

# HRA Governance Arrangements

*Summary of the responsibilities of North Yorkshire Council as a Registered Provider of social housing, in terms of existing regulation and policy currently being developed, to inform the development of a 'Housing Overview and Scrutiny Committee'.*

## **Existing Overview and Scrutiny Arrangements for Housing Services**

The Care and Independence and Housing Overview and Scrutiny Committee is the existing Overview and Scrutiny Committee at North Yorkshire Council tasked with considering matters relating to Housing. Separately, elements of Housing Services may be considered on an ad-hoc basis by O&S Committees with other remits (Children and Families, Corporate, Health, Transport and Economy). Given the scale of the Care and Independence and Housing Committee's existing workload and the anticipated level of regulatory oversight required by the Social Housing Regulation Act 2023, thought is needed to how existing overview and scrutiny arrangements might be altered to provide dedicated capacity to cover North Yorkshire Council's Social Housing Landlord functions.

## **Social Housing Regulation Act 2023**

The Act received Royal Assent on 20<sup>th</sup> July 2023 and provides the legal basis for the measures set out in the 2020 social housing white paper. The intention is to deliver "transformational change" for social housing residents to empower residents, provide greater redress, better regulation, and improve the quality of social housing.

Through the Act the Government intends to strengthen the regulatory regime to change the behaviour of social housing landlords to focus on the tenants' needs and hold landlords to account for their performance.

## **Consumer Standards**

Government is currently consulting on the revised consumer standards, to be enforced by the Regulator for Social Housing and subject to inspection, which cover:

- The Safety and Quality Standard
- The Transparency, Influence and Accountability Standard
- The Neighbourhood and Community Standard
- The Tenancy Standard.

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In order to satisfy and provide oversight of the regulatory requirements on consumer standards any Overview and Scrutiny Committee for Housing would need to cover the following:

Safety and Quality Standard	Transparency, Influence and Accountability Standard	Neighbourhood and Community Standard	Tenancy Standards
Stock Condition Data	Tenant Involvement	Maintenance of Shared Spaces	Allocations
Health and Safety	Tenancy Policy Development	Safer Neighbourhoods	Tenancy Fraud
Compliance with the Decent Homes Standard	Complaints Handling and Compliance	Domestic Abuse Policy	Tenancy Sustainment
Delivery of repairs, maintenance and planned improvements to stock	Tenant Satisfaction Measures (TSMs)		Tenancy Policy
Adaptations			Mutual Exchange

And, to provide additional assurance the Committee should have oversight of the following items:

