

Item

Review of Tenant and Leaseholder Representative Arrangements

To:

Councillor Richard Johnson, Executive Councillor for Housing
Housing Scrutiny Committee [16/01/2019]

Report by:

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Wards affected:

Abbey, Arbury, Castle, Cherry Hinton, Coleridge, East Chesterton, King's Hedges, Market, Newnham, Petersfield, Queen Edith's, Romsey, Trumpington, West Chesterton

Not a Key Decision

1. Executive Summary

- 1.1 This report provides an overview of three changes which impact Tenant and Leaseholder Representatives (TLR). A dedicated TLR Code of Conduct (Appendix 1) has been written which aligns with their unique position on the Housing Scrutiny Committee (HSC). This report also reviews TLR allowances and provides an update on the Tenant Representative vacancy, as required by committee decision.
- 1.2 Accepting the role of Tenant or Leaseholder Representative requires each individual to sign a Code of Conduct. The Code that TLR's currently signed is designed for Councillors. Although TLR's are elected/co-opted to sit on the HSC they are not Councillors, so their conduct and behaviour should not be measured in the same way. It is therefore appropriate to have a specific TLR Code of Conduct which reflects their unique situation. The Code has been written in consultation with officers and TLR's.
- 1.3 The second element of the report reviews TLR allowances. On 1 July 2014 the Housing Scrutiny Committee decided to increase TLR

allowances by 10% each year from 2014 until 2018. In 2014 the allowance had not been reviewed for over 10 years, the percentage that it was subsequently increased by was relative to the rate of inflation over the preceding 10 year period. The committee decision in 2014 outlined that from 2018 the TLR allowance should be reviewed annually. This report sets out the review of the TLR allowance. All proposals have been made in consultation with the Head of Housing and TLRs.

- 1.4 The final aspect of the report provides an update on the Tenant Representative vacancy and the approach taken to find representative replacement. A committee decision in June 2018 gave delegated authority to the Strategic Director in consultation with Members, to consider the options for representative replacement outside of the committee meeting and report back.

2. Recommendations

The Executive Councillor is recommended to:

- 2.1 Agree the terms of the new TLR Code of Conduct.
- 2.2 Agree the allowance proposal detailed as option 1 in this report, to increase the TLR allowance for 2019 to correspond with the Consumer Price Index level set in the preceding September. The new allowance rate would begin from March 2019.
- 2.3 Agree from 2019 the TLR allowance should change annually by the Consumer Price Index level set in the preceding September, thus creating an inbuilt review mechanism. The allowance will then be reviewed again in 2022.
- 2.4 Note the approach taken to fill the vacant Tenant Representative position.

3. Background

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Tenant and Leaseholder Representative Code of Conduct

- 3.1. Upon acceptance of their role TLR's have to sign the Code of Conduct which was written for elected Councillors. TLR's are elected/co-opted to sit on the Housing Scrutiny Committee but they do not hold the same position as elected Councillors. A review of the current Code of Conduct

in consultation with the Democratic Services Manager and Head of Legal Services highlighted that, because of their unique position. TLR's should not be measured against the same requirements.

- 3.2 A TLR Code of Conduct (Appendix 1) has been created in consultation with senior officers, Members and TLRs. The document outlines the expectations of conduct whilst acting in their position of Tenant or Leaseholder Representative and clearly outlines the procedure which would follow in the event of a breach of the Code.

Tenant and Leaseholder Representative Allowances

- 3.3 TLR Allowances are intended to recognise the level of out-of-pocket expenses representatives incur whilst carrying out their function on the Housing Scrutiny Committee (HSC) and the work they put in representing and engaging with City Council residents. The sum also highlights that TLRs undertake their HSC work for the sake of public service and not for personal gain.
- 3.4 The allowance rate is set in March of each year. TLR's are not obliged to claim the allowance and some choose not to. Those who do claim do so every 6 months. The allowance is split into 3 categories which correspond to the level of TLR activity hours undertaken during the preceding six month period. Calculating the value to correspond with hours is designed to recognise that the more hours dedicated means more expenses are likely to incur. The current categories:
- Allowance A £585- up to 96 hours of activity per 6 months.
 - Allowance B £292- up to 47 hours of activity per 6 months.
 - Allowance C £146 - up to 13 hours of activity per 6 months
- 3.5 The Constitution, Part 4E Appendix 1 Section 5.1 outlines that in addition to an allowance TLRs are also eligible to claim expenses for travel including mileage to and from meetings. At present TLR's all have access to a taxi account so that they can independently call and make bookings in order to travel to meetings; the company then invoices the council directly so that the individual incurs no cost.
- 3.6 Three key options were considered during the review:
- Option 1- Raise the allowance level in March of each year in line with the Consumer Price Index level set in September of the preceding year.

