

TITLE OF REPORT: Governance of Housing Services

REPORT OF: **Colin Huntington, Strategic Director, Housing, Environment and Healthy Communities**
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Purpose of the Report

1. To seek Cabinet approval for the proposed arrangements for the governance of the Council's housing functions and responsibilities from the 1st April 2021.

Background

2. Following the decision of the Cabinet to re-integrate the management and maintenance of its homes back into the Council from the 1st April 2021, with the resultant cessation of The Gateshead Housing Company (TGHC) and its current housing governance arrangements, together with the decision to bring all its housing functions and responsibilities into one place organisationally within the Council, to enable the development of a more effective strategic focus for housing as well as more 'joined up', locality based and tenure blind services, there is a resultant need to implement new arrangements for the governance of the Council's housing functions and responsibilities.
3. As well as confirming the proposed arrangements for the involvement of members in the governance of housing moving forward, recognition is also given to the anticipated involvement of tenants and leaseholders, and the involvement of stakeholders and partners such as housing associations, charitable housing service providers and private landlords.
4. In considering the governance arrangements for housing, there is a requirement to ensure compliance with the Regulator of Social Housing (RSH) consumer standards, particularly the Tenant Involvement and Empowerment Standard. This confirms an expectation that tenants will be involved in:
 - 'the formulation of their landlord's housing related policies and strategic priorities';
 - 'the making of decisions about how housing related services are delivered, including the setting of service standards';
 - 'the scrutiny of their landlord's performance and the making of recommendations to their landlord about how performance might be improved'.

The Standard further confirms a number of 'specific expectations' in ensuring tenant involvement and empowerment including 'supporting the formation and

activities of tenant panels or equivalent groups...’ as well as ‘the provision of timely and relevant performance information to support effective scrutiny by tenants ...’

5. The Social Housing White Paper published in November 2020 confirms a proposed expansion of the powers of the RSH to enable it to intervene and be more proactive in issues relating to poor services to tenants and any breaches of revised and to be strengthened consumer standards. It is proposed in the White Paper to introduce periodic inspection of landlords, with an assessment of how landlords are listening to and engaging with tenants. There is an additional need to respond to the emerging requirements of the Building Safety Bill.
6. The recently completed housing review consultation confirmed from a range of key stakeholders and partners, a willingness to engage in, and support any new governance arrangements that would allow them an opportunity to influence strategic thinking and participate in housing policy discussion in Gateshead.

Proposal

7. That Cabinet supports the establishment by full Council of a new Strategic Housing Board (‘the Board’).
8. The Board will be a formal advisory committee, established by the Council under section 102(4) Local Government Act 1972. It will be member led, but also comprise non-members of the Council (Non-members in this case are voting members pursuant to section 13(4) Local Government and Housing Act 1989). It will consider a range of proposals relating to housing strategy, tackling homelessness, enabling independent living, promoting residential growth, policies relating to all housing sectors, and the contribution housing needs to make towards the Council’s Thrive ambition and delivery of the Health and Wellbeing Strategy.
9. Its terms of reference, including confirmation of its membership, will be developed for approval as part of proposed changes to the Council’s Constitution to be considered by the Council ideally at its meeting in March with the intention that appointments will be made at the annual meeting following local elections in May.
10. It is also proposed to strengthen the Council’s statutory overview and scrutiny function to support the new governance model for housing. It is proposed to amend the scope of the current Communities and Place Overview and Scrutiny Committee (COSC) to reflect the need to both ‘hear’ and ‘respond to’ the ‘tenant voice’. The change will be evidenced by a new title for the COSC, becoming the Housing, Environment and Healthy Communities OSC. In addition:
 - Tenant led scrutiny will formally link with the work programme of the Committee, thereby ensuring the ‘tenant voice’ is being heard and acted upon.
 - Tenant representatives will attend the reconstituted Housing, Environment and Healthy Communities OSC in an observer capacity.
11. That a new Tenant Voice Strategy is co-produced with members and tenants for subsequent approval by Cabinet. This strategy will recommend any wider opportunities for tenant and leaseholder engagement and involvement, ensuring the Council is able to respond to the ‘tenant voice’ in a timely and effective way.

12. In order to enable the productive engagement and commitment of key housing partners and stakeholders to the Council's overarching Thrive ambition, it is proposed to establish new informal partnership working groups involving housing associations and housing service providers, as well as private landlords.

