

NORTH LANARKSHIRE COUNCIL

REPORT

AGENDA ITEM No. 3

To: HOUSING AND TECHNICAL SERVICES COMMITTEE	Subject: Update on the development of North Lanarkshire Councils Tenant Participation Strategy
From: DIRECTOR OF HOUSING AND PROPERTY SERVICES	
Date: 25 September 2002 Ref: TMcK/CR	

1. Introduction

1.1 The purpose of this report is to update Committee on the development of North Lanarkshire's Tenant Participation Strategy, to seek approval for the Council to consult on its draft Tenant Participation Strategy and inform Committee of the new registration criteria and guidelines for Registering Tenant Organisations as outlined by the Scottish Executive. In addition approval is sought to review and increase the level of grant support for Tenant Organisations.

2. Background

2.1 The Committee will recall previous reports were approved in October 2001 and May 2002 to develop and implement a Tenant Participation Strategy by March 2003 in order to meet the requirements placed on the Council by the Housing (Scotland) Act 2001.

2.2 One of the requirements introduced by the Housing (Scotland) Act 2001 is for all local authorities and other Registered Social Landlords to set up and maintain a system to register and consult with Tenant Organisations creating a system of "Registered Tenant Organisations" (RTOs) by 30th September 2002. The criteria for achieving registration status has been set out by the Scottish Executive as Scottish Statutory Instrument 2002 No 416 and is attached for information as Appendix 1.

2.3 Since the last report to Committee in May 2002 a number of activities have taken place from the Action Plan to develop the strategy. These have included regular briefing sessions to tenant and resident groups, information dissemination via local press and leaflet, local housing roadshows held at key points throughout North Lanarkshire and a joint Development Day held with staff, tenant and tenant representatives and independently facilitated by the Tenants Information Service.

3. Outline of main proposals

3.1 As part of the preparation of the tenant participation strategy a draft has been produced to be issued for consultation with officers, local tenant and resident groups and other interested parties. This draft strategy has been prepared as a result of the ongoing consultation process and includes the results of the Development Day held with interested tenants, tenant representatives, staff. A copy of the proposed draft to be issued for consultation is attached as Appendix 2.

3.2 In order to progress and expand tenant participation throughout North Lanarkshire it is proposed to increase the level of grant funding the Council provides to tenant and resident groups. Currently tenants association grants are available at between £100 and £250 depending on the size of the group. It is proposed that this be reviewed and increased to a standard level of £400 per group. This ensures that all groups have the capacity to develop and meet the new requirements of the tenant participation provisions in the Housing (Scotland) Act 2001.

4. Corporate Considerations

4.1 The development of the Tenant Participation Strategy will help achieve the Councils Corporate Priorities to promote social inclusion and develop and empower communities.

4.2 The preparation of the tenant participation strategy has been undertaken by the Tenant Participation Strategy Steering Group which includes representation from Community Services.

5. Recommendations

5.1 It is recommended that the Committee:

a) note the contents of the Registration of Tenant Organisations Order 2002 (Appendix 1).

b) approve the proposal to consult on the draft tenant participation strategy (Appendix 2) as outlined in section 3.1

c) approve the proposal to increase the level of tenant association grants for registered tenants organisations (RTOs)

6. Background Information

6.1 Available within the Housing and Property Services Department



Thomas McKenzie

Director of Housing and Property Services

Scottish Statutory Instrument 2002 No. 416

The Housing (Scotland) Act 2001 (Registration of Tenant Organisations) Order 2002

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SCOTTISH STATUTORY INSTRUMENTS

2002 No. 416

HOUSING

The Housing (Scotland) Act 2001 (Registration of Tenant Organisations) Order 2002

<i>Made</i>	<i>5th September 2002</i>
<i>Laid before the Scottish Parliament</i>	<i>9th September 2002</i>
<i>Coming into force</i>	<i>30th September 2002</i>

The Scottish Ministers, in exercise of the powers conferred by section 53(4) of the Housing (Scotland) Act 2001[1] and of all other powers enabling them

in that behalf, hereby make the following Order:

Citation and commencement

1. This Order may be cited as the Housing (Scotland) Act 2001 (Registration of Tenant Organisations) Order 2002 and shall come into force on 30th September 2002.

