

EAST AYRSHIRE COUNCIL

HOUSING COMMITTEE - 12 SEPTEMBER 2001

TENANT PARTICIPATION

Report by the Director of Homes and Technical Services

1. PURPOSE OF REPORT

- 1.1 To advise members of the impact that the Housing (Scotland) Act 2001 will have on tenant participation both in terms of new duties and changes to existing policy and procedures. The report highlights the main issues that need to be addressed, and makes proposals which will ensure the foundations are laid for the future development of tenant involvement.

2. BACKGROUND

- 2.1 Tenant participation has a long history in social housing and in more recent years has been viewed as an essential ingredient to effective housing management and ensuring achievement of Best Value. In terms of legislation however, no specific powers have existed to ensure local authorities engaged in this activity.
- 2.2 In 1991 the Tenant's Charter introduced new rights for tenants however, this did not include a duty to carry out tenant consultation. The Scottish Parliament have now included a duty on local authorities and registered social landlords to develop a tenant participation strategy in terms of section 53 of the Housing (Scotland) Act 2001.
- 2.3 There is also a duty placed upon local authorities and registered social landlords in terms of section 54 of the Act to widely consult with tenants and service users on specific implications of the new legislation. A general announcement by Ministers in June pledged a £10.5m funding package to assist Council's in this process.

3. CURRENT POSITION

- 3.1 East Ayrshire Council promotes a range of opportunities to involve tenants in the housing service. This includes encouraging new tenants groups, as well as supporting and advising existing groups. Both local housing office staff and policy unit staff regularly attend evening tenants meetings to respond to local issues but also to provide advice and support. Where possible individual tenants and tenants groups are involved in decisions that affect their home.

- 3.2 There are approximately sixteen tenants and residents groups in existence within East Ayrshire. Each group can apply on an annual basis for an operational grant of £100 (25p per tenancy or a minimum of £100) to meet their day to day costs. New groups can also apply for a start up grant of £150. Groups can also apply for funding from other sources such as the Community Support Section.
- 3.3 All new groups are issued with a start-up pack, which gives advice and information, along with useful tools such as an income/expenditure cash book, a jargon buster booklet, a draft constitution and details about contacting the council. Groups are also offered training on financial management and are regularly sent information that is relevant to this work.
- 3.4 A number of other tools/survey and focus groups have been set up over the past few years to specifically involve individual tenants in a number of initiatives. Most recently, focus groups have been set up to consult tenants on the outcome of the Best Value Service Review on Repairs. These groups will be meeting again soon to discuss the proposed improvements to the service.
- 3.5 Individual tenants can become involved through contact with their local office and more recently a feedback page has been introduced to the departmental web pages to encourage tenants and service users to give their views on any part of the service.

4. HOUSING (SCOTLAND) ACT 2001

- 4.1 The Housing (Scotland) Act 2001 received royal assent in July 2001.
- 4.2 In terms of section 53 of the Act local authorities and registered social landlords should , by such time as the Scottish Ministers may direct, prepare a strategy for tenant participation which includes an assessment of resources required to implement and maintain the strategy. The strategy must contain details on how the landlord intends to take account of the views of tenants, what tenants will be consulted on and what information will be provided.
- 4.3 Section 54 of the Act also requires landlords to notify tenants about any proposals or changes relating to housing management functions, service standards and also the strategy itself. Landlords will also have to detail how it will take on board any representations made by individual tenants or tenants groups and use them to inform decisions.

5. SINGLE REGULATORY FRAMEWORK

- 5.1 The Housing (Scotland) Act 2001 introduces a new power to carry out inspection of housing management and related functions. Scottish Homes will be responsible for this activity and are currently consulting all social landlords on the regulatory framework that is in draft format.
- 5.2 The regulatory framework includes tenant participation as a guiding standard, which should underpin all activities. This is a clear indication that the tenant participation function should be an integral part of all aspects of the housing service and should not be seen as a stand alone or separate function.

6. STRATEGY DEVELOPMENT

- 6.1 Developing and implementing a comprehensive tenant participation strategy will be a new and important role for the Department of Homes & Technical Services. The strategy will need to involve all the relevant partner agencies both voluntary and statutory and importantly, tenants themselves.
- 6.2 It will also become an integral part of the Local Housing Strategy (Single Housing Plan) that each local authority now has a duty to produce. The Council has already made plans to set up a Housing Forum to take forward the development of the Local Housing Strategy and this includes involving tenants in the process.
- 6.3 The Scottish Executive has not yet issued specific guidance on the strategy but using the good practice guidance that has previously been issued work could begin to develop a strategy.
- 6.4 Working with existing tenants groups and other tenants to develop a strategy will be a time consuming but important task. A lot of work will be required during the evening and at weekends. Tenants and tenants groups will need a detailed training programme to provide them with the knowledge and skills to allow them to fully participate in the strategy development and the implementation of the Act.
- 6.5 Tenants and tenants groups will at the same time, have to be consulted upon the implementation of the housing legislation. Both pieces of work could be done together and would provide a useful starting point for the development of the strategy.

7. STAFFING IMPLICATIONS

- 7.1 The work required to improve the current tenant participation function and to develop and implement a comprehensive strategy will require staff time and resources. Current staff resources will only meet some of the overall requirements of this ongoing function.
- 7.2 The preparatory work to develop tenants participation will continue within current staffing resources. It is likely that there will be additional resources required in the near future. The implications for East Ayrshire Council will be clearer once the Scottish Executive releases further details of the funding package that is to be made available.

8. FINANCIAL IMPLICATIONS

- 9.1 There will be financial implications both in terms of the strategy development and the ongoing tenant participation function. It is not clear at this stage what funding arrangements will be put in place by the Scottish Executive. A report will be submitted to committee in due course.

9. LEGAL IMPLICATIONS

- 9.1 East Ayrshire Council now has a duty under Housing (Scotland) Act 2001 to produce a tenant participation strategy. No deadline has yet been set to produce the strategy and guidance is awaited from Ministers.

10. RECOMMENDATIONS

It is recommended that committee;

- (i) Acknowledge the new duty to produce a tenant involvement strategy and approve the partnership approach to developing the strategy
- (ii) Give approval to the need to further develop existing tenant participation policies and procedures
- (iii) Otherwise note the content of the report.

James Lavery
Director of Homes and Technical Services
AC/JL/WT
12 September 2001

BACKGROUND PAPERS

1. Housing (Scotland) Act 2001
2. Single Regulatory Framework Consultation Papers
3. Code of Practice for Tenant Participation in Rural Areas
4. Tenant Participation, A National Strategy for Scotland
5. The Tenant's Charter for Scotland, A Guide

Members wishing further information on any of the above should contact Joseph Cassidy, Policy Manager, on 01563 576617

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AGENDA