



St. Helens Council

Environment, Regeneration, Housing, Culture and Leisure Overview and Scrutiny Panel

Service Charges for Owner Occupiers within Retirement Villages

April 2018

**Task Group
Councillor(s)**

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Table of Contents

	Page
Chairman's Foreword	3
Introduction and Terms of Reference	4
Method of Investigation	4
Background	5 - 6
Findings	6 - 12
Conclusions	12- 13
Recommendations	14 – 16

Foreword and Acknowledgements



Councillor Martin Bond



Councillor Dave Banks

Retirement Villages have become increasingly popular over the past decade. They provide community living within a safe and secure environment, in most circumstances for people aged 55 years or older.

Each scheme provides onsite facilities such as hairdressers, community rooms, laundry services, restaurants and a leisure offer such as a gym or maybe even a swimming pool, but most importantly 24 hour staffing to ensure residents have a point of contact at all times.

Normally owned and managed by local housing associations with care providers on site to provide 24 hour care provision if required, this ensuring that people can continue to live independently in their own homes.

Residents had raised concerns with their local Councillors over the various service and maintenance charges and the sinking fund charge payable on the sale of a property within a Retirement Village.

Our enquires into the culture, procedures and policies in each of the premises we have visited have been extremely interesting.

We have always kept at the forefront of our thoughts that Retirement Villages are peoples' homes. Many have invested the proceeds from the sale of cherished family homes to buy into the schemes. The comfort and security that can be provided in these schemes is an obvious plus point. Now that they have been in operation for several years it seemed an optimum time to review how residents now feel about communal living.

Whilst our initial aims were to examine the operation and nature of the charges levied at various stages in the purchase, occupation and ultimately the sale of the properties, we were mindful that many other aspects of life in retirement villages can impact on a person's dignity in their later years.

We would like to thank both Your Housing Group and Torus for meeting with us and especially the residents of Heald Farm Court, Heyeswood and Reeve Court Retirement Villages for taking the time to meet with us.

Also we would like to thank AGE UK Mid Mersey and St.Helens Senior Voice Forum.

1.0 Introduction and Terms of Reference

- 1.1 During the process of agreeing the Scrutiny Work Programme for 2017/2018 the Council's Environment, Regeneration, Housing, Culture & Leisure Overview and Scrutiny Panel agreed to look at the clarity and transparency of information relating to Services Charges for Owner Occupiers within Retirement Villages.
- 1.2 The aim of the review was to examine the service charges that resident's pay who live in the Retirement Villages in the borough.

The terms of the review were as follows:

- To establish what contractual information potential owner occupiers of properties in retirement villages are furnished with, prior to purchase.
- To establish if this information is clear, transparent and understood and how this information is communicated.
- To understand how service charges/sinking funds for residents within retirement villages are calculated and how these charges/funds are utilised.
- To understand how Council tax charges for properties within retirement villages are calculated and where responsibilities for payment lie.
- To establish the average sale time of empty properties within retirement villages compared to similar priced properties in the area.
- To speak with current owner occupiers and families of deceased owner occupiers to hear their views and experiences.
- To speak with Age UK and St.Helens Senior Voice Forum to ascertain any feedback/views they have received from residents who live in retirement villages.

2.0 Method of the Investigation

- We undertook desktop research and met with the Councils Assistant Director, Community Services to obtain background information.
- We met with both Your Housing Group and Torus representatives to gain their comments.
- Met with representatives from Age UK & St.Helens Senior Voice Forum.
- We visited the Retirement Villages within the borough of St.Helens, Heald Farm Court, Heyeswood and Reeve Court to speak with residents/families of residents.
- We listened to feedback from Ward Members.