Interpretation

2. In this Order-

"applicant" means a body seeking registration in the register;

"landlord" means a local authority landlord or a registered social landlord; and

"register" means a register of tenant organisations maintained by a landlord under section 53(3) of the Housing (Scotland) Act 2001.

Criteria for registration

3. The criteria to be satisfied by an applicant are set out in Part I of the Schedule to this Order.

Criteria for removal from the register

4. The criteria to be satisfied by a body seeking removal from the register are set out in Part II of the Schedule to this Order.

Procedure for application for registration

5. - (1) An application for registration in a register shall be in writing.

(2) An application shall be sent by the applicant to the landlord, accompanied by the following:-

(a) a copy of the applicant's constitution;

(b) a list of its office bearers and the address to which correspondence with that applicant should be sent;

(c) details of other landlords with whom it has registered or is seeking to register; and

(d) a description of its area of operation.

(3) An applicant which satisfies the criteria referred to in article 3 above shall be registered by the landlord as a registered tenant organisation.

(4) If the application for registration is accepted, the landlord shall notify the applicant in writing of that fact and of the effective date of registration.

(5) If the application for registration is refused, the landlord shall notify the applicant in writing of the decision and the reasons for refusal and of the right to appeal to the Scottish Ministers.

Procedure for Removal from a Register

6. - (1) If a landlord is satisfied that a body which is a registered tenant organisation satisfies any of the criteria in Part II of the Schedule, the landlord may, whether or not on the application of the registered tenant organisation and after giving that organisation written notice specifying the proposed reasons for and the proposed effective date of removal, remove it from the register.

(2) A registered tenant organisation may make a written application to a landlord to be removed from the register.

(3) The landlord shall notify the organisation in writing of any decision to remove, or not to remove, that organisation from the register and of its right to appeal to the Scottish Ministers.

Notices etc.

7. Any notice which requires to be given under these regulations shall be deemed to have been given to the organisation if it is served at the address given under paragraph (2)(b) of article 5.

MARGARET CURRAN

A member of the Scottish Executive

St Andrew's House, Edinburgh
5th September 2002

SCHEDULE

Articles 3 and 4

PART I

CRITERIA FOR REGISTRATION IN A REGISTER

Constitution

1. The applicant must have a written constitution available for inspection by the public that sets out-

- (a) its objects and its area of operation;
- (b) its membership criteria and procedure for application for membership;
- (c) the operation of its committee;
- (d) its procedure for election of its committee and office bearers;
- (e) how its business is conducted, including delegation of powers;
- (f) how its decisions are reached;

- (g) how its funds are managed;
- (h) its procedures for meetings of members including the annual general meeting;
- (i) its procedure for amending its constitution;
- (j) its commitment to the promotion of equal opportunities; and
- (k) its commitment to the promotion of the housing and housing related interests of the tenants of the registering landlord.

Committee

2. - (1) The applicant must have a committee, the members of which are elected at an annual general meeting of the applicant and members of the committee must be required to stand down after a period specified in the applicant's constitution.

(2) The committee must consist of at least three members who may co-opt other members on to the committee during the course of a year; and

(3) The committee procedures set out in the constitution of the applicant must require that the decisions of the committee are reached democratically.

Area of operation

3. The applicant must operate within a defined area, and in which there is housing stock owned or managed by any local authority or registered social landlord with whom it is seeking to register.

Membership policy

4. Membership of the applicant body must be open to all those tenants of the landlord to which application has been made who are tenants-

(a) under a Scottish secure tenancy or a short Scottish secure tenancy; and

(b) of a house situated within the applicant body's defined area of operation.