This mirrors the approach taken for rent calculation. Access to all current expenses would remain the same.

- Option 2- Raise the allowance level by 10%. Access to all current expenses would remain the same.
- Option 3- Raise the allowance rate to correspond with the National Living Wage (NLW), 2018 rate of £7.83 per hour. Under this proposal there would be no access to expense claims apart from travel outside of the city for training. The Democratic Services Manager has confirmed that Councillors basic allowance rises annually with the current NLW rate. For TLR's who choose not to claim the allowance, Part 4E Appendix 1 Section 5.2 of the Constitution states *that the Strategic Director may arrange transport to and from approved meetings for TLRs who do not claim an allowance*, so their travel cost would still be covered.

3.7 Consultation with the TLR's highlighted that their preferred overall approach is option 1, keeping access to the taxi account is considered of greatest importance to facilitate travel to meetings.

3.8 Proceeding with Option 1, from March 2019 the allowance would increase by the Consumer Price Index (CPI) level set in September of the preceding year which was 2.4 %. The allowance would be set each March rather than being recalculated biannually. The subsequent financial impact is set out below:

- Allowance A- £599- up to 96 hours of activity per 6 months.
- Allowance B- £306- up to 47 hours of activity per 6 months.
- Allowance C- £149 - up to 13 hours of activity per 6 months

Vacant Tenant Representative Position

3.9 In June 2018 the committee gave delegated authority to the Strategic Director in consultation with the Executive Councillor for Housing, Chair, Vice-Chair and Opposition Spokesperson, to consider the options for representative replacement outside of the committee meeting and report back to the Committee.

3.10 The first avenue was to invite the candidate who came second in the 2016 TLR election to step forward and be co-opted into the role. Mr Tunstall accepted this offer and started in the post. However, after a few months he decided to step down from the role for personal reasons.

3.11 Only six tenants stood in the 2016 elections so there were no other candidates available to be co-opted into the role. The Constitution Part 4A Appendix 1 Section 2.1 states that *all Tenant and Leaseholder Representatives shall stand for re-election at the same time*, so the option to hold an election for the single vacancy was also unavailable.

3.12 With limited options available, the most equitable approach was to write to all tenants highlighting the vacancy and asking any interested individuals to apply to fill it until the next scheduled election in 2020. Letters were posted to tenants at the beginning of December with a closing date of 31 January 2019. Applicants will be invited to attend an informal meeting with a four person panel which comprises of the HSC Chair, Vice Chair, Opposition Councillor and Tenant Representative. The remaining TLR's will also have the opportunity to informally meet the candidates during the selection process. The panel will be responsible for making their recommendation about the most suitable candidate to offer the position to.

4. Implications

(a) Financial Implications

All work detailed above is covered within the existing Resident Involvement budget.

(b) Staffing Implications

Undertaking reviews is part of the routine duties of existing staff.

(c) Equality and Poverty Implications

- The increase in income from allowances may have a beneficial impact in combatting poverty.

(d) Environmental Implications

None.

(e) Procurement Implications

None.

(f) Community Safety Implications

None.

5. Consultation and communication considerations

All Tenants and Leaseholders Representatives were consulted on all three aspects of the report.

6. Background papers

Background papers used in the preparation of this report:

- (a) Resident Involvement Update Report- 1 July 2014 Housing Scrutiny Committee
- (b) Tenant Representative Vacancy Report- 19 June 2018 Housing Scrutiny Committee

7. Appendices

- 1) Tenant and Leaseholder Representative Code of Conduct

8. Inspection of papers

To inspect the background papers or if you have a query on the report please contact Emily Watts, Resident Engagement Officer, tel: 01223 458323, email: emily.watts@cambridge.gov.uk.