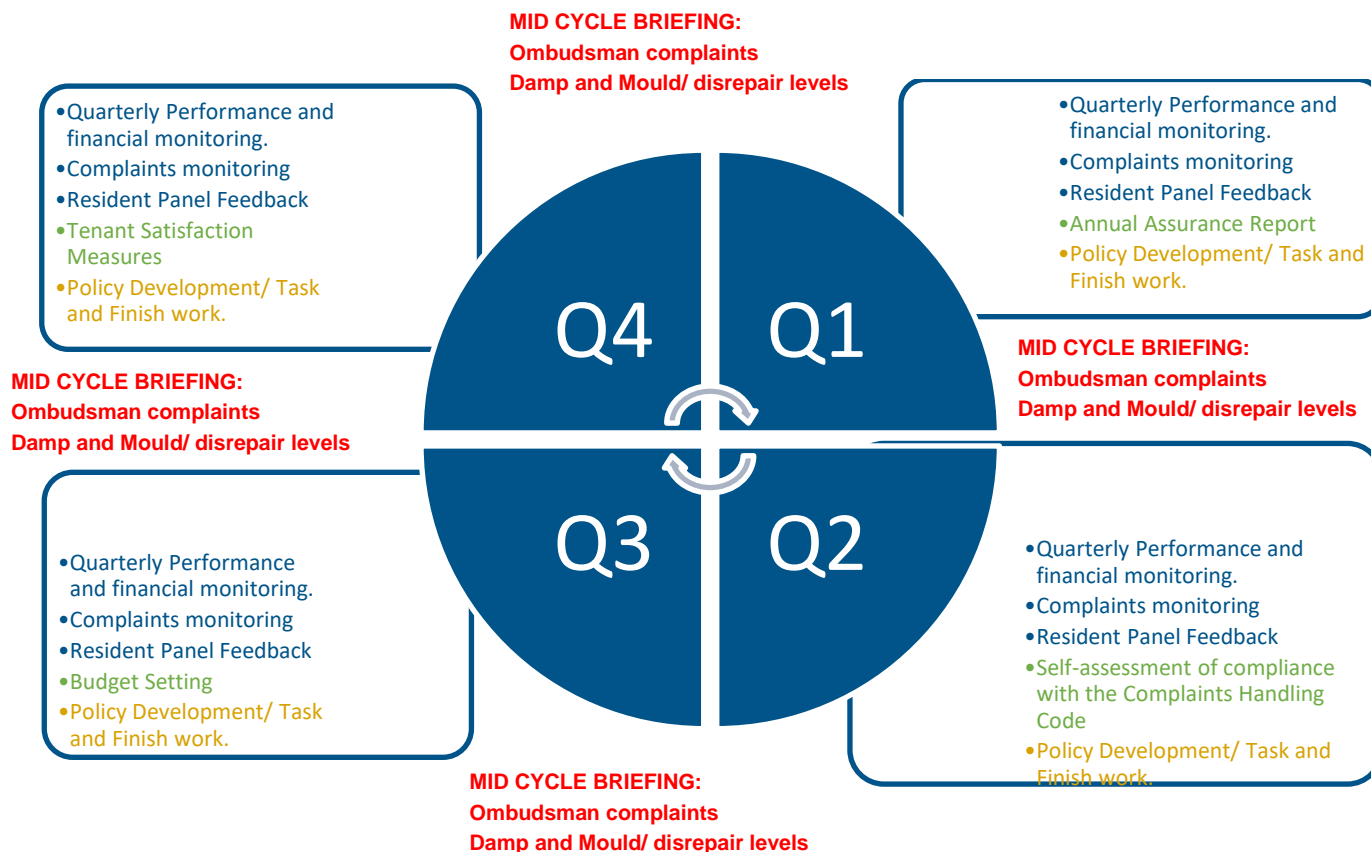
- HRA Business/ Development Plans
- Housing Investment/ Improvement Programme
- HRA Budget
- Value for Money
- Service Transformation
- Preparation for Regulatory Inspection

There is also the question of scrutiny of North Yorkshire's wider role as the strategic housing authority, encompassing Housing Strategy, Homelessness and Housing Needs, Affordable Housing Delivery and Private Sector Housing Renewal on a regular or task and finish basis. It is suggested that the consumer regulation requirements alone could fill the quarterly agendas of a Committee, particularly in the short term. This could be further reviewed once the new arrangements have been established and progress has been made on the initial work load.

There is a raft of strategic social housing plans and policies which are due to go through the decision making process, these will require scrutiny and monitoring, as well as the regular performance and financial monitoring the committee would receive:

- North Yorkshire Housing Strategy 2024-29
- North Yorkshire Allocations Policy
- North Yorkshire Tenancy Strategy and Policies
- North Yorkshire Tenant Participation Strategy and policies
- Housing Investment/Improvement Plan

## Proposed/ Example Cyclical Work Plan



### Links to Tenant Led Performance Panel(s)

Providing a link between Elected Member Overview and Scrutiny and the Tenant Performance Panels is key to effective scrutiny of housing services. The Tenant Performance Panel(s) should regularly be invited to provide their feedback and supported by Elected Members in their work. Expertise from Scrutiny Officers should be shared with those Officers supporting the Tenant Performance Panel(s).

