

**TITLE OF REPORT: REVIEW OF SHELTERED HOUSING**

REPORT OF THE LEAD SCRUTINY DIRECTOR

**1. SUMMARY**

- 1.1 This report introduces the Scrutiny Task and Finish Group's final report that reviewed Sheltered Housing in North Herts. The report, attached as Appendix A, includes the recommendations that the Task and Finish Group would like the Scrutiny Committee to refer the Portfolio Holder for Housing & Environmental Health.

**2. FORWARD PLAN**

- 2.1 This report does not contain a recommendation on a key decision and has not been referred to in the Forward Plan.

**3. BACKGROUND**

- 3.1 The Scrutiny Committee approved this cross-party task and finish group in August 2007. The purpose of the group was to look at North Herts Homes' review of Sheltered Housing in North Herts, with a particular focus on how North Herts Homes arrived at their decision to decommission Probyn House, Wheatsheaf Meadow and St Andrews; and how the consultation process was undertaken.
- 3.2 The task and finish group began their review in September 2007 and finished in May 2008.

**4. CONSULTATION**

- 4.1 The group consulted the Chief Executive of North Herts Homes, the Housing Corporation Regulation Manager and the Director of Housing at Broxbourne Housing Association.

**5. LEGAL IMPLICATIONS**

- 5.1 The Task and Finish Group was established by the Scrutiny Committee.
- 5.2 The Terms of Reference for the Scrutiny Committee confirm that it is able to question Members, Officers and any other person in relation to particular decisions, initiatives or projects and about service performance in comparison with service plans and targets.
- 5.3 The Task and Finish Group has not made any decisions therefore it does not have a constitutional basis beyond this. The Task and Finish Group has undertaken an investigatory fact-finding exercise.
- 5.4 Having concluded this fact-finding exercise and its consideration of the issues, the Task and Finish Group has prepared a series of proposals for presentation to the Scrutiny Committee. Under the Terms of Reference for the Scrutiny Committee they have the power to submit recommendations to Cabinet or appropriate Committees or Council.

## **6. FINANCIAL AND RISK IMPLICATIONS**

- 6.1 There are no financial or risk implications for NHDC arising from the recommendations of the group.

## **7. HUMAN RESOURCE AND EQUALITIES IMPLICATIONS**

- 7.1 There are no direct Human Resources implications arising from the report or final recommendations of the Scrutiny Task and Finish Group.

## **8. RECOMMENDATIONS**

- 8.1 That the Scrutiny Committee approves the contents of the report and agrees the proposed recommendations for referral to the Portfolio Holder for Housing & Environmental Health and Cabinet.

## **9. REASONS FOR RECOMMENDATIONS**

- 9.1 To enable the Scrutiny Committee to carry out its work efficiently and effectively.

## **10. APPENDICES**

- 10.1 Appendix A – Review of Sheltered Housing – Final report of the Task & Finish Group

## **11. CONTACT OFFICER**

- 11.1 Grace Crawford  
Scrutiny Officer  
01462 474612  
[grace.crawford@north-herts.gov.uk](mailto:grace.crawford@north-herts.gov.uk)

## **12. CONTRIBUTORS**

- 12.1 Barrie Jones  
Head of Financial Services  
01462 474243  
[barrie.jones@north-herts.gov.uk](mailto:barrie.jones@north-herts.gov.uk)
- 12.2 Kerry Shorrocks  
Head of Human Resources  
01462 474224  
[kerry.shorrocks@north-herts.gov.uk](mailto:kerry.shorrocks@north-herts.gov.uk)
- 12.3 Katie White  
Senior Lawyer  
01462 474315  
[katie.white@north-herts.gov.uk](mailto:katie.white@north-herts.gov.uk)



NORTH HERTFORDSHIRE DISTRICT COUNCIL

# Review of Sheltered Housing

Report of the Scrutiny Task and Finish Group

May 2008

# CONTENTS

Membership	3
Acknowledgements	4
Executive Summary	5
Findings	6
Conclusion	8
Recommendation	9
Background papers	10
Appendix A – Scope of the task and finish group	11

## **Membership**

### **Councillor John Bishop (Chairman)**

Member for Kimpton

### **Councillor Lorna Kercher**

Member for Letchworth East

### **Councillor Jane Gray**

Member for Knebworth

### **Councillor Clare Body**

Member for Hitchin Highbury

## **Co-opted Member**

### **Councillor David Reavell**

Chairman of Kimpton Parish Council (until 20 September 2007)

## **Acknowledgements**

The task and finish group would like to thank, from North Hertfordshire District Council; Andy Godman, Head of Housing & Environmental Health and Norma Atlay, Lead Scrutiny Officer and Strategic Director of Financial & Regulatory Services, who gave up their time to meet with the group and provide the group with advice and guidance.

The task and finish group are also grateful to Mr Kevin Thompson, Chief Executive of North Hertfordshire Homes who also gave up his time to act as a witness and provided the group with information.

