



HOUSING SCRUTINY SUB COMMITTEE

MINUTES of the meeting of the HOUSING SCRUTINY SUB-COMMITTEE held on 14 SEPTEMBER 2004 at 7:00PM at the Town Hall, Peckham Road, London SE5 8UB

PRESENT: Councillor Stephen Flannery (Chair)
Councillor Alfred Banya (Vice Chair)
Councillors Lorraine Lauder, Jane Salmon, Tayo Situ, Charlie Smith (reserve).

**NON-VOTING
CO-OPTED
MEMBER** Mr Dave Clark – Leaseholder representative
Mr Al-Issa Munu - Tenant representative
Mr Lionel Wright – Tenant representative
Mr John Nosworthy – Leaseholder representative - reserve

OFFICERS: Shelley Burke – Head of Scrutiny
Debbie Gooch - Legal Services
Martin Green – Divisional Leasehold Manager
Godfrey Hamilton – Neighbourhood Manager, Library Street
Carina Kane – Scrutiny Team
Neil Kirby – Regeneration Initiatives Manager
Harry Marshall – Divisional Housing Manager
Rachel Sharpe – Head of Strategy and Regeneration

OTHERS: Trevor Quick – Kennington Park House TMO
Richard McKenny - Fairview Community Housing Services
Doris Ottley – Applegarth TMO
Jackie Power – Applegarth TMO
Donald Cole – North Peckham TRA and TMO
Di Trescher – Leathermarket TMO
Charles Osbourne – tenant at Falcon Point
Maureen Sullivan – tenant at Falcon Point

ALSO PRESENT

APOLOGIES FOR ABSENCE

Received from Councillor Neil Watson.

CONFIRMATION OF VOTING MEMBERS

The Members listed as being present were confirmed as the Voting Members.

NOTIFICATION OF ANY OTHER ITEMS WHICH THE CHAIR DEEMS AS URGENT

The Chair agreed to accept the following items which had not been circulated with the

main agenda:

Item 2: Fire at Perronet House

- Report from housing officers
- Draft housing scrutiny report.

DISCLOSURE OF INTERESTS AND DISPENSATIONS

Mr Wright said that he was a tenant of the Tabard Gardens TMO (item 1 on the agenda).

RECORDING OF MEMBERS' VOTES

Council Procedure Rule 1.17(5) allows a Member to record her/his vote in respect of any motions and amendments. Such requests are detailed in the following Minutes. Should a Member's vote be recorded in respect to an amendment, a copy of the amendment may be found in the Minute File and is available for public inspection.

The Sub-Committee considered the items set out on the agenda, a copy of which has been incorporated in the Minute File. Each of the following paragraphs relates to the item bearing the same number on the agenda.

1 TENANT MANAGEMENT ORGANISATIONS [pages 1-13]

- 1.1 The Chair said that he had received a late report for the meeting from a member of the public in relation to the failings of the Perronet TMO. It focused on the negative aspects of one particular TMO, rather than looking at best practice. He said that he would note the bad practice in the report, and once cleared by the legal team, the report would be submitted at the next meeting where the TMO scrutiny was discussed. Cllr Banya expressed his concerns about this situation and said that both negative and positive practice should be considered and he believed members would have benefited by looking at the report.
- 1.2 Shelley Burke [Head of Scrutiny] said that she had talked to the report author, who was happy for the report to be submitted for the next meeting. There were still a couple of points in the letter which were being worked through with the legal team. Mr Wright said that Perronet was the first TMO being closed by the council and it would be useful to understand the general principles which emerged.
- 1.3 Mr Wright raised a constitutional query relating to the provision of late reports and why the author's report could not be accepted. Officers explained the access to information procedure rules and provisions for exempt information under Southwark's constitution. The Chair could decide whether there was grounds to accept a report as late and urgent, and in this case he said that the scrutiny was on-going, so there was still an opportunity to receive the report.
- 1.4 There was discussion about the purpose of the agenda item that night. Trevor Quick [Kennington Park House TMO] said that he was concerned that the scrutiny could be taking place without TMO knowledge, and he had never heard of the scrutiny function previously. Mr Wright suggested it should have been discussed at the TMO Liaison Committee meeting which had been attended by some members the previous week.