Recommendations

13. It is recommended that Cabinet:
- (i) Recommends to Council the establishment of a new formal advisory committee, to be called the Strategic Housing Board, which will advise the Council or Cabinet on any matter relating to the discharge of their respective housing functions.
 - (ii) Recommends to Council a membership of the Strategic Housing Board comprising of 15 elected members, plus the respective Chairs of the Health and Wellbeing Board and Community Safety Partnership, 3 tenant representatives and 3 partner representatives.
 - (iii) Recommends to Council a change in the title of the Communities and Place Overview and Scrutiny Committee to the Housing, Environment and Healthy Communities Overview and Scrutiny Committee.
 - (iv) Recommends to Council a change in the scope of responsibility of the Communities and Place Overview and Scrutiny Committee particularly to enable the inclusion of tenant observers and their scrutiny of services and buildings compliance.
 - (v) Approves the establishment of a new informal Housing Providers Partnership, and a new Private Landlords Forum, to enable the effective engagement and involvement of key stakeholders and partners.

For the following reasons:

- (i) To ensure the effective governance and democratic accountability of key strategic and operational housing functions, services and priorities for the Council.
- (ii) To ensure compliance with the regulator's (SHR) requirements for tenant involvement and engagement.
- (iii) To enable the engagement of key stakeholders and partners in wider housing strategy and policy discussion.

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Policy Context

1. There is a need to implement new governance arrangements for housing in Gateshead that will ensure:
 - Housing priorities, plans and resources are focused on supporting the achievement of the Council's Thrive ambition, Health and Wellbeing Strategy objectives, Economic Strategy and Housing Strategy objectives and outcomes.
 - Regulatory requirements for the management and maintenance of the Council's homes are complied with, including the engagement and involvement of tenants.
 - The commitment of key housing partners and stakeholders to supporting the delivery of the Council's strategic and operational priorities and plans.

Background

2. Following the decision of the Cabinet to re-integrate the management and maintenance of its homes back into the Council from the 1st April, with the resultant dismantling of TGHC and its governance arrangements; and the decision to bring all its housing functions and responsibilities into one place organisationally within the Council to allow the development of a stronger cross tenure strategic approach, as well as more 'joined up', locality based and 'tenure blind' services, there is a need to consider:
 - How members will be involved in developing housing strategies, policies and services moving forward, together with how members will monitor and scrutinise overall housing performance.
 - How tenants and leaseholders will be engaged and involved, and through their involvement how the Council will evidence specific regulatory compliance in allowing the 'tenant voice' to be heard and acted upon.
 - How partners such as housing associations and charitable service providers can be involved, and their commitment to Gateshead strengthened through participation in wider housing strategy and policy discussion.
3. It is proposed to create a new, member led Strategic Housing Board ('the Board'). The Board will have an equivalent status to the Health & Wellbeing Board and Community Safety Partnership, despite it not being a statutory body. It will consider a range of proposals relating to housing strategy, tackling homelessness, enabling independent living, promoting residential growth, policies relating all housing sectors, as well as the contribution housing needs to make toward the Council's Thrive ambition and delivery of its Health & Wellbeing Strategy.
4. It will be a formal advisory committee of the Council, permissible under the Local Government Act 1972, and its membership will comprise:
 - 15 members (one of whom will be the Housing Lead Member, and the initial Chair of the Board).

- The Chair of the Health and Wellbeing Board.
- The Chair of the Community Safety Partnership.
- 3 tenant representatives.
- 3 partner representatives

Meeting frequency, together with agenda content will be determined by the Board. The Board may also establish specific topic focused working groups involving members and others not formally members of the Board.

5. It is also proposed to strengthen the overview and scrutiny function to support the new model for housing governance. The Local Government Act 2000 gives overview and scrutiny committees a very specific remit to review or scrutinise decisions taken by Cabinet or any other part of the Council and can make reports to the Council or to Cabinet accordingly. They can also report on any matters that affect the authority's area or its inhabitants. Their role includes developing and reviewing policy and holding the executive to account. The proposal includes a change in scope of the current Communities & Place OSC to reflect the Housing Review outcomes. The change will be highlighted by a change in the current name to become the Housing, Environment & Healthy Communities Overview and Scrutiny Committee (HOSC).
6. In order to emphasise the Council's commitment to be both 'hearing' and 'responding' to the tenant's voice it is proposed that:
 - Tenant led scrutiny, including a new Tenant Challenge Panel, and Assurance Board, will formally link with the work programme of the Committee, thereby evidencing that the 'tenant voice' is being heard and acted upon.
 - Tenant representatives will attend the OSC in an observer capacity.

The scope of the OSC work programme will reflect many other Council's with retained housing responsibilities and will include housing (all tenures), locality management, social inclusion, community safety, waste & environmental management.

7. There is a requirement to ensure any governance arrangements for housing complies with the Social Housing Regulator's (RSH) consumer standards. This requires evidence that tenants are involved in 'the formulation of their landlord's housing related policies and strategic priorities'; 'the making of decisions about how housing related services are delivered'; and 'the scrutiny of their landlord's performance'. In addition:
 - The Social Housing White Paper, 'The Charter for Social Housing Residents', published in November 2020, is proposing to increase regulatory powers in relation to the consumer standards and tenant involvement, including the re-introduction of periodic inspections of social landlords to determine compliance, a requirement to identify an accountable person for safety and consumer standards, and an expectation that tenants can access key information from their landlord.

