

<b>MAYOR AND CABINET</b>			
<b>Title</b>	Response to matters referred by Housing Select Committee that some residents had raised concerns that the ongoing Housing Matters consultation process is not giving equal consideration to the two remaining options.		
<b>Wards</b>	All wards	Item No	
<b>Contributors</b>	Executive Director Customer Services		
<b>Class</b>	Open	Date	19 June 2013

## **1 Purpose**

- 1.1 To respond to matters referred to Mayor and Cabinet made by the Housing Select Committee that some residents had raised concerns with them that the ongoing Housing Matters consultation process is not giving equal consideration to the two remaining options.

## **2 Recommendations**

It is recommended that the Mayor:

- 2.1 Agree the responses to the referral set out below and refer the report back to Housing Select Committee.

## **3 Policy Context**

- 3.1 The Housing Select Committee's report feeds into the priorities of 'Shaping our Future' - Lewisham's Sustainable Community Strategy (2008-20), specifically, 'Clean, green and liveable – where people live in high quality housing and can care for and enjoy their environment' and supports the Council's corporate priority regarding 'Decent Homes for all'.

## **4 Background**

- 4.1 The Housing Select Committee at their meeting on 6<sup>th</sup> March 2013 noted that some residents had raised with them their concerns that the ongoing Housing Matters consultation process is not giving equal consideration to the two remaining options. The Committee decided to refer the concerns to Mayor and Cabinet and this is the response from the Executive Director for Customer Services to Mayor and Cabinet.
- 4.2 In response to the referral, this report sets out for Mayor and Cabinet the guidance and good practice available to the authority on carrying out options appraisals, how the consultation has been carried out to date with the steps taken to ensure that the consultation continues to be balanced, and outlines the role of the Independent Tenant Advisor in ensuring that all information shared with residents is fair and accurate.

## **5 Options Appraisal Guidance**

- 5.1 The previous government, issued guidance in 2003 called '*Delivering Decent Homes – Options Appraisal. Guidance for Local Authorities*' to enable local authorities to determine how they would meet the Decent Homes Standard. The current Government has not changed this Guidance or issued any further Guidance. The Council has therefore used the Guidance issued in 2003 to shape the Council's current options appraisal about the future of its housing stock, particularly in regard to the section on involving tenants and leaseholders in the process.
- 5.2 The guidance sets out some key principles around the tenant and leaseholder involvement:
- Tenants and leaseholders should be involved from the outset with a central role in decision-making and access to good independent advice from the start;
  - The first stage of the option appraisal should involve developing their capacity to engage in the process and exploring their aspirations;
  - Must be able to make meaningful contributions to the process and thus have some ownership of the conclusions;
  - Residents should be in a position to give an informed view on the type and quality of housing services being provided; on proposals for changing and improving these; and a constructive, timely input to the authority's decisions on its housing strategy.
- 5.3 Further guidance was issued about developing a Communications and Consultation Strategy to underpin the options appraisal. At this time, it was expected that the strategy would:
- Inform all tenants and stakeholder about the issues involved in a clear and accessible way;
  - Inform tenants and stakeholders in a fair and balanced way of the reasons behind the consultation;
  - Be a tool for feedback to shape and inform the views of the local authority;
  - Publicise ways tenants and others can become more involved in the detail of future decision making
- 5.4 Officers consider that the process that has been undertaken to date has met all of the requirements of the guidance set out above, and furthermore that there is no evidence that the options have been presented in an unbalanced way. As further evidence to justify this conclusion, the remainder of this report sets out how the principles have been incorporated into the current options appraisal process. It also details the continuing efforts by the Housing Matters Team to ensure residents can meaningfully engage in the process and receive accurate and fair information to reach an informed opinion on the options .

