



Walsall Council

Scrutiny Overview Committee

Meeting to be held on: **12 December 2022 at 6.00 P.M.**

Meeting to be held via: **Council House and Microsoft Teams**

Public access to meeting via: www.WalsallCouncilWebcasts.com

MEMBERSHIP:

Chair: Councillor Murray

Vice Chair: Councillor Nawaz

Councillor Bains

Councillor P. Bott

Councillor Cooper

Councillor Ditta

Councillor Follows

Councillor Hicken

Councillor K. Hussain

Councillor Samra

Councillor Singh-Sohal

LEADER OF THE COUNCIL:

Councillor Bird

PORTFOLIO HOLDERS:

All

ITEMS FOR BUSINESS

1.	Apologies To receive apologies for absence from Members of the Committee.	
2.	Substitutions To receive notice of any substitutions for a Member of the Committee for the duration of the meeting.	
3.	Declarations of interest and party whip To receive declarations of interest or the party whip from Members in respect of items on the agenda.	
4.	Local Government (Access to Information) Act 1985 (as amended) To agree that the public be excluded from the private session during consideration of the agenda items indicated for the reasons shown on the agenda (if applicable).	
5.	Minutes To approve and sign the minutes of the meeting held on 10 November 2022.	<u>Enclosed</u>
6.	WATMOS Community Homes Constitutional Changes To receive a report on proposed changes to the constitution of Watmos Community Homes and make comments	<u>Enclosed</u>
7.	Customer Engagement To receive a report on how the Council is engaging and responding to customers, and how officers deal and respond to Member enquiries	<u>To Follow</u>
8.	Planning Services Performance & Resources to Deliver New Housing To receive a response to the recommendations made by the Scrutiny Overview Committee in October 2022, and updates on performance and monitoring within the Planning service area.	<u>Enclosed</u>
9.	Feedback from Overview & Scrutiny Committees To receive any feedback from meetings of Overview & Scrutiny Committees since the last meeting.	<u>Enclosed</u>
10.	Recommendation Tracker To consider progress on recommendations from the previous meeting.	<u>Enclosed</u>
11.	Areas of Focus 2022-23 To review the Committee's Work Programme and the Forward Plans for Walsall Council and the Black Country Executive Committee.	<u>Enclosed</u>
12.	Date of next meeting To note that the date of the next meeting will be 7 February 2023.	

The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

Specified pecuniary interests

The pecuniary interests which are specified for the purposes of Chapter 7 of Part 1 of the Localism Act 2011 are the interests specified in the second column of the following:

Subject	Prescribed description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by a member in carrying out duties as a member, or towards the election expenses of a member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Regulations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority:</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to a member's knowledge):</p> <p>(a) the landlord is the relevant authority;</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where:</p> <p>(a) that body (to a member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either:</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

Schedule 12A to the Local Government Act, 1972 (as amended)

Access to information: Exempt information

Part 1

Descriptions of exempt information: England

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes:
 - (a) to give any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
8. Information being disclosed during a meeting of an Overview and Scrutiny Committee when considering flood risk management functions which:
 - (a) Constitutes a trades secret;
 - (b) Its disclosure would, or would be likely to, prejudice the commercial interests of any person (including the risk management authority);
 - (c) It was obtained by a risk management authority from any other person and its disclosure to the public by the risk management authority would constitute a breach of confidence actionable by that other person.

SCRUTINY OVERVIEW COMMITTEE

THURSDAY 10 NOVEMBER 2022, 6:00pm

In the Council Chamber at the Council House, Walsall

Committee Members present:

Councillor J. Murray (Chair)
Councillor Nawaz (Vice Chair)
Councillor B. Bains
Councillor P. Bott
Councillor Cooper
Councillor Ditta
Councillor Follows
Councillor Hicken
Councillor Samra
Councillor Singh-Sohal
Councillor Worrall

Portfolio Holders present:

Councillor Bird
Councillor Ferguson
Councillor Ali (Virtual)
Councillor Andrew (Virtual)

Officers present:

Simon Neilson	Executive Director (Economy & Environment and Communities)
Deborah Hindson	Interim Executive Director (Resources & Transformation) (Virtual)
Shaun Darcy	Director – Finance Corporate Performance and Corporate Landlord (Virtual)
Karen Griffiths	Head of Service Strategy and Policy (Virtual)
Elizabeth Connolly	Senior Policy and Performance Officer (Virtual)
Craig Goodall	Principal Democratic Services Officer
Edward Cook	Assistant Democratic Services Officer

421/22 Apologies

Apologies for absence were received for Councillor K. Hussain,

422/22 Substitutions

Councillor Worrall substituted for Councillor K. Hussain.

423/22 Declarations of interest and party whip

Councillor Worrall declared an interest on Item 11 regarding scrutiny of WATMOS.

424/22 Local Government (Access to Information) Act 1985 (as amended)

There were no agenda items requiring the exclusion of the public.

425/22 Minutes

A copy of the Minutes of the meeting held on 4 October 2022 was submitted [Annexed].

The Principal Democratic Services Officer reported a minor editorial change to the minutes that would be signed by the Chair.

Resolved:

That the Minutes of the meeting held on 4 October 2022, as amended, a copy having previously been circulated, be approved and signed by the Chair as a true and accurate record.

426/22 Corporate Financial Performance

The Committee received a report which considered the in-year financial performance of the Council [Annexed].

Resolved:

- 1. That the forecast 2022/23 year-end financial position for the council as a whole – a predicted net revenue overspend of c.£5.24m, and net capital break even position after re-phasing of £89.15m into 2023/24 be noted.**
- 2. That the forecast 2022/23 year-end financial position for services within the remit of this committee – a predicted net revenue underspend of (£0.80m) and net capital break-even position after rephasing of £13.81m into 2023/24, subject to ongoing review, be noted.**

427/22 Council Plan: Markers of Success Quarter 1

The Committee received a report on Quarter 1 of the 2022/23 Council Plan markers of success, which highlighted achievements from that period and future areas of focus [Annexed].

A presentation was delivered by the Head of Service Strategy and Policy. The new Council Plan continues to focus on five areas of priority with twenty Markers of Success. There were no identified areas of concern, although gaps in data were

acknowledged. The 'internal' priority area was identified as a key area of focus, with data measuring being a challenge and existing data not effectively fitting into the reporting formats used. A similar challenge existed with regards to the 'Communities' priority area. It is intended to bring more measures in which add value to reporting and enable benchmarking, as well as integrating HR and financial data.

Responding to questions, the Senior Policy and Performance Officer explained that it was planned in the future to break down data to ward levels where possible. The We Are Walsall 2040 consultation process, results from which are to be presented to Cabinet in December 2022, will provide more information with multiple breakdowns to provide a rich Borough-wide picture. The Policy and Strategy unit currently has 8 staff and will eventually have 14. The aim is to have a small core team able to cover a wide range of issues and significantly contribute.

Questions were raised regarding benchmarking data and other measures used to judge performance. It was explained to the Committee that the indicators used were those which are currently available. The objective was to increase the range of data available to enable the Council to better measure and compare its performance against others. Some national measures were used, and information was provided to and gained from the Local government Association (LGA), as well as the Council's own internal data and external audit data.

Whilst the measures used suggested the Authority was doing well, further investigations and measures will enable the authority to look further and deeper, potentially uncovering areas requiring improvement. There was a concern raised by Members that an area of priority (marked 7b. in Appendix 1 to the 18 October 2022 Cabinet report) with two markers of success rated 'amber' and one 'red', had been given an 'amber' rating overall, rather than 'red'. Gaps in data regarding the 'Communities' priority were primarily due to staffing issues at the time of reporting.

There was some discussion about recycling targets, which are set by Government. Work is underway to address shortcomings in this area and the We Are Walsall 2040 programme has provided data suggesting areas with recycling illiteracy. A challenge identified regarding recycling was that the National Recycling Strategy has not yet been published. This will mandate what local authority authorities must do and may dramatically change the market.

Resolved:

- 1. That the Scrutiny Overview Committee receive another quarterly report on Council Plan Markers of Success following the end of Quarter 2;**
- 2. That future quarterly reports on Council Plan Markers of Success incorporate and apply national benchmarking criteria, or benchmarking criteria from similar Local Authorities;**
- 3. That the following information be shared with Members of the Committee:**
 - a. The full data set which informed the presentation, as submitted as an appendix to the October 2022 Cabinet report;**

- b. The weblink to the Local government Association's 'LG Inform' database and benchmarking system;**
- c. Statistics regarding contamination rates in recycling services, on a ward-by-ward basis, or as close to a ward-by-ward basis as is possible.**

428/22 Effectiveness of Overview and Scrutiny

The Committee received a report which reflected on recent reviews and improvements to overview and scrutiny at Walsall Council and identified opportunities for improvement. [Annexed]

The Principal Democratic Services Officer presented options for possible approaches to budget scrutiny, including examples used by neighbouring local authorities.

There followed an extensive discussion regarding the options included in the report and possible approaches to Scrutiny. Members agreed that they wanted to see Overview and Scrutiny become more effective within Walsall and felt that where recommendations to Cabinet from Overview and Scrutiny Committees were rejected by Cabinet, responses should be provided to Scrutiny to explain these decisions. There were debates concerning whether scrutiny training should be:

- mandatory, encouraged or optional;
- a requirement for all Members, for Members sitting on Committees, or only for Members new to Scrutiny Committees;
- internally or externally provided; and
- generic or committee-specific.

Regarding budget and financial scrutiny, Members expressed concerns that they were often scrutinising decisions and information which they did not fully understand. It was felt that the involvement of all Overview and Scrutiny Committees was important, but that additional training and expert input from the finance team would be useful. Options considered to improve scrutiny of the budget included establishing a dedicated finance and/or budget scrutiny committee; a one-off workshop akin to a working group, to scrutinise budget-making; and budget-scrutiny by the Scrutiny Overview Committee.

Resolved:

- 1. That an in-person budget scrutiny training session, open to all Members of the Council, be provided by the Executive Director for Resources and Transformation prior to the draft revenue and capital budget being presented to Overview and Scrutiny Committees in January 2023.**
- 2. That external training for overview and scrutiny members takes place annually and that all members should be required to attend.**

429/22 **Feedback from Overview & Scrutiny Committees**

Members received feedback from the Chairs of the Overview & Scrutiny Committees on meetings of their committees since 4 October 2022.

Resolved:

That the feedback from Overview and Scrutiny Committees be noted.

430/22 **Recommendation Tracker**

Members received the tracker of recommendations from previous meetings, including progress made and outstanding items.

Resolved:

That the recommendation tracker be noted.

431/22 **Areas of Focus 2022-23**

Members received the Committee's Work Programme and considered the Forward Plans of the Council and the Black Country Executive Joint Committee [Annexed].

Resolved:

That:

1. The following items be considered at the December 2022 meeting:
 - a. Customer
 - b. WATMOS change of constitution
 - c. Planning and development
2. The Forward Plans be noted.

432/22 **Date of next meeting**

The next meeting would be held on Monday 12 December 2022 at 6pm.

There being no further business this meeting was terminated at 8:40 p.m.

Signed:

Date:

12 DECEMBER, 2022

Watmos Community Homes Constitutional Changes

Ward(s): All

Portfolios: Councillor Ali - Customer

1. Aim

Housing associations (HAs) are required by the Regulator of Social Housing's (RSH) Governance and Viability standard to have good governance.

2. Recommendations

That Scrutiny Overview Committee comment on the proposals which will be incorporated within the report to Council.

3. Report detail – know

- 3.1 Watmos Community Homes ("Watmos") is an organisation formed through the stock transfer of a number of tenant management organisations (TMOs) from the Council in 2003. Under the terms of the Deed of Covenant entered into by Watmos at the point of stock transfer from the Council in 2003, Watmos requires the consent of the Council in relation to changes to its Rules.
- 3.2 Watmos advised in a letter to the Council dated 26 September 2022 (Appendix A) that they wish to amend their Rules in relation to its objects, powers and tenant representation sections. A summary of proposed changes has been provided by Watmos at Appendix B. These changes include to Rule D6 "Removes the reference that co-optees to the Board will usually be tenants in recognition that the primary consideration is that co-optees should be suitably skilled individuals regardless of whether or not they are tenants". However Watmos have confirmed the board main composition will always have a resident majority for voting matters, and with the opportunity for residents to take the co-opt seats as well. A full set of the Rules with marked up changes is attached at Appendix C.
- 3.3 Watmos have confirmed that they need to make changes in order to improve their governance rating. In Appendix D they note that "In March 2021, the RSH published a Regulatory Judgement (RJ) for Watmos which graded the organisation's governance as compliant at: G2: The provider meets our governance requirements but needs to improve some aspects of its governance arrangements to support continued compliance". Watmos note that if they don't make changes to their governance, there is a chance they could receive a non-compliant G3 grading, and that there could be serious consequences such as the

possibility that the RSH would require Watmos and its subsidiary TMOs to be taken over by a larger housing association.

3.4 Watmos state that there has been consultation at various levels including:

- The Group Board was consulted and had to approve the proposed changes
- The TMOs have been consulted through attending committee meetings, mail outs to the wider resident committee, individual conversations with the TMO chairs

3.5 Watmos also state that they have numerous existing and new resident engagement methods including:

- Resident panel – a new panel set up in September 2022. This is a sub-committee of the board looking at performance and scrutiny of services. All but one member is a resident.
- Board readiness programme - 12 month training programme for residents who want to learn how to be involved in governance / on a board.
- Consultation – monthly satisfaction surveys against new tenant satisfaction measures – Watmos is early adopter as measures don't need to be reported till 2024
- Tenant empowerment session – early December 2022 will be the first of several sessions to look at what more can be done to future proof resident led organisations.
- All TMOs were given the opportunity earlier in the year to speak with an external consultant about what they thought resident voice was and how it could be more involved.
- Watmos Communities team have a record of those residents wishing to engage and the ways in which they want to engage so they can be involved in activities best suited to them.

4. Financial information

There are no financial implications.

5. Reducing Inequalities

The proposed changes may affect the levels of tenant representation on the Board.

6. Decide

The Committee can decide if it wishes to comment on the proposals, and what these comments should be.

7. Respond

If the committee makes comments on the proposals, these will be incorporated into the report to Council.

8. Review

If the proposals are agreed by Council, then officers will write to Watmos to confirm agreement.

Background papers

2003 Housing Stock Transfer Agreement

Author

Neil Hollyhead

Senior Housing Strategy Officer

☎ 655411

✉ neil.hollyhead@walsall.gov.uk



C/O Neil Hollyhead
Walsall Council
The Civic Centre
Walsall
WS1 1TP

26 September 2022

Dear Neil.

Watmos is currently in the process of updating its constitutional document, or rules, to bring this into line with legal and best practice requirements, and also to update how the board of management is elected. Further details of these changes are enclosed.

Under the terms of the Deed of Covenant entered into by Watmos at the point of stock transfer from Walsall Council ('the Council') in 2003, Watmos requires the consent of the Council in relation to changes to its objects, powers and provisions relating to tenant representation. I am writing to ask you to confirm that the Council consents to the changes outlined in appendix 1.

If you have any queries in relation to this or require any further information, please do get in touch with Frances Broomhall via frances.broomhall@watmos.org.uk or 07834517205.

Alternatively, please can you sign the letter where indicated below and return this to Frances Broomhall, Watmos Community Homes, 116-120 Lichfield Street, Walsall, WS1 – 1SZ

Yours Sincerely

Kul Bains, Chief Executive

I as an Authorised Signatory of Walsall Council hereby confirm that Walsall Council consents to the changes proposed to the rules of Watmos Community Homes as detailed in this letter dated 26 September 2022.

