

Taunton Deane Borough Council

Executive – 11 August 2009

Report of the Chief Housing Officer

TENANT EMPOWERMENT IN TAUNTON DEANE

This matter is the responsibility of Executive Councillor Hazel Prior-Sankey

1. Summary

In the spring of 2008 a small group of tenants came together on “Task and Finish” principles with the task of examining opportunities available for tenants to have more say in the way in which their homes are managed. Members of the Tenants’ Forum took part, alongside tenants fresh to formal tenant involvement who had been attracted by articles about the initiative placed in Tenants Talk, the TDBC tenants’ newsletter.

Four meetings took place, the last of which was a whole day event facilitated by a consultant in tenant empowerment. The report which was produced is attached as Appendix One, and it has already been formally approved by the Housing Executive Portfolio-holder and the Tenants’ Forum. The recommendations have been interpreted in this report in a manner which fits with the Council’s constitution, its political arrangements, and with the process and aspirations of the Core Council Review.

2. Background

The way in which social landlords are regulated is undergoing fundamental change with the creation of the new regulator, the Tenant Services Authority (TSA). The TSA, which is currently the responsible regulator for housing associations, will take formal responsibility for the regulation of local authority landlords such as Taunton Deane Borough Council from April 2010.

The TSA is committed to improving the deal for tenants via a new standards framework, with tenant empowerment key to a cultural change in the way social landlords engage with their tenants.

For Taunton Deane Borough Council, it is therefore essential to review its tenant involvement arrangements, and work towards a model which will begin the movement of direct influence over investment and services to a new representative body of Councillors and tenants.

3. The Four Tenant Empowerment Meetings

The first three meetings were designed to provide information on the levels of involvement nationally, and stimulate members of the group to think about where tenant participation is currently in Taunton Deane and where they would like it to be.

A “ladder of participation” model was used, where the lowest rungs on the ladder represent relationships where tenants are given information about their service but have little say, and the higher rungs are where tenants have adopted full control by means of a Tenant Management Organisation (TMO).

The message came back from the group that they considered TDBC to inform and consult tenants, but that little real influence on service was devolved. The second message was that they wanted tenant involvement in Taunton Deane to “climb the ladder”, and whilst real control was an aspiration, definite steps needed to be taken to devolve real influence.

The fourth meeting was an all-day event facilitated by the consultant Paul Lusk, who has thirty years experience of developing tenant controlled housing and is a director of consultants *Partners in Change*. He is secretary of ATIC, the national network of tenant empowerment agencies, and was on the team which wrote the recent government guidance on tenant management.

The outcome of the fourth meeting was the report, “*Tenant empowerment in Taunton Deane: next steps*”, which is attached as Appendix One.

4. The Report

The Report provides an opportunity for the council to make a significant difference by taking tenant involvement to a level not seen before in Taunton Deane. It suggests the creation of a board of ten tenant representatives and two Councillors, one from each of the main parties. The board would be non-political and charged with the responsibility for ensuring the best possible standards of service delivery to tenants.

The report describes the board’s remit as including:

- involvement in setting the budget and determining spending priorities
- reviewing and revising policies
- involvement in agreeing and reviewing contracts
- staff appointments including a role for tenants in interviewing
- monitoring service quality
- considering complaints and appeals
- making proposals for future development including identifying new build opportunities
- developing the capacity to progressively manage services
- supporting and encouraging tenant and resident management in local neighbourhoods

To this I would add the negotiation of a brand new partnership agreement with the Council which would formalise the relationship in a positive and constructive way, and confirm the tenant at the heart of all decision-making.

The Board would also have a key role in self-assessment of the landlord service against the new standards and regulatory framework being developed by the Tenant Services Authority (TSA).

5. Transformation

Taunton Deane Borough Council is transforming itself by means of the Core Council Review, and the suggested new Board would be a good “fit” with the stated principles of the review and in particular its commitment to community engagement.

What members and tenants would see developing is a change in culture in which services are delivered that tenants have shaped through their own decision-making processes, employing staff recruited to their specification, and by a landlord services organisation committed to ensuring that tenants cease to be seen as second-class citizens merely because of their housing tenure.

