

Letter from Denise Moses, Chair of the Tenants Advisory Group (Carlisle Housing Association)

Background

A letter (attached as Appendix One) was sent by the Chair of the Tenants Advisory Group to the Chief Executive in July 2006 and the same letter was also sent to the Chair of the Community Overview and Scrutiny Committee. I was requested to investigate the issues raised in the letter. Because of the complicated nature of a number of the points raised, it took longer than originally anticipated to clarify the issues. The investigations have involved meetings with the Chair of the Tenants Advisory Group, the Vice Chair of the Carlisle Rural and Tenants Federation and a number of meetings with officers of Carlisle Housing Association (CHA). A significant amount of officer time has been spent within the Council and CHA dealing with these issues, as has also been the case with previous complaints raised.

Points

The letter identifies 6 issues and these are answered in term;

1. Performance Information

In the letter, reference is made to the performance monitoring report that was presented to the Community Overview and Scrutiny Committee on 16 February 2006. This report contained performance monitoring information that had previously gone to the CHA board. Also within the report was comparable performance information from the Housing Corporation for other housing landlords within the same 'family' group as CHA. This information was provided for members with an idea of how CHA performed in relation to similar housing providers. The report was subsequently placed on the Councils website and the information has been publicly available since February 2006. The comparable information from the Housing Corporation for other housing providers is also available from the Housing Corporation website.

At a Tenants Advisory Group (TAG) meeting held on 9th November 2005, it was minuted, following a request for performance information, that CHA performance data will be made available. At the Tenants Advisory Group meeting held on 22nd February 2006, point 5 of the minutes states; "the CHA Performance Management Information was given out to the members, who were then asked if this information was appropriate and was in a suitable form".

A question was raised at the meeting as to the accuracy of the figures which seems to relate to the responsive repair times. CHA have changed over computer system for the recording of responsive repairs from the Orchard system to the Academy system (which is used within the Riverside Group). CHA have said that the change over of systems highlighted a problem in regard to the recording of completion dates for

responsive repairs. Repairs had previously been recorded as completed on the date that they were being input onto the IT system rather than the actual date of completion. This anomaly distorted the previous data provided for responsive repairs but has now been fully rectified. Comparable data for other subsidiaries within the Riverside Group has been provided to the Tenants Advisory Group, although the representatives said they wanted the Housing Corporation 'family' group comparable information. As stated earlier, this information is already in the public domain.

2. Repair Response Times

The transfer 'Offer' document says that 'Carlisle Housing Association would provide an effective, good-quality, day-to-day responsive repair service, which would improve on the Council's existing service with clear time limits and performance targets' (Section 4, page 14, 'Offer' Document).

Across the Riverside Group, a consultation exercise was carried out earlier this summer with tenants, in regard to proposed changes in the responsive repair times. CHA have implemented the changed times from 1st July 2006 following a positive result from the consultation returns.

The Repairs and Improvements Tenants Liaison Group, when consulted on the proposed changes rejected them. CHA proceeded to consult with all their tenants regarding the proposals. In the 'Offer' document it states:

'Carlisle Housing Association would consult with and provide information to all its tenants in the same way as the Council does for its secure tenants. This is one of the terms of the tenancy agreement' (page 28, 'Offer' document).

In the Assured Tenancy Agreement, CHA have a responsibility under section 3.6. to consult with their tenants. It states:

'We will consult with tenants on matters which affect their tenancies or homes and estates and will take their wishes into account when making a decision'.

Prior to consulting with tenants, CHA had contacted the Council in regard to their proposed consultation exercise with tenants. On 18th May 2006, the letter to tenants and reply paid card were sent out on a pre-sorted basis by the mailing house directly to Royal Mail under second class delivery items. Reply cards started to be returned by 22nd May 2006. The due back date was the 31st May 2006 to allow for late return cards. Tenants were given 11 days to respond to the consultation, which CHA considers is reasonable, and in line with the consultation with other tenants across the Riverside Group regarding the proposed repair times.

The response rate to the consultation was 10%. CHA state that while this is disappointing on this kind of questionnaire, it is a reasonable and realistic response rate and would compare with other parts of the Riverside Group. The return rates for two other subsidiaries were 8% and 7%. The letter was sent to all tenants of which 683 responded. Of the 683 responses, 575 said yes, 72 said no and 36 were spoilt. The percentage of those responding in favour of the change was 84%.

