

## CABINET

19 APRIL 2024

### REPORT OF THE PORTFOLIO HOLDER FOR HOUSING AND PLANNING

#### A.3 CONSIDERATION AND ADOPTION OF A TENANT INVOLVEMENT POLICY AND ANTI-SOCIAL BEHAVIOUR POLICY

##### PART 1 – KEY INFORMATION

###### PURPOSE OF THE REPORT

To present to Cabinet the following housing policies for approval and adoption:

- Tenant Involvement Policy
- Anti-Social Behaviour Policy.

###### EXECUTIVE SUMMARY

This report presents two housing policies for approval. These policies formalise the work that is already undertaken in the Housing and Environment service and build upon previously agreed and implemented policies.

The purpose of the Tenant Involvement Policy is to set out the Council's overall approach to tenant involvement and defines the vision and priorities for that engagement. It aims to set out the direction for tenant involvement and supports the Council's commitment to involving tenants in shaping and scrutinising services.

The purpose of the Housing Anti-Social Behaviour Policy is to set out our approach to deterring and tackling anti-social behaviour (ASB) in the neighbourhoods where we provide social housing. It details how we will provide prompt and appropriate action in response to ASB and hate incidents, having regard to the full range of tools and legal powers available to us and by signposting victims and perpetrators to agencies who can give appropriate support and assistance.

These policies meet the requirements set out in the Regulator of Social Housing's revised Consumer Standards that came into effect from 1 April 2024.

###### RECOMMENDATION(S)

**That Cabinet:**

- 1) considers and agrees to adopt the Tenant Involvement Policy and Anti-Social Behaviour Policy;**
- 2) authorises their direct implementation; and,**
- 3) delegates authority to the Corporate Director (Operations and Delivery) to make future updates or amendments to the policies in consultation with the Portfolio Holder responsible for Housing.**

###### REASON(S) FOR THE RECOMMENDATION(S)

The recommendations are to ensure that the policies are appropriately adopted, in accordance with the Council's Constitution, and to evidence compliance with

regulatory standards.

#### **ALTERNATIVE OPTIONS CONSIDERED**

The only alternative option considered was to not implement these policies.

The Regulator of Social Housing requires landlords to show how they have sought out and considered ways to improve tenant engagement. A Tenant Involvement Policy allows the Council to define a clear purpose for tenant involvement and to demonstrate that it is actively seeking to improve the way it engages with tenants to ensure that the tenant voice is heard and plays an important part in shaping and scrutinising the housing service.

The Regulator of Social Housing requires registered providers to work in partnership with appropriate local authority departments, the police and other relevant organisations to deter and tackle ASB and hate incidents in the neighbourhoods where we provide social housing.

The absence of suitable policies also makes the day to day operation of the service more difficult with the potential for inconsistencies in approach and increases the likelihood of complaints.

## **PART 2 – IMPLICATIONS OF THE DECISION**

#### **DELIVERING PRIORITIES**

These policies contribute to a number of Corporate Plan 2024-28 themes:

- Pride in our area and services to residents
- Raising aspirations and creating opportunities
- Working with partners to improve quality of life
- Financial sustainability and openness

#### **OUTCOME OF CONSULTATION AND ENGAGEMENT**

Consultation and engagement has been undertaken with members of the Council's Tenants Panel.

The Council is committed to engaging with and listening to residents as we implement these policies and tenants will be involved in the development of the Action Plan that accompanies the Tenant Involvement Policy and in the monitoring of this.

We will regularly engage with our Tenants Panel to review performance statistics relating to residents' satisfaction with our approach to handling ASB.

