

**Committee: Council**

**Date: 7 February 2024**

Wards:

**Subject: Variation to Merton Community Panel Terms of Reference**

Lead Director: Lucy Owen, Executive Director of Housing and Sustainable Development

Lead member: Councillor Andrew Judge, Cabinet Member for Housing and Sustainable Development

Contact officer: Steve Webb, Housing Business Support and Relationship Manager

---

**Recommendations:**

- A. That members agree to the proposed variation to the Merton Community Panel Terms of Reference.
  - B. That members delegate authority to the Executive Director of Housing and Sustainable Development to agree any future variations to the Terms of Reference in consultation with the Cabinet Member for Housing and Sustainable Development.
- 

**1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1. The primary purpose of this report is to inform members of the request from Clarion Housing to vary the Terms of Reference to the Merton Community Panel and to seek their approval.
- 1.2. The report sets out the background to the Merton Community Panel.
- 1.3. The report seeks the approval of members to delegate the authority to approve any future variations, to the Executive Director of Housing and Sustainable Development, in consultation with the Cabinet Member for Housing and Sustainable Development.
- 1.4. The Panel's work supports the Council's priorities with regards to Civic Pride and Sustainable Futures.

**2 DETAILS**

Background

- 2.1. The Council transferred its former housing stock to Merton Priory Homes (MPH) on 22 March 2010 following a positive ballot of tenants in June 2009.
- 2.2. MPH was a subsidiary of Circle Housing.
- 2.3. On 1<sup>st</sup> February 2017, a report was presented to Council to update members on the Circle Housing plans to simplify the group structure and consolidate the nine housing associations in the group, including MPH, into one association and to seek members support for these plans.

<https://democracy.merton.gov.uk/documents/s16153/MPH%20report.pdf>

- 2.4. The report also set out the plans to create a Community Panel and that any changes to the Terms of Reference would be with the Council’s consent.
- 2.5. Members also agreed to delegate authority to the Director of Community and Housing to agree the final terms of the variations to the Stock Transfer Agreement which included the Terms of Reference for the Community Panel.

Current position

- 2.6. Following a review of the Panel performance and Terms of Reference (ToR), officers from Clarion Housing (successors to Circle Housing) have requested that a number of changes are made to the ToR.
- 2.7. The original ToR approved as part of the variation to the Stock Transfer Agreement is attached as Appendix 1.
- 2.8. The revised ToR for approval is attached as Appendix 2.
- 2.9. The majority of changes update the text to replace “Circle Housing” with “Clarion Housing” and there are a small number that update internal committees and officer names.
- 2.10. The main change to the ToR relates to the membership.

<b>Original Terms of Reference 5.1</b>
The Panel shall consist of between 8 and 12 members, ideally (at full membership) 6 residents, 4 independents and 2 nominees from LBM. Employees shall not be members. The Chair shall be an independent member appointed by Circle Housing. The Panel may co-opt up to 3 (non-voting) co-optees, to fill temporary vacancies or to meet a skill gap on the Panel
<b>Revised Terms of Reference 5.1</b>
The Panel shall consist of between 8 and 12 members, ideally (at full membership) 7 residents, 3 independents and 2 nominees from LBM. Employees shall not be members. The Chair shall be an independent member appointed by Clarion Housing. The Panel shall appoint a tenant Co-Chair and a Vice Chair, this could be a resident of any tenure. The Panel may co-opt up to 3 (non-voting) co-optees, to fill temporary vacancies or to meet a skill gap on the Panel.

- 2.11. Clarion Housing have provided their reasoning for each of the changes:
  - (i) The number of resident members increase from 6 to 7 as residents on the panel felt that there should be a greater resident say in decision making and this increases the potential for additional tenants without losing existing leaseholders and freeholders.
  - (ii) The Chair continues to be an independent member and appointed by Clarion Housing.
  - (iii) The Co-chair will be appointed by the Panel and will substitute for the Chair when they are not available. This post is proposed to increase the residents’ voice and put them at the heart of decision making.

(iv) The Vice Chair supports the Chair and Co-chair and participates in other internal Clarion groups and feeds back to the Panel.

#### Going forward

- 2.12. 4.1 of the ToR states “Any changes arising from such reviews shall be with the consent of LBM, where such consent will not be unreasonably refused.”
- 2.13. Members previously provided delegated authority for the Director of Community and Housing to agree the Community Panel ToR.
- 2.14. Members are requested to provide delegated authority for the Executive Director of Housing and Sustainable Development, in consultation with the Cabinet Member for Housing and Sustainable Development, