



## OVERVIEW AND SCRUTINY VIEWS AND RECOMMENDATIONS TO

### Cabinet – 25<sup>th</sup> November 2009

Report Title	<b>RECOMMENDATIONS OF OVERVIEW AND SCRUTINY COMMITTEE TWO (HOUSING AND ENVIRONMENT) – ON THE CALL- IN OF CABINET DECISION OF 14<sup>TH</sup> OCTOBER 2009:-</b>  <b>NEW TENANT PARTICIPATION STRUCTURE</b>
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#### Agenda Status: PUBLIC

#### 1. Purpose

- 1.1 To submit a report to Cabinet detailing the Committee's findings following the Call-In Hearing that took place on Wednesday, 28 October 2009.

#### Recommendations

- 2.1 That Cabinet be formally notified of Overview and Scrutiny Committee Two (Housing and Environment)'s findings following the Call-In Hearing of 28<sup>th</sup> October 2009:
- 2.2 That Cabinet reconsiders its decision on the new Tenant Participation Structure made on 14 October 2009, bearing in mind Overview and Scrutiny Committee 2's concerns about the decision outlined below:
- The leaflet used within the consultation was not fit for purpose
  - No end date was specified on the leaflet
  - No Equalities Impact Assessment was carried out
  - Those surveyed by telephone were 'self-selected'
  - The Council's Customer Engagement Toolkit was not adhered to appropriately.
  - Further consideration should be made to the script for the telephone canvassers
  - The options for tenants were amended part way through the consultation process
- 2.3 That on the grounds that Cabinet failed to ensure further pre-decision Scrutiny of the process, as noted by Cabinet at its meeting of March 18<sup>th</sup> 2009, Cabinet notes Overview and Scrutiny accepted reason 2 for the Call-In.
- 2.4 That Cabinet is recommended to carry out the consultation exercise again using a multi faceted communications approach, issued in appropriate language. The consultation exercise should be evidence based to show that it has been correctly carried out.

### **3. Background and Issues**

#### **3.1 The Cabinet decision: -**

1. The Council is to adopt, at this stage, the 'selection' methodology for choosing Tenant Board members as indicated as the preferred option by 50% of the tenants responding to the consultation and it will promote further resident engagement in the process of establishing its new resident involvement structure.
2. The Council is to agree an initial Area Housing Partnership Board composition of two Members, three local senior staff and five tenants with an option for the Boards to further co-opt independent Board members.
3. During October to December 2009, the Council is to implement a programme to support the development of the Area Housing Partnership Boards by the promotion and provision of joint training and Board development sessions aimed at the relevant Members, Officers and tenants for each of the four Housing Areas.
4. The Council is to note the initial suggestions made by tenants during the consultation about what should constitute the elements of a Board member person specification.
5. The process of appointing tenants to the Area Partnership Boards will begin in accordance with the timetables outlined in the report
6. A further progress report is to be forwarded to Cabinet in March 2010.
7. Elected Member engagement as part of this process will commence.

was called-in for Scrutiny by Councillors Tony Clarke and Malcolm Mildren for the following reasons:-

- 1) Inadequate Consultation with Tenants
- 2) Failure of Council to ensure further pre scrutiny of the process as noted by Cabinet at its meeting of March 18th 2009

#### **3.2 Councillors Clarke and Mildren expanded upon their reasons for Call-In: -**

- They acknowledged that consultation has taken place, but questioned whether the consultation that took place was good enough. The report to Cabinet in October suggested that the initial consultation took place between June and July 2009, but the report states that it was carried out between June and September 2009. Subsequently there was another period of consultation, which was not part of the planned consultation.
- The Council and tenants have a good history of responding to surveys – the IPSOS Mori poll had a result of 46%, which was 942 responses from 2,061 Council tenants consulted. The Call In Authors questioned why IPSOS Mori can get a response of 46% out of 2061, and why can PEP only get a response of 0.5%?
- The Council's Consultation Toolkit that was adopted in 2008 and sets a minimum standard for consultation which had not been met in PEP's consultation. For example the Toolkit recommends a consultation period of 12 weeks. The PEP report states that the consultation period was for two months, which is not within the guidelines of the Consultation Toolkit.
- In respect of the lack of pre-decision Scrutiny, the Call-In Authors advised that Council collectively has a responsibility to ensure that its decisions are carried through, irrespective of decisions made. There had been a failure to pre-scrutinise the decision.

