

Haringey Council

Report for:	Lead Member signing – Cllr Strickland	Item Number:	
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Title:	Housing consultation arrangements
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Report Authorised by:	Tracie Evans, Interim Chief Operating Officer 
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Lead Officer:	Michael Kelleher, Head of Housing Investment and Sites E-mail: michael.kelleher@haringey.gov.uk Tel: 020 8489 4754
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Ward(s) affected: ALL	Report for Key Decisions:
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1. Describe the issue under consideration

- 1.1 The requirement under s105 of the Housing Act 1985 for local authorities to have in place formal consultation arrangements with its tenants to consult on changes to management arrangements.

2. Cabinet Member introduction

- 2.1 It is vital that, as part of any consultation we carry out about changes to housing management, tenants' views are sought and taken into account in the final arrangements. Any proposed changes are likely to have an impact on tenants so they need to feel they are fully involved in the consultation process.

- 2.2 It is a statutory requirement that we have in place and publish the mechanisms and process by which we will consult with tenants. The recommendations outlined in this report ensure we fully comply with this requirement. It is crucial that our consultations are conducted in a transparent, fair, and consistent manner. This report ensures arrangements are in place to do just that.

3. Recommendations

- 3.1 It is recommended that the Lead Member approves the Arrangements set out in Appendix A for immediate implementation and publication.



4. Alternative options considered

- 4.1 The Council could prepare and publish separate consultation arrangements each time it wishes to consult, however, this would prove time consuming and costly.

5. Background information

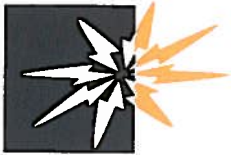
- 5.1 Section 105 of the Housing Act 1985 sets out the legal obligation of local authorities to consult with tenants on changes to management arrangements.
- 5.2 The Act requires that the views of tenants be sought, and that the outcomes of this consultation be taken into account in the final arrangements. This is to ensure that consultation activity cannot be legally challenged on procedural grounds.
- 5.3 Homes for Haringey's Resident Involvement Agreement (Your Voice Counts, 2009) currently provides a useful general guide to resident involvement. However, legal advice is that it does not fully demonstrate what arrangements the Council has in place for consulting under s105 of the Housing Act 1985 and could not therefore be entirely relied upon as setting out our consultation arrangements in compliance with s105.
- 5.4 The Council will publish specific consultation arrangements in the Autumn for the Love Lane Estate and tenants will be formally notified. This will be sufficient to comply with s105 requirements for that consultation exercise, but in order to avoid having to do this every time we intend to consult, generic arrangements need to be approved and published.
- 5.5 Appendix A sets out the generic Arrangements that we are asking Cabinet to approve. These can then be tailored to meet the needs of individual consultations without the need for the publication of a separate consultation arrangements document every time we consult.

6. Comments of the Chief Finance Officer and financial implications

- 6.1 There are no direct financial implications as the proposals set out in this report can be met from within existing resources.

7. Comments of the Assistant Director of Corporate Governance and legal implications

- 7.1 The Assistant Director of Corporate Governance has been consulted in the preparation of this report.
- 7.2 Section 105 of the Housing Act 1985 sets out Council's legal obligation to have in place arrangements for consulting with its secure tenants on matters of "housing



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management” which are likely to substantially affect them. This would include matters such as changes to the management, maintenance, improvement or demolition of their homes or the provision of services to their homes

7.3 S105(5) Housing Act 1985 requires the Council to publish those arrangements, to make a copy available for inspection without charge to members of the public and to give a copy to any member of the public who asks for one, on payment of a reasonable fee.

7.4 To avoid the need to publish details of the specific consultation arrangements every time s105 consultation is undertaken, the Council is advised to have in place and publish its generic arrangements, for which approval is now being sought.

7.5 The Council's Public Sector Equality Duty as been considered and the Equalities Impact Assessment screening tool has been completed.

8. Equalities and Community Cohesion Comments

8.1 An equalities screening indicates that the draft Consultation Proposal recommended in this report could have implications for the Council's public sector equality duty, which have been addressed by a number of features in the proposal: It provides opportunity for all secure tenants to have their say, including a dedicated web page where all relevant information can be accessed; direct mailing to all secure tenants affected by housing management covered by S105 of Housing Act 1985; information pack in languages other than English and also in Braille and in large prints available on request and; by offering at least one meeting with affected tenants and their representatives

9. Policy Implication

9.1 Where the Council proposes 'a change in housing management arrangements', it requires consultation with tenants. Any change in housing management arrangements will reflect Council policy and, therefore, having formal consultation arrangements in place will ensure Council decisions and actions that require formal consultation cannot be legally challenged on procedural grounds.

10. Reasons for Decision

10.1 To comply with the provisions of s105 of the Housing Act 1985.

11. Use of Appendices

Appendix A – Statutory Consultation Arrangements



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Appendix A - Statutory Consultation Arrangements [GENERIC]

Section 105 of Housing Act 1985

Section 105 of the Housing Act 1985 sets out the legal obligation of local housing authorities for consulting with secure tenants on “matters of housing management” which are likely to significantly affect them, such as changes to the management, maintenance, improvement or demolition of properties let by them or the provision of services in connection with those properties.

These Arrangements are published in accordance with Section 105(5) of the Housing Act 1985 and set out how we (Haringey Council) will enable our secure tenants who are likely to be significantly affected by matters of housing management to be informed of our proposals and make their views known to us within a specified period.

A copy of these Arrangements will be given to affected secure tenants and any member of the public who asks for them. The Council may charge for the provision of hard copies.

A copy of these Arrangements is available online (at www.haringey.gov.uk) and for inspection at Haringey Council, Housing Investment and Sites Team, Regeneration, Planning and Development, River Park House, 225 High Road, Wood Green, London, N22 8HQ between the hours of 9.00am and 5.00pm (Monday to Friday).

Consultation Arrangements

Information

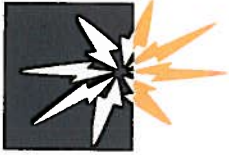
For all secure tenants affected by matters of housing management covered by s105 of the Housing Act 1985 Haringey Council will provide information regarding our proposals in the following ways:

- in writing by providing an ‘Information Pack’ (available in other languages, large print and Braille on request) which includes these arrangements;
- by providing a dedicated page on Haringey Councils website www.haringey.gov.uk; and
- by holding at least one meeting with affected tenants (including their representatives).

How to comment

We will ensure affected tenants can comment on our proposals, or obtain further information, by providing the following means to do so:

- A feedback form;
- An email address;



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- A postal address;
- A telephone number; and
- The date by which secure tenants must make their views known to us.

Before making a final decision on any housing management matters that require consultation we will consider all representations made in accordance with these arrangements.

If you have any questions or queries, please contact the Housing Investment and Sites Team at housing.strategy@haringey.gov.uk or 020 0489 2062.

