



## HOUSING SERVICES COMMITTEE

18 MAY 2005

### Report of the Director of Housing Services **ALMO PUBLICITY PROTOCOL**

#### **purpose of the report**

To inform Committee of the purpose of the ALMO Publicity Protocol and to seek approval of the ALMO Publicity Protocol to guide the next phase of customer consultation and information sharing on the ALMO proposal.

#### **background**

- 1 This report will provide Committee with detailed information on the reason for the development of an ALMO Publicity Protocol. The report is divided into the following sections:
  - The Code of Recommended Practice on Local Authority Publicity;
  - The Camden judgement ;
  - Wear Valley District Council's ALMO Publicity Protocol;
  - Human Resources implications;
  - IT implications;
  - Financial implications; and
  - Recommendation

#### **the code of recommended practice on local authority publicity**

- 2 Local authorities have a variety of statutory powers, which enable them to produce publicity and circulate it widely, or to assist others to do so. This discretion provides an important degree of flexibility, but it also heightens the need for a responsible approach to expenditure decisions and information sharing exercises.
- 3 In 1988 the Government introduced the "Code of Recommended Practice on Local Authority Publicity". The Code was issued under section 4 (1) of the Local Government Act 1986, which was amended by section 27 of the Local Government Act 1988. The Code is attached at Annex 1.
- 4 The Code was developed as a guideline for the dissemination of information on the objectives and policies of local authorities. This was because the government recognised that the amount of publicity produced by local authorities was

increasing and that a code of good practice in publicity was needed to ensure the appropriate use of public funds for publicity.

- 5 The Code recommends that local authorities consider the following in examining potential publicity subject areas:
- The publicity should be relevant to the functions of the authority;
  - For publicity as for all other expenditure the aim should be to achieve the greatest possible cost effectiveness;
  - Publicity describing the council's policies and aims should be as objective as possible, concentrating on facts or explanation or both;
  - Publicity relating to the provision of a service should concentrate on providing factual information about the service;
  - Publicity touching on issues that are controversial, or on which there are arguments for and against the views or policies of the council, should be handled with particular care. In this case the council should not over simplify facts, issues or arguments;
  - Local authorities should not mount publicity campaigns whose primary purpose is to persuade the public to hold a particular view on a question of policy; and
  - Information should be available to all who want or need it.

### **the camden judgement**

- 6 In January 2004 Camden Council held an all tenant ballot on whether or not an ALMO should be established to manage the council's housing.
- 7 30% of tenants voted in the ballot, with 77% of respondents voting "no" to the council's ALMO proposals.
- 8 The result of the ballot was attributed to a concentrated "no" campaign which was assisted by an ongoing judicial review into the ballot process, the publicity surrounding the ballot and the ballot question itself.
- 9 The Camden Defend Council Housing Campaign claimed that the wording of the ballot question used emotive language in an attempt to influence the views of customers.
- 10 Defend Council Housing Campaigners also claimed that Camden Council had a duty to inform tenants of all objections to the proposal.
- 11 At the judicial review in January 2004, Mr Justice Munby found that Camden Council had no legal obligation to disclose all objections to the ALMO proposal to tenants. Mr Munby also added that Camden's consultation materials conformed with both the law and the government's guidance. The publicity and information published by Camden Council fully informed tenants and leaseholders of the ALMO proposal, the reasons for setting up an ALMO and the implications for tenants and leaseholders should an ALMO be established.

- 12 As a result of Camden's difficulties, many councils now recognise that a protocol for the publicity of the ALMO proposal can set out a code of best practice for both local government officers and for customers and go some way towards preventing misunderstanding and conflict.

### **wear valley district council almo publicity protocol**

- 13 The Annual Audit and Inspection Letter 2004, recommended that Wear Valley District Council fully consider the development of a protocol for the publication of information on the ALMO, to ensure a balance and factual accuracy in all communications.

- 14 Council's who propose to make a major change in housing management, such as establishing an ALMO have a legal requirement to consult with tenants under section 105 of the 1985 Housing Act.

