

Approaches to community governance

Models for mixed tenure communities

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Introduction

Mixed tenure is here to stay. In many new developments in Britain it is already standard practice. At the same time there has been increasing recognition – not least through the National Strategy for Neighbourhood Renewal and the work of the Social Exclusion Unit (SEU) – that the involvement of local people in the running of their neighbourhoods can make a real impact in bringing about transformation.

This study was commissioned by the Joseph Rowntree Foundation in the light of their intention to build a new mixed tenure development, called New Osbaldwick, just outside the city of York. The research team was asked to investigate whether there were models of engaging communities in neighbourhood governance that could be applied to areas of mixed tenure. The study considered governance mechanisms in a number of different situations around the UK to see if there were models that could provide a way forward.

The team visited a number of neighbourhoods in which housing providers and others have entered into innovative arrangements with local residents. These included:

- Poundbury in Dorset;
- the Royds area in Bradford;
- Churchill Gardens in Westminster;
- Stockfield in Birmingham;
- Blackbird Leys in Oxford;
- Manor and Castle estates in Sheffield;
- Bournville in Birmingham.

The research team visited the areas in question, conducted focus groups and face-to-face interviews with residents and officers, and carried out background research. In each case an evaluation was made of the neighbourhood to see

whether there was a mechanism for involving residents and what effect this had on residents' own views about their community and the long-term sustainability of the neighbourhood.

A blueprint for action – the case studies

The team found that the following elements were all of significance in establishing community governance in mixed tenure areas.

Stakeholders

Royds in Bradford, Stockfield in Birmingham and Manor and Castle in Sheffield show the benefits of identifying the full range of stakeholders who will be involved in a community-based initiative early in the process. This may include the local authority, other statutory agencies (particularly health, education and the police), any private companies involved, social landlords and, crucially, residents. The team also visited Woodgate Valley in Birmingham as an example of an entirely different contribution to community governance, made by a particular faith community. This area shows the considerable impact that a faith group can have on the wellbeing of a neighbourhood and the importance of ensuring that faith communities are involved as significant stakeholders in any governance mechanism.

Early resident involvement

The team considered two neighbourhoods in which residents were involved in the planning

stages of major regeneration involving either demolition or extensive refurbishment – Stockfield in Birmingham and the Royds estates in Bradford. Early resident involvement is perceived by all concerned to have significantly improved the quality of life in the area. While both regeneration initiatives have their shortcomings, it is widely felt that the achievements would have been less if the projects had not been actively overseen by a group of potential or actual residents from across different tenures.

Governance vehicle

The report considers in detail the range of structures available for resident-led organisations. The research team concluded that a company limited by guarantee was probably the most effective way to allow residents to participate in, and even exercise control over, major decisions about their neighbourhood, while protecting the individual residents from liability and retaining the option to involve a range of other stakeholders on the board of the company. Royds, Stockfield and Manor and Castle all used this model.

Parish councils were also considered as an alternative governance mechanism. The team concluded that they have a number of features that may make them a useful vehicle for community governance, while acknowledging the constraints, as laid down by Parliament, under which they operate.

The research team found that residents' perceptions were transformed when there was a majority of residents on the board of a governance vehicle, as in the Royds example. The Royds experience also illustrates that other stakeholders need to be involved to ensure that residents have access to appropriate advice, guidance and expertise.

By contrast, in the Blackbird Leys estate in Oxford, the absence of a strong mechanism for involving residents in community governance has led to a feeling of disempowerment among some residents.

Accountability

Both Stockfield and Royds Community Associations are known nationally for their pioneering work on community governance and for their good practice. In both Stockfield and Royds an independent legal vehicle was established, which directly involved residents on the board. Residents have a majority 'stake' in the company. Resident board members are directly accountable by means of democratic elections to the community and this was observed to create a sense of legitimacy and accountability.

The work of the Manor and Castle Development Trust on the Manor and Castle estates in Sheffield is also nationally renowned for its achievements. However, the research team encountered deep-rooted alienation among some residents on the estate, and a perception that, while there were a small number of residents who are actively engaged with the Trust, there are others who have been left behind by the regeneration process. This merely emphasises the long-term difficulty of turning around neighbourhoods that have suffered years of deprivation and poverty, and where even the most laudable attempts to make progress are regarded with suspicion and hostility unless they are truly 'owned' by a wide proportion of local residents.

Funding mechanism

Manor and Castle and Royds both show the strength that control of core funding can bring to a resident-led organisation. The Poundbury management companies and the parish council models both offer alternatives to this approach. In the case of Poundbury, the funding mechanism is an annual service charge payable by residents. Parish councils are able to levy precepts on Council Tax payers.

Relationship with mainstream service providers

Significantly, many residents across tenures wanted a greater influence over how services are provided. In Churchill Gardens, although there is no formal mechanism for involving residents in any democratic structure, an innovative attempt to implement the principles of neighbourhood management has taken place through the

involvement of Pinnacle PSG who manage the estate on behalf of Westminster City Council.

A strong local staff team based on the estate is able to respond quickly to the needs of residents. While it does not have any formal influence, an active residents' group is able to engage directly with Pinnacle PSG in a way that both residents and Pinnacle PSG see as of mutual benefit. Residents on the estate comment favourably on the improvement in housing management since Pinnacle PSG took over. The work at Churchill Gardens emphasises the importance of a locally accountable presence for major service providers, which can transform the perceptions of residents in the neighbourhood.

High quality design

In both Poundbury in Dorset and the Bournville area of Birmingham, the philanthropic motivation of those responsible for the development of the community has resulted in extremely high quality housing built to excellent design, which is also a key feature in the neighbourhoods. The research team found that well-planned design and the use of high-quality materials make the neighbourhoods attractive, and are major factors in ensuring long-term sustainability. Examples of this were also found in Stockfield and the Royds area in Bradford.

Integration

In Stockfield, Poundbury and Royds, owner-occupied properties are indistinguishable from rented homes and the different tenures are mixed in together. Residents commented that this made for a more integrated community. In Blackbird Leys there appeared to be divisions between owners and tenants, which have not been assisted by the design of the estate that physically separates the two groups.

However, design is only one factor, and both Poundbury and Bournville at present lack a governance mechanism that spans tenure types. In both areas there appeared to be a sense of division between owners and tenants, with some residents commenting on a particular sense of fracture on the Bournville estate between owners, tenants who have lived in the area for many years and those tenants recently arrived in the area.

Covenants

A number of the areas visited have attempted to control both the physical environment of their neighbourhood and the behaviour of residents. Several different approaches to these complex issues are considered in the report. The team concludes that there remains some difficulty in finding a legal mechanism for enforcing positive obligations against successive owners, although the new commonhold legislation (in the 2002 Commonhold and Leasehold Reform Act) may present a way forward in this respect. However, the commonhold framework suffers from the drawback that tenants do not have the same rights as owners to participate in the work of the commonhold association.

Both Poundbury and Bournville Village Trust have used extensive covenants to control both the physical appearance of the area as well as the behaviour of those who live there, and those efforts are by-and-large supported by residents in different tenures. Bournville Village Trust has made use of nuisance-based evictions and has obtained and enforced an antisocial behaviour order.

The report acknowledges that, even in areas where community governance is working quite successfully, deep-rooted alienation and a feeling of distance from the sources of power and influence will not be changed quickly. The work of building community governance, particularly across tenures, requires all those involved to be willing to look for the best outcome for the whole community, and to maintain a clarity of vision and purpose. Such work demands a great deal from the residents, as well as from the professionals involved.

Key findings

The key findings of the research were:

- There are several good examples of cross-tenure governance mechanisms that involve local residents and have been at the heart of the process of transforming neighbourhoods. Resident involvement can best be achieved through a legally constituted organisation with strong resident leadership and direct accountability to residents from all types of tenure.
- Representation on the governance organisation from other bodies active in the neighbourhood will increase its chance of success. This includes the local authority, other strategy agencies, voluntary and business organisations, and faith communities.
- The use of a 'company limited by guarantee' structure will provide a framework that offers protection from liability, can undertake a full range of activities, and is sufficiently flexible to adapt to any changes. Of the other approaches considered, commonhold does not appear to fully involve tenants; tenant management organisations, while providing a useful governance framework, are not widely applicable to mixed tenure areas at present; the role for a parish council structure may merit further investigation.
- Positive relationships between tenants and those who live in homes that they own are improved by having a fully integrated mix of homes rather than, for example, blocks of tenanted properties and blocks of properties that are owned. Clear benefits were found when residents across all tenures were involved in estate design and layout. The use of high-quality materials and good design was also observed to have a long-term positive impact on neighbourhood sustainability.
- Many residents across tenures want to influence service delivery and ensure that service providers are responsive to residents' views. When neighbourhood management demonstrated a willingness to listen and to consult with residents, it had a considerable impact on the way residents viewed the services provided. In some areas disillusionment with mainstream service providers runs very deep and can take significant time and effort to overcome.
- There appeared to be strong support among residents for a governance mechanism that could vigorously enforce covenants to maintain the physical appearance of an area and to combat antisocial behaviour. There are a number of legal mechanisms available for imposing obligations on owner-occupiers, rather than tenants, but each presents difficulties in enforcement. However, some areas have made successful use of both injunctions and antisocial behaviour orders in combating problems in neighbourhoods.

Background: why bother about governance?

“Every now and again something quite wonderful happens and local people themselves take hold of affairs and their Priority Need Estate is transformed into a treasured Community once again”. (Laurie Green, in Churches National Housing Coalition and The Housing Corporation, 2001, p 3)

In the autumn of 2000, the Joseph Rowntree Foundation approached Anthony Collins Solicitors to discuss their proposal for a new development just outside York, to be called New Osbaldwick. Their intention was to make New Osbaldwick a mixed tenure community with provision for affordable social housing alongside housing for sale. The Foundation was aware of Martin Knox and his team’s involvement, over more than a decade, in community-based housing initiatives and regeneration programmes. Subsequently, the Foundation commissioned Anthony Collins Solicitors to identify ways in which communities have been enabled to influence the running of their neighbourhoods and to find good practice, particularly where this good practice appeared to be applicable to situations of mixed tenure. This report is the product of that investigation.

The background to mixed tenure

Traditional social housing estates with 100% rented dwellings are a thing of the past. Throughout the 1970s and 1980s, the wisdom of providing large single-tenure social housing estates was seriously questioned. Council housing nationally is now in decline and Right-to-Buy sales have made significant inroads into changing the tenure mix on existing estates. A diverse range of providers, including housing

associations, are now engaged in the provision of rented social housing, and many of these now stand side-by-side with owned homes.

In addition, since 1994, tenants on council estates have had the right to become more involved in the running of their communities through the Right-to-Manage regulation which consolidated the formation of tenant management organisations (TMOs), including estate management boards and tenant management cooperatives.

Where new neighbourhoods are being built, diversification of tenure has become a key ingredient, whether for cross-subsidy reasons or under planning agreements under Section 106 of the 1990 Town and Country Planning Act. Indeed, recent government planning guidance (DTLR, 2000) states that development plans should have “regard to social conditions”, including the need for affordable housing. The *Guidance Note* (PPG3) states:

It may be desirable in planning terms that new housing developments on a substantial scale in both urban and rural areas should incorporate a reasonable mix and balance of house types and sizes to cater for a range of housing needs. Where there is a demonstrable lack of affordable housing to meet local needs, authorities may indicate an overall target for the provision of affordable housing. (DTLR, 2000)

However, relatively little research has been done into how, in a mixed tenure area, residents across all tenure types can be involved in governance matters in their community. The team therefore looked carefully at mixed tenure areas to see if there were any models of how communities can work together on governance matters.

Focus on the neighbourhood

Neighbourhood renewal starts from a proper understanding of the needs of communities. Communities need to be consulted and listened to, and the most effective interventions are often those where communities are actively involved in their design and delivery, and where possible in the driving seat. (SEU, 2001, p 19)

As the above quotation from the neighbourhood renewal *National strategy action plan* shows, neighbourhoods have become a priority in the policy agenda for tackling social exclusion. Much effective work in developing governance structures that engage with residents has been done in some of the most deprived communities, where the need for massive change has sometimes galvanised resident activity. Some of these ‘beacons of hope’ are detailed in the *Community-led estate regeneration handbook* (Churches National Housing Coalition and The Housing Corporation, 2001).

The research team undertook a number of visits to various neighbourhoods of mixed tenure as outlined in Table 1.

- newer private developments (Poundbury);
- ‘third sector’ developments (Bournville, Blackbird Leys).

The group also agreed that the report should focus on neighbourhoods of between 500 and 5,000 homes, and recognised the importance of the work with which Martin Knox had been involved in both Stockfield and Royds as a useful foundation.

In each area the team sought to evaluate whether there had been any attempt to involve residents in governance. The team analysed each of the models of engagement that they found to establish whether there were principles of good practice that could be applied more generally and, if so, what they were. This report is the outcome of that process.

Table 1: Case study areas – tenure mix (%)

Area	Rented	Shared ownership	Owner-occupied
Stockfield	40	12	48
Royds	58	0	42
Poundbury	20	0	80
Bournville	49	1	50
Manor and Castle	74	0	26
Churchill Gardens	50	0	50
Blackbird Leys	50	20	30

These case study areas were selected in consultation with a project advisory group after having identified four key routes to a neighbourhood becoming mixed tenure:

- the exercise of Right to Buy in an area of traditional council housing (Churchill Gardens, Manor and Castle);
- through a regeneration programme (Royds, Stockfield);

The community association model

Stockfield estate, Birmingham

Background

In 1987 Birmingham City Council had to address the problem of a large number of pre-war houses on the Stockfield estate in Acocks Green, South East Birmingham, that were no longer economic to repair and in an extremely poor condition. The social fabric of the estate was also vulnerable; crime was high and there were a large number of empty properties.

Stakeholders (see Table 2)

The City Council was prevented from borrowing the necessary funds by government policy. Birmingham City Council (for whom Martin Knox then worked as Assistant City Solicitor), Halifax Building Society (as it then was), Bromford Carinthia Housing Association and, most importantly, residents, worked together to produce Stockfield Community Association.

