

Subject: Appointment of Members to the Housing Local Delivery Vehicle

Date of Meeting: 18 November 2008

Report of: Director of Strategy & Governance

Contact Officer: Name: Abraham Ghebre-Ghiorghis Tel: 29-1500
E-mail: abraham.ghebre-ghiorghis@brighton-hove.gov.uk

Wards Affected: All

FOR GENERAL RELEASE

1. PURPOSE

- 1.1 To appoint Members to the Housing Local Delivery Vehicle (LDV) as members of the company and its management board.

2. RECOMMENDATIONS:

- 2.1 That the Committee appoints 4 Members (2 Conservative, 1 Labour and 1Green) to become members of the LDV Company and its Management Board.
- 2.2 That the Members be appointed as members of the company and its management board for a term of 3 years, providing that they may be removed or replaced in circumstances set out in paragraphs 3.4 and 3.5.

3. RELEVANT BACKGROUND INFORMATION:

- 3.1 At its meeting on 24 September 2008 the Cabinet agreed that a local delivery vehicle (LDV) is incorporated as a company limited by guarantee. The Cabinet also resolved that the LDV should be established with a board of management of 12, comprising one third council nominees, one third B&HCC tenants (selected by Area Housing Management Panels) and one third Independents (appointed by the other board members of the company).
- 3.2 The Cabinet Member for Housing together with the Director of Housing & City Support (assisted by Officers and external advisors) are progressing the work necessary to the implementation of the proposals. Given the time constraints, it is essential that the Members and Tenants who will serve as Board Members are appointed as soon as possible so that they can receive the necessary training in time. They also need to agree the Memorandum and Articles of Association and other steps in preparation for the establishment of the company. Pending the incorporation of the Company, they will serve as members/ Board Members in

waiting. Once the company is established, they will assume their full legal status as members of the company and its management board

- 3.3 Under the Council's Constitution, the appointment of Members to outside bodies (such as this company) is designated as a Council (as opposed to executive) function. The terms of delegation to the Governance Committee give the Committee the power to make any council decisions that are not reserved to full council or delegated to another committee. The Committee can therefore make these appointments. Given the need to start the training and preparation early, it is proposed that the appointment is made by the Governance Committee as soon as possible.
- 3.4 It is proposed that the Members be appointed for a term of 3 years providing that their term of office comes to an end if:
- (a) the Member concerned ceases to be a Member of Brighton & Hove City Council (e.g. retires, resigns etc); or
 - (b) they are disqualified by the Adjudication Panel for England for breaches of the Code of Conduct for Members; or
 - (c) the Council removes them from their position as Member/Director.
- 3.5 Legislation on company law as well as the Memorandum & Articles of Association of the Company impose requirements on members and board members of the company. And any appointment is subject to legal requirements as well as the Memorandum & Articles of Association.

4. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications

- 4.1 There are no financial implications arising from this report.

Finance Officer Consulted: Anne Silley

Date: 03.11.08

Legal Implications

- 4.2 These are incorporated into the body of the report.

Lawyer Consulted: Abraham Ghebre-Ghiorghis

Date: 30.10.08

Equalities Implications

- 4.3 There are no equalities implications.

Sustainability Implications

4.4 There are no equalities implications.

Crime & Disorder Implications

4.5 There are no crime & disorder implications.

Risk and Opportunity Management Implications

4.6 There are no risk and opportunity implications.

Corporate / Citywide Implications

4.7 There are no corporate/citywide implications.

