



REPORT TO:	South Holland District Council
DATE:	Thursday, 2 March 2023
SUBJECT:	Report from Cabinet meeting on 14 February 2023
PURPOSE:	To consider the recommendations of the Cabinet in respect of: a) Housing Comments, Compliments, Complaints and Compensation Policy, Tenant Engagement Framework and Housing Estate Management Policy – To adopt the Housing Comments, Compliments and Compensation Policy, Tenant Engagement Framework and the Housing Estate Management Policy (Cabinet minute 73) (Cabinet agenda item 11 and exempt agenda item 14)
KEY DECISION:	No
PORTFOLIO HOLDER:	Portfolio Holder for HRA & Private Sector Housing
REPORT OF:	Cabinet
REPORT AUTHOR:	Christine Morgan
WARD(S) AFFECTED:	N/a
EXEMPT REPORT?	No – however, Appendix 1A to the report is exempt by virtue of paragraph 3 of Schedule 12A of the Local Government Act 1972 because it contains information relating to the financial or business affairs of any particular person (including the authority holding that information).

SUMMARY

This report provides Members of the Council with details on issues considered by the Cabinet at its meeting on 14 February 2023, which require decisions by Full Council. Relevant extracts from the Cabinet minute are detailed at Section 2 below, and the relevant Cabinet report and appendices are attached as appendices to this report.

RECOMMENDATIONS

Housing Comments, Compliments, Complaints and Compensation Policy, Tenant Engagement Framework and Housing Estate Management Policy

That in relation to the Housing Comments, Compliments, Complaints and Compensation Policy, the following delegation amendments be made:

- i. All Chief Officers have authority to authorise payment of compensation in connection with complaints of up to £1,000 subject to the agreement of the Monitoring Officer and appropriate Portfolio Holder or Committee Chairman, and to informing the Performance Monitoring Panel;
- ii. The Assistant Director – Housing (and in their absence the Deputy Chief Executive (Corporate Development) and Joint S151 Officer) to authorise payment of compensation in connection with complaints regarding the Council’s function as a social landlord of up to £1,000 in consultation with the Portfolio Holder for HRA & Private Sector Housing.

REASONS FOR RECOMMENDATIONS

The reasons for recommendation are detailed within the individual report attached and are summarised in the relevant Cabinet minute below.

OTHER OPTIONS CONSIDERED

Other Options considered are detailed within the individual report attached and are summarised in the relevant Cabinet minute below

1. BACKGROUND

1.1 Article 4 of the Council’s Constitution provides that only the full Council may exercise the functions of approving, adopting or amending the policy framework and budget, adopting or changing the Constitution. Staffing matters are also a Council function. The Cabinet however has responsibility for advising the Council on such matters. At its meeting on 14 February 2023, the Cabinet made recommendations to Council in respect of the above item which may affect budget and policy framework, constitution or compromise staffing issues.

1.2 The remainder of this report details the recommendations of the Cabinet which must be read in conjunction with the individual report to Cabinet, a copy of which is attached as appendices.

**2. HOUSING COMMENTS, COMPLIMENTS, COMPLAINTS AND COMPENSATION POLICY, TENANT ENGAGEMENT FRAMEWORK AND HOUSING ESTATE MANAGEMENT POLICY
(Report submitted to Cabinet – Agenda item 11 attached)**

Consideration was given to the report of the Assistant Director – Housing, which requested adoption of the Housing Comments, Compliments and Compensation Policy, Tenant Engagement Framework and the Housing Estate Management Policy.

The Portfolio Holder – HRA and Private Sector Housing presented the report which contained the following draft documents:

- Housing Comments, Compliments, Complaints and Compensation Policy;
- Tenant Engagement Framework;
- Housing Estate Management Policy

The new Social Housing (Regulation) Bill, which focussed on strengthening the regulation of the social housing sector, was progressing through the House of Commons. This new regulation would provide the Regulator of Social Housing with enhanced powers including 'Ofsted style' inspections of social landlords along with requiring social landlords to publish annual data on tenant satisfaction, ASB, complaint handling, repairs, building safety and more.

The following new policies have been drafted to support the Council's ongoing preparation for this regulated environment:

Comments, Compliments, Complaints and Compensation Policy

As part of the new Regulated enforcement, the role of the Housing Ombudsman had been enhanced. A new Complaint Handling Code had been published and the Ombudsman was being heavily resourced.

Housing complaints were currently administered in line with the Local Government Ombudsman's requirements – the same as all other Council departments. However, this new environment placed additional requirements on social landlords. These requirements differed to the Local Government Ombudsman, making it necessary to have a separate policy for Housing.

The policy set out the difference between complaints and service requests and what were not considered to be complaints. It set out the process for complaints set by the Housing Ombudsman, provided clarity on the role of the Ombudsman and the stages where they could become involved. A compensation matrix had been included, as recommended by the Ombudsman and the differences between mandatory and discretionary compensation, evidence required of the tenant to support these claims, and that debt owed to the authority would be deducted from these funds before payment, had been set out. Also detailed was how complaints would be monitored, and the governance involved with quarterly reporting to the Portfolio Holder.