- 1.5 The Chair explained that the scrutiny had been agreed by the sub-committee in July, at the request of the Overview and Scrutiny Committee. The aim was to look at best practice in TMOs. The scrutiny would be continued in December 2004 and he would be happy to receive verbal and written submissions for this meeting. However, he stressed that the information should focus on TMOs generally rather than individual TMOs.
- 1.6 Rachel Sharpe [Head of Strategy and Regeneration] was invited by the Chair to give a presentation about TMOs. She first outlined the background documents to TMOs which had been included with the agenda. The presentation itself discussed the role of the local authority in TMOs, what the management agreement was, the support given to TMOs and the monitoring of TMOs, what actions were generally taken to tackle poor performance, and future arrangements.
- 1.7 The Chair noted that the development of TMOs could take anything between one and five years, and asked whether this had any bearing on the relative success of TMOs. Rachel said that it did not; the length of the development period was determined by the tenants and the agency which worked with them during this stage. A bigger issue for success was the turnover in tenants on the TMO committee. The Chair asked for a document to be circulated to the sub-committee explaining the development stages of a TMO.
- 1.8 The Chair also questioned whether there were differences in operation according to the size of the TMO. Rachel said that there were operationally because smaller TMOs had increased financial difficulty employing staff. However, she did not know about the relationship between the size of the TMO and the functions they undertook.
- 1.9 In terms of the composition of the TMO boards, there were recommendations in the government's 'Right to Manage' guidelines. Trevor Quick added that each TMO had a constitution which covered board diversity. Guidelines differed according to when the TMO was developed.
- 1.10 Councillor Banya asked about the management arrangements for major repairs. Rachel said this varied according to TMO. Most major investment in the borough was managed by the Housing Department, with the exception of the two largest TMOs (Leathermarket and Tabard Gardens). Where the Council was responsible for major repairs, TMOs had some provisions for monitoring as they were part of the local consultative structure. The TMO would deal directly with whoever was managing the contract (usually the neighbourhood housing office).
- 1.11 Trevor Quick stressed that officers needed to understand that Rachel was giving general answers, and each TMO was very individual. He explained the situation at Kennington Park TMO, which was a small cooperative with very little funding and gave more personal treatment to the tenants. Larger TMOs operated in a way similar to neighbourhood housing offices. Mr Wright mentioned that Leathermarket TMO, of which he was a tenant, had no neighbourhood housing office to go to, which created anomalies about procedures.
- 1.12 Rachel said that communication was a major issue, especially in the context of changing council strategy/policy functions. In order for TMOs to keep up with changes, she said they were looking to integrate IT with TMOs so TMOs could access similar information to neighbourhood housing offices. However, one difficulty to overcome with this was the variety of individual TMO functions.