### Technical Expertise and Commissioning

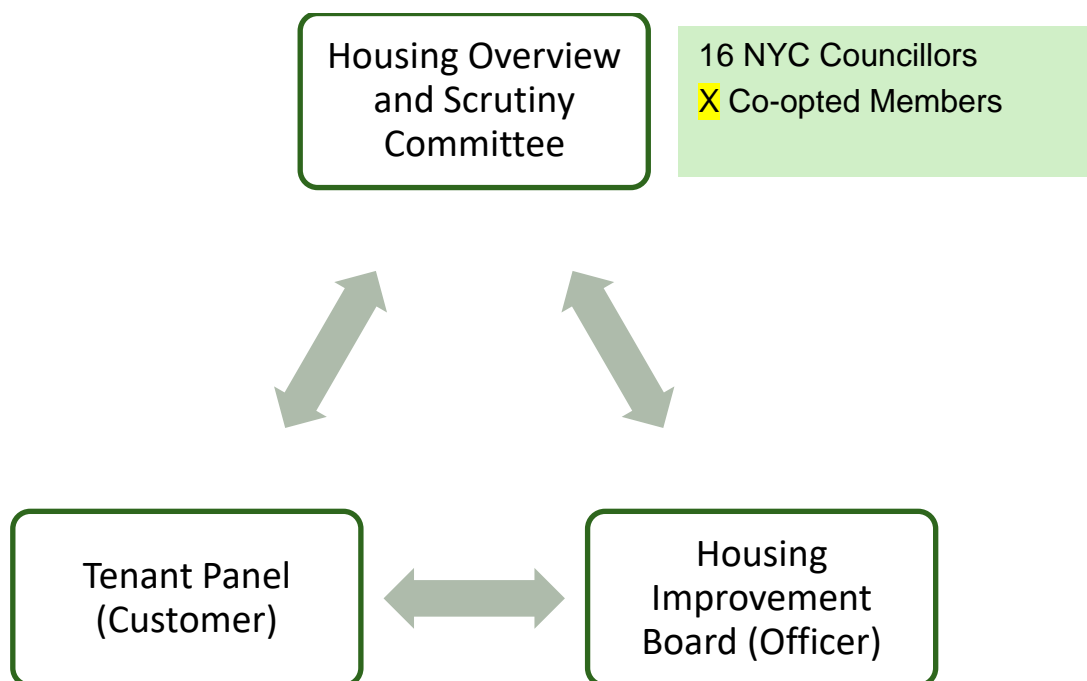
Aside from the significant local understanding of Elected Members and Officers the provision of external expertise can be invaluable. It could be advantageous to co-opt tenant representatives (ie Chair of Tenant Scrutiny Panel) and subject experts or to have a pool of technical advisors from various backgrounds (For example, Registered Providers, Construction Industry, Tenant Participation) to attend and advise as appropriate.

### Committee Constitution and Co-optees

Existing North Yorkshire O&S Committees are constructed of 16 participants and politically proportionate. It would be important that any O&S Committee considering these issues has external co-optees. Independence in these posts is key for to learn and challenge how we view good governance in housing. We could seek executive experience from a registered provider as well as non-executive experience from a Housing Organisation - it is the breadth of experience that will give

us assurance that we are performing well for our residents. Co-optees should be appointed for a minimum term of 3 years in order to provide consistency and retain the acquired knowledge base.

**Proposed Structure**



**Training for Committee Members**

Committee members will require a training package, focussed on the Social Housing Regulations Act 2023 the legislative impacts for the Council and the new regulatory and inspection regime. Co-optees and Members will also require training regarding aims and expectations of co-opted members.

A skills matrix would be a useful tool to employ, ensuring that the knowledge and experience of the Committee meets requirements.

## **CASE STUDIES: What does 'Good Scrutiny' look like?**

**Cambridge City Council's** Housing Scrutiny Committee has included co-opted council tenant members since 2014. These co-optees are elected by council tenants once every four years and have full voting rights for items relating to the Council's housing. As well as bringing valuable insights to committee debates, the tenant co-optees also provide a link to the City's tenant organisations and will often be asked to help with consultation and engagement activities outside of scrutiny. The committee keeps tenants updated about their work through regular updates in 'Open House'; the tenant newsletter produced by the Council.

