February 2015

No.**17**



 $\begin{tabular}{ll} \textbf{Matthew Fox} & former housing association chief executive \\ \end{tabular}$ and consultant on retirement housing for Campbell Tickell

The challenge of a generation

e all know that older people are the fastestgrowing part of the population, but social landlords have in general failed to recognise what a massive strategic issue this is for their organisations. Given that one third of all housing association residents are already over the age of 65, this is not an issue that can be left to the few associations that specialise in older people's housing. At a minimum, every social landlord needs to engage with the following key issues.

Quality homes

As residents age, homes that were once suited to their needs, cease to be so. Yet housing associations do not regularly review the fit between a home and its resident. There are some key questions that housing associations should be asking themselves. These include what the commitment to a 'home for life' means for your organisation. Does it mean a commitment to provide sheltered or semi-sheltered housing in due course to all residents who need it? If it does, how will you provide that?

Associations should also know what percentage of their residents are in homes that are already unsuitable for them, for example, because of stairs, a lack of wheelchair access or walk-in shower, or because the house has a garden the resident cannot maintain.

Looking ahead, landlords should know what percentage of their residents will find themselves in homes that are not suitable for them in the next five and 10 years. What plans do you have to ensure that such residents have homes that are suitable for them? If they need

"Given that one third of all housing association residents are already over the age of 65, this is not an issue that can be left to the few associations that specialise in older people's housing."

Matthew Fox

adaptations to their homes in order to remain living there, how will you fund the work?

Quality of life

As their residents age, housing associations should be asking themselves what their responsibilities are with regard to helping older residents obtain appropriate care plans and how you determine what is appropriate.

Do you know what percentage of your older residents have care plans that provide them with all the care they should reasonably expect and how many do not have appropriate care plans? If it is the case that your residents have personal care plans, should you know how well those plans are managed by the resident?

Loneliness is a big issue for many older people and housing associations should be asking themselves how many of their residents are lonely and what the organisation's responsibility is, if anything, to help address this.

Fuel poverty is a problem for many older people and it is important to know which of your residents do not heat themselves properly in winter and therefore risk damaging their health. What percentage of your older residents spend more than 10 per cent of their income on energy? What is your responsibility to help to address fuel poverty?

Technology can play a big part in helping older people maintain their independence. Do you have any responsibility to ensure your residents have the right assistive technology in place?

Quality advice

Older people, not just in social housing, but across society need more and better advice to help them

Continued on page 2

The key issues around housing an ageing population 01

Why associations must build better relations with councils



Can new technology help us to build intelligent homes?

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CBRIEF



Greg Campbell director, Campbell Tickell Good council relationships are crucial



t is striking how unpopular housing associations seem to be with a good many local authorities. The political colours of the councils don't appear to matter - too often councillors and officers can be heard remarking that they don't trust associations. They are seen as having their own agendas, which sometimes address the council's priorities but often don't. Paradoxically, such councils may frequently prefer to do business with private sector developers and house builders ("at least we know where we stand with them") than with housing associations who one might have expected to be culturally closer to their local authority partners.

This is less often the case with stock transfer associations, especially where they have worked to maintain their local links. But it is a real problem in many places and a particular challenge for those organisations operating across a number of boroughs. This may not be surprising: it is time and resource-consuming to keep in touch with numerous different – sometimes competing – council agendas, especially for housing associations and groups that work in, for example, more than 20 council areas.

That said, housing associations could be

missing out on opportunities. Councils now potentially have more influence than for a long time. See, for instance, the new Elphicke-House report for the Department for Communities and Local Government, and look at the councils lining up to start building homes again –

Wandsworth is planning to

build 18,000 homes, Southwark 10,000, as well as Thurrock and many more.

Birmingham Council among other authorities is planning to get into the private rented sector. In many cases, associations are in

danger of being bypassed as local authorities seek to build homes themselves or engage directly with house builders.