3.0 Background

- 3.1 In 2013 Scrutiny undertook a review 'Empowering those who live in Retirement Villages' which looked at the location of Retirement Villages within the borough, the facilities/activities available and the provision of onsite management.
- 3.2 We visited the four Retirement Villages within St.Helens to talk to the people that live there;
- ✓ Heald Farm Court in Earlestown,
 - ✓ Heyeswood in Haydock,
 - ✓ Parr Mount Court in Fingerpost, and
 - ✓ Reeve Court in Rainhill.
- 3.3 Once the review had been completed and the evidence gathered, a report with recommendations was produced and presented to the Councils Cabinet. Positive feedback was received and Scrutiny monitored the implementation of the recommendations over the following 12 months.
- 3.4 During the consultation for the 2017/2018 Scrutiny Work Programme concerns were raised again by Councillors about people living within local Retirement Villages with particular regard to financial information and transparency.
- 3.5 Nationally the population is ageing and housing requirements need to respond to the needs of older people. Retirement Villages are a relatively new concept in housing for people, typically over the age of 55, and have become increasingly popular over the last decade. They are great places to live with the ability to provide a safe and socially inclusive environment.
- 3.6 The villages offer a variety of housing types, one and two bedroom apartments and bungalows, an extended range of facilities with the added benefit of onsite health care to respond to people's changing needs. Residents can purchase a home in full, part own with a Housing Association (shared ownership) or rent.
- 3.7 They are generally large developments with shops and facilities such as hairdressers, gyms and leisure clubs. In addition, they offer a wide range of activities, including events, day trips, restaurants and bars, varying on the type of provision.
- 3.8 Weekly service and maintenance charges are payable by residents which cover general building repairs e.g. gardening, window cleaning etc and communal utility charges. These also cover staff management fees as well as a sinking fund is payable upon the sale of the property.
- 3.9 The sinking fund is to ensure that there are sufficient funds to maintain the building in future years and is for large expenditure repairs/replacements such as a new roof, windows or a new boiler. Residents are liable for their own utility bills and Council Tax.

- 3.10 Living in a Retirement Village provides people with an opportunity to live independently and gives reassurance that in the future should their care needs increase the additional care and support can be provided.
- 3.11 Similar to the previous review, the task group members met with the residents of all three Retirement Villages and, in addition, met with management from both Your Housing Group and Torus (formally Helena Partnerships), Age UK Mid Mersey and St.Helens Senior Voice Forum.

4.0 Findings

- 4.1 There are three ways in which people can obtain a property in a Retirement Village in the borough of St Helens.

1. Owned outright – 100% purchase of home
2. Shared ownership (with a Housing Association) – 25%, 50% or 75%
3. Rented from a Housing Association

- 4.2 There are currently three Retirement Villages within St.Helens that are owned/managed by two Housing Associations, Your Housing Group and Torus;

1. Heyeswood in Haydock, 92 apartments – Your Housing Group
2. Reeve Court in Rainhill, 174 apartments and 32 bungalows – Your Housing Group
3. Heald Farm Court in Earlestown, 86 apartments and three bungalows - Torus

Parr Mount Court in Fingerpost also comes under this remit, although it is not included in the review as the homes are all fully rented and the focus of this review was on owner occupiers.

4.3 Meeting with Your Housing Group

- 4.4 The task group visited the Head Office of Your Housing Group (YHG) in Warrington to gain background information about the two schemes they own.
- 4.5 We met with members of the team who hold various responsibilities within the organisation. We asked several questions with regards to what contractual information potential buyers are given, for example, was it clear and transparent? Questions were also asked around the various service charges and sinking funds and if financial accounts were issued to residents on a periodical basis? We also enquired about the process when an owner passes away and the sell on of properties.
- 4.6 YHG informed the task group that prospective buyers are given comprehensive sales packs that cover costs, leases and explanations of terms and conditions. A copy of his was provided to the task group. YHG meet with buyers for up to two hours on the first visit to show them around the facility and explain the cost and charging structures. Council tax charges are the responsibility of the individual owners.

- 4.7 YHG stated that the information is transparent and clear, and that buyers are always advised that independent legal representation should be obtained to review these details. The involvement of family members is also encouraged. There is also a dedicated Moving in Co-Ordinator who is available to assist buyers during the purchase to ensure the smooth running of the process.
- 4.8 The task group were also informed about the services charges and sinking funds. Services and maintenance charges are paid weekly by the resident. They are set following the previous years accounts and are clearly documented for and issued to residents.
- 4.9 The sinking fund is for major repairs such as roof, boiler replacement or electrical repairs and is calculated and charged on the sale of a property. YHG informed us that the sinking fund is discussed with residents regularly at residents meetings, although it was unclear from our discussions if these are audited and presented to residents for clarity.
- 4.10 If an owner passes away or wants to move house then the sinking fund is charged at 1% of the final sale figure, per year of ownership e.g.
- Sale Price £100,000
 - 1% of £100,000 = £1000
 - Home owned for 3 years
 - ✓ 3 x £1000 = £3000 is due to the sinking fund on completion of house sale.
- 4.11 If a person passes away then the services charges can be accumulated and taken from the final sale price. YHG will arrange the resale via a Royal Institute of Chartered Surveyors (RICS) valuation (there is an additional 1% reassignment fee, from the agreed sale price for this). If a sale is not achieved within 28 days then the owners/family are able to place the property on the open market.
- 4.12 It is difficult to establish how long a property may take to sell as it would depend on the condition of the property, the asking price and demand for similar type properties.
- 4.13 We were also informed that general maintenance repairs are now undertaken by 'Fix 360' which is an in- house repairs team. This changed in October 2017, however, prior to this YHG used contractors for repairs. All charges are broken down and reported to residents in a financial report.
- 4.14 The task group discussed the recent utility failure which, on two occasions left Heyeswood without power, for a considerable amount of time. They raised their concerns for resident's safety and welfare and.
- 4.15 YHG confirmed that there are Contingency Plans in place for emergencies, battery back-ups, care teams on site 24/7 to deal with any problems. If a large scale emergency was to take place then YHG would liaise on a regional/borough wide basis for disaster recovery.

4.16 Meeting with Torus

- 4.17 Members of the task group met with various members of the Torus management team. The same questions were asked so that we could establish the processes and procedures in place.
- 4.18 We were informed that as with YHG, prospective buyers were given clear and transparent information with regards to buying into the scheme and that family members are always encouraged to attend meetings. A sales pack has been produced, and was made available to the task group, which contains the lease, financial and sinking fund information and an experienced Sales Advisor is available.
- 4.19 A financial visibility check is undertaken on prospective buyers to ensure they can afford to live at the scheme.
- 4.20 The task group were informed about the various weekly maintenance and property charges, as well as the sinking fund and were assured that this financial information is issued to residents on a regular basis with the opportunity for discussion.
- 4.21 The sinking fund is again paid when the property is sold and as with YHG the charge is 1% for each year the home is owned. We were also informed that when the scheme was first established, buyers were offered two different types of leases;
- Guaranteed Buy Back – Torus will buy back the property at a slightly lower than market value (95%) and only if there is a requirement for extra property stock, or
 - Non-Guaranteed Buy Back whereas the property is free to go on open market.

Buyers are given this information prior to obtaining legal advice. There is now only one lease option that does not guarantee buy back, however, this is still an option for the seller and Torus.

- 4.22 Again it is difficult to establish how long a property may take to sell as stated in 4.12 and will depend on market forces.
- 4.23 Task group members also enquired about residents who pass away with dependent children under the required age to live at the scheme. We were informed that each case would be looked at individually; if the dependant was nearing the required age of 55 then consideration would be given if the facility was suitable. If not, Torus would fully assist in seeking alternative accommodation, but this would be discussed with the owner beforehand if possible.
- 4.24 Site visit to meet residents of Reeve Court Retirement Village, Rainhill**
- 4.25 Task group members arranged to meet with residents at Reeve Court that either fully owned their homes or owned via shared ownership to gather their thoughts and comments on information made available relating to service charges.

- 4.26 The meeting was well attended with 26 residents present and we posed similar questions to those posed to YHG and Torus. Residents stated that they were issued with all the paper work that you would expect, although it was quite confusing. Solicitors locally and further afield were surprised that the sinking fund was set as high as 1%.
- 4.27 Residents said that the information that was supplied was understood to a certain level, *'when solicitors are explaining things you think you understand but in reality, things are very different'*. We learnt that families could be involved from the outset but they felt the information was very misleading, and there seemed to be confusion amongst the residents of how the sinking fund is calculated and on what value. One lady explained that she although she owns 75% of her home she will have to pay 100% of the sinking fund value.
- 4.28 There was also confusion about the use and calculations of the general service/maintenance charge. Residents had requested an upgrade to the television aerial system but we were informed that management had refused to fund this as it does not fall under 'general maintenance'. There was also confusion over general repairs which caused delays in the issue being resolved.
- 4.29 Residents understood that service charges were still to be paid until a property had sold even if family members were selling an empty property due to bereavement.
- 4.30 It wasn't clear if annual statements of accounts were issued to residents, although residents present at the meeting said they were given a lot of information over charges etc. Residents informed the task group that they had not been informed where the sinking fund was invested or of its balance.
- 4.31 There was a Residents Committee at Reeve Court, which initially met quarterly, but attendance was low and the Committee was not always quorate. The meeting was followed the same day by a management meeting with YHG and Extra Care (the company who provide the care at Reeve Court) so the issues could be communicated upwards. We were informed that contact with the other local Residents Committees in other Retirement Villages had been almost lost over the years.
- 4.32 Residents told members of the task group that they didn't feel that they were listened to by management and that there was nowhere to escalate complaints. They were also concerned about people's perception of Reeve Court....Retirement Village or Nursing Home
- 4.33 Site visit to meet residents of Heald Farm Court, Earlestown**
- 4.34 The task group visited Heald Farm court located in Earlestown to meet with a smaller group of residents, 13 attended, including a resident's daughter.
- 4.35 Residents told the task group that they had been issued with financial information, at point of purchase and throughout the year and that Torus staff had recently visited to ensure that all residents had the information they required. Family and friends had been involved during the purchase of the properties.