In the letter, under point 2, a comparison is made regarding the requirement that 20% of any Tenant and Resident Associations should be tenants. CHA have said that the 'Recognition Criteria' (which was part of the Tenants Compact, agreed with tenants groups) states that '20% of tenants in the Tenant and Resident Associations areas should be members of the Tenants and Residents Association'. As this target is difficult to reach for new groups, CHA ask for them to work towards this number with help from the resident's involvement team.

3. Rules of Association

At a CHA Board meeting on 26/5/05 consultation regarding the proposed amendments to the 'Rules of Association' would include external approvals from the Housing Corporation, CHA funders, the Financial Services Authority and Local Authority (where a stock transfer had taken place). The proposed amendments were apart of an 18 month Governance review that had been carried out by the Riverside Group.

The 14-day period referred to in the letter is the legal timescale for notices for the AGM to be circulated. No formal questions related to the amendments were tabled at the AGM. Out of the 19 shareholders (present on the day or voting by proxy) 16 voted in favour of the proposals. Recognised Tenant & Resident groups are entitled to vote at the AGM as CHA shareholders. Currently there are 23 shareholders of which 10 are from recognised groups, 2 from the Council, 1 from the parent company and 11 Board members. At the time of transfer there were 22 shareholders from recognised Tenant & Resident groups. There has been a reduction in the number of groups.

The letter states that the Council ratified the changes as a matter of course. Under clause 2.4 of the fifth schedule of the transfer contract CHA need the consent of the Council in writing to change the Rules of the Association in so far as they relate to Local Authority or Tenant Representation. CHA contacted the Council in August 2005 regarding the proposed changes. The proposals did not involve any changes to reduce Tenant or Council representation on the Board, which would have required specific Council consent as stated above.

4. Tenant Board Members

The 'Offer' document states:

'The Board would have a total of four places reserved for Tenants (which can include one landlord), four independent Board Members and four Council nominated Board Members (selected by the Council)' (page 9, 'offer' document).

The document says that one third of Tenant (and leaseholder) Board Members will retire at the second and subsequent AGM's (Annual General Meeting). Nominations for new Tenant Board Members would be sought from tenants and leaseholders. The election of new Tenant Board Members would be determined by the membership of Carlisle Housing Association. The document states:

'The membership of Carlisle Housing Association would include Board Members, the Riverside Group, the Council and up to two members from each recognised Tenants/Residents representative body. Each member would be able to vote on the selection of new board members'. ('Offer' document, Page 9)

In reply to the points made in the letter by the Chair of the Tenants Advisory Group, CHA have given the following details:

'In December 2005, due to having 3 Tenant Board member vacancies, the Tenant participation staff wrote to everyone on the mailing lists of the recognised Tenant and Residents Groups seeking expressions of interest to apply to become a Tenant Board member. At this point, any active Tenant or Leaseholder could have applied to join the Board. Five letters were received from interested parties, all of whom were invited to an interview by a panel of Board Members. One person did not attend, and 3 out of the remaining 4 were appointed as 'Casual Tenant Board' members in accordance with Rule D9 (this states 'whenever the number of board members is less than permitted by those rules, the board may appoint a further board member in addition to the boards power to co-opt. Any board member so appointed shall retire at the next annual general meeting). In accordance, its rules following an assessment of the Boards skills and competencies, the 3 Casual Board members were recommended to the shareholders at the AGM on 14th September 2006 for election.

At my meeting with Denise Moses and David Young on 25th September 2006, they confirmed that their understanding of the problem was that the 3 Casual Tenant Board members would resign at the AGM and that new nominations would be sought. However, CHA have said that the request for expression of interest for the vacancies from Tenant/Resident Groups was covered by the letter that went out in 2005 regarding the Casual Board Member vacancies.