- 1.13 Di Trescher (of Leathermarket TMO) said that it would be good for Councillors to carry out a site visit of her TMO so they could see it in operation. She briefly explained the make-up Leathermarket TMO to the sub-committee. Trevor Quick said that the offer of a visit was extended to Kennington Park House TMO also. The Chair said that the offer was appreciated and it would be of benefit to carry out site visits.
- 1.14 Councillor Banya referred back to Rachel's presentation, and asked about the staffing implications and timescales for improving the monitoring of TMOs. Rachel responded that it was still in review stage, but they were looking to recruit 2-3 additional monitoring staff. Until recently it was not seen that monitoring was a key need as agreements had already been signed by TMOs. However, monitoring was a function being developed incrementally. There were no specific areas of weakness for monitoring, but a more robust attitude was needed. There needed to be a balancing of the council interests with the support given to enabling tenants to be empowered if they wished to.
- 1.15 Trevor Quick said his TMO received very little support from the West Walworth NHO. He suggested more education was needed by NHO staff as they seemed to have little knowledge/interest in TMOs. As a result, his TMO raised problems with tenant management support staff when they should be dealt with by the NHO. In his opinion, more monitoring staff would not be required if this issue could be addressed. He also said that there was now a significant amount of bureaucracy coming through from the council and smaller TMOs in particular were struggling with the increased workload meaning that their tenants were receiving less attention. The Chair said he would like to pick up these issues at the next meeting.
- 1.16 Neil Kirby [Regeneration Initiatives Manager] acknowledged there were problems with the relationships between some individual TMOs and neighbourhoods. There was an intention to move monitoring officers to area offices, where there would be a more direct link back to the council's tenant support management team. He also mentioned that local authorities were still waiting for the ODPM to update the Modular Monitoring Agreement, and this would re-identify the council and TMO responsibilities.
- 1.17 There was discussion about TMO audits. Rachel said that the findings were normally confidential to the external agency (PriceWaterhouseCoopers) that carried out the audit, as they contained sensitive information. The audits were very directive and focused, gave evidence to the council's concerns, and helped to clarify the support needed. Rachel reported legal advice that audits should only be made available on a need-to-know basis. Two to three TMO audits take place every year. Rachel agreed to provide the sub-committee with a general officer summary of the good and bad points about what had been found in audits.
- 1.18 In response to a question about the implementation of equality impact assessments, Rachel said the assessments were currently being completed. Action plans would then be developed which would be discussed with TMOs. Rachel was asked to make copies of the assessment available to the sub-committee.
- 1.19 Doris Ottley (from Applegarth TMO) raised an issue about the frequency of the monitoring, which was supposed to be every two years under the management agreement but was now taking place every quarter. She said this led to increased paperwork with a lack of NHO support.
- 1.20 Doris Ottley also noted that the leaflet included in the agenda ("Would you like to live in tenant managed organisation?") was outdated. This needed updating as TMOs spend a lot of time explaining to people what TMOs were. Trevor Quick added that there seemed to be a lot of ignorance about what TMOs were.

- 1.21 A question was asked about management support to TMOs. Neil Kirby said training was provided by an agency appointed by the ODPM during the TMO's development. Once established the main contact for the TMO was the NHO (e.g. for repairs) or the tenant management support team. The council tried to provide as much support as possible to ensure the continuation of the TMO, and recognised that all TMOs had good and bad periods.
- 1.22 There was discussion about lettings allocations to TMOs. Di Trescher was concerned about the time TMOs spent explaining issues to potential new tenants. It was acknowledged that many people would select that they would like to live in a TMO box on the application form because they were desperate for housing placements. Rachel said lettings to TMOs were likely to only be about 5-10% of overall lettings so officers were unlikely to come across these on a regular basis.
- 1.23 In reference to his experience at Tabard Gardens, Mr Wright queried whether TMOs were actually considered accountable. He said that it was difficult getting responses to correspondence. The Chair suggested that this be picked up at the next meeting as an issue with communication with tenants.
- 1.24 Mr Nosworthy said that from what Trevor Quick had said, it seemed important to get a better understanding of the experience of officers working at TMOs, ditto with leaseholders of TMOs. Councillor Smith added that it was important to ensure that smaller TMOs would not collapse from over-bureaucracy.
- 1.25 There was discussion about the satisfaction of tenants of TMOs. Neil Kirby said that a detailed analysis had been done (MORI-like survey) and there was a high level of satisfaction. The Chair asked to see a copy of this. Neil also said that continuation ballots (i.e. whether to continue as a TMO) gave a good indication of levels of satisfaction.
- 1.26 Mr Osbourne (resident at Falcon Point TMO) questioned how deep the monitoring was into TMOs as he had serious concerns with how his TMO was being run. It was agreed that he would meet with Rachel Sharpe to discuss these concerns further, and the Chair would follow this up to ensure it took place. The Chair suggested that Mrs Sullivan's concern about the inability to use the community room at Falcon Point also be addressed at this meeting.
- 1.27 The Chair then invited Richard McKenny (Fairview Community Housing Services – TMO) to speak. Richard made the following points:
- Every system had its faults, but overall TMOs worked reasonably well
 - On a micro-communication level, there were problems getting responses from the council to letters – his TMO had had to resort to the council's complaints procedures after taking months to receive responses
 - Some TMO offices were completely paper offices, which added to the bureaucracy, so he had been pleased to hear talk about IT integration with the council
 - Auditing was a red herring – all TMOs were individually audited and the audits were public documents (excluding risk assessments etc)
 - In his opinion, officers were correct about why people choose to tick that they would be prepared to live in a TMO on the housing allocations application form
 - With continuation ballots, if people had concerns with the way the committee was being run, they had the option of joining the committee