#### **LEGAL REQUIREMENTS (including legislation & constitutional powers)**

<b>Is the recommendation a Key Decision (see the criteria stated here)</b>	<b>Yes</b>	<b>If Yes, indicate which by which criteria it is a Key Decision</b>	<b>X Significant effect on two or more wards</b> <input type="checkbox"/> <b>Involves £100,000 expenditure/income</b> <input type="checkbox"/> <b>Is otherwise significant for the service budget</b>
		<b>And when was the proposed decision published in the Notice of forthcoming decisions for the</b>	13 November 2023

		<b>Council (must be 28 days at the latest prior to the meeting date)</b>	
<p>The Social Housing Regulation Act 2023 builds upon the existing regulatory framework for housing and introduces revised standards that come into force on 1 April 2024. These standards contain specific expectations registered providers of social housing must comply with and detail the outcomes that providers are expected to achieve.</p> <p>The Anti-Social Behaviour Policy also fulfils the requirements of Section 218A of the Housing Act 1996 (as amended by the Anti-Social Behaviour Act 2003) with regard to the publication of anti-social behaviour procedures by a Local Authority Landlord and The Anti-Social Behaviour, Crime and Policing Act 2014 which provides Social Housing providers and partners with a range of powers to tackle ASB.</p>			
<b>x</b>	<b>The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:</b>		
<p>Policies relevant for housing tenants and how the Council's properties should be used and what is expected, do not take precedence over the terms and conditions of the tenancy agreement, which are enforceable. The policies compliment the tenancy agreement and relate to service operations.</p>			
<b>FINANCE AND OTHER RESOURCE IMPLICATIONS</b>			
<p>There are no significant financial implications associated with the adoption of these policies as they formalise existing arrangements which are currently funded via existing budgets in the Housing Revenue Account.</p> <p>However, it is anticipated that the implementation of the revised Consumer Regulations and the actions required to meet these will have a financial impact in the longer term.</p>			
<b>X</b>	<b>The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:</b>		
<p>There are no further comments over and above those set out elsewhere in the report.</p>			
<b>USE OF RESOURCES AND VALUE FOR MONEY</b>			
<p>The following are submitted in respect of the indicated use of resources and value for money indicators:</p>			
<p>A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;</p>		<p>The Council has an adopted Financial Strategy.</p>	
<p>B) Governance: how the body ensures that it makes informed decisions and properly manages its risks,</p>		<p>The Council has a mature constitutional structure and framework of policy for decision-making. It is intended that the appended policies will augment that framework.</p>	
<p>C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.</p>		<p>The Council has an adopted Financial Strategy.</p>	

<b>MILESTONES AND DELIVERY</b>	
<p>If Cabinet agrees to the adoption of these policies, they will come into immediate effect, subject to call-in.</p> <p>An action plan will be developed to support the Tenant Involvement Policy, in partnership with tenants.</p> <p>The review of the policies will be carried out periodically as indicated with a delegation to the Corporate Director – Operations and Delivery to make future changes and updates to the policy in consultation with the Portfolio Holder responsible for Housing.</p>	
<b>ASSOCIATED RISKS AND MITIGATION</b>	
<p>The policies are designed to assist the Council in meeting the Regulator of Social Housing's revised Consumer Standards with came into effect on 1 April 2024.</p> <p>Failure to meet these standards could result in the Regulator using its enforcement powers which include requiring a registered provider to submit a performance improvement plan or to take particular actions set out in an enforcement notice. The Regulator will also be able to authorise an appropriate person to enter a social housing premises to take emergency remedial action and issue penalties or require the housing provider to pay compensation.</p> <p>The adoption and implementation of the policies is aimed at minimising the risks of non-compliance.</p>	
<b>EQUALITY IMPLICATIONS</b>	
<p>In line with the Public Sector Equality Duty, within these policies the Council has due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.</p> <p>An Equality Impact Assessment has been carried out in connection with both of these policies.</p>	
<b>SOCIAL VALUE CONSIDERATIONS</b>	
<p>Creates healthier, safer and more resilient communities: To build stronger and deeper partnership working arrangements whilst continuing to engage and empower tenants.</p>	
<b>IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030</b>	
<p>The implementation of these policies does not present a direct impact on the Council's target for net zero greenhouse gas emissions from its business operations by 2030. The Council will be mindful of energy efficiency measures, wherever relevant, in the implementation of these policies.</p>	
<b>OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS</b>	
<p><b>Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.</b></p>	
<b>Crime and Disorder</b>	<p>The Anti-Social Behaviour Policy addresses the issues of anti-social behaviour. The Tenant Involvement Policy aims to improve tenants' satisfaction with their homes and communities which could contribute to reduced crime and disorder.</p>
<b>Health Inequalities</b>	<p>The Tenant Involvement Policy aims to improve tenants' satisfaction with their</p>

