

AMENDMENTS TO DERBY HOMES GOVERNANCE ARRANGEMENTS

Report of the Director & Company Secretary

1. SUMMARY

This report proposes amendments to the Governance Arrangements Part V Local Housing Board Constitution and Part VI Delegation of Responsibilities.

2. RECOMMENDATION

To approve the amendments to the Governance Arrangements

- i. Part V Local Housing Board Constitution
- ii. Part VI Delegation of Responsibilities.

3. MATTER FOR CONSIDERATION

- 3.1 At the meeting on 30 September 2010, the Board considered a report on Delivering Efficiencies in Corporate and Transactional Services (DECATS) and Business Transformation. The Board agreed to proposals affecting the Governance Arrangements, namely reducing the number of Committee meetings by combining the two Local Housing Boards into one City Wide Housing Committee, subject to consultation with representatives on implementation, and abolishing the Performance Management Committee.
- 3.2 It is necessary to amend the Governance Arrangements to reflect these changes.
- 3.3 Attached at Appendix 1 is the proposed Constitution for the City Wide Housing Committee.
- 3.4 The majority of responsibilities delegated to the Performance Management Committee will be transferred to the Chair's Group. Others will be delegated to the City Wide Housing Committee and the Resources, Remuneration & Regeneration Committee.
- 3.5 The changes to the delegations to Committees' are shown in Appendix 2.

4. CONSULTATION IMPLICATIONS

Local Housing Board Representatives are due to meet on the 29 October to discuss the implementation of combining the two Local Housing Boards into one City Wide Housing Committee. Any pertinent issues arising from the meeting will be reported verbally.

5. LEGAL AND CONFIDENTIALITY IMPLICATIONS

Changing the Governance Arrangements is a matter reserved to the Board.

The areas listed below have no implications directly arising from this report

- Financial and Business Plan
- Personnel
- Environmental
- Equalities Impact Assessment
- Health & Safety
- Risk
- Policy Review

If Board members or others would like to discuss this report ahead of the meeting please contact the author, or the Chief Executive, phil.davies@derbyhomes.org - Tel 01332 711010

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Background Information: None

Supporting Information: None



DERBY HOMES

City Wide Housing Committee Constitution & Terms of Reference

City Wide Housing Committee Constitution

1. **MEMBERSHIP**

1.1. The number of City Wide Housing Committee Members shall be twenty six. Membership is as follows:

- (a) Fifteen tenant representative (called a "Tenant Representative");
Two leaseholder representatives (called a "Leaseholder Representative");
- (b) The four Tenant main Board Members. and the Tenant Board Member who is the Leaseholder
- (c) Up to two Independent Board Members .
- (d) Up to two Council members of the main Board.

Members of a City Wide Housing Committee are called City Wide Housing Committee Members.

1.2. Only one family member can be on the City Wide Housing Committee.

1.3. The City Wide Housing Committee has power to co-opt up to three non-voting members who have skills and experience that can assist the City Wide Housing Committee.

2. **TERMS OF OFFICE**

2.1. City Wide Housing Committee members who are not also main Board Members are to serve for a term of three years. City Wide Housing Committee members who are also main Board Members are to serve until removed by a resolution of the main Board.

3. **APPOINTMENT AND RECRUITMENT**

Appointment and recruitment will be as follows

3.1 Fifteen tenants will be elected each to represent one of four areas of the City, and two leaseholders will be elected each to represent one half of the City. They will retire in rotation as follows:

Area	No of seats	Management Area	Retirement Date
North West	2	Mackworth Brook Street	October 2010
North East	4	Sussex Circus Derwent Chaddesden Park Spondon	October 2012
Leaseholders	1	Derby North	October 2012
South West	3	Stockbrook Street Austin Littleover	October 2010
South East	6	Alvaston Allenton Old Sinfen New Sinfen Osmaston Chellaston & Shelton Lock	October 2011
Leaseholders	1	Derby South	October 2012

And will subsequently retire in rotation which mirrors this so that each Tenant and Leaseholder Representative will serve for a term of office as close to three years as possible. When calculating this length of time in office, a person who was appointed to fill a casual vacancy is treated as though he/she had held office from the date of the appointment of the Tenant or Leaseholder Representative he/she replaced.