**Rotherham Metropolitan Borough Council's** Improving Places Scrutiny Committee has also co-opted two tenants. These non-voting co-opted members are selected by Rotherfed – the Tenants Federation for Rotherham. They play an important role on the committee and ask questions that the other 2 PRIORITISE 15 members might not have asked. More than this, their presence on the committee shows tenants that they are being taken seriously and that councillors are listening to tenant views. The two tenant members also provide a valuable link between scrutiny and Rotherfed.

**Rotherham Metropolitan Borough Council** have funded and supported tenant led scrutiny work. A housing department contract to provide scrutiny inquiries was won by Rotherfed – Rotherham's tenants federation. The young tenants involved in their review were able to present their report to the Improving Places Scrutiny Committee who have endorsed the action plan and asked for further reports in future. The discussion of the completed reports at the scrutiny committee has helped publicise the work and improve councillor awareness of tenant issues.

**Lambeth Council** co-opted three tenants onto their inquiry into Resident Involvement. Once a role description had been agreed, three tenants who were already active in the Council's resident engagement arrangements and area forums were invited to take part in the informal task and finish group that undertook the inquiry. The co-opted tenants were 'involved, engaged, knowledgeable, open-minded and constructive' and able to make an important contribution to the work. The councillors really found the involvement of the three tenants to be helpful as it gave them the view from the ground. The closed sessions of the task and finish group were also helpful in allowing free and open dialogue.

**Dudley Metropolitan Borough Council** have established a Housing Assurance Board, to guide, challenge, and assure Dudley Council that they are upholding all responsibilities to customers, the regulator, and staff. This board is responsible for shaping future asset management and investment strategy for homes and communities. The recovery programme that has been developed following engagement with the regulator will also report into this. The remit of this board will be far wider than asset management, this board will need to be able to cultivate putting customers back at the forefront of all conversations around housing. The board will be made up of the executive team of housing and communities, cabinet members, the chair of the newly forming Customer Assurance Board, and the two independent members.

## EXAMPLE TERMS OF REFERENCE

The websites of five councils of a similar size to North Yorkshire Council and 15 large councils were reviewed including the scrutiny and overview arrangements set out in the constitutions of those councils. The amount of information available on the websites of the smaller councils was in general less than for the larger councils.

### *Purpose and Scope*

A range of approaches is taken to how the overview and scrutiny of housing operates at committee level.

Some councils have a housing specific overview and scrutiny committee. The Terms of Reference for those committees can be set out at quite a high level:

“To scrutinise the Council’s policies and the provision, planning, financing, management and performance of services relating to housing provided by the Supporting Communities and Supporting People Directorates and other service providers” (**Camden Council Housing Scrutiny Committee**).

However for some councils the Terms of Reference for the committee with responsibility for the overview and scrutiny of housing are set out in more detail:

“To fulfil the functions of an Overview and Scrutiny Committee as they relate to any policies, services and activities concerning:

- Council Housing management services, repairs and maintenance programmes
- Best use of housing stock across all housing providers
- Neighbourhood management initiatives and the housing growth agenda (Birmingham Social Housing Partnership)
- Private rented sector, licensing and regulation
- Tenancy engagement in the management and development of social housing and Housing Liaison Boards
- Exempt accommodation
- Housing Options for vulnerable adults, children, young people and offenders
- Temporary accommodation provision
- Homelessness and rough sleeping
- Supply of homes to meet housing need”.

### **(Birmingham City Council Homes Overview and Scrutiny Committee)**

“The Housing Scrutiny Committee is one of the Council’s 5 scrutiny committees. This Committee carries out the functions of an overview and scrutiny committee in respect of matters relating to Housing Services. They can consider matters relating to the performance of the Council’s partners, including RSLs, in respect of housing and housing related matters, as appropriate. They can also consider residents’ experience of the borough’s privately rented housing and seek and

receive the views of residents concerning housing matters through the council's resident engagement arrangements.

