

**Subject: Wiltshire Council's Housing Board – Terms of Reference**

**Cabinet Member: Councillor Phil Alford  
Cabinet Member for Housing**

**Key Decision: No**

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### **Purpose of Report**

1. The purpose of this report is to set out some proposed changes to the Housing Board Terms of Reference arising from a review of Wiltshire Council's Housing Board which was carried out by the Director – Assets.
2. The review findings were reported to Wiltshire Council's Housing Board in January 2024. An update report was presented to Wiltshire Council's Housing Board in March 2024; to complete all of the actions that were agreed, some changes are being proposed to the Terms of Reference which require approval.

### **Relevance to the Council's Business Plan**

3. This report supports the Business Plan 2022 to 2032, in particular our mission to ensure 'The people of Wiltshire are empowered to live full, healthy and enriched lives', 'Our communities continue to be beautiful and exciting places to live', 'Our local economy thrives and is supported by a skilled workforce' and 'We lead the way in how councils and counties mitigate the climate challenges ahead'. Additionally, the Housing Revenue Account (HRA) actions support: 'We have vibrant, well-connected communities', 'We ensure decisions are evidence-based', 'We live well together', 'We have the right housing', 'We take responsibility for the environment' and 'We are on the path to carbon neutral (net zero)', and more around supporting vulnerable customers and supporting the local economy.

### **Background**

4. Wiltshire Council's Housing Board is comprised of 9 members (3 councillors, 3 independents, 3 Council tenants). Leaseholders within the Housing Revenue Account (HRA) can serve as independent members but there are none at present. Councillor members must include at least one from a non-ruling group. The board is non decision making so is a consultative body but provides a wider oversight and critical friend role to the Housing Management service. Ultimately, formal binding decision making powers still rest with Cabinet and Council.
5. The objective and purpose of the Board was defined in the Terms of Reference and was previously summarised as focussing on the following areas:
  - a. Deliver efficient / effective housing management service
  - b. Review / monitor strategic direction
  - c. Make recommendations / provide comments
  - d. Annual plans / budgets / financial performance
  - e. Review / monitor / set and amend annually performance targets (including services provided by contractors)
  - f. Consulted on policies / strategies

- g. Compliance with current policies / statutory requirements / other conditions imposed by Wiltshire Council
  - h. Risk register / risk minimisation
  - i. Effective utilisation of housing stock
  - j. Resident engagement
  - k. Maintenance
6. Previous arrangements included that Board appointments last for 4 years, but appointments are also linked with the local electoral cycle and will terminate at the point of a local election for Wiltshire Council. Members are remunerated, the level of remuneration is reviewed at the start of each new Council term.
  7. Previous arrangements included that the main Board has 6 meetings per year and an AGM. Board meetings are virtual using Microsoft Teams except May and November which are now in-person at Salisbury Churchfields Depot. Members of the public can attend meetings with prior notification. Documents for Board members are e-mailed, added to SharePoint external collaboration site and available on Mod.Gov.

### **Main Considerations for the Council**

8. **Housing Board review and overview:** *This section has been copied from the paper presented to the Housing Board at its meeting in January 2024.*
9. The Director of Assets has held one-to-one discussions with all but one of the Board members and sought feedback from all, including e mail submissions. In addition, discussions have been progressed with officers who directly support the Board.
10. Some Board members and Officers have brought their experience of being Board Members in other organisations and in particular Housing Association boards, forward as part of the discussion to inform Wiltshire Council practice, in addition awareness of other Local Authority arrangements have informed thinking. Board members have welcomed the discussion and for a period of reflection and have been open and candid in providing feedback.
11. The context and timing of this review is a pivotal period for social housing providers, as they continue to seek to support residents with cost of living and other pressures whilst tackling the inflationary impacts of the economy where costs have risen substantially more than income. Social Landlords continue to seek to develop new homes to meet substantial housing need, make homes more efficient to heat and invest in aging stock. At this time, particularly for local authority stock owning councils, 2024 will see the start of a new regulatory regime with new regulatory standards expected shortly, which will quite rightly, seek to improve tenant experiences. Meeting new regulatory expectations will require strong governance and assurance processes along with demonstrating substantial tenant influence on decision making and policy. This puts the Housing Board in a pivotal position to support the preparatory activity and business as usual functions to ensure Wiltshire Council receives as favourable as possible regulatory outcomes when we are subject to audit activities.
12. Many positive experiences were relayed in discussions, of the good work undertaken by the Board and in particular the benefit of having very varied experiences and perspectives to bring to the Board. For example, there was a recognition that tenant representatives often bring more operational experiences to the Board but that this can balance or even test principles of more strategic contributions.