- 15 The 2004 ALMO Guidance states that applications for places on the ALMO programme must show that the ALMO proposal has the support of a majority of tenants. This applies to both the initial bid for a place on the ALMO programme and the Council's application to the Secretary of State for approval (under section 27 of the 1985 Housing Act) to delegate the housing management function to a new organisation.

- 16 The 2004 ALMO Guidance also sets out that authorities may choose to ascertain tenants views through a ballot, though the Secretary of State is prepared to accept other clear evidence of tenant support. To ensure an informed choice authorities should give all tenants and leaseholders information about and the opportunity to comment on:

- The reasons for setting up an arms length body
- The functions to be transferred and the continuing role of the local authority
- The composition and status of the arms length body and its Board, including the selection and role of the tenant Board members
- Tenants and leaseholder rights
- Performance standards for the arms length organisation

- 17 In January 2005 Wear Valley District Council decided that tenant support for the ALMO proposal should be gauged by an extended consultation exercise and a survey of all tenants. Extended consultation can provide the Council with:

- Numerous opportunities to engage with tenants and leaseholders and provide an opportunity for tenants and leaseholders to comment on the ALMO proposal;
- The ability to check tenant and leaseholder understanding of the ALMO proposal; and
- A variety of consultative tools including an all tenant survey, newsletters, fact sheets, focus groups and posters.

18 The ALMO Publicity Protocol will provide robust publicity guidelines for officers to follow and customers to observe and scrutinise the further consultation process.

19 The Wear Valley ALMO Publicity Protocol is attached an Annex 2.

#### **hr implications**

20 The ALMO Publicity Protocol must be observed by all officers involved in the advertisement, marketing and communication of information relating to the proposed ALMO.

#### **it implications**

21 There are no IT implications.

#### **legal implications**

22 ALMO proposals and supporting publicity campaigns can be regarded as controversial as there may be arguments both for and against the establishment of an ALMO to improve and manage the council's housing stock.

23 The ALMO Publicity Protocol will ensure that the Council presents balanced arguments and concentrates on providing factual information about the ALMO, its services and its consequences for customers.

24 Failure to follow the ALMO Publicity Protocol could result in a legal challenge by tenants and leaseholders, as was the case in Camden.

#### **financial implications**

25 There are no financial implications for the approval of the ALMO Publicity Code.

#### **RECOMMENDED**

1 Committee agrees the ALMO Publicity Protocol and instructs the Director of Housing Services to implement the ALMO Publicity Protocol in all publicity, marketing and communication of information on the proposed ALMO.

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## HOUSING SERVICES COMMITTEE

18<sup>th</sup> MAY 2005

### Report of the Director of Housing Services **YEAR END HOUSING PERFORMANCE**

#### **purpose of the report**

1. To update members on performance within the housing services department to the end of the year 2004/05

#### **background**

2. Performance management has been identified as an essential requirement in providing a top quality service to our customers. The assessment of performance through the use of performance indicators is an important part of this process. The report at Appendix 3 shows our performance for the whole year 2004/05 across a range of performance indicators.

#### **results**

3. The performance information for repairs and maintenance show that we have enjoyed an extremely good year. We have achieved our target in 8 indicators and are within 10% of our target in 2 others. Only one target was not achieved and this was due to a technical problem with our new telephone system that has now been rectified. Thus we now have an appointment driven, responsive repair service where emergency work is reducing, wastage through cancellation of appointments is reducing and work is being post inspected more frequently. We have a gas servicing programme which is totally on track. Most importantly customer satisfaction with the service continues at a high level.
4. In neighbourhood operations, performance over the year has also improved in numerous areas. Average void periods continue to fall, saving revenue and improving the appearance of estates. Rent arrears are coming under much tighter control and the proportion of rent collected is increasing. This enables us to spend more on service improvements for our customers. The service we provide for homeless applicants also performs well.

#### **conclusion**

5. Performance is now firmly entrenched in the operations of the department. As a result, we are now providing an improved service to our customers at the same time as increasing income to the department and reducing waste.

6. We are currently reviewing the performance information that we produce. This is in response to changes in the Best Value indicators, together with a need to show improvements in efficiencies and value for money, ahead of inspection. Performance will continue to be reported to members on a quarterly basis.

**RECOMMENDED** that members receive the report and note the performance improvements.

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