Name:

Signature:

Date:

WATMOS Community Homes

116-120 Lichfield Street, Walsall, West Midlands, WS1 1SZ

T. 01922 471910 F. 01922 612967 E. info@watmos.org.uk W. www.watmos.org.uk

Registered Office: 116-120 Lichfield Street, Walsall, West Midlands, WS1 1SZ
Registered with the Homes and Communities Agency No. L4383

VAT Registration No. 806 8383 10
Registered Societies No. 29338B an exempt charity



Watmos Community Homes

Main changes to the Rules for Special General Meeting

Introduction

At its meeting on 22 September 2022, the Board approved the wording of proposed amendments to the organisation's Rules. In order that the amended Rules can be registered by the Financial Conduct Authority (FCA) they must be adopted by the organisation's shareholders at a Special General Meeting (SGM). This note sets out the headline proposed amendments to the organisation's Rules. There are also other less substantive amendments which generally tidy up the Rules

Headline proposed amendments

Reference in Rules	Proposed amendment
Rule C6.5	Clarifies the position that already exists within the organisation's currently registered Rules that employees, co-optees and nominees of a nominating shareholder cannot be shareholders
Rule C15.12	Makes it clear that an Independent Board Member who becomes a tenant, resident or "local authority person" will cease to be a shareholder and therefore would also cease to be a Board member
Rule C24	Deletes the requirement for a nominating shareholder and independent shareholder to be present as part of the quorum for shareholder general meetings so that all shareholders are regarded equally
Rule C24.1	Allows general meetings to be held virtually as well as in person to enable general meetings to take place if an in person meeting is not an option
Rule D6	Removes the reference that co-optees to the Board will usually be tenants in recognition that the primary consideration is that co-optees should be suitably skilled individuals regardless of whether or not they are tenants
Rule D7	Increases the maximum number of co-optees who may be appointed to a committee from 8 to 12 so enabling a wider range of skills and experience to be co-opted to committees
Rule D9.4	Reflects additional criteria that can be used to remove a Board Member including being convicted of an offence that could bring Watmos into disrepute
Rules D13.3	Confirms that time served on TMO Boards should be excluded for the purposes of calculating the length of Board member tenure, enabling prospective WATMOS Board or committee members who are residents to gain relevant experience prior to joining the Watmos Board or its committees
Rule D17.1	Reduces the quorum required at Board meetings from five to four reducing the possibility that Board meetings may be inquorate
Rule D17.1	Removes the requirement for representatives from various constituent groups to be present as part of the Board meeting quorum
Rule E7	Adds the ability to appoint a deputy Secretary giving the organisation the flexibility to appoint one if the Secretary is incapacitated or unavailable
Rule G12.2	Allows for rule changes to be carried out by way of written shareholder resolution in addition to being done at a general meeting to give greater flexibility on future rule changes

Rule G14.1	Adds reference to “charity in law” to address issues that societies have had since December 2020 when applying for charity tax recognition with HMRC
Rule G15.16	Amends the definition of “local authority person” in the currently registered Rules (which covers certain employees, councillors and officers of Walsall MBC and Lambeth Council) to cover councillors i.e. members of Walsall MBC and Lambeth Council only. This means that only those councillors would be precluded from becoming an Independent Board Member (council employees and officers would not be precluded)

Lorraine Gaytten (Company Secretary)

RULES OF: WATMOS COMMUNITY HOMES

Registered under the Co-operative and Community Benefit Societies Act 2014

REGISTER NUMBER: 29338 R

BASED ON NHF MODEL RULES 2015

ALL PREVIOUS RULES RESCINDED

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~~RULES OF: WATMOS COMMUNITY HOMES~~

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~~REGISTER NUMBER: 29338-R~~

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CONTENTS

[Contents](#)

Part A Name and objects

A1 Name

A2 Objects

A3-A4 Non-profit

A5 ~~Equal Opportunities~~ Corporate status

Part B Powers of ~~association, board, and shareholders~~ Association, Board, and Shareholders

B1-B3 Powers

B4-B6 Powers of the ~~board~~ Board

B7 Limited powers of ~~shareholders in general meeting~~ Shareholders in General Meetings

B8-B9 General

Part C Shareholders and ~~general meetings~~ General Meetings

C1 Obligations of ~~shareholders~~ Shareholders

C2-C4 Nature of shares

C5-C11 Nature of ~~shareholders~~ Shareholders

C12-C14 Admission of ~~shareholders~~ Shareholders

C15-C16 Ending of shareholding

C17-C18 Annual ~~general meeting~~ General Meeting

C19-C20 Special ~~general meeting~~ General Meetings

C21-C23 Calling a ~~general meeting~~ General Meeting

C24-C28 Proceedings at ~~general meeting~~ General Meetings

C29 Proxies

C30-C37	Voting
C38-C39	Representatives and nominees
Part D	The board<u>Board</u>
D1	Functions
D2-D10	Composition of the board <u>Board</u>
D11	Casual vacancies
D12-16	Term <u>Terms</u> of office for board members <u>and election or appointment to the Board</u>
D17	Quorum for <u>of</u> the board <u>Board</u>
D18-D27	Board members <u>Members</u> ' interests
D28-D29	Meetings of the board <u>Board</u>
D30-D33	Management and delegation
D34-D36	Miscellaneous provisions

Part E Chair, vice Chair, chief executive, ~~secretary~~Secretary and other
~~officers~~Officers

- E1-E4 The ~~chair~~Chair
- E5 The ~~chair's~~Chair's responsibilities
- E6 The chief executive
- E7 The ~~secretary~~Secretary
- E8 Other ~~officers~~Officers
- E9-E10 Miscellaneous

Part F **Financial control and audit**

- F1-F5 Auditor
- F6- F7 Auditor's duties
- F8-F10 Accounting requirements
- F11 Annual returns and balance sheets
- F12-F14 Borrowing
- F15 ~~Investment~~Investments

Part G **Miscellaneous and statutory**, Registered Office and name

- G1-G2 Registered ~~office~~Office and name
- G3 Disputes
- G4-G9 Minutes, seal, registers and books
- G10-G11 Statutory applications to the ~~registrar~~Registrar
- G12 Amendment of ~~rules~~Rules
- G13-G14 Dissolution
- G15 Interpretation of terms

PART A NAME AND OBJECTS

Name

A1. ~~A1~~ The name of the society shall be Watmos Community Homes ("the ~~association~~ Association").

Objects

A2. ~~A2~~ The ~~association~~ Association is formed for the benefit of the community. Its charitable objects shall be to carry on for the benefit of the community:

A2.1. ~~A2.1~~ the business of providing and managing housing, including ~~social housing~~ Social Housing, and providing any associated amenities or services for persons in necessitous circumstances upon terms appropriate to their means; and

A2.2. ~~A2.2~~ any other charitable object that can be carried out by a registered society registered as a provider of ~~social housing~~ Social Housing with the ~~regulator~~ Regulator.

Non-profit

A3. ~~A3~~ The ~~association~~ Association shall not trade for profit and any profits shall only be applied for the purpose of furthering the ~~association's~~ Association's objects and/or in accordance with these ~~rules~~ Rules.

A4. ~~A4~~ Nothing shall be paid or transferred by way of profit to ~~shareholders~~ Shareholders of the ~~association~~ Association.

Corporate ~~Status~~ status

A5. ~~A5~~ The ~~association~~ Association is not a subsidiary of another organisation and shall not become a subsidiary of another organisation without first amending these ~~rules~~ Rules to state the name of the parent entity.

PART B POWERS OF ASSOCIATION, BOARD, AND SHAREHOLDERS

Powers

B1. ~~B1~~ The ~~association~~ Association shall have power to do anything that a natural or corporate person can lawfully do which is necessary or expedient to achieve its objects, except as expressly prohibited in these ~~rules~~ Rules.

B2.

~~B2~~ Without limiting its general powers under rule B1 and only so far as is necessary or expedient to achieve its objects, the ~~association~~Association shall have power to:

B2.1. ~~B2.1~~ purchase, acquire or dispose of, take or grant any interest in property, including any mortgage, charge, floating charge or other security whatsoever;

B2.2. ~~B2.2~~ construct or carry out works to buildings;

B2.3. ~~B2.3~~ help any tenant management organisation, charity or non-profit making body in relation to housing and related services;

B2.4. ~~B2.4~~ subject to rules F12, F13, and F14 borrow money or issue bonds, ~~note~~notes loan stock or any other debt instrument or enter into any transaction having the effect of borrowing for the purposes of the ~~association~~Association on such terms as the ~~association~~Association thinks fit;

B2.5. ~~B2.4~~ enter into and perform any ~~derivate transaction~~Derivative Transaction on such terms as the ~~association~~Association thinks fit for the purpose of hedging or otherwise managing any treasury risk or other financial exposure of the ~~association~~Association;

B2.6. ~~B2. 5~~ subject to rule F15 invest the funds of the ~~association~~Association;

B2.7. ~~B2.6~~ lend money on such terms as the ~~association~~Association shall think fit;

B2.8. ~~B2.7~~ guarantee, enter into any contract of indemnity or suretyship in relation to, or provide security for, the borrowing or performance of the obligations of any other organisation in each case on such terms as the ~~association~~Association shall think fit.

B3.

~~B3~~ The ~~association~~Association shall not have power to receive money on deposit in any way which would require authorisation under the Financial Services and Markets Act 2000 or any other authority required by statute unless it has such authorisation.

Powers of the ~~board~~Board

B4.

~~B4~~ The business of the ~~association~~Association shall be directed by the ~~board~~Board.

B5.

~~B5~~ Apart from those powers which must be exercised in ~~general meeting~~General Meeting

B5.1. ~~B5.1~~ by statute; or

B5.2. ~~B5.2~~ under these ~~rules~~ Rules;

all the powers of the ~~association~~ Association may be exercised by the ~~board~~ Board for and in the name of the ~~association~~ Association.

B6. ~~B6~~ The ~~board~~ Board shall have power to delegate, in writing, the exercise of any of its powers to committees and to employees of the ~~association~~ Association (subject to rules D1), and ~~D31~~ rules D30 to D35 D33) on such terms as it determines. Such delegation may include any of the powers and discretions of the ~~board~~ Board.

Limited powers of ~~shareholders in general meeting~~ Shareholders in General Meetings

B7. ~~B7~~ The ~~association in general meeting~~ Association in General Meetings can only exercise the powers of the ~~association~~ Association expressly reserved to it by these ~~rules~~ Rules or by statute.

General

B8. ~~B8~~ The certificate of an ~~officer~~ Officer of the ~~association~~ Association that a power has been properly exercised shall be conclusive as between the ~~association~~ Association and any third party acting in good faith.

B9. ~~B9~~ A person acting in good faith who does not have actual notice of these ~~rules~~ Rules or the ~~any~~ Association's regulations shall not be obliged to see or enquire if the ~~board's~~ Board's powers are restricted by these ~~rules~~ Rules or such regulations.

PART C SHAREHOLDERS AND GENERAL MEETINGS

Obligations of ~~shareholders~~ Shareholders

C1. ~~C1~~ All ~~shareholders~~ Shareholders agree to be bound by the obligations on them as set out in these ~~rules~~ Rules. When acting as ~~shareholders~~ Shareholders they shall act at all times in the interests of the ~~association~~ Association and, for the benefit of the community, as guardians of the objects of the ~~association~~ Association.

Nature of shares

- C2. ~~€2~~ The ~~association's~~Association's share capital shall be raised by the issue of shares. Each share has the nominal value of one pound which shall carry no right to interest, dividend or bonus. Shares shall be non-withdrawable.
- C3. ~~€3~~ Only shares held by the nominee of an unincorporated body (alone or jointly with other nominees) can be transferred and only to a new nominee of the same unincorporated body (alone or jointly with other nominees).
- C4. ~~€4~~ When a ~~shareholder~~Shareholder ceases to be a ~~shareholder~~Shareholder or is expelled from the ~~association~~Association, his or her share shall be cancelled. The amount paid up shall become the property of the ~~association~~Association.

Nature of ~~shareholders~~Shareholders

- C5. ~~€5~~ The persons or ~~body~~bodies who hold a share in the ~~association~~Association and whose names are entered in the ~~register of shareholders~~Register of Shareholders shall be the shareholding members of the ~~association~~Association.
- C6. ~~€6~~ The following persons and organisations shall, subject to rule C7 and any policies set by the ~~board~~Board in accordance with rule C12, be entitled to become ~~shareholders~~Shareholders of the ~~association~~Association:
- C6.1. ~~€6.1~~—the tenant management organisations each of which shall become on admittance to shareholding a “~~nominating shareholder~~Nominating Shareholder”;
- C6.2. ~~€6.2~~—individuals aged not less than eighteen (or such other age of majority as may from time to time be prescribed by law) who have a special interest in supporting tenant management organisations or tenant led organisations or contributing their special knowledge or expertise to the work of the ~~association~~Association;
- C6.3. ~~€6.3~~—community organisations, whether incorporated or unincorporated, intending to promote or support the development of a tenant management organisation or tenant led organisation in their area. In the case of an unincorporated community organisation membership shall be by way of an individual member as accredited nominee for the unincorporated organisation; ~~or~~
- C6.4. ~~€6.4~~—a person appointed to the ~~board~~Board by the ~~regulator~~Regulator;

C6.5. Board Members, save for co-optees, employees of the Association (or of any Group Member) or any nominees of a Nominating Shareholder.

C7. ~~C7~~ The following cannot be shareholders:

C7.1. ~~C7.1~~ a minor;

C7.2. ~~C7.2~~—a person who has been expelled as a ~~shareholder~~Shareholder, unless authorised by ~~special resolution at a general meeting~~Special Resolution at a General Meeting;

C7.3. ~~C7.3~~—an employee of the ~~association~~Association or any other ~~group member~~Group Member;

C7.4. ~~C7.4~~—a person removed by the Board in accordance with rule D9;

C7.5. ~~C7.5~~—a person in respect of whom a registered medical practitioner who is treating that person gives a written opinion to the Association that the person has become mentally or physically incapable of exercising their rights as a ~~shareholder~~Shareholder and may remain so for more than three months.

C8. ~~C8~~ A ~~shareholder~~Shareholder can be the nominee of an unincorporated body. In such cases the register shall contain the name and address of the ~~shareholder~~Shareholder and shall designate the ~~shareholder~~Shareholder as the nominee of a named unincorporated body. The address of the unincorporated body shall also be entered in the register if it differs from the address of the ~~shareholder~~Shareholder nominee.

C9. ~~C9~~ A corporate body can be a ~~shareholder~~Shareholder. It can appoint an individual to exercise its rights at ~~general meetings~~General Meetings. Any such appointment shall be in writing, and given to the ~~secretary~~Secretary.

C10. ~~C10~~ ~~No shareholder~~No Shareholder shall hold more than one share and each share shall carry only one vote.

C11. ~~C11~~ A share cannot be held jointly unless by nominees of an unincorporated body.

Admission of ~~shareholders~~Shareholders

C12. ~~C12~~ The ~~board~~Board shall set, review and publish its policies and objectives for admitting new ~~shareholders~~Shareholders. The ~~board~~Board shall only admit new ~~shareholders~~Shareholders in accordance with such policies.

- C13. ~~C13~~ An applicant for a share shall apply in writing to the ~~association's~~Association's registered office:
- C13.1. ~~C13.1~~ setting out their reasons for applying and their qualifications in accordance with the ~~association's~~Association's policies under rule C12; and
- C13.2. ~~C13.2~~ pay the sum of one pound (which shall be returned to them if the application is not approved).
- C14. ~~C14~~ Every application shall be considered by the ~~board~~Board in accordance with rule C12. The ~~board~~Board has the power in its absolute discretion to accept or reject the application. If the application is approved the name of the applicant and the other necessary particulars shall be entered in the ~~register of shareholders~~Register of Shareholders. One share in the ~~association~~Association and a copy of its ~~rules~~Rules shall be issued to the applicant.

Ending of shareholding

- C15. ~~C15~~ A ~~shareholder~~Shareholder shall cease to be a ~~shareholder~~Shareholder if:
- C15.1. ~~C15.1~~ they die; or
- C15.2. ~~C15.2~~ they are expelled under rule C16; or
- C15.3. ~~C15.3~~ they withdraw from the ~~association~~Association by giving ~~one month's~~ notice to the ~~secretary~~Secretary which shall be effective on receipt, unless they are one of the last three remaining ~~shareholders~~Shareholders, in which case they must provide at least one month's written notice of the withdrawal to the ~~secretary~~Secretary; or
- C15.4. ~~C15.4~~ they do not ~~participate in~~attend in person or appoint a proxy in respect of, nor deliver written apologies in advance ~~to, a general meeting of the association in the period starting with one annual general meeting up to and including the next annual general meeting~~for two consecutive annual General Meetings of the Association; or
- C15.5. ~~C15.5~~ in the case of a body corporate it ceases to be a body corporate; or
- C15.6. ~~C15.6~~ in the case of the nominee of an unincorporated body, they transfer their share to another nominee of that body; or
- C15.7. ~~C15.7~~ the ~~board~~Board is satisfied that the community organisation or its accredited nominee are no longer intent on promoting or

supporting through the community organisation the development of tenant management organisations or tenant led organisations in their area; or

~~C15.8 in the case of an independent shareholder he/she is or becomes a tenant;~~

C15.8. ~~C15.9~~ they cease to be eligible to be a ~~shareholder~~Shareholder under rule C6 or C7; or

C15.9. ~~C15.10~~ having been a ~~board member~~Board Member or a member of a committee they cease to be a ~~board member~~Board Member or member of a committee (unless the ~~board~~Board in its absolute discretion resolves that they shall remain as a ~~shareholder~~Shareholder); or

C15.10. ~~C15.11~~ they are a tenant and in the opinion of the ~~board~~Board are in material or serious breach of their tenancy agreement or lease or are subject to a possession order or are in breach of a suspended possession order, or are subject to any of the following types of court order: anti-social behaviour order, anti-social behaviour injunction, demoted tenancy or closure order; or

C15.11. ~~C15.12~~ they are a tenant, and the ~~association~~Association has obtained an order of a competent court or tribunal against them for recovery of monies due from them to the ~~association~~Association provided that if the order is suspended or is an order for payment in instalments they shall only cease to be a ~~shareholder~~Shareholder upon failing to meet the terms of the order; or

C15.12. they are an Independent Board Member and are or become a tenant, a resident or local authority person.