Councils, however, are having a pretty lean time generally, following major and continuing spending cuts over recent years, and there's more to come in the 2015/16 pipeline. They are short of resources and capacity, but also short of expertise in new build development – after all, few local authorities have built homes in the past 30 years. This ought to

provide real opportunities for housing associations to re-engage with their local partners and seek ways of collaborating and supporting them.

If associations don't respond to this challenge, there is a danger of being left behind more broadly. Following

"In many

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engage directly with

house builders."

commitments made by the main political parties in the

Scottish referendum, devolution to English city and county regions will also be rolled out and this will proceed regardless of the outcome of May's general election.

Manchester is the start and before long we can expect to see powers and funding extended to Leeds,

Southampton/Portsmouth, Sheffield, Bristol, Liverpool, Birmingham/
Wolverhampton, Tyne & Wear and others. Moreover, following the Greater London Authority taking on the Homes and Communities Agency's London investment role, we should not be surprised if similar arrangements are extended to other city regions. Housing associations that are not sitting at the local authority table could well miss out.

Matthew Fox former housing association chief executive and consultant on retirement housing for Campbell Tickell The challenge of a generation

Continued from page 1

navigate the changes in their lives. They are often unaware of all their housing or financial options and the advantages and disadvantages of each. For instance, many older people under-claim the benefits to which they are entitled. Should landlords be responsible for providing quality advice on finances, health and housing to older residents and how do you monitor the quality of such advice? What percentage of your older residents have obtained such advice and acted on it?

Do you know what percentage of your older residents are digitally-savvy and what percentage should be? Do you have any



Many homes are unsuitable for older people

responsibility to increase that percentage?

As central government looks for every possible way of making resources go further, it is hard to believe that it will continue to ignore the fact that more than half of all older residents in social housing under-occupy. Dealing with under-occupation may well be the largest value-for-money initiative of them all. As the pressure mounts on older residents, they will look to their landlords to provide solutions. It's better to prepare for that now than wait until it becomes a crisis.

If you would like to discuss any of the

If you would like to discuss any of the issues raised in this article, please email maggie.rafalowicz@campbelltickell.com

CBRIFF



Nick Atkin chief executive, Halton Housing Trust A more intelligent way to do business



hristmas and 2014 are now a dim and distant memory, so what does 2015 have in store for the housing world? The only certainty (other than the date of the general election) is that there will be massive change and we must innovate to survive.

How and when we receive the rent for our services is changing markedly and we need to adapt to this new landscape. The six reasons we have developed at Halton Housing Trust for the investment in technology mean we are well placed to respond. This has allowed our people to work in a truly mobile way, ensuring we are able to spend more time with and focus on the tenants who really need our help and support.

Unfortunately with some notable exceptions, the housing sector still lacks innovative thinking and struggles to solve the challenges ahead. Just look at the reaction to the trialling of drones. What is more interesting is the outcome from the research into their potential use.

During 2015 we will start to see the outcomes from our work with Microsoft and HACT to trial wireless sensors in our homes. This has been made possible, and affordable, thanks to the plummeting cost of technology. Solutions that were completely out of reach just two years ago are now a realistic proposition. It offers the potential to shift our core product from bricks and mortar to an intelligent home.

Simple sensors installed

"The offices we work in frequently have removable walls and flexible meeting spaces, so why haven't we done the same for our homes?"

Nick Atkin, Halton Housing Trust



The housing sector should be inspired by technological developments such as drones

throughout the house can measure everything from temperature, to movement, to door or unit usage. But it's not just a case of collecting information for the sake of it. Imagine having a plumber turn up at your door because a pipe is about to burst – before it even does. Imagine utility bills being reduced to next to nothing because the house heats the right rooms to the right temperature at the right times.

One of the unexpected early findings from the sensor data shows that homes need to become more flexible. We create areas that we think people want to use but these do not reflect how people actually live on a day-to-day basis. The offices we work in frequently have removable walls and flexible meeting spaces, so why haven't we done the same for our homes?

