

Cabinet, 3 July 2017**Report title:** New resident engagement structures**Wards:** All**Portfolio:** Councillor Jennifer Brathwaite, Cabinet Member for Housing and Environment**Report Authorised by:** Sue Foster, Strategic Director for Neighbourhoods and Growth**Contacts for enquiries:** Mark Howarth, Governance & Resident Engagement Manager, 0207 926 8319, mhowarth@lambeth.gov.uk**Report summary**

At its meeting 9 November 2015 the Cabinet agreed to proposals for consultation to change the resident engagement governance structures for Housing Management tenants and homeowners. The report proposed three Area Boards replace the twelve area housing (AHF) and area leasehold forums (ALF) and a Resident Assembly replace Tenants and Leasehold Councils. It also noted a far more flexible engagement offer for all residents to be able to get involved had been launched through the Lambeth 500+ programme and there was to be increasing emphasis working with Tenants and Residents Association (TRAs) at the local level. This report sets out the consultation that has taken place since and recommends the new engagement structure be piloted for twelve months and reviewed within eighteen months.

Finance summary

Implementation of the recommendations within this report does not require any additional revenue or capital financial resources. No savings are currently proposed as a result of this report, however the resulting efficiencies from the new engagement structures in the form of reduced staff time have been quantified in paragraph section 2.6 below.

Recommendations

1. To note the consultation undertaken since the Cabinet proposals and agree the new resident engagement structures as set out in Appendix 1.
2. Agree the new engagement structures are piloted for 12 months and subject to a full review to be completed within 18 months noting the Council's Constitution will need to be amended when any changes to the engagement structure are finalised.

1 Context

- 1.1 The report, Improving Housing Management Services and Wider Integration, which Cabinet considered 9 November 2015, emphasized the need for local engagement with residents as well as providing more flexible opportunities for wider involvement of all residents including homeowners and private tenants living on estates. It proposed streamlining the formal engagement structures (from twelve area forums to three Area Boards) with work programmes focussing on service improvement. In emphasising local engagement it recommended working with TRAs to produce estate action plans identifying the priorities for local residents as well as launching the Lambeth 500+ programme as a virtual way of getting more residents involved who traditionally may not have attended TRA meetings or lived in properties not covered by TRAs. The large number of meetings (70 area based meetings and 18 Tenants Council, Leasehold Council and Tenants Council Executive per annum) made the existing engagement structure unsustainable.
- 1.2 The Cabinet report followed a year-long consultation programme on what residents wanted in terms of engagement and the priorities for the housing service pending Housing Services coming back in house. This was largely drawn from a February 2015 survey completed by 1,722 residents who were generally dissatisfied about their ability to influence housing services with the half who were interested in more involvement very interested in greater scrutiny. 70% also said they had no knowledge of the existing engagement structures.

2 Proposals and reasons

Governance

- 2.1 Besides the number of meetings and inevitable duplication of items, there have been increasing concerns about the governance of some of the forums, with many not being quorate or in some cases not even meeting. 29% of AHFs have been inquorate in the past 12 months and two ALFs haven't met in two years and more (Norwood and Stockwell & Vassell, primarily due to the ALF officers not responding to requests for dates for meetings). Some newer TRAs have not prioritised attending forums, preferring instead to concentrate on activities on their estates whilst some representatives attending should have been debarred as their TRAs haven't held AGMs in over 18 months so officially became unregistered (it is a requirement TRA representatives are from registered TRAs).
- 2.2 There is also a question of the diversity of the forum representatives with an increasing gap between the diversity of residents generally and those attending forums, especially the AHF (see tables 1 and 2). Older, white residents are generally overrepresented on forums compared to the tenure diversity. 66% of AHF representatives and 79% of Leasehold Council representatives are white compared to 32% of the tenure group as a whole. Residents under 45 make up 24% of AHF representatives compared to 34% of residents overall. Residents under 25 make up 1.8% of the tenure group but there is no forum representative under 25. It is worth noting the diversity of the Lambeth 500+ members, the new informal mechanism for involving residents, is much more reflective of the general tenure diversity with 67% BME and 37% under 45 years old and 1.5% under 25 (see paragraph 5.9 for more details on this and other new initiatives).

