

Notice of Non-key Executive Decision

Subject Heading:	Amendment to the Orchard Village transfer agreement.
Cabinet Member:	Cllr Joshua Chapman Cabinet Member for Housing
SLT Lead:	Patrick Odling-Smee – Director of Housing
Report Author and contact details:	Patrick Odling-Smee Director of Housing
Policy context:	Housing association management
Financial summary:	There are no financial implications of this amendment.
Relevant OSC:	Town and Communities
Is this decision exempt from being called-in?	It is a non-key decision by a member of staff

The subject matter of this report deals with the following Council Objectives

Communities making Havering	<input checked="" type="checkbox"/>
Places making Havering	<input checked="" type="checkbox"/>
Opportunities making Havering	<input type="checkbox"/>
Connections making Havering	<input type="checkbox"/>

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

Decision:

To remove Transfer Agreement Schedule 4, Appendix 1, paragraph 15: to make one place available on the Old Ford Board for a representative of the Mardyke Neighbourhood Board.

Background:

During 2015 and 2016 the Circle Housing Group began the process of collapsing its group structure so that, following resident and staff consultation, eight former Circle housing associations agreed to transfer their engagements to Circle Thirty Three Housing Trust. This took place at the same time that Circle Anglia Limited (as parent) was transferring its engagements to The Affinity Homes Group Limited (followed by a change of name to Clarion Housing Group Limited (Clarion's parent body) in 2016. Circle Thirty Three Housing Trust Limited (Circle 33) then went through the process of legal amalgamation with Affinity Sutton Homes Limited to form Clarion Housing Association Limited on 2 January 2018. (Old Ford Housing Association joined Circle 33 on 1 March 2018 by way of a transfer of engagements).

During the process all stock transfer agreements were reviewed and individual agreements were made with all councils to withdraw the rights of nomination to local housing association boards. Clearly it would have been impractical for the new Clarion Housing Association Board to have to accept in the region of 12 council nominated board members in addition to residents and independent members.

The current Clarion Housing Association Board includes four resident members and, although affected by Covid measures, there are Regional Scrutiny Committees (of residents) for each of Clarion's five regions and the Old Ford Community Panel covers our housing in Tower Hamlets and the LB Havering. The Panel of seven residents includes a member living on the Orchard estate in Havering and there are five Havering residents signed up to our digital platform, Clarion Voice. There are also multiple opportunities for residents in North London to become involved.

The Panel chose to support Rainham foodbank with a £5,000 grant as part of their COVID19 grant funding project. Rainham foodbank delivered food and essential items to a total of 1,254 individuals. 884 hours of volunteering took place to support the foodbank. Rainham foodbank has also been further supported with a £1,000 grant from Clarion Futures Emergency Support Fund, and most recently have found a new HQ within our office building in Orchard Village.

In and around 2016 to 2017 there was a debate in the housing world as to whether housing associations were "public bodies". If they were deemed to be public bodies then the borrowing of the entire social housing sector would have been added to the Public Sector Borrowing Requirement. Nominations of people on to housing association boards was an indicator of control by local authorities over charitable

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housing associations and regulations were introduced in 2017 to cut the ties with local authorities in this area.

As part of Circle's due diligence, the Transfer Agreement of 31 March 2008 with LB Havering regarding the transfer of Mardyke Estate was reviewed. The agreement was primarily to do with the stock transfer, the new development, obligations to provide new housing, to become the employer of transferring staff, nomination rights for lettings, etc., but also included a provision to make one place available on the Board of Old Ford Housing Association for a representative of the Mardyke Neighbourhood Board.

The Neighbourhood Board stopped meeting around 2015 (and therefore was in no position to nominate a representative) and the Havering representative to the Old Ford Board resigned in March 2015.

AUTHORITY UNDER WHICH DECISION IS MADE

3.3 Powers of Members of the Senior Leadership Team

General powers

(a) To take any steps necessary for proper management and administration of allocated portfolios.

Human resource powers

To exercise overall responsibility within their Group Directorate for human resource matters.

Financial responsibilities

(a) To incur expenditure within the revenue and capital budgets for their allocated portfolio as approved by the Council, or as otherwise approved, subject to any variation permitted by the Council's contract and financial procedure rules.

STATEMENT OF THE REASONS FOR THE DECISION

The purpose of the deed of covenant is a tidying exercise to regularise the new situation and is the one document prepared in or around 2016 relating to the collapse of the Circle structure that has not been finalised.

OTHER OPTIONS CONSIDERED AND REJECTED

None.

PRE-DECISION CONSULTATION

The three ward councillor for the Orchard Village estate have been consulted on this proposal and two of them have expressed support. The lead member for Housing has also been consulted and supports the amendment.

NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

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Name: Patrick Odling-Smee

Designation: Director of Housing

A handwritten signature in black ink that reads "Patrick Odling-Smee". The signature is written in a cursive style with a period at the end.

Signature:

Date: 9th July 2021

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

The details of the need to enter into a Deed of Variation are set out in the main body of this Executive Decision. The Deed of Variation will legally implement the agreed current position between the parties.

FINANCIAL IMPLICATIONS AND RISKS

There are no financial implications of this decision

HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)

There are no human resources implications of this decision.

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

It is not considered necessary to enter into an Equalities and Health Impact Assessment in relation to buying this property. The purchase will be completed after the standard property purchase negotiations using standard a contract format, undertaken with the expressed consent of the owner; therefore an EqHIA is not considered relevant.

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have 'due regard' to:

- (i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) Foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex/gender, and sexual orientation.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

There are no equalities implications on this report.

BACKGROUND PAPERS

Appendix 1

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Deed of Agreement & Variation

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Part C – Record of decision

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Proposal agreed

Details of decision maker



Signed

Name: Patrick Odling-Smee

Cabinet Portfolio held:

CMT Member title:

Head of Service

Other manager title:

Date: 9/07/21

Lodging this notice

The signed decision notice must be delivered to the proper officer, Debra Marlow, Principal Democratic Services Officer in Democratic Services, in the Town Hall.

For use by Committee Administration

This notice was lodged with me on _____

Signed _____