The way we maintain our homes is inconvenient for residents as well as hugely inefficient and expensive – we wait for things to go wrong before rushing out to fix them.

Making better use of data would allow us to go from being reactive to proactive and preventive. This approach will also open the door to cost-effective services that protect our assets and investments while minimising inconvenience to tenants.

Digital isn't the panacea to all the challenges we face. However it does offer a whole series of helpful options. The biggest barrier is our lack of lateral thinking and failure to embrace what's happening outside the world of housing.

Next month at Halton we are switching off internal email – but that's a completely different story to watch out for!

NEW-LOOK CT WEBSITE

We are pleased to announce that our new-look website is now live. Plans are in place to continue its development so watch out for further improvements. www.campbelltickell.com



Filling the important roles



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Radojka Miljevic senior consultant, Campbell Tickell How to be a better board

"I think of

good governance as

a state of perpetual

sation."



cross sectors, there is evidence through both successes and failures that the quality of conversations in boardrooms is key to making effective decisions.

The wish to have people around the boardroom table who are capable of applying their knowledge of the business and their other fields of experience to major decisions has led to a focus on finding people with the 'right' skills to populate boards - whether in housing, the corporate sector, the charitable sector, health, education or sport and leisure. At Campbell Tickell we help organisations identify the skills they need to run their restlessness and inquiry, business and then find the people who have them. which requires boards and

Bringing together clever senior teams to keep and competent people is, asking how they bring however, no guarantee that value to the organigroup conversations will be smarter or wiser, or less prone to failure. We have all seen boards where two or three dominant personalities hold forth, everyone else falls in line and submission slides into assent. Some interesting research in the US suggests that the collective intelligence of groups is higher when more people have the opportunity to speak and are alive to the social dynamics within the room.

Rounded individuals

From a governance perspective, this reminds us that prospective board candidates need to bring a 'roundedness' to their skills and knowledge offer, and that their other core competencies and behaviours (how they work in a team, how they read social signals, their willingness to learn and engage in reflective practice) may be of equal importance.

This emphasis on the interplay between team members chimes with our experience of the need for boards to build conversations around the table, and not just have a narrow view of 'challenge' as scrutinising the data in executive reports or playing Paxman with the executive in the hot seat. Challenge needs to address assumptions, how problems are framed and whether the right questions are being asked. I think of good governance as a state of perpetual restlessness and inquiry, which requires boards and senior teams to keep on asking themselves whether and how they bring value to the organisation.

It's not uncommon to find housing organisations unconsciously conflating compliance and procedural accountability with good governance, as though a 'G1 V1' rating were a badge of honour awarded by the

regulator, rather than a basic mark of adequacy. Boards may execute their oversight role perfectly, with a watchful eye on liquidity, risk, efficiencies and so on, but achieve little in furtherance of the organisation's purpose and mission.

Telling the truth

The organisations which attend to performance accountability take risks, open sometimes uncomfortable conversations - for example, how the board and executive relationship may need to evolve. Or they may need to talk about why the board gets mired in detail rather than addressing the big questions or (putting PR to one side) whether the organisation is really making the grade in certain areas. They start to chisel out space in board meetings and away-days without always being entirely confident about how they will fill it. This kind of reflective practice draws people out and can be highly effective in tapping into the diversity of the board and senior team. Telling the truth is surprisingly liberating.

There is no code or framework requiring a register of moments of truth and breakthroughs, nor the occasional dose of relationship stresstesting, but if you want to be a board that provides genuine leadership you must start by exploring what you think your role is, how you work together to perform it and how you design your work accordingly.