What became known as the ‘community association model’ emerged: an independent vehicle in which residents could be involved in the redevelopment of their estate. The Council

was able to remain involved – both through representation on the board and through the provision of services to the Community Association. This was possible because local authorities are empowered to provide goods and services to community associations under the 1970 Local Authorities (Goods and Services) Act. For the purposes of this legislation, ‘community association’ is defined as a public body.

Resident involvement

Structure

Figure 1: Board structure of the Stockfield Community Association

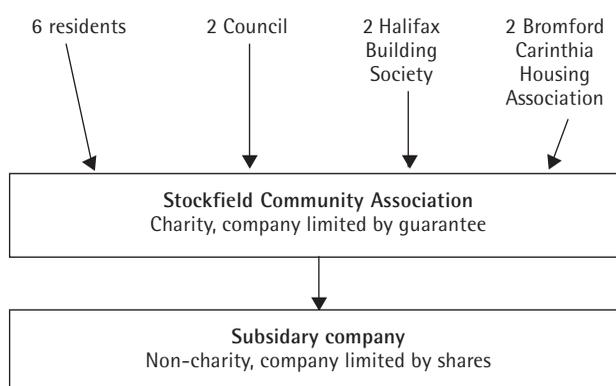


Table 2: Stakeholders in the Stockfield estate

Resident involvement vehicle	Social landlord	Local authority involved	Private sector	Other
Stockfield Community Association	Bromford Carinthia Housing Association	Birmingham City Council	Halifax Building Society	Architects: Webb Seeger Moorhouse



Stockfield after regeneration

Resident representation on the board of Stockfield Community Association is 50%. Company members are all also directors and the community therefore has a 50% 'stake' in the Community Association.

The structure of a charitable company limited by guarantee with a non-charitable subsidiary was used in order to take advantage of the benefits of registering as a charity; while the non-charitable subsidiary gave the Association the option to develop housing for sale, which was then used to cross-subsidise the housing for rent and other improvements on the estate.

Accountability

Resident members/directors are elected every three years. Anyone living on the estate can be nominated to stand and each household has a vote. There are a set number of places available for residents from each of the following categories:

- tenants of Stockfield Community Association;
- tenants renting properties from housing associations;
- owners.

The elections are by postal ballot and are carried out by the Council through the local housing office.

Funding

The Stockfield regeneration scheme was unusual for its time in that it was funded by private finance, to an association not registered with The Housing Corporation, and by public cross-subsidy funding from land sales within the estate. The Community Association now receives rent from the 119 homes that it owns, which gives the Association an ongoing, if modest, income stream and a platform from which to undertake further work in the community. The Association is currently considering how to best further the regeneration of the area.

Influence on service provision

Stockfield Community Association has a management agreement with Birmingham City Council in respect of certain functions which the Council will carry out on behalf of the Association, including housing management of the Association's rented stock and the collection

of ground rent from owned properties. The Community Association is therefore in a position to control such housing management through its contract with the Council. The involvement of the Council on the board of Stockfield Community Association and through their delivery of the housing management function means that there is an ongoing opportunity for dialogue between the Community Association and the Council. This, in turn, gives the Community Association the opportunity to influence other services provided by the Council on the estate.

Residents involved with the Community Association gave numerous examples of ways in which they have been able to influence the level of service provided by Birmingham City Council. For example, they have been able to choose where to site trees rather than having them planted in areas marked out by the Council, and they have obtained higher levels of service than on other similar council estates in relation to housing repairs. They have not always been able to oblige the Council to comply with requests and demands, however: rubbish collection was cited as a particular issue.

Residents also mentioned the monthly 'management meeting' that resident directors on the board of the Community Association have with housing officers from Birmingham City Council and from the housing associations involved in Stockfield. These meetings are often also attended by the local police and have been attended in the past by the company responsible for heating Stockfield properties. The indication from residents involved was that these meetings are extremely useful in ironing out issues.

Integration

The redevelopment has seen just over 400 structurally unsound 1930s houses demolished and replaced with:

- 119 homes for rent, owned by Stockfield Community Association;
- 76 homes for rent, owned by Bromford Carinthia Housing Association;
- 56 homes for shared ownership – part-owned by the occupier and part-owned by Bromford Carinthia Housing Association;
- 230 homes sold outright.

The different tenures are not differentiated by design; indeed, from the outside of each property it is not possible to say into which category any particular property falls. The perception of some residents involved in the Community Association is that owners are perhaps less ready than tenants to get involved in the running of the estate, although there have been owner members of the board.

Design

From an early stage residents were involved in discussions with the concept architect (Webb Seeger Moorhouse). This led to the adoption of important design features, which included:

- ensuring that the external appearance of dwellings of different tenure could not be distinguished – this has been a major factor in preventing a 'them and us' attitude between the different tenures, which has been significant in promoting a sense of community;
- maximising the use of defensible space and correspondingly reducing common areas that would prove difficult to maintain;
- maximising 'secured by design' features in an attempt to reduce crime;
- enhancing road safety through a combination of traffic-calming measures and providing each house with two off-street parking spaces;
- retaining environmental features, such as mature trees, on the estate, with the incorporation of a central park and newly-built children's play area.

Use of property covenants

The Community Association has attempted to maintain physical standards on the estate by including a range of covenants in both tenancy agreements and long leases. The enforceability issues for long leaseholders who acquire the freehold of their property (as they are entitled to do once they have owned the lease for more than three years) are discussed later in this report in Chapter 8.

Both tenants and leaseholders are bound by covenants that contain restrictions in relation to car parking, the construction of garden sheds and the installation of satellite dishes. There are also restrictions against alterations to the appearance

of each property without the consent of the Association. Views differ as to the effectiveness of these covenants. The research team became aware of a number of breaches of covenant on the estate and the Community Association appears to decide what to do in each situation on a case-by-case basis. Clearly there is a desire to avoid taking action which will create bad feeling, but certainly one view was expressed to the research team that this approach lessened the effectiveness of the covenants.

Use of behaviour covenants

The Community Association tenancy agreement contains the usual restrictions against tenants causing a nuisance or other antisocial behaviour on the estate. The Community Association has, on occasion, taken action to enforce these provisions against troublesome tenants. Some officers felt that this has occasionally led to resident board members being put in a difficult position, as they have known some of the individuals involved personally and are therefore vulnerable to the accusation of 'taking sides'. The general perception among residents to whom the research team spoke is that standards of behaviour have improved since the estate was rebuilt. One resident commented that leaseholders perceive that young people from the tenant families tend to be responsible for most of the antisocial behaviour on the estate. However, this resident's view was that this does not reflect the reality of the situation, which is far more complex.

It is clear, however, that being able to enforce behaviour covenants is perceived by the residents involved as an important capacity. The research team is not aware of any similar enforcement action taken against any long leaseholder and this is an area that would merit further research.

Residents' views

Residents involved in Stockfield Community Association were extremely positive about the Association. They indicated that it provides them with an effective means of engaging in the running of their area and clearly felt that they are able to exercise influence over most of the services provided on the estate. Their view was that they do have to engage with the Council in

order not to be seen as just another estate and to demand a higher level of services.

It is clear that residents regard the formation of the Association as significant, in giving them a 'platform' to communicate with the other stakeholders on an equal footing and to work towards the creation of an area which is something more than a traditional 'council estate'.

Key findings

- The creation of an independent company gave flexibility to the funding of the regeneration of Stockfield estate and allowed residents significant control of that regeneration.
- The independent company also secured the involvement of other stakeholders in the area, and committed them to the regeneration process.
- Residents continue to feel that the company vehicle has been significant in giving them a 'platform' through which to influence the provision of services in their area.
- Design was a key factor in the success of the Stockfield estate. Of particular importance were the fact that owned and rented homes could not be distinguished from the outside and the incorporation of key environmental features, such as the retention of mature trees and a central park with a new children's play area.

Royds, Bradford

Background

The Royds area covers three housing estates – Buttershaw, Woodside and Delph Hill – that are located on the south-west side of Bradford. The three estates combined contain around 3,300 dwellings and have a population of around 12,000 people. Regeneration work in the Royds area began with active residents’ groups engaging with Bradford City Council and other stakeholders to consider the regeneration of the area. After four years of negotiation, the area was awarded a Single Regeneration Budget (SRB) programme of some £31 million. The programme covers the local economy and social infrastructure of the Royds area, as well as the refurbishment and selective demolition and rebuilding of residential properties.

Stakeholders (see Table 3)

Resident involvement

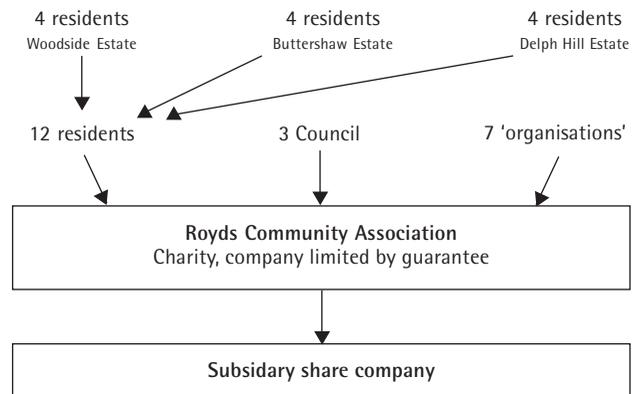
Structure

Royds Community Association (RCA) was registered as a company limited by guarantee on 10 April 1994 and subsequently as a charity.

Resident representation on the board of RCA is 60%. Company members are also directors, and the community therefore has a 60% ‘stake’ in RCA.

The community association model was used to give residents a vehicle through which they could be directly involved in the regeneration of the Royds area and in which they could have a board majority.

Figure 2: Board structure of Royds Community Association



Again, the structure of a charitable company with a non-charitable subsidiary was used in order to take advantage of the benefits of registering as a charity, while at the same time giving sufficient flexibility for non-charitable activities to be undertaken by the subsidiary company, including development work.

Accountability

Twelve members of the 22-strong board of RCA are residents elected for a four-year term. Four resident directors are elected from each of the three estates that make up the Royds area and come from both owners and those living in social housing. Any adult living within the relevant area can be nominated to stand and has a vote. The electoral process is undertaken by the Council Elections Department in a similar way to elections for the local authority.

Among those residents who participated in our research, opinion was divided about the effectiveness of RCA’s attempts to consult local people. Some residents felt that the reliance on leaflets and other mailshot-based forms of

Table 3: Stakeholders in the Royds area

Resident involvement vehicle	Social landlord	Local authority involved	Private sector	Other
Royds Community Association	Brunel, Habinteg and Hanover housing associations	Bradford Metropolitan District Council	Keepmoat PLC and Haslam Housing Ltd	Architects: Webb Seeger Moorhouse



Royds Healthy Living Centre – a key community asset

communication was ineffective, as such publications often went unread. Others felt that RCA communicated well with residents. The board member who was part of our research group expressed his strong commitment to the role of resident directors in assisting local people to participate in the regeneration process. It was clear from our research, however, that, despite such good intentions, this has not been a complete success.

One resident pointed out that this might be partly because of the difficulty of engaging with communities of people where low self-confidence and low self-esteem are widespread. This resident remarked that there is only so much that a well-intentioned structure can achieve in involving residents: “You can lead a horse to water but you can’t make it drink”. It was clear that, even where consultation had taken place (for example, over a new playground), RCA had needed to deal with the difficulty of divided resident opinion. It is clear that you cannot please all of the people all of the time.

Funding

The Royds area is unusual among the areas studied for this report in that RCA has been the recipient of over £30 million of government regeneration funding through the SRB programme. Our research showed that this regeneration programme has been a powerful catalyst for change in the Royds area. Long-term sustainability of the regeneration of the Royds area remains a key issue for RCA and the Association has been able to acquire a number of key land-based assets, which should provide a sound financial basis in the future, to some degree at least. Further research will be needed to ascertain the success of the regeneration initiative in the long term, once SRB funding has ceased.

RCA was highly unusual in that, for SRB purposes, it became the ‘accountable body’ from day one (in the vast majority of SRB programmes the local authority has been the accountable body). RCA was fortunate in securing the commitment of the government minister then responsible for SRB, David Curry MP, who met residents early in the process and agreed that RCA should become the accountable body. This has been a major factor in its success.

Influence on service provision

RCA is also unusual among the areas studied in that it is not itself the landlord of the social housing in the area. Our research did show some frustration among both residents and RCA board members that, having refurbished the housing, RCA had had to 'hand it back' to the local authority or one of the other landlords active in the area.

The fact that RCA is not a landlord has limited its ability to become involved in issues of neighbour nuisance and antisocial behaviour. Our research showed that such problems remain a concern for residents. The behaviour of young people and the quality of parenting skills were also identified by residents as key issues.

Integration

The tenure split over the three estates that make up the Royds area is shown in Table 4.

Table 4: Tenure in the Royds area (%)

Council tenants	48
Other tenants	10
Owner-occupiers	42

Many of the owners acquired their properties from the local authority through the Right-to-Buy legislation. More recently, however, there has been an increase in ownership following the demolition of sub-standard housing by RCA and the building of new mixed tenure housing association stock for rent and for sale. The combination of these two factors has led to a considerable degree of integration between the different tenures.

Design

The refurbishment programme on the estates gave residents, through the RCA vehicle, the opportunity to be actively involved in the redesign of the refurbished and newly-built properties.

The importance of resident input during the work is illustrated by case study 1.

Case study 1

When the RCA board came to choose the design for the new windows for houses in the area, they realised that the design they were offered was not sufficiently 'burglar proof'. Working with the police, they chose a new secure design with the result that crime in those properties fell dramatically. When the second wave of properties was being refurbished and the budget was tight, residents were told 'you've had your fun' and asked to choose a cheaper window. They resisted, found economies elsewhere, and crime has continued to fall. Burglaries have fallen by 80% and overall crime by 40%.