## Evidence

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4.1 The Committee heard evidence from four public attendees:-

- Mr Chris Swinn
- Ms Beverley Mennell
- Mr Norman Adams
- Mr Hewitt Smith

### Internal Witnesses

4.2

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|--------------------------------|----------------------------|
| • Councillor Brian Hoare       | Leader of the Council      |
| • Councillor Sally Beardsworth | Portfolio Holder (Housing) |
| • Lesley Wearing               | Director of Housing        |
| • Brian Queen                  | Housing Advisor            |

4.3

Councillor Brian Hoare, Leader of the Council, provided evidence advising that the Consultation Toolkit is generic, and when deciding upon the actual length of time needed to consult, the methodology being used to consult should be considered. 12,250 tenants were written to and asked to respond to the consultation. The nature of survey often dictates the response rate. A prize was offered in an attempt to encourage people to return the slip.

4.4

The Council had provided different methods for tenants to respond to the consultation. It is evident within other Local Authorities that they had similar response rates when comparable exercises took place. Cabinet took the view that it was a low response but decided that the Officer's recommendations should be accepted, with the process to be reviewed at a later date.

4.5

Councillor Sally Beardsworth, Portfolio Holder (Housing), provided evidence. Key points of evidence: -

- A report from PEP provides details of similar exercises it has undertaken which indicate that the highest percentage return was in Riverside – a two per cent response rate. The minimum response rate indicates less than one percent.
- A list of approximately twelve similar surveys had been received, all of which showed less than a two percent return rate.

4.6

Lesley Wearing, Director of Housing, provided evidence. The same process for delivery had been followed for this consultation exercise that is carried out for the delivery of rent statements and *My Home* magazine. A business reply card was included with the consultation questionnaire however, it is usual for there to be a low response rate for this type of consultation. There had been concerns regarding the expected response rate to the consultation due to a previous poor relationship with tenants. It is hoped that this could be addressed by a new structure and process for tenant participation. A threshold for responses had not agreed but it was the Director of Housing's understanding that the Consultation Toolkit had been followed. The decision was taken for external Agencies to carry out part of the consultation process so that questions could be put together independently with no internal officer influence.

4.7

Brian Queen, Housing Advisor, provided evidence. Key point of evidence: -

- The decision was taken to go with PEP –
- Their instructions were to use the Consultation Toolkit, and the decision was made for the Consultation not to go out over August in order to avoid the summer holiday period. PEP is a Tenant Advisor Company approved by the department of Communities and Local Government and the Homes and Communities Agency. Its appointment had been an open tendered process. Interviews had taken place with members of NTACT Committee present.
- The Consultation Leaflet had been designed so that it did not look like a typical Council document and had been addressed to Council Tenants

- The response slips returned showed 31 in favour of election, which was approximately the size of the membership of the NTACT Committee. Discussions were held with PEP about obtaining a representative sample and the decision was taken to use the Tenant Sounding Board. All members of the Tenant Sounding Board were contacted, except those who had already attended meetings or returned a reply slip.
- The style of the questions was decided by PEP, and was based on their expertise and previous experience. Public meetings with tenants were held in order to enable people to understand and discuss the proposals and to voice their opinions.
- An Equality Impact Assessment (EIA) had not been completed, but all correspondence was issued in the same way as all other Council documentation.
- There had been no support for an Electoral College in the first two rounds of consultation, and therefore the decision was taken to remove this option from the final phase of consultation