- There were always problems with downward communication. It was important not to get complacent
 - Communication could be used on a metalevel to encourage best practice. This could be extended to the council's own knowledge (e.g. shared knowledge about the performance of various repair contractors)
 - Consideration could be given to encouraging innovation for, and sharing of, best practice (e.g. with the use of competitions/awards/grants for good practice).
- 1.28 The Chair also asked that Richard circulate a few back-dated issues of the Fairview Community Housing Services' newsletter to members. Neil Kirby said that a lot could be learnt about best practice from Fairview Community Housing Services.
- 1.29 Mr Wright raised an issue about whether the continuation ballot had been conducted fairly in Tabard Gardens. Neil Kirby said he was not aware of direct concerns about the election process, but was happy to look into this. In terms of who conducted the survey, Neil said this depended on what was best for the TMO – in the case of Tabard Gardens it was done by a third party rather than the council.
- 1.30 Di Trescher also commented on the effect of right-to-buy sales and agency letting on TMOs. This had created problems at Leathermarket TMO as it meant reducing finances but still properties to serve. The Chair noted that little could be done at council level, but this was being debated at government level. The Chair asked for a report at the next meeting on the implications of right-to-buy on TMOs.
- 1.31 The Chair said that this item would now be adjourned until the December meeting. He requested that invitations be sent to both TMO Chairs and workers inviting them to the meeting, and that it be included on the agenda for the TMO Liaison Committee. Site visits to TMOs would also take place before the December meeting. In summary, he said that the sub-committee had heard how all TMOs face good and bad periods. The aim was to keep bad periods to a minimum by sharing the findings of the scrutiny.

2 FIRE AT PERRONET HOUSE

- 2.1 Harry Marshall [Divisional Housing Manager] outlined a report, tabled at the meeting, which gave responses to the recommendations reached by the sub-committee at the July 2004 meeting in relation to the fire at Perronet House. Included with the report was a sample letter that had been distributed to tenants and residents during an emergency situation the week after the July scrutiny meeting.
- 2.2 Harry reported that a preliminary meeting had taken place with social services, and initial thoughts were that there could be an issue in obtaining information about resident's disabilities in that some of the information was restricted to a need-to-know basis. The official meeting with social services to look at emergency planning would take place in October and reported back to the sub-committee in November. Harry added that there would always be a role for tenants and residents to inform council staff of particular residents' needs on the evening, as an incredible amount of information was known locally.
- 2.3 There was discussion about the sample letter that had been distributed to tenants and residents during the emergency in early September 2004. Harry said the letter had been prepared in response to the resolutions reached at the July scrutiny meeting, and that it had been of great help. There was general agreement from members that the letter was both simple and useful, and they were pleased to see that the recommendation had been of value and had been acted on.