Use of property covenants

As RCA is neither a landlord nor a 'seller' of housing, its ability to use property covenants has been limited. This has restricted its ability to be involved in maintaining uniform standards on the estates.

Use of behaviour covenants

As highlighted earlier, RCA has similarly not been able to directly affect the behaviour of those living on the estates. This has been a matter of frustration for some residents.

Residents' views

It was clear from our research that the achievements of RCA were recognised by all residents involved. Residents agreed on the enormous improvements in the quality of the housing stock and, significantly, owners also acknowledged that they had benefited (although perhaps not to quite the same extent) from the refurbishment programme. Residents agreed that this had considerably raised the impression of the area as a whole. Residents were also very positive about the general environmental improvements to the area for which they perceived RCA to also have been responsible. One unemployed resident spoke positively of his experience of RCA's involvement in his studies and his attempts to find work as illustrated by case study 2.

Case study 2

One local resident who became involved with RCA was unemployed at the start of the programme and lived at home with his elderly parents. When RCA awarded contracts for the construction work on the estate, as they were not a public body, they were able to insert a local labour clause that ensured that a minimum of 20% of the labour force engaged in the construction should be from the estate. This resident got a job with one of the construction companies involved in the building of new houses for sale. Because he was in employment, he had enough income to afford to buy a house and considered moving off the estate. A friend suggested that he buy a house on the estate, and eventually he bought a property directly opposite his parents' home. He was therefore able to provide them with ongoing support, which would not otherwise have been possible.

While residents appreciated the work of RCA in specific areas, there remained elements of communal life that caused residents frustration, and over which they felt they had little control. Residents identified the following areas:

- street environmental issues, such as dog fouling, grass cutting and car parking;
- health services, particularly the fact that there is no chemist on any of the three Royds estates;
- transport issues including bus routes and road layout;
- policing – residents complained of the withdrawal some years ago of a local community policeman by the relevant police force without consultation with local people;
- problems with behaviour by local school children on the buses to and from school.

Residents felt that they had little opportunity to control or influence the delivery of services for each of the issues listed. It is significant that RCA has not been directly involved in these areas, with the exception of the development of the Healthy Living Centre on the Buttershaw estate, which was given considerable approval from the residents.

Our research shows that feelings of alienation and the lack of ability to control service provision in a particular area are deep-rooted problems. Even where residents acknowledge that there is a strong independent structure with adequate funding and national recognition, in which residents are democratically involved, there remain areas of communal life over which residents feel they have little control and continue to be frustrated by the perceived lack of service provider accountability. This would appear to endorse current government thinking about neighbourhood management and the necessity of devolving the control over services to as local a level as possible to address this perceived democratic deficit.

Key findings

- Government funding has been a powerful catalyst for change in the Royds area.
- Of equal significance, was the fact that RCA became the accountable body for the government funding and so had direct control over it. In turn, RCA was under the control of the residents of the area. The view of the residents is that this has contributed directly to the widely acknowledged success of the regeneration scheme.
- Resident involvement in design issues again proved significant.
- The use of a company limited by guarantee vehicle has enabled residents to become involved in a way that has protected them from personal liability but allowed them to have real decision-making power.

Philanthropy in action

During the 20th century there have been a number of well-known experiments in the provision of housing by wealthy individuals who have sought to challenge the prevailing norms in social housing provision. The research team visited two such experiments: Poundbury in Dorset was built at the instigation of the Prince of Wales under the auspices of the Duchy of Cornwall; Bournville in Birmingham was largely the brainchild of George Cadbury and continues to be associated closely with the Cadbury family.

Poundbury, Dorset

Background

Poundbury is a new development on the edge of Dorchester, which aims to extend the population of the town by approximately 5,000 people. It has been built (and is still being built) on a greenfield site in four distinct districts over a period of 20-25 years (depending on market demand).

Stakeholders (see Table 5)

Resident involvement

Structure

Each area of Poundbury has a management company, which is responsible for maintaining the common parts and associated work. It is envisaged that there will be up to a maximum of 10 management companies, but at present there are two – Poundbury Man Co 1 and Poundbury Man Co 2. These management companies are companies limited by shares and every owner has a share in the company covering their property. The owners of commercial premises within the area governed by each management company also have shares, which relate to the area covered by their premises, measured in square feet. The Guinness Trust owns the shares in respect of the tenanted properties. The Duchy of Cornwall has a ‘golden share’ in the management companies which effectively gives the Duchy a veto over all major decisions, although it is envisaged that the Duchy will give up this role once Poundbury is finally established.

All the shareholders in the company have the right to attend the Annual General Meeting (AGM), which sets the service charge payable by all households living in the area governed by that management company. Currently this service charge is set at £90. The Guinness Trust informs its tenants of the agenda for the meeting and

Table 5: Stakeholders in Poundbury, Dorset

Resident involvement vehicle	Social landlord	Local authority involved	Private sector	Other
Residents' Association/ Poundbury Man Co	Guinness Trust	No significant involvement	No significant involvement	Duchy of Cornwall

takes informal soundings of tenants' views. The Guinness Trust representative then attends the meeting and seeks to vote in accordance with tenants' views but also with the interests of the Trust as landlord. It was not clear to the research team how the interests of tenants would be represented in the event of a divergence of these interests.

There is also an active Residents' Association with approximately 99% membership among all the residents of Poundbury. Each new resident is invited to join the Residents' Association and each member pays an annual fee of £2. Meetings are held quarterly and the three local councillors are invited to attend. The Residents' Association acts as a forum for discussion on environmental issues, provides a point of contact with the local authority, publishes an informative newsletter and carries out a semi-policing role (by encouraging the observance of covenants or tenancy terms).

The Guinness Trust itself has an additional mechanism for tenant involvement: it holds regular regional meetings to which tenant representatives are invited. The Guinness Trust tenants living in Poundbury are invited to the regional meeting for the South West. However, due to an initial reluctance to attend on the part of tenants, the former chair of the Residents' Association attended a number of meetings on behalf of, or with, Guinness Trust tenants from Poundbury. This proved to be a useful mechanism, for example, in providing an opportunity to ask the Guinness Trust to repair external parts of their properties in Poundbury. This was approved by the Guinness Trust and enabled external redecoration to take place so that the social housing did not become distinguishable from the other housing due to poor maintenance.

Accountability

The shareholders elect directors to the board of each management company. Thus, at present only owners of property in Poundbury elect the directors. Currently there are three Directors of Poundbury Man Co 1 – two of whom are residents; the other being the Duchy of Cornwall. The Residents' Association also elects its officers.

Funding

The management companies in Poundbury will have a reasonably active role for the foreseeable future. This is partly because most of the roads in Poundbury are likely to remain unadopted because they are too narrow to fit local authority criteria for adoption. The management companies are also responsible for the maintenance of the satellite television system that was installed to remove the need for external television aerials on each property. The funding for these management company activities comes from the annual service charge which, as indicated above, is set by the AGM of each management company.

Influence on service provision

Some roads through Poundbury are adopted and therefore it is the responsibility of the local authority to maintain them. The local authority is also responsible for the usual services, for example, refuse collection.

As already noted, three local councillors attend the quarterly meetings of the Residents' Association and the residents feel that there is a very good working relationship with the local authority. However, it is recognised that this is possibly due, at least in part, to the high profile of Poundbury, which allows its residents to command a better quality of service.

Integration

The housing includes approximately 20% of properties for rent by the Guinness Trust, with tenants being allocated from the local authority housing list. The social housing is integrated with, and indistinguishable from, the private housing. Both the Guinness Trust and the local authority are anxious to avoid allegations of exclusivity in Poundbury, so the normal Council and Guinness Trust criteria apply.

Design

Poundbury is a relatively new community. It is unusual among the areas visited by the research team in that it has the lowest proportion of social rented housing in these areas. The disposable



income levels of the residents are therefore likely to be on average higher than the other neighbourhoods visited. All the residents interviewed by the research team, however, said that the relationships between those living in different tenures were good. The design of the estate is clearly a factor in this, as rented and owned homes are indistinguishable and intermingled.

Good design and planning are key features in the success of Poundbury. The properties are all unique, creating an interesting environment. They are also economic to run so household bills are reduced. The area is designed to minimise disruption by cars (narrow streets, courtyards for parking), and all public squares, courtyards and pavements are gravelled, which, although unpopular at first, has played a significant part in deterring crime. Local residents clearly enjoy their physical environment and are keen to maintain its attractiveness.

Use of property covenants

Poundbury has seen extensive use of property covenants in tenancy and freehold properties. The Duchy of Cornwall exercises an active role in

relation to the covenants and a number of matters require the consent of the Duchy, for example:

- changing front door colour;
- putting up a garden shed;
- removing or 'mutilating' any trees or shrubs on the property.

A number of things are prohibited altogether:

- bringing a caravan or similar vehicle onto the property, or parking it in the car parking space;
- putting up television aerials or satellite dishes;
- leaving rubbish outside the property.

For freeholders, these covenants are contained in the title documentation to each property. For tenants of the Guinness Trust, they are contained in a separate document annexed to the standard tenancy agreement, and therefore the Trust takes the view that the covenants are incorporated into the agreement (although this has never been tested in court).

The general view among residents interviewed, however, seemed to be that these covenants are quite helpful. It was felt that they provide a mechanism for maintaining standards in the area and are more or less self-policing. Most residents

have moved into Poundbury with full knowledge of the restrictions and, in some instances, because of the restrictions. The general view was that an environment such as Poundbury, in which covenants are in place to maintain minimum standards, attracts a certain type of resident. Those who are not suited to this type of community either do not move into the area or move on fairly quickly. Residents felt that the existence of covenants provides a structure for disputes between neighbours to be resolved and, as a result, reduces potential conflict between neighbours in the community.

Residents interviewed felt that the Duchy appears to take a fairly common-sense approach and is willing to grant permission to all reasonable requests. The Residents' Association also provides an opportunity to discuss issues that arise in relation to the covenants, for example, disputes over parking or poor television reception due to a prohibition on aerials.

Use of behaviour covenants

The Poundbury documentation does contain covenants designed to prohibit anti-social behaviour. The research team was not aware of any incidence of these covenants being used.

There is an unusual absence of crime and anti-social behaviour in the neighbourhood. Opinions differ as to why this is the case but one interviewee said that she felt it was because tenants tended to socialise elsewhere, quoting an example of one of her neighbours being brought home drunk by the police because he had gone out in another part of Dorchester!

Residents' views

Residents to whom the research team spoke seemed happy to live in Poundbury. They felt that Poundbury appears to be succeeding through a combination of good planning and design, and active community interest. The Residents' Association and management companies appear to offer effective means of community governance, at least for the owners. The separate mechanism for tenant involvement offered by the Guinness Trust has provided some successful outcomes but this seems to have been largely

dependent on the willingness of owners to contribute and offer support.

The success of the structure as it stands appears to be largely dependent on the proactive nature of the local community and a number of key personalities who have taken initiative, encouraged involvement and acted as effective spokespersons when relating to outside service providers. This raises issues over the sustainability of this level of success without more formal mechanisms for community governance, especially as Poundbury grows in size over the forthcoming years.

Poundbury may even become a victim of its own success. Some tenants are already expressing frustration over their inability to exercise the Right-to-Buy (while recognising that this would defeat a key characteristic of the community). Meanwhile, house prices have risen by as much as 40-50% in some cases. This threatens to create a somewhat exclusive community and to emphasise the distinction between owners and tenants.

Key findings

- The use of high-quality materials and meticulous design can be of enormous benefit when planning sustainable communities.
- Ensuring that rented and owned housing is indistinguishable and intermixed creates far greater opportunities for a genuinely mixed community.
- The use of covenants to maintain standards across a neighbourhood can find considerable support among residents.
- Resident involvement can depend on a few significant personalities.
- A traditional residents' association can offer some scope for consultation and involvement, but its influence may be limited.

Bournville Village Trust

Background

The Bournville Village Trust (BVT) was founded in 1900 by George Cadbury. A range of properties was built to high standards with the aim of offering an alternative to Birmingham's inner-city slums. Strict tenancy terms and covenants were imposed in an attempt to maintain high standards on the estate.

Bournville was constructed using high-quality materials and design under the personal supervision of George Cadbury. Many of the owned properties are now extremely sought after, and property values on the estate are high. Visitors to the area continue to comment on the pleasant surroundings.

represents long leaseholders in Bournville, although the Bournville Freeholders' Association now offers 'associate' membership to leaseholders so that they can attend meetings and receive the newsletter, but not vote at meetings.

In addition, the Bournville Advisory Committee was set up four to five years ago. It is the main forum at which representatives from all the resident bodies meet with BVT trustees and officers. It includes three trustees – one from each of the two relevant sub-committees (housing and estate management), and a third 'floating' place which trustees take it in turn to fill. There are also two residents from the same sub-committees and a resident representative from each of the 'recognised' associations except for the Bournville Freeholders Association, which is entitled to send two representatives (as the only estate-wide association).

Stakeholders (see Table 6)

Resident involvement

Structure

BVT, itself a charitable trust and registered social landlord, takes its place within the structure shown in Figure 3.

There is no formal mechanism for resident representation on the board of BVT. Residents appointed by the various residents' associations serve on the Housing Services Sub-Committee and the Estate Management Sub-Committee.

In addition to the residents' associations, there have also been a number of tenants' associations (again, geographically-based). In recent years, however, enthusiasm for these groups among residents has fluctuated. There is also the Bournville Freeholders' Association, which is an equivalent organisation for owners in the Bournville area. There is no separate body that

Accountability

There is no formal election process for resident representatives within Bournville.

The residents' associations in Bournville are longstanding and those who serve on the committees of those associations have often been in the post for a long period of time. There was some disagreement among those interviewed by the research team as to whether the gradual waning of support for these associations is because of apathy among residents or because of the lack of turnover of membership on the committees.

Funding

BVT currently supports the residents' and tenants' association with some revenue funding, between £600 and £2,000 per year depending on size. BVT also supports the bodies responsible for the community halls in the area with varying amounts of funding.

