

BROMSGROVE DISTRICT COUNCIL

SCRUTINY BOARD

10th June 2010

SCRUTINY INVESTIGATION PROPOSAL – ALMSHOUSES (Update)

Relevant Portfolio Holder	Councillor P. Whittaker – Portfolio Holder for Regulation, Strategic Housing and Climate Change
Responsible Head of Service for Overview & Scrutiny	Mrs. Claire Felton – Head of Legal, Equalities and Democratic Services
Non-Key Decision	

1. SUMMARY OF PROPOSALS

1.1 At the Scrutiny Board meeting held on 23rd March 2010, Members requested further information from the Legal Team as to the Council's legal responsibilities in respect of residents living in Almshouses.

2. RECOMMENDATIONS

2.1 That the content of this report be noted and the Board take no further action.

3. BACKGROUND

3.1 An Overview and Scrutiny Proposal Form relating to the rights of residents living in Almshouses, was completed by a member of the public, Mrs. J. E. Hopper and considered by the Scrutiny Board at its meeting on 23rd March 2010.

3.2 At that meeting Members discussed the number of almshouses within the district and queried the involvement the Council had with these almshouses, together with any legal implications arising from the Council's involvement. It was resolved that further information be requested from the Legal Team as to the Council's legal responsibilities, before considering the proposal further.

4. KEY ISSUES

4.1 The Legal Team have researched the legal status of Almshouses and the duties owed to residents by the Council. The legal position is that the Council do not have any statutory duties or responsibilities in relation to Almshouses. This is because they are governed by the Charity Act and not the Housing Act 2004, which is the legislation the Council would normally use if it was considering taking any enforcement action.

4.2 For clarification, Mrs. Hopper is not a tenant, but is a beneficiary of a charity. The charity is governed by the Charities Commission. As such she does

SCRUTINY BOARD

10th June 2010

not have the rights or protection afforded by the Landlord and Tenant legislation.

4.3 When Mrs. Hopper was allocated the property she would have agreed to a Letter of Appointment which would have set out what she could expect from the trust as a resident of one of their properties. It may be appropriate for Mrs. Hooper to liaise with the Trustees, or alternatively to seek independent legal advice and/or contact the Charities Commission to establish what powers, if any, they have to assist in resolving this matter.

4.4 Officers have now provided the information requested to answer Members queries in relation to Almshouses. This has led to it being established that this is not a general issue over which the Council has responsibilities. Given the personal nature of Mrs Hopper's scrutiny request, it would appear that the issue has been explored as far as possible by the Board who do not have any remit to take on cases of this nature for individuals in the District. Accordingly, the Board is invited to take no further action.

5. FINANCIAL IMPLICATIONS

5.1 There are no financial implications directly relating to this report.

6. LEGAL IMPLICATIONS

6.1 There are no legal implications directly relating to this report.

7. POLICY IMPLICATIONS

7.1 There are no policy implications directly relating to this report.

8. COUNCIL OBJECTIVES

8.1 This report does not directly link to the Council Objectives.

9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS

9.1 There are no risk management issues directly relating to this report.

10. CUSTOMER IMPLICATIONS

10.1 For customers generally it has been established that the Council do not have any statutory responsibilities for Almshouses; officers will make sure

SCRUTINY BOARD

10th June 2010

that a copy of this report is sent to Mrs Hopper so that she is aware of the outcome of her scrutiny request.

11. EQUALITIES AND DIVERSITY IMPLICATIONS

11.1 None

12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT

12.1 None for the purpose of this report.

13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY

13.1 None for the purpose of this report.

14. HUMAN RESOURCES IMPLICATIONS

14.1 None for the purpose of this report.

15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS

15.1 None for the purpose of this report.

16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998

16.1 None for the purpose of this report.

17. HEALTH INEQUALITIES IMPLICATIONS

17.1 None for the purpose of this report.

18. LESSONS LEARNT

18.1 N/a

19. COMMUNITY AND STAKEHOLDER ENGAGEMENT

19.1 None

20. OTHERS CONSULTED ON THE REPORT

BROMSGROVE DISTRICT COUNCIL

SCRUTINY BOARD

10th June 2010

Portfolio Holder	Yes
Chief Executive	No
Executive Director (S151 Officer)	No
Executive Director – Leisure, Cultural, Environmental and Community Services	No
Executive Director – Planning & Regeneration, Regulatory and Housing Services	No
Director of Policy, Performance and Partnerships	No
Head of Service	Yes
Head of Resources	No
Head of Legal, Equalities & Democratic Services	Yes
Corporate Procurement Team	No

21. WARDS AFFECTED

All wards

22. APPENDICES

None

23. BACKGROUND PAPERS

None

24. KEY

None

BROMSGROVE DISTRICT COUNCIL

SCRUTINY BOARD

10th June 2010

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