Table 1

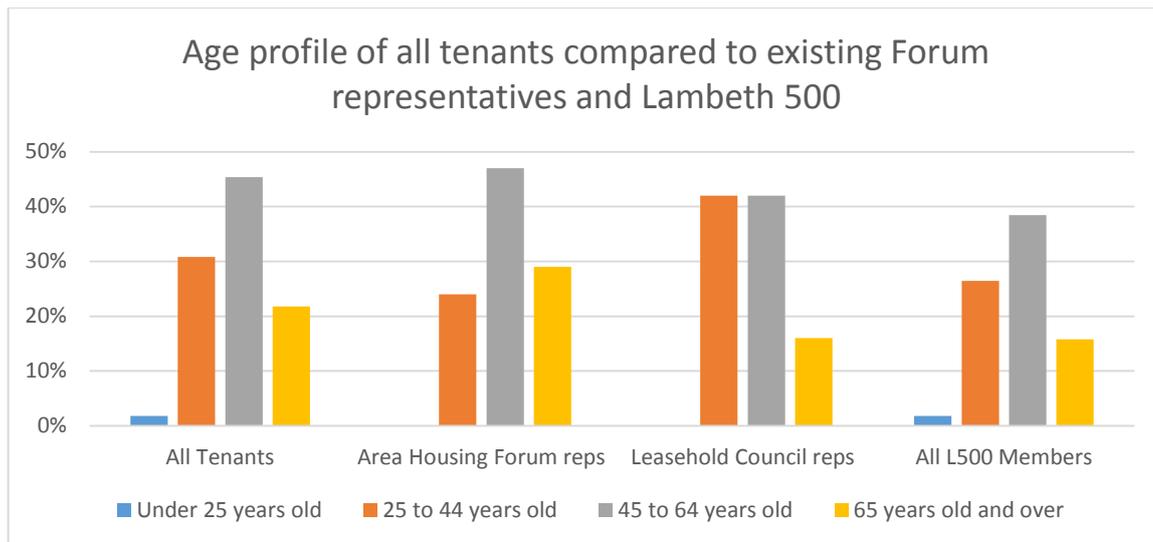
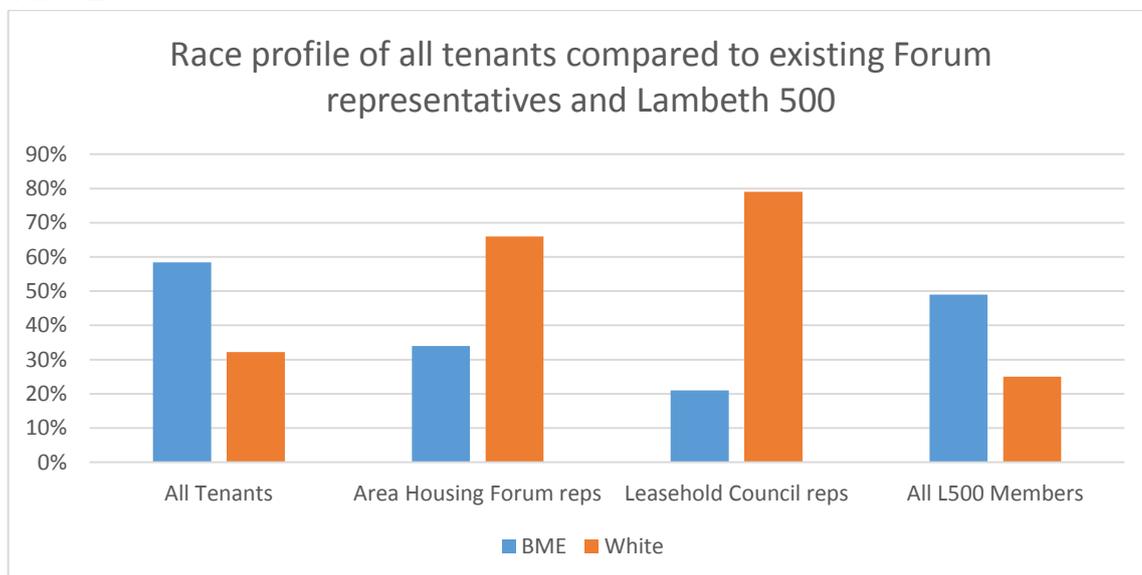


Table 2



2.3 The 2016 Overview and Scrutiny Housing Resident Involvement Commission supported the need for change. It recommended that there is no “one size fits all” solution and it was important to have a range of structures and mechanisms – both fixed and flexible – to facilitate resident involvement.