	homes and communities.
<b>Subsidy Control (the requirements of the Subsidy Control Act 2022 and the related Statutory Guidance).</b>	The Council will follow subsidy control legislation and regulations, where applicable, in relation to the content and implementation of these policies.
<b>Area or Ward affected</b>	All
<b>PART 3 – SUPPORTING INFORMATION</b>	
<b>BACKGROUND</b>	
<p>The Council has retained its housing stock and currently manages over 3,000 homes as well as more than 400 leasehold properties and 389 garages.</p> <p>In June 2017, the fire at Grenfell Tower fire exposed a range of issues with social housing and, following extensive consultation with social housing tenants across the country, the Government published a Social Housing Green Paper ‘A new deal for social housing’ in August 2018. This paper aimed to rebalance the relationship between residents and landlords.</p> <p>This was followed in November 2020 by the Social Housing White Paper which committed to improve the national regulatory system for social housing to make landlords more accountable and to improve the formal national ombudsman complaint system.</p> <p>This White Paper also included a ‘Charter for Social Housing Tenants’ and this contains the following seven commitments that social housing tenants should expect from their landlord:</p> <ul style="list-style-type: none"> <li>➤ To be safe in their home</li> <li>➤ To know how their landlord is performing</li> <li>➤ To have their complaints dealt with promptly and fairly</li> <li>➤ To be treated with respect</li> <li>➤ To have their voice heard by their landlord</li> <li>➤ To have a good quality home and neighbourhood to live in</li> <li>➤ To be supported to take a first step to ownership.</li> </ul> <p>The subsequent Social Housing (Regulation) Act 2023 lays the foundations for changes to how social housing is managed. It includes increased regulation of social landlords and new rules for protecting tenants from serious hazards in their homes. Many of the provisions in the Act are responses to the tragedies of the 2017 Grenfell Tower fire and death of two-year old Awaab Ishak, who died in 2020 from exposure to serious mould.</p> <p>The Act allows the Regulator of Social Housing to take action against social landlords before people are at risk and hold landlords to account with regular inspections. It introduces new social housing consumer standards and gives the Secretary of State power to require social landlords to investigate and rectify serious health hazards.</p> <p>The Consumer Standards contain specific expectations registered providers of social housing must comply with and detail the outcomes that providers are expected to achieve.</p> <p>The Consumer Standards are:</p> <ul style="list-style-type: none"> <li>➤ Safety and Quality Homes</li> <li>➤ Transparency, Influence and Accountability</li> </ul>	

- Neighbourhood and Community
- Tenancy

These standards aim to foster better relationships between landlords and tenants, improve housing conditions, and enhance overall service delivery and they came into effect on 1 April 2024

In relation to the Transparency, Influence and Accountability Standard, the required outcomes that are specifically relevant to tenant involvement are that registered providers must:

- Take tenants' views into account in their decision-making about how landlord services are delivered and communicate how tenants' views have been considered.
- Communicate with tenants and provide information so tenants can use landlord services, understand what to expect from their landlord, and hold their landlord to account.
- Collect and provide information to support effective scrutiny by tenants of their landlord's performance in delivering landlord services.