THEDIARY

CIH Risk and Regulation Protecting Social **Housing Assets**

26 February 2015 CIH Office, London

With housing providers having greater responsibility to meet regulatory requirements, Campbell Tickell director, James Tickell will provide advice on how delegates can comply effectively. www.cih.org/events

CIH South Eastern Conference

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3-5 March 2015 The Brighton Centre

Campbell Tickell director Greg Campbell will speak on new approaches to understanding risk and business assurance, with Ashley Hook, chief executive of MHS Homes. www.cih.org/events

Stress testing your business the process examined

5 March 2015, London 17 March 2015, Leeds

Stress testing is set to be an integral part of a good governance and risk management. This session will explore how to design a stress test for your particular organisation. www.housemarkbusinessintelligence.co.uk

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NHF Housing Finance Conference

18-19 March 2015 University of Warwick, Coventry

Join more than 1,100 housing colleagues for topical debates, to share best practice and develop new ideas to get you thinking about your organisation's future. www.finance.housing.org.uk

TBRIFF



Stuart Macdonald director of See Media and consultant for Campbell Tickell Dr House: do we finally have the right prescription?

here is a large piece of vacant land near my house in south east London that is ideal for residential development. It is near good transport links, shops, schools and healthcare. Housing demand is high, so it should be a no-brainer to develop - but the land is owned by the NHS.

This has meant the site at Dulwich Hospital has lain dormant since 2008, amid endless consultations and abandoned plans for a community hospital. It has just been announced that a small part of the site will be used for a health centre, which will be operational by the end of 2017. The rest of the site has finally been declared surplus to requirements by NHS Property Services.

Sadly, this situation is typical of sites in urban areas around the country. Savills estimates 2 million homes could be built on 'developable', surplus public sector land. However, the fine words spoken in many

"The key is the approach of breaking the health/ housing/ social care conundrum into bite-size chunks."

Stuart Macdonald

quarters in recent years about the need for reform have yet to turn into fine deeds. It is against this backdrop that a recent governmentcommissioned report by Natalie Elphicke and Keith House called for local authorities to be given the power to force other public landowners to sell unused, surplus land so it can be developed for housing. But are the chances of the health and housing sectors working together as bleak as this aggressive stance suggests?

Evidence from Oldham last month suggests there is cause for optimism. Oldham Council, Oldham Clinical Commissioning Group and Oldham Housing Investment Partnership (a group of 10 social landlords) have jointly invested in tackling fuel poverty in 1,000 homes. In the past 18 months this has resulted in emergency hospital admissions among this group falling by 32 per cent, leading to a 2 per cent fall in overall A&E visits.

A further bright spot is the memorandum of understanding signed in December between a variety of housing, social and health care, and government bodies. It contains a commitment to deliver a nine-point plan and signatory the National Housing Federation has just published the first report - which just happens to be about speeding up the disposal of surplus NHS land.

While the NHF's suggestions may or may not work, the key is the approach of breaking the health/ housing/social care conundrum into bite-size chunks. It is also crucial that the memorandum is not tied to the five-year electoral cycle, so it won't evaporate at the sight of a ballot box.

Among its nine pledges, the document promises to examine and build an evidence base for how housing interventions can improve health and social care. If it can do this, examples like the Oldham pilot might just become the norm and Dulwich Hospital the exception.



CAPTION COMPETITION

This photo (left) features Campbell Tickell's own rugby devotee, Sue Harvey, warming up for the Six Nations last month by accompanying HouseMark on a Business Connect visit to her favourite rugby club, Harlequins.

Email your best captions to stephanie@campbelltickell. com or tweet them to @ campbelltickel1 before 27 March 2015 for the chance to win a mystery prize!

LAST ISSUE'S WINNER

Congratulations to David Hingley, CT consultant researcher, for the winning entry in December's caption competition, featuring Jeremy Gray, chief executive of South London YMCA – "They're like buses these samosas – you come here for 10 years and then a giant one suddenly turns up."



perfect storm or light breeze?