5. Neighbourhood Investment Plans (NIP)

CHA developed a Neighborhood Investment Plan in 2003 following transfer, which details the objectives of CHA in relation to regeneration activities. There is a community investment policy; neighborhood profile (sustainability table) and a table showing identified interventions by neighborhood. Neighbourhood profiles were developed for each of the 19 areas and action plans drawn up. CHA say that they consulted with tenants and residents throughout the transfer process and worked closely with tenant and resident groups and the Forums post transfer which gave a clear indication of the key issues affecting the neighborhoods which was fed into the NIPs and formed the action plans.

The neighbourhood profiles and the wider NIP are being updated during 2006. CHA say that original neighbourhood profiles and statistics from stock transfer were provided to TAG (Tenants Advisory Group) in April 2006. The updated profiles were available from July this year. CHA's Resident Involvement Officer attended a Federation meeting in July 2006 and stated that these documents were available on request, but were too bulky to photocopy copies for all members. No requests for copies have been made.

6. Board Minutes

The points relating to TAG not receiving CHA Board minutes were put to CHA and they provided the following details;
'CHA Board minutes are provided to TAG. Until September 2005 all CHA Board minutes were posted out to the TAG mailing list, consisting of 32 addresses, a week before each TAG meeting. In an effort to reduce wastage, sending paperwork in some cases to individuals who did not regularly attend meetings, it was decided to cease sending out Board papers in the post, but make them available as required at meetings.

CHA's Board minutes are available to TAG after they have been agreed at the following CHA Board meeting. If the TAG meeting is held before the next CHA Board meeting, the minutes will not be available until after the following meeting. This has always been the case.

CHA Board minutes were not provided at the meeting on 22nd February 2006. They were provided on 5th April 2006. There may have been other meetings when the Board papers were not provided. This will have been due to the minutes not having been approved, or due to an oversight on the resident involvement staff's part. To rectify any omissions, all the minutes from 9th June 2005 to 2nd March 2006 were provided at this meeting, to ensure that all members had received all copies. Board minutes were provided on 17th May 2006. They were not provided on 28th June 2006, as the next meeting of CHA's Board had not then taken place.

TAG has not, at any time, been told that it is pointless to provide them with CHA Board minutes'.

LIAISON MEETINGS

In regard to the point raised at the end of the letter regarding TAG being present at the liaison meetings between the Council and CHA the position regarding these meetings is stated in the transfer contract. Clause 2.3 of the Fifth Schedule of the transfer contract provides that for an initial period of five years from the transfer CHA attend liaison meetings with the Council. As such, CHA have covenanted to meet the Council and not TAG.

Points Raised

During the investigation of the above points with representatives from both CHA and TAG issues regarding Tenant and Resident involvement were evident and the need to progress and mediate a way forward between the parties.

Evidence

Minutes, reports and other information used was too substantial to attach to this paper but is available from the author upon request.

Simon Taylor
Housing & Health Services Manager
2/10/06

Denise Moses
Chair of Tenants Advisory Group, (Carlisle Housing Association)
36a Whinsmore Drive
Harraby
Carlisle
CA1 3PX

July 21st 06

Ms. Maggie Mooney
Chief Executive
Carlisle City Council
The Civic Centre
Rickergate
Carlisle
CA3 8QG

RECEIVED

26 JUL 2006

.....

Dear Ms Mooney – Ref. – Carlisle Housing Association


Please find copies of correspondence regarding the above Housing Association. We would hope that they would convey to the City Council the concerns of our members, of the Tenants Advisory Group, and those of the Carlisle & Rural Tenants Federation, especially the concerns that we are being ignored and the way in which we are being manipulated into accepting a substandard service.

We have on many occasions requested information through the Senior Tenant Involvement Officer of CHA and other members of the management only to be stalled and deliberately misled on the reasons as to why we can not have the information. Since the first AGM we have had no say or the right to elect our Tenant Board Members, the Board and Management of CHA have simply appointed them collectively.

Offer Document Promises have simply been amended with out consultation and each household appears to be paying different amounts of rents, despite your Organisation clearly setting standard rents based on the number of bedrooms per property. New Tenants appear to be particularly at risk as CHA believe that they are able to set higher rents for them despite the Offer Document promise of all new Tenants paying the same as established tenants. Leaseholders have had their service charges raised above those of tenants with no justification for the increases.