Recruitment to the Board would offer opportunities for the development of individuals – for example the young parent who as a tenant representative on the Board would have a personal training and development plan to enable effective participation in the role, but also as a means of building a personal CV which increases employment opportunities for the future. A publicity campaign leading on these and other positive benefits (eg. creche facilities and, for those in work, the availability of compensation for loss of earnings) would be created to attract members to a board which is truly representative of the diverse nature of the Council's tenants.

6. Comments by the Legal & Democratic Services Manager

I am satisfied that the composition of the proposed board and the decision making process that will be put in place will satisfy the democratic process and allow for transparency of decision making.

7. Comments and Recommendations of the Community Scrutiny Committee

16 June 2009. The following is an extract from the Community Scrutiny Committee minutes:-

Members felt that tenants should have more say and the TEG would be the ideal mechanism. However, it was acknowledged that tenants' expectations would need to be managed.

Members also commented on co-opting members onto the TEG but felt that they would prefer the more democratic route of election of tenant representatives.

Resolved that the Executive be recommended to agree to:

- 1) The creation of a Tenant Services Management Board comprised of ten tenants and two Councillors (proportional);

- 2) The Chief Housing Officer and Housing Operations Manager be tasked to begin the work necessary to create an operational Tenant Services Management Board by April 2010;
- 3) The approval for a supplementary estimate from Housing Revenue reserves of £20,000 to employ a temporary consultant Tenant Empowerment Officer to progress the work involved;
- 4) The Chief Housing Officer and Housing Operations Manager examining the options for resourcing tenant empowerment within the consideration of the Core Council Review; and
- 5) That increased tenant empowerment be adopted as one guiding principle of the Core Council Review.

8. Recommendations

Members are asked to approve the creation of a Tenant Services Management Board comprised of ten tenants and two Councillors (one from each of the main parties).

The Chief Housing Officer and Housing Operations Manager be tasked to begin the work necessary to create an operational Tenant Services Management Board by April 2010, and to seek Executive and Full Council approval for a supplementary estimate from Housing Revenue reserves of £20,000 to employ a temporary consultant tenant empowerment officer to progress the work involved

The Chief Housing Officer and Housing Operations Manager to examine the options for resourcing tenant empowerment within the consideration of Phase 4 (Operations and Regulation) of the Core Council Review.

That increased tenant empowerment be adopted as one guiding principle of the Core Council Review.

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Tenant empowerment in Taunton

Deane: next steps

Appendix One

January 2009

Summary

A group of tenants in Taunton Deane has been working with councillors and officers to consider options for effective tenant empowerment in the Borough's housing landlord operation. This group is now ready to propose the following outcome:

- Tenants should form a borough-wide board or committee to oversee all landlord services
- Its terms of reference will be based on the expectation that its recommendations will normally be followed by the council's executive
- It will enable and encourage formal devolution of management to local groups where demand exists
- The borough-wide entity will develop the capacity to become a Tenant Management Organisation with legally delegated powers should it decide to take this route after building experience

Background

With the encouragement of the council's Housing Executive Member and officers, a group of tenants have come together and met 4 times in the last 10 months to examine ways to achieve greater tenant empowerment in making decisions about the management of the council's 6000 homes. The group, including Tenant Forum members, came together and worked on the 'Task and Finish' principle ie. The Tenant Empowerment Group would have a limited life and produce recommendations on empowering tenants of Taunton Deane Borough Council. On 12th January 2009, a meeting of this group met with an external facilitator to reach a view on the way forward. This meeting involved five tenants and three council officers.

The outcome of the meeting was a consensus about an appropriate empowerment model. This paper gives an outline description of this model and the main actions that can achieve it.