1. To carry out the functions of an overview and scrutiny committee in respect of matters relating to Housing Services
2. To consider and make recommendations to the Executive, the Executive member for Housing and to Corporate Directors or other council officers with relevant delegated authority in relation to any aspect of the council's housing landlord functions and services
3. To consider and make recommendations to the Executive, the Executive member for Housing and to Corporate Directors or other council officers with relevant delegated authority in relation to other functions and services directly affecting any aspect of the council's housing landlord functions and services
4. To review the operation and effectiveness of the council's resident engagement arrangements from time to time
5. To consider matters relating to the performance of the Council's partners, including RSLs, in respect of housing and housing related matters as appropriate
6. To consider residents' experience of the borough's privately rented housing
7. To seek and receive the views of residents concerning housing matters through the council's resident engagement arrangements
8. To undertake a scrutiny review of its own choosing and any further reviews as directed by the Policy and Performance Scrutiny Committee and, consulting all relevant sections of the community, to make recommendations to the Executive thereon
9. To carry out any review referred to it by the Policy and Performance Scrutiny Committee following consideration of a Councillor Call for Action referral".

### **(Islington Council Housing Scrutiny Committee)**

"To scrutinise private sector housing enforcement and regulation and the work of the Housing Department in supporting the borough's goal to improve housing quality in its social homes and neighbourhoods, and managing the Lambeth Housing Partnership with other Registered Providers.

This includes:

- housing needs
- homelessness
- home ownership
- leaseholders and rents
- tenancy and estate management
- housing repairs
- compliance and major works; and,
- the Direct Labour Organisation (DLO).
- private rented sector and HMO licensed properties/policy
- building safety and stock condition in Lambeth managed properties
- climate change and sustainability policies with regards to Lambeth run properties and housing land estates
- management of Lambeth housing land".



**(Lambeth Council Housing Scrutiny Sub-Committee)**

Sheffield City Council also has a housing-specific which is named the Housing Policy Committee.

A number of the councils have committees with a wider remit:

“Focusing on services affecting the lives of citizens living and working in the council’s neighbourhoods to monitor progress as a citizen focused city and prioritising environmental sustainability” **(Leeds City Council Scrutiny Board (Environment, Housing and Communities))**.

“The role of the Communities Scrutiny Commission is the overview and scrutiny of matters that affect Bristol communities, including:

- Housing
- citizens' services
- crime and disorder including the statutory scrutiny function
- recycling
- waste and environmental issues
- parks
- libraries
- sport and leisure
- neighbourhoods”

**(Bristol City Council Communities Scrutiny Commission)**

“The Housing and City Development Scrutiny Committee has been established to discharge the functions conferred by the Localism Act 2011 and other relevant legislation for matters relating to housing and city development, including economic development, employment and skills, business growth and inward investment, property and asset management, housing, transport, traffic and parking”

**(Nottingham City Council Housing and City Development Scrutiny Committee)**

*Membership*

A number of the councils reviewed have arrangements in place which permit individuals who are not councillors to be co-opted to scrutiny panels, with examples set out below.

“All overview and scrutiny committees shall be entitled to appoint a reasonable number of non-voting co-optees. Co-optees shall be drawn from groups or organisations or represent service users who have an interest in services whose overview and scrutiny falls within a committee’s specific remit” **(Bristol City Council)**.

“The Council may appoint up to three resident observers to the [Housing Scrutiny] Committee to represent the views and experiences of local people” **(Islington Council)**.



“Overview and Scrutiny committees can choose to appoint additional non-statutory co-opted members to be members of committees and can choose to give them voting rights. These co-opted members should bring relevant skills and experience in the area covered by the remit of the committee and, in-keeping with the politically impartial role of the committees, should not represent a political or lobbying organisation” (**Nottingham City Council**).