- 4.36 Residents were not very clear with regards to the sinking fund and no one was clear of the exact amount and how it was calculated. One resident commented that they were paying the sinking fund monthly as part of the rent payment.
- 4.37 We heard that recent requests for financial breakdowns of the repairs account by residents had been not been acknowledged and monthly direct debit amounts had been changed without any explanation since Torus took over. One resident had been living at Heald Farm Court for one month and had not received any financial information at all.
- 4.38 When discussing the sinking fund, residents understood it was for repairs, although they did point out that there were several repairs that were outstanding. In addition an extra insurance policy had been taken out by management to cover the extent of repairs required and that each resident has been recharged to cover the premium.
- 4.39 One lady had her dependant son aged 53 living with her at Heald Farm Court for many years but just recently it has got too much for her and he transferred into full time respite care. The resident explained that if she passed away then her dependent would be able to move back into the home, however, the care needs would need to be met personally.
- 4.40 Following a recommendation made in a previous Scrutiny report a residents' committee was established but has since ceased due to lack of interest and engagement.
- 4.41 The residents stated that they enjoyed living there, but again, as with Reeve Court residents did not feel listened to by management.
- 4.42 Site visit to meet residents of Heyeswood, Haydock**
- 4.43 Finally the task group visited Heyeswood in Haydock to speak to a group of 20 residents. The majority of residents we met had lived at Heyeswood since the scheme opened nine years ago.
- 4.44 The residents stated that they hadn't been given all the relevant information at the time of purchases and that they had only been told some financial information late in the day and nearer to the signing date. Some residents said they had not been told about the sinking fund at all and only learnt about it months later. Some residents said that they had been directed by Arena (prior to YHG) to certain Solicitors, others chose their own.
- 4.45 Residents said they felt that the information provided at the time of purchase was not easily understood and that the ongoing financial information they were given was also difficult to read.
- 4.46 The task group learnt that annual financial statements were issued to residents, however, the annual financial meeting with the Accountant had stopped and any questions were to be put to the centre management.
- 4.47 Residents informed us that they were now being charged an extra weekly charge for 'intensive management costs' but these charges have not been explained and '*Costs are increasing year on year*', with repairs outstanding for many months.

