

MINUTES OF THE MEETING OF THE URGENT DECISIONS HELD ON MONDAY, 12TH JUNE, 2017, 15:00

PRESENT:

Councillor Claire Kober, Leader of the Council

4. FILMING AT MEETINGS

The Chair referred Members present to agenda Item 1 as shown on the agenda in respect of filming at this meeting, and Members noted the information contained therein'.

5. APOLOGIES FOR ABSENCE

None

6. DECLARATIONS OF INTEREST

There were no Declarations of Interest.

7. MANAGEMENT AGREEMENT WITH HOMES FOR HARINGEY FOR HOUSING SERVICES

The Leader noted the report, which sought ratification both retrospectively and prospectively for the previously agreed ten year management agreement with Homes for Haringey agreed at Cabinet on the 15th March 2016.

RESOLVED

That the Leader:

- I. Notes that Homes for Haringey has exercised housing management functions on the Council's behalf, as permitted by section 27 Housing Act 1985, from 1st April 2006.
- II. Notes that on 15th March 2016 Cabinet (i) resolved to approve a new 10 year management agreement between the Council and Homes for Haringey, to take effect from 1st April 2016 or, if later, from the receipt of approval under section 27 Housing Act 1985; (ii) had been advised that steps were in place to obtain consent, but that the existing 2011 Agreement would need to roll over to regulate service delivery in the event that consent was not obtained before 1st

- April 2016; and (iii) therefore intended that the 2011 Agreement should remain in force beyond 1st April 2016 until consent was given.
- III. Notes that, consistent with the Cabinet decision of 15th March 2016, both the Council and Homes for Haringey have continued to act on the basis that the 2011 Agreement remains in force and have continued to perform their respective obligations under that agreement from 1st April 2016 to the present.
 - IV. Notes that, consistently with the above, on 15th May 2016 the Leader noted that the Council's tenancy management functions continued to be contracted out to Homes for Haringey on the terms of the 2011 Agreement until replaced by the new management agreement.
 - V. Insofar as it is necessary to do so, and for the avoidance of doubt:
 - i. Ratifies the continuation of the 2011 Agreement with Homes for Haringey for all purposes, beyond 31st March 2016 and continuing until the HCA determines the Council's application for approval of the new proposed management agreement.
 - ii. Ratifies the performance by Homes for Haringey of all the management functions undertaken by it on the Council's behalf in pursuance of section 27 of the Housing Act 1985, and in accordance with the 2011 Agreement, with effect from 1 April 2016.
 - VI. These ratifications are to have effect both retrospectively and prospectively. In the light of the communication from the HCA dated 8th June 2017, directs that a report be brought to the next available Cabinet meeting so that the matter may be considered further and any necessary decisions can be taken.

Reasons for decision

It is necessary for the decision to be taken in order to retrospectively ratify the extension of the 2011 Agreement for the avoidance of doubt, it being the view of officers and legal advisers that Cabinet approval for that course of action was necessarily implicit in the decision of 15th March 2016. The extension (referred to in the March 2016 report as "roll[ing] over" was and remains necessary to ensure that there is a legally valid agreement in place for the discharge by Homes for Haringey of the Council's housing management functions. In the absence of a legally valid agreement, it is arguable that the Council is acting unlawfully in allowing Homes for Haringey to discharge those functions on its behalf

Alternative options considered.

The Council could continue to participate in the forthcoming judicial review without taking these decisions. As already explained, the legal advice is that the Council's position is defensible. However, given the potentially serious implications outlined above, it is appropriate and prudent for the Council to take any steps reasonably available to it to protect its position and mitigate the inevitable litigation risk as far as possible.

8. NEW ITEMS OF URGENT BUSINESS

N/A

CHAIR:

Signed by Chair

Date