Accounting

5. The applicant must maintain proper accounting records showing income and expenditure and a statement of assets and liabilities. Its constitution must require that an annual financial statement, audited by the landlord or by a qualified accountant should be prepared for presentation at its annual general meeting.

Consultation and representation

6. The applicant must be able to demonstrate to the landlord its commitment to representing the interests of its members and its ability to represent the views of its members who are tenants of the landlord with whom it is seeking to register.

PART II

CRITERIA FOR REMOVAL FROM A REGISTER

1. The landlord must be satisfied that the organisation removed from the register no longer satisfies the criteria for registration set out in Part I of this Schedule.
2. The organisation must apply to a landlord to remove it from the register.
3. It must appear to the landlord that the organisation has ceased to exist, or to operate.

EXPLANATORY NOTE

(This note is not part of the Order)

Section 53(3) of the Housing (Scotland) Act 2001 requires that every local authority landlord and registered social landlord must maintain a register of tenant organisations. This Order sets out the criteria to be satisfied by tenant organisations seeking registration in such a register, the criteria to be satisfied for removal from a register and the procedure to be followed in relation to applications for both registration in and removal from a register.

Notes:

[1] [2001 asp 10.back](#)

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*Prepared 19 September
2002*

Appendix 2

North Lanarkshire Council
Draft Tenant Participation Strategy

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Introduction

North Lanarkshire Council has a commitment to developing effective consultation and participation with its tenants and other key stakeholders. By working in partnership with our tenants we recognise the improvements this will bring to housing services. This draft strategy is an attempt to develop meaningful consultation on tenant participation by providing an opportunity for comment on its contents. The draft strategy has been produced as the result of ongoing consultation with our tenants and reflects their opinions and priorities. The production of this draft includes the results of a joint Development Day held with staff, tenants and tenant representatives and independently facilitated by the Tenants Information Service. The final Strategy must be prepared and implemented by March 2003 to meet the requirements of the Housing (Scotland) Act. In recognition of this it is now our intention to engage on a period of consultation based on the points contained within the draft Strategy.

As part of the consultation process this draft will now be widely circulated to tenants, tenants representatives and other sections of the community. The final Strategy will then incorporate the results of this consultation process ensuring that North Lanarkshire Council develops meaningful tenant involvement and participation in all aspects of its Housing Service.

Background

The Housing (Scotland) Act 2001 introduced tenant participation as a right for tenants and a duty for landlords. In response to this North Lanarkshire Council has developed this draft tenant participation strategy in consultation with tenants, tenants groups, elected members, council officials and other key stakeholders. The draft strategy sets out the mechanisms for effective consultation and participation and outlines the key issue on which consultation and participation must take place. It also sets out proposed service standards and identifies our key principles, aims and objectives of tenant involvement.

To assist in the development of tenant participation the Scottish Executive has provided funds under the Capacity for Change Initiative. North Lanarkshire Councils provision for the two year period is £191,800 (£95,900 for each of the years 2002/03 and 2003/2004).

In response to the requirements of the Housing (Scotland) Act 2001 to implement the Tenant Participation Provisions of the Act, North Lanarkshire has been developing their strategy in consultation with tenants, elected members, staff and other interested parties. This process of consultation has involved:

- A Tenant Participation Strategy Working Group
- An audit of the existing arrangements for participation and its effectiveness
- Creation of an updated register of tenant and resident groups
- A review of best practise
- Consultation with Tenant and Resident Groups
- Consultation with Staff
- Series of Local Housing Roadshows
- Dissemination of Information including Newsletter, North Lanarkshire News, Leaflets, Information Displays and Local media
- Consultation on the Draft Guidance issued by the Executive
- Regular Briefing Sessions to Tenant and Resident Groups
- A North Lanarkshire wide Development Day involving tenants and tenant representatives

This process highlighted a number of key issues and priorities, which are set out in the draft Strategy.