C16. ~~C16~~ A ~~shareholder~~Shareholder may only be expelled by a ~~special resolution~~Special Resolution at a special ~~general meeting~~General Meeting called by the ~~board~~Board provided that the following rules apply in the process:

C16.1. ~~C16.1~~ The ~~board~~Board must give the ~~shareholder~~Shareholder at least one month's notice in writing of the ~~general meeting~~General Meeting. The notice to the ~~shareholders~~Shareholder must set out the particulars of the complaint of conduct detrimental to the ~~association~~Association and must request the ~~shareholder~~Shareholder to attend the meeting to answer the complaint.

C16.2. ~~C16.2~~—At the ~~general meeting~~General Meeting called for this purpose the ~~shareholders~~Shareholders shall consider the evidence presented by the ~~board~~Board and by the ~~shareholder~~Shareholder (if any). The meeting may take place even if the ~~shareholder~~Shareholder does not attend.

C16.3. ~~C16.3~~ If the resolution to expel the ~~shareholder~~Shareholder is passed in accordance with this rule, the ~~shareholder~~Shareholder shall immediately cease to be a ~~shareholder~~Shareholder.

Annual ~~general meeting~~General Meeting

C17. ~~C17~~ The ~~association~~Association shall hold a ~~general meeting~~General Meeting called the annual ~~general meeting~~General Meeting within six calendar months after the close of each of its financial years or such later date as may be permitted by law.

C18. The functions of the annual General Meeting shall be:

C18.1. ~~C18~~ ~~The functions of the annual general meeting shall be:~~ ~~C18.1~~—to receive the annual report which shall contain:

- the revenue accounts and balance sheets for the last accounting period;
- the auditor's report (if one is required by law) on those accounts and balance sheets;
- the ~~board's~~Board's report on the affairs of the ~~association~~Association.

C18.2. ~~C18.2~~ to appoint the auditor;

C18.3. ~~C18.3~~ to elect ~~board members~~or re-elect Board Members;

C18.4. ~~C18.4~~—to transact any other general business of the ~~association~~Association included in the notice convening the meeting, including any business that requires a ~~special resolution~~Special Resolution.

Special ~~general meetings~~General Meetings

C19. ~~C19~~ All ~~general meetings~~General Meetings other than annual ~~general meetings~~General Meetings shall be special ~~general meetings~~General Meetings and shall be convened either:

C19.1. ~~C19.1~~ upon an order of the ~~board~~Board; or

C19.2. ~~C19.2~~ upon a written requisition signed by one-tenth of the ~~shareholders~~ Shareholders (to a maximum of twenty-five but not less than three) stating the business for which the meeting is to be convened; or

C19.3. ~~C19.3~~ if within twenty-eight days after delivery of a requisition to the ~~secretary~~ Secretary a meeting is not convened, the ~~shareholders~~ Shareholders who have signed the requisition may convene a meeting.

C20. ~~C20~~ A special ~~general meeting~~ General Meeting shall not transact any business that is not ~~mentioned~~ included in the notice convening the meeting.

Calling a ~~general meeting~~ General Meeting

C21. ~~C21~~ Subject to rule C23, all ~~general meetings~~ General Meetings shall be convened by at least fourteen ~~clear days~~ Clear Days' written notice posted or delivered by hand or sent by ~~electronic communication~~ Electronic Communication to every ~~shareholder~~ Shareholder at the address or ~~electronic communication~~ Electronic Communication address given in the share register. The notice shall state whether the meeting is an annual or special ~~general meeting~~ General Meeting, the time, date and place of the meeting, and the business for which it is convened.

C22. ~~C22~~ Any accidental failure to get any notice to any ~~shareholder~~ Shareholder shall not invalidate the proceedings at that ~~general meeting~~ General Meeting. A notice or communication delivered by hand or sent by post to a ~~shareholder~~ Shareholder at their address or ~~electronic communication~~ Electronic Communication address shown in the ~~register of shareholders~~ Register of Shareholders shall be deemed to have arrived as specified in rule ~~G15.20~~ G15.19.

C23. ~~C23~~ Seventy five percent (75%) of ~~shareholders~~ Shareholders may agree by consenting in writing or by confirming through ~~electronic communication, to a general meeting~~ Electronic Communication, to a General Meeting being held with less notice than required by rule C21.

Proceedings at ~~general meetings~~ General Meetings

C24. ~~C24~~ Before any ~~general meeting~~ General Meeting can start its business there must be a quorum present. Five ~~shareholders~~ Shareholders present in person or by proxy shall be a quorum ~~provided that this includes at least one nominating shareholder and one independent shareholder.~~

C24.1. General Meetings can take place in any manner and through any medium which ~~Page 29 of 33~~ attending to hear and comment on the

proceedings. Any person who attends in this manner will be deemed to be present in person at the meeting whether or not all are assembled in one place.

C25. ~~C25~~ A meeting held as a result of a ~~shareholder's~~Shareholder requisition will be dissolved if too few ~~shareholders~~Shareholders are present half an hour after the meeting ~~should~~is scheduled to begin.

C26. ~~C26~~ All other ~~general—meetings~~General Meetings with too few ~~shareholders~~Shareholders will be adjourned to the same day, at the same time and place or in any manner and through any medium which permits those attending to hear and comment on the proceedings. in the following week. If less than the number of ~~shareholders~~Shareholders set out in rule C24 are present within half an hour of the time the adjourned meeting ~~should~~is scheduled to have started, those ~~shareholders~~Shareholders present shall carry out the business of the meeting.

C27. ~~C27~~ The ~~chair~~Chair of any ~~general—meeting~~General Meeting can take the business of the meeting in any order that the Chair may decide and can adjourn the meeting if the majority of the ~~shareholders~~Shareholders present in person or by proxy agree. An adjourned meeting can only deal with matters adjourned from the original meeting. An adjourned meeting is a continuation of the original meeting. The date of all resolutions passed is the date they were passed (as opposed to the date of the original meeting). There is no need to give notice of an adjournment or to give notice of the business to be transacted.

C28. ~~C28~~ At all ~~general meetings~~General Meetings of the ~~association~~Association the ~~chair~~Chair of the ~~board~~Board shall preside. If there is no such ~~chair~~Chair or if the ~~chair~~Chair is not present or is unwilling to act, the ~~deputy chair (if any)~~vice Chair shall chair the meeting, failing which the ~~shareholders~~Shareholders present shall elect a ~~shareholder~~Shareholder to chair the meeting. The person elected shall be a ~~member~~Member of the ~~board~~Board if one is present and willing to act.

Proxies

C29. ~~C29~~ Any ~~shareholder~~Shareholder entitled to attend and vote at a ~~general meeting~~General Meeting may appoint another person, whether or not a ~~shareholder~~Shareholder, as their proxy to attend and vote on their behalf. A proxy can be appointed by delivering a written appointment, which may be by way of ~~electronic—communication~~Electronic Communication, to the registered office or such other place as may be selected by the ~~board~~Board and stated in the meeting notice, at least ~~two days~~48 hours before the date of the meeting at which the proxy is authorised to vote. It must be signed or

confirmed by ~~electronic communication~~ [Electronic Communication](#) and sent by the ~~shareholder~~ [Shareholder](#) or a duly authorised attorney. Any proxy form delivered late shall be invalid. Any question as to the validity of a proxy shall be determined by the chair of the meeting whose decision shall be final. A proxy need not be a ~~shareholder~~ [Shareholder](#) of the ~~association~~ [Association](#).

Voting

[C30.](#) ~~€30~~ Subject to the provisions of these ~~rules~~ [Rules](#) or of any statute, a resolution put to the vote at a ~~general meeting~~ [General Meeting](#) shall, except where a ballot is demanded or directed, be decided upon a show of hands.

[C31.](#) ~~€31~~ On a show of hands every ~~shareholder~~ [Shareholder](#) present in person and on a ballot every ~~shareholder~~ [Shareholder](#) present in person or by proxy shall have one vote. In the case of an equality of votes the chair of the meeting shall have a second or casting vote.

[C32.](#) ~~€32~~ Unless a ballot is demanded (either before or immediately after the vote), a declaration by the chair [of the meeting](#) that a resolution on a show of hands has been carried or lost, unanimously or by a particular majority, is conclusive. An entry made to that effect in the book containing the minutes of the proceedings of the ~~association~~ [Association](#) shall be conclusive evidence of that fact.

[C33.](#) ~~€33~~ Any question as to the acceptability of any vote whether tendered personally or by proxy, shall be determined by the chair of the meeting, whose decision shall be final.

[C34.](#) ~~€34~~ A ballot on a resolution may be demanded by any three ~~shareholders~~ [Shareholders](#) at a meeting (in person or by proxy) or directed by the chair [of the meeting](#) (and such demand or direction may be withdrawn). A ballot may be demanded or directed after a vote on the show of hands, and in that case the resolution shall be decided by the ballot.

[C35.](#) ~~€35~~ A ballot shall be taken at the meeting at such time and in such manner as the chair [of the meeting](#) shall direct. The result of such a ballot shall be deemed to be the resolution of the ~~association in general meeting~~ [Association in General Meeting](#).

[C36.](#) ~~€36~~ Except where the requirements of the Act require a ~~general meeting~~ [General Meeting](#) to be held, a resolution in writing signed or confirmed by letter or by ~~electronic communication~~ [Electronic Communication](#) by or on behalf of the requisite majority of the ~~shareholders~~ [Shareholders](#), for the time being, entitled to vote on the relevant resolution shall be as valid and effective as a resolution passed at a properly called and constituted meeting of ~~shareholders~~ [Shareholders](#) provided that a copy of the proposed resolution

has been delivered in accordance with these ~~rules~~Rules to all ~~shareholders~~Shareholders and the requisite majority of ~~shareholders~~Shareholders referred to in rule C37 has delivered their agreement in accordance with these ~~rules~~Rules. Such resolution when signed or approved may comprise more than one document in the same form, each signed or approved by one or more ~~shareholders~~Shareholders.

C37.

~~C37~~ For the purposes of rule C36 the requisite majorities are:

- in the case of an ordinary resolution, a simple majority of ~~shareholders~~Shareholders who would have been entitled to vote had the resolution been proposed at a properly called and constituted ~~general meeting~~General Meeting;
- in the case of a resolution requiring a two-thirds majority of ~~shareholders~~Shareholders, at least two-thirds of the ~~shareholders~~Shareholders who would have been entitled to vote had the resolution been proposed at a properly called and constituted ~~general meeting~~General Meeting; or
- in the case of a resolution requiring a three-quarters majority of ~~shareholders~~Shareholders, at least ~~three-quarters~~three-quarters of the ~~shareholders~~Shareholders who would have been entitled to vote had the resolution been proposed at a properly called and constituted ~~general meeting~~General Meeting.

Representatives and nominees

C38.

~~C38~~ Under the provisions of these ~~rules~~Rules (including rules A3, A4, C2 and C4) no ~~shareholder~~Shareholder is entitled to property of the ~~association~~Association in that capacity, and in the event of death a person shall cease to be a ~~shareholder~~Shareholder, their share shall be cancelled, and the amount paid up on that share shall become the property of the ~~association~~Association. The following make provisions for representatives and nominees taking into account the provisions of these ~~rules~~Rules:

C38.1. ~~C38.1~~—The Act provides that a ~~shareholder~~Shareholder may nominate a person or persons to whom property in the ~~association~~Association at the time of his/ her death shall be transferred. As any such share will have been cancelled, no person so nominated under the ~~act~~Act shall be entitled to any property of that ~~shareholder~~Shareholder on their death.

C38.2. ~~C38.2~~—No property shall be capable of transfer to any personal representative of a deceased ~~shareholder~~Shareholder.

C39.

~~C39~~ Upon a claim being made by a trustee in bankruptcy of a bankrupt ~~shareholder~~Shareholder to the share held by that ~~shareholder~~Shareholder, the

~~association~~Association shall transfer such share to which the trustee in bankruptcy is entitled and as the trustee in bankruptcy may direct them.

PART D THE BOARD

Functions

D1. ~~D1~~ The ~~association~~Association shall have a ~~board~~Board (in these ~~rules~~Rules referred to as "the ~~board~~Board") which shall direct the affairs of the ~~association~~Association in accordance with its objects and these ~~rules~~Rules and ensure that its functions are properly performed. These functions will be agreed by the Board and set out separately in a code of governance or otherwise in writing.

Composition of the ~~board~~Board

D2. ~~D2—~~

D2.1. ~~D2.1~~ The ~~board~~Board shall consist of a minimum of five and up to twelve ~~board-members~~Board Members (including co-optees) as may be determined by the ~~board~~Board.

D2.2. ~~D2.2~~ The ~~board-members~~Board shall include up to:

- Six Board Members nominated by the Nominating Shareholders and approved by the Board in accordance with procedures set by the Board from time to time;
 - four Independent Board Members; and
 - ~~six board-members to be nominated by the nominating shareholders and approved by the board in accordance with procedures set by the board~~
 - ~~four independent board members elected for the experience or expertise they can bring to the control of the association's affairs; and~~
 - two co-optees, ~~co-opted~~ in accordance with rule D6.
- ~~D2.3~~ ~~At any time the number of board-members (including co-optees):~~
- ~~who are tenants shall not exceed eight; and~~
 - ~~who are non-tenant residents shall not exceed three~~
- ~~provided that at any time the total number of nominated board members who are tenants or non-tenant residents shall not exceed eight.~~

D3. ~~D3~~ Except for co-optees and employees only ~~shareholders~~Shareholders or nominees of ~~shareholders~~Shareholders can be ~~board—members~~Board Members.

D4.

~~D4~~ ~~D4.1~~ ~~The board shall make available the obligations of every board member (including co-optees) to the board and to the association. The board shall review and may amend the obligations of board members from time to time.~~

~~D4.2~~ ~~No board member may act as such until they have signed and delivered to the board a statement, confirming that they will meet their obligations to the board and to the association. The board may vary the form of statement from time to time.~~

~~D4.3~~ ~~Any board member who has not signed such statement without good cause within one month of election or appointment to the board shall immediately cease to be a board member or co-optee unless the board resolves to disapply this rule in respect of any board member or co-optee.~~

D4.1. The Board shall make available the obligations of every Board Member (including co-optees) to the Board and to the Association. The Board shall review and may amend the obligations of Board Members from time to time.

D4.2. No Board Member may act as such until they have signed and delivered to the Board a statement, confirming that they will meet their obligations to the Board and to the Association. The Board may vary the form of statement from time to time.

D4.3. Any Board Member who has not signed such a statement without good cause within one month of election or appointment to the Board shall immediately cease to be a Board Member or co-optee unless the Board resolves to disapply this rule in respect of any Board Member or co-optee.

D5. ~~D5~~ The ~~board~~Board may permit observers to attend ~~board~~Board or committee meetings on whatever terms the ~~board~~Board decides. Observers may not vote but may take part in discussions with the prior consent of the ~~chair~~Chair of the meeting. The ~~board~~Board or a committee may exclude observers from any part of a ~~board~~Board or committee meeting where the ~~board~~Board or committee considers the business is private,— and must exclude an observer where a possible benefit to him/her is being considered.

D6. ~~D6-~~ The ~~board~~Board may appoint co-optees to serve on the ~~board~~Board on such terms as the ~~board~~Board resolves and may remove such co-optees. Not more than two co-optees can be appointed to the ~~board~~Board at any one time. ~~Co-optees will usually be tenants, but may also be non-residents where~~

~~the board has identified the need for a particular skill or expertise on the board which cannot be sourced within resident applicants.~~ Employees may be co-optees, including the ~~association's~~ Association's executive officers. A co-optee may act in all respects as a ~~board member~~ Board Member, but they cannot take part in the deliberations nor vote on the election of ~~officers nor any matter directly affecting shareholders~~ Officers.

D7. ~~D7~~ Not more than ~~eight~~ twelve co-optees can be appointed to any committee at any one time including up to a maximum of two of the ~~association's~~ Association's executive officers.

D8. ~~D8~~ For the purpose of these ~~rules~~ Rules and of the Act, a co-optee is not included in the expression 'board member Board Member' or 'member Member of the board Board'. For the purposes of the Housing and Regeneration Act 2008, ~~board members~~ Board Members and co-optees are ~~officers~~ Officers.