The required outcomes that are specifically relevant to ASB are that registered providers must:

- Have a policy on how they work with relevant organisations to deter and tackle ASB in the neighbourhoods where they provide social housing.
- Clearly set out their approach for how they deter and tackle hate incidents in neighbourhoods where they provide social housing.
- Enable ASB and hate incidents to be reported easily and keep tenants informed about the progress of their case.
- Provide prompt and appropriate action in response to ASB and hate incidents, having regard to the full range of tools and legal powers available to them.
- Support tenants who are affected by ASB and hate incidents, including by signposting them to agencies who can give them appropriate support and assistance.

To hold housing providers accountable, the Regulator of Social Housing will inspect larger landlords (those with more than 1,000 properties) regularly, scrutinise tenant satisfaction data and use enforcement powers when necessary. The goal is to drive continuous improvement in social housing and ensure tenants receive the best possible service.

The Housing Ombudsman Service will continue to be the appropriate route for providing redress for individual tenant complaints. However, its Complaints Handling Code first introduced in 2020, becomes statutory from 1st April 2024 and provides a single, robust set of standards for complaints procedures to be accessible, fair and efficient. A legal duty is also placed on the Ombudsman to monitor compliance with the Code, regardless of whether it receives individual complaints from residents about a landlord.

Information about a potential issue with a landlord in relation to any of the standards

can be notified to the Regulator in a variety of ways including via their routine inspections, self-referrals from landlords, referrals made by a stakeholder (including tenants) or information shared by the Housing Ombudsman.

Where the Regulator judges there to be serious failings in a landlord delivering the outcomes of their standards, they will hold them to account. The Regulator will work with landlords so that they make self-improvements and address relevant failures.

However, they also have a range of powers available to them which they may decide to use if they consider appropriate to do so. For example, where it is considered that a landlord is unwilling or unable to deliver the outcomes of the Regulator's standards.

#### **CURRENT POSTION**

The proposed new policies are attached.

The purpose of the Tenant Involvement Policy is to:

- Set out our commitment to tenant involvement including the reasons why we involve tenants
- Make sure that the needs of tenants are at the centre of what the housing service delivers
- To build respectful and trusting relationships between residents and staff
- Set out our priorities in relation to tenant involvement
- Set out the ways in which we will involve tenants and ensure that they are part of our decision making and service improvement processes
- Set out how our performance will be monitored, reviewed and published
- To comply with the statutory requirements, legislation and good practice relating to tenant involvement.
- To improve our tenants understanding and satisfaction with the housing services we deliver

The purpose of the ASB Policy is to:

- Take firm action against any person found responsible for ASB where it is affecting land or property that we manage
- Use a wide range of preventative and diversionary activities to provide prompt and appropriate action in response to ASB and hate incidents, having regard to the full range of tools and legal powers available to us
- Work in partnership with the Police and other relevant organisations to deter and tackle ASB and hate incidents in the neighbourhoods where we provide social housing
- Enable ASB and hate incidents to be reported easily and keep tenants, leaseholders and any other victims informed about the progress of their case
- Supporting tenants who are affected by ASB and hate incidents, including by signposting them to agencies who can give them appropriate support and

assistance

- Record rationale in accordance with the Public Sector Equality Duty (s.149 of the Equality Act 2010).
- Promote our policy, raise awareness, and publicise successful cases
- Provide clear information to witnesses, victims, perpetrators, and alleged perpetrators
- Work with or signpost perpetrators to appropriate agencies to change their behaviour and minimise reoffending/enforcement action
- We will collate ASB cases relative to our size as a landlord by calculating the number ASB and hate incidents opened per 1,000 homes.
- To comply with the statutory requirements, legislation and good practice relating to ASB.
- To improve our tenants understanding and satisfaction with the housing services we deliver

#### **BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL**

None.

#### **APPENDICES**

**Appendix A – Tenant Involvement Policy**  
**Appendix B – Anti-Social Behaviour Policy**

#### **REPORT CONTACT OFFICER(S)**

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