These and other issues, listed in the enclosed documents are just a few examples of irregularities and we would ask for your organisation to carry out an audit/ inquiry or inspection into CHA and their activities, especially in relation to Offer Document Promises, made at the time of the Large Scale Voluntary Transfer in 2002.

Yours Sincerely,


D. Moses
Chair of TAG.
Secretary of CR&TF


D Young
Vice Chair CR&TF

Denise Moses
Chair of
Tenants Advisory Group, (Carlisle Housing Association)
36a Whinsmore Drive
Harraby
Carlisle
CA1 3PX

Carlisle City Councillor Mike Boaden
Chair of Community Overview & Scrutiny Committee
Carlisle City Council
Civic Centre
Rickergate
Carlisle

12th July 06

Dear Mr Boaden, - Re- Carlisle Housing Association (CHA).

As Chair of TAG I have been asked by the group to advise you as chairman of your group that monitors CHA, of our concerns as to how CHA are operating at this present time.

1. On 16th February 06 a Council meeting was held to receive *Performance Information* from CHA, (*Report Ref DS. 03/06*). Since then our group has asked CHA for copies of this information to assist us in our monitoring role, we have been denied this on several occasions for differing reasons, the latest being that the information that was presented to your group was inaccurate. We believe that it is important that your group is made aware that the information provided is inaccurate because the City Council not only makes certain decisions based on this information, but also makes this factual information available to other interested 'Stakeholders' to act on including funding and grant assisting bodies.
2. CHA have recently changed their repairs response times, which were originally agreed as part of the 'Offer Document Promises' in the 'LSVT of 2003'. These new proposals were unanimously rejected by our 'Repairs Liaison Committee' as providing no better a service to our tenants. Mr Patrick Leonard chose to ignore our views and went over our heads directly to the tenants giving them just 7 days to reply. This resulted in less than 10% of the tenants responding realising a result in real terms of less than 7% of the tenants in favour of the new proposals. CHA have then turned this figure around by stating that they have 84% of Tenants, **that responded** in favour of the new proposals so they therefore have a clear majority to implement the new proposals. This clearly shows that CHA are prepared to manipulate figures to suit their needs and not those of the tenants, prepared to not only ignore but refuse to 'Consult' properly with Tenant representatives and allow for a full and proper consultation time. CHA will now use these contrived percentages to contact the City Council and

deceive them into having the terms of the 'Offer Document' amended in order to act in the *best interest of the 'Tenants'*. This is not acceptable to our group and nor do we believe should it be acceptable behaviour to the City Council. It is also interesting to note that any new Residents Associations that wish to form HAVE TO prove that they have 20% involvement by CHA Tenants to be recognised, there is an old saying "That what is good for the Goose is good for the Gander" except, apparently, where CHA are concerned.

3. Last year CHA applied direct to the 'Shareholders' at their AGM to have the majority of the 'Rules of Association' amended, there were no consultations with the recognised Tenants / Residents Associations, no consultation with the Leaseholders Group, The Carlisle & Rural Tenants Federation or TAG, even the shareholders had only 14 days notice to study the implications of a very complicated legal Document which left them with no opportunity to go back to their Residents Associations, that had elected them, to seek advice. Again this was simply ratified by the City Council.
4. In January this year CHA wrote to all tenants requesting applications for 'Tenant Board Members', **and simply appointed** 3 of the applicants in direct contravention of the 'Offer Document' promises that the Tenants would **elect** their own representatives. At this years AGM the 3 'appointed' Tenant Board Members should resign and stand for re-election. This does not appear to be happening as the AGM is in September and CHA have not advertised the 'Elections' through the Tenants / Residents Associations so that they can elect their own representatives. This process usually takes several months to prepare as the Associations meet at best on a monthly basis and CHA have to seek approval from the Riverside Group of any potential Board Members before election at the AGM. So again the Tenants and their representatives will not be consulted. CHA will simply ignore the Tenants rights and **again appoint who CHA want.**
5. A Member of our Group has been requesting for several meetings now the 'Neighbourhood Investment Plans' for each of CHA's 18 recognised Neighbourhoods Estates, again we have received several reasons for them not being available with the latest being that the 'Regeneration Department' are now updating them. Firstly these form part of the 'Master Plan' as detailed in the much lauded '*Carlisle Housing Association 2 Years on Document*' published in January 2005 which states that the master plan was prepared in association with the Tenants, their Representatives and Communities, this clearly was not the case as we have not even seen them and now they are being updated and again with out our input. The other inconsistency is that these neighbourhood investment plans detail CHA's spending plans in their first 'Five Years' and we are now in year 3 and CHA are clearly already acting on these outdated plans, so why the secrecy? Again what has happened to Tenant Involvement? In a recent Tenant Newsletter, CHA have asked for Residents

views on the next Five Year Plan, so it is absolutely clear that we will have no say in the first Five Year Plan.