D9. ~~D9~~ No one can become or remain a ~~board member~~ Board Member, co-optee or committee member at any time if:

D9.1. ~~D9.1~~ they are disqualified from acting as a director of a company, as a ~~board member~~ Board Member of another registered society or as a charity trustee for any reason; or

D9.2. ~~D9.2~~ they are bankrupt or subject to an agreement or composition with their creditors in satisfaction of their debts; or

D9.3. ~~D9.3~~ they have been convicted of an indictable offence which is not, or cannot be, spent; or

D9.4. they have been convicted of any other offence at any time which in the opinion of the Board:

- brings or would bring the Association or any other Group Member into disrepute; or
- is incompatible with the role of Board Member, committee member or co-optee; and

the Board resolves (by at least a two-thirds majority including co-optees) that they should be removed; or

D9.5. ~~D9.4~~ they are not a ~~shareholder or representative of a shareholder~~ Shareholder or nominee of a Shareholder (unless they are a committee member, co-optee or employee of the ~~association~~ Association or any other ~~group member~~ Group Member); or

D9.6. ~~D9.5~~ they have absented themselves from three consecutive meetings of the ~~board~~Board or committee without special leave of absence or good reason; or

D9.7. ~~D9.6~~ they are an ~~independent board member~~Independent Board Member and are or become a tenant, a ~~non-tenant~~ resident or local authority person; or

D9.8. ~~D9.7~~ they are a ~~nominated board member~~Nominated Board Member and the relevant ~~nominating shareholder~~Nominating Shareholder serves one month's notice on the ~~association~~Association; or

~~D9.8 they are a tenant and are (in the opinion of the board) in material or serious breach of their tenancy agreement or lease; or~~

D9.9. ~~D9.9~~ a registered medical practitioner who is treating that person gives a written opinion to the ~~association~~Association stating that that person has become physically or mentally incapable of acting as a ~~board member~~Board Member, co-optee or committee member and may remain so for more than three months; or

D9.10. ~~D9.10~~ they are a tenant and in the opinion of the ~~board~~Board are in material or serious breach of their tenancy agreement or lease or are subject to a possession order or are in breach of a suspended possession order, or are subject to any of the following types of court order: anti-social behaviour order, anti-social behaviour injunction, demoted tenancy or closure order; or

D9.11. ~~D9.11~~ they are a tenant and the ~~association~~Association has obtained an order of a competent court or tribunal against them for recovery of monies due from them to the ~~association~~Association provided that if the order is suspended or is an order for payment in instalments they shall only cease to be a ~~shareholder~~Board Member, co-optee or committee member upon failing to meet the terms of the order; or

D9.12. ~~D9.12~~ they are an employee and their contract of employment is terminated

and any ~~board member~~Board Member who at any time ceases to qualify under this rule shall immediately cease to be a ~~board member~~Board Member, co-optee or committee member (as appropriate).

D10. ~~D10~~ A ~~board member~~Board Member may be removed from the ~~board~~ by: ~~D10.1 a special resolution at a general meeting; or~~Board by:

D10.1. a Special Resolution at a General Meeting; or

D10.2. ~~D10.2~~ a resolution (or written ~~notice signed by~~resolution passed in accordance with Rule D35) passed by two-thirds of the other ~~board members~~Board Members excluding the ~~board member~~Board Member who is the subject of the proposed removal and excluding co-optees and employees, provided the following condition are satisfied:

- at least fourteen days' notice of the proposed resolution has been given to all ~~board members~~Board Members;
- the notice sets out the reasons for the removal; and
- the ~~board~~Board is satisfied that the reasons justify the removal.

Casual vacancies

D11. ~~D11~~ A casual vacancy occurring on the ~~board~~Board caused for any reason including insufficient candidates standing for election, the resignation, death or removal of a ~~board member~~Board Member or cessation of office under rules D9 and D10, may be filled by:-

~~D11.11~~ the ~~board for an independent board member~~Board and, the appointment shall take effect when the resolution to appoint them is passed by the ~~board~~Board (or such later date as is specified in that resolution); ~~or~~

~~D11.2~~ the nominating shareholders for a nominated board member, in accordance with procedures set by the board from time to time.

Any person appointed under this rule to fill a vacancy shall serve as a ~~board member~~Board Member until the close of the relevant annual ~~general meeting~~General Meeting of the ~~association~~Association as set out in rules D13 to D16.

Terms of office and election or appointment to the ~~board~~Board

D12. ~~D12~~ In every notice for an annual ~~general meeting~~General Meeting the ~~board~~Board shall state those ~~board members~~Board Members continuing in office and those candidates intending to offer themselves for election.

D13.

~~D13~~

D13.1. ~~D13.1~~ Nominated ~~board members~~Board Members shall be nominated by the ~~nominating shareholders~~Nominating Shareholders in accordance with procedures set by the ~~board~~Board from time to time. Subject to those nominees having the appropriate skills and experience to become a ~~board member~~Board Member, those nominees shall be appointed by the ~~board as nominated board members~~Board as Nominated Board Members. In appointing such nominees, the ~~board~~Board will act in accordance with procedures set by the ~~board~~Board from time to time and shall determine which nominees should be appointed to the ~~board~~Board in accordance with those procedures.

D13.2. ~~D13.2~~—Each ~~board-member~~Board Member, save for ~~board members~~Board Members appointed under ~~rule~~Rule D13.1, shall be elected in accordance with any ~~board~~Board membership policies adopted by the ~~board~~Board from time to time

D13.3. ~~D13.3~~ Each ~~board-member~~Board Member shall be elected or appointed for a fixed term of office expiring at the conclusion of an annual ~~general-meeting~~General Meeting (each a “fixed term”). The fixed term shall be for a term of three annual ~~general-meetings~~General Meetings unless the ~~board~~Board has set a lower number of annual ~~general-meetings~~General Meetings for the relevant ~~board-member~~Board Member on their election or appointment. No fixed term shall be set which would cause the relevant ~~board-member~~Board Member to serve beyond their ninth consecutive annual ~~general-meeting~~ ~~(and for this purpose~~ General Meeting ~~)~~ (time served on the ~~board~~Board of another ~~group member or on the board~~Group Member that is part of the Association’s group when these Rules are registered by the Registrar or on the Board of any predecessor of the ~~association of another group member~~Association or of another Group Member that is part of the Association’s group when these Rules are registered by the Registrar shall not be counted);— save where the ~~board~~Board agrees that circumstances exist where it would be in the best interests of the ~~association~~Association for a ~~board member~~Board Member to serve for a longer period. For the avoidance of doubt time served on the Board of a Group Member that becomes part of the Association’s group after the date the Registrar registers these Rules will be counted save where the Board agrees that circumstances exist where it would be in the best interests of the Association for a Board Member to serve for a longer period.

D14. ~~D14~~

D14.1. ~~D14.1~~ At every annual ~~general-meeting~~General Meeting each ~~board~~Board Member elected or appointed under rule D13 who has served their fixed term shall retire from office. Any ~~board member~~Board Member who retires from office at an annual ~~general meeting~~General Meeting under this rule D14 shall be eligible for re-election or re-appointment subject to any ~~board~~Board membership policies and subject to any restrictions contained within these ~~rules~~Rules.

D14.2. ~~D14.2~~ ~~Any board member~~Any Board Member retiring under rule D14.1 having completed nine years’ continuous service (or nine years’ continuous service plus any extended period agreed by the ~~board~~Board under rule D13) on ~~either the board of the association~~

~~and/or the board of a group member~~the Board of the Association
and/or the Board of a Group Member which joins the Association's
group after the date the Registrar registers these Rules (or any
predecessor) shall not be eligible for re-appointment or re-election
for at least one full term of office.

D15.

~~D15~~

D15.1. ~~D15.1~~—Board ~~members~~Members elected under rule D13 will be
elected in accordance with open and transparent selection criteria
and election procedures set out in any ~~board~~Board membership
policies adopted by the ~~board~~Board from time to time. These may
provide for prospective candidates to be approved by the
~~board~~Board before they are eligible to stand for election as ~~board~~
~~members~~Board Members.

D15.2. ~~D15.2~~—The ~~board~~Board, in accordance with the election procedures
set under rule D15.1 and appointments made under rule D13.1,
shall endeavour to ensure that the ~~board~~Board possesses the
quality, skills, competencies and experience which the ~~board~~Board
has from time to time determined that it requires.

D15.3. ~~D15.3~~—In an election for candidates wishing to be ~~board members at a~~
~~general meeting every shareholder~~Board Members at a General
Meeting every Shareholder present in person or by proxy shall
have one vote for every vacancy but shall not give more than one
vote to any one candidate.

D15.4. ~~D15.4~~—If at elections the number of candidates for election as ~~board~~
~~members~~Board Members does not exceed the number of
vacancies on the ~~board~~Board the ~~chair~~Chair shall declare those
candidates to have been duly elected. If the number of candidates
exceeds the number of vacancies the meeting shall elect the ~~board~~
~~members~~Board Members in such a manner as the ~~chair~~Chair
directs and in accordance with any procedures set under rule
D15.1.

D16.

~~D16~~—The ~~board~~Board may appoint or co-opt employees to the ~~board~~Board on
such terms as the ~~board~~Board resolves but no employee may be appointed
(or co-opted) to the ~~board~~Board if, following their appointment (or co-option)
employees would be in a majority.

Quorum of the Board

D17.

~~D17~~

D17.1. ~~D17.1~~ Subject to the provisions of rule ~~D17.5~~D17.4, the quorum for the transaction of the business of the ~~board~~Board at the time when the meeting proceeds to business shall be ~~five including no fewer than three nominated board members and one independent board member. In order for a board meeting to be quorate, the nominated board members shall not be in the minority. The board~~four members. The Board will not be quorate unless ~~board members~~Board Members who are employees of the ~~association~~Association are in a minority.

~~D17.2 If there are no independent board members on the board the only power the board may exercise shall be to appoint one or more independent board members under rule D11.~~

D17.2. ~~D17.3~~ If a quorum is not present within half an hour from the time appointed for a ~~board~~Board meeting the ~~board~~Board meeting shall, if requested by a majority of those ~~board members~~Board Members present, be adjourned to the same day in the next week at the same time and place or to such other day and at such other time and place as the ~~board members~~Board Members present may determine.

D17.3. ~~D17.4~~ If at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting then notwithstanding rule D17.1 the ~~board members~~Board Members present shall constitute a quorum.

D17.4. ~~D17.5~~ If the number ~~and make up of board members~~of Board Members falls below the number ~~and make up~~ necessary for a quorum, the remaining ~~board members~~Board Members may continue to act as the ~~board~~Board for a maximum period of six months and the provisions of rule D17.1 shall be suspended for that time. At the end of that time the only power that the ~~board~~Board may exercise shall be to bring the number and make up of ~~board members~~Board Members up to that required by these ~~rules~~Rules.

Board ~~members~~Members' interests

D18. ~~D18 No board member~~No Board Member, co-optee or member of a committee shall have any financial interest in any contract or other transaction with the ~~association~~Association or with any other ~~group member~~Group Member, or be granted a benefit by the ~~association~~Association, unless such interest or benefit:

D18.1. ~~D18.1~~ is expressly permitted by these ~~rules~~Rules; or

D18.2. ~~D18.2~~ would not be in breach of, and would not be inconsistent with, any ~~Page 46 of 53~~ standard or code published by the

~~regulator~~[Regulator](#), section 122 of the Housing and Regeneration Act 2008 or any code of conduct and/or governance adopted by the ~~board~~[Board](#).

[D19.](#) ~~D19~~ Any ~~board-member~~[Board Member](#), co-optee or member of a committee, having an interest in any arrangement between the ~~association~~[Association](#) and someone else shall disclose their interest, before the matter is discussed by the ~~board~~[Board](#) or any committee. Such disclosure must comply with any code of conduct and/or governance adopted by the ~~board~~[Board](#) from time to time. Unless it is expressly permitted by these ~~rules~~[Rules](#) they shall not remain present ~~nor vote on the matter in question~~ unless requested to do so by the ~~board~~[Board](#) or committee and they shall not have any vote on the matter in question.

[D20.](#) ~~D20~~ Subject to rule ~~D22~~[D21](#), if a question arises at a meeting of ~~board members~~[Board Members](#) or of a committee of the ~~board~~[Board](#) as to the right of a ~~board-member, co-optee~~[Board Member, co-optee](#) or member of a committee to participate in the meeting (or part of the meeting) for voting or quorum purposes, the question may, before the conclusion of the meeting, be referred to the ~~chair~~[Chair](#) or chair of the committee in the case of a member of a committee, whose ruling in relation to any ~~board-member, co-optee~~[Board Member, co-optee](#) or member of a committee (other than the ~~chair~~[Chair](#) or chair of the committee) is to be final and conclusive.

[D21.](#) ~~D21~~ If any question as to the right to participate in the meeting (or part of the meeting) should arise in respect of the ~~chair~~[Chair](#) or chair of the committee, the question is to be decided by a decision of the ~~board members~~[Board Members](#) or members of that committee at that meeting, for which purpose the ~~chair~~[Chair](#) or chair of the committee is not to be counted as participating in the meeting (or that part of the meeting) for voting or quorum purposes.

[D22.](#) ~~D22~~ Any decision of the ~~board~~[Board](#) or of a committee shall not be invalid because of the subsequent discovery of an interest which should have been declared.

[D23.](#) ~~D23~~ Every ~~board-member~~[Board Member](#), co-optee and member of a committee shall ensure that the ~~secretary~~[Secretary](#) at all times has a list of all other bodies (including any tenant management organisations) in which they have an interest as:

[D23.1.](#) a director or Officer; or

[D23.2.](#) ~~D23.1 a director or officer; or D23.2~~ as a member of a firm; or

[D23.3.](#) ~~D23.3~~ as an official or elected member of any statutory body; or

D23.4. ~~D23.4~~ as the owner or controller of more than 2% of a company the shares in which are publicly quoted or more than 10% of any other company; or

D23.5. ~~D23.5~~ as the occupier of any property owned or managed by the ~~association~~ Association; or

D23.6. ~~D23.6~~ any other significant or material interest.

D24. ~~D24~~ If requested by a majority of the ~~board~~ Board Members or members of a committee at a meeting convened specially for the purpose, a ~~board member~~ Board Member, co-optee or member of a committee failing to disclose an interest as required by these ~~rules~~ Rules shall vacate their office either permanently or for a period of time as the ~~board~~ Board directs.

D25. ~~D25~~ Notwithstanding rule D18, the ~~association~~ Association may:

D25.1. ~~D25.1~~ pay properly authorised expenses to ~~board-members~~ Board Members, co-optees and members of committees when actually incurred on the ~~association's~~ Association's business;

D25.2. ~~D25.2~~ pay insurance premiums in respect of insurance taken out to insure ~~officers~~ Officers and employees;

D25.3. ~~D25.3~~ pay reasonable and proper remuneration, fees, allowances or recompense for loss of earnings to ~~board-members~~ Board Members, co-optees and members of committees following appropriate independent advice; and

D25.4. ~~D25.4~~ subject to compliance with section 122 of the Housing and Regeneration Act 2008, and subject to compliance with any code of conduct and/or governance adopted by the ~~-board~~ Board from time to time grant reasonable and proper benefits to ~~board members~~ Board Members, co-optees and members of committees;

D25.5. ~~D25.5~~ grant benefits to ~~board-members~~ Board Members, co-optees or members of committees who are beneficiaries which are granted on the same terms and in accordance with the same criteria as they would be granted to any other beneficiary of the ~~association~~ Association.

D26. ~~D26~~ A ~~board member~~Board Member, co-optee or member of a committee shall not have an interest for the purpose of rules ~~D19~~D18 to D23 as a ~~board member~~Board Member, director, or ~~officer~~Officer of any other ~~group member~~Group Member. For the purposes of rule D20 an interest arising solely from holding office in a tenant management organisation shall not be regarded as a financial interest.

D27. ~~D27~~ Board ~~members~~Members, co-optees or members of committees who are tenants of the ~~association~~Association shall not have an interest for the purpose of rules D19 or D24 in any decision affecting all or a substantial group of tenants.

Meetings of the ~~board~~Board

D28. ~~D28~~

D28.1. ~~D28.1~~—The ~~board~~Board shall meet at least four times every calendar year. ~~A meeting of the board may be held either in person or by suitable electronic means agreed by the board in which all participants may communicate with all the other participants.~~ At least seven days' written notice of the date and place of every ~~board~~Board meeting shall be given by the ~~secretary~~Secretary to all ~~board members~~Board Members and co-optees. The ~~board~~Board may meet on shorter notice where not less than seventy-five per cent of the ~~board members~~Board Members so agree.

D28.2. ~~D28.2~~—Meetings of the ~~board~~Board may be called by the ~~secretary~~Secretary, or by the ~~chair~~Chair, or by two ~~board members~~Board Members who give written notice to the ~~secretary~~Secretary specifying the business to be carried out. The ~~secretary~~Secretary shall send a written notice to all ~~board members~~Board Members and co-optees to the ~~board~~Board as soon as possible after receipt of such a request.

The ~~secretary~~Secretary shall call a meeting on at least seven but not more than fourteen days' notice to discuss the specified business. If the ~~secretary~~Secretary fails to call such a meeting then the ~~chair~~Chair or two ~~board members~~Board Members, whichever is the case, shall call such a meeting.

D29. ~~D29~~ Meetings of the Board or a committee can take place in any manner and through any medium which permits those attending to hear and comment on the proceedings. Any person who attends in this manner will

be deemed to be present at the meeting whether or not all are assembled in one place

Management and delegation

D30.

~~D30~~

D30.1. ~~D30.1~~—The ~~board~~Board may delegate any of its powers under written terms of reference to committees or its ~~officers~~Officers or to employees (subject to rule D1). Those powers shall be exercised in accordance with any written instructions given by the ~~board~~Board. The ~~board~~Board may also reserve to itself certain significant matters that cannot be delegated to committees or employees.

