

# REPORT TO COUNCIL

REPORT OF: Director of Tenancy Services

REPORT NO.: TSE9

DATE: 7 September 2006

<b>TITLE:</b>	LARGE SCALE VOLUNTARY TRANSFER
<b>FORWARD PLAN ITEM:</b>	Yes
<b>DATE WHEN FIRST APPEARED IN FORWARD PLAN:</b>	16 November 2005
<b>KEY DECISION OR POLICY FRAMEWORK PROPOSAL:</b>	Policy Framework Proposal

<b>COUNCIL AIMS/PORTFOLIO HOLDER NAME AND DESIGNATION:</b>	Organisation Development & Housing Services - Councillor F Cartwright Resources & Assets - Councillor T Bryant	
<b>CORPORATE PRIORITY:</b>	Priority A - Affordable Housing	
<b>CRIME AND DISORDER IMPLICATIONS:</b>	None	
<b>FREEDOM OF INFORMATION ACT IMPLICATIONS:</b>	This report is available via the Local Democracy link on the Council's website <a href="http://www.southkesteven.gov.uk">www.southkesteven.gov.uk</a>	
<b>INITIAL EQUALITY IMPACT ASSESSMENT</b>	<b>Carried out and appended to report?</b>  <b>Not Applicable</b>	<b>Full impact assessment required?</b>  <b>No</b>
<b>BACKGROUND PAPERS:</b>	Housing Stock Options Appraisal report by EBWNL - May 2005 Report DRS24 - 5 January 2006 Report LSVTPM01 - 25 May 2006 Report CHFR6 - 12 June 2006 + Offer meeting	

## **1. INTRODUCTION**

- 1.1 This report explains the process from the issuing of the Formal Consultation (Offer) Document through to ballot, including the consideration of responses from tenants and the arrangements made for conducting the ballot.

## **2. RECOMMENDATIONS**

- 2.1 That the responses from tenants be initially considered by a joint meeting of Members of the LSVT Working Group and the Offer Review Working Group and that they make recommendations to Council as to the content of the Council's Stage 2 Notice.
- 2.2 That the Council considers the responses from tenants and the recommendations from the joint meeting of the above Working Groups, then decides on the content of the Stage 2 Notice at an extraordinary meeting of the Council to be held on 12<sup>th</sup> October 2006.
- 2.2.1 That the arrangements made for conducting the ballot, as detailed in paragraph's 3.4 - 3.7, be approved.

## **3. DETAILS OF REPORT**

### **Background and the process**

- 3.1 At the extraordinary meeting of the Council held on 20<sup>th</sup> July, the text of the Offer to tenants was agreed. The text was subsequently put into a designed document that was 'signed off' by the Leader on 2<sup>nd</sup> August. Since then the documents have been printed and were sent out on 21<sup>st</sup> August along with the DVD (approved on 28<sup>th</sup> July) and an accompanying newsletter. The formal Stage 1 consultation starts on 23<sup>rd</sup> August and closes at noon on the 25<sup>th</sup> September. By law this consultation period must last a minimum of 28 days so the above period complies with legislation.
- 3.2 After considering representations made by tenants, the Council must serve a further written notice on tenants (the Stage 2 letter) informing tenants of any significant changes to the proposal. Tenants may then write to the Secretary of State for Communities & Local Government with any objections to the proposal within a period of not less than 28 days. This 28-day period begins when the Council's Stage 2 letter is sent to tenants. The Secretary of State will take objections into account in considering any application from the Council for the necessary consent to transfer the stock.
- 3.3 In practice, the Stage 2 letter is posted then two days are allowed for delivery before the Stage 2 period is deemed to have started. At any time after that, the ballot can be commenced so that the ballot does not end prior to the expiry of the Stage 2 period of 28 days.

### **Arrangements for the ballot**

- 3.4 Since the start of stock transfer ballots in 1988 all ballots have been conducted by Electoral Reform Services (formerly the Electoral Reform Society and later Electoral Reform Ballot Services). This organisation has developed a national reputation for efficiency and impartiality, yet despite its near monopoly makes relatively modest charges. With over 100 years experience they have developed security systems and methodologies that appear to have the trust of the general population. Their independence from both the Council and the Transfer landlord is rarely questioned.
- 3.5 Electoral Reform Services (ERS) will send a ballot paper to all secure tenants on a list that will be supplied by the Council from the rent roll. The ballot paper format and question has been agreed by the LSVT Working Group. Changes in tenancies during the ballot will be notified to ERS and they will send out replacement ballot papers to the new tenants. If the new tenant votes, any ballot paper sent in by the former tenant will be destroyed. Half way through the ballot the ERS will send out a blanket reminder to all tenants to ask them to use their vote if they have not already done so.
- 3.6 During the ballot ERS will run an advice line for tenants to phone if they lose or damage their ballot paper. A replacement will be sent but the ERS security system will prevent any tenant casting more than one vote. ERS will notify the Council on request how many tenants have taken part but, until the end of the ballot, will not reveal which way tenants have been voting.
- 3.7 On completion of the ballot, the Council will be notified of the numbers of those eligible to vote, taking part and spoilt papers, and totals voting Yes and voting No.

### **Proposals for the remainder of the Consultation process in South Kesteven**

- 3.8 The Council must consider representations on the Stage 1 document from tenants received by noon on 25<sup>th</sup> September 2006. The method by which it does this was considered earlier by the LSVT Working Group. It was initially agreed that Cabinet would consider responses and agree the wording of the Stage 2 Notice. It was further agreed that prior to the Cabinet meeting, Members of the LSVT Working Group and the Offer Review Working Group would meet to consider the responses and make recommendations to Cabinet.
- 3.9 It is considered appropriate that, rather than Cabinet making the decision, the full Council should have the opportunity to consider the responses and decide on whether to amend the Offer or proceed to ballot on the original proposal. It is therefore proposed that the meeting of the joint Working Group take place on 28<sup>th</sup> September with their recommendations being considered by Council at an extraordinary meeting to be held on 12<sup>th</sup> October.

3.10 Providing the Stage 2 Notice can be printed and posted to tenants by 16<sup>th</sup> October, the Stage 2 period could start on 18<sup>th</sup> October and the ballot commence soon after that. This would enable the ballot to be completed during the week commencing 13<sup>th</sup> November.

3.11 An update on the Council's application for a place on the 2006 Housing Transfer Programme will be provided at the meeting on 12<sup>th</sup> October.

#### **4. COMMENTS OF SECTION 151 OFFICER**

The costs associated with the ballot will be financed by the LSVT reserve previously approved by Council.

#### **5 COMMENTS OF MONITORING OFFICER**

It would be appropriate for the members of the LSVT Working Group and the Offer Review Working Group to consider representations and make any relevant and appropriate recommendations to Council relating to the Stage 2 notice.

The extraordinary meeting requested will be required to meet the timescale proposed.

#### **6. CONTACT OFFICER**

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