13. Officers were praised for always seeking to support the Board, accepting challenge and for pushing back if required. Some of the sub-committee meetings were seen as most productive, perhaps outside of the structure and rigour of the main Board meeting. However, there was a general agreement for the need to look at a tightening of governance, reports, data quality, feedback loops on issues and closure of enquiries and complaints. There were also a number of areas suggested for the development of the wider "Housing Board team" including relevant officers, by building relationships. Lastly there was positive acknowledgement that all involved are absolutely focused on our main mission to provide the best possible homes, communities and services for Wiltshire Council tenants.

#### **14. Findings, discussion, recommendations**

#### **15. Board Purpose and Terms of Reference (TOR)**

16. The objective and purpose of the Board is covered in sections 1 and 2 of the Terms of Reference (see Appendix A). In discussion it was felt that the purpose could be strengthened in places to highlight the need for self-assessment and assurance processes relating to regulatory requirements, risk management and scrutiny against the regulatory framework as set out by the Regulator of Social Housing and Housing Ombudsman. There was a specific suggestion of the use of assurance mapping as a key activity to support the Board in this role. In addition there were suggestions to strengthen the TOR wording around the need to support diverse methods for tenants and leaseholders to be involved in decision making and scrutiny of council housing management services, how greater representation of tenant experiences can inform the Board's decision making and how assurance can be derived on the potential gap between policy and tenant experiences that may indicate systemic issues rather than exceptions to ensure that the exceptions are not the norm.

17. The TOR include a Code of Conduct. This code appears to be the old LGA Model Code which was used as the Wiltshire Council Code of Conduct for Members from 2012 until late 2022. A few years ago, the LGA produced a new model code which is more detailed. Wiltshire Council has since adopted an amended version of that LGA Code. It is proposed that the Wiltshire Council code part 12 is adapted and utilised for the Housing Board TOR to promote consistency. The TOR are also unclear on what would happen if someone was concerned a member was in breach of the Code for the Housing Board, e.g., would there be a complaint that needed to be investigated, potential sanctions if in breach, etc. It is proposed that the Wiltshire Council process is referenced in the TOR and utilised for this purpose.

18. The TOR set out that the whole Board are subject to reappointment based on political election cycles this is not considered desirable for Board continuity. It is proposed that this provision is retained for Councillor members of the board only and that other members are managed based on the existing 2 terms of 4 years. Further to this point officers propose greater staggering of Board members terms to promote Board continuity, and so that succession plans can be fully implemented.

19. Currently Board members who are due to be re-appointed are subject to an interview process, it is felt more appropriate for established Board Members to be reappointed via a review of satisfactory performance from Chair derived from evidence from 1-2-1's and meeting conduct, etc.

**20. It is proposed that the Board TOR are amended to address the issues set out above concerning:**

- a. Board purpose**
- b. Revised Code of Conduct**
- c. Board member re-appointment process and succession planning**

**21. Board Member Performance and Development**

22. Wiltshire Council needs to consider how it supports the Board to be effective in its role. There was general support from members for more training and developmental activities, this activity could be individualised or undertaken as a collective. For example, Technology and Diversity were mentioned as areas where the Board may need to be updated. However, in order to plan and deliver such activity, structured methods of assessing what is required will need to be introduced. This can range from periods of informal collective discussion and reflection to more formalised approaches.