D30.2. ~~D30.2~~—Should the ~~board~~Board feel it appropriate it may overrule decisions made by the committee in relation to powers which it has delegated to the committee

D31.

~~D31~~ The membership of any committee shall be determined by the ~~board~~Board. Every committee shall include one ~~board-member~~Board Member or co-optee to the ~~board~~Board. The ~~board~~Board shall appoint the chair and specify the quorum of any committee.

D32.

~~D32~~ All acts and proceedings of any committee shall be reported to the ~~board~~Board.

D33.

~~D33~~ No committee can incur expenditure on behalf of the ~~association~~Association unless at least one ~~board-member~~Board Member or co-optee of the Board on the committee has voted in favour of the resolution and the ~~board~~Board has previously approved a budget for the relevant expenditure.

Miscellaneous provisions

D34.

~~D34~~ All decisions taken at a ~~board~~Board or any committee meeting in good faith shall be valid even if it is discovered subsequently that there was a defect in the calling of the meeting, or the appointment of the members at a meeting.

D35.

~~D35~~ A resolution sent to all ~~board-members~~Board Members or all members of a committee and signed,— or confirmed by ~~electronic communication~~Electronic Communication by three-quarters of the ~~board members~~Board Members or three-quarters of the members of a committee shall be as valid and effective as if it had been passed at a properly called and constituted meeting of the ~~board~~Board or committee and may consist

of documents in the same form and signed or confirmed by ~~electronic communication~~Electronic Communication by one or more persons.

D36. ~~D36~~ Notice may be given to ~~board members~~Board Members or members of a committee by hand, post or ~~electronic—communication~~Electronic Communication at the last address for such communication given to the ~~secretary~~Secretary. The accidental failure to give notice to a ~~board member~~Board Member or member of a committee or the failure of the ~~board member~~Board Member or committee member to receive such notice shall not invalidate the proceedings of the board.

PART E CHAIR, VICE-CHAIR, CHIEF EXECUTIVE, SECRETARY AND OTHER OFFICERS

The Chair

The chair

- ~~E1~~ E1.1 The association shall have a chair, who shall also chair board meetings, and shall be elected by the board on such terms (and for such term of office) as the board determines.
- ~~E1.2~~ E1.2 The association shall have a vice chair who shall be elected by the board. The role and authority of the vice chair shall be established by the board from time to time.

E1.

E1.1. The Association shall have a Chair, who shall also chair Board meetings, and shall be elected by the Board on such terms (and for such term of office) as the Board determines.

E1.2. The Association shall have a vice Chair who shall be elected by the Board. The role and authority of the vice Chair shall be established by the Board from time to time.

E2.

~~E2~~ The first item of business for any ~~board~~Board meeting when there is no ~~chair~~Chair (or vice Chair) or the ~~chair or vice chair~~Chair (or vice Chair) is not present shall be to elect the chair for the purpose of the meeting. The ~~chair and vice chair~~Chair shall at all times be a ~~shareholder and a board member~~Shareholder or the nominee of a Nominating Shareholder and a Board Member and cannot be an employee.

E3.

~~E3~~ The ~~chair or vice chair~~Chair or vice Chair of the ~~association~~Association may be removed at a ~~board~~Board meeting called for the purpose provided the resolution is passed by at least two-thirds of the ~~board members~~Board Members at the meeting.

E4.

~~E4~~ In case of an equality of votes, the ~~chair~~Chair of the meeting shall have a second vote.

The ~~chair's~~Chair's responsibilities

~~E5 The chair shall seek to ensure that there is a written statement of the chair's responsibilities set out separately in a code of governance or otherwise in writing, which shall be agreed with the board, and reviewed from time to time.~~

E5. The Chair's responsibilities will be set out in a written document and agreed by the Board.

The chief executive

E6. ~~E6~~ The ~~association~~Association may have a chief executive appointed by the ~~board~~Board. The chief executive shall be appointed on a written contract of employment, which shall include a clear statement of the duties of the chief executive.

The ~~secretary~~Secretary

~~E7 The association shall have a secretary who shall be appointed by the board and who may be an employee.~~

E7. The Association shall have a Secretary who shall be appointed by the Board and who may be an employee. The Board may also appoint a deputy Secretary (who may also be an employee) to act as Secretary in the Secretary's absence. The Secretary's duties will be clearly set out in writing and agreed by the Board.

Other ~~officers~~Officers

E8. ~~E8~~ The ~~board~~Board may designate as ~~officers~~Officers such other executives, internal auditor and staff of the ~~association~~Association on such terms (including pay) as it from time to time decides.

Miscellaneous

E9. ~~E9~~ Every ~~officer~~Officer or employee shall be indemnified by the ~~association~~Association for any amount reasonably incurred in the discharge of their duty.

E10. ~~E10~~ Except for the consequences of their own dishonesty or gross negligence no ~~officer~~Officer or employee shall be liable for any losses suffered by the ~~association~~Association or any ~~group—member~~Group Member.

PART F FINANCIAL CONTROL AND AUDIT

Auditor

F1. ~~F1~~ The ~~association~~Association, if required by law to do so, shall appoint an auditor to act in each financial year. They must be qualified as provided by Section 91 of the Act.

F2.

F2.1. ~~F2~~ The following cannot act as auditor:

F2.1.1. ~~F2.1~~ an ~~officer~~Officer or employee of the ~~association~~Association;

F2.1.2. ~~F2.2~~ a person employed by or employer of, or the partner of, an ~~officer~~Officer or employee of the ~~association~~Association.

F3. ~~F3~~ ~~An~~The Association's auditor may be appointed by the ~~board~~Board or by a resolution of the ~~shareholders~~Shareholders.

F4. ~~F4~~ Where an auditor is appointed to audit the accounts for the preceding year, they shall be re-appointed to audit the current year's as well unless:

F4.1. ~~F4.1~~ ~~a general meeting~~a General Meeting has appointed someone else to act or has resolved that the auditor cannot act; or

F4.2. ~~F4.2~~ the auditor does not want to act and has told the ~~association~~Association so in writing; or

F4.3. ~~F4.3~~ the person is not qualified or falls within rule F2 (above); or

F4.4. ~~F4.4~~ the auditor has become incapable of acting; or
~~F4.5~~ ~~notice to appoint another auditor has been given.~~

F4.5. notice to appoint another auditor has been given.

F5.

F5.1. ~~F5~~ ~~F5.1~~ Not less than twenty-eight days' notice shall be given for a resolution to appoint another person as auditor, or to forbid a retiring auditor being re- appointed.

F5.2. ~~F5.2~~—The ~~association~~Association shall send a copy of the resolution to the retiring auditor and also give notice to its ~~shareholders~~Shareholders at the same time and in the same manner, if possible.

F5.3. ~~F5.3~~—If not, the ~~association~~Association shall give notice by advertising in a local newspaper at least 14 days before the proposed meeting. The retiring auditor can make representations to the ~~association~~Association which must be notified to its ~~shareholders~~Shareholders under section 95 of the Act.

Auditor's duties

F6. ~~F6~~ The findings of the auditor shall be reported to the ~~association~~Association, in accordance with ~~Section~~section 87 of the Act.

F7. ~~F7~~ The ~~board~~Board shall produce the revenue account and balance sheet audited by the auditor, and the auditor's report at each annual ~~general meeting~~General Meeting. The ~~board~~Board shall also produce its report on the affairs of the ~~association~~Association which shall be signed by the person chairing the meeting which adopts the report.

Accounting requirements

F8. ~~F8~~ The end of the accounting year must be a date allowed by the ~~registrar~~Registrar.

F9. ~~F9~~ The ~~association~~Association shall keep proper books of account detailing its transactions, its assets and its liabilities, in accordance with ~~Sections~~sections 75 and 76 of the Act.

F10. ~~F10~~ The ~~association~~Association shall establish and maintain satisfactory systems of control of its books of account, its cash and all its receipts and payments.

Annual returns and balance sheets

F11. ~~F11~~ Every year, within the time period specified by legislation, the ~~secretary~~Secretary shall send the ~~association's~~Association's annual return to the ~~registrar~~Registrar. The return shall be ~~up-to-date-to-the-time~~prepared in accordance with the period specified in the Act, or such other date allowed by the ~~registrar~~Registrar and shall be lodged within the period required by law. The annual return shall be accompanied by the auditor's ~~reports~~report, if required, for the period of the return and the accounts and balance sheets to which it refers.

Borrowing

F12. ~~F12~~ The total borrowings of the ~~association~~Association at any time shall not exceed £100 million (one hundred million pounds sterling) or such a larger sum as the ~~association~~Association determines from time to time in

~~general meeting~~General Meeting. For the purpose of this rule F12, at any relevant time, any amount of the ~~association's~~Association's borrowings in any currency other

than pounds sterling (as may be permitted or not prohibited by the ~~regulator~~Regulator from time to time) shall be converted to sterling using the exchange rate or rates applicable under the related ~~derivative transaction~~Derivative Transaction or transactions by which the ~~association~~Association has hedged its exposure to currency exchange rate movements in relation to the principal amount of such borrowings, or in the absence of such a rate or rates (in whole or in part) using the official spot exchange rate or rates recognised by the Bank of England for the conversion of that currency or currency unit into sterling at or about 11:00 on the relevant day.

F13. ~~F13~~ The rate of interest payable at the time terms of borrowing are agreed on any money borrowed shall not exceed the rate of interest which, in the opinion of the ~~board~~Board, is reasonable having regard to the terms of the loan. The ~~board~~Board may delegate the determination of the said interest rate within specified limits to an ~~officer, board member~~Officer, Board Member or a committee.

F14. ~~F14~~

F14.1. ~~F14.1~~ In respect of any proposed borrowing, for the purposes of rule F12, and in relation to the amount remaining undischarged of any deferred interest or index-linked monies ~~previously borrowed by the association or~~or amounts on any deep discounted security previously borrowed by the Association, the amount of such pre-existing borrowing shall be deemed to be the amount required to repay such pre-existing borrowing in full if such pre-existing borrowing became repayable in full at the time of the proposed borrowing; and

F14.2. ~~F14.2~~ For the purposes of rule F12 in respect of any proposed borrowing intended to be on deferred interest or index-linked terms or on any deep discounted security the amount of borrowing shall be deemed to be the proceeds of such proposed borrowing receivable by the ~~association~~Association at the time of the proposed borrowing; and

F14.3. ~~F14.3~~ No person dealing in good faith with the Association shall be concerned to know whether rule F12, F13, or this rule F14 have been complied with.

Investments

Investment

- F15. ~~F15~~ The funds of or monies borrowed by the ~~association~~Association may be invested by the board in such manner as it determines ~~as if it were absolutely entitled to the assets of the association.~~

PART G MISCELLANEOUS AND STATUTORY, REGISTERED OFFICE AND NAME

Registered Office and name

- G1. ~~G1~~ The ~~association's~~Association's registered office is: 116-120 Lichfield Street, Walsall, West Midlands WS1 1SZ.

- G2. ~~G2~~ The ~~association's~~Association's registered name must:

G2.1. ~~G2.1~~ be placed prominently outside every office or place of business; and

G2.2. ~~G2.2~~ be engraved on its seal; and

G2.3. ~~G2.3~~ be stated on its business letters, notices, adverts, official publications, cheques and invoices, website and any other formal corporate communication whether electronic or otherwise.

Disputes

- G3. ~~G3~~ Any dispute on a matter covered by these ~~rules~~Rules shall be referred by either party to a suitably qualified independent mediator for settlement. The mediator shall be appointed by agreement between the parties or, in default of agreement, by the Centre for Effective Dispute Resolution whether the disagreement be as to the qualifications, the identity of the mediator or otherwise. The mediation will be conducted in accordance with the requirements of the mediator. Both parties will be obliged to comply and co-operate with this procedure at each stage and to share equally the costs of appointment of the relevant mediator as referred to above. Costs thereafter will be borne as the mediator will determine. Where the dispute is not resolved by mediation, any claim shall be dealt with in the county court which shall have sole jurisdiction over any dispute arising under the ~~rules~~Rules.

Minutes, seal, registers and books

- G4. ~~G4~~ The minutes of all ~~general meetings~~General Meetings, and all ~~board~~Board and committee meetings shall be recorded, agreed by the relevant subsequent meeting and signed by whoever chairs the meeting and kept safe.

G5. ~~G5~~ The ~~secretary~~Secretary shall keep the seal. It shall not be used except under the ~~board's~~Board's authority. It must be affixed by one ~~board member~~Board Member signing and the ~~secretary~~Secretary countersigning or in such other way as the ~~board~~Board resolves. The ~~board~~Board may in the

alternative authorise the execution of deeds in any other way permitted by law.

G6. ~~G6~~ The ~~association~~Association must keep at its registered office:

G6.1. ~~G6.1~~ the ~~register of shareholders~~Register of Shareholders showing:

- the names and addresses of all the ~~shareholders~~Shareholders; and
- a statement of all the shares held by each ~~board member~~Shareholder and the amount paid for them; and
- a statement of other property in the ~~association~~Association held by the ~~shareholder~~Shareholder; and
- the date that each ~~shareholder~~Shareholder was entered in the ~~register of shareholders~~Register of Shareholders.

G6.2. ~~G6.2~~a duplicate ~~register of shareholders~~Register of Shareholders showing the names and addresses of ~~shareholders~~Shareholders and the date they became ~~shareholders~~Shareholders;

G6.3. ~~G6.3~~a register of the names and addresses of the ~~officers~~Officers, their offices and the dates on which they assumed those offices as well as a duplicate;

G6.4. ~~G6.4~~ a register of holders of any loan;

G6.5. ~~G6.5~~a register of mortgages and charges on land; and

G6.6. ~~G6.6~~a copy of the ~~rules~~Rules of the ~~association~~Association.

G7. ~~G7~~ The ~~association~~Association must display a copy of its latest balance sheet and ~~auditors~~auditor's report (if one is required by law) at its registered office.

G8. ~~G8~~ The ~~association~~Association shall give to all ~~shareholders~~Shareholders on request copies of its last annual return with the auditor's report on the accounts (if one is required by law) contained in the return, free of charge.

G9. ~~G9~~ The ~~secretary~~Secretary shall give a copy of the ~~rules~~Rules of the ~~association~~Association to any person on demand who pays such reasonable sum as permitted by law.

Statutory applications to the Registrar

G10. ~~G10~~ Ten ~~shareholders~~Shareholders can apply to the ~~registrar~~Registrar to appoint an accountant to inspect the books of the ~~association~~Association, provided all ten have been ~~shareholders of the association for a twelve-month~~Shareholders of the Association for a twelve-month period immediately before their application.

G11. ~~G11~~ The ~~shareholders~~Shareholders may apply to the ~~registrar~~Registrar in order to get the affairs of the ~~association~~Association inspected or to call a special ~~general meeting~~General Meeting. One hundred ~~shareholders~~Shareholders, or one-tenth of the ~~shareholders~~Shareholders, whichever is the lesser, must make the application.

Amendment of ~~rules~~Rules

G12. ~~G12~~

G12.1. ~~G12.1~~—The ~~rules~~Rules of the ~~association~~Association may be rescinded or amended but not so as to stop the ~~association~~Association being a charity.

G12.2. ~~G12.2~~—Rules A2; A4; A5; B1; B2; B3; C2; C3; D17; G12 and G14 can only be amended or rescinded by ~~three-fourths~~way of a written resolution or by three-fourths of the votes cast at a ~~general meeting~~General Meeting. Any other rule can be rescinded or amended by ~~two-thirds~~two-thirds of the votes cast at a ~~general meeting~~General Meeting or by way of written resolution.

G12.3. ~~G12.3~~—Amended ~~rules~~Rules shall be registered with the ~~registrar~~Registrar as soon as possible after the amendment has been made. A copy of the amended ~~rules~~Rules shall be issued to all ~~shareholders~~Shareholders immediately after registration. An amended rule is not valid until it is registered.

G12.4. ~~G12.4~~—A copy of the amended ~~rules~~Rules shall be sent to the ~~regulator~~Regulator as soon as possible after registration by the ~~registrar~~Registrar.

Dissolution

G13. ~~G13~~ The ~~association~~Association may be dissolved by a ~~three-fourths~~three-fourths majority of ~~shareholders~~Shareholders who sign an instrument of dissolution in the prescribed format or by winding up under the Act.

G14. ~~G14~~

G14.1. ~~G14.1~~ Any property that remains, after the ~~association~~ Association is wound-up or dissolved and all debts and liabilities dealt with, the ~~shareholders~~ Shareholders may resolve to give or transfer to another ~~charitable body~~ charity in law with objects similar to that of the ~~association~~ Association.

G14.2. ~~G14.2~~ If no such institution exists, the property shall be transferred or given to the Housing Associations Charitable Trust.