What could kill your business plan? What would send your organisation over the edge? How would you cope with major changes to your base assumptions? How can you improve your mitigating actions?

Not easy questions. Not easy answers. In a world of more remote, risk-based regulation, these are the issues you have to address. You need to satisfy your Board and your Executive – and the regulator – that your business is under control and able to withstand significant shocks, whether individual or in combination. And as the environment has become more complex, many housing providers have extended their ranges of activity. Understanding business drivers and coping with change – often outside your control – has become tougher.

At the leading edge of advising RPs on robust stress testing to help organisations survive and thrive, we can help:

- Board and Executive training on stress testing
- Critical friend for stress testing exercises
- Developing a comprehensive risk map
- Supporting your business assurance
- Business plan analysis



At the Heart of Housing and Care

BRIFF



Dave Williams senior associate consultant, Campbell Tickell

Customer excellence

most of us like to think we'll have an excellent customer experience as we buy new shoes, board a train or eat at a restaurant. We expect companies to respond to our changing aspirations, anticipate future requirements and deal actively with any complaints.

s consumers of all

manner of services,

In return, we will buy more services, goods and products, and tell our friends (and even our enemies) how pleased we are with the service we have received, thus encouraging them to follow suit. But housing is different - isn't it? Customers of housing services are more usually badged as tenants, residents, leaseholders or service users terminology that is both functional and appropriately descriptive, but hardly generates a warm and fuzzy glow. Housing organisations do try to interact with recipients of their services but this is often more about seeking affirmation that the service provided has attained the lofty heights of at least 'reasonably satisfied', rather than a serious attempt to apply the service model that, for example, John Lewis might apply to the housing world.

Why, as a significant service and consumer industry, are we so sheepish about striving for customer excellence? As a veteran of many a strategy day, I can offer a few thoughts on the barriers often rolled out to justify that customer excellence is, at best, of secondary importance:

- our 'customers' do not have a choice. They are unable to take their business elsewhere and therefore we do not have to try very hard to retain their active support;
- customer excellence is not a priority business driver - financial viability, efficiency, government policy and other strategic imperatives are much more relevant;
- we have to maximise the potential of our business to build more new homes and this means reducing either the breadth or quality of

service to create capacity and in doing so running the risk that residents will be less happy.

There are those of us that increasingly argue that this approach (and my apologies at this point to the minority of organisations that do have a more enlightened view) is becoming increasingly less relevant and that housing organisations should wake up, smell the proverbial coffee and make more effort to place customer experience at the centre of their strategic proposition.

Business imperative

Apart from it being the 'right thing to do' (as rents increase, the proportion met by welfare reduces, and residents are increasingly required to fumble down the back of the sofa every week to make up the shortfall), there is a growing body of evidence that links happy customers and happy staff with lower operational costs. If this

"Why, as a significant service and consumer industry are we so sheepish about striving for customer excellency?"

isn't enough to persuade you, there are also areas of the country where it is becoming an immediate business imperative.

In some areas outside the south east, for example, the combination of the bedroom tax, a shortage of smaller accommodation and relative parity between private sector rents and social rents, is creating an environment where some social housing customers are voting with their feet and changing tenures (with a consequential impact on lost rents). Arguably, more focus on customer excellence will make some people think twice.

We should not be so complacent as to assume that other policy interventions will create business pressures that might be alleviated by a more enlightened approach.

A winter's tale!

Beady-eyed readers of December's CT Brief will have noted the advert for a new chief executive at North Pole

Housing Association - and the mouth-watering salary of c.100K mince pies. Well, we had to get baking when we received this application:

From: Richard Broomfield

To: Greg Campbell

Subject: Application for position of CEO, NPHA

I wish to be considered for the post of Chief Executive at NPHA and put forward the following attributes for your consideration:

- I am a high-performing Yuletide Operations Executive, who thrives on pressure, and is capable of delivering high parcel volumes;
- I have wide experience in grotto management. My KPIs for parcel turnaround rates and sherry imbibing are all top quartile;
- I understand the demands of elf and safety and reindeer welfare:
- I fully appreciate the importance of delivering on time.