- 3.2 Procedural arrangements for the election of Tenant and Leaseholder representatives and casual vacancies will be as for Main Board Members, set out in Derby Homes Governance Arrangements Section 2.2.2 – 2.2.10 of Part IX Appointment and Recruitment of Board Members.

4. **CHAIR AND VICE CHAIR**

- 4.1 One of the Vice Chairs of the main Board shall be elected as Chair by the City Wide Housing Committee.
- 4.2 The remaining Vice Chair of the main Board will be appointed as Vice Chair.
- 4.3 In the absence of the Chair or Vice Chair of the City Wide Housing Committee, the City Wide Housing Committee members present may only appoint one of their number who is also a main Board member to chair the meeting.

- 4.4 Existing Representatives and Deputies nominated by Housing Focus Groups will remain on the City Wide Housing Committee until their relevant retirement date, outlined in paragraph 3.1 above.
- 4.5 Until such time, no Deputy Tenant Representative or Deputy Leaseholder Representative shall be entitled to vote at a meeting if the Tenant Representative or Leaseholder Representative from the relevant nominating body is also present.
- 4.6 All members of the City Wide Housing Committee have equal rights to speak and vote subject to Derby Homes' Governance Arrangements concerning the declarations of interests.

Voting

- 4.7 Where a matter is to be put to a vote, it shall be decided by a simple majority of votes on a show of hands, subject to paragraph 4.5 above, each City Wide Housing Committee Member present in person will have one vote. In the event of a tied vote, the Chair has a second or casting vote.

5. DISQUALIFICATION

- 5.1. A person shall be ineligible for appointment to the City Wide Housing Committee and if already appointed shall immediately cease to be a City Wide Housing Committee member if the relevant individual:-
 - (a) in the case of a main Board member where they cease to be a main Board Member; or
 - (b) is, or may be, suffering from mental disorder and either:-
 - a. is admitted to hospital in pursuance of an application for admission for treatment under the Mental Health Act 1983 or, in Scotland, an application for admission under the Mental Health (Scotland) Act 1960; or
 - b. an order is made by a court having jurisdiction (whether in the United Kingdom or elsewhere) in matters concerning mental disorder for his/her detention or for the appointment of a receiver, curator bonus or other person to exercise powers with respect to his property or affairs; or
 - (c) resigns his office by notice to the Company Secretary; or
 - (d) shall for more than six consecutive months have been absent without permission of the City Wide Housing Committee from meetings of the City Wide Housing Committee held during that period and the City Wide Housing Committee resolves that his office be vacated; or

- (e) in any period of 12 months, he shall have been absent (without the permission of the City Wide Housing Committee members) from at least 60% of the meetings of City Wide Housing Committee members held during that period and the City Wide Housing Committee members resolve that his office be vacated; or
- (f) in the case of a tenant City Wide Housing Committee member he or she permanently ceases to be a Tenant or a Family Member of a Tenant or a Leaseholder or a Family Member of a Leaseholder; and
- (g) is a tenant City Wide Housing Committee member and is in the opinion of the main Board in serious breach of their obligations as a Tenant or a Leaseholder.

6. **DELEGATED POWERS**

6.1. The City Wide Housing Committee has the following delegated powers:

- Set Local Performance standards within a Derby Homes framework

The City Wide Housing Committee can agree performance standards for the local housing offices in their area an example of this could be, arranging monthly walkabouts with tenants.

- Set Local Performance targets within a Derby Homes framework

The City Wide Housing Committee can agree performance targets for the local housing offices in their area an example of this could be, the percentage of estate walkabouts involving tenants

- Monitor local performance

The City Wide Housing Committee will receive performance monitoring information – format and content to be agreed by the City Wide Housing Committee. This information will be used to monitor performance in key service areas. The City Wide Housing Committee may request additional information where areas of concern/interest arise.

- Prioritise and manage the delegated Housing Capital Works Programme

The City Wide Housing Committee will prioritise and monitor the progress of works to be undertaken through the programme.

- Develop the Estates Pride improvements strategy
- Approve the Estates Pride improvements initiatives within budgets delegated from the main Board

The City Wide Housing Committee will review the process for evaluating the Estates Pride improvements initiatives.