## **6 Resident Steering Group**

- 6.1 The main consultative body for the Housing Matters Consultation is the Resident Steering Group (RSG). This was formed following on from the Mayor's decision in

July 2012 to commence discussions with residents on the four options. The RSG is currently made up of eleven residents of whom one is a leaseholder, one is a tenant of a leaseholder and the remainder are all tenants. The RSG was established following an open invitation to join the group to Lewisham Homes' Area Panel and Tenant & Resident Associations. During the initial phase, the Council's Housing Matters team attended the Area Panel meetings, all the Sheltered Housing Schemes and eleven Tenant & Resident Associations to explain the options appraisal process and this was accompanied by numerous roadshows and drop-ins set up around the borough to enable non-involved residents to participate.

- 6.2 In August 2012, the RSG interviewed and appointed TPAS as their Independent Tenant Advisor (ITA) for the initial consultation phase (September to December 2012). The group worked with the ITA to develop newsletters for residents. They received presentations from Defend Council Housing, Phoenix Community Housing, Lewisham Homes and from a legal advisor to explain the mutual concept in order to build their knowledge and understanding of the four options. TPAS's financial expert was also given full access to the Council's financial model and provided an independent review of this to RSG as well as outlining this in one of TPAS's newsletters. The group received feedback and updates from the Council on the progress of the consultation.
- 6.3 After the Mayor & Cabinet decision in January 2013, the Resident Steering Group was asked to evaluate TPAS' performance and to decide whether to renew their contract or re-tender the contract. The group decided to re-tender but to still include TPAS in the competition. The RSG assessed all tenders received against an agreed criteria. TPAS was not shortlisted and subsequently they appointed Solon Community Network (SOLON) in March 2013.
- 6.4 The Managing Director of SOLON is the ITA lead on this project and has worked with the RSG to develop a Work Plan. A significant part of this is building up their knowledge and understanding of the options appraisal process. The group revised its Terms of Reference and a key component of this is that the Council, Lewisham Homes and the ITA will ensure that they can provide input and feedback on all significant communication materials that will be going out to residents. The RSG and SOLON have also worked together to develop and draft a newsletter, independent of the Council and Lewisham Homes, on the options appraisal process. Recent discussion items have included the results of the stock condition survey, which was followed up by a borough tour and a introductory session on housing finance. Forthcoming items for the group include presentations on areas such as tenancy rights and rents. These presentations will be given by the ITA.
- 6.5 The ITA also provides a freephone service and they will be attending a number of Tenant & Resident Associations, Lewisham Homes' Area Panel away day, Sheltered Schemes as well as conducting some focus groups with uninvolved residents.
- 6.6 The Resident Steering Group has also provided input into the development of the Housing Matters consultation microsite, suggesting changes and additions before the site went live at the beginning of May. There is a dedicated section on the RSG and its role. Please see link below:

## **7 Resident Consultation – the process**

- 7.1 On 6th January 2013, Mayor and Cabinet decided to consult further with residents on two remaining options, both involving Lewisham Homes:
- Lewisham Council remains the landlord and Lewisham Homes continues to manage the homes;
  - Lewisham Homes becomes a resident-led organisation, which will own and manage the homes.
- 7.2 The Council is responsible for this consultation and all decisions regarding the methodology of the current phase have been approved through the Housing Matters programme governance structure. The aims of this phase as agreed by the Housing Matters Programme Board are to :
- raise the awareness and understanding of both options,
  - identify residents' priorities for their homes, communities and housing services,
  - identify residents' concerns about both of the two options under consideration.
- 7.3 The agreed approach was that Lewisham Homes was to undertake an extensive door-knocking programme across their management area, with the purpose of achieving a representative sample of their resident profile and collecting feedback in relation to resident's priorities and concerns, as set out above. The rationale behind Lewisham Homes carrying out the exercise was their staffing resources and their local knowledge and understanding of residents and the areas in which they live.
- 7.4 In advance of the door knocking programme, a letter from the Mayor was sent to all residents outlining the Council's decision on the options. This was followed by a Housing Matters specific newsletter sent in February, which informed residents that Lewisham Homes would be carrying out the next wave of consultation on the Council's behalf.
- 7.5 Door knocking methodology
- 7.5.1 A target of 2,000 completed surveys has been set with a further set of sub targets for each postcode based on the proportion of Lewisham Homes managed properties in that area. For example if a postcode has 15 per cent of all Lewisham Homes properties, the minimum number of surveys required would be 300, which is equivalent to 15 per cent of the tenanted homes. In addition to this, targets have been set for age groups of residents in each area to ensure there is a representative sample.
- 7.5.2 Lewisham Homes recruited from their existing staffing resources to carry out the door knocking programme. Staff were asked to apply for these posts and were interviewed for their suitability. Twenty-six Lewisham Homes' officers were recruited and the resulting team is diverse across gender, age and ethnicity. The team received a full day of training which covered the background to the Housing Matters consultation, an interactive Q&A session along with role playing. This session was attended by Council officers. It was made clear to the staff working on the project to