- 4.48 As with the other schemes, residents at Heyeswood felt that they were not listened to by management and that any requests are disregarded. Each time residents approach management they just get '*shut down*' and were told '*no... go away*' and that there was never a straight answer and that all queries and questions are '*evaded*'....'*there are no truthful answers*'. Residents said they got treated like children and were repeatedly told to go and '*read their lease*'.
- 4.49 Residents also raised their concerns with regards to the recent power cuts and lack of heating and hot water. They were worried for themselves and the less abled residents during these times and what would happen should this situation arise again.
- 4.50 Meeting with Age UK Mid Mersey**
- 4.51 The task group visited Age UK Mid Mersey at the Mansion House in Victoria Park to meet officers and volunteer members of the Older Peoples Steering Group. The head office for Age UK is based in London with 150 partners operating across the country to form a wide network for older people.
- 4.52 Age UK Mid Mersey have had limited contact with residents of the boroughs Retirements Villages, the last time being a Mental Health awareness event 12 months ago. We also learnt that residents from Retirement Villages do not knowingly approach Age UK.
- 4.53 Age UK have dedicated Information and Guidance Officers to help people with a wide range of issues, including housing options/ housing benefits and there are fact sheets available both online and from each branch of Age UK. There is a specific fact sheet called '*Buying Retirement Housing*' which is available on their website.
- 4.54 Recently Age UK Mid Mersey have engaged with Reeve Court in Rainhill to negotiate utilising their facilities as a base to operate local projects and hopefully engage with residents and local people.
- 4.55 We also learnt that residents from Retirement Villages do not approach Age UK with any specific problems with regards their housing needs. The Citizens Advice Bureaux also provide an Information and Advice Service via a Council funded contract.
- 4.56 Meeting with St.Helens Senior Voice Forum**
- 4.57 St.Helens Senior Voice Forum works with statutory authorities and voluntary organisations to ensure that older people's views are considered when they are planning, designing, providing and implementing services which older people may access.
- 4.58 The Forum aims to improve services, create a positive image for older people and establish links between agencies to ensure their voice is listened to in decision making processes.
- 4.59 Task group members attended a Forum meeting and met with the Chairman Mr Les Teeling and four members to discuss the findings of the Scrutiny review.

- 4.60 St.Helens Senior Voice Forum has had contact with residents from Retirement Villages but not for specific issues and are unaware of any outstanding issues. It was felt that St.Helens Senior Voice may be able to support the residents of Retirement Villages with the services they provide.

5.0 Conclusions

- 5.1 It is clear that Retirement Villages are built around a community environment where people can live independent lives safe in the knowledge that their home is secure, managed at all times and that help in the form of social care is there if and when required.
- 5.2 There is no doubt that in these times of austerity, all organisations large or small, public or private are feeling financial pressures and resources are being cut to ensure budgets can be met whilst still delivering and maintaining services to the required level.
- 5.3 Retirement Villages have a range of excellent facilities and the concept is attractive for people looking for security in mid to later life. However, we feel that prospective buyers should be made fully aware, at the very outset, of the ongoing costs and charges and that all information supplied is done so in a clear and concise, and more importantly..... user friendlyformat.
- 5.4 The recommendations made in the 2013 Scrutiny Report *Empowering those who live in Retirements Villages* were actioned on and completed at the time. However, the improvements following on from the recommendation have not been maintained.
- 5.5 We heard that financial information received during the buying process was confusing and unclear. Several residents told us that they weren't aware of certain charges until months after moving into their home. Although the updated (Summer 2017) sales pack that was supplied by Torus does document weekly charges and basic information about the sinking fund.
- 5.6 The sales information pack provided by YHG also included information and explanations with regards to charges and the sinking fund, although this information refers to the period when the schemes were operated by Arena Housing Group. Both sales information pack documents are available on request.
- 5.7 The sinking fund raised confusion at all the Retirement Villages we visited. People were unsure of how much it was, when it was payable, what the balances of the funds were and what it was used for. This issue was raised in the 2013 review and it is apparent it is still a concern for the residents.
- 5.8 At Heald Farm Court management have taken out an additional insurance policy to cover ongoing repairs and residents have been re-charged for. It was unclear to the task group what these ongoing repairs were and why they were not covered by the weekly service and maintenance charges or the sinking fund.
- 5.9 It was difficult to establish how long property should take to sell in the Retirement Villages. We heard from relatives of residents that had passed away that homes could be on the market for several months whilst service and maintenance charges were continuing to accumulate.