- Develop and approve bids for funding for local initiatives from various funding sources
- Approve any grants, loans or sponsorship to organisations operating specifically within the area

The City Wide Housing Committee will be responsible for approving funding to Housing Focus Groups, Tenant and Residents Associations and other community groups benefiting tenants in their area.

- Respond to representations from Housing Focus Groups.

Housing Focus Groups will be able to take items of local concern/interest to the City Wide Housing Committee. It is envisaged that a standard item will be placed on each Agenda, Housing Focus Group representatives will put items forward for agendas and present this item to the City Wide Housing Committee.

- Approve Local Estate Compacts or agreements

Derby Homes proposes to develop local agreements with Housing Focus Groups and residents. These agreements would outline the local standards of service that residents can expect. The agreements can include the services provided by Derby City Council departments and other organisations. The City Wide Housing Committee will agree and sign the agreements in their area.

- Develop and approve local Derby Homes Business Plans

Each year the City Wide Housing Committee will receive draft business plans and service plans for approval, the City Wide Housing Committee will also undertake a the role of reviewing achievement against previous years plans.

- Develop local tenant participation structures

The City Wide Housing Committee will review the local arrangements for involving tenants and can develop new ways of working with tenants in their area

- Monitor local Tenant Management Organisation performance

Tenants have the right to set up their own Tenant Management Organisation (TMO) to manage some or all of the services provided by Derby Homes. If a TMO is set up the City Wide Housing Committee will monitor their performance.

- Work with other organisations and agencies in order to improve sustainability of council housing within the area.

The City Wide Housing Committee will provide a key role in co-ordinating the work of partner organisations and agencies operating within the North and South of the City to ensure maximum benefit is made from partnership working towards achieving sustainability on council housing estates.

6.2. The City Wide Housing Committee may not sub-delegate any of the powers listed above.

7. **POWERS SUBJECT TO MAIN BOARD RATIFICATION**

In addition the City Wide Housing Committee has the power to:

- Appoint partner contractors for improvement programmes
- Prioritise the local area Housing Capital Works programme

The City Wide Housing Committee will be able to appoint partner contractors that will be working in their area.

These decisions will require the ratification of the main Board.

8. **CONSULTATIVE ROLE**

The City Wide Housing Committee will have the power to:

- Make recommendations to Main Board on matters that it has reserved to itself;
- Contribute to Derby Homes Service Reviews.

- (c) Monitor and propose ways of improving Housing Focus Groups and other forms of local consultation

PROCEDURAL GUIDANCE

- 9. A number of reports will normally be submitted to meetings of the City Wide Housing Committee. They will be in two main categories:
 - (a) Reports for information – these will give routine statistics and other information and progress reports on matters already approved by the City Wide Housing Committee.
 - (b) Reports for decision – these will suggest action, which could be taken to tackle particular problems.

In case of (b), City Wide Housing Committee Members may sometimes disagree with the recommendations laid out in the report. If so, it is within the City Wide Housing Committee's powers to reject the recommendations. However, in this situation the City Wide Housing Committee Members must suggest an alternative course of action to the recommendation or indicate which aspects of the problem may need a further report or further work to be undertaken.

For matters requiring an urgent resolution/decision, an urgent decision may be taken by the Chair of the City Wide Housing Committee in consultation with Chair and Chief Executive of Derby Homes. A report on the decision will then be made to subsequent City Wide Housing Committee for ratification.

Members of the City Wide Housing Committee will not normally be expected to make reports themselves, but there is nothing to stop them from doing this if they so wish.

- 10. Meetings of the City Wide Housing Committee will be convened by the Company Secretary, upon a decision of the Chair of the City Wide Housing Committee, Chair of Derby Homes or by requisition of 5 members of the City Wide Housing Committee.
- 11. Agendas should be set by a process with the City Wide Housing Committee at the start of every financial year and as a minimum the Chair of the City Wide Housing Committee should agree the actual agenda. Members of the City Wide Housing Committee can request the Chief Executive to include items on the agenda and to produce reports on certain subjects. In order to do this, members should contact the Company Secretary. The agenda will be despatched five clear working days prior to the City Wide Housing Committee Meeting and therefore it is essential to contact the Company Secretary at least ten working days before the date of the meeting to ensure that an item is placed on the agenda. In cases of urgent items, they will only be accepted onto the agenda with approval of the Chair of the City Wide Housing Committee.