I am available for interview most days, though I may be tied up on the evening of the 24 December.

Regards

Richard Broomfield

Director of Igloo and Winter Shelter Developments

From: Greg Campbell

To: Core Team

Subject: FW: Application for position of CEO, NPHA

Looks pretty good. Can we get this candidate in for interview, please. Three key issues to test:

- beardliness;
- chimney mobility;
- ability to engage effectively with service users of polar bear, reindeer and penguin persuasions.

Please also check references from good girls and boys.

Greg Campbell Director

From: Greg Campbell To: Richard Broomfield

Subject: RE: Application for position of CEO, NPHA

Dear Mr Broomfield,

The NPHA Recruitment Panel has considered your submission. I am pleased to confirm that they have decided to appoint you to this role. We look forward to you leading our team, especially in our quest to achieve Investors in Elves - Icicle Standard.

Greg Campbell Director

From: Richard Broomfield To: Greg Campbell

Subject: RE: Application for position of CEO, NPHA

Dear Sir

I am sorry to inform you that I have decided to accept an alternative position. Headhunters contacted me over the weekend and have further improved the package. The attraction of regular turnover-related mince pie bonuses is just too great. Ho ho ho!

Richard

CIBRIE



Penny Pilzer policy consultant, NAPF Pension participation



■f you are a housing provider considering a tender proposal from a local authority, one of the first questions you should ask is whether transferring staff have rights to membership in the Local Government Pension Scheme. If the answer is 'yes', the second question you should ask is which costs you will be expected to pick up (see box: LGPS: key questions).

Providers report that answers to that second, crucial question are often hard to come by. Broadly, contractors are only supposed to pay for liabilities related to employment during the period of the contract. The local authorities should bear long-term risks. But the contract you will be asked to sign may say something different, and practice varies among local authorities, so it is prudent to pay attention early in the negotiating process.

Contribution rates

The first thing that you need to know is the expected contribution rate. The contribution rate reflects what the scheme actuary thinks might be the ongoing cost of participation - but it will change from time to time. There should be a discussion of what you will pay if there are changes in assumptions (for example, about longevity) or economic conditions (such as interest rates).

This is particularly important when you discuss the exit charge that you will pay when you leave the scheme (for example, because you

"The shadow board for the **LGPS** is aware that there are too many surprises for contractors concerning the terms of their participation in the scheme."

Penny Pilzer, NAPF

LGPS: key questions to ask

- Do transferring staff have rights to membership to the Local Government Pension Scheme?
- If transferring staff do have rights to membership of the LGPS, what costs
- will you be expected to pick up?
- What is the expected contribution rate and what will you pay if there are changes in assumptions?
- What will the exit
- charge be to leave the scheme? How will this be calculated and how will the level of overall funding affect the charge?
- What unexpected charges might you incur?

lose the contract next time it is put out to bid). Again, ask about how it will be calculated, and how the level of overall funding will affect the charge. Be aware that the funding for some local authorities is better than for others.

When toting up the costs, keep in mind that you must pay the LGPS actuary who calculates the costs of departure, as well as your own actuary, if there is a dispute.

Unexpected charges

Other unexpected charges may be due in some circumstances. These include if:

- you give employees higher than expected pay increases;
- you make employees redundant in which case they may be entitled to early pensions; or
- a transferred employee becomes disabled during the contract, and is therefore entitled to an earlier than anticipated pension.

The current guidance to local

authorities and contractors, produced by the Department for Communities and Local Government, is a bit out of date, however, it is a good place to start when beginning to think about the role of LGPS participation in a tender (see link below).