2.4 The Cabinet report proposed streamlining and focusing the formal engagement structures to make them fit for purpose. It proposed replacing the six Area Housing Forums and six Area Leasehold Forums with three Area Boards and replacing Tenants Council and Leasehold Council with a Residents Assembly. The new engagement structures will help strengthen governance by:

- reinforcing the requirement only registered TRA representatives can be members from properties covered by TRAs.
- Allowing all registered TRAs to send a representative to the new Area Boards
- providing accredited training for representatives so they are better able to carry out their role going forward.
- having work programmes to ensure meetings are properly planned for and service reviews undertaken.

- undertaking annual reviews to assess performance and outcomes.

Service Improvement

- 2.5 The changes to the remit of the Area structures is to put residents at the centre of driving service improvements forward. Currently the forums are used to raise local issues without any planned programme to review services from the residents' point of view. The new structures will concentrate on service improvement and performance monitoring the area housing services. It will enable a programmed approach to improving services based on priorities identified by residents and supported by key performance indicators.
- 2.6 The current structure was not sustainable and needed overhauling before the Government introduced rent reductions from 2016 to 2020, which meant a loss of income to the Housing Revenue Account (HRA) of £28m. Effectively that means services will have to be streamlined, reduced or withdrawn to operate within such reductions. A costing exercise has been done on the current structure of area and strategic meetings as well as the annual conferences. The minimum cost was £125,000pa, primarily in officer time for supporting as well as attending meetings. The revised structure would cost less than a quarter of this and has been estimated at £31,000. This is very much in line with the Council's requirement to manage within reduced resources.
- 2.7 There are no changes recommended to the sheltered tenants forum which is a separate body to the Area forums and Tenants Council having been revived following the review of sheltered housing and start of the major works programme three years ago.

3 Finance

- 3.1 Implementation of the recommendations within this report does not require any additional revenue or capital financial resources. No budgeted savings are currently proposed as a result of this report, however the resulting efficiencies from the new engagement structures in the form of reduced staff time have been quantified in paragraph section 2.6.

4 Legal and Democracy

- 4.1 Section 105 of the Housing Act 1985 requires the council as landlord to maintain such arrangements as it considers appropriate to enable those of its secure tenants who are likely to be substantially affected by a matter of housing management to be informed of the authority's proposals in respect of the matter, and to make their views known to the Council within a specified period and the Council must, before making any decision on the matter, consider any representations made to it in accordance with those arrangements.
- 4.2 The section further provides that the Council must publish details of the arrangements which it makes under this section, and a copy of the documents published under this subsection shall be made available at the Council's principal office for inspection at all reasonable hours, without charge, by members of the public, and be given, on payment of a reasonable fee, to any member of the public who asks for one.
- 4.3 Except in so far as there is a statutory duty to consult in respect of service charges for certain works and long term agreements under section 20 of the Landlord and Tenant Act 1985, there is no equivalent statutory duty to consult with leaseholders in respect to housing management, as defined by section 105 of the Housing Act. Lessees may argue that there is a common law duty to consult with them on matters that may impact on the management of their homes.

- 4.4 Article 8 of the Human Rights Act 1998 provides that everyone has the right to respect for their private and family life, their home and their correspondence and that there should be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.
- 4.5 Article 1 of the First Protocol to the Human Rights Act 1998 provides that every natural or legal person is entitled to the peaceful enjoyment of their possessions and that no one shall be deprived of their possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
- 4.6 In the case of *Moseley –v- Haringey*, the Supreme Court endorsed the ‘Sedley criteria’ as to what is fair consultation. These are:
- Consultation must be at a time when proposals are still at a formative stage;
 - The proposer must give sufficient reasons for any proposal to permit of intelligent consideration and response;
 - Adequate time must be given for consideration and response; and,
 - The product of consultation must be conscientiously taken into account.
- 4.7 Section 149 of the Equality Act 2010 sets out the new public sector equality duty replacing the previous duties in relation to race, sex and disability and extending the duty to all the protected characteristics i.e. race, sex, disability, age, sexual orientation, religion or belief, pregnancy or maternity, marriage or civil partnership and gender reassignment. The public sector equality duty requires public authorities to have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation;
 - Advance equality of opportunity; and,
 - Foster good relations between those who share a protected characteristic and those who do not.
- 4.8 The Equality Duty must be complied with before and at the time that a particular policy is under consideration or decision is taken – that is, in the development of policy options, and in making a final decision. A public body cannot satisfy the Equality Duty by justifying a decision after it has been taken.
- 4.9 The previous tenant and homeowner engagement structure is set out in the council’s constitution which will require amendment if recommendation 1 is agreed.
- 4.10 This proposed key decision was entered in the Forward Plan on 19 August 2016 and the necessary 28 clear days’ notice has been given. In addition, the Council’s Constitution requires the report to be published on the website for five clear days before the proposed decision is approved by Cabinet. Any representations received during this period must be considered by the decision-maker before the decision is taken. A further period of five clear days - the call-in period – must then elapse before the decision is enacted. If the decision is called-in during this period, it cannot be enacted until the call-in has been considered and resolved.

