

# **MINUTES OF THE MEETING OF THE URGENT DECISIONS HELD ON THURSDAY, 29TH MARCH, 2018, 12.00pm**

## **PRESENT:**

**Councillor Alan Strickland - Cabinet Member for Housing, Planning and Regeneration.**

**Also present: Dan Hawthorn, Raymond Prince, Michael Westbrook, Ayshe Simsek**

## **12. FILMING AT MEETINGS**

The Cabinet Member referred to agenda item 1, as shown on the agenda in respect of filming at this meeting.

## **13. DECLARATIONS OF INTEREST**

There were no declaration of interests.

## **14. MANAGEMENT AGREEMENT WITH HOMES FOR HARINGEY FOR HOUSING SERVICES**

The Director for Housing and Growth introduced the report which sought essentially 2 decisions. The first decision was relating to the approval to the variation to the end date of the 2011 Management agreement with Homes for Haringey Agreement and the second decision was relating to the definition of the phrase “The Term” – attached at appendix 1 so that it would expire 28 days after the date the Council is notified by the Regulator of Social Housing of its determination pursuant to the Council’s request for approval to the making of a new Agreement with Homes for Haringey

The Cabinet Member noted that following the Cabinet decision on 16<sup>th</sup> of January 2018 to agree the New Management agreement with Homes for Haringey to run until 2026, it was anticipated by officers that the application for section 27 consent would have been determined by the RSH within six weeks of the application being submitted on 2<sup>nd</sup> February 2018. However on 22 March 2018, the RSH indicated that the application will be further delayed for reasons outside of the Council’s control.

In view of the fact that the proposed new Agreement will not be approved by the RSH before 31 March 2018, it was proposed that a decision be taken to vary clause 62 of the 2011 Agreement to permit an end date beyond 31 March 2018 in the manner set out in section seven below. This would ensure the continuity of housing services within current arrangements for the period between 31 March 2018 and the RSH making a decision on the application regarding the new Management Agreement

In response to a question from the Cabinet Member regarding any additional questions being raised regarding the application, this would not constitute a determination by the regulator and as such the agreement would continue as amended.

Further to considering exempt information at item 5,

## **RESOLVED**

1. To note that Homes for Haringey has exercised housing management functions on the Council's behalf, as permitted by section 27 Housing Act 1985, from 1<sup>st</sup> April 2006.
2. To note that on 16<sup>th</sup> January 2018 Cabinet agreed that, having regard to the results of the consultation carried out with Council tenants pursuant to section 105 of the Housing Act 1985, and the non-statutory consultation with Council leaseholders, and subject to the approval of the Homes and Communities Agency, the Council should enter into a new Management Agreement with Homes for Haringey, and that this new Management Agreement should run until 2026, subject to the Council's right to terminate the Agreement earlier following review on 31<sup>st</sup> March 2021.
3. To note that on 16<sup>th</sup> January 2018 Cabinet also agreed to an application being made by officers to the Homes and Communities Agency pursuant to section 27 of the Housing Act 1985 to seek approval for the new Management Agreement.
4. To note that on 12 June 2017 - insofar as it is necessary to do so, and for the avoidance of doubt – the Leader ratified 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 and 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.
5. To note that clause 62 of the 2011 Agreement relating to duration and renewal means that it is currently not capable of being extended beyond 31 March 2018.
6. To approve the variation to the end date of the 2011 Agreement – and the definition of the phrase "The Term" – attached at appendix 1 so that it will expire 28 days after the date the Council is notified by the Regulator of Social Housing of its determination pursuant to the Council's request for approval to the making of a new Agreement with Homes for Haringey.
7. To note that Homes for Haringey is agreeable to the variation.

## **Reasons for decision**

It is necessary to extend the 2011 Management Agreement as the new Management Agreement approved by Cabinet on 16 January 2018 will not have received consent from the Regulator of Social Housing (RSH) prior to 31 March 2018. This is due to a

delay by the RSH in determining the outcome of the Council's application for consent for the new Management Agreement.

The Cabinet Member is also referred to the exempt report which also contains information in support of the reasons for this decision.

Officers and legal advisers consider that the most effective method of extending the 2011 Agreement is by way of variation to the clause regarding duration and renewal (clause 62). This clause will be varied so that the 2011 Agreement will expire 28 days after the date the Council is notified by the Regulator of Social Housing of the result of its request for approval.

### **Alternative options considered**

An option would be to let the 2011 Agreement expire, and for the Council to then take the services back in house. However, the Council is not equipped to take the services back at short notice, and so officers do not consider that to be a viable alternative option.

*The Chair of Overview and Scrutiny had further agreed that the call-in procedure should not apply to this urgent decision. This was because the decision was urgent and any delay in implementation caused by the call-in procedure would seriously prejudice the Council's or the public's interests due to the fact that the Management Agreement between the Council and Homes for Haringey would end on 31<sup>st</sup> March 2018 and cannot (as currently drafted) be extended beyond that date, even by agreement between the parties. As such, there would be no Management Agreement governing the services delivered by Homes for Haringey on behalf of the Council. Accordingly, the Chair of Overview and Scrutiny Committee had agreed that the decision is both reasonable in all circumstances, and that it should be treated as a matter of urgency. This is in accordance with Part 4, Section H, and Paragraph 18 of the Council Constitution.*

## **15. EXCLUSION OF THE PRESS AND PUBLIC**

### **RESOLVED**

That the press and public be excluded from the remainder of the meeting as the items contained exempt information, as defined under Paragraph 3 and 5 of Part 1 of Schedule 12A of the Local Government Act 1972.

## **16. MANAGEMENT AGREEMENT WITH HOMES FOR HARINGEY FOR HOUSING SERVICES**

As per item 14.

CHAIR:

Signed by Chair .....

Date .....