Table 6: Stakeholders in Bournville, Birmingham

Resident involvement vehicle	Social landlord	Local authority involved	Private sector	Other
Through residents' associations	Bournville Village Trust	Birmingham City Council	No significant involvement	Cadbury family



Bournville was constructed using high quality materials and design under the personal supervision of George Cadbury

Influence on service provision

As outlined in the structural diagram in Figure 3, representatives of the residents' associations sit on the Housing Services Sub-Committee, the Estate Management Sub-Committee and also on the Bournville Advisory Committee.

The *Housing Services Sub-Committee* is the body that provides for trustees to meet with tenant representatives to discuss matters affecting BVT tenants. A number of the residents interviewed have sat, or are currently sitting, on this committee.

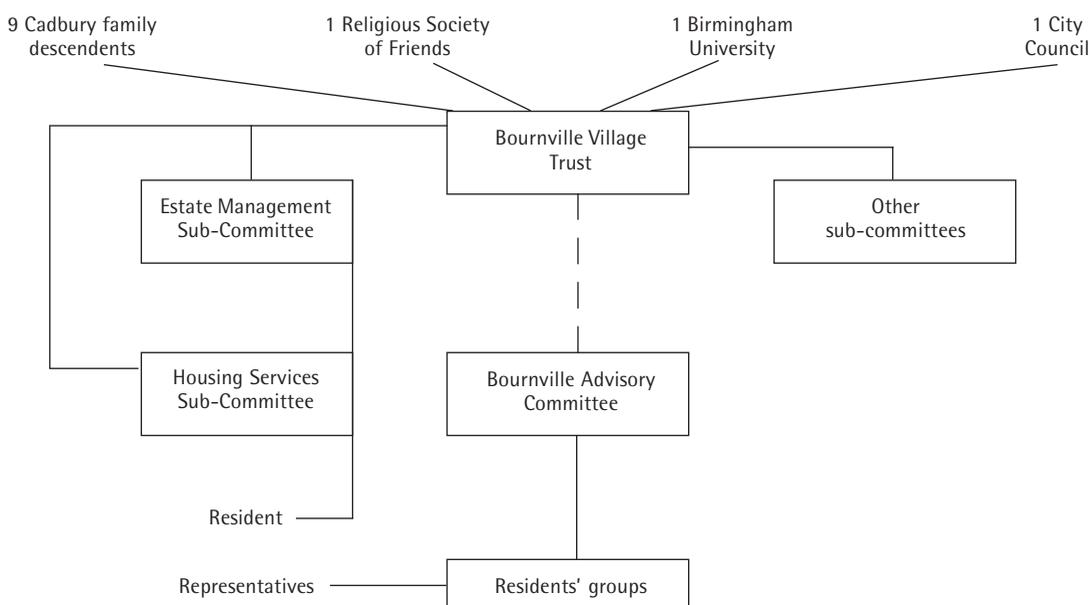
The committee is used by the trustees to consult with BVT tenants on issues that affect them. There was a feeling expressed by those interviewed that the committee is 'good as far as it goes', but that tenants' views are listened to but not necessarily actioned.

The *Bournville Advisory Committee* is a purely advisory body through which the trustees aim to encourage two-way communication with local residents. Residents felt that it served a useful function in keeping BVT officers 'on their toes', providing a useful point of contact with the police, who send a representative.

BVT obviously makes a considerable effort to consult its local residents on key decisions, and has a number of committees and other bodies in place for this purpose, as outlined above. For example, BVT recently consulted residents on its policy to prohibit the sale of alcohol on the Bournville estate. Local residents voted in favour of maintaining this prohibition.

The residents also discussed examples of situations in which they have felt excluded from decisions taken by the board of trustees. Several expressed a view that the board of trustees is not accountable to the local residents for the decisions it makes and, consequently, local residents do not feel any 'ownership' for a number of the decisions taken.

Figure 3: Structure of Bournville Village Trust



Integration

BVT owns around 7,500 properties in Bournville, the tenure of which is shown in Table 7.

Table 7: Tenure in BVT properties in Bournville (%)

BVT tenants	33
Freeholders	29
Long leaseholders	21
Tenants of other landlords	10
Housing association tenants managed by BVT	5
Tenants of Bournville Village Alms House Trust	1
Shared-ownership	<1

The different types of tenure in Bournville are split roughly half-and-half between those that are owned or on long leases and those that are rented (see Table 6). The housing is physically mixed to some extent, with certain streets containing a good mixture of private properties and homes for rent. However, there are enclaves of exclusively owned properties and exclusively rented properties.

Design

Bournville as an area is noted for the high standard of original building materials and also for the ongoing high quality of maintenance in the area. Bournville was well landscaped when originally laid out and there are many well-established trees and open spaces in the area. Many of those who live in the area commented favourably on the 'look' and this is reflected in the higher property values in Bournville in comparison with the average across the city of Birmingham.

Use of property covenants

Bournville is notable for its use of property covenants designed to maintain the physical fabric and good order of the properties. There is a fuller discussion of the mechanisms used to enforce covenants against owners in Chapter 8, but it is worth noting at this point that Bournville Village Trust is unique among the areas visited by the research team in its ability to continue to impose positive covenants, even when owners sell their properties to third parties.

Use of behaviour covenants

BVT has taken action against some tenants based on behaviour covenants and has also obtained an anti-social behaviour order. Generally, residents across all types of tenure approve of these actions.

Residents' views

There is evidently a marked divide between owners and long leaseholders and tenants. This appeared to stem from the issue of status, but there was also a lot of resentment on the part of some tenants of the freedoms enjoyed by freeholders and long leaseholders.

Being a development with a fairly long history, there are a number of tenants who have rented their homes from BVT for a substantial period of time. There is obvious frustration that these tenants cannot exercise any right to buy and are therefore prevented from moving up the property ladder. While there is an understanding of, and some sympathy for, BVT's commitment to social housing, there is still frustration when this clashes with an individual's personal wishes and aspirations.

The research team formed the view that, as a general rule, the tenants who had been living in BVT properties for a long time appeared to be quite defensive about their position. On the one hand, they do not have the same status as freeholders or long leaseholders and feel discriminated against as a result; on the other hand, they cannot identify with the new tenants moving into BVT properties (often from the Birmingham City Council housing list).

There was some support expressed for stricter 'vetting' processes by BVT when allocating housing to new tenants.

Although residents felt that they had more control over services affecting their lives than those living in other parts of the city (because of the role played by BVT), they still wanted mechanisms to be put in place that would enable them to have more input and influence.

Key findings

- Where a paternalistic approach is adopted, there will be clear limits on genuine neighbourhood governance.
- Good initial design and the use of high-quality materials can have a major impact on the long-term sustainability of an area.
- Positive relationships between tenants and owners, whether leaseholders or freeholders, require concerted effort on the part of all concerned.
- Residents' involvement can be hard to sustain even in what appears to be a successful community.

The traditional moving forward

Manor estate, Sheffield

Background

Construction began on the Manor Estate in the 1920s, although the estate continued to expand in size over the next 20 years until after the Second World War. The Manor Estate was built to house people who had been moved from Sheffield's slums. The main source of employment for residents was the steel industry, until its collapse in the early 1980s. The Manor estate has been, and still is, a close community with many extended families; unlike many similar areas, the pattern of children growing up and leaving the estate is not as common.

Around the time of the collapse of the steel industry, a large proportion of properties on the estate were identified as defective and, as a result, demolished (approximately 2,000 homes over a five-year period). Sheffield City Council made arrangements with several housing associations to replace some of the housing, although there are still large expanses of derelict land on the estate. Several community initiatives have also sprung up in response to the increase in unemployment and social problems. One of these was the Manor Forum, which was set up by

local people and has organised a number of campaigns on behalf of residents. The Manor Development Company was also established and built a number of workshop units on the estate to encourage business start-up, and a training initiative was started, which continues to operate in partnership with Sheffield College.

Today the Manor estate has a population of approximately 13,000 people. It continues to be characterised by many of the key indicators of deep-rooted poverty and social exclusion.

Stakeholders (see Table 8)

Resident involvement

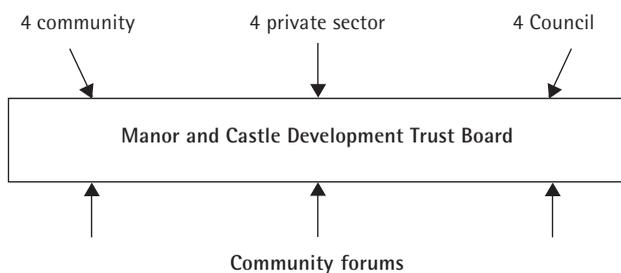
Structure

As a result of an SRB bid, the Manor and Castle Development Trust (MCDT) was established in 1997 as a company limited by guarantee. The bid was largely housing based (since another 1,000 homes had been identified as defective and in need of demolition), but also covered associated issues, such as employment, health and the environment. The bid was successful and an award of £16.6 million was made. (A further

Table 8: Stakeholders in the Manor estate, Sheffield

Resident involvement vehicle	Social landlord	Local authority involved	Private sector	Other
Manor and Castle Development Trust (MCDT)	Places for People	Sheffield City Council through the board of MCDT	Through the board and Bellway	No significant involvement

Figure 4: Board structure of Manor and Castle Development Trust



award of £2.5 million of European Objective 2 funds has also been made.)

Community representatives make up four of the board of 12. The research team understands that the directors of the company are the same as the company members, so there is a 33% 'stake' for the community in the company. The constitution does not provide for any elections or term of office for community members, but the research team understands that the three community forums in the area may nominate community members in the event of a vacancy.

There is a community forum in each of three areas covered by the work of the MCDT – Wybourn, Park and Manor estates. In addition, there is a wider consultation body known as the Manor Assembly. This body meets monthly and is attended by a mixture of local residents and professionals working on the estate. Its aim is to provide a platform for local groups, project workers, statutory service providers, councillors and local people, to work together in partnership by discussing projects, ideas and local issues. Professionals use it as a sounding board for ideas and it plays a formal appraisal role for proposed projects applying to the MCDT for funding.

Accountability

The research team is not aware of any process of democratic elections for the community representative places on the MCDT board. The absence of an open democratic mechanism may be one factor in the perceptions among some residents as outlined below.

It was suggested that there is a core of local residents who are committed to involvement on the Manor estate and who work with a number of

different groups and forums. However, some residents feel that the community at large remains relatively untouched by attempts to involve them. Although apathy was noted as a possible reason, those interviewed suggested that attempts at community engagement to date have demonstrated a lack of understanding on the part of professionals. Some residents said that they have felt patronised by professionals whose attitudes and ideas demonstrated a lack of understanding of the community and its needs.

Funding

As with Royds Community Association, MCDT has benefited from regeneration funding. The MCDT is its own accountable body and has been promoted as an impressive example of innovative community action by Yorkshire Forward. As an accountable body, the MCDT has enjoyed significant financial freedom, being able to front-fund projects (as opposed to the usual model of SRB funding, which is almost always in arrears) and to resist attempts to use SRB funds to replace mainstream funding. It has developed some new housing for sale on the Manor estate, through an agreement with the developer Bellway. The provision of relatively low-cost housing for sale (it often works out cheaper for a family to buy a property with a low-start mortgage than to rent one) has led to some people moving (back) to the estate to be closer to their families. As a result, the area is increasingly becoming one of mixed tenure with people having the choice of buying ex-Right-to-Buy properties or the new housing for sale.

Part of the MCDT's succession strategy for life after SRB has been to enter into an arrangement with the Council for a transfer of the freehold of some of the properties that are for sale. The MCDT is then able to sell the properties leasehold and to collect the annual ground rent as income.

The MCDT has provided funding to around 50 community projects since its establishment. The research team spoke to one resident who has set up his own business with the help of funds from the MCDT. Despite the success of his own business, he was measured in his praise of the MCDT. He felt that it is still struggling to really engage with local people and suggested that far more needs to be done to provide support to community projects, both in the initial stages of

applying for funding and ongoing support once projects are up and running. He highlighted a serious lack of confidence and self-esteem among local people, which often leads to inertia and a reluctance to take up opportunities that are offered.

Influence on service provision

MCDT does provide an opportunity for some influence over mainstream services; for example, the MCDT is taking over responsibility for some of the grounds maintenance on the estate. It has also successfully made a bid for funding to provide neighbourhood wardens in the first round of the Home Office Neighbourhood Warden Scheme. The succession strategy of the MCDT is to further develop its asset base and, in time, to take over responsibility for some of the Council's functions. In this way, the MCDT could become more like a neighbourhood manager. The Parish Council model was identified as a possibility, with services and power decentralised to an area-based body that has the potential of being more in touch with, and more accountable to, local people.

Integration

The Manor and Castle area was unusual among those visited by the research team in the high number of properties in the area occupied by council tenants.

Table 9: Tenure in Manor and Castle (%)

Council	65
Owner-occupier	26
Housing association	4
Private rented	3
Other	2

Use of covenants

As MCDT is not a landlord, its ability to use either property covenants or behaviour covenants is limited.

Residents' views

The community on the Manor estate has, it was suggested, a reputation for being particularly vocal. However, this has not necessarily translated into community empowerment or governance. There have always been tenants' and residents' associations active on the estate and, although they still exist, they are now relatively poorly attended. There is also a monthly meeting of the different landlords on the estate, but only recently have these been attended by local residents.

Talking with local people indicated their perception that there has been little improvement in their estate over recent years. Antisocial behaviour, vandalism and petty crime are, in their view, rife, and this seriously undermines the quality of life for many who live on the Manor Estate, destroying any sense of community. It seems indicative of the general feeling among residents that they are powerless to influence their situation. The implication is that there is a long way to go before local people are genuinely engaged and empowered.

The general feeling among the residents interviewed was that the Council has traditionally shown little interest in listening to, or engaging with, local people. Local people have become used to empty rhetoric and broken promises. There needs to be recognition among all professional organisations that people here are starting a long way back when it comes to community involvement and engagement. At present, there is little trust of professional organisations (including the Council) and local people do not appear to be persuaded to break with the norm and take an active role in their community.