## **1.0 EXECUTIVE SUMMARY**

- 1.1 North Hertfordshire Homes (NHH) is the largest Registered Social Landlord in Hertfordshire. They took over the housing stock from North Hertfordshire District Council (NHDC) in April 2003 and manage 19 sheltered housing schemes.
- 1.2 On 28 August 2007, NHDC's Scrutiny Committee agreed to establish a sub group to look into the concerns raised by a Parish member and a member of the Scrutiny Committee about the review of Sheltered Housing provision in North Herts, undertaken by NHH and the consultation process that followed.
- 1.3 The Sheltered Housing task & finish group was quickly established and the group met for the first time on 12 September 2007. The group met four times and held their last meeting on 13 May 2008.
- 1.4 The terms of reference within the scope were; to look at North Herts Homes' review of sheltered housing in North Herts, with a particular focus on how North Herts Homes arrived at their decision to decommission Probyn House, Wheatsheaf Meadow and St Andrews; and how the consultation process was undertaken. To determine whether the correct consultation process was followed; to identify areas of improvement and to agree next steps.
- 1.5 The full scope can be found at Appendix A.
- 1.6 The methodology used in this investigation included an interview with a key witness, written evidence from additional key witnesses, discussions and guidance from council officers and a programme of desk research. A series of publications, papers and documents were collected by the Scrutiny Officer. A full list of these background papers can be found on page 9.

## 2.0 FINDINGS

- 2.1 One of the first tasks for the group was to find out if NHH had any legal obligations to NHDC as part of the transfer agreement when undertaking reviews and carrying out consultations. The group also needed to gather evidence about how the consultation process was undertaken and whether there was a right and wrong way to do this.
- 2.2 To find out about how the review and consultation process was undertaken, the group met and interviewed Mr Kevin Thompson, Chief Executive of North Hertfordshire Homes on 19 September 2007. At this meeting, the group were informed about how NHH reached their decision to close three sheltered housing schemes and were given an explanation of the consultation process that took place.
- 2.3 Mr Thompson explained that NHH undertook its consultation in two parts. The first part focussed on asking residents, plus friends and relatives of residents, in the form of a survey and in meetings, how they felt about where they lived, the condition of their homes and what they felt to be important about sheltered housing. The second part took place after the decision was made to decommission three schemes and replace a fourth, and took place as a meeting with residents of the affected schemes, followed by individual meetings. At the individual meetings, residents were given the opportunity to express their choice of the kind of alternative accommodation they wanted and where that should be, either at that meeting or at a later stage once they had time to think about it. Relatives and friends had been invited to these meetings providing the tenant wanted them there.
- 2.4 There was concern amongst the group that residents were not given the opportunity to contribute to the decision making process. The residents of the schemes that were identified for closures were not consulted on the specific issues of their prospective closure prior to the announcement of the closures. This was raised as a question during the interview and the group were told that until the conclusion of the review it was not known for certain whether any schemes would need to close or, if so, which ones these might be. To consult on the possibility of closure would therefore have required all 800 residents of sheltered housing schemes being informed that this was a possibility and asking them for their views. This would not have produced quality information for the review and may have raised anxiety levels unnecessarily. The group were also told that the schemes that will close were those which are not capable of being brought up to the appropriate standard. The decision was taken and then managed following best practice guidance which did not state that consultation on the decision was necessary.
- 2.5 The group were told that NHH had used good practice guidance published by ERoSH (Emerging Role of Social Housing) on decommissioning sheltered housing schemes and the group decided to obtain a copy of this guidance.
- 2.6 Two further key witnesses were identified. The group were informed that the Housing Corporation Regulation Manager had been aware of this review and the Director of Housing at Broxbourne Housing Association had undertaken an external validation of the review. The group wanted to hear from them about how they felt about the review and the consultation process. Written evidence

was received from both witnesses who confirmed their satisfaction with the review and the consultation process.

- 2.7 There was much debate about the generality of the written guidance that the group had seen regarding consultations with residents and also about Section 105 of the Housing Act 1985. There was also a thorough debate about other authorities who had undertaken reviews of their sheltered housing provision and how they had undergone their consultation process.
- 2.8 When questioned about the process used to establish future demand, Mr Thompson explained the process as laid out in the Review Document and explained that there were no waiting lists for the three effected schemes. Members of the group had some concerns about whether the process of future demand forecasting had been sufficiently rigorous.