12. The City Wide Housing Committee minutes will be submitted for consideration and action as required to the Main Board. Copies of the minutes of the previous meeting will be circulated with the agenda for the next meeting of the City Wide Housing Committee for approval.
13. The Chair will conduct the meeting and all remarks, questions, comments, etc are to be made through the Chair.
14. Meetings of the City Wide Housing Committee are open to the public subject to limitations imposed by the size of the venue. Participation in the business of the meeting, but not voting, may be extended to non-members at the discretion of the Chair. The Chair shall exclude all persons who are not entitled to vote on an item of business from any part of a meeting where the Chair considers the business is private.
15. Business shall only be conducted at meetings if at least 4 members are present, including at least 2 Main Board members. This minimum number of members is known as the quorum of the City Wide Housing Committee. Where a quorum is not present the meeting shall be adjourned. Where a meeting is adjourned, the business that would have been conducted at that meeting may be referred to the next meeting of the City Wide Housing Committee, except in the case of urgent business, which should be referred directly to the Chair of the Board.
16. All City Wide Housing Committee members will be under a duty of confidentiality. Matters relating to individual tenants or tenancies should not be discussed, nor should information be disclosed so that these can be identified.
17. Where a member of the City Wide Housing Committee or a close relative has a personal interest in a matter being discussed the interest should be declared to the meeting. The member should then take no further part in the consideration of that matter.
18. Meetings of the City Wide Housing Committee shall have duration of no more than 2 hours, but can be extended by members agreeing to move Standing Orders.
19. The venue should be convenient and reasonably accessible to all.
20. Training will be made available to staff, members, tenants and residents on an annual basis to maximise their effectiveness as a City Wide Housing Committee.
21. So far as they are capable of applying and less already addressed in this City Wide Housing Committee Constitution, the main Board's Standing Orders will apply to the proceedings of the City Wide Housing Committee.

Derby Homes Governance Arrangements

Proposed Revision to Part VI Delegation of Responsibilities

Part A: 2.3 Matters that are delegated to Committees or Panels

The following will replace Section 2.3.9 Local Housing Boards

2.3.9 City Wide Housing Committee

Will

- 1.1. set Local Performance targets and standards within a Derby Homes framework;
- 1.2. monitor local performance;
- 1.3. prioritise and manage the delegated Housing Capital Works Programme;
- 1.4. develop and approve Estates Pride strategy and initiatives within budgets delegated from the main Board;
- 1.5. develop and approve bids for funding for local initiatives from various funding sources;
- 1.6. approve any grants, loans or sponsorship over £5,000 to organisations operating specifically within the area;
- 1.7. respond to representations from Housing Focus Groups;
- 1.8. approve, monitor and implement Local Estate Agreements;
- 1.9. approve local Derby Homes Service and Business Plans;
- 1.10. develop local tenant participation structures;
- 1.11. monitor local Tenant Management Organisations' performance
- 1.12. work with other organisations and agencies in order to improve sustainability of council housing within the area;
- 1.13. recommend partner contractors for improvement programmes to the Council;
- 1.14. review and approve the provision of equal opportunities services;
- 1.15. review existing customer services and approve the introduction of new services;
- 1.16. make recommendations to Board on any change in strategies, policies, business plans and any other matter reserved to the Board, that it sees fit;
- 1.17. make recommendations as part of the Budget Review process;
- 1.18. receive questions from members of the public and approve answers;
- 1.19. receive petitions from members of the public and approve actions arising;
- 1.20. receive recommendations from the Board and the Resources, Remuneration & Regeneration Committee and other Committees on any matter delegated to it by the Board;
- 1.21. contribute to Derby Homes Service Reviews
- 1.22. making major decisions about implementation of any of the Derby Homes' functions delegated to the City Wide Housing Committee;
- 1.23. major decisions for the City Wide Housing Committee, as referred to in 1.22 above, are defined as:

- (a) any decision that has significant impact on only the North or South Local Housing Board areas
- (b) any decision that results in incurring expenditure or saving in excess of £200,000 – however any decisions with expenditure or savings between £100,000 and £200,000 will be reported to the next City Wide Housing Committee for noting
- (c) any decision to change strategy or policy on housing management, maintenance or customer service
- (d) the decision is qualified as follows:
- (e) decisions that are a direct consequence of implementing a major decision are not, in themselves, major;
- (f) bids for sums over £200,000 are not major decisions;
- (g) decisions to make a grant or a loan to any individual or organisations is a major decision unless it is below £5,000;
- (h) significant impact on North and South area of the City means any decision that is likely to have a significant positive or negative impact on environmental, physical, social or economic terms on tenants and/or leaseholders or residents living or working in the area of the City;
- (i) this means that City Wide Housing Committee decisions that have a significant positive or negative impact across the North and South areas must be agreed by the Board;
- (j) in recognition of their legal responsibility and liability, Board Members have the right to redirect a decision of the City Wide Housing Committee to the next available Board meeting. This has the effect of status quo applying until the Board has considered the matter;

Derby Homes Governance Arrangements

Proposed Revision to Part VI Delegation of Responsibilities (amendment shown in **bold**)

Part A: 2.3 Matters that are delegated to Committees or Panels

2.3.11 Resources, Remuneration & Regeneration Committee

1. Resources

To oversee and make decisions on:

- 1.1 policies for the supervision and control of the finances, accounts, income, expenditure and assets of Derby Homes;
- 1.2 making recommendations to the Board on the annual budgets of Derby Homes and monitoring progress during the year;
- 1.3 Derby Homes' cash flow and income collection activities;
- 1.4 monitoring implementation of the Derby Homes budget and policy decisions;
- 1.5 undertaking activities relating to virement and other issues specified under Financial Procedure Rules;
- 1.6 all matters relating to the insurance of the Company's assets;
- 1.7 Disaster Recovery plans
- 1.8 Derby Homes' IT strategy and monitor its implementation;
- 1.9 manage the Derby Homes' Risk Management strategy and agree action plans;**
- 1.10 provision of support services and arrangements for any functions to be fulfilled by another organisation.

Personnel and Training

To approve:

- 2.1 policies relating to training and development, recruitment, health and safety, contracts of employment and union matters.
- 2.2 policies relating to pay and budgets.
- 2.3 performance on staff turnover, sickness, training, achievement and development, equal opportunities employment and health and safety.
- 2.4 performance issues relating to personnel, central support services provided by Derby Homes staff.
- 2.5 negotiating and overseeing the implementation of formal agreement with staff and ensuring representation in the final stage of any dispute.
- 2.6 agreeing personnel policies, other than minor or technical changes to existing policies which do not affect the underlying principles of the policies.

- 2.7 agreeing changes to staffing levels or organisational structures that have an impact of £200,000 a year or more or where there is no budget provision unless the change is incidental to a key decision taken by the Board.

Remuneration

- 3.1 determine and agree with the Board, the framework or broad policy for the remuneration of the Chief Executive, senior managers and such other staff
- 3.2 determine any performance related pay schemes operated by the Company
- 3.3 in determining remuneration packages and arrangements for Board members, give due regard to the guidance contained in the Combined Code including the provisions regarding disclosure of remuneration and pensions
- 3.4 be exclusively responsible for establishing the selection criteria, selecting, appointing and setting the terms of reference for any remuneration consultants who advise the committee
- 3.5 report the frequency of, and attendance by members at committee meetings in the annual report
- 3.6 make the committee's terms of reference publicly available. These should set out the Committee's delegated responsibilities and be reviewed, and where necessary, updated annually
- 3.7 the Chair of the Committee to be present at the AGM to answer questions through the Chair of the Board.

Property

- 4.1 oversee and make recommendations to the Board on the management of land and buildings (other than dwellings) managed by Derby Homes.
- 4.2 consider and propose the new build, regeneration and redevelopment strategy for Derby Homes and recommend this to the Board.
- 4.3 consider and agree detailed procurement rules for the selection of partners.
- 4.4 meet as required to consider in detail individual proposals for new build and major regeneration or redevelopment projects involving Derby Homes.
- 4.5 advise and make recommendations to the Board on any new build or major regeneration or redevelopment proposals.
- 4.6 recommend to the Board, the appointment of any partner organisation to work with Derby Homes on new build and major regeneration or redevelopment projects involving Derby Homes.
- 4.7 consider other reports on associated matters and make recommendations to the Board.

Any other matters

5. any other matters referred by the Board or other committees of Derby Homes.