The Manor Estate has had a significant amount of money channelled into it over the years. However, a number of people commented on how little of this money has actually made it into the pockets of local people in order to significantly improve their quality of life. The answer does not seem to lie, therefore, in spending more money on the Manor estate, but rather spending money more effectively. There appears to be a general belief in the Council and other 'professional' bodies that the implementation of neighbourhood management is the way forward. This is mirrored on the ground

by a desire among residents to see some coordination and coherence in the attempts to regenerate the estate. There is recognition that the quality of life for people living on the Manor Estate (as a socially excluded area) is very much more dependent on the quality of public services than is the case for people living in more affluent areas.

Key findings

- The problems of neighbourhood disempowerment run deep and require long-term work to overcome them.
- Regeneration funding can make a significant difference but needs to be widely 'owned' by the community.
- A genuine commitment to democratic accountability is needed by any organisation that claims to represent local people.
- Local people want to influence how services are delivered.

Churchill Gardens, Westminster

Background

The Churchill Gardens estate is a postwar development of approximately 1,800 homes in Westminster on the banks of the River Thames. It occupies a site of approximately 40 acres and was built in four phases, starting in 1946 and completing in the early 1960s. It was designed by the architects Powell and Moya and was inspired by the concept of an estate village, seeking to maximise the benefits of open space to create privacy and a pleasant living environment for residents.

The housing on the estate comprises 39 flat-roofed blocks set among green spaces and play areas. The estate houses between 5,500 and 6,000 people in accommodation ranging from bedsits to four-bedroom flats. Most of the blocks are between nine and eleven stories, with two low-rise terraced housing blocks and one warden-controlled block for older people. The estate is well serviced for associated amenities with a primary school within the confines of the estate and a secondary school nearby; there is also easy access to shops, a post office, a library and a doctor's surgery.

Churchill Gardens has become mixed tenure over the years, due to exercise of the Right-to-Buy. Currently, approximately 45% of the properties on the estate are owned by leaseholders who have either exercised the Right-to-Buy themselves or bought their homes on the open market. A number of these owned properties are now sublet by their owners. The remaining 55% of properties on the estate are rented, predominantly from Westminster City Council.

Stakeholders (see Table 10)

Table 10: Stakeholders in Churchill Gardens

Resident involvement vehicle	Social landlord	Local authority involved	Private sector	Other
Tenants' Association/ Lessees' Association/ Residents' Panel	No significant involvement	Westminster City Council	Pinnacle PSG	No significant involvement



Churchill Gardens, Westminster ©Pinnacle PSG

Before the estate was built, the site was occupied mainly by terraced Victorian housing, and a significant proportion of the new properties were taken by families who had lived in the terraces and been displaced. The estate has now seen a number of generations of families and a significant proportion of the current residents have lived on the estate since its construction.

In recent years, as the Council has been under mounting pressure to house homeless families and asylum seekers, 'local' families have found it increasingly difficult to get a property on the estate and there has been a significant diversification in the ethnic mix of the estate's population.

Churchill Gardens was until recently managed by the Council. Pinnacle PSG won the contract to take over management of the estate under compulsory competitive tendering in 1996. It recently tendered again for the work and was awarded a further five-year contract from April 2001. This is a 'single-source contract' with the Council, under which Pinnacle PSG has responsibility both for housing management on the estate and the procurement of major works.

Resident involvement

Structure

There are a variety of organisations in Churchill Gardens to encourage resident involvement in the management and running of the community.

The *Tenants' Association* was set up by the residents that lived on the estate when it was first built, as a body responsible for the running and management of a small community hall. As the

estate grew in size the residents asked the Council to build them a larger community facility. This building still exists and functions as a social club with a bar and a number of committee rooms.

The Tenants' Association is now a registered charity and membership of it is open to all residents on the estate. It is financed from the profits of the bar (which is run under a separate management company). The Tenants' Association runs a variety of social activities for residents, including an art class, a bowls club, day trips for older people and a sewing group (which carries out repairs for local residents at low prices). It also uses its facilities to run Christmas parties for children and older people. The Tenants' Association liaises with Pinnacle PSG to advertise events in the newsletter that Pinnacle PSG produces and distributes to all residents. Pinnacle PSG has also taken over running the youth club on behalf of the Tenants' Association.

The Tenants' Association provides a key social focus for the estate. However, the view of those involved is that as the social and ethnic make-up of the estate has changed, the Tenants' Association is finding it increasingly difficult to engage residents.

The *Lessees' Association* was established after the advent of the Right-to-Buy legislation. Its members are predominantly those people who have lived on the estate for some time before buying their own properties; they are, therefore, predominantly older people. The focus of the Association is on practical issues, such as the level of their service charge, the cleanliness of the estate and the quality of the major works carried out. Those involved obviously play a key role in the community on behalf of other residents. They are frequently approached for help in solving problems and also to act as a 'go-between' with Pinnacle PSG.

The *Residents' Panel* was established relatively recently. It consists of four representatives from the Tenants' Association (although these are not necessarily tenants), five representatives from the Lessees' Association and two representatives from Russell House (a block of flats separate from the main body of the estate but still managed by Pinnacle PSG). The Residents' Panel meets once every six weeks and is chaired by the Pinnacle PSG manager with overall responsibility for the

estate. Outside agencies are sometimes invited to the meetings when appropriate (for example, the Council, contractors, the police).

The agendas for meetings of the Residents' Panel are set by the residents themselves. Since the Residents' Panel is dominated by leaseholders there tends to be an imbalance towards leaseholder issues on the agenda. Examples of issues discussed are:

- the major works contracts;
- service charge levels;
- quality of environmental services provided;
- parking;
- vandalism and graffiti.

Accountability

The key vehicle in terms of accountability appears to be the Residents' Panel, and it is this that has the most important role in relation to Pinnacle PSG in the latter's role as neighbourhood manager. The members of the Residents' Panel come from the different associations on the estate, as outlined above. It was not clear to the research team whether there is any democratic process for the selection of these members from their constituent associations, or whether the Tenants' or Lessees' Associations themselves have any democratic process for the election of their committees.

Funding

As noted, the Tenants' Association generates some income in respect of the social activities that it runs on the estate. However, as far as the research team is aware, this is the only income of any of the resident bodies on the estate, and this reflects their essentially consultative nature.

Influence on service provision

Pinnacle PSG provides its management services out of an office on the edge of the estate. It has a staff of 10 and a manager with overall responsibility for the estate. The members of staff divide the blocks on the estate between themselves, each acting as housing officer for their respective blocks. Half of Pinnacle PSG's staff are local residents in line with its principle of employing local people wherever possible. Residents see this as positive.

Pinnacle PSG sees its role as a 'neighbourhood provider', aiming to 'recreate' services from the bottom up. It seeks to put the customer, or service consumer, at the centre of its estate management, recognising that,

"a brilliant service will give the customers ... some control, with one service provider having full accountability to the community for all local services."

Pinnacle PSG holds itself very much accountable to local people having a company ethos of "committing [itself] to each neighbourhood" in which it works. For example, as noted above, in Churchill Gardens, Pinnacle PSG has taken over the management of the local youth club on behalf of the Tenants' Association. It has arranged for the employment of a professionally qualified youth worker and also seeks to use the youth club as a forum for consulting young residents on issues that affect them.

Integration

The tenure mix on Churchill Gardens is around 55% council tenants and 45% owned properties. As ownership has arisen largely under the Right-to-Buy legislation, tenure is truly mixed right across the estate with no differentiation between rented and owned properties.

Design

In 2001, the estate won the Fortieth Anniversary Civic Trust award as the most outstanding scheme to have won a Civic Trust award over the last 40 years. Churchill Gardens won its Civic Trust award in 1961 and since then six of the blocks have become listed buildings. Its enduring success is credited to the quality of its design and planning, with a mixture of low- and medium-rise blocks, combining to create an estate with "pleasant character". The award also recognised that good estate management by Pinnacle PSG has contributed to the success of the estate.

Churchill Gardens is another example of an estate in which design appears to have played a significant part in the creation of a sustainable community.

Use of covenants

The owned properties on the estate became so through exercise of the Right-to-Buy. There has not, therefore, been the opportunity for strategic use of property covenants to protect the character of the estate, as has been seen in other case studies in this report. This is because there was no opportunity for the systematic development of covenants that might be found in a major redevelopment or new-build scheme.

Similarly, the research team is not aware of any incidences of Pinnacle PSG having used behaviour covenants in relation to any of the tenanted properties.

Residents' views

Residents felt that they had a good working relationship with Pinnacle PSG and that their staff are helpful, receptive, good at listening and getting things done. Pinnacle PSG acknowledged that the persistent nature of the Residents' Panel has played a large part in raising standards on the estate. However, this has also meant that meetings are often heated and Pinnacle PSG's staff are put under a great deal of pressure.

Examples were given of the efficiency and receptiveness of Pinnacle PSG:

- The estate had had a serious problem with pest infestation for many years prior to Pinnacle PSG taking over management. When Pinnacle PSG arrived, the in-house team from the Council were charged with addressing the problem. Pinnacle PSG drew up a specification and invited tenders for the work. A contract specific to Churchill Gardens was awarded to a local contractor who cleared the problem within three months.
- When Pinnacle PSG took over the management of the estate, the communal glass on the estate was cleaned under a city-wide contract. Again, Pinnacle PSG put the work out to tender, awarding the contract to a local business. This has led to greatly improved standards.
- One of the residents also explained how local people had become concerned about fire hazards because of items that they saw cleaners putting into the basements of the blocks when clearing out properties. The issue had been raised at a meeting of the Residents'

Panel and one of the residents had asked for a representative from Pinnacle PSG to accompany him on a tour of all the basements on the estate to check for potential fire hazards. He said that Pinnacle PSG had cooperated quickly in arranging a tour and also in removing those items that the resident felt could pose a fire hazard.

All the residents interviewed said that they felt they had influence and control over most aspects of their lives on the estate, the one exception being allocations. The longstanding residents bemoaned the loss of community and the feeling that they are at the mercy of the Council's policy when it came to allocation. They would like their children to be able to get housing on the estate in order to maintain the community spirit and resent the fact that properties are now being given to people of different cultures who do not appear interested in engaging in the local community. While such views could be construed as racist, they do reflect the very real difficulties involved in creating sustainable and cohesive communities in areas of social housing. Some residents said that they would like to have input into the allocations process, suggesting that potential tenants should have to prove from their track record that they will meet certain 'standards' before they are allocated a property on the estate, although, clearly, the ability of those from vulnerable sections of the community to demonstrate such a 'track record' may be limited. Some residents questioned whether the exercise of the Right-to-Buy had damaged the make-up of the neighbourhood.

Key findings

- Good estate design and planning is very significant.
- Neighbourhood management has had a definite impact when backed with commitment.
- Genuine communication between residents and service provider is invaluable, but costly to the service provider in terms of time and effort.
- The persistent determined involvement of residents has been a key factor in driving up standards.

6

The disempowered neighbourhood

Blackbird Leys, Oxford

Background

Blackbird Leys is approximately four miles from the centre of Oxford outside the city's ring road. The area has had two distinct phases of development. The first was in the late 1950s and 1960s, when the original part of the estate was completed in order to house those working at the Cowley car factories. The second phase took place in the 1990s as a response to Oxford's increasing homelessness crisis. The result has been a housing estate of approximately 13,000 people (with 8,500 in the older part of the estate and 4,500 in the new). The two parts are physically quite distinct, with one road connecting them.

The older part of the estate has seen some redevelopment in recent years, with a small proportion of the housing being knocked down and replaced. Exercise of the Right-to-Buy has meant that approximately 40% of the housing in the older part of the estate is now owned. The area suffered bad publicity during the 1980s and 1990s, with high unemployment in the older part of the estate as jobs were axed at the Cowley car factories. The area is still seeking to rise above this poor image.

Stakeholders (see Table 11)

Resident involvement

Structure

The *Leys Residents' Association* was set up with a grant from The Housing Corporation at the beginning of the new phase of development in the 1990s. It is legally constituted and membership is open to all residents in the new part of Blackbird Leys. It has a committee of approximately 10 residents and meets monthly with attendance averaging at 25-30 local residents. Membership mostly comprises tenants rather than owners.

The *Estate Forum* is the main body providing formal communication between local residents and the housing associations working in the new part of the estate. It includes four representatives from the Leys Residents' Association, together with a representative from each of the three main housing associations. The type of issues that it has, up to now, addressed, include housing management issues (such as repairs), physical development of the area (for example, shops) and community development (such as social events). Residents are entitled to ask for items to be put on the agenda at the meetings, but otherwise residents felt they had little influence.

Table 11: Stakeholders in Blackbird Leys

Resident involvement vehicle	Social landlords	Local authority involved	Private sector	Other
Leys Residents' Association, Estate Forum	Ealing Family, Oxford Citizens' and Cherwell Housing Associations	Oxford City Council	No significant involvement	No significant involvement

Accountability

The research team is not aware of any formal democratic mechanism in either the Residents' Association or the Estate Forum. The Residents' Association on the Blackbird Leys estate is an example of how traditional resident bodies have suffered from dwindling support in recent years and have often found it difficult to engage younger residents.

Funding

The Residents' Association's running costs are paid for by the housing associations involved in the estate. However, it has no other core funding and its activities are therefore limited.

Influence on service provision

Views varied about how effective the Residents' Association is. It has campaigned on a number of issues and has seen some progress over the years. However, a number of residents argued that it is an uphill struggle to achieve any results.

Construction of a local shop on the new part of the estate is just about to begin after several years of campaigning and negotiating by and on behalf of the Residents' Association. There are currently no shops on the new part of the estate. Space was planned for shops to be built but it was difficult to persuade a retailer to take up the space. Spar has now agreed to build and run a new shop and the Residents' Association sees this as a major breakthrough.

The Residents' Association has attempted to raise specific issues with a number of statutory and private sector service providers, including the local bus company, the police and Oxford City Council. These attempts have met with little success.

Case study

The Residents' Association has written to the private bus companies serving the area, as the bus service in the newer part of Blackbird Leys estate is very irregular. They have invited the bus companies to come to one of their meetings. However, so far, the bus companies have not turned up. They have made a number of excuses, including the fact that they are unable to recruit drivers and that the layout of the newer part of the estate is difficult for buses to negotiate. Those residents interviewed by the research team felt that this highlighted the limited power of the Residents' Association, which appeared to have little status in the eyes of statutory and private service providers.

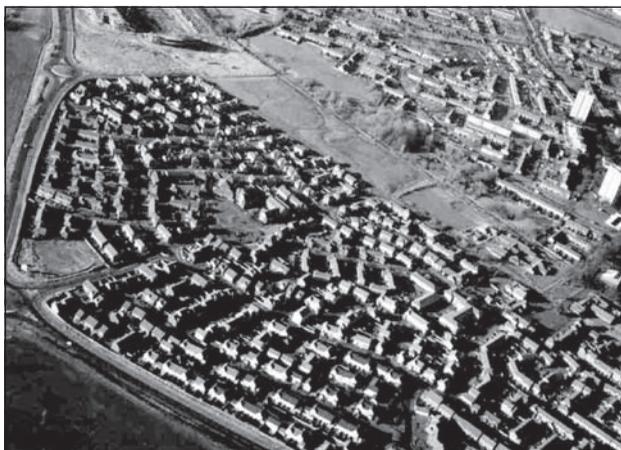
Integration

The new development contains three community buildings and 1,700 homes of mixed tenure with approximately:

- 50% rented from housing associations (including 150 units for tenants over 55 years of age and a further 100 homes for single young people);
- 30% for sale (mainly starter homes);
- 20% for shared ownership.

Oxford City Council had 100% nomination rights in relation to the first lets of the tenanted properties. Of these, approximately 50% were allocated to homeless people, 40% to people transferring from other properties owned by Oxford City Council, and the remaining 10% to people on Oxford City Council's waiting list. In relation to re-lets, Oxford City Council has 75% nomination rights, allowing the housing associations 25% nomination rights for transfers among existing tenants.

There is a clear divide between the original Blackbird Leys estate and the newer part developed in the 1990s. The areas are physically very distinct and there was apparently quite a lot of resistance in the older part of Blackbird Leys to the new development in the 1990s. A number of initiatives have taken place to encourage the two areas to be seen as one; for example, there is a summer fair that takes place on the open space between the old and new parts of the estate.



The layout of Blackbird Leys from the air

Design

Design was identified as one serious issue on the estate in terms of the mixing between different tenures.

There is little interaction between owned and tenants of social housing on the estate, which can be partly explained by the design of the area. The newer part of Blackbird Leys was built with a ring of housing for sale on its outer edge. As a result, the different types of tenure are clearly distinguishable and distinct from one another. This exacerbates the potential for a divided community. The owners do not need to go into the centre of Blackbird Leys at all; they can simply commute out of the area onto the ring road. This indicates the importance of design in creating a genuine mixed-tenure community.

Use of covenants

As the resident involvement vehicles on the estate are not directly involved in housing management, they have not been able to influence the use of either property covenants or covenants to prevent antisocial behaviour. The research team was not, therefore, made aware of any specific examples in either of these two areas.

Residents' views

Residents perceive there to be a lack of understanding on the part of the Council about the issues facing the residents of Blackbird Leys. One example given was the fact that Oxford City Council has recently started charging (approximately £18) for the removal of large

items of rubbish from the estate. Since residents are reluctant, or cannot afford, to pay the new charge, large items of waste have started to appear outside properties, making the area look and feel messy.

It is felt by some interviewees that those currently involved with the Residents' Association, on the whole, fail to grasp their role as representatives of the wider community. There is a tendency for residents to become involved in the Residents' Association, either because they enjoy the status of being involved, or to address their own personal concerns and problems. It was suggested that more training is needed to enable residents to understand this wider role (including the collateral issue of confidentiality). The housing associations currently provide an annual grant to the Residents' Association for training. However, the housing associations are keen to see this grant being spent for the benefit of tenants rather than owner-occupiers. Although the housing associations see the Residents' Association as being a body in which owners can be involved, they would ideally like their money to be spent on behalf of tenants (since tenants pay service charges and owners do not). Owners are poorly represented in the Residents' Association. The general impression is that they do not see it as relevant to their own lives, even though many of the issues that are addressed affect residents generally.

All of the residents spoken with were very positive about the role fulfilled by the community development worker. She is employed jointly by the three main housing associations working in the newer part of Blackbird Leys (although she reports directly to Ealing Family Housing Association and does one extra day per week on its behalf). She plays a vital role in coordinating activities within the community. However, as an employee of the housing associations her role tends to centre on tenants and their issues. It was suggested that her focus should be broadened to also encompass owners.

The perception among local residents appeared to be that the housing associations have little sway in influencing Oxford City Council on their behalf. Residents feel that they have little, if any power to influence the Council in the services or standard of services which they receive. The current structures do not provide residents with any real power to influence service providers

generally. Success really depends on the persistence of the individuals involved in the Residents' Association and the goodwill of service providers.

There appeared to be a lack of coordination between the different service providers. For example, the three main housing associations with properties in the new part of Blackbird Leys carry out their repairs separately by using three different contractors. As a result, the service received by tenants varies enormously in terms of the response times for, and the standard of, repairs. Tenants could not understand why the housing associations did not work together and pool resources to provide a cheaper, more effective service.

Key findings

- Residents were clear that there were many social problems on the newer part of the Blackbird Leys estate.
- Traditional resident bodies can have a useful advocacy role but unless there is some way of compelling service providers to work with them, or unless the will is there from service providers to engage with the community, such advocacy can be largely fruitless.
- The design and layout of an estate is important if barriers between those who live in different types of tenure are to be broken down.
- Neighbourhood management must involve real willingness to listen and consult, on the part of service providers, in order to be effective.

Constitutional arrangements

It was clear from the research visits carried out by the team that resident involvement in community governance is facilitated by the presence of the key factors already identified:

- the commitment of a range of stakeholders;
- a structure for resident involvement, which is democratically accountable, and which has some source of funding;
- a means to influence mainstream service providers;
- full integration between different tenures;
- a well designed estate;
- the ability to use both property covenants and behaviour covenants to regulate life on the estate;
- an engaged group of residents.

Having considered those points, the research team examined a number of the different legal structures available for a neighbourhood governance vehicle. The team has direct experience, in the context of SRB and New Deal for Communities initiatives as well as other regeneration projects, of working with particular neighbourhoods to set up such vehicles. The following represents the combination of the research findings and other experience.

Neighbourhood governance and partnership

Any vehicle for neighbourhood governance will be within a context of pre-existing activity. When a particular regeneration programme is planned, current government policy stipulates that this must be delivered through a genuine partnership structure.

In any case, every neighbourhood includes a range of stakeholders in addition to those who live there. A vehicle for neighbourhood governance needs to provide a mechanism for all those stakeholders, including residents, to work together. Commonly this will include:

- the local authority;
- other public sector bodies – primary care trusts, the police;
- voluntary sector and community groups in the area;
- faith communities; as well as
- residents.

Forming a defined organisation gives residents the confidence to have a voice in the process of neighbourhood governance. Indeed, it is our experience that the discussions necessary in the formation of a new organisation can:

- help bring people together;
- generate enthusiasm;
- provide an opportunity for service providers and other organisations working in the area to recognise the neighbourhood in a new way.

The research team found that this confidence increased when residents had a majority ‘stake’ in the vehicle for governance. This changed the dynamic from one of being consulted, to actually being in control: “a quantum leap” is how one resident described it.

The options for neighbourhood governance organisations

The first key decision when considering a new organisation is whether or not to form a new

independent legal body which is ‘incorporated’ in some way. The options are:

- unincorporated bodies:
 - unincorporated association
 - trust
 - ‘legal’ partnership;
- incorporated bodies:
 - private company limited by guarantee
 - private company limited by shares
 - industrial and provident society.

Advantages of incorporation

Incorporation creates a new legal entity and therefore protects the members of the organisation from liability. If the new organisation is a company, it will be regulated by Companies House; if it becomes a charity, it will be regulated by the Charity Commission. Incorporation also creates a new identity that other organisations may take more seriously if it has independent legal status.

Disadvantages of incorporation

Incorporation can take time and costs money. There are fewer administrative burdens for an unincorporated body as there is no requirement for publishing information or making returns to a regulator. In certain circumstances informality can be an advantage.

However, if the new organisation wants to enter into contracts, employ people, buy equipment, provide or buy services, deliver major projects or own property, it will be better protected in all of these circumstances if it is incorporated as a separate organisation. The research team found that incorporation is often a significant step for fledgling neighbourhood governance vehicles and that it adds to their ability to make an impact.

Unincorporated bodies

Unincorporated associations

An unincorporated association is an organisation of two or more people who are working together for a common purpose, but not intending to make a profit. Many clubs, societies and other informal groups would fall into this category. The association can have a constitution, will often

have a management committee and can even be registered as a charity. But, no new separate legal body is created in an unincorporated association and so any property will be held by the members of the association and any contracts will be entered into by individual members of the association who will therefore be liable under those contracts. When it is proposed that the new organisation has substantial activities, this is therefore not a suitable form. Most of the residents’ associations in the areas visited (for example in Bournville, Blackbird Leys or Churchill Gardens) were unincorporated associations, which clearly limits their potential role.

Trusts

A trust is formed where a number of people who are known as ‘trustees’ hold money or property on ‘trust’ for a specific purpose for the benefit of others. There will generally be some governing instrument or deed, which will set out the responsibilities of the trustees and the purpose of the trust. The trustees have a personal duty to make sure that the money or property is used only for the purposes laid down in the governing instrument. Trusts are subject to a complex area of law. They can be registered as charities if the purposes of the trust are recognised by the Charity Commission as being charitable. This is a suitable form for grant-making organisations, but not those carrying out commercial or service delivery activities, because, again, in those circumstances the trustees will be personally liable. None of the vehicles for resident involvement in the areas visited were trusts, although the main Bournville Village Trust is such a body.

Legal partnerships

A legal partnership is formed when two or more individuals come together to operate as a business with a view to making a profit. Each of them will be entitled to a share in that profit. This arrangement is subject to some legal regulation, but there is no requirement to publish any information about the partnership, unlike, for example, companies, which must file their accounts at Companies House. This is the usual form for most law and accountancy firms and also many smaller business undertakings. However, it

is only suitable for an organisation that intends to trade for profit-making purposes and when the individuals involved are prepared to be liable if things go wrong.

Incorporated bodies

Company limited by guarantee

This is the usual vehicle for non-profit-making organisations including charities that are also companies. It is a well known vehicle, which is recognised by funders. A company limited by guarantee cannot distribute profits to its members. The members of the company undertake to pay a nominal sum (usually £1) in the event of the company being wound up, and this sum is the limit of their liability. It has a two-tier structure with members making up those who ‘own’ the company and directors who are responsible for its management. Being a limited company, such a vehicle can hold property, can employ staff and carry out the full range of legal functions. It is relatively straightforward to set up, but will of course be regulated by Companies House and subject to company law. If it is registered as a charity, it will also be subject to regulation by the Charity Commission. It can form part of a group structure.

This was the structure chosen by Royds Community Association, Stockfield Community Association and Manor and Castle Development Trust. The research team found that, in each case, the structure provided a means of undertaking the full range of regeneration initiatives, with a separate legal identity giving a strong focus for the community.

Company limited by shares

This is the usual vehicle for a profit-making trading organisations. There is two-tier structure similar to a company limited by guarantee, except that, with a share company, the owners of the company are referred to as ‘shareholders’, and their liability will be limited to the extent of their share in the company. There are also directors who manage the company. This is not a form that is suitable for charitable registration. It may, however, be appropriate in some regeneration contexts as an alternative to a guarantee company, if, for example, commercial companies

wish to establish joint venture vehicles for regeneration purposes.

The Poundbury management companies were established using this model.

Industrial and provident society

This form of organisation used to be the most common vehicle for building societies and housing associations. There are two types of industrial and provident society (IPS) – the cooperative and an organisation set up for the benefit of others in the area. As with companies limited by guarantee, an IPS must be a non-profit-making body. It will have a similar two-tier structure with members and a committee who are responsible for management.

An IPS is, however, less flexible than a company limited by guarantee in that it has a less adaptable membership structure. Registration is a costlier and more complex process and, often, model rules must be used to satisfy the regulator – the Registrar of Friendly Societies. None of the areas visited by the research team had used this model.

Key factors in choosing a vehicle for neighbourhood governance

In each situation the answers to the following questions will dictate the choice of vehicle:

- What activities are proposed and is this vehicle suitable for undertaking them?
- Will the new vehicle be entering into contracts and, if so, how will members be protected from liability?
- Will a new identity help focus those involved?
- How easy will the new organisation be to establish and adapt?
- Does the new organisation need to be a charity?
- How will the new organisation be accountable to the community?

Key findings

- A range of unincorporated and incorporated vehicles is available for a neighbourhood governance organisation.
- The organisation must be one that protects individual members from liability where necessary.
- Setting up a new organisation can be a positive process for involving residents.
- A company limited by guarantee offers a structure that can protect members from liability, undertake the full range of neighbourhood activities and is flexible enough to be changed with relative ease. This was the choice of the areas visited that had the most active resident involvement.

Contractual arrangements

Two issues of major concern to all of the neighbourhoods visited by the research team were the physical environment and the behaviour of those living there. This chapter considers some of the methods used in these neighbourhoods to exert control over these two aspects.

Physical environment

Tenants

Control of the physical condition of rented housing and of the common areas of an estate is a relatively straightforward contractual matter. Tenancy conditions commonly deal with the respective duties of landlord and tenant in connection with the repair of the outside and inside of the property in question. In Stockfield, for example, the Community Association is responsible for structural and exterior repairs, but the tenant is responsible for internal decoration. The tenancy agreement also makes it clear that the tenant must keep tidy any garden or garage for which they are responsible.

Rectifying breach of these conditions is a relatively simple matter to enforce. If a tenant does not take adequate care of their property, the Community Association can enter the property themselves and carry out the necessary work, and then charge the tenant for doing it.

Owners

The position in relation to owners and the physical condition of their homes and the immediately surrounding area is more complex. English law places ownership of property at a very high premium and will only interfere with

that ownership if there is good reason or a clear contractual agreement by the owner. Bournville Village Trust, Poundbury and Stockfield have all sought to maintain the good condition of properties in their neighbourhoods through the use of covenants that are binding on owners. The mechanisms whereby these covenants apply to the land in question differ for freeholders and leaseholders. A freeholder owns their house outright with no other person having an interest in that land; a leaseholder has a long lease for over 21 years (usually in the region of 99 to 125 years).

Freeholders and covenants

Traditionally, the law has drawn a distinction between covenants that are '**restrictive**' (that is, covenants that prohibit the owner from taking some particular action, such as a covenant not to play loud music after dark) and those covenants which are '**positive**' (that is, covenants that involve an obligation on the owner to do something, such as paint the outside of their house every three years).

The difference between the two is particularly important on the sale of property. For example:

Fred and Mavis live next door to each other, and Mavis agrees with Fred that she will not play loud music after 11pm at night. That is a restrictive covenant and if Mavis sells her property to Emma, and Emma knows about this restrictive covenant, Emma must also abide by it once she has bought the property. However, if Mavis agrees with Fred that she will paint her house every three years, that is a positive covenant, and if Mavis sells her house to Emma, Emma will not be bound by it even if she knows about it.

Examples of the types of covenants that the courts have agreed should continue to be binding on future purchasers have been:

- restricting the colours in which a property can be painted;
- restricting the fixing of aerials, satellite dishes and cables;
- controlling the hanging out of washing;
- restricting the use of a particular dwelling to be a private dwelling house only.

Of the areas visited by the research team, the new developments at Poundbury and Stockfield have both made considerable use of restrictive covenants. These include all of those outlined above and a range of others that are contained in the transfer documentation for the sale of each house.

When those involved in developing a neighbourhood want to impose any positive obligations that will continue to be binding on the future owners after sale, this is much more problematic. A particular scheme with which members of the research team have been involved concerns the intention to redevelop a particular estate with some homes for social rented housing and some for sale on the open market. Those involved are concerned to see the area maintain high standards of repair, decoration and so on after development. They are therefore looking at ways in which to oblige owners who purchase homes in the neighbourhood to make an annual payment towards the upkeep of the area.

It is not a problem to include this as a covenant between the company and the first occupiers of the new homes, but as soon as any homes are sold on, the problem outlined above is raised. The obligation to continue to pay money towards the upkeep of the wider area is a positive covenant and would therefore not be enforced by the courts if the new owner refused to pay. A solution, therefore, might be to grant long leases of new properties rather than to sell them outright. However, this approach does not necessarily give the desired results.

Leaseholders and covenants

The granting of a long lease rather than the sale of the freehold of a particular property means that

both restrictive and positive covenants can be included, and both will be enforced by the courts. Both Bournville Village Trust and, more recently, Stockfield Community Association chose to grant long leases to owners of properties in their area rather than selling the freehold outright for precisely this reason.

The 1967 Leasehold Reform Act, however, gives long leaseholders the right to buy the freehold of their properties when they have lived in them for three years or more. This Act obviously has a significant potential impact on the feasibility of relying on leasehold covenants. The Act allows the landlord to impose restrictive covenants analogous to those imposed in the lease, but does not give the authority for the imposition of positive covenants.

Bournville Village Trust is unique among the areas visited by the research team in that it is legally able to impose positive covenants in Bournville under an exception built into the Leasehold Reform Act when it was first passed. Unfortunately, there was a time limit of two years for making an application for an exception to the Act and this avenue is now therefore closed to other areas wishing to pursue the same course.

It may be possible to provide for an ongoing obligation to pay money toward the upkeep of a particular neighbourhood by a freeholder through a 'rent charge'. A rent charge is where, when a property is sold, the vendor provides in the transfer that the purchaser must continue to pay him a sum of money which will be used for this maintenance. This can be a fixed annual sum or a variable amount in respect of services provided by the vendor. Normally, the purchaser will have the right to 'buy out' the rent charge in the same way that he can buy the freehold if he is a long leaseholder. However, when the rent charge is to facilitate the upkeep of common areas or for the maintenance of the immediate environment, this right does not apply. A rent charge therefore is one possible route to provide for a positive covenant to contribute towards the upkeep of a community, which will survive onward sale to a new freeholder.

Flats

The law as it applies to restrictive and positive covenants is the same for flats as it is for houses.

However, long leases of flats are more common and the right to buy the freehold of a flat under the 1993 Leasehold Reform, Housing and Urban Development Act is a collective rather than individual one. However, when this collective right is exercised the position is the same as that for owners of houses. The position in relation to rent charges also applies.

Enforcement of covenants

When covenants exist, the research team found that there is strong support for their existence and enforcement. Residents in Poundbury, for example, felt that some people had moved into the area because of the existence of the covenants. Some residents in Bournville felt that the covenants that apply were not being enforced as strictly as they had been in times past. They were unhappy that this was the case. They were concerned that permission for a new development can be obtained retrospectively, which they felt weakened the covenants. Overall, our research showed that there was clear support for the use of covenants as a means of enforcing standards.

However, in some areas the use of covenants has been perceived as going too far. In some schemes in the US, covenants preventing basketball hoops being put up in gardens, certain types of vehicles being owned by residents and even the display of flags at the window by residents are imposed. It is clearly important that when the use of covenants is being considered, they should not be used to curtail civil liberties. Our research found that the conditions of the neighbourhoods that we visited were of much greater concern to those who lived there than the civil liberties of those that they perceived might wish to damage their communities.

Behaviour

Antisocial behaviour has been one of the key concerns for neighbourhoods in deprived areas. The perceived breakdown of accepted norms of behaviour has led to widespread discussion of how best to control the actions of those who damage the quality of life of people living near them. The options for controlling such behaviour again vary depending on the type of tenure.

Tenants

Landlords of social rented housing have three main remedies available to them when remedying the antisocial behaviour of those who live in their properties. These are:

- injunctions for nuisance;
- actions for possession on the grounds of nuisance;
- antisocial behaviour orders.

Injunctions for nuisance

Bill Pitt, Head of the Nuisance Strategy Group at Manchester City Council, has commended the use of injunctions to deal with antisocial behaviour in an article in the *Journal of Housing Law*:

The injunction has been, above all, the most consistently effective key to the early containment of anti-social behaviour...

Injunctions are taken out on the basis either of breach of tenancy agreement or under Section 152 of the Housing Act 1996, which provides for injunctions to be obtained against a 'person' who has used or threatened to use violence ... the civil burden of proof is not an unduly heavy one. The Courts do recognise the ruination of the quality of people's lives as a matter to be taken seriously. (Pitt, 2000, p 91)

While taking out an injunction under Section 152 of the 1996 Housing Act is not available to housing associations, they are able to apply for injunctions on the same basis for breach of tenancy agreement. Pitt comments that the use of injunctions is not as widespread as it might be, due to a lack of clarity about the process and effectiveness of obtaining such injunctions. He argues that this is based on a lack of understanding about the process involved and that injunctions can be a swift, speedy and cost-effective remedy to antisocial behaviour in the right circumstances.

Actions for possession on the grounds of nuisance

'Nuisance' is the shorthand legal term for the general duty that appears in most tenancy agreements for tenants, or those who live with them or visit them, not to do anything which might:

- be a nuisance or annoyance; and/or
- interfere with the peace and comfort of; and/or
- cause injury or offence to; and/or
- disturb, frighten or intimidate any person in the neighbourhood.

When this duty is persistently breached, the Courts have shown that they will make an order giving the landlord possession of the home.

For example, Bournville Village Trust have a ‘zero tolerance’ policy towards antisocial behaviour and have seen a massive increase in the number of repossessions on this basis during the last two to three years. Residents to whom the research team spoke were clearly happy with this stance and supported it. Similarly, Stockfield Community Association has also taken actions for nuisance. However, our research team found that there were some concerns about residents who are on the Association’s board having direct responsibility for decisions about whether or not to evict people for nuisance. Clearly there is a concern that resident board members might ‘take sides’ in disputes and not remain objective. Appropriate safeguards should therefore be built into the procedure for dealing with nuisance matters so that this can be seen to be fair. Nuisance possession actions, as shown by the recent cases involving Castle Vale Housing Action Trust, are susceptible to challenge under the 1998 Human Rights Act, if procedures are not followed properly.

Antisocial Behaviour Orders

Antisocial Behaviour Orders (ASBOs) were introduced by the 1998 Crime and Disorder Act. This was in a direct attempt to tackle the kind of issue highlighted by those in deprived neighbourhoods. Either the relevant local authority or the police can apply to the courts for an ASBO to be made, in circumstances where a person over 10 years of age has acted:

in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household. (1998 Crime and Disorder Act, Section 2)

In recent decisions, the courts have shown themselves willing to make an ASBO a realistic remedy for antisocial disorder problems in troubled communities, but so far, a relatively

small number of ASBOs have been made, and some local authorities and police forces appear reluctant to apply for such orders. There is, however, no reason why more ASBOs should not be sought to control behaviour by anyone disrupting life for others in a particular neighbourhood.

The ASBO is the one remedy of the three outlined above that can apply to any person living in a particular area and not just to social housing tenants. It is therefore open as a means to control the behaviour of owners, their relatives and friends, and their sublessees in the same way as for tenants. It is suggested that, when appropriate evidence exists, an ASBO may be a useful mechanism for controlling unpleasant behaviour that is not so serious as to warrant criminal prosecution. It should also be noted that the burden of proof is not as high as for a criminal prosecution.

For a more detailed overview, two recent reports published by the Chartered Institute of Housing for the Joseph Rowntree Foundation on neighbour nuisance deal with the issues in depth (see Hunter et al, 2000; Nixon and Hunter, 2001).

Key findings

- Enforcing governance to promote good care of a particular property, and covenants against antisocial behaviour, is a reasonably straightforward matter in the case of tenants.
- Enforcement against owners is more complex. Two routes currently exist – the granting of long leases or the imposition of negative covenants on freehold disposal. However, enforcing positive covenants after a freehold sale remains difficult.
- The use of injunctions and antisocial behaviour orders against badly behaved residents should be further considered.

9

Lessons from other places

When considering different models of community governance for mixed tenure communities, the research team became aware of a number of other approaches and has considered their possible relevance to governance in mixed tenure areas.

The research team considered the following models in particular:

- commonhold associations;
- tenant management organisations (TMOs);
- parish councils;
- faith community involvement.

Commonhold associations

Commonhold associations are not as yet a feature of property ownership in the UK. They are, however, common in the US and Australia. They will become a feature of the UK property landscape once the relevant parts of the 2002 Commonhold and Leasehold Reform Act come into force.

Commonhold is essentially a form of ownership by which a purchaser buys the freehold of a particular 'lot', which forms part of a larger commonhold 'unit'. The common parts of the unit – be they open space, verges and pavements, or landings (for example in a block of flats) – belong to the commonhold association of which the owner of each 'lot' becomes a member. Each owner of a lot must pay a periodic service charge to the commonhold association with which it maintains the common parts and in respect of which it has a 'lien' over each lot, which is ultimately enforceable by an action for possession. Indeed, in some states in the US, a

commonhold association that sues for possession on the basis of its lien, will have at least equal priority with any mortgagee and may indeed have priority over a mortgagee.

The perceived advantages of commonhold are that it provides:

- a non-profit-making structure by which common areas can be maintained;
- for freehold ownership of flats or other properties within larger developments;
- for the enforceability of a whole range of positive covenants, which, as we have previously observed, might otherwise be unenforceable against a subsequent owner.

Stakeholders

Commonhold is essentially a private sector phenomenon. In the US commonhold associations are commonly instituted by private developers, and are often a prerequisite of planning consent. In one state, 75% of all new residential developments in a given year were based on some form of commonhold association model. However, the involvement of other stakeholders in commonhold thus far appears extremely limited.

Resident involvement

Structure

Each owner of a lot is a member of the commonhold association, which in most jurisdictions is a non-profit-making company.

However, a feature of commonhold associations in both the US and Australia is that membership

of the association is usually limited to owners – either owner-occupiers or non-resident owners. To date, tenants have had limited rights in respect of commonhold associations and the usefulness of the model for mixed tenure areas must therefore be questioned.

Accountability

The members of the commonhold association usually have the right to elect the board of directors from among their membership. However, as stated above, this only provides a means of democratic accountability for owners.

Funding

The commonhold association has a ready income stream in respect of the service charge that it levies on each lot within the commonhold association unit. This provides an ongoing source of income for association purposes.

Influence on service provision

The research team is not aware of any research that has yet been done on the ability or otherwise of commonhold associations to influence the way mainstream services are delivered to their members. Clearly, once this model is established in the UK this will be something that merits further investigation.

Integration

The perceived weakness of the commonhold model as it has been applied thus far is that owners and tenants have not had the same rights.

Use of property covenants

Property covenants are used extensively in commonhold associations and are often perceived as a way of maintaining the ‘character’ of a particular community. There has been some controversy in the US over the use of property covenants. For example, the research team became aware of the covenants governing one such association, which prohibited, among other things:

- the erection of basketball goals, skateboard ramps, or other athletic apparatus;
- the putting up of tents;
- the conversion of a garage into a room;
- any alteration to the structure of the property without the consent of the association;
- the keeping of rubbish bins in general view; and
- ongoing parking of any vehicle other than in a garage.

In addition, occupiers are required to cut their grass and generally keep their properties in ‘a reasonably neat manner’ and not to allow the dumping of any rubbish on any part of the property. Some commentators certainly take the view that such regulation is excessive.

Use of behaviour covenants

A number of commonhold association documents do contain covenants against various types of antisocial behaviour. The research team is not aware of any instances in which proceedings have been taken against owners, relying on these covenants. This is an area worthy of further consideration.

Key findings

- The commonhold association provides an independent legal structure for owners to become involved in their area.
- The commonhold model has shown itself to be a strong legal model for the enforcement of property-based covenants.
- However, the commonhold model, at present, does not appear to meet the needs of a genuinely mixed tenure community, because it does not fully involve tenants in the governance mechanism.

Tenant management organisations

Background

Following section 27 of the 1985 Housing Act, tenants’ groups were able to negotiate taking on housing management responsibility for their

homes from their local authority landlord. This saw the establishment of tenant management cooperatives and the less devolved estate management boards. The 1994 (Housing) Right to Manage Regulations turned this ability into a right for tenants' groups that matched certain criteria, and saw the establishment of a new generation of TMOs. These regulations provided for a framework whereby tenant organisations could run local housing services such as:

- collecting rents and service charges;
- organising repairs and maintenance;
- ensuring buildings are kept clean and tidy.

How these services are delivered is the responsibility of the TMO in question. These services can either be delivered by the TMO, or subcontracted to a third party, or contracted back to the council. The council continues to own homes and remains the landlord. In fact TMOs can, if agreed with the council, deliver non-housing management services for their area. This could include tasks that the existing housing department might have performed that are outside housing management (such as highways, environmental or street-lighting responsibilities). In practice, however, their responsibilities rarely stray outside mainstream housing management tasks.

Under the regulations there is a lengthy procedure to be gone through before a TMO can be established. This takes a number of phases:

- First there is normally a 'pre-feasibility' study to ensure that the requirements of the regulations are met and to help the tenants serve a 'right to manage' notice on the council. This is not mandatory but in practice is usual, and is recommended by the Office of the Deputy Prime Minister (ODPM), which takes a close interest in TMOs.
- Second, if there is support for this proposal among tenants, this will be followed by a feasibility study. This will be carried out by an

independent adviser and paid for by the ODPM. At the end of the feasibility study there will be a ballot of council tenants to see if there is support for progressing to the next stage.

- Third, if the independent adviser thinks that the tenants' group is likely to succeed and if the tenants in the area vote in favour of the proposal, an approved agency will work with the tenants' group to prepare it to take on the housing management role – the 'development' stage. At the end of this stage there will be another ballot of council tenants.

The whole process can take three to four years and requires considerable commitment from the tenants involved. During the development stage, the tenants' group receives training and also negotiates the agreement that will govern the relationship between the TMO and the local authority, based on a standard modular agreement provided by the ODPM.

Stakeholders (see Table 12)

Resident involvement

Structure

The TMO gives a clear structure for residents' involvement. Under the regulations, a TMO must either be a company limited by guarantee or an industrial and provident society. This protects the tenants involved from individual liability in their capacity as members, while at the same time giving the TMO the capacity to enter into contracts.

Accountability

While there is no specific requirement in the regulations that TMOs be democratically accountable to residents in the area in question,

Table 12: Stakeholders in the TMO model

Resident involvement vehicle	Social landlord	Local authority involved	Private sector	Other
Tenant management organisation	No significant involvement	Local housing department	No significant involvement	Independent tenants' advice agency

in practice this is achieved under the model constitutional documents provided by the ODPM. These usually provide for a public AGM, which elects the committee of the TMO on an annual basis.

Funding

Under the regulations, TMOs must be provided with office accommodation, facilities and training by the local authority responsible for the housing in their area. The consultancy and other set-up work necessary during the years of establishment are paid partly by the local authority and partly by central government through the ODPM. Once the TMO has been established, it will be paid for the services that it provides to the local authority under a management agreement. This provides for at least some financial viability for TMOs.

Influence on service providers

It is clear that a TMO will have some ability to influence the way that services are delivered in its particular area, either by providing them itself or through holding contracts for the delivery of such services with other parties. It is not clear whether TMOs have been successful in influencing services *not* contracted to them under the management agreement, although the research team is aware of some local projects in which there has been cooperation between a TMO and the local police force to combat crime in a particular area. Some TMOs have been involved in providing services on a wider scale than simply housing management, and the modular management agreement can provide for this.

Integration

Currently, TMOs apply only to properties that are owned by the local authority and let out under secure tenancies. The research team is, however, aware of some TMOs that have provided services to leaseholders and in which leaseholders have served on the committee. Some TMOs have seen the informal involvement of freeholders, but this is not reflected in the regulations.

Use of covenants

As a TMO is not a landlord, if it wishes to influence the use of property or behaviour covenants to regulate matters in its area, it must seek to persuade the local authority to amend the terms of the secure tenancy in consultation with the community. The research team is aware of some TMOs that have sought to introduce local 'policies' on pets and gardens, for example.

Key findings

- TMOs provide a legally constituted, independent, accountable mechanism, whereby residents can become involved in the running of their estates without fear of personal liability.
- TMOs are, to some extent at least, able to influence the provision of services in their area.
- The current TMO regulatory framework means that they are not applicable to areas without significant numbers of council tenants.

Parish councils

Background

Parish councils have a long history dating back to the 1890s, and some have been in existence for many years. The current legislation under which parish councils are governed is the 1972 Local Government Act. There are over 10,000 in England and Wales (including small town councils). They vary enormously in size from those which represent small towns to those in rural areas with much smaller populations.

Resident involvement

Structure

In simple terms a parish council is a corporate body for which any resident living in the relevant area may stand for election. As corporate bodies, parish councils can employ staff, enter into contracts and carry out activities without risk to the individual members. As a 'creature of statute' they are subject to the *ultra vires* rule and can

therefore only do those things for which they have specific power in legislation, or that are reasonably incidental to the exercise of those powers. The new 'community wellbeing' power, for example, which was introduced for larger local authorities by the 2000 Local Government Act, does not apply to parish councils. They therefore have no general power on which to rely and may be constrained in what they can do independently. Parish councils may, however, enter into contracts with larger local authorities to carry out the functions of the larger authority on its behalf.

Accountability

Parish councils are democratically elected bodies with elections every four years, in which all residents in the area covered by the parish council are entitled to vote. Parish council meetings are open to the public and there is real scope, therefore, for this democratic accountability to play a key part.

Funding

Parish councils are funded by means of a 'precept' on the Council Tax for each taxpayer in the parish area. While this provides an income stream, it may be a limited amount of money. Parish councils are able to own assets where this is incidental to or in pursuance of them carrying out their functions, and are able to derive income from those assets.

Influence on service provision

Parish councils clearly have the opportunity to influence the way in which a number of mainstream services are delivered in their area. They are able to carry out a number of statutory functions themselves and, in addition, can enter into contracts with the wider municipal authority for their area, to deliver many of the functions of that wider authority. In addition, parish councils must be consulted when a larger local authority is preparing its community plan, and indeed may be involved in the local strategic partnership. Parish councils are therefore in a strong position to exercise influence over mainstream services.

Integration

By their nature, parish councils cover all types of tenure and therefore are accessible to owners and tenants alike.

Use of covenants

The research team is not aware of any examples where this has taken place, but it would be possible, under the Best Value process for local government, for a housing authority in a particular area to contract its housing management functions to a parish council in relation to its area. The parish council would then carry out housing management in that area under the terms of the contract between the parish council and the housing authority. This would only apply to those properties that are owned by the local authority, but would give the parish council some influence in respect of the enforcement of covenants to combat antisocial behaviour.

A parish council's involvement in property covenants is limited.

Key findings

- Parish councils offer a legally recognised, corporate structure, which is democratically accountable and closer to the community than the district, county or metropolitan authority in the area in question.
- Parish councils have a genuine opportunity to influence mainstream service delivery, and even to deliver services themselves.
- Parish councils are, however, constrained by the statutory controls under which they operate and the doctrine of *ultra vires*, which may affect their ability to carry out certain activities.
- The relevance or otherwise of parish councils to community governance matters in mixed tenure areas is nevertheless an area that merits further investigation.

Faith community involvement – a case study

Background

Woodgate Valley is an area of mixed tenure housing to the west of the centre of Birmingham that has a number of large estates, originally built by the local authority. Through the exercise of Right-to-Buy, these estates have become significantly of mixed tenure. The research team chose to visit Woodgate Valley because of the significant involvement of a particular faith community in that mixed tenure area to evaluate the role that a faith community can have in positive and effective governance in its broadest sense (see Brown and Brown, 2000, for a full account of St Boniface church and its relationship with the neighbourhood).

Stakeholders (see Table 13)

Residents' involvement

Structure

In Woodgate Valley the growth of the church of St Boniface has provided a platform for wider involvement in the community. The church is situated on the estate to the north of Woodgate Valley itself. Many of the members of the congregation are from the local area and live in the parish. Members attend the weekly worship service on Sundays and other meetings for prayer or activities during the week.

Members of the church are also involved in the East Woodgate Residents' Association, which functions very much as a traditional resident-led body in that it has an advocacy role on behalf of the local community.

Accountability

There is no formal link between the church and the wider community in terms of any democratic accountability. However, all members of the local community are able to become members of the church and, technically, every resident of the parish is legally entitled to attend the AGM of the Parochial Church Council and vote on the appointment of one of the two church wardens. Key decisions within the church are made by the Parochial Church Council, which is elected annually by all the registered members of the church.

Membership of the Residents' Association is open to anybody living in the area and the members elect a committee annually at their meeting.

Funding

The Council gives to the Residents' Association the power to decide how to spend an annual grant of £50,000 known as Local Initiative Local Action (LILA). This has enabled the Residents' Association to give grants to local youth clubs and to provide community facilities. The work of the church is funded by a combination of donations from the members of the church and a contribution from the Birmingham Church of England Diocese. This enables the church to employ a full-time priest who exercises a leadership role over the congregation.

Influence on service provision

It is clear from conversations with residents in the Woodgate Valley North estate that, in an informal way, the church has been able to exercise influence over some mainstream service providers. Informal links with the local schools,

Table 13: Stakeholders in Woodgate Valley

Resident involvement vehicles	Social landlord	Local authority involved	Private sector	Other
Residents' Association, St Boniface Church	Limited involvement in the area	Birmingham City Council	No formal involvement	Informal contact with local statutory service providers, including local schools and police

the local hospital and general practices, and with the City Council, have all led to small but significant changes in the way that the area is viewed by those service providers. There is also recognition among service providers of the considerable influence that the church has been able to exercise in the community. In an area where there are very few other formal mechanisms that involve residents in wider community life, the church has been able to step into the gap. The church has also been able to provide some services itself through the voluntary work undertaken by the resident members. This locally-based service provision has also been significant.

The Residents' Association has also been able to influence service provision, largely through meetings with local councillors, the police and other agencies, some of which, again, have been facilitated by the church.

Integration

Properties in Woodgate Valley are generally either owned by the local authority or by owners. Around 60% of residents rent their homes from the Council; the remaining 40% are privately owned. As stated above, many of the owners reached that status through exercising their rights under the Right-to-Buy legislation. As mixed tenure arose in this way rather than being planned, owned and tenanted properties are intermingled throughout the estate. Neither the church nor the Residents' Association draw any distinction between residents from different types of tenure and therefore integration on the estate is not an issue. More significant has been the withdrawal of many residents from community life altogether, due to the high crime rate and lack of any community infrastructure. Residents involved with the church feel that there has been some measurable success in breaking down this fear.

Design

As there has been no new-build programme or major refurbishment on the Woodgate Valley estate for some time, the scope for either the church or the Residents' Association to become involved in design issues has been necessarily limited.

Use of property covenants

A number of residents commented on the poor appearance of many of the properties in the Woodgate Valley area. Some felt that those living there just 'failed to care' for their homes, partly because of other, more important, issues in their lives. One resident reported, however, a conversation that he had had with a local GP who had noticed a significant improvement in the look of a number of properties on a particular road on the estate. The GP, who was not a member of a Christian faith community, commented on the fact that there was a perception in the area that this positive change was due to the influence of those residents involved in the church.

There are no formal mechanisms in place on the estate for any control over the way that owner-occupiers treat their properties. Tenants in the area are tenants of Birmingham City Council, whose tenancy agreements contain the usual covenants concerning repair.

Use of behaviour covenants

The Council's tenancy conditions contain covenants requiring tenants not to create nuisances or to behave antisocially.

Residents' views

Residents involved in the church felt that people living in Woodgate Valley had, in the past, not really identified themselves as being part of the community. They felt that people had concentrated their efforts on protecting themselves from those around them, by staying in their homes or associating only with their immediate friends and family. As a result, any sense of 'community' on the estate had begun to break down and there was a need to re-educate people in a new ethos of involvement. There was an acknowledgment from those involved in this process that this is extremely difficult and takes a long time to bring to fruition.

A resident involved in the Residents' Association felt that some individuals there had little experience of formal meetings and did not really understand how best to operate in that kind of setting. There was a view that residents involved in community-led organisations need the support

and encouragement of 'professional' people who can work alongside them, to encourage and train them, allowing them to make mistakes and provide something of a safety net when things go wrong. The importance of partnership was emphasised, so that local people and professionals can work together.

Church members felt that there was a significant link between the personal lives of those living on the estate and their faith position, and the physical conditions of their immediate environment. They gave the example, mentioned above, of one street in which a number of residents had become committed church members and others involved in the estate had noticed an improvement in the physical conditions of houses in that road.

There was support among residents for a wider policy of neighbourhood management so that services provided in the neighbourhood can become more accountable to those who live there. The importance of ongoing dialogue between residents and service providers was emphasised.

Key findings

- In some communities where traditional forms of mutual involvement have broken down, an active faith community may represent a significant opportunity for genuine resident engagement.
- A faith-based group can have an important, if informal, role in influencing service provision in its area.
- The emphasis that faith communities place on the value of the whole person can result in unexpected benefits to the wider community.

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