### 3.0 CONCLUSION

- 3.1 The group felt that the published regulatory and legislative guidance is non prescriptive in the domain of closure of a sheltered housing facility. Evidence was given to the group that showed that NHH consulted stakeholders but the group felt that NHH could have chosen to adopt a wider interpretation of the guidance, such as prior consultation with residents on the possibility of closure.
- 3.2 The group did not investigate the review process in depth, but received written evidence from the Director of Housing and Community Services at Broxbourne Housing Association who undertook an external validation of the review as well as the Housing Corporation Regulation Account Manager who was aware of the review.
- 3.3 The group did not find any evidence to suggest that NHH carried out their consultation process incorrectly, the group did agree that the published regulatory and legislative guidance is non prescriptive in the domain of closure of a sheltered housing facility and the guidance can be interpreted in more than one way.
- 3.4 The group were of the opinion that it was debatable whether tenant consultation after the NHH Board decision to close some schemes was the most effective course of action. The group felt that tenant consultation prior to the final board decision *may* have yielded relevant additional information that may have assisted the NHH Board with its deliberations on the scheme by scheme review; however, the group acknowledged the reasons given for not doing so. Due to the passage of time it was now not possible to determine whether this would have had a material bearing on the decision or not.
- 3.5 Initially, the group spoke about undertaking some site visits to the three affected sheltered housing schemes to talk to residents, however it was agreed that it would not be appropriate to visit the schemes as part of the work of this review, as this may risk causing unnecessary distress and raise expectations of the residents. Instead the group suggested that individual Ward Councillors should be encouraged to visit residents within their wards to offer support and ensure that residents are fully aware of the assistance that is available to them.
- 3.6 On 3<sup>rd</sup> November 2007 the Ward Councillor for Kimpton, along with a colleague, visited and spoke to some of the residents of Probyn House, Kimpton. The group felt that Probyn House represented a unique case based on the information gathered and observations made from this visit.
- 3.7 There was some confidential information that was brought to the attention of the group which was not a function for scrutiny group to investigate, nor was it within the remit of the scope. Therefore it was agreed that there was no further work that this group could undertake and the group agreed that their objectives within the scope had been achieved.

## **4.0 RECOMMENDATIONS**

- 4.1 The Portfolio Holder for Housing and Environmental Health be asked to review the arrangements for partnership working with Registered Social Landlords operating in the district.
- 4.2 The Portfolio Holder for Housing and Environmental Health be asked, as part of this review, to ensure that the established Communication Protocols continue to be relevant, and that the Protocol clearly refers to the need to involve appropriate public bodies, especially where identified actions may not be consistent with the Council's Housing Strategy and/or an action that may arouse public concern.
- 4.3 The Portfolio Holder for Housing and Environmental Health be requested to discuss with NHH the particular circumstances of Probyn House, with a view to considering all available options for an acceptable solution to the housing needs of the residents (including the review of the closure).
- 4.4 That ward Councillors be encouraged to visit the residents of the effected schemes to offer support to residents and ensure they are fully aware of the assistance available to them.

**Background papers:**

The Regulatory Code and Guidance, Housing Corporation August 2005

Housing Association Partnership Agreement – April 2003 to March 2006, NHDC

A Charter for Housing Association Applicants and Residents, Housing Corporation  
April 2007

Section 105 of the Housing Act 1985

Decommissioning of Category 2 Sheltered Schemes Rodney House and Sancroft  
Court, Derby City Council Cabinet 28 November 2006

An ERoSH Good Practice Guide to Decommissioning

Scheme by Scheme Review of Sheltered Housing, Presentation to North  
Hertfordshire District Council 11 July 2007, North Hertfordshire Homes

Recommendations from the Scheme by Scheme Review of Sheltered Housing, North  
Hertfordshire Homes

Discussion Areas for Tenants and Relatives consultation meetings: Probyn House  
meeting 6 September 2006

## Appendix A.

### SCOPE

**Terms of reference:**

To look at North Herts Homes' review of sheltered housing in North Herts, with a particular focus on how North Herts Homes arrived at their decision to decommission Probyn House, Wheatsheaf Meadow and St Andrews; and how the consultation process was undertaken.

**Expected Outcome:**

To determine whether an appropriate consultation process was followed; to identify areas of improvement and to agree next steps.

**Timeframe:**

The Group will commence their review in September 2007 and will aim to produce a report for the Scrutiny Committee in October 2007.

**Link with Council Priority:**

Working with partners and communities is part of the overall mission for the Council. The effectiveness of this has a significant impact on the residents of our rural areas, as well as our towns.

**Potential witnesses:**

- CE of North Herts Homes
- Residents of affected sheltered housing scheme review

**Potential visits:**

- Probyn House, Kimpton
- St Andrews, Hitchin
- Wheatsheaf Meadow, Barkway

**Membership:**

Cllrs: John Bishop, Jane Gray, Lorna Kercher, Clare Body & David Reavell (Chairman of Kimpton Parish Council)

**Lead Officer:**

Andy Godman (Head of Housing & Environmental Health)

**Support Officer:**

Grace Crawford (Scrutiny Officer)

**Key Tasks:**

Areas to cover:	Date
Agree scope/objectives	12.09.07
Meet with CE of North Herts Homes <i>The group will need to decide what information they require, what specific questions they wish to ask, whether they want a presentation on any specific details within NHH's review. (Scrutiny Officer will prepare questions from the group and other affected ward members, in advance)</i>	19.09.07
Meet to discuss further work to be undertaken	03.10.07
Site visit to Probyn House & speak to residents (TBC) <i>It is hoped that the meeting with the CE of NHH will determine what site visits will add value to the gathering of evidence.</i>	N/A
Site visit to St Andrews & speak to residents (TBC) <i>As above</i>	N/A
Site visit to Wheatsheaf Meadow & speak to residents (TBC) <i>As above</i>	N/A
Develop recommendations & look at draft report	13.05.08
Present report to Scrutiny Committee	17.06.08