And there is even better news - the shadow board for the LGPS is aware that there are too many surprises for contractors concerning the terms of their participation in the scheme. The board will be working on a more uniform approach to participation in the LGPS by so-called 'admitted bodies' (contractors). So watch this space, but in the meantime, ensure you keep asking the right questions.

For the DCLG quidance 'Admitted body status provisions in the Local Government Pension Scheme when services are transferred from a local authority', go to http://timeline.lge. gov.uk/Statutory%20Guidance%20 and%20circulars/CLG AdmittedBody guidance_Deco9.pdf



CERTER



Maggie Rafalowicz senior consultant, Campbell Tickell PRS licensing: negotiating the minefield



sk any councillor what makes up most of their mail bag and surgery enquiries and the answer will

invariably be housing, in particular the state of the private rented sector – whether the problem is cost, lack of security, or the poor quality of properties.

The PRS has doubled in 15 years and is now larger than the social rented sector. It has become a key source for meeting housing need. The growth is across all regions of the UK and all types of households. The biggest increases have been for single people under the age of 65 and lone parents with children.

This growth is likely to continue for various reasons:

- population growth and structural undersupply of housing;
- impact of the financial crisis on mortgage availability for homeownership;
- proliferation of buy-to-let mortgages;
- rising house prices in relation to household income;
- high deposits required by potential first-time buyers.

Nationally the PRS is managed by a combination of landlords and agents, largely unregulated, with much poorly maintained stock. Management standards are often

nent standards are often
poor. Overcrowding, illegal
conversions and
anti-social behaviour are
widespread. It's no
wonder many councils
are introducing
discretionary
licensing schemes
for homes in
the PRS which
are not
already

covered

SLOW
MINEFIELD

by the existing
mandatory
licensing for large
houses in multiple
occupation (see box:
Private rented sector
licensing in London).

There are two types of discretionary licensing that can be operated either boroughwide or in a defined area: 'additional licensing' covers all HMOs not subject

Private rented sector licensing in London

London councils in particular are setting up a variety of PRS schemes.

Whole borough selective:

- Barking and Dagenham
- Newham
- Waltham Forest
- Enfield (a judicial review found it unlawful)
- Croydon

Whole borough additional:

- Hounslow
- Camden

Whole borough additional, plus local area limited selective:

• Brent: three-ward selective scheme

Local area only:

- Islington: additional house in multiple occupation licensing in two wards
- Haringey
- Ealing: additional licensing in six of the borough's wards

Schemes under consultation:

- Southwark
- Redbridge

Boroughs reviewing their options:

- Lewisham
- Tower Hamlets
- Lambeth
- Greenwich

Joint working:

 Lewisham, Lambeth and Greenwich are discussing potential joint licensing

"Overcrowding, illegal conversions and anti-social behaviour are widespread. It's no wonder many councils are introducing discretionary licensing schemes."

to the mandatory scheme; 'selective licensing' covers all private rented properties that are not HMOs.

To implement such schemes requires a good evidence base and business case proving that:

- problems are created by poor private sector housing management, licensing would help address the problem and there is no alternative;
- there has been proper consultation with all stakeholders (residents, landlords, letting agents, trade bodies, neighbouring boroughs);
- the licence fee will only be used to administer the scheme – not to recover set-up costs or finance enforcement activity;
- the scheme will operate for a maximum of five years and must be kept under review
 once it has achieved its objectives, it should be discontinued.

A number of problems have occurred in setting up these schemes though. First, landlords complain of cost and bureaucratic delays – licenses are issued per property rather than per landlord. There are fears that the costs will be passed onto the tenants, making the PRS even more unaffordable especially for people on lower incomes.

Second, councils must carry out a comprehensive financial appraisal and cost-benefit analysis of introducing licensing, especially as the set-up costs cannot be covered by the licence fee, nor can they fund enforcement action. Compiling a database of properties and keeping it up-to-date is complex and costly. Will the scheme result in more properties requiring enforcement action that end up being funded by the council tax payer? Will some landlords pay the fee but not improve their properties, banking on the council not having sufficient qualified staff to monitor the scheme?

