

Report for: Homes Policy Development Group

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| Date of Meeting: | 19 November 2024 |
| Subject: | APPOINTMENT OF CO-OPTED TENANT MEMBERS |
| Cabinet Member: | Cllr Simon Clist Cabinet Member for Housing, Assets and Property and Deputy Leader |
| Responsible Officer: | Simon Newcombe – Head of Housing and Health |
| Exempt: | N/a |
| Wards Affected: | All |
| Enclosures: | Annex A – Proposed Co-opted Tenant Job Description |

Section 1 – Summary and Recommendation(s)

This report provides some context around tenants of Mid Devon Housing (MDH) being members of the Homes Policy Development Group and a proposal to recruit three suitable independent tenant members to the PDG. The purpose is to enable a more formalised mechanism for an established tenant voice and greater tenant scrutiny during the development of MDH policies and the consideration of housing service performance given the inherent impact matters have on our residents.

All major Registered Providers (RPs) of social housing, including MDH, are required to achieve the outcomes of the statutory consumer standards published by the Regulator of Social Housing (RSH). One of these standards is the Transparency, Influence and Accountability Standard which sets out that RPs should foster a strong culture throughout their organisation of fairness, courtesy and respect, where tenants are listened to and can trust their landlord. This standard also sets out specific tenant engagement requirements including ensuring there is genuine consideration of tenants' views which must be at the heart of RPs different levels of decision-making about the delivery of landlord services.

Councillors of RPs should therefore assure themselves that tenants' views have been actively sought and considered as part of their decision-making about their organisation's landlord services.

Whilst MDH already undertake a wide range of tenant engagement activities an internal review of compliance with consumer standards and an independent consumer regulation compliance health check earlier in 2024 have identified opportunities to improve. Specifically, there is a need to formalise tenant engagement in the policy development and performance assurance. This can best be achieved through MDH tenants being co-opted to the Homes Policy Development Group.

Recommendations:

That Homes Policy Development agree:

- 1. To recommend that Cabinet recommends to Full Council the appointment of three Co-Opted Tenant Members to sit on Homes Policy Development Group until April 2027;**
- 2. To recommend that Cabinet recommends to Full Council to delegate to the Head of Housing and Health in conjunction with the Cabinet Member for Housing Assets and Property the appointment of each Co-Opted Tenant Member.**
- 3. To Recommend to Full Council to delegate to the Director of Legal, People & Governance (Monitoring Officer) to make the necessary amendments to the constitution, including the amendment to the scheme of Members Allowances to include a special responsibility allowance for this position(s).**

Section 2 – Report

1 Introduction

- 1.1 Homes Policy Development Group (PDG) is a key part of the overall governance of MDH and the overall co-regulation framework whereby members consider and recommend the adoption of policy in terms of the delivery of our housing services. It also receives and considers further important information with regard to service standards, performance and risk. Combined, this a cornerstone in the provision assurance that MDH are meeting the requirements of the statutory consumer regulation regime overseen by the RSH including confidence that our tenants voices are being heard and taken into account.
- 1.2 Four core consumer standards form part of the wider consumer regulation regime, of which the Transparency, Influence and Accountability Standard specifically sets out required outcomes for RPs in terms of our engagement and involvement with our tenants in the following thematic areas which are integral to the role of the PDG:
 - Fairness and respect
 - Diverse needs
 - Engagement with tenants
 - Information about landlord services
 - Performance information

- Complaints
- Self-referral

- 1.3 With specific regard to engagement and information, the standard requires RPs to foster a strong culture throughout their organisation of fairness, courtesy and respect, where tenants are listened to and can trust their landlord. This standard also sets out specific tenant engagement requirements including genuine consideration of tenants' views which must be at the heart of RPs different levels of decision-making about the delivery of landlord services. This may include, for example, in relation to recommending new or updated housing management policies for adoption, the setting of service standards, agreeing responsive repair targets and setting performance targets for different landlord services.
- 1.4 Tenants' views can be gathered in different ways. Boards or councillors of RPs should assure themselves that tenants' views have been actively sought and considered as part of their decision-making about their organisation's landlord services.
- 1.5 Whilst MDH currently undertake a wide range of tenant engagement activities through a dedicated strategy, with regard to policy development and performance tenant input is largely ad-hoc through rolling consultations and tenant engagement channels such as social media, tenant newsletters and other communications. Consultation response levels are mixed and assurance that the voice of tenants has been heard is consequently not always robust. An internal review of compliance with consumer standard and an independent consumer regulation compliance health check earlier in 2024 have identified opportunities to improve and formalise tenant engagement in the policy development and performance assurance context through having MDH tenants co-opted to the Homes Policy Development Group.
- 1.5.1 One of the recommendations from the independent consumer regulation health check report (February 2024) was that consideration to be given to the appointment of several independent tenant members to the relevant housing policy and performance governance committee, notably through the creation of a separate sub-committee of the PDG. In light of this recommendation, the Head of Housing and Health together with the Director of Legal, People & Governance (Monitoring Officer) have identified that co-opting members onto the existing Homes PDG is a more effective way of achieving greater tenant engagement for the following reasons:
- Is inclusive and involves all members of the PDG
 - Does not result in a duplication or potential dilution regarding the review and debate on all relevant MDH policy and performance matters
 - Retains the existing role of the PDG and does not unduly extend the democratic decision making process and timeline
 - Is the most cost-effective and most efficient option to set up and support