- 5.10 Both YHG and Torus stated that monthly charges could be accumulated and delayed until the sale of the property and then taken from the proceeds along with the sinking fund charge. However, these charges can add up resulting in little or no remaining equity in the property. We heard from both current residents and relatives of residents that this was stressful and residents worried for their families. Also, this information needs to be made clear prior to purchase.
- 5.11 Recent events at Heyeswood Retirement Village where utilities had failed twice within a couple of months, had left residents vulnerable, without hot water, heating or lighting for hours at a time. Concerns had been raised.
- 5.12 Task group members would like to be assured that there is adequate staffing arrangements at all times and that staff are fully aware of Your Housing Groups contingency plans and that these emergency plans are robust.
- 5.13 We heard from all the Retirement Villages that the Residents Committees struggled with membership and attendance at meetings was low. These are key forums for residents to voice their concerns and raise requests and the task group would like to see these become a great success at each of the schemes. Scheme management working more closely with these committees would enable for greater engagement and transparency. Also a clear complaints and reporting procedure would be greatly appreciated by residents.
- 5.14 The valuable work undertaken by Age UK Mid Mersey and St.Helens Senior Voice Forum is vital for the older people of St.Helens. The task group would like to see an increased level of engagement between these organisations and the residents of our Retirement Villages.
- 5.15 Age UK Mid Mersey indicated that they had the facilities to give advice and guidance to people when considering purchasing a home in a Retirement Village and it is hoped that St.Helens Senior Voice Forum would be able to assist residents voices to be heard and acted upon from within the Retirement Villages.
- 5.16 It was noted that contact details for Age UK and for the Citizens Advice Centre were documented in the Torus sales information pack. However, it would be beneficial for Age UK to provide information / guidance leaflets to Housing Associations to include in their information packs that are given to prospective buyers so there is an independent view of the pros and cons of buying property in Retirement Villages.
- 5.17 These services would be instrumental in providing an independent advocate for residents, also to provide advice, guidance and the support they feel they do not currently have available.

6.0 Recommendations

1. a) That the recommendations made in the 2013 Scrutiny Review *Empowering those who live in Retirements Villages* be re-visited to ensure that, where possible, the outcomes originally reported are still active, relevant and beneficial to residents in the boroughs Retirement Villages.

b) In particular recommendation number three with regards to the format and how often financial information, including services charges and sinking funds is communicated to residents be fully reviewed to ensure clarity and ease of understanding for both prospective buyers and throughout the ownership of the property.
2. Consideration be given by Torus and Your Housing Group to reviewing the continuation of service charges at the point a property becomes vacant and this information be clearly communicated to prospective buyers and their families.
3. That both Your Housing Group and Torus review and provide assurances that their contingency plans are adequate and robust, that staffing levels are sufficient and that staff are suitable trained to act upon these plans in the event they are required.
4. Clarification be sought from Torus as to what the additional insurance policy at Heald Farm Court for ongoing repairs covers that is not already funded by weekly service/maintenance charges or the sinking fund.
5. Consideration be given by scheme management to encouraging and supporting the Residents Committees at all of the Retirement Villages within the borough to allow for greater engagement and transparency and that a clear complaints procedure is also established.
6. Consideration be given by Age UK Mid Mersey to produce a guide / information leaflet which should be included in the information packs issued to prospective buyers by Your Housing Group and Torus.
7. Consideration be given by St.Helens Senior Voice Forum for further engagement with the residents of the boroughs Retirements Villages to promote their service.

Service Charges for Owner Occupiers within Retirement Villages

Rec No	Recommendation	Responsible Lead Officer	Agreed Action	Date of Implementation
1	<p>a) That the recommendations made in the 2013 Scrutiny Review Empowering those who live in Retirements Villages be re-visited to ensure that, where possible, the outcomes originally reported are still active, relevant and beneficial to residents in the boroughs Retirement Villages.</p> <p>b) In particular recommendation number three with regards to the format and how often financial information, including services charges and sinking funds is communicated to residents be fully reviewed to ensure clarity and ease of understanding for both prospective buyers and throughout the ownership of the property.</p>			
2	Consideration be given by Torus and Your Housing Group to reviewing the continuation of service charges at the point a property becomes vacant and this information be clearly communicated to prospective buyers and their families.			
3	That both Your Housing Group and Torus review and provide assurances that their contingency plans are adequate and robust, that staffing levels are sufficient and that staff are suitable trained to act upon these plans in the event they are required.			
4	Clarification be sought from Torus as to what the additional insurance policy at Heald Farm			

Service Charges for Owner Occupiers within Retirement Villages

	Court for ongoing repairs covers that is not already funded by weekly service/maintenance charges or the sinking fund.			
5	Consideration be given by scheme management to encouraging and supporting the Residents Committees at all of the Retirement Villages within the borough to allow for greater engagement and transparency and that a clear complaints procedure is also established.			
6	Consideration be given by Age UK Mid Mersey to produce a guide / information leaflet which should be included in the information packs issued to prospective buyers by Your Housing Group and Torus.			
7	Consideration be given by St.Helens Senior Voice Forum for further engagement with the residents of the boroughs Retirement Villages to promote their service.			