23. An additional requirement is for Officers to ensure Board is suitably up to date as to developments in the Housing sector which is often rapidly changing. Recent circulation of sector information via email in between meetings appears to have been well received.

24. There was also some discussion for how the Board can take a more strategic planning role, outside of the formality and structure of the Board meetings, in part this is undertaken by the sub-committees, but these are generally short and targeted discussions and held remotely. It was felt there would be benefit in meeting as a group, face to face in more informal circumstances to discuss more strategic issues, service planning and undertake some developmental activity. These workshops would also help build a genuine team approach to the board by building relationships and getting to know each other better.

**25. The following Board Member Performance and Development issues are proposed:**

- a. It is proposed that a Board Development Plan is introduced.**
- b. It is proposed that the Board TOR are amended to require the Chair to undertake 6 monthly one to one discussions with each Board member.**
- c. It is proposed that the Board meets for Strategic Planning and Development informal half day sessions in person, initial target will be for 2 per year but this can be kept under review and flexible as required.**
- d. It is proposed that Officers develop ways to keep Board members informed on Housing Sector issues via email shots, update reports at Board meetings and inclusion of relevant topics in the proposed Board Development Plan.**

**Overview and Scrutiny Engagement**

26. This report has not been presented to the Environment Select Committee (ESC) however the review process has been scrutinised by the Housing Board.

### **Safeguarding Implications**

27. There are no significant safeguarding implications associated with this report.

### **Public Health Implications**

28. There are no significant public health implications associated with this report.

### **Procurement Implications**

29. There are no significant corporate procurement implications associated with this report; although should external software be required (for example, Board Packs) then this may become a consideration.

### **Equalities Impact of the Proposal**

30. All Board members operate in and treat all residents in a fair and balanced manner, maintain their independence and make recommendations to Housing Management. Board members do not represent a particular area; they represent all council residents in the county of Wiltshire and make recommendations in the best interests of all council residents in Wiltshire. The service continually works toward Housing Board membership better reflecting council house residents, in respect of the protected characteristics of the Equalities Act.

### **Environmental and Climate Change Considerations**

31. There are no significant environmental or climate change implications associated with this report.

### **Workforce Implications**

32. There are no significant workforce implications associated with this report.

### **Risks that may arise if the proposed decision and related work is not taken**

33. Wiltshire Council's Housing Board would fail to be reformed as required given the changing sector – new Tenant Satisfaction Measures, new Regulatory Standards, a new Housing Ombudsman Service Code, and a general increase in sector performance expectations.

### **Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks**

34. The reformed Terms of Reference and other changes may not deliver the expected outcomes. To mitigate this risk, the Director – Assets carried out a review of the Housing Board including private discussions to ensure that there could be a full and frank exchange of views.

### **Financial Implications**

35. There are no significant financial implications associated with this report.

## **Legal Implications**

36. There are no significant legal implications associated with this report.

## **Options Considered**

37. A formal delegated decision is required. A formal report to Cabinet was considered but discounted after the delegated decision route was confirmed.

## **Conclusions/Proposal**

38. In order to prepare Wiltshire Council's Housing Board for the future, it is necessary to reform its working practices which requires updating its Terms of Reference. To make these changes, the proposed new Terms of Reference need to be agreed via this delegated decision.

39. For the delegated decision to:

- a. Agree the updated Terms of Reference for Wiltshire Council's Housing Board.

## **James Barrah (Director – Assets)**

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## **Appendices**

Appendix A – Wiltshire Council's Housing Board Terms of Reference (with tracked changes).

Appendix B – Wiltshire Council's Housing Board Terms of Reference (clean version).

## **Background Papers**

None.