- 2.4 Councillor Banya referred to paragraph 3.14 in the minutes of 29 July 2004, and suggested that the sample letter be included in the new Tenants Handbook. Harry said this was a helpful suggestion and there was still time to make alterations to the handbook. It was aimed to produce the handbook in October, but there was some flexibility with this.
- 2.5 Members discussed whether it would be useful having the type of information contained in the letter in picture form also e.g. as fridge magnets or a generic picture leaflet. Harry said that each incident was unique so there was no standard template. The letters could be printed off after hours in little time. A comment was also made about whether there was any point in having a number to call in the event of an electrical failure, because digital phones would not work in this case. The Chair said it was a free-phone number so could be accessed from local payphones and mobile phones. Harry made the point that the letter complimented, rather than replaced, the staff on site who would be knocking on people's doors during an emergency.
- 2.6 Mr Munu asked that the sub-committee receive a copy of the emergency plan. The Chair said this was not necessary and members had been informed at the July meeting that all neighbourhoods were being instructed to review the emergency plans for discussion at neighbourhood forums. Harry said that the individual plans had been to most neighbourhoods over the summer and he would ensure that it would go to Library Street neighbourhood also. There was an expectation that copies of plans would be updated to be in line with mainstream council housing.
- 2.7 Councillor Smith said leaseholders be contacted and told that they should disclose any information about disabilities in their household on the grounds that it was in their interest during an emergency. Harry said this was tricky, especially in instances of people with mental health problems who could be a danger to themselves and others.
- 2.8 Councillor Salmon made the point that it was important that lists of those with disabilities be updated regularly, as health conditions could improve/worsen over time, and could leave the council in an embarrassing situation if they had outdated lists. Harry said he would feed this back to neighbourhood offices.
- 2.9 In terms of the draft housing scrutiny report, the Chair said that he had a paragraph that he would like added to the report. He would send this to the scrutiny project manager by e-mail for inclusion.
- 2.10 In closing, the Chair added that he had been disappointed that officers had failed to inform the committee about the action that was being taken against Perronet House TMO at the July 2004 meeting. He had written to the Strategic Director of Housing about this. Rachel Sharpe replied that she was aware of the correspondence, and it was agreed that Rachel would respond in writing rather than at the meeting. The Chair said he would circulate the written response to the sub-committee, and added that if he was unhappy with the response he would recall officers to a later scrutiny meeting to discuss the issue further.

3 PREPARATION FOR THE EXECUTIVE INTERVIEW

- 3.1 The following suggestions were raised for the interview with the Executive Member for Housing and Community Safety in October:
- Service charges (John Nosworthy)
 - Insurance (John Nosworthy)
 - Serving of invoices (John Nosworthy)

- Progress on the introduction of the repairs call-centre (Cllr Smith)
- Emergency measures (Mr Munu)
- Satisfaction with the review on area forums (Mr Wright)
- Staffing of leasehold management unit (Cllr Salmon)
- Housing Revenue Account contribution to the Integrated Cleaning Contract (Cllr Banya)
- Anti-social behaviour orders (Cllr Smith)

3.2 The Chair also noted that Mr Wright had submitted some questions in writing. He was not convinced that these came under the portfolio for the Executive Member for Housing and Community Safety and suggested they would be more appropriate for the interview with the Executive Member for Health and Adult Care (scheduled for early 2005). This may also be the case with Cllr Banya's suggestion of seeking clarification on the background to changes in the Sheltered Housing Warden Scheme.

3.3 The Chair requested that the topics be formulated into questions by those members who suggested the topic, but that they could not be specific questions about member's own situations. Supplemental questions around the suggested topics could be allowed at the interview.

4 WORK PROGRAMME [pages 14-16]

4.1 It was noted that Tenant Management Organisations would be included for the December 2004 meeting.

4.2 Cllr Banya said that budget-setting had been discussed at the previous meeting, and it would be good to take this as an item as soon as possible. Rachel Sharpe said that there was a tight timetable for budget-setting 2005/06, with final decisions not scheduled until the spring. The scrutiny project manager said she would check whether the item could go to the October 2004 meeting.

The meeting closed at 10.35pm.

CHAIR:

DATE: