

**HOUSING ACT 1885 – SCHEDULE 3A:
LARGE SCALE VOLUNTARY TRANSFER**

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Background Papers:- Housing Act 1985, ODPM Housing Transfer Manual, Formal Consultation Document on Proposed Transfer to Greenfields Community Housing
Financial Implications:- A potential investment in the Council's homes in excess of £50m by 2010 and £160m over the next 30 years
Equalities Implications:- None
Legal Implications:- A formal Council resolution is required to proceed to ballot
Options: To approve, or withhold approval for, proceeding to ballot
Risks: The outcome of the proposed ballot process would be dependent upon how tenants vote: the risks associated with a 'no' vote have been explained in the Councils 'Offer Document' and in other written consultation material

EXECUTIVE SUMMARY:

This report seeks Council approval to proceed to a formal ballot for the transfer of the Council's homes to Greenfields Community Housing, following consultation on the Offer Document. The consultation process has not resulted in the need for any substantive changes to be made to the Offer Document to date. The period of consultation closes on 10th November and any additional feedback resulting from the consultation process will be reported verbally at the meeting.

DECISION:

- 1.1 That the responses of tenants and leaseholders (as set out in this report) be noted.
- 1.2 That a formal Stage 2 letter be issued to the Council's secure tenants confirming:-
 - 1.2.1 the terms of the Council's offer as set out in the formal (stage 1) consultation document;
 - 1.2.2 Tenants' right to communicate objections to the Council's proposals to Department of Communities and Local Government within 28 days from the Stage 2 Letter;
 - 1.2.3 the ability of the Secretary of State for the Department of Communities and Local Government to withhold consent if a majority of affected tenants do not wish the transfer to proceed.
- 1.3 Electoral Reform Ballot Services Ltd be commissioned to carry out a formal ballot of tenants in respect of a transfer to Greenfields Community Housing.

BRAINTREE DISTRICT COUNCIL

COUNCIL MEETING – 13 NOVEMBER 2006

HOUSING ACT 1985 – SCHEDULE 3A

ON LARGE SCALE VOLUNTARY TRANSFER

STAGE 1 – CONSULTATION

1. Background

1.1 At its meeting on 20th June 2005, the Council considered the report from Pennington Consulting on the outcome of the Housing Option Appraisal process. The Council resolved (minute 29) to support the proposal to consult tenants in respect of a large scale voluntary transfer of the Housing Stock.

1.2 Prior to commencement of formal consultation with stakeholders, it was necessary to promote the formation of Greenfields Community Housing Limited (as the new landlord). At its meeting on 11 September 2006, the Council considered the draft the Formal (Stage 1) Consultation Document and resolved (minute 40) to proceed with consultation of the Council's tenants and leaseholders.

1.3 The proposed transfer of council housing to Greenfields Community Housing has been the subject of wide ranging consultation with council housing tenants and leaseholders. The purpose of the consultation has been threefold:-

1.3.1 To make tenants and leaseholders aware of the proposed transfer and provide opportunity to voice concerns, opinions and queries.

1.3.2 To gauge an expressed preference of tenants and leaseholders so that the Council can decide whether to go ahead and formally ballot tenants.

1.3.3 To establish if there are terms of the proposal or offer document which should and can be amended either to clarify the proposal or make the proposal more acceptable.

2. Purpose of Report

2.1 The purpose of this report is:

2.1.1 to describe the consultation process undertaken

- 2.1.2 to consider potential amendments to the offer; and
- 2.1.3 to recommend future action, including moving forward to the formal ballot.
- 2.2 Under the provisions of Schedule 3A of the Housing Act 1985, the Council is required to consider representations made during the Stage 1 consultation and whether any changes should be made to the offer. The Council is also being asked whether to proceed to the formal Stage 2 of the Consultation process and whether to ballot the Council's secure tenants.

3. **CONSULTATION**

3.1 **Written Responses**

- 3.1.1 The formal consultation or Stage 1 offer document contained a tear off sheet which allowed tenants to express their view and express a preference for or against the proposed transfer. The Stage 1 offer document was posted on 10th October 2006 and tenants were allowed a period ending on 10 November 2006 to provide comments.
- 3.1.2 The table below sets out the preferences of tenants as recorded in the tear off slips received by 1st November 2006. An update on the responses received up to and including 10 November 2006 will be provided to members at the meeting.

A summary of the views of the tenants is attached as Appendix 1.

For	Against	Not Sure	Total
25	9	23	57

- 3.1.3 A formal consultation document was also provided to the Council's Right to Buy leaseholders. This also contained a sheet which allowed leaseholders to express their view and express a preference for or against the proposed transfer. The Leaseholders' Stage 1 offer document was posted on 30th October 2006 and leaseholders were also allowed a period ending on 10th November 2006 to provide comments.
- 3.1.4 The table below sets out the preferences of leaseholders as recorded in the returns received by 1 November 2006. An update

on the responses received up to and including 10 November 2006 will be provided to members at the meeting.

For	Against	Not Sure	Total
1	0	0	1

4. **TENANTS' EVENTS**

- 4.1.1 The Community Gateway Group are holding a series of 9 local meetings for tenants to find out more about the Community Gateway concept, with Council, Greenfields Shadow Board and Solon Community Network (the Tenants' and Leaseholders' Independent Tenant Advisors) representatives on hand to explain the Offer Document. The event dates are set out in Appendix 2.
- 4.1.2 Three 'Roadshow' events have also been held in Braintree, Halstead and Witham town centres.

5. **LEASEHOLDERS**

- 5.1 As set out in Paragraph 2 above, all of the Council's RTB leaseholders have been written to and invited to comment on the proposals.

6. **DOOR STEP VISITS**

- 6.1 From the 28th October 2006, staff began the final phase of visiting Council tenants' homes within the District. This process will go on until either the 7,000 premises in this phase have been visited or the Council decides not to go to ballot. Separate visits are being made to the 400 residents living in Sheltered Schemes.

7. **OTHER INITIATIVES**

- 7.1 A 15 minute DVD/video has been produced and distributed with the Offer Document to tenants, in addition to an 'Easy-Guide' for tenants.
- 7.2 The Council and Solon Community Network have each operated a Freephone telephone helpline throughout the consultation. At the time of writing, the Council's helpline has received 30 calls, concerning a range of issues (eg rent, succession and requests for video versions of the DVD).

8. **SUMMARY**

- 8.1 The consultation process has been comprehensive. All tenants and leaseholders were invited to local meetings. All tenants and leaseholders were sent the formal proposal documents and had the opportunity to return their written views (on a pre-paid card).
- 8.2 The Council can be confident that every reasonable opportunity has been given to tenants and leaseholders to express their views and fully understand the basis of the proposed transfer.
- 8.3 The comments that are listed in Appendix 1 have no indicative theme which would indicate any requirement to change the proposed offer as set out in the formal (Stage 1) consultation document. The recommendations set out below are subject to there being no substantive issues raised in relation to the Offer Document during the remainder of the consultation period, ending on 10th November.

9. **CONCLUSION**

- 9.1 The Council has now carried out detailed and meaningful consultation with the tenants and leaseholders in respect of large scale voluntary transfer to Greenfields Community Housing.
- 9.2 It is now proposed that the Council commissions Electoral Reform Ballot Services Ltd (part of the Electoral Reform Society) to carry out a formal postal ballot of all tenants and that the offer to tenants and leaseholders be confirmed.

10. **RECOMMENDED**

It is recommended that:

- 10.1 the responses of tenants and leaseholders (as set out in this report) be noted.
- 10.2 a formal Stage 2 letter be issued to the Council's secure tenants confirming:-
- 10.2.1 the terms of the Council's offer as set out in the formal (stage 1) consultation document
- 10.2.2 Tenants' right to communicate objections to the Council's proposals to Department of Communities and Local Government within 28 days from the Stage 2 Letter.

- 10.2.3 the ability of the Secretary of State for the Department of Communities and Local Government to withhold consent if a majority of affected tenants do not wish the transfer to proceed.
- 10.3 Electoral Reform Ballot Services Ltd be commissioned to carry out a formal ballot of tenants in respect of a transfer to Greenfields Community Housing.