Tenant Engagement Framework

As part of the Regulated environment, there was a requirement to engage with tenants and evidence this work. The framework set out how engagement with tenants over the next 3 years would be explored and developed. It focussed on how tenants were informed and involved in improving and shaping the service.

Estates Policy

This policy was the last of the suite of policies for the HRA, and focussed on how estates and communal areas were maintained.

It set out the approach regarding maintaining the physical condition, cleanliness and safety of the housing environment in order to preserve its fabric and promotion of community pride. The document made reference to estate inspections, management of open space, response to environmental ASB, garage sites and management of communal areas including responsibilities around fire safety, and Health and Safety.

Finally, members were advised that the delegations for payments of compensation detailed in Section 6 of Appendix A to the report (the SHDC Housing Comments, Compliments, Complaints and Compensation Policy) were incorrect. The correct wording for the delegations appeared at Recommendations 3 (i) and (ii) of the report (Recommendation to Council at 7 (i) and (ii) below), and the wording in the Policy would be amended in line with the correct wording within the recommendations, as follows:

- i. All Chief Officers have authority to authorise payment of compensation in connection with complaints of up to £1,000 subject to the agreement of the Monitoring Officer and appropriate Portfolio Holder or Committee Chairman, and to informing the Performance Monitoring Panel;
- ii. The Assistant Director – Housing (and in their absence the Deputy Chief Executive (Corporate Development) and Joint S151 Officer) to authorise payment of compensation in connection with complaints regarding the Council's function as a social landlord of up to £1,000 in consultation with the Portfolio Holder for HRA & Private Sector Housing.

DECISION:

- 1) That the Housing Comments, Compliments, Complaints and Compensation Policy be adopted;
- 2) That minor operational amendments to the Housing Comments, Compliments, Complaints and Compensation Policy be delegated to the Assistant Director – Housing in consultation with the Portfolio Holder for HRA and Private Sector Housing;
- 3) That the Tenant Engagement Framework be adopted;
- 4) That minor operational amendments to the Tenant Engagement Framework be delegated to the Assistant Director Housing in consultation with the Portfolio Holder for HRA and Private Sector Housing;
- 5) That the Housing Estate Management Policy be adopted; and
- 6) That minor operational amendments to the Housing Estate Management Policy be delegated to the Assistant Director – Housing in consultation with the Portfolio Holder for HRA and Private Sector Housing.

(Other options considered:

- *Do nothing – Members could decide not to adopt a Housing Comments, Compliments, Complaints and Compensation Policy, a Tenant Engagement Framework and/or a Housing Estate Management Plan. This option was not recommended as the Council would fail to meet its obligations as a social landlord.*

Reasons for decision:

- *To ensure that the Council met the requirements of the Regulator of Social Housing and Housing Ombudsman. The draft documents required Cabinet’s approval before they could be adopted. No further approvals were required).*

APPENDICES	
Appendices are listed below and attached to the back of the report: -	
APPENDIX A	Cabinet Agenda Item 11 – Housing Comments, Compliments, Complaints and Compensation Policy, Tenant Engagement Framework and Housing Estate Management Policy (Cabinet covering report)
APPENDIX B	Cabinet Agenda Item 11 – Housing Comments, Compliments, Complaints and Compensation Policy, Tenant Engagement Framework and Housing Estate Management Policy (Appendix A to original Cabinet report)
APPENDIX C	Cabinet Agenda Item 11 – Housing Comments, Compliments, Complaints and Compensation Policy, Tenant Engagement Framework and Housing Estate Management Policy (Appendix B to original Cabinet report)
APPENDIX D	Cabinet Agenda Item 11 – Housing Comments, Compliments, Complaints and Compensation Policy, Tenant Engagement Framework and Housing Estate Management Policy (Appendix C to original Cabinet report)
APPENDIX E	Cabinet Agenda Item 11 – Housing Comments, Compliments, Complaints and Compensation Policy, Tenant Engagement Framework and Housing Estate Management Policy (Appendix D to original Cabinet report)
APPENDIX F EXEMPT APPENDIX - by virtue of paragraph 3 of Schedule 12A of the Local Government Act 1972). ATTACHED AT THE END OF THE AGENDA	Cabinet Agenda Item 11 – Housing Comments, Compliments, Complaints and Compensation Policy, Tenant Engagement Framework and Housing Estate Management Policy (Appendix 1A to original Cabinet report)

BACKGROUND PAPERS
No background papers as defined in Section 100D of the Local Government Act 1972 were used in the production of this report.

CHRONOLOGICAL HISTORY OF THIS REPORT

Name of body	Date
Cabinet	14 February 2023

REPORT APPROVAL

Report author:	Christine Morgan cmorgan@sholland.gov.uk
Signed off by:	The individual report has previously been signed off by the relevant Director and Portfolio Holder
Approved for publication:	As above