5 Consultation and co-production

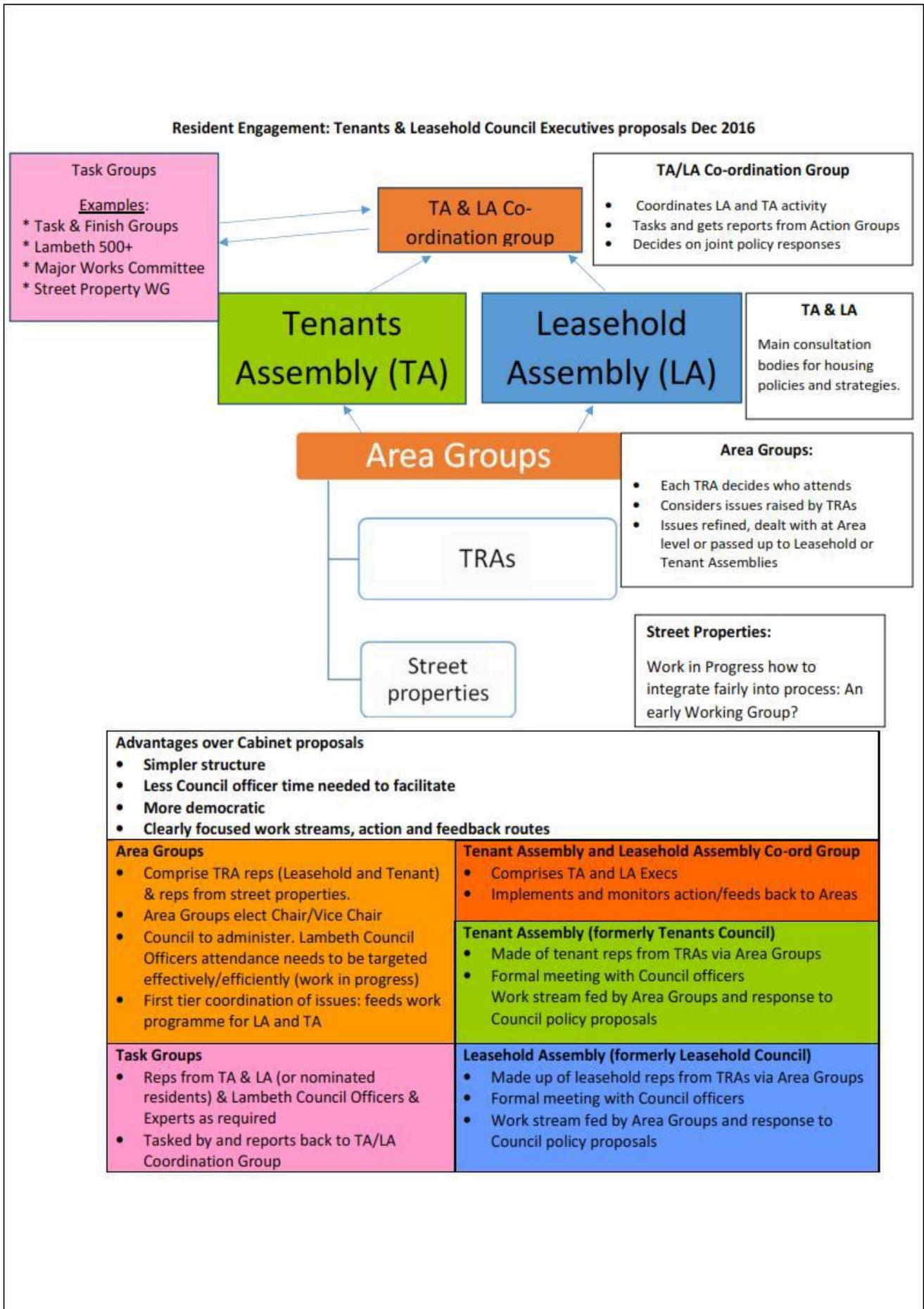
- 5.1 The November 2015 Cabinet proposals were discussed by 135 residents at workshops held at the Tenants Conference 25 October 2015 and the Homeowners conference held 5 December 2015. This was followed by an all resident survey in April 2016 about the proposals. 1,259 responses were received, with an overall majority in favour of the Cabinet proposals for Area Boards and Resident Assemblies.
- 5.2 However, there were concerns the Cabinet proposals restricted options for residents' consideration and may be considered pre-ordained. Therefore since then there has been extensive attempts to co-produce the proposals with regular discussions at Tenants Council and Leasehold Council meetings. In September this was delegated to the Tenants Council Executive (TCE) and then Leasehold Council Executive (LCE) in October, to meet with Cllr Anna Birley, as lead member for new engagement, to progress. Two meetings were held initially with TCE before LCE joined. Five meetings have subsequently been held with TCE/LCE.