Borough-wide oversight of landlord services

The vision of tenants and officers is for a tenant-led body that will exercise oversight over the landlord service. Its remit will include

- involvement in setting the budget and determining spending priorities

- reviewing and revising policies
- involvement in agreeing and reviewing contracts
- staff appointments including a role for tenants in interviewing
- monitoring service quality
- considering complaints and appeals
- making proposals for future development including identifying new build opportunities

This body will not have legally delegated powers since this is not possible without a transfer of control with 'section 27' consent. However it will operate with the knowledge and consent of the council's executive and the understanding that its recommendations will be followed by the council. It will have written terms of reference making clear what matters it will consider and what information and reports it receives. It will be fully supported by the council's officers. It will, in effect, operate as a management board for the service.

The body will normally meet monthly with sub groups meeting in addition.

Membership

The body will comprise tenants and councillors, including the executive member with housing responsibility. At this point it is suggested that there be 10 tenants and 2 councillors, but these numbers can be reviewed.

Tenant membership will be recruited as follows:

- Tenants will be nominated by tenant groups or a number of individual tenants. To be successfully nominated, a candidate should receive nominations from more than one locality.
- Candidates should support their nomination with a statement of their qualifications for membership. These should include their willingness and ability to participate in decisions as an informed member of a team. There will be a separate group in place to assess these statements.
- A list of successful nominees will be submitted to all tenants for approval and, if necessary, election in a ballot.

Local tenant empowerment

At the estate or neighbourhood level, tenants will have the opportunity to manage local services and budgets through local management agreements (with section 27 consent). This opportunity will be promoted to tenants and appropriate budgets will be made available where there is demand and capacity.

Training and support

The new tenant body will need to have regular training in governance skills, housing finance, legal requirements and policy areas. It will have a carefully planned agenda and be serviced with clear and timely reports. Good communication within the body, between the executive and the body and with tenants across the borough is essential. All this will require support. This will be a call on the resources of the council's paid service. Careful consideration should be given to identifying and earmarking the needed resources. Use of external training, for example from the National Community Resource Centre and Instep, should be maximised.

The Tenant Empowerment Programme (TEP)

TEP grant is available from the Tenant Services Authority (TSA). Grant is available for groups interested in achieving control over services, for example through local management agreements or tenant management organisations. Grant is paid directly to incorporated tenant bodies. Where tenant groups are unincorporated, they can select a lead advisor to apply for the grant. A list of lead advisors is found on the website of the National Federation of TMOs.

If the new tenant body reaches a point where it wishes to look at tenant management, then it can apply for TEP grant to explore this option and develop its management proposal including reaching the required standard of competency.

Local tenant groups can benefit from TEP if they wish to look into local management agreements.

A future tenant management organisation (TMO)

A TMO provides for tenants to control the housing service with section 27 consent. It is a membership organisation where all tenants and leaseholders are entitled to become voting members. Its members elect a board of directors to run the organisation.

As part of the empowerment proposal for Taunton Deane, the borough-wide oversight group should have the ability to form a TMO to manage housing services with delegated legal powers. This could happen in one of two ways:

- As a voluntary arrangement with the council. The parties could, after consulting tenants, agree a statement of intent to form a TMO and proceed as a joint initiative to set it up, achieve competency and submit the proposals to a formal tenant ballot
- Through the Right to Manage. In this case, tenants would serve a Right to Manage proposal notice on the council and then proceed to establish the organisation with a competency test and a formal ballot. A right to manage

notice can be served by a democratic tenant group where at least 20% of all tenants have become members.

To have this option and achieve other aims of the strategy, the parties (the council and the tenant body) could consider setting up an incorporated organisation with the following objects and powers in its constitution:

- To promote tenant control of housing including the ability to serve a right to manage notice
- To provide training, support and information including publishing newsletter and a website

This body could then fulfil a number of purposes:

- Attracting TEP grant
- Providing advice to local groups and providing an independent way to inform and involve tenants
- Moving towards a TMO in future if wished

This incorporated body should build up an individual membership. If tenants decide in future to serve a right to manage notice, and the incorporated body has the necessary 20% membership, then it could serve a right to manage notice by resolution of a general meeting (after informing all tenants of this intention). This would provide a speedy way to trigger tenant management.

PL

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