Aims and Objectives

North Lanarkshire Council wishes to produce a strategy which is at the centre of meaningful tenant involvement and which meets the needs of all our tenants and stakeholders.

Our proposals aim to:

- Give tenants real opportunities to become involved in the decision making process of the Housing and Property Services Department
- Offer a range of options for becoming involved through long term and short term methods and both collectively through tenants and residents groups and on an individual basis
- Meet the requirements of the Tenant Participation Provisions of the Housing (Scotland) Act
- Ensure tenants are adequately resourced and supported in order to fully engage in the participation process
- Continuously develop ways of improving communication and information dissemination to meet the needs of all our tenants
- Create tenant participation and consultation which is subject to continuous review and improvement

Key Principles

The key principles for effective tenant participation are a reflection of those included within the National Strategy for Participation "Partners in Participation". These principles have been endorsed by local authorities, tenants organisations and the Scottish Executive and are intended to promote effective participation. North Lanarkshire's key principles are:

To create a culture of mutual trust, respect and partnership with tenants

To enable a process of joint agenda setting involving tenants from the outset

To ensure developing tenant participation is a continuous process

To ensure adequate and appropriate timescales are in operation

To recognise the independence of Tenants Groups

To ensure flexible working relationships between landlord and tenant

To provide adequate resources for Tenants Groups and RTOs

To provide equal opportunities to participate for all our tenants

To ensure local circumstance reflects effective participation

Proposed Structures and Methods for Participation

The draft strategy outlines a range of mechanisms to enable effective participation to take place. This range of options will offer choice to tenants and the opportunity to participate at a time, level and method which suits them best. The variety of methods ensures that local circumstance can be taken into account and there can be flexibility within the process.

Consultation and participation needs to be enabled to include both local authority wide consultation and participation at local level. Effective means of participation will include:

- Consultation with RTOs and other Tenants Groups
- Support for Tenants Federations
- Open days at local offices
- Roadshows at local area level
- Provide working parties to consult on specific issues
- Focus Groups
- Briefing Sessions
- Estate walkabouts
- Customer charter
- Written consultative drafts
- Local consultation including open meetings
- Council Representative attendance at Tenants Meetings
- Annual Conference
- Annual survey and questionnaire
- Newsletters
- Registration of Tenant Organisations
- Development and support of new Tenant Groups

Notifying and Consulting Registered Tenant Organisations (RTOs) and Tenants

The creation of "Registered Tenant Organisations" is a central concept to the Housing (Scotland) Act. The aim is to give tenants groups (meeting certain criteria set out by the Executive) a recognised role in the tenant participation process. As part of our tenant participation obligations North Lanarkshire has a duty to inform and consult with RTOs, non-registered Tenant Organisations and individual tenants.

North Lanarkshire Council will set up a registration system which ensures that all Groups meeting the criteria for registration are consulted with. In addition we will also undertake to consult with other non registered tenant groups and individual tenants through the variety of methods set out above. Guidance and support will be provided to maximise the number of groups qualifying for registration. This will include financial resources, training, provision of information packs and access to independent advice and assistance.

Key Issues for Tenant Participation and Consultation

North Lanarkshire Council will undertake to consult with tenants on all areas of housing service and policy, which affect them, in particular this will include:

- Housing Service Standards
- Any proposed changes to housing management and policies; including allocations policy, proposals for tackling anti- social behaviour
- Housing management
- Tenancy conditions and agreements
- Sheltered housing services
- Customer care
- Rent levels, budgets, any proposed rent increase and rent collecting
- Any proposed changes to housing repairs service
- Any plans to transfer stock or proposed change of landlord
- Major regeneration works
- Capital programme works
- Local Housing Strategy
- Tenant Participation Strategy
- National and local consultations exercises

Monitoring, Evaluation and Review

The Tenant Participation Strategy will be subject to continual review and is intended to facilitate an evolving process. Tenant participation is not static and we will be prepared to evaluate and change structures as levels of participation evolve and develop.