The following are the dates of meetings with Tenants Council and Leasehold Council since September 2016 where the new structures have been discussed:

08/09/16	Tenants Council
13/09/16	Tenants Council Executive
19/09/16	Tenants Council Executive
20/10/16	Leasehold Council
29/11/16	Tenants Council Executive & Leasehold Council Executive
19/01/17	Leasehold Council
25/01/17	Tenants Council Executive & Leasehold Council Executive
02/02/17	Tenants Council Executive & Leasehold Council Executive
22/02/17	Tenants Council Executive & Leasehold Council Executive
16/03/17	Tenants Council Executive & Leasehold Council Executive
25/04/17	Tenants Council
27/04/17	Leasehold Council

- 5.3 There has been general agreement about the need for change and streamlining the number of meetings being held. There was also general agreement that:
- TRAs remain integral to the engagement structures and in fact this will be enhanced with emphasis on local activities and estate action plans (see 5.11).
 - Any representation should be proportionate to the tenure split ie 2/3rd tenant to 1/3rd homeowner.
 - There is a need to encourage representation from street property residents who traditionally are very under represented by TRAs.
- 5.4 In December 2016 TCE/LCE submitted their own proposals (diagram 1).

Diagram 1:

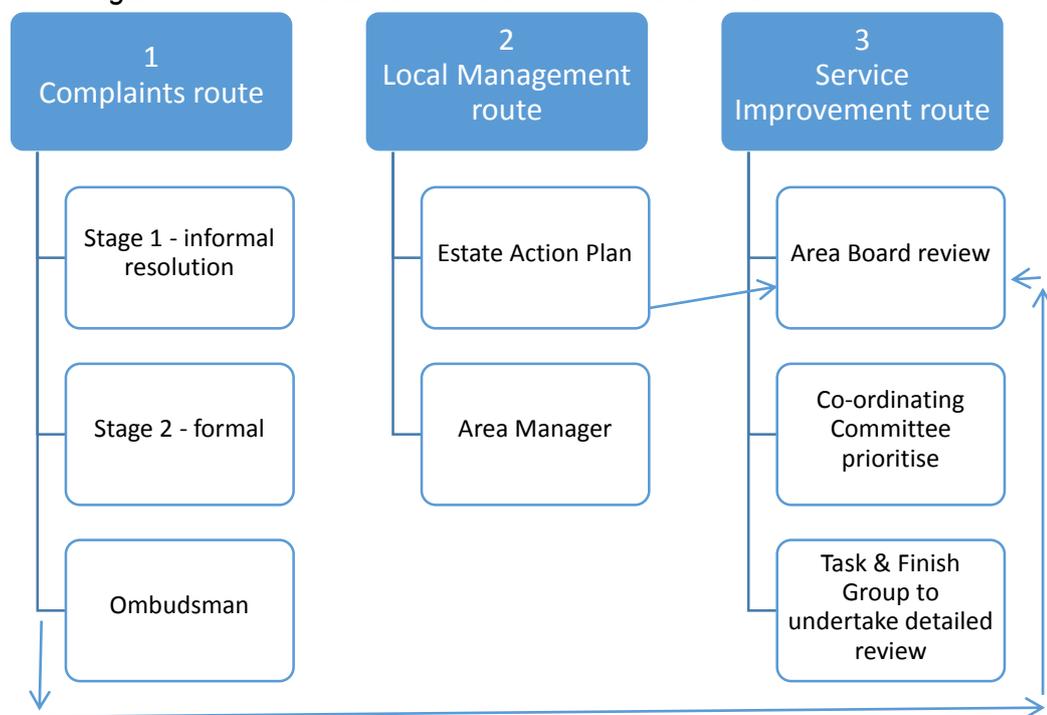


5.5 There was a great deal of agreement with the structure proposed with the main difference being the separate Assemblies for tenants and homeowners TCE/LCE proposed. This subsequently was agreed as were the following changes from the original proposals:

	Changes requested by TCE/LCE	Response
1	Chairing – originally proposed lead councillor	Agreed to be chaired by resident.
2	Training for representatives – originally proposed would be compulsory	Agreed to change to Board induction instead with option to undertake accredited training.
3	Selection process for TRA representatives	Agreed TRAs to nominate their representative.
4	Number of TRA representatives – originally proposed 12.	Agreed to increase to 15 initially and then 18. New proposal allows for all registered TRAs to send one representative
5	No scope for TRAs to escalate service problems	Agreed TRAs would be able to raise service issues and would be asked to provide evidence for service reviews.
6	No co-ordination between the area boards	Agreed with a co-ordinating committee to oversee the work of the three areas
7	Insufficient number of meetings for Co-ordinating Committee (proposed minimum 2 per annum)	Agreed to increase to minimum 4 pa.
8	Wanted tenure specific forums for tenants and homeowners	Agreed - offered two tenant assemblies and two homeowner assemblies.
9	Governance of new structures	Agreed TRA representatives only to tenant assembly (not Lambeth 500+). Homeowners to be drawn from Lambeth 500+.