G14.3. ~~G14.3~~ If the ~~association~~ Association is registered as a provider of ~~social housing~~ Social Housing with the ~~regulator~~ Regulator any transfer or gift must be in compliance with the Housing and Regeneration Act 2008 or any other relevant legal and regulatory provisions which exist from time to time.

Interpretation of terms

G15. ~~G15~~ In these ~~rules~~ Rules, including this rule, unless the subject matter or context are inconsistent:-

G15.1. ~~G15.1~~ words importing the singular or plural shall include the plural and singular respectively;

G15.2. ~~G15.2~~ words importing gender shall include the male and female genders;

G15.3. ~~G15.3~~ any reference to an Act shall include any amendment or re-enactment from time to time;

G15.4. ~~G15.4 "amendment of rules"~~ Amendment of Rules shall include the making of a new rule and the rescission of a rule, and "amended" in relation to rules shall be construed accordingly;

G15.5. ~~G15.5~~ "the Act" shall mean the Co-operative and Community Benefit Societies Act 2014;

G15.6. ~~G15.6~~ "the ~~association~~ Association" shall mean the association of which these are the registered ~~rules~~ Rules;

G15.7. ~~G15.7~~ "board" Board shall mean the ~~board~~ Board appointed in accordance with Part D and "board member" Board Member or "member" Member of the ~~board~~ Board shall mean a ~~member~~ Member of the ~~board~~ Board for the time being but shall not include a person co-opted to the

Board ~~board~~ under rule D6;

G15.8. ~~G15.8~~ "Chair" shall mean the person appointed as Chair in accordance with

rule E1 and where applicable shall include the vice Chair:

;

G15.9. ~~G15.9 “clear days~~“Clear Days” in respect of notice for a meeting, shall mean a period calculated excluding both the day on which any notice or communication is deemed to be received under these ~~rules~~Rules and the date of the meeting;

G15.10. ~~G15.10 “derivative transaction~~“Derivative Transaction” means any transaction which is a forward, swap, future, option or other derivative on one or more rates, currencies, commodities, equity securities or other equity instruments, debt securities or other debt instruments, economic indices or measures of economic risk or value, or other benchmarks against which payments or deliveries are to be made, or any combination of these transactions;

G15.11. ~~G15.11 “electronic communication~~“Electronic Communication” shall have the meaning set out in section 148 of the Act;

G15.12. ~~G15.12 “general meeting~~“General Meeting” shall mean a ~~general meeting of the association’s shareholders~~General Meeting of the Association’s Shareholders called and held in accordance with rules C17 to C37;

G15.13. ~~G15.13 “group — member~~“Group Member” means the ~~association~~Association, each subsidiary of the ~~association~~Association, any body corporate of which the ~~association~~Association is a subsidiary and any subsidiary of such body corporate and for this purpose “subsidiary” has the meaning within the Act and/or the Housing and Regeneration Act 2008 and/or the Companies Act 2006;

~~G15.14 “independent shareholder means a shareholder who is not a nominating shareholder nor a tenant.~~

G15.14. “Independent Board Member” means a Board Member who is not either a resident, nominee of a Nominating Shareholder nor a local authority person;

G15.15. ~~G15.15~~ “Lambeth TMOs” means Magdalen Estate Tenant Management Organisation Limited (a society registered with number IP27970R); Ethelred Tenant Management Organisation (a society registered with number IP28794R) and Thorlands Housing Management Society (a society registered with number IP28000R);

G15.16. ~~G15.16~~ “local authority person” means any person;

- who is or has been a member of Walsall Metropolitan Borough Council or the London Borough of Lambeth Council (or its successors in title) in the preceding four years; ~~or~~

G15.17. "Nominated Board Members" means the Board Members nominated by the Nominating Shareholders from time to time;

- ~~who is an officer of Walsall Metropolitan Borough Council or the London Borough of Lambeth Council (or its successors in title) which for these purposes shall not include employees with non-managerial posts apart from housing employees; or~~
- ~~who is or has been both an employee and either a director, manager, secretary or other similar officer of a company which is under the control of Walsall Metropolitan Borough Council or the London Borough of Lambeth Council (or its successors in title);~~

~~G15.17 "nominated board members" means the board members nominated by the nominating shareholders from time to time and any such board members shall also be board members of the nominating shareholders;~~

G15.18. G15.18 — "nominating shareholders" Nominating Shareholders means each of the tenant management organisations which are ~~shareholders~~ Shareholders of the ~~association~~ Association and includes, at the date of adoption of these ~~rules~~ Rules, the Walsall TMOs and the Lambeth TMOs;

~~G15.19 "non-tenant resident" means a person who alone or jointly with others holds a freehold within the areas of operation of the Walsall TMOs or the Lambeth TMOs or a lease or licence to occupy the association's premises for residential use;~~

G15.19. G15.20 "notice" shall be deemed to have been received by a person:

- (1) if posted by first class post at least two business days (meaning Monday to Friday but excluding bank holidays) after being posted;
- (2) if sent by ~~electronic — communication~~ Electronic Communication one hour after transmission provided that no transmission notification of non-delivery or error has been received by the person transmitting the communication and the transmission is to the ~~electronic communication~~ Electronic Communication address or number last notified by that person to the ~~secretary~~ Secretary;
- (3) if delivered by hand, on delivery to the person's address last notified by that person to the ~~secretary~~ Secretary;

G15.20. ~~G15.21—"officer"~~Officer shall include the ~~chair~~Chair and ~~secretary~~Secretary of the ~~association~~Association and any ~~board member~~Board Member for the time being and such other persons as the ~~board~~Board may appoint under rule E8;

~~G15.22 "persons claiming through a shareholder" shall include their personal representatives and also their nominees where a nomination has been made;~~

G15.21. ~~G15.23—"property"~~ shall include all real and personal estate (including loan stock certificates, books and papers);

G15.22. ~~G15.24 "register of shareholders"~~Register of Shareholders means the register kept in accordance with rule G6.1;

G15.23. ~~G15.25—"registrar"~~Registrar means the Financial Conduct Authority or any statutory successor to or any assignee of any or all of its relevant functions from time to time;

G15.24. ~~G15.26~~ ~~"regulator"~~Regulator means the Regulator of Social Housing established pursuant to the Housing and Regeneration Act 2008 or any future body or authority (including any statutory successor) carrying on similar regulatory or supervisory functions;

G15.25. "resident" means a tenant of Watmos or a person who alone or jointly with others holds a freehold within the areas of operation of Watmos or a lease or licence to occupy the Association's premises for residential use;

G15.26. ~~G15.27 "secretary"~~Secretary means the ~~officer~~Officer appointed by the ~~board~~Board to be the ~~secretary~~Secretary of the ~~association~~Association or other person authorised by the ~~board~~Board to act as the ~~secretary's~~Secretary's deputy;

G15.27. ~~G15.28 "shareholder"~~Shareholder shall mean one of the persons referred to in rule ~~CS~~C5 and means "member" as defined by the Act;

G15.28. ~~G15.29 "social housing"~~Social Housing means low cost rental accommodation and low cost home ownership accommodation as defined in section 68 and social housing as defined in section 77 of the Housing and Regeneration Act 2008;

G15.29. ~~G15.30 "special resolution"~~Special Resolution means a resolution at a general meeting passed by a ~~two-thirds~~two-thirds majority of all ~~shareholders~~Shareholders who vote in person or by proxy;

G15.30. ~~G15.31~~ "tenant" means a person who alone or jointly with others hold a tenancy to occupy the ~~association's~~ Association's premises for residential use;

G15.31. ~~G15.32~~ "tenant management organisation" shall mean a housing co-operative controlled by its tenants or any other tenant or consumer controlled housing organisation;

G15.32. ~~G15.33~~ "Walsall TMOs" ~~mean~~ means Avenues Tenant Management Organisation Limited (a society registered with number IP28769R), Burrowes Street Tenant Management Organisation Limited (a society registered with number IP27754R), Chuckery Tenant Management Organisation Limited (a society registered with number IP27589R), Delves East Estate Management Limited (registered company number 03231221), Leamore Residents Association Limited (a society registered with number IP28758R), Sandbank, ~~—~~ Tenant Management Organisation (a society registered with number IP27858R) and Twin Crescents Tenant Management Organisation (a society registered with number IP28266R);

G15.33. ~~G15.34~~ references to any provision in any Act shall include reference to such provision as from time to time amended, varied, replaced, extended or ~~re-enacted~~ re-enacted and to any orders or regulations made under such provision.

CO-OPERATIVE AND COMMUNITY BENEFIT SOCIETIES ACT 2014

Acknowledgement of Registration of Society

Register No 29338 R

Watmos Community Homes

is this day registered under the Co-operative and Community Benefit Societies Act 2014.

Dated (Seal of Central Office)

Copy kept Registrar

1 Shareholder

2 Shareholder

3 Shareholder

..... Secretary

Summary report: Litera® Change-Pro for Word 10.14.0.46 Document comparison done on 08/09/2022 08:41:33	
Style name: Default Style	
Intelligent Table Comparison: Active	
Original filename: WATMOS registered rules provided by client May 2022(11474553.1).docx	
Modified filename: Final Rules 7 September 2022.docx	
Changes:	
<u>Add</u>	1109
Delete	1019
Move From	0
<u>Move To</u>	0
<u>Table Insert</u>	0
Table Delete	2
<u>Table moves to</u>	0
Table moves from	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
Total Changes:	2130

Watmos Community Homes

Note to shareholders for Special General Meeting – detailed

Introduction

At its meeting on 22 September 2022, the Board approved the wording of proposed amendments to the organisation's Rules. In order that the amended Rules can be registered by the Financial Conduct Authority (FCA) they must be adopted by the organisation's shareholders at a Special General Meeting (SGM). This note sets out the potential implications if the amended Rules are not adopted at the SGM. In putting it together we have taken counsel from an external advisor who previously worked at a senior level for the Regulator of Social Housing (RSH).

Regulatory position

In March 2021, the RSH published a Regulatory Judgement (RJ) for Watmos which graded the organisation's governance as compliant at:

"G2: The provider meets our governance requirements but needs to improve some aspects of its governance arrangements to support continued compliance".

G2 is not a sustainable position in the long-term. Watmos needs to work to improve its governance grading to:

"G1: The provider meets our governance requirements".

If Watmos does not return to a G1 grading over the next few months, it is likely that the RSH will consider re-grading its governance rating to a non-compliant grade:

"G3: The provider does not meet our governance requirements. There are issues of serious regulatory concern and in agreement with us the provider is working to improve its position".

The consequences of a non-compliant, G3 grading for governance are potentially very serious, including the possibility that the RSH would require Watmos and its subsidiary TMOs to be taken over by a larger registered provider.

Conduct of Board meetings

One of the key elements of good governance is that the Board is able to conduct its business in an effective manner.

In relation to the quorum of Board meetings, the organisation's current Rules say that:

"the quorum for the transaction of the business of the board at the time when the meeting proceeds to business shall be five including no fewer than three nominated board members and one independent board member. In order for a board meeting to be quorate, the nominated board members shall not be in the minority".

As a result of those requirements, at some Board meetings, so that nominated Board members would not be in a minority, one or more independent Board members have had to act as observers, rather than fully participating and acting in their capacity as Board members. That situation represents poor governance and it is something that the RSH would look upon unfavourably and which could prevent Watmos returning to a G1 grading for governance.

Proposed wording in revised Rules

In the revised Rules it is proposed that the wording in relation to the quorum of Board meetings reads:

“the quorum for the transaction of the business of the Board at the time when the meeting proceeds to business shall be four members”.

The revised wording would mean that all Board members would be treated equally and would be able to fully participate and act in their capacity as Board members in Board meetings.

Potential implications of the revised Rules not being adopted at the SGM

As set out above, the failure of the organisation to conduct its Board meetings in an effective manner could hinder the return to a G1 governance grade and could contribute to the organisation's governance being graded as G3.

If the SGM does not adopt the revised Rules, that would be very serious from a regulatory perspective and could lead to a G3 grading or even a grading of:

“G4: The provider does not meet our governance requirements. There are issues of serious regulatory concern, and the provider is subject to regulatory intervention or enforcement action”.

If the organisation was graded as G4, it would at least be very likely that the RSH would require Watmos and its subsidiary TMOs to be taken over by a larger registered provider. In order to avoid that situation, should the revised Rules not be adopted at the SGM, Watmos's Group Board would be forced to consider whether those TMOs voting against the proposed changes to the Rules were failing to act in the best interests of Watmos, and consequently whether Watmos should exercise its step in rights at those TMOs to ensure that the revised Rules might be adopted at a further SGM.

12 December 2022

Planning Services Performance & Resources to Deliver New Housing

Ward(s): All affected

Portfolios: Councillor A Andrew – Deputy Leader of the Council, Regeneration

1. Aim

- 1.1 To respond to the requests made by Scrutiny Overview Committee in October 2022 relating to the following:
 - i. that Committee consider resources required to speed up the planning process to assist the delivery of new housing.
 - ii. report on steps to ensure that available land for housing development is utilised; and
 - iii. examine whether there is a need for increased competition in the social housing sector in Walsall.
- 1.2 To deliver improvements to performance and monitoring within the planning service area and enable an efficient and effective planning service for our customers and to bring forward housing more effectively.
- 1.3 To set out next steps in the development of the Walsall Local Plan.

2. Recommendations

- 2.1 That committee notes the additional resources made available within planning services to support further staff recruitment providing more resilience in the teams to speed up the planning application process and delivery of the Walsall Local Plan.
- 2.2 To note the progress made in improving performance in the planning service.
- 2.3 To support delivery of the local development plan and other regeneration proposals to ensure land is made available for housing development to meet future needs.

3. Report detail – know

- 3.1 *In terms of speeding up the planning process to deliver new housing* – Planning Performance is reported to Planning Committee twice yearly with the latest performance report having been considered on 1st December 2022. The report highlights key performance indicators for development management relating to the

speed and quality of decisions including the timescale for determination of applications, appeal decisions, enforcement cases and S106 Planning Obligations.

- 3.2 The timely delivery of planning permissions is key to the delivery of new housing. The latest performance figures represent a continuation of results exceeding national performance standards in all areas with the exception of minors in Q2 22/23. Major applications include those for over 10 new dwellings and minor applications include those for up to 10 new dwellings. These all contribute to the delivery of new housing in Walsall but are often located on infill windfall sites rather than those allocated within the development plan and there are many constraints to address that can delay determination. Performance on speed of decision making has slightly reduced for major and minor applications in quarters 1 and 2 of 22/23. This is partly due to the recruitment and retention issues experienced in the service and availability of experienced officers to deal with these types of applications coupled who are dealing with high caseloads of up to 70 cases per officer. There has also been a delay since April 2022 in determining those cases within 15km of the Cannock Chase Special Area of Conservation (SAC) Zone of Influence where impacts of new qualifying development, including new residential properties, could only be determined once Walsall Council joined the SAC Partnership and had an appropriate scheme of mitigation. The table below highlights recent performance.

Description	Target	Q1 Apr - Jun	Q2 Jul - Sep	Q3 Oct - Dec	Q4 Jan - Mar	Cumulative
22-23 Major	60%	67%	67%			
21-22 Major		100%	86%	100%	100%	97%
20-21 Major		100%	100%	86%	90%	94%
19-20 Major		100%	100%	100%	90%	98%
22-23 Minor	70%	78%	69%			
21-22 - Minor		85%	82%	79%	80%	82%
20-21 - Minor		96%	86%	78%	83%	86%
19-20 - Minor		91%	92%	98%	90%	93%
22-23 - Other	70%	93%	92%			
21-22 - Other		92%	86%	87%	82%	87%
20-21 - Other		93%	92%	93%	91%	92%
19-20 - Other		92%	92%	87%	90%	90%

- 3.3 The local planning authority has so far since January 2022 issued 32 permissions for new dwellings equating to consent for 392 new dwellings to be built. It is anticipated that improvements will be seen in the final 2 quarters as decisions start to be issued that were previously affected by the Cannock Chase SAC, following the recent introduction of additional agency staff to help progress these applications and the appointment of a Principal Planning Officer. The following table highlights all planning decisions made since January 2022 and demonstrated that the team is achieving a significant output of decisions:

RECEIVED:	1475
DETERMINED:	1524
Of determined that were GRANTED:	981
Of determined that were REFUSED:	113
Of determined that were ALL OTHER TYPES OF DECISIONS:	430
Presented to Planning Committee:	75

- 3.4 It is acknowledged that some delays to the determination of planning applications that help secure delivery of new housing have been due to capacity within the development management team, ability to complete S106 Agreements in a timely manner and the fact that some cases have been held pending the outcome of the Cannock Chase SAC mitigation scheme. The additional team members supported by additional resources will give resilience in the teams to determine applications more speedily and clear older cases to help deliver new housing. Amendments have also been agreed to the Council's Constitution granting a wider range of delegation to officers that will allow speedier decisions on planning applications. The use of Planning Performance Agreements (PPAs) is also being explored to enable the LPA to agree time frames for project management of major proposals and determination of applications with developers including RPs. In addition, revised Supplementary Planning Guidance on S106 Planning Obligations has been prepared for consultation before the end of the year that gives developers greater transparency on the requirements and process from the outset. The use of outsourcing work to prepare new legal agreements will also increase capacity to conclude S106 Agreements in future. These changes are expected to be noted in future performance reports.
- 3.5 In November 2022 Cabinet/Corporate Management Team considered the latest quarterly planning service performance report and noted that whilst improvements have been made following feedback from Members and suggestions raised during the Peer Challenge in November 2021, progress on improving performance was slower than anticipated. This is due to difficulties experienced with recruitment and retention of staff (a currently prevalent national problem) to deal with more complex cases and continued high caseloads and backlog of older cases. In order to address these matters the report requested support for additional resources in development management and planning policy. The report was supported enabling officers to secure additional resources within operational delegations for a fixed term investment in the region of £132k for 22/23 and £273k for 23/24 to boost capacity in the planning team. This would be met by underspends in the wider Economy, Environment and Communities directorate and would enable the recruitment of further agency staff including 1 x Principal Officer and 3 x Senior Officers to help spread caseloads for these complex cases and give staff a realistic opportunity to focus on resolving them.

