

Scoping Report for Scrutiny Committee Review

Review Topic	Council Housing Management
Scoping Report to go to meeting on:	March 2023
Final report to go to meeting on:	Tbc – post May 2023 Elections
Portfolio Holder	Housing – Cllr Coote
Lead Officer	Peter Holt, Chief Executive
Stakeholders	Tenants & Leaseholders; Suppliers; Regulator of Social Housing/Housing Ombudsman

<p>Purpose/ Objective of the Review (the reason for the review and what it hopes to achieve)</p>	<p>To explore the Council’s approach to management of its housing stock, particularly with regard to repairs and maintenance; to draw and apply learning from local experience and established best practice.</p> <p>This review flows from well-publicised challenges in managing repairs, maintenance & capital improvements, the setting of rents, and quality assurance of build standards in a new built sheltered housing unit.</p>
<p>Terms of Reference (including what is in/out of scope)</p>	<p>The focus of this Scrutiny Review will be the procurement and subsequent management of both reactive repairs and maintenance and proactive capital improvements to Uttlesford’s c2,800 council housing stock, with particular reference to the selection and implementation of the joint venture vehicle Uttlesford Norse Services Ltd [UNSL] which took over management of this function in April 2020, just as the Coronavirus pandemic hit.</p> <p>A secondary set of areas of focus will be:</p> <p>The process for the setting of council house rents (and service charges for leaseholders). Rent setting includes both the process for the accurate setting of rents in line with national requirements and local Member decisions, as well as the policy on charging affordable versus social rents for new housing properties built or acquired by the Council. This is encapsulated within the Rent Standard 2020 as amended in 2023.</p>

	<p>The process for quality assuring major refurbishment work on council housing property.</p> <p>The delivery of housing management, repairs and maintenance, tenant engagement and complaints handling in relation to the current regulatory standards (some of which have been in place since 2012) – these being the Home Standard, the Tenant Involvement and Empowerment Standard, the Tenancy Standard, Neighbourhood and Community Standard</p> <p>Delivery of the housing management service in accordance with the Housing Ombudsman’s Complaints Handling Code</p> <p>Handover process for new developments</p> <p>In terms of timing, and to give this review reasonable boundaries and thus avoid mission creep, the principal time focus will be on matters since April 2020, only going further back in time as necessary to track and understand earlier decisions and actions whose impact was felt from April 2020 onwards.</p> <p>For avoidance of doubt, both housing development and planning matters relating to the Local Plan are explicitly <u>out of scope</u> of this review.</p>
<p>Methodology/ Approach (methods to be used to gather evidence)</p>	<p>First a scoping discussion with members of Scrutiny to clarify draft Key Lines of Enquiry.</p> <p>Thereafter a gathering and presentation of information – principally committee reports, contract documentation, and management reports, culminating in an agreed timeline of key moments/inflection points.</p> <p>Thereafter, a series of discussions with key Uttlesford players on what happened at those key moments, how things subsequently played out, and what positive learning there is to draw and apply. This will include discussions with tenant and resident representatives.</p> <p>This to be supplemented as necessary by taking evidence and advice from external experts.</p> <p>Thereafter, officers will prepare for members’ consideration a draft set of conclusions and recommendations drawing out learning in a draft Report, which members will finalise and publish.</p>

<p>Potential witnesses</p>	<p>Relevant cabinet members and officers.</p> <p>Tenant & leaseholder representatives.</p> <p>Possible external experts.</p> <p>NB. Supplier representatives are not proposed as witnesses, due to the operational sensitivities and legal difficulties as explained in the section below.</p> <p>Similarly, neither the Regulator of Social Housing nor the Housing Ombudsman representatives are proposed as witnesses, as this is not consistent with their regulatory duties – though published documentation from both will feature as reference material in the evidence pack assembled.</p>
<p>Other issues</p>	<p>It is the legitimate job of members through the Scrutiny function to explore operational matters, but not legitimate to ‘cross the line’ into becoming back seat drivers, effectively seeking to influence (deliberately or unintentionally) the management of operational matters, contractual negotiations or any legal disputes.</p> <p>Councillors have previously been advised that direct approaches from them to senior staff of third parties <u>must not happen</u> because crossing over into operational activity on such sensitive matters runs an immediate and serious risk of prejudicing the proper and effective pursuance of the Council’s interests and fiduciary duties.</p> <p>It should be noted that there are extensive contractual and legal implications between the Council and third parties which are still very much live, and which are likely to remain live well into the 2023/24 financial/municipal years. There are therefore rich opportunities for unintended negative consequences of councillors engaging in reviewing historic actions which are simultaneously also very much still under active management, negotiation and potentially litigation, and thus severely prejudicing the Authority’s position, and with that risking either the current/future services provided to tenants and leaseholders and/or the Council’s legal and financial position.</p> <p>There is therefore essentially a binary choice for the Scrutiny Committee in how (and when) it establishes and operates this suggested review – either it must wait until the issues are truly historic rather than live before commencing, or it must accept the necessity of strict constraints on how it operates.</p> <p>For example, any elements of the review that touched upon still live contractual matters would have to be conducted in strictest</p>

confidence, outside of the public domain – including potentially redacting large sections of the final report. Even operating in private session, the Committee would not be able to interview or engage directly with third parties with whom officers are in live negotiations over contractual matters, as there would be an inevitable and unhelpful bleed between the two which would likely prejudice the Authority's position.

Councillors may well want to consider whether commencing this review at an appropriate time – e.g. perhaps late 2023, might see many (but not all) of these constraints loosened.

Additionally, councillors must understand the constraints on officers to support such a potentially wide-ranging piece of work. Officer time will unfortunately be limited in working with councillors on this, and indeed any, Scrutiny review due to sustained pressure of work and councillors need to be realistic with their requests and what they aim to achieve.