10	Options if new structure doesn't work	Agreed - offered to pilot changes with formal review after 12 months to be completed within 18 months. No changes to Council's Constitution pending this review.
11	Terms of reference need to have detailed discussion	Agreed as drafts only at moment
12	Volunteers charter needed	Agreed. To be provided
13	Improved IT & selfservice paramount to deliver new engagement	Agreed. New website and residents portal as well as new consultation software from Govdelivery are essential to deliver
14	Staff behaviours integral to any structure working	Agreed. New performance management system now in place to systematically ensure staff performing.
15	More information about membership and work of L500+	Agreed – from quarter 1 2017/18 a quarterly report will be produced and distributed
16	Task & finish group to look at increasing involvement of street property residents	Agreed

- 5.6 Two main areas of disagreement remain:
- 1) The remit for the Area Board/Groups – TCE wanted the remit to stay similar to the current Area Housing Forums, predominately discussing ad hoc service matters whereas the Cabinet proposals were to focus on service improvement and performance monitoring.
 - 2) The frequency of Tenants and Leasehold Assembly. TCE/LCE argued it should stay quarterly as it currently is. With the reductions in budget outlined in paragraph 2.6, this would not be sustainable, particularly given the commitment to develop the leasehold virtual panel for more instant and timely consultation.
- 5.7 The preference of Tenants Council to keep the remit of the Area Board as that of the Area Housing Forum maintains the status quo which doesn't address the need to strengthen the focus on service improvement. Tenants Council believes it is important TRAs have the ability to escalate matters to AHFs if service failures are not addressed at the local level. However, that fails to take into account TRAs have the ability to escalate service failures already which will be enhanced by a more comprehensive approach through either the complaints route, local management route or the proposed service improvement route. These routes are shown below in figure 1.

Figure 1 – how TRAs can escalate service issues/failures



There will be an inter-relationship between the routes. Area Boards will review complaint trends as part of their performance monitoring which will indicate patterns of service failure or concern. Similarly TRAs will be able to raise issues of concern and service failure when Area Boards are deciding on the priorities for service review. TRAs will be specifically asked to suggest service areas for review and why it should be a priority. This would allow a more comprehensive process for escalating TRA concerns rather than having to raise on an ad hoc basis at AHFs when the appropriate officer may not be there.