We will collect a range of information and feedback to enable staff, tenants and residents to assess the success of the strategy in meeting its aims and objectives. We will consider and review:

- How participation took place i.e. methods used?
- On what subjects and topics did consultation and participation take place?
- What arrangements were made to ensure there were equal opportunities to participate?
- What feedback was received from tenants and RTOs?
- How were the results of participation reflected in outcome?
- How much did consultation and participation cost?
- When and how will the strategy be monitored and reviewed?
- What were the timescales for participation and consultation?

The monitoring framework will be based around:

Structures and methods such as:

- Satisfaction levels with the level of involvement and opportunities for participation
- How participation took place i.e. methods used
- Number of meetings, by type, by service, held with tenants and service users and numbers attending.

Service standards:

- Percentage of consultation activity meeting minimum 6 weeks
- Percentage of tenant organisations meeting registration criteria and registered
- Satisfaction with the level and quality of information provided

Resources and Support:

- Percentage of tenants who have attended training courses/conferences funded by NLC
- Satisfaction of tenants with training and their opinion on value for money
- Satisfaction levels with the support given to tenants organisations by staff
- Cost of consultation and participation
- Satisfaction with access to independent advice and assistance

Evaluating the outcomes:

- How the results of participation are reflected in outcome
- Percentage of tenants who have access to joining a tenants organisation
- Number of tenants attending meetings

Feedback

The information will be shared with tenants and residents through Tenant Newsletters, tenant conference, local media, area offices etc.

Service Standards

North Lanarkshire Council is committed to ensuring the strategy is effective and enables effective participation to take place. To ensure this happens we will:

- Provide information and advice on setting up and running a Tenants and Residents Group
- Maintain a register of RTOs including offering advice and support to groups on the registration process and criteria
- Attend formally constituted Tenant Groups meetings when requested
- Provide information, support and advice on housing related issues
- Produce an easy to understand information pack on tenant participation
- Facilitate and arrange training events (including joint sessions with Council staff where appropriate) to meet the learning needs of tenants and tenants groups
- Ensure a minimum of 6 weeks is given for consultation on changes to our housing management and related services
- Ensure we provide information in an easy to understand way
- Provide opportunities for regular meetings with Council Officials
- Ensure tenants and RTOs are involved in agenda setting
- Provide guidance notes on registration process
- Involve tenants in budget setting and review
- Recognise the autonomy of Tenants Groups
- Seek to ensure all groups meet the registration criteria set out by the Scottish Executive
- Ensure that all tenants have an equal opportunity to participate

Resources and Support

A statement of resources will form part of the final strategy. This will include the overall tenant participation budget and the level of grant assistance available to RTOs.

In addition other forms of support will be detailed, including:

- Training opportunities
- Support staff
- Opportunities to attend seminars and conferences both local and national
- Advice and assistance on accessing other sources of funding
- Access to independent advice and assistance
- Information pack for new and existing RTOs
- Guidance on registration process and criteria

Support Staff

In particular the funding and provision of one dedicated tenant participation community worker will be used to support new and existing tenant groups. And to supplement this post a full time equivalent post has been identified and matched by Community Services.

The Next Steps

In line with Scottish Executive Guidance North Lanarkshire Councils Tenant Participation Strategy must be finalised and implemented by March 2003. Over the next six months therefore, we will consult widely on this draft with our tenants, staff, elected members and other stakeholders, in a variety of formats.

In addition the draft strategy will be widely publicised through a range of media including newsletters, local press and the Councils website, to invite feedback. The results of this feedback will be incorporated into the final version. The final Tenant Participation Strategy will then be fully implemented and subject to monitoring and review to ensure it remains a working document which best meets the needs of our tenants and enables effective participation and consultation to take place.