

Committee: Barbican Residential Committee	Date: 17 September 2018
Subject: Review of Housing Governance	Public
Report of: Town Clerk	For Decision

Summary

The question of the City Corporation's housing governance has been raised on several occasions over the recent period. This has necessarily included discussion as to the arrangements associated with the Barbican Residential Committee, following an expression of concern by the Standards Committee in relation to the potential perception of conflicts of interest associated with resident Members serving on the Committee.

The Policy & Resources Committee considered an initial report at its July 2018 meeting (attached at Appendix A) intended to open discussion, which set out the current structures in place around housing governance, the various issues which Members and Committees had raised concerning the existing arrangements, and presented an initial outline of some of the potential options which could be taken in respect of a future direction. The Policy & Resources Committee expressed a desire to consult with and receive the views of those Committees which would be affected by any change to the existing structures, so as to ensure that any decisions to be made in respect of formative proposals due course is taken on an informed basis.

The initial views of the Residents' Consultation Committee were sought at its meeting on 10 September 2018 and the draft minute of that discussion is attached at Appendix B.

Recommendation

The view of the Barbican Residential Committee is sought as to the various initial suggestions in relation to housing governance, particularly in relation to the future of the Barbican Residential Committee.

Background

1. The City Corporation's housing governance arrangements were last reviewed in 2011, as part of the comprehensive Governance Review process which took place at that time. As part of that Review, it was specifically asked that consideration be given to the question of whether oversight of the entirety of the City Corporation's housing activities, including the Barbican Estate, should be undertaken by a single Committee.
2. Ultimately, the decision was made to create a standalone Housing Sub-Committee, dedicated to the management of the City's eleven (non-

Barbican) housing estates, designed give focused attention to engagement with residents. The City of London Almshouse Trust was also subsumed and merged with this new Housing Sub-Committee (to create the Housing Management and Almshouses Sub-Committee).

3. The Barbican Residential Committee was retained as a discrete grand committee, with responsibility for oversight of the management of the Barbican Estate, including the management of all completed residential premises and ancillary accommodation on the Barbican Estate, as well as the disposal of interests in the Barbican Estate.
4. It is a non-ward committee appointed by the Court of Common Council which acts on behalf of the City Corporation as landlord of the Barbican Estate and is not to be confused with the Barbican Estate Residents' Consultation Committee, which is an independent body which exists to represent the views of the Barbican Estate residents. In carrying out its management functions, the Barbican Residential Committee must have regard to any representations made to it by the Barbican Estate Residents' Consultation Committee.
5. The City Corporation's Standards Committee, at its 26 January 2018 meeting, resolved its belief that the present operation of the Barbican Residential Committee - and particularly the association of the two distinct roles of managing agent and landlord - gives rise to a perception of a conflict of interest.
6. There is no doubt that the current arrangements are lawful. The Barbican Residential Committee is covered by the rules on disclosable pecuniary interests in the Localism Act 2011 in the same way as any other Committee. Members of the Barbican Residential Committee can deal with any disclosable pecuniary interests that arise by not participating in the discussion and vote on that item, or by seeking an appropriate dispensation from the Standards Committee.
7. However, some concerns have been expressed about the number of dispensations that have been applied for by the resident Members of the Barbican Residential Committee, and resident Members have also highlighted the implications which they feel the dispensations regime has on their ability to fully represent residents' interests.

Current Composition

8. The composition of the Barbican Residential Committee has, for many years, been such that there are nine resident Members: three from Aldersgate Ward and six from Cripplegate Ward (three from each side of that Ward).
9. When the Committee first included resident Members (initially, resident Members were excluded), Aldersgate as a Ward was represented by six elected Members, with Cripplegate represented by twelve Members. The representation on the Committee from those Wards was therefore half the

elected Members. Although eligible, the Aldermen for the two Wards traditionally are not appointed to serve.