APPENDIX 1 : RESPONSES TO THE OFFER DOCUMENT

Every Offer Document received by tenants and leaseholders contained a Freepost reply card. Tenants and leaseholders were invited to make comment on the Offer Document or to use the reply card as a means of seeking clarification about the offer.

54 responses had been received by Monday 30th October. Of these, a majority (25) were in favour of transfer. 9 were not in favour and 23 expressed no opinion.

The comments received are summarised below. It should be noted that a high proportion of the responses (21) contained no contact details and the Council is therefore unable to acknowledge or respond to all who made comment.

No issue that has been raised materially impacts upon the Offer Document and necessitates any change to the document ahead of the proposed ballot.

SUMMARY OF FEEDBACK

Respondents who intend to vote 'Yes'

These respondents mainly highlighted:

- The need for improvements to be made in homes and to the service overall
- General support for transfer
- That there was no choice open to tenants other than to transfer

Respondents who did not indicate their voting intentions

These respondents raised a range of specific issues –with no overriding theme. Each will receive a response to their query, where contact details are available.

Two respondents have raised an issue which it would be helpful to clarify through the Greenfields Community Housing (GCH). This relates to how 'consultation' is to be defined by the proposed new organisation. In the event of a 'yes' vote, it is recommended that GCH establish and publish a *Statement of Consultation*, which will provide guidance on how GCH would conduct consultation with tenants and leaseholders. The Shadow Board of GCH will be asked to endorse the adoption of such a statement at its next (22nd November 2006) meeting.

Adopting Community Gateway principles will mean that the new organisation would have a strong commitment to consultation. Although the methods of consultation would inevitably vary according to the issue in hand, it would be helpful to set out a range of methods intended to achieve high participation rates and to do this in conjunction with the Community Gateway Group.

Respondents who intend to vote 'No'

These respondents raised concerns about:

- A lack of faith in the consultation process itself
- 'Privatisation'
- The financial wherewithal of GCH to sustain the level of investment required to meet its Business plan
- General statements against transfer

Miscellaneous Responses

The following comments have also been received in addition to the reply cards:

- concern about the democratic accountability of the process as a whole
- that establishing a 'Register of Members' would be an attraction to tenants because it would give a clear signal that tenants have voting rights and a real say in the new organisation (*membership would be an important issue for the new organisation and the Community Gateway Group to consider following ballot, if there is a 'Yes' vote*)
- that the new organisation should consider appointing a 'Tenants Advocate', particularly for the elderly, to help represent tenants' views (*this is a suggestion that can be considered by Greenfields as the new organisation develops its approach to the Community Empowerment Strategy*)
- that the Council should be clear about the impact of transfer on Council Tax levels in the event of a 'Yes' vote – ie that Council Tax will not reduce as a result of transfer



Community Gateway?

Housing Transfer?

Offer Document?

Meetings run by Tenants, for Tenants

All Council tenants and leaseholders will soon be asked to vote on setting up Greenfields Community Housing to take over all the Council's housing.

Tenants on the Community Gateway Group have been working hard to make sure we get the best deal possible.

The Community Gateway Group is holding a series of informal, 'café style' meetings across the district where you can come and ask your questions and say what you think.

This is an important decision for us all

All Council tenants and local residents are welcome

Venue	Date	Open
Goldingham Hall, Park Drive, Braintree	Wed 25 October	7 – 9pm
St. Peters School, Sible Hedingham	Tue 31 October	7 – 9pm
Ramsey School, Colne Road, Halstead	Wed 1 November	7 – 9pm
Forest Road Hall, Forest Road, Witham	Thurs 2 November	7.30 – 9.30pm
Glebe Hall, Glebe Avenue, Braintree	Sun 5 November	10 am – 12 pm
Silver End Village Hall, The Broadway, Silver End	Tue 7 November	7 – 9pm
St. Paul's Church Hall, Hay Lane, Braintree	Wed 8 November	7 – 9pm
Kelvedon Institute, High Street Kelvedon	Sat 11 November	10 – 12am
Earls Colne Village Hall, York Road, Earls Colne	Sat 11 November	2 – 4pm

To Guarantee Your Place, Call Freephone 0800 7811 344

If you want help with transport, childcare or carer costs, please contact the Tenant Participation Team on 01376 552525