provide factual information, not to give personal opinions so as to ensure that residents receive a balanced and accurate picture on both options.

- 7.5.3 The consultation team has been carrying out their door knocking Monday to Friday between 5:00 – 7:00pm and on Saturdays from 9:30am until 1:00pm. In the first instance, they try to carry out a face-to-face interview – if the resident advises that the time of call is inconvenient, they offer to return at a later date or complete the survey over the phone with them. The team has removed from the visiting lists those tenants known to be vulnerable and for these residents, subject to the information contained on them, are telephoned to organise a suitable visiting time to enable them to have a friend, relative, carer to be present, if required or they can refuse to be involved in the consultation.
- 7.5.4 The door knocking is scheduled to finish on 31st May and as at 15<sup>th</sup> May, 1,700 surveys had been completed. The findings will be compiled in order to provide the basis for subsequent phases of the consultation, as set out at 7.6.
- 7.5.5 The ITA has a key role to play in providing quality assurance on behalf of both residents and the Council in ensuring that this phase and subsequent phases of the consultation are delivered in a fair, open and transparent manner. The ITA will achieve this in two ways. First, it will deliver its own programme of follow up interviews with tenants who have been surveyed by the Lewisham Homes team, to test how the survey was received, and to provide a second source of information for future stages. Second, it provides a Freephone helpline service to tenants, which has been publicised in all of the materials provided to tenants, for them to ask for advice or raise concerns with an independent body.

## 7.6 Future phases of the consultation

- 7.6.1 The next phase of the consultation with residents will be shaped by the survey findings and will enable the Council to set out how resident aspirations and priorities can be met, or not, through the two options. The aim of this phase will be to build on phase 1 and engage in a more detailed dialogue with residents regarding the implications of both options in terms of rents, rights, investment and services so residents can make an informed choice.
- 7.6.2 This phase will include a variety of delivery methods beyond the door knocking approach taken to date. For instance, the ITA will deliver a varied programme of engagement, including focus groups with residents who haven't engaged to date and a greater focus on deliberative events through TRA meetings and other channels.
- 7.6.3 Officers expect that this stage will commence in early autumn 2013 to give sufficient time to collate and analyse the results of the first stage, to plan in detail the engagement mechanisms for the second stage, and to clear all communication materials and messaging through both the ITA and the Residents Steering Group.

## 8 **Conclusion**

- 8.1 The consultation with residents to date has been focussed on increasing residents' understanding of the two options, identifying residents' priorities for their homes and local areas and identifying their concerns in relation to the two options.
- 8.2 The Government's Guidance on carrying out Options Appraisals and consulting with Tenants and Leaseholders as set out in paragraphs 5.2 and 5.3 has been followed. More than 2000 tenants and leaseholders were consulted in the first phase of the options appraisal and a further 2000 or more will be consulted in the current phase. At this stage there is no evidence that the options have been presented in an unbalanced way.
- 8.3 All findings of the consultation and the financial and technical assessments will be made available to the RSG and the ITA for independent scrutiny and review. The ITA provides additional assurance to the Council and residents through its Freephone helpline service and it will expand this with a programme of independent follow up interviews.
- 8.4 The information gathered from this process, along with the financial and technical assessments that are currently on-going, will allow for a third stage of consultation which provides residents with more detailed information about how both of the options might address their priorities and their concerns as identified by the earlier phase. Officers expect that this stage will commence in early autumn 2013 to allow for detailed planning and clearance of all materials and messages through the ITA and the RSG.