10. Following the reduction in the number of Common Councilmen from 130 to 100 during the latter part of the twentieth century, as well as the 2013 Ward Boundary Review, Aldersgate representation has changed to six Members and Cripplegate to eight Members. The composition of the Barbican Residential Committee did not alter with either change in the number of Ward Members.
11. Although the non-resident members (when all vacancies are filled) form a majority of the Committee, resident Members arguably have a greater interest in the Committee's business and have tended to be more regular attendees. As a consequence, they are sometimes a majority of the Members present at a meeting. This adds to the sentiment (whether right or wrong) expressed by the Standards Committee that resident Members might be perceived to have an undue influence or dominate the Committee.

Options

12. The report to the Policy & Resources Committee outlined five potential options in relation to future arrangements, in summary:
 - (i) Maintain the status quo.
 - (ii) Disband the Barbican Residential Committee and transfer its responsibilities to the Community & Children's Services Committee.
 - (iii) Disband the committee and transfer its responsibilities to the Property Investment Board.
 - (iv) Reconfigure the Barbican Residential Committee.
 - (v) Establish a new, non-Ward based Housing Committee.
13. Within each these options, there are of course a range of issues which would need to be considered. For instance, there would need to remain a clear delineation and separation between the management of the Barbican Estate and the City Corporation's Social Housing Estates, given the requirements around the management of Housing Revenue Accounts monies. Consultation would need to be undertaken and the views of residents will need to be considered carefully, particularly when any formative proposals are produced in due course and if any change to existing structures is proposed, subsequent to these initial discussions.
14. This report does not advance arguments for any of these options, each of which (to a greater or lesser degree) could be argued to have advantages and disadvantages. These issues will be captured, together with the comments of relevant Committees, following consultation. However, all views from Members are welcomed in relation to any of the potential options referenced in the appended report, as well as other possibilities which might occur, in order to inform future thinking.

Options (i) and (iv): Maintain the Status Quo and / or Reconfiguration of the Committee

15. Following discussion with Ward Members for both Aldersgate and Cripplegate, as well as informal feedback from a number of residents, the Chairman of the Barbican Residential Committee is minded that the preference of residents and his Committee seems, at this stage, to be for the existing Committee to be retained as a standalone Grand Committee.
16. The Residents' Consultation Committee's view was therefore sought as to this inference and a variety of possible reconfiguration approaches within that option, which had emerged from the Chairman's discussions with interested parties as follows:
 - (i) *Reduce the number of resident Members to three*, one from Aldersgate and two from Cripplegate (one from each Side).
 - (ii) *Reduce the number of resident Members to four*, two from Aldersgate and two from Cripplegate. This mirrors what the representation would be if the Barbican Residential Committee were a Ward Committee.
 - (iii) *Reduce the number of resident Members to three*, but on the condition that each resident Member of the Committee could appoint an alternate to attend and vote at BRC meetings in their stead if the appointed Member cannot attend. This would be equivalent to companies, where provision is usually made for a director to appoint an alternate.
 - (iv) *Reduce the number of resident Members to six*, two from Aldersgate and two from each side of Cripplegate).
17. It should be noted that suggestion (iii), i.e. the appointment of alternates, does not accord with the City Corporation's current practice on its other committees, so there is the possibility that this would not be favoured by the Policy & Resources Committee and Court of Common Council on that basis. The Chairman has suggested that, if suggestion (iii) were to be selected but the inclination of Policy and / or the Court of Common Council were to reject it on this basis, then suggestion (iv) might represent a satisfactory alternative.
18. It should also be stressed that this is not an exhaustive list and does not represent the only options.
19. The minute of the discussions of the RCC, which relate to the above options and the wider options concerning the BRC, are set out in Appendix B.
20. It should be noted that a number of Barbican Residents, including the Chairman of the Barbican Association, have written to express their firm view that they would expect to continue to have their interests represented by their Ward Members on any committee considering matters involving the management of the Barbican Estate and that they would be firmly opposed to any transfer of responsibilities to the Property Investment

Board, given the differing characteristics of commercial and residential property and the focus of that Board.

Conclusion

21. Members views are sought as to the potential options outlined in both this report and the original report to Policy & Resources, bearing in mind the comments of the Residents' Consultation Committee.

Appendices

- Appendix A: Report to Policy & Resources, July 2018
- Appendix B: Minute Extract, Barbican Residents' Consultation Committee, September 2018.