The additional investment will also give more resilience in the team to determine discharge of conditions applications and pre-application advice.

- 3.6 Following the withdrawal of Dudley from the Black Country Plan (BCP), the BCP is no longer proceeding, and all four authorities will now be focused on preparation of individual local plans. Whilst the Council has been working on the joint Black Country Plan since 2017, work will now progress towards developing a comprehensive Walsall Local Plan (WLP) as agreed by Special Cabinet on 2 November 2022. Preparation of a WLP will make use of as much of the technical work undertaken to date for the BCP, in order to benefit from the resources expended. However, in addition to the need to recruit to the team leader and principal planning policy officer vacancies and in order to ensure resilience in the team and timely delivery of a WLP, support has been agreed for a 3-year fixed term investment to create a 0.6FTE equivalent Local Plan Project Manager role at a cost of c.£35k per annum (G10 role). This would be funded through the BCP revenue budget. The recruitment to vacant positions in the planning policy team plus additional resource for a local plan project manager will enable greater capacity in the team as they begin to prepare a Walsall Local Plan that will identify land for new housing.
- 3.7 Officers continue to work in partnership with Registered Providers (RP's – commonly referred to as housing associations) including WHG where a series of major regeneration projects, notably Moxley and more recently Goscote, has seen innovative partnership models to successfully transform areas of the borough. There has also been close working to address challenging small sites across the borough which will see areas of dereliction and sites that suffer from anti-social behaviour being returned to a positive economic use with new affordable homes.
- 3.8 Steps to ensure available land for housing is utilised – Key housing regeneration is centred on the Walsall to Wolverhampton Corridor and the Council is developing master plans and delivery frameworks at Station Quarter in the Town Centre as part of the Town Centre Master Plan, Walsall Gateway (sites north of the Town Centre) building on the successful delivery of up to 1000 new homes currently on site at the former Caparo, Goscote Lane, Goscote Lodge Crescent and Hollyhedge Lane. These areas of focus will see up to 1,500 new homes delivered. Working closely with partners such as West Midlands Combined Authority, Homes England and key local RPs, the aim is to secure policy frameworks and funding to address land assembly, remediation, infrastructure requirements and address market failure in Walsall.
- 3.9 In accordance with national policy the Council publishes a Strategic Housing Land Availability Assessment (SHLAA) each year and updates the Brownfield Land Register as maintaining a supply of land is important to ensure there are enough homes for the growing number of people living in Walsall. These documents are available on line and aim to identify a five year supply of land suitable for housing development – see [Housing land supply | Walsall Council](#). The sites identified include those that are surplus to requirements and have housing development potential.
- 3.10 The Housing Delivery Test Action Plan published in 2021 includes a range of twelve measures to bring forward housing sites in Walsall. Updates since publication of this report include replacement of the Black Country Plan with

preparation of a Walsall Local Plan, publication of the SHLAA in September 2022 and proposals to deliver housing within the Willenhall Masterplan Framework agreed by Cabinet in February 2022.

- 3.11 Officers are currently scoping the new Walsall Local Plan including determining the content and scope of the Issues and Options document and necessary evidence required to prepare for a Regulation 18 consultation. The consultation is anticipated to take place following consideration by Cabinet after the elections in 2023. Alongside this work a review of the site selection process and further Call for Sites is anticipated to identify new sites to ensure that every opportunity to explore potential residential development sites is considered.
- 3.12 In terms of examining whether there is a need for increased competition in the social housing sector in Walsall - The SHLAA has been shared with RPs local to Walsall and various stakeholders continue to support these partners to investigate potential development for new housing. In addition, support has been provided to the main RP in Walsall, Walsall Housing Group, in the form of bi-monthly meetings to assist moving projects forward and problem solving where necessary particularly on planning related matters. Whilst working closely with WHG, Green Square Accord and Friendship Housing this does not preclude other RPs from working in Walsall. RPs are also invited to attend the Developers Forum set up in development management to help shape the way the service is delivered and work together to achieving the common goal of delivering new housing in Walsall.

4. **Financial information**

- 4.1 See table for implications in development management.

Development Team	22/23	23/24	24/25	Total	Funding Source
Under recovery of Planning App income	63,000	113,000	113,000	289,000	EE&C Wider Underspends
CMT Approved (£500k over 2yrs): 3 x 2yr Fixed Term & agency backfill	250,000	183,000	67,000	500,000	£500k Corporate Reserve
Additional agency staff: 1 x Principal, 3 x Snr	132,090	273,038	0	405,128	EE&C Wider Underspends
	445,090	569,038	180,000	1,194,128	

- 4.2 See table for implications in planning policy.

Walsall Local Plan (WLP)	22/23	23/24	24/25	25/26	Total	Funding Source
0.6 FTE Project Manager - 3yr Fixed Term	9,165	38,178	39,758	31,052	118,153	BCP Revenue Budget

5. *Reducing Inequalities*

All actions and processes will be carried out with due regard to the Public Sector Equality Duty and staffing changes will be included in this through HR practices. The delivery of new housing to address the social housing needs will enable residents to maintain or improve their health and wellbeing.

6. *Decide*

The existing and proposed improvements to the operation of the service will help deliver improved performance and a speedier planning service. This alongside continued collaborative working with RPs will help deliver new housing development. The plans in place for investment in the service will improve performance and measures are in place to monitor that performance.

7. *Respond*

Planning service performance monitoring is undertaken at regular intervals and reported to planning committee twice yearly. These reports will demonstrate the performance monitoring within the service to support delivery of new housing.

8. *Review*

Performance of the planning service is considered regularly within the EE&C directorate management structures and reported quarterly through corporate management team and cabinet/corporate management team. Ongoing monitoring will track evidence of the impact on performance following implementation of the additional resource and monitoring the effectiveness of measures introduced to support RPs to help deliver new social housing.

Background papers

Planning Services Performance Report to Planning Committee dated 1 December 2022
Housing Delivery Test Action Plan 2021

Author

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12 December 2022

Feedback from Overview and Scrutiny Committees

Portfolios: All

Wards: All

1. Summary of report

This report provides a short summary of the activity of the Council's Overview and Scrutiny Committees.

2. Recommendation

That, subject to any comments Members may wish to make, the feedback from Overview and Scrutiny Committees be noted.

3. Report

Children's Services Overview and Scrutiny Committee

The Committee met on 3 November and will consider:

- Social Worker Recruitment and Retention;
- Corporate Financial Performance.

Prior to SOC a further meeting is taking place on 8 December 2022 to consider:

- Early Help Young Carers Support;
- Private fostering.

Education Overview and Scrutiny Committee

The Committee met on 28 November 2022 and considered:

- School Place Planning: Capital Strategy;
- Corporate Financial Performance.

Economy and Environment Overview and Scrutiny Committee

The Committee met on 24 November and considered:

- Off road bikes;
- Town Centre delivery
- Corporate Financial Performance

Social Care and Health Overview and Scrutiny Committee

The Committee is meeting on 15 December and is considering:

- Waiting times for elective care;
- Maternity services.

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Scrutiny Overview Committee – Recommendation Tracker (22/23)

Committee Meeting Date	Agenda Item	Action/Recommendation	Officer responsible	Status	Target Completion Date	Notes
15 March 2022	Fly Tipping Enforcement	A report on the use of 'electric refuse collection vehicles' be brought to a future meeting.	Dave Brown	In progress	n/a	Feedback provided to members (Sent 20.04.2022). Date for report to be agreed in new municipal year.
16 June 2022	Areas of Focus	A work programme for the municipal year be produced and be circulated to members of the Committee.	Craig Goodall	Complete	7 July 2022	Work programme drafted. Individual items to be scheduled.
		The suggested items of children's play strategy and associated children's health be referred to the Children's Overview and Scrutiny Committee.	Craig Goodall	Complete	26 July 2022	Members of the Children's Overview and Scrutiny Committee considered the item for inclusion on the Committee work program.
		That a working group be established to investigate the issue of School Gates Parking	Craig Goodall	Complete	27 July 2022	First meeting held on 27 July, with further meeting on 21 September 2022.

10 October 2022	Registered providers of social housing	<p>1. Scrutiny is concerned at the time taken to decide on planning applications delaying much needed housing as pointed out by Registered Social Housing landlords. The Scrutiny Overview Committee therefore asks Cabinet to look at the resources required to speed up the Planning process and further recommends that the Head of Planning and Development Control bring a report to the Committee on this issue at its meeting on 12 December 2022.</p> <p>2. The Scrutiny Overview Committee calls for the Executive Director of Economy, Environment and Communities to attend a meeting in-person to report on steps to ensure that available land for housing development is utilised.</p> <p>3. The Scrutiny Overview Committee requests Cabinet to examine whether they feel there is a need for increased competition in the social housing sector within Walsall.</p>	<p>Simon Neilson</p> <p>Craig Goodall</p>	Complete	12 December 2022	<p>Recommendations reported to Cabinet on 19 October.</p> <p>Cabinet agreed to provide reports requested to SOC on 12 December 2022.</p>
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		<p>Walsall Housing Group provide Members with the following information:</p> <p>Number of right to buy and right to acquire sales;</p> <p>Contact details for community housing officers;</p> <p>Details of 'pin drop'.</p>	WHG	In progress	30 November 2022	<p>Majority of information provided to Members in October 2022. Community Housing Officers shared 1 December 2022. Further details awaited on pin drop.</p>
		<p>GreenSquareAccord provide Members with the following information:</p> <p>The Councillor enquiry email address;</p> <p>The number of right to buy sales;</p> <p>The energy costs savings for residents in the Darlaston 'wrapped house';</p> <p>How many new homes have been built and are planned to be built in Walsall;</p> <p>How many housing first schemes are there in Walsall;</p> <p>The number of care schemes and managed agent properties operating in Walsall.</p>	GreenSquareAccord	Complete	n/a	<p>Information provided to Members via email in October 2022.</p>

	Effectiveness of Scrutiny	Financial scrutiny training be made available for all Council Members prior to December budget-scrutiny scrutiny committee meetings.	Craig Goodall	Complete	30 November 2022	All Members invited to Centre for Governance and Scrutiny Finance Scrutiny Seminar that took place on 17 October 2022.
10 November 2022	Council Plan Markers of Success Q1	<p>Officers provide Members with the following:</p> <p>The full data set which informed the presentation, as submitted as an appendix to the October 2022 Cabinet report;</p> <p>The weblink to the Local government Association's 'LG Inform' database and benchmarking system;</p> <p>Statistics regarding contamination rates in recycling services, on a ward-by-ward basis, or as close to a ward-by-ward basis as is possible.</p> <p>That future quarterly reports on Council Plan Markers of Success incorporate and apply national benchmarking criteria, or benchmarking criteria from similar Local Authorities;</p>	Karen Griffiths	In progress	31 January 2023	

		That the Council Plan Markers of Success be added to the Committee's work programme on following the end of Quarter 2;	Craig Goodall	Complete	2 December 2022	Added to work programme.
	Effectiveness of Overview & Scrutiny	An in-person budget scrutiny training session, open to all Members of the Council, be provided by the Executive Director for Resources and Transformation prior to the draft revenue and capital budget being presented to Overview and Scrutiny Committees in January 2023.	Deborah Hindson Craig Goodall	In Progress	11 January 2023	
		That external training for overview and scrutiny members takes place annually and that all members should be required to attend.	Craig Goodall	In progress	30 June 2023	

Scrutiny Overview Committee – Area of Focus – 2022-23

	4 October 2022	10 November	12 December	7 February	16 March	20 April
Economic Growth, for all people communities and businesses <i>Lead OSC: Economy & Environment</i>			Planning			
People have increased independence, improved health and positively contribute to their communities <i>Lead OSC: Social Care & Health</i>						
Internal focus, all Council services are efficient <i>Lead OSC: Scrutiny Overview Committee</i>	Effectiveness of scrutiny	Council Plan performance report Quarter 2 Financial Monitoring Effectiveness of scrutiny	Council Customer Engagement inc. member queries and responses	Draft Revenue & Capital Budget 2023/24	Council Plan performance report	
Children have the best possible start and are safe from harm, happy, healthy and learning well <i>Lead OSCs: Children's & Education</i>						
Communities are prospering and resilient with all housing needs met in safe and healthy places that build a strong sense of belonging and cohesion <i>Lead OSC: Scrutiny Overview Committee</i>	Social Housing School gate parking		WATMOS			

Items to be scheduled

Notes: Council Plan themes can be cross cutting for all Overview and Scrutiny Committees. Lead Overview and Scrutiny Committees identified for reference

Scrutiny Overview Committee – Area of Focus – 2022-23

To be scheduled

- a) To Invite Chief Executives of registered housing providers including Walsall Housing Group to present to Committee;
- b) Housing strategy;
- c) Budget setting and quarter 2 update;
- d) Section 106 and the Infrastructure Levy;
- e) Enforcement (all areas excluding planning);
- f) Role of Council Officers and their consultations;
- g) Proud workstreams (CX to attend);
- h) Recruitment and employee retention.
- i) West Midlands Police

Via Email

Quarterly Financial Monitoring



FORWARD PLAN OF KEY DECISIONS

**Council House,
Lichfield Street,
Walsall, WS1 1TW**
www.walsall.gov.uk

7 November 2022

FORWARD PLAN

The forward plan sets out decisions that are termed as “key decisions” at least 28 calendar days before they are due to be taken by the Executive (Cabinet). Also included on the plan are other decisions to be taken by the Cabinet (“non-key decisions”). Preparation of the forward plan helps the Council to programme its work. The purpose of the forward plan is to give plenty of notice and an opportunity for consultation on the issues to be discussed. The plan is updated each month with the period of the plan being rolled forward by one month and republished. Copies of the plan can be obtained from Democratic Services, Walsall MBC, Council House, Walsall, WS1 1TW craig.goodall@walsall.gov.uk and can also be accessed from the Council’s website at www.walsall.gov.uk. The Cabinet is allowed to make urgent decisions which do not appear in the forward plan, however, a notice will be included on the agenda for the relevant Cabinet meeting which explains the reasons why.

Please note that the decision dates are indicative and are subject to change. Please contact the above addressee if you wish to check the date for a particular item.

The Cabinet agenda and reports are available for inspection by the public 7 days prior to the meeting of the Cabinet on the Council’s website. Background papers are listed on each report submitted to the Cabinet and members of the public are entitled to see these documents unless they are confidential. The report also contains the name and telephone number of a contact officer. These details can also be found in the forward plan.

Meetings of the Cabinet are open to the public. Occasionally there are items included on the agenda which are confidential and for those items the public will be asked to leave the meeting. The forward plan will show where this is intended and the reason why the reports are confidential. Enquiries regarding these reasons should be directed to Democratic Services (craig.goodall@walsall.gov.uk).

“Key decisions” are those decisions which have a significant effect within the community or which involve considerable expenditure or savings. With regard to key decisions the Council’s Constitution states:

- (1) A key decision is:
 - (i) any decision in relation to an executive function which results in the Council incurring expenditure which is, or the making of savings which are, significant, having regard to the Council’s budget for the service or function to which the decision relates or
 - (ii) any decision that is likely to have significant impact on two or more wards within the borough.
- (2) The threshold for “significant” expenditure/savings is £500,000.
- (3) A decision taker may only make a key decision in accordance with the requirements of the Executive Procedure Rules set out in Part 4 of this Constitution.