With regards to homeowners being able to escalate service issues, they have always had the complaints route. In addition they have a separate dispute procedure which Homeownership Services (HOS) have now put on line to speed up the process. Further changes to make HOS staff more accessible have started with homeowners being able to call into Olive Morris House to see HOS staff about any issue they have.

- 5.8 At meetings of Tenants Council on 25 April and Leasehold Council on 27 April 2017, both meetings voted unanimously to reject the proposed structure despite the agreement on most elements. Given this rejection and the time the discussions have taken so far, it is proposed the new structure outlined in appendix 1 are agreed. The first 12 months of operation the new structure is also outlined in paragraph 10.
- 5.9 In the meantime, development of more informal engagement processes outlined in the November 2015 Cabinet report have taken place. These include:
- **launch of the Lambeth 500+** - any resident living on a Council estate will be eligible to join as its specifically designed to get younger people who may not be the main tenant as well as private tenants of homeowners involved as well as street properties. It will allow residents to identify what areas of housing services they are interested in and how much they want to be involved. It has been specifically designed to maximise flexibility for residents. They are used to get quick and timely feedback on draft policies, procedures and publicity. 794 residents have signed up to scheme so far.
 - **Walkabout Wednesdays** – reinforcing the need for more engagement at the local level, fortnightly estate visits have been organised since October 2015 involving non front line housing staff with contractors, councillors and TRA reps. To date over 1200 residents have had face to face contact through these visits.
 - **Resident panels** - these are panels looking at operational practices with a view to service improvement. The best example so far was the Major Works Committee which looked at the section 20 process and involved seven resident representatives meeting for eight meetings.

6. Risk management

- 6.1 There are reputational risks if resident engagement is not carried out in accordance with the Council's policy outlined in the Tenants Compact. These proposals build on the Compact requirements.

7. Equalities impact assessment

- 7.1 An equalities impact assessment has been completed for this report and is appendix 2. The new flexible ways of engaging with residents do seek to achieve a positive impact with respect to equalities, including opening up involvement processes and mechanisms to a wider range of people who are more broadly representative of the Borough's residents.

8. Community safety

- 8.1 None.

9. Organisational implications

9.1 Environmental

None.

9.2 Staffing and accommodation

None.

9.3 Procurement

None.

9.4 Health

None.

10. Timetable for implementation

Timetable	Activity	Outcomes
July-September 2017	Publicise Area Boards amongst TRAs and ensure as many TRAs as possible are registered.	Increase in TRAs registered.
September 2017	First Resident Assembly held	Elect up to 30% of Area Boards not covered by TRAs
October 2017	1st round Area Boards	Recruit TRA reps to Area Boards. Terms of reference agreed.
January 2018	2nd round Area Boards	Held
April 2018	3rd round Area Boards	Held
June 2018	Area Boards Review of new structures starts	Held Process agreed
September 2018	Annual Resident Assembly	Held
November 2018	Complete review	completed

Audit trail				
Consultation				
Name/Position	Lambeth division	Date sent	Date received	Comments in para
Councillor Jennifer Brathwaite	Cabinet Member for Housing and Environment	28.04.17	02.05.07	
Sue Foster Strategic Director	Neighbourhoods and Growth	12.04.17	12.04.17	
Neil Wightman Director	Housing Services	07.04.17	22.07.17	Throughout
Finance Daniel Grantham	Corporate Resources	07.04.17	20.04.17	Finance Summary & 3.1
Legal Services Greg Carson	Corporate Resources	07.04.17	20.04.17	4.1-4.9
Henry Langford, Democratic Services	Corporate Resources	09.06.17	16.06.17	4.10

Report history	
Original discussion with Cabinet member	28.04.17
Report deadline	21.06.2017
Date final report sent	20.06.17
Part II exempt from disclosure/confidential accompanying report?	No
Key decision report	Yes
Date first appeared on forward plan	19.08.2016
Key decision reasons	Meets community impact test
Background information	Cabinet report, Improving Housing Management Services and wider integration, 9 November 2015. http://modern.gov.lambeth.gov.uk/documents/s77887/Housing%20Management%20Cabinet%20Report.pdf
Appendices	Appendix 1: new engagement structures Appendix 2: EIA new engagement structures