## **9 Financial implications**

- 9.1 Whilst there are no direct financial implications arising from this response, a budget has been set aside to meet the cost of the consultation as described above.

## **10 Legal implications**

- 10.1 The Council has a wide general power of competence under Section 1 of the Localism Act 2011 to do anything that individuals generally may do. The existence of the general power is not limited by the existence of any other power of the Council which (to any extent) overlaps the general power. The Council can therefore rely on this power to carry out housing development, to act in an "enabling" manner with other housing partners and to provide financial assistance to housing partners for the provision of new affordable housing.
- 10.2 Section 105 of the Housing Act 1985 provides that the Council must consult with all secure tenants who are likely to be substantially affected by a matter of housing management to which the section applies. The section specifies that a matter of housing management is one which relates to the management, maintenance, improvement or demolition of dwelling houses let by the authority under secure tenancies and that such consultation must inform secure tenants of the proposals and provide them with an opportunity to make their views known to the Council within a specified period. The section further specifies that before making any decisions on the matter the Council must consider any representations from secure

tenants arising from the consultation.

10.3 Section 106 and Schedule 3A of the Housing Act 1985 set out the formal consultation requirements for stock transfer. Schedule 3A applies in place of Section 105. Essentially, the required process has two stages, requiring a Stage 1 and Stage 2 Notice. There is only a statutory requirement to undertake a ballot in the case of stock transfer.

10.4 The Equality Act 2010 (the Act) brings together all previous equality legislation in England, Scotland and Wales. The Act includes a new public sector equality duty (the duty), replacing the separate duties relating to race, disability and gender equality. The duty came into force on 5 April 2011.

The duty consists of the 'general equality duty' which is the overarching requirement or substance of the duty, and the 'specific duties' which are intended to help performance of the general equality duty.

The duty covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

10.5 In summary, the Council must, in the exercise of its functions, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- advance equality of opportunity between people who share a protected characteristic and those who do not.
- foster good relations between people who share a protected characteristic and those who do not.

These are often referred to as the three aims of the general equality duty.

10.6 As was the case for the original separate duties, the new duty continues to be a "have regard duty", and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

10.7 The Equality and Human Rights Commission (EHRC) have issued five guides for public authorities in England giving advice on the equality duty:

1. The essential guide to the public sector equality duty
2. Equality objectives and the equality duty
3. Equality information and the equality duty
4. Meeting the equality duty in policy and decision-making
5. Engagement and the equality duty

All the guides have now been revised and are up to date. The essential guide provides an overview of the equality duty requirements including the general equality

duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:

<http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

- 10.8 The EHRC guidance does not have legal standing. Unlike the statutory Code of Practice on the public sector equality duty which was due to be produced by the EHRC under the Act. However, the Government has now stated that no further statutory codes under the Act will be approved. The EHRC has indicated that it will issue the draft code on the PSED as a non statutory code following further review and consultation but, like the guidance, the non statutory code will not have legal standing

## **11 Equality implications**

- 11.1 There are no equality implications arising directly from this report. The door-knocking carried out by Lewisham Homes has been conducted to ensure that a representative sample of views are collected from residents to inform and shape the next phase of the consultation. The Council will continue to ensure that all residents are provided with opportunities to participate and give their views.

## **12 Environmental implications**

- 12.1 There are no environmental implications arising directly from this report.

## **13 Crime and Disorder implications**

- 13.1 There are no crime and disorder implications arising directly from this report.

## **14 Background Documents and Report Author**

- 14.1 There are no background documents to this report.
- 14.2 If you require any further information about this report please contact Clare Ryan Partnerships & Service Improvement Manager on 020 8314 3603.