- The draft Building Safety Bill, published in July 2020 and currently subject to formal consultation and scrutiny, is proposing to introduce clearer accountabilities and responsibilities for keeping tenants and leaseholders safe in high rise buildings, and will require production of a resident engagement strategy confirming how tenants and leaseholders will be involved in decision making relating to the safety of their home.
8. The Tenant Participation and Advisory Service (TPAS) has been appointed to support the development of a new Tenant Voice Strategy for Gateshead. TPAS will arrange a number of events with tenants, leaseholders and members to ensure the co-production of a strategy that will confirm the arrangements to be put in place that at the very least will satisfy regulatory compliance and ensure that the 'tenant voice' is heard and acted upon in Gateshead. In developing the strategy there will be an opportunity to encourage new participation and involvement from tenants and leaseholders, and to consider best practice from across the social housing sector. The intention is present a proposed strategy for approval by Cabinet no later the June 2021.
 9. During the Housing Review consultation undertaken in 2020, there was a clear message from relevant partners and stakeholders that they want to engage in and support any new partnership arrangements that will enable their participation in wider housing strategy and policy discussion.
 10. It is proposed therefore to establish two new, informal housing partnerships:
 - a) Housing Providers Partnership: this will be made up of housing associations and housing service provider organisations working in Gateshead. This will be a consultative body and will provide an opportunity to secure the commitment of partners to the delivery of relevant plans and projects. It will establish working groups to help shape proposals and to identify opportunities for greater service collaboration and resource 'pooling'.
 - b) Private Landlords Forum: this will provide an opportunity for all private landlords with properties in Gateshead to engage with the Council on an informal basis and to allow their voice to be heard. The forum will seek to develop a positive relationship between the Council and private landlords and ensure discussion on any relevant matters raised by its members.
 11. The proposed new governance arrangements will be implemented over the next 12 months commencing April 2021. Whilst work is already underway in progressing some of the new arrangements, such as the Housing Providers Partnership, many of the proposals will require a lead in time prior to their launch in order to:
 - Approve any changes to the Council's constitution.
 - Produce relevant terms of reference.
 - Confirm and identify memberships.
 - Provide any necessary training and initial support.
 - Identify appropriate officer resourcing and support.

Consultation

12. In preparing this report, consultations have taken place with the Leader, Deputy Leader and the Cabinet Member for Housing; the proposals have also been shaped by the wider Housing Review consultation undertaken with tenants, leaseholders, key stakeholders and partners undertaken over many months during 2020.

Alternative Options

13. The Cabinet could decide not to implement the proposed new arrangements and limit involvement in decision making to the Cabinet exclusively through the current executive and oversight and scrutiny model. There would still be a need however to ensure compliance with the RSH consumer standards.

Implications of Recommended Option

14. Resources:

- a) **Financial Implications** – The Strategic Director, Resources and Digital confirms that there are no additional financial implications arising from the recommendations in this report
- b) **Human Resources Implications** – the staffing resource needed to support and facilitate the proposed new governance arrangements have been identified and budgeted for and will be based in a new Strategic Housing Services function from April 2021.
- c) **Property Implications** – There are no property implications arising from the recommendations.

15. Risk Management Implications - The risks associated with proposed recommendations include:

- a) **Regulatory Non-Compliance:** there will be current and changing regulatory requirements and expectations that will need to be satisfied in implementing and developing the proposed new governance arrangements for housing. Discussion is underway with the RSH to ensure the risk of non-compliance is minimised.
- b) **Tenant Expectations are Not Met:** it was evident following the conclusion of the Housing Review consultation that tenants are expecting their voice to be heard and acted upon. The engagement of TPAS in developing a new Tenant Voice strategy for Gateshead will help re-assure tenants and help to position tenants in the proposed new arrangements positively and effectively.

16. Equality and Diversity Implications – The proposed new Tenant Voice Strategy will be subject to an Equalities Impact Assessment prior to its approval.

17. Crime and Disorder Implications – Community safety and ASB policies and process will be subject to the proposed new housing governance arrangements moving forward.

18. **Health Implications** – The proposed new arrangements will strengthen the links between housing and health. The proposed Strategic Housing Board will include the Chair of the Health and Wellbeing Board.
19. **Climate Emergency and Sustainability Implications** - Environmental, economic and social sustainability are key considerations in proposing the new governance arrangements for housing and in ensuring that housing plays its full part in achieving the Councils climate emergency and sustainability priorities.
20. **Human Rights Implications** - There are no negative human rights implications arising from this report.
21. **Ward Implications** – These proposals will affect all wards across Gateshead.