

TO: **POLICY AND RESOURCES COMMITTEE**5th July 2018FROM: **STANDARDS COMMITTEE**7th February 2018**10. BARBICAN RESIDENTIAL COMMITTEE - POTENTIAL CONFLICTS OF INTEREST**

The Committee considered a report of the Comptroller and City Solicitor on potential conflicts of interest on the Barbican Residential Committee. The report had come forward following concerns expressed by Members of the Standards Committee at a previous meeting. Members noted that, on 14 December 2017, the Policy & Resources Committee had asked for the governance of the City Corporation's residential housing to be examined on a more strategic level with the aim of producing proposals which consolidate the governance arrangements of the City Corporation's residential housing offer.

The following matters were noted and raised.

- The Committee noted that the Barbican Residential Committee is responsible for 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. The Barbican Residential Committee acts on behalf of the City Corporation as landlord of the Barbican Estate.
- Nine members of that Committee are nominated by the residential wards encompassing the Barbican Estate, being Aldersgate, Cripplegate Within and Cripplegate Without. As a matter of practice, the members nominated by the wards of Aldersgate, Cripplegate Within and Cripplegate Without are always residents of the Barbican Estate.
- The Court of Common Council had attempted to offset any concerns over potential conflicts of interests by itself electing a further eleven members of the Barbican Residential Committee who are non-residents of the Barbican Estate. Even when the one ex-officio position to the Chairman or Deputy Chairman of the Community & Children's Services Committee is taken into account, this ensures that a majority of the members of the Barbican Residential Committee should be non-residents of the Barbican Estate. At present, however, there were five vacancies for non-resident members of the Barbican Residential Committee, despite significant efforts to fill these vacancies, and at meetings over the past two years Aldersgate and Cripplegate ward members had always been in a majority.
- The Chairman and Deputy Chairman of the Barbican Residential Committee are elected from the non-residents members of the Barbican Estate, and the quorum for meetings was any four non-resident members. Non-resident Members from the wards of Aldersgate, Cripplegate Within and Cripplegate Without can also be elected to fill the quota of non-resident members, stand for the Chairmanship and Deputy Chairmanship and count towards the quorum. Currently, eleven out of the fifteen members of the Barbican Residential Committee represent Aldersgate or Cripplegate.

- The question of disclosable pecuniary interests and dispensations granted to enable members to speak was considered, along with relevant declarations made under the Code of Conduct.
- Members noted that, at the two most recent quorate meetings of the Barbican Residential Committee, the resident Members were in the majority.
- The Comptroller and City Solicitor confirmed that these current arrangements for the composition of the Barbican Residential Committee are lawful.
- Members then considered whether the current arrangements might give rise to a public perception that conflicts of interest could occur, particularly around Aldersgate and Cripplegate ward member ratios, quorum and attendance of non-resident members at meetings. A Member put forward the view that, having previously served on the committee, he was uncomfortable with its composition. Although he did not consider that anyone was motivated by self-interest, there was potential for conflicts of interest to occur and this point was endorsed by another Member who said that Aldersgate and Cripplegate members are put in an 'invidious position'. A further Member confirmed that he ceased to be a member of the Barbican Residential Committee due to similar concerns.
- Discussion continued and views were put forward that a revised structure may be necessary that allowed members at the committee to discuss issues such as service charges, with the management of the estate dealt with separately, effectively splitting the managing agent role away from the landlord role.

In conclusion, the informal meeting considered that the present operation of the Barbican Residential Committee, with the distinct roles of managing agent and landlord, and with the current vacancies for 5 non-resident members and Aldersgate and Cripplegate ward members being in a majority at its meetings over the past two years, could give rise to a perception of a conflict of interest and that the Policy and Resources Committee might wish to review the current composition and terms of reference of the Barbican Residential Committee, in order to consider the separation of the managing agent and landlord roles, to relieve these perceptions.

The inquorate meeting asked that these **views be submitted to the Policy and Resources Committee under the urgency provisions of Standing Order No. 41(a) to ensure that these views could be considered as part of that Committee's review of the governance of the City Corporation's residential housing.**