**FORWARD PLAN OF KEY DECISIONS
DECEMBER 2022 TO MARCH 2023 (7.11.22)**

1	2	3	4	5	6	7
Reference No./ Date first entered in Plan	Decision to be considered (to provide adequate details for those both in and outside the Council)	Decision maker	Background papers (if any) and Contact Officer	Main consultees	Contact Member (All Members can be written to at Civic Centre, Walsall)	Date item to be considered
110/22 (6.6.22)	Draft Revenue Budget and Draft Capital Programme 2023/24 to 2026/27: To provide an updated medium term financial outlook, draft revenue budget and capital programme for 2023/24 to 2026/27, including savings proposals, and to set out the process and timescales for setting a legally balanced budget for 2023/24.	Cabinet Non-key Decision	Vicky Buckley Vicky.Buckley@walsall.gov.uk	Public Internal Services	Cllr Bird	14 December 2022
121/22 (8.8.22)	Corporate Financial Performance 2022/23: To report the financial position based on 7 months to October 2022, including the impact of Covid-19.	Cabinet Non-key Decision	Vicky Buckley Vicky.Buckley@walsall.gov.uk	Internal Services	Cllr Bird	14 December 2022
123/22 (8.8.22)	Treasury Management Mid Year Position Statement 2022/23: The council is required through regulations issued under the Local Government Act 2003 to produce a mid-year position statement reviewing	Cabinet Non-key Decision	Lloyd Haynes Lloyd.Haynes@walsall.gov.uk	Internal Services	Cllr Bird	14 December 2022

	treasury management activities and prudential and treasury indicator performance.					
135/22 (10.10.22)	Renewal of the Council's insurance arrangements from 1st April 2023: To seek delegated authority to renew the Council's insurance arrangements from 1 April 2023	Cabinet Key Decision	Cabinet Report 14 February 2018 - Renewal of the Council's Insurance Arrangements from 1 April 2018 Marc Cox Marc.Cox@walsall.gov.uk	Internal Services	Cllr Bird	14 December 2022
157/22 (7.11.22)	Streamlining Black Country Ways of Working – Black Country Consortium: To provide an update on finalising an agreed way forward for streamlining ways of working across the Black Country, many of which have historically been coordinated through and by Black Country Consortium Ltd (BCC Ltd). The report builds from the agreements to date on the transition of the Black Country Local Enterprise Partnership and the collaborative Black Country based approach for the future accountability of LEP legacy funds utilising Association of Black Country Authorities as a mechanism if and when required. <i>This will be a private session report containing commercially sensitive information.</i>	Cabinet Key Decision	Sarah Middleton (Chief Executive, Black Country Consortium Ltd.) Sarah_Middleton@blackcountryconsortium.co.uk	Association of Black Country Authority Leaders	Cllr Bird	14 December 2022

107/22 (6.6.22)	Procurement of Corporate Landlord Strategic Partner: To seek approval to the appointment of a strategic partner to support the programme of capital schemes related to the council's property portfolio.	Cabinet Key Decision	Nick Ford Nick.Ford@walsall.gov.uk	Internal Services	Cllr Andrew	14 December 2022
136/22 (10.10.22)	Black Country Enterprise Zone-Gasholders Site: To update on the direction of travel and seek approvals in relation to the preferred delivery approach, project funding and next steps to bring forward the site for employment generating uses. <i>This will be a private session report containing commercially sensitive information.</i>	Cabinet Key Decision	Caroline Harper Caroline.Harper@walsall.gov.uk	Internal Services	Cllr Andrew	14 December 2022
137/22 (10.10.22)	Willenhall Framework Plan: Phase 1 Developer Partner Procurement Approach and Funding Update: To provide an update on the preferred developer partner procurement approach and funding position. <i>This will be a private session report containing commercially sensitive information.</i>	Cabinet Key Decision	Kauser Agha Kauser.Agha@walsall.gov.uk	Internal Services Legal (External)	Cllr Andrew	14 December 2022
144/22 (7.11.22)	UK Shared Prosperity Fund: To authorise officers to accept funding allocation for UK Shared Prosperity	Cabinet Key Decision	Philippa Venables Philippa.Venables@walsall.gov.uk	Internal services	Cllr Andrew	14 December 2022

	Fund and to utilise for project activity aligned with UK Shared Prosperity Fund Investment Plan.					
145/22 (7.11.22)	Town Centre Theatre Project: To agree next steps for the Town Deal Theatre project, setting out funding implications and options. <i>This will be a private session report containing commercially sensitive information.</i>	Cabinet Key Decision	Philippa Venables Philippa.Venables@walsall.gov.uk	Internal services	Cllr Andrew	14 December 2022
158/22 (07.11.22)	Walsall Economic Strategy To approve an economic strategy for the borough.	Cabinet Key Decision	Philippa Venables Philippa.Venables@walsall.gov.uk	Internal services	Cllr Andrew	14 December 2022
126/22 (8.8.22)	Strategic acquisition of a freehold heritage building in Walsall Town Centre: To seek approval to the freehold acquisition of a heritage property in Walsall Town Centre to support the preservation of the property. <i>This will be a private session report containing commercially sensitive information.</i>	Cabinet Key Decision	Nick Ford Nick.Ford@walsall.gov.uk Bryte Legister Bryte.Legister@walsall.gov.uk	Internal Services	Cllr Andrew	14 December 2022
125/22 (8.8.22)	Housing First contract award: To approve the contract award enabling the continuation of flexible support to former rough sleepers housed through the Housing First initiative.	Cabinet Key Decision	Neil Hollyhead Neil.Hollyhead@walsall.gov.uk	Internal services, service users, external stakeholders	Cllr Ali	14 December 2022

	<i>This will be a private session report containing commercially sensitive information.</i>					
146/22 (7.11.22)	Home Upgrade Grant (HUGs) Round 2 Procurement and Update: To approve the use of a Framework to appoint contractors to deliver government funds to help residents with retro-fit works where they are not on the gas network.	Cabinet Key decision	David Lockwood David.Lockwood@walsall.gov.uk	Public, Internal Services	Councillor Ali	14 December 2022
138/22 (10.10.22)	Food for Life Contract: Cabinet is asked to delegate authority to the Director of Public Health to enter into appropriate contractual arrangements from 1 st April 2023 until 31 st March 2024, and subsequently authorise the sealing or signing of associated contracts, deeds or other related documents for the Food for Life contract.	Cabinet Key Decision	Esther Higdon Esther.Higdon@walsall.gov.uk Paul Nelson Paul.Nelson@walsall.gov.uk	Internal services	Cllr Flint	14 December 2022
130/22 (6.9.22)	Sexual Health and 0-19 Contracts: To approve the extension of the integrated sexual health service, contract delivered by Walsall Healthcare NHS Trust from 01 April 2023 to 31 March 2024; and To delegate authority to the Executive Director of Adult Social Care, Public Health and Hub in consultation with the Portfolio Holder for Health and Wellbeing to extend contracts on behalf	Cabinet Key Decision	Tony Meadows, Interim Director of Commissioning Tony.Meadows@walsall.gov.uk Page 83 of 93	Internal Services	Cllr Flint	14 December 2022

	of the Council and to subsequently authorise the variations to the contractual arrangements for the services should this be required at any time during the term, in line with Public Contract Regulations and the Council's Contract Rules to 31 March 2024.					
156/22 (7.11.22)	Healthy Lifestyles Contract and Smoking Cessation Contract Extensions: To delegate authority to the Director of Public Health and the Portfolio Holder for Health and Wellbeing. This will allow them to extend contracts on behalf of the Council and to subsequently authorise the variations to the contractual arrangements for the services should this be required at any time during the term, in line with Public Contract Regulations and the Council's Contract Rules.	Cabinet Key Decision	Joe Holding Joe.Holding@walsall.gov.uk	Internal Services	Cllr Flint	14 December 2022
147/22 (7.11.22)	We Are Walsall 2040: Consultation Feedback: To note the key findings from the consultation activities carried out over summer/autumn 2022, which will inform the We Are Walsall 2040 strategic borough plan.	Cabinet Non-key decision	Karen Griffiths Karen.Griffiths@walsall.gov.uk Policy & Strategy Unit (policyandstrategy@walsall.gov.uk)	Internal Services, Local partners/ stakeholders	Cllr Perry Cllr Wilson	14 December 2022

148/22 (7.11.22)	Food Law Service Plan: The Food Standards Agency (FSA) requires all local authorities to prepare an annual service delivery plan to reflect the work required of food authorities by the FSA, under the requirements of the Food Standards Act 1999 and the framework agreement on local authority enforcement. In accordance with this requirement a Food Law Enforcement Service Plan 2022/23 has been prepared and a decision is required from members to obtain authority to approve this plan	Cabinet Council Non-key decision	Paul Rooney Paul.Rooney@walsall.gov.uk	Internal Services	Cllr Perry 	14 December 2022 Council, 9 January 2023
129/22 (5.9.22)	Update on Resilient Communities Safer Streets Programme: To report back on Safer Streets activity and recommend any adjustments/additions to the programme.	Cabinet Non-key Decision	Paul Gordon Paul.Gordon@walsall.gov.uk	Internal Services	Cllr Perry 	14 December 2022
149/22 (7.11.22)	Electronic Calls Monitoring Contract Extension: To approve the extension of the ECM contract with Access UK Ltd.	Cabinet Key Decision	Tracy Simcox Tracy.Simcox@walsall.gov.uk	Internal Services	Cllr Pedley 	14 December 2022
124/22 (8.8.22)	Schools Mainstream Local Funding Formula 2023/24: That Cabinet approves the Mainstream Local Funding Formula, to be used for	Cabinet Key Decision	Walsall Schools Forum report December 2022 – Proposed Schools Local Funding Formula 2023/24. 	Internal Services Schools Forum	Cllr M. Statham 	14 December 2022

	the allocation of mainstream funding to schools in Walsall		ESFA – Schools revenue funding operation guide. Richard Walley Richard.Walley@walsall.gov.uk			
159/22 (7.11.22)	Secondary School Sufficiency: To approve funds for the creation of an additional 150 places in three Secondary Schools.	Cabinet Key Decision	Alex Groom Alex.Groom@walsall.gov.uk	Internal Services Local partners/stake holders	Cllr. M. Statham	14 December 2022
160/22 (7.11.22)	Special School Sufficiency: To begin feasibility works to create to additional places in SEN Schools to meet additional demands.	Cabinet Key Decision	Alex Groom Alex.Groom@walsall.gov.uk	Internal Services Local partners/stake holders	Cllr. M. Statham	14 December 2022
141/22 (10.10.22)	Corporate Financial Performance 2022/23: To report the financial position based on 9 months to December 2022, including the impact of Covid-19.	Cabinet Non-key decision	Vicky Buckley Vicky.Buckley@walsall.gov.uk	Corporate Management Team and Internal Services	Cllr Bird	8 February 2023
142/22 (10.10.22)	Corporate Budget Plan 2023/24 – 2026/27, incorporating the Capital Strategy and the Treasury Management and investment Strategy 2023/24: To recommend the final budget and council tax for approval by Council.	Cabinet Key Decision	Vicky Buckley Vicky.Buckley@walsall.gov.uk	Public Internal Services	Cllr Bird	8 February 2022 Council, 23 February 2023

150/22 (7.11.22)	Payments Project Contract Award: To award a contract to Capita/Pay360 Ltd (soon to be Access Group Ltd) for the provision of Pay 360 Licences and Capita/Pay360 Ltd services.	Cabinet Key Decision	Janice Freeman-Phillips Janice.Freeman-Phillips@walsall.gov.uk	Internal Services	Cllr Bird	8 February 2023
155/22 (7.11.22)	Council Plan: Review of Achievements 2021/22: To note the Review of Achievements for 2021/22, highlighting successes and progress towards achieving our Council priorities.	Cabinet Non-key decision	Meresh Kumari (meresh.kumari@walsall.gov.uk) Elizabeth Connolly (elizabeth.connolly@walsall.gov.uk)	Internal Services	Cllr Bird	8 February 2023
151/22 (7.11.22)	Introduction of Council Tax Premium on unoccupied but furnished properties: Levy the premium on properties that are unoccupied and unfurnished for more than 12 months. Effective from 1 April 24.	Cabinet to make recommendation to Full Council Key Decision	Mark Fearn Mark.Fearn@walsall.gov.uk	Part of budget consultation	Cllr Ali	8 February 2023
140/22 (10.10.22)	High Needs Funding Formula: To approve changes to the High Needs Funding Formula, as agreed by Schools Forum, to be used for the allocation of Dedicated Schools Grant – High Needs Block to schools in Walsall for the 2023/24 financial year.	Cabinet Key Decision	Richard Walley Richard.Walley@walsall.gov.uk Schools' Forum reports October 2022, December 2022 and January 2023. Page 87 of 93	Internal Services, Schools Forum	Cllr M. Statham	8 February 2023

152/22 (7.11.22)	Renewal of the Council's Oracle Cloud Licenses: To renew the Council's Oracle cloud Licenses required for the operation of the Council's One Source system for HR, Payroll, Finance and Procurement from May 2023.	Cabinet Key Decision	Ian Tuft Ian.Tuft@walsall.gov.uk	Internal Services	Cllr Bird Cllr Ferguson	22 March 2023
153/22 (7.11.22)	Walsall's Homelessness and Rough Sleeping Strategy 2022 to 2027: To approve Walsall's Homelessness and Rough Sleeping Strategy, 2022 to 2027.	Cabinet Key Decision	Neil Hollyhead Neil.Hollyhead@walsall.gov.uk	Internal services, service users, external stakeholders	Cllr Ali	22 March 2023
154/22 (7.11.22)	Early Years Funding Formula: To approve the Early Years Formula, as agreed by Schools Forum, to be used for the allocation of funding to early years providers in Walsall.	Cabinet Key Decision	Cabinet Report 17 March 2022 Early Years Funding Formula Walsall Schools Forum report March 2022 – Proposed Early Years Funding Formula Cabinet report 8 February 2017 Early Years National Funding Formula Walsall Schools Forum report 20 September 2016 - Update on National Funding Formula Original consultation document from government regarding the	Schools Forum Internal Services	Cllr M. Statham	22 March 2023

			<p>implementation of a national early years funding formula</p> <p>Government's response to the early years consultation and fact sheet</p> <p>Richard Walley</p> <p>Richard.Walley@walsall.gov.uk</p>			
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Black Country Executive Joint Committee

Forward Plan of Key Decisions Published up to March 2023

Date Created	Key Decision	Contact Officer	Main consultee	Date of meeting
	Black Country Executive Joint Committee Governance			
09/05/2022	Future working arrangements of the Black Country Executive Joint Committee Consider the future working arrangements in light of the receipt of Government correspondence dated 31 March 2022: Integrating Local Enterprise Partnerships into local democratic institutions.	Sarah Middleton Sarah_Middleton@blackcountryconsortium.co.uk	Dudley MBC Sandwell MBC Walsall MBC City of Wolverhampton Council	01/02/2023
06/06/2022	Governance Principles: Enterprise Zones Approval of the amended Supplemental Deed of Governance Principles: Enterprise Zones, relating to the Black Country Executive Joint Committee Collaboration Agreement.	Simon Neilson Simon.neilson@walsall.gov.uk	Walsall Council	01/02/2023

Date Created	Key Decision	Contact Officer	Main consultee	Date of meeting
	Land and Property Investment Fund (LPIF)			
03/10/2022	Willenhall Garden City - Phase 1 (Moat Street and Villiers Street) Approval for the Accountable Body for the Land and Property Investment Fund (Walsall Council) to proceed to enter into a Grant Agreement with Green Square Accord Ltd, to deliver the Land and Property Investment Fund (LPIF), funded elements of the Willenhall Garden City – Phase 1 (Moat street and Villiers Street) with delivery to commence in the 2022/23 financial year.	Simon Neilson Simon.neilson@walsall.gov.uk	Walsall Council	01/02/2023
03/10/2022	Dudley Brownfield Land Programme Approval for the Accountable Body for the Land and Property Investment Fund (Walsall Council) to proceed to enter into a Grant Agreement with Dudley Council, to deliver the Land and Property Investment Fund (LPIF), funded elements of the Dudley Brownfield Land	Helen Martin Helen.Martin@dudley.gov.uk	Dudley Council	01/02/2023

Date Created	Key Decision	Contact Officer	Main consultee	Date of meeting
	Programme with delivery to commence in the 2022/23 financial year.			
07/11/2022	<p>Wolverhampton Stowheath Redevelopment for Housing</p> <p>Approval for the Accountable Body for the Land and Property Investment Fund (Walsall Council) to proceed to enter into a Grant Agreement with Wolverhampton City Council, to deliver the Land and Property Investment Fund (LPIF), funded elements of the Stowheath Redevelopment for Housing project with delivery to commence in the 2022/23 financial year.</p> <p>Where the full grant amount cannot be met with LPIF grant funding, the balance will be made up of residual BC LEP funding and investment.</p>	<p>Richard Lawrence Richard.Lawrence@wolverhampton.gov.uk</p>	<p>City of Wolverhampton Council</p>	<p>01/02/2023</p>

Date Created	Key Decision	Contact Officer	Main consultee	Date of meeting
	Local Growth Fund (LGF)			
07/11/2022	YMCA Cleveland Road Approval for the Accountable Body for the Growth Deal (Walsall Council) to proceed to amending its Grant Agreement for the YMCA Cleveland Road project, to deliver the Local Growth Fund (LGF) funded elements of the YMCA Cleveland Road project with delivery to continue in the 2022/23 financial year.	Richard Lawrence Richard.Lawrence@wolverhampton.gov.uk	City of Wolverhampton Council	01/02/2023