Third, councils must ensure they act within their legal powers. Introducing a scheme that is not implemented lawfully runs the risk of judicial review. In Enfield, a challenge brought by a private landlord was upheld over the pubic consultation.

There are plenty of potential pitfalls but despite these challenges, the introduction of licensing is spreading. To ensure the scheme is effective and meets its objectives, councils must ensure it plans and resources the process effectively.

To discuss the issues in this article, contact maggie.rafalowicz@campbelltickell.com

CBRIEF



Andrew Cowan senior partner, Devonshires Solicitors Solving the profit conundrum

associations have always enjoyed tax-exempt status on their mainstream social housing activities. However, profits have risen exponentially in recent years, largely as a result of the sale of property. An explanation of how these incrased profits are used has been largely unsuccessful.

Here, I will explore whether there is a different way to explain how these profits are used, which is more readily understood.

Almost all 'non-profit' housing associations have charitable status with objects that focus on the delivery and management of social housing. This restricts what they can do. In return, their profits are not taxable (as is the case with all charities).

Changing role

Unlike most other mainstream charities, developing housing associations are also called upon to deliver large-scale regeneration in an increasingly important role. And as grant rates have reduced, the clear expectation of government has been that the delivery of social housing has to be subsidised through profits generated on

sales activities, hence the conundrum. Housing associations have risen to this challenge, not through compulsion but as a way of achieving their social mission.

"An alternative

would be to allow

housing associations to

drop their charitable status,

retain their not-for-profit

status; and then retain these

profits, provided they are

ploughed back into core

social housing

activities."

The profits arising from English housing association shared ownership activity during 2013/14, largely buoyed by a rising property market, were in

excess of £750

million.

The argument that all of this profit will be channelled into new social housing activities appears to be unnoticed. A clear example

of this is Wandle Housing Association, which, when it legitimately tried to obtain market value for its shared ownership units, was unable to do so.

Housing associations already operate in a different environment to mainstream charities; but must adhere to the same charity laws.

An alternative would be to allow

housing associations to drop their charitable status, retain their not-for-profit status; and then retain these profits, provided they can demonstrate that they are indeed being ploughed back into

their core social housing activities.

This would also enable organisations to remove the unnecessary shackles of charity law like their European partners.

Rising values

In the interim, consideration needs to be given again as to whether shared ownership in major cities is always charitable.

As capital values have risen, the concern is that the

affordability of shared ownership is more limited than was originally the case. And to lose a case against HM Revenue & Customs on these grounds would be damaging for the reputation of the sector. The reputation of housing associations and their management of this is more important than ever. Get it wrong and the optimal delivery of their social mission is at risk. Get it right and everyone benefits.



Campbell Tickell director Sue Harvey will speak at two events to examine how to design a stress-test for your organisation amid enhanced regulatory scrutiny – and how the findings can help drive better business intelligence.

Join us on 5 March in London and on 17 March in Leeds.

To learn more about the event, visit www.housemarkbusinessintelligence.co.uk/events







Older people: your biggest challenge

Older people are the fastest growing part of the population. The challenges this poses for housing providers are real and increasingly urgent. One-third of all housing association residents are over 65. Most older people are in general needs housing that will increasingly become unsuitable for their needs. Meanwhile Adult Social Care budgets are being squeezed so only the most vulnerable will receive support.

- Do you know what the future holds for your tenants?
- Do you understand your tenants' needs as they age?
- What should you do to prepare for your households ageing?
- Are you providing age-sensitive services?
- Are you developing homes suitable for older people?



We can help you address the challenges. Our services include:

- Assessing the changing demands for your housing and support
- Gap analysis between planned provision and projected demand
- Older people's housing strategy
- Audit of assistive technology services
- Advising on development of new retirement housing



At the heart of housing and care