## 5 Findings and Conclusions

- 5.1 Following the submission of all the evidence, the Committee concluded that the consultation exercise had altered towards the end of the process and the script used by the telephone canvassers had been unclear. The script was too long and difficult to understand. There had been inadequate consultation. The consultation leaflet was not fit for purpose; it had not detailed a date for the end of the consultation. The consultation leaflet was not targeted correctly to all tenants, communication should have been written so that it was accessible to all, with a reading age of thirteen. In the Committee's opinion the Council had appeared to have selected its own Telephone Panel. It appeared that the Council's Consultation Toolkit had not been taken into consideration fully during this consultation exercise. The Council is now a Level 3 Equality Authority and on the lack of an Equality Impact Assessment alone the consultation exercise was inadequate. The Committee questioned the competencies of PEP. Therefore, Cabinet should undertake this process correctly, adopting a multi faceted Communications approach to the consultation, which should be carried out in house and be fully evidence d. Records should be kept of those tenants who do not want to engage.
- 5.2 The Committee further concluded that due to timing issues, no pre-decision Scrutiny had been undertaken on this issue. Therefore, on account of the time constraints involved, the Committee will set up an Appreciative Inquiry in order to pre-decision scrutinise any further consultation and then consider the results of that further consultation exercise.
- 5.3 Following deliberation session, it was proposed and seconded that the Call-In be accepted as there had been inadequate consultation and Cabinet had failed to ensure further pre-decision Scrutiny of the process. Upon a vote, it was: -

### 5.4 Resolved:

- (1) That on the grounds that inadequate consultation took place with tenants, the Committee accepted reason 1 for the Call-In, specifically: -
  - The leaflet used within the consultation was not fit for purpose
  - No end date was specified on the leaflet
  - No Equalities Impact Assessment was carried out
  - Those surveyed by telephone were 'self-selected'
  - The Council's Customer Engagement Toolkit was not adhered to appropriately.
  - Further consideration should be made to the script for the telephone canvassers
  - The options for tenants were amended part way through the consultation process.
- (2) That on the grounds that Cabinet failed to ensure further pre-decision Scrutiny of the process as noted by Cabinet at its meeting of March 18<sup>th</sup> 2009, the Committee accepted reason 2 for Call-In.
- (3) That Cabinet is recommended to carry out the consultation exercise again using a multi faceted communications approach, issued in appropriate language. The consultation exercise should be evidence based to show that it has been correctly carried out.

## **6 Implications (including financial implications)**

### **6.1 Policy**

- 61.1 The work of Overview and Scrutiny plays a major part in the development of the Council's policy framework through its work programme.

### **6.2 Legal**

- 6.2.1 The duties to undertake Overview and Scrutiny are set out in the Local Government Act 2000.
- 6.2.2 The Deputy Monitoring Officer advised the Call In Hearing.

### **6.3 Equality**

- 6.3.1 Not applicable.

### **6.4 Resources and Risk**

- 6.4.1 The decision cannot be implemented until Cabinet has resolved and made a decision upon Overview and Scrutiny Committee Two (Housing and Environment)'s report on the result of the Call-In Hearing.

## **7. Consultees (Internal and External)**

- 7.1 Overview and Scrutiny Committee Two (Housing and Environment) held the Call In Hearing.
- 7.2 Internal witnesses as detailed at paragraph 4.1
- 7.3 The Call-In Authors, Councillors Tony Clarke and Malcolm Mildren, attended the Call-In Hearing to respond to the Committees questions.
- 7.4 The Call-In Hearing was published through the Council's usual channels and was attended by members of the public, of which four addressed the Committee.

## **8. Background Papers**

- 8.1 The key papers are:-
- Cabinet report of 14<sup>th</sup> October 2009 – Item 11 – New Tenant Participation Structure
  - Cabinet decision and minutes of 14<sup>th</sup> October 2009 – Item 11 – New Tenant Participation Structure

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