

TMO BOARD MEMBER REPORT TO LABOUR GROUP

I had a meeting with the TMO Company Secretary on 21 January at her request.

This was convened predominantly to discuss my “conflict of interest” between being a TMO Board member and being a ward councillor. This came to a head because of the problems my ward colleagues and I have had to deal with arising from the major refurbishment of Grenfell Tower.

The “conflict of interest” arises because, as a Board member, it is said that I should not be supporting Notting Dale residents with complaints against the TMO. In particular, it would be wrong for me to send any complaints that have been unsuccessful through the TMO Complaints Procedure to the Housing Ombudsman. This is because, as a Board member, I will be raising a complaint against myself as a member of an independent company board with collective responsibility. (This is an immediate concern since I have at least three Ombudsman-ready complaints to submit.)

There was also concern about the petition that Grenfell Tower residents submitted to the council asking for an investigation into the way the TMO has managed the Grenfell Tower refurbishment. When approached by residents of the Tower who felt they had not had their complaints and concerns heard by the TMO, I advised them that as the Council commissions the TMO to manage its housing stock on its behalf, the council is therefore the appeal of last resort. However, I have no control over whether residents actually decide to petition the council. That is their inalienable democratic right as residents of the borough.

Arising from the concern about the petition is the suggestion that I had not given the TMO Board an opportunity to address the Grenfell Tower problems before sending all Board members details of a number of outstanding concerns. Since I had raised several of these issues previously at TMO Board and Operations Committee meetings, I do not recognise this objection. I had also told a Board meeting early in 2015 that I am first and foremost elected to represent the interests of the residents of Notting Dale ward and those interests will always be my priority. Unfortunately this statement was not minuted.

The issue that these problems highlight, however, is whether it is possible for a councillor to be a member of the TMO Board if it precludes his or her ability to raise constituents’ concerns about the TMO with the TMO. This suggests that the only councillors who can realistically become Board members are those with no TMO managed properties within the ward that they represent.

Other Issues

Signed consent to act on behalf of a constituent

Another issue that arose in the meeting was the matter of obtaining signed consent to act on behalf of residents when supporting them with a complaint to the TMO. I thought this matter had been resolved when it was raised around two years ago, but it seems to have been re-opened. Two years ago we agreed that we can raise complaints with or on behalf of TMO residents so long as they do not require the provision of personal information about the resident in response. Consequently I do not understand why this issue has emerged again.

The Customer First survey

The TMO state that they have the right under the terms of the TMO tenancy agreement to obtain all the personal information sought in the *Customer First* survey that residents raised with us before Christmas. As I do not have a copy of the TMO tenancy agreement I have no idea what it says in this respect. However, I find it worrying that the TMO can require tenants to sign away the right to privacy of members of their households under the *Data Protection Act* without first seeking their consent, or even telling them, because this is also allegedly permitted in the tenancy agreement.

Laura Johnson told the Tenants' Consultative Committee in January that the information is being sought for the council because the government requires it from the council. However, the government website shows that the information required by government does *not* include all the detailed personal information that is sought in the *Customer First* survey – for example, everyone's income, their NI number and other personal matters. The TMO will be considering the survey at a meeting of the Operations Committee on Thursday, which unfortunately I cannot now attend since it clashes with the council's Local Plan Review consultation covering the Latimer area of Notting Dale ward.

Area Review Boards

Colleagues have always been confused about the role of the TMO Area Review Boards. I have now been told that these are run by and are the responsibility of the Council and not the TMO. I shall follow this up with Laura Johnson, since this is news to me.

The TMO Resident Engagement Panel

I also asked about the Resident Engagement Panel, which the TMO consults on a number of matters affecting TMO residents. I was told that this Panel includes the chairs of all the TMO Residents' Associations, which I do not believe is actually the case.

The TMO Model Constitution for Residents' Associations

Finally, I have had representations from a number of residents' association chairs and committee members from across the borough about some proposed changes to the TMO's model RA constitution. I raised these with the Company Secretary, who advised that a proposed consultation with RAs about these changes will now be brought forward. However, I suspect RA chairs and committees will have to be pro-active in following this up to ensure that there is proper engagement with them before any changes are implemented.

The role of the Member of Parliament

This is not a matter that I discussed with the Company Secretary but is becoming a matter for us to consider. For example, on the Grenfell Tower problems, as their ward councillors were getting nowhere with the TMO, residents approached Victoria Borwick as their MP. She was able to arrange a meeting between residents and senior TMO managers, as result of which, some of the problems we had been raising for weeks were finally addressed.

Similarly, ward councillors have raised issues affecting Treadgold House, (a TMO block opposite the Leisure Centre). Again we were getting nowhere, so the residents approached Victoria. Again, she was able to arrange a site meeting between residents and senior TMO managers and again their concerns were finally addressed.

While on the one hand this is welcome, because festering problems are being tackled, on the other hand it puts ward councillors in a difficult position with their residents. We are shown up as ineffectual and unable to get the TMO to take action, whereas the MP is able to go over our heads and get matters resolved.

The answer, therefore, is to pass all of our concerns about TMO action and inaction directly to Victoria's office so that they can be dealt with. However, given her workload (as the first Kensington MP to respond effectively to North Kensington issues since Sir Brandon Rhys-Williams), I doubt if they would appreciate this. Consequently, we need to approach the TMO for a review of how we as ward councillors can be treated with proper respect and expect that issues we raise on behalf of our constituents can be properly addressed.

We need therefore to have a full discussion about our relationship with the TMO at our next Group meeting.

Cllr Judith Blakeman

26 January 2016