- 1.6 A particular challenge for RPs is attracting independent tenant members with the relevant experience of our landlord services and an ability to take a wide viewpoint from the perspective a broader tenant cohort. This challenge can sometimes be greater given the broad geographical nature of our mixed town and rural housing stock and diversity of tenants. Therefore, the MDH tenant involvement team and the Head of Service are working to identify suitable tenants who have already demonstrated a willingness to engage with MDH and have provided input and positive engagement on previous policy or other landlord consultations. Furthermore, consideration will be given to diversity of tenants who may therefore be able to provide as wide and valid range of views to the PDG within the limitations of three co-opted spaces.
- 1.7 The Council's ability to co-opt members onto a committee or PDG derives from the Local Government Act 1972, as amended. Section 13(1) of the 1989 Act says that a co-opted member of a committee established under Section 102 of the Local Government Act 1972 (i.e. a committee discharging the functions of the Council) must be a non-voting member. It is for the Council to decide on the term of office of any such co-opted member.
- 1.8 The Constitution outlines the composition of the Homes PDG together with the requirements and quorum of membership. If an additional Co-opted Tenant Member is approved then the Constitution will be required to be amended accordingly i.e. number of members 'plus up to three Independent Tenant Members' and the Quorum for the Homes PDG is 'not inclusive of the Independent Member(s)'. Also adding in that 'the Independent Tenant Member(s) (who shall not be a Member of the Council) is appointed to 'provide MDH tenant experience and a tenant voice to the Homes PDG in respect of proposed MDH policies, plans, performance and standards and shall have no voting rights'. Similarly, the scheme of Members Allowances will be required to be updated to include reference to a special responsibility allowance for the Co-opted Tenant Member(s) of the Homes PDG.

2 Independent Tenant Member

- 2.1 Subject to approval, the role for three Independent Tenant Members will be advertised to all tenants and leaseholders during January and February 2025 and would seek candidates that should:
- Be a current MDH tenant or leaseholder for at least 6-months
 - Be able to interpret and analyse housing information and data with a view to asking probing questions to reach rational conclusions
 - Be a critical thinker and seek to uphold accountability
 - Be confident in fully and proactively participating in the consideration of matters before the Homes PDG at its public meetings
 - Be a good listener, fair and objective in their approach.
- 2.2 In order to be eligible to apply for the position, applicants must not:
- be a Councillor or Officer of any of the Council or have been so in the preceding 12 months prior to appointment

- be related to, or a close friend of, a Councillor or Senior Officer of the Local Authority
 - have been convicted of any offence
 - be an undischarged bankrupt
 - have significant business /contractual dealings with the Council
 - have a proven history of vexatious and/or frivolous complaints at the Council
 - be in arrears with Housing Rent, Council Tax, Business Rates or have other outstanding debts owing to the Council.
- 2.3 It is proposed that MDH will advertise the posts and set out that fixed annual fee (dependant on the Council) will be paid to the successful post holders. It is proposed that three regular persons from those recruited by MDH in conjunction with the Cabinet Member will attend Mid Devon District Council's Homes PDG, but should they be unavailable for any particular meeting, no substitute will be provided.
- 2.4 If Members are minded to approve the appointment of an independent member(s) to Mid Devon District Council, it is recommended that the allowance be set at £500 per annum, which is equivalent to the co-opted Independent Member of Audit Committee and the Standards Independent Person.
- 2.5 More information for potential Co-opted tenants is provided in the form of an informal 'job description' for the role attached in Annex A.
- 2.6 MDH are seeking to work with tenants to create one or more tenant associations that may operate across the whole tenant group or in a more community, place based context. This work forms part of the emergent wider tenant engagement strategy and will take some time and resource to put in place to embed successfully, therefore subject to further consideration and potential approval once options have been refined further. Nonetheless, post April 2027 following a review of co-opted arrangements such a tenant association may provide a different, more independent mechanism to seek co-opted tenants in the future.

Financial Implications

There will be a small financial impact through the need to remunerate three Independent Tenant Members for their time carrying out the role for the Homes PDG and it is recommended that the level of remuneration be set at £500 per annum, which is equivalent to the Co-opted Independent Member of Audit Committee and the Standards Independent Person. This cost will be met from within the existing Housing Revenue Account budget framework.

Legal Implications

The legal implications are contained within the report detail.

Risk Assessment

The proposed post should help the Council recognise and address risk of non-compliance with the statutory consumer regulation standards applicable to MDH.

Impact on Climate Change

There are no Climate Change implications anticipated as a result of this report.

Equalities Impact Assessment

There are no equalities implications anticipated as a result of this report.

Relationship to Corporate Plan

The proposed post should help the council deliver the corporate plan.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151

Date: 11.11.24

Statutory Officer: Maria De Leiburne

Agreed on behalf of the Monitoring Officer

Date: 11/11/24

Chief Officer: Simon Newcombe

Agreed by or on behalf of the Chief Executive/Corporate Director

Date: 30 October 2024

Performance and risk: Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 01 November 2024

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact: Simon Newcombe, Head of Housing and Health

Email: snewcombe@middevon.gov.uk

Telephone: 01884 255255

Background papers: none