 14. Wherever possible all 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. However where an issue is either too urgent to wait for a TLCF meeting, or is confidential the reasons why resident's views have not been incorporated must be clearly stated in the Cabinet report.**
- 15. 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.**
- 16. 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

- 2.4** 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 a decision on whether to change them has to be made 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. The objective is to put the report to Cabinet in September 2011.

Staffing Implications

- 2.5** From a housing perspective 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. In fact our commitment to more effective resident engagement at the very heart of our Ambition Plan makes it a priority for the changes to be made
- 2.6** Housing are currently working with Democratic Services to put in place arrangements to accommodate the additional two meetings per year.
- 2.7** Housing staff would lead and administer any sub groups that are established. This means that the only additional workload for democratic services would be to service the 2 additional formal meetings a year. Democratic Services are currently assessing the implications of this.

Section 3-Financial Implications

3.1 There are no specific financial implications arising from this report although it is currently unclear if there will be any additional costs associated with these changes particularly in relation to Democratic Services.

3.2 Any further financial implications will be fully explored before the review proceeds to Cabinet for decision with ongoing costs being built into the HRA budget as part of the budget setting process as appropriate.

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 greatly assist in implementing this priority.

Name: Donna Edwards



on behalf of the
Chief Financial Officer

Date: 5 July 2011

Section 5 - Contact Details and Background Papers

Contact:

Maggie Challoner
Resident Services Manager
020 8424 1473

Background Papers: None

Appendix 1: Existing Terms of Reference

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 is 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:
 - a) at the request of the Council, or**
 - b) 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 its prior referral to and approval by the Cabinet