6. Our group have requested on many occasions to be given copies of CHA Board minutes and last year after 9 Months of arguing we finally received them, but again this year we are being deliberately denied them and again we are falling behind with the issuing of them and are being told that as we can not change what the Board have decided then it is pointless to provide us with them. Yet at the same time they are forcing us to change the way in which we '*Consult*' with them in order to apparently have more say before decisions are actually made, clearly this is just talk in order to dupe the Housing Corporation into believing that they are working in '*Partnership*' with us.

It is clear to our group that CHA are deliberately not working with our Groups, the Leaseholders or the Tenants and that we rely on the City Councils Monitoring of CHA to keep them in line, we believe therefore that we will need to work more closely with the City Council and in order to do this we will require the Council to take on board our views and allow us to either attend these '*Monitoring meetings*' jointly with CHA or to be able to have independent meetings with the City Council where we can put the views of the Tenants forward in a constructive manner.

We look forward to the views of your group with interest.

Yours Sincerely

Denise Moses
Chair of Tenants Advisory Group.

Appendix 2
CARLISLE HOUSING ASSOCIATION – LETTER FROM DENISE MOSES

1. Relevant references in the Offer Document.

1.1 The Offer Document (page 15) sets out various categories and targets for emergency, urgent and routine repairs which CHA indicated that they would seek to achieve. Emergency repairs are to be attended to within two hours and completed within twelve hours; urgent repairs are to be completed within three working days and routine repairs are to be completed within ten working days. The Offer Document also provides for cyclical maintenance and a range of improvement works to be carried out to the properties over a period. The Council has in the past agreed to a relatively minor variation to the nature of the improvement works to be carried out.

1.2 The Offer Document (page 9) states that there will be four places reserved on the CHA Board for Tenant Representatives. The election of the Tenant Members of the Board is determined by the AGM of Carlisle Housing Association. Any nominations for Tenant Board Members come from Tenants and Leaseholders and are then determined by the CHA Membership at the AGM. The Offer Document refers to the CHA Membership as including Board Members, The Riverside Group, the Council and another two Members from each recognised Tenant's/Resident's Representative Body. Each of the Members of CHA is able to vote on the appointment of the new Board Members.

1.3 In the Offer Document, CHA, confirm that they will work with Tenants and with recognised Tenants' and Residents' Groups to set up a framework for involving Tenants in decision making (see pages 29 and 30 of the Offer Document for details of participation/consultation framework).

2. Relevant obligations in the Deed of Covenant between CHA and the Council.

2.1 CHA need the consent of the Council in writing to change the Rules of the Association in so far as they relate to Local Authority or Tenant Representation (see Clause 2.4).

2.2 CHA have to comply with the standards of service and rights for Tenants set out in the Assured Tenants Charter published from time to time by the Housing Corporation and other reasonable requirements of the Housing Corporation (see Clause 2.7).

2.3 CHA have undertaken to carry out repairs and improvements as per the timescales set out in the Offer Document (see Clause 2.11).

2.4 There is an obligation on CHA to consult Qualifying Tenants on any changes in matters of Housing Management (Clause 2.12.4).

2.5 There is an obligation on CHA to use all reasonable endeavours to fulfil all the various promises set out in the Offer Document (see Clause 2.12.6).

2.6 CHA have undertaken to adopt a framework for Tenants' involvement based on the Council's compact and to recognise Tenants' and Residents' Associations previously recognised by the Council, prior to the transfer including the Tenant Advisory Group, as long as these are all properly constituted and are representative of the views of Tenants, and also to provide a reasonable level of finance and support to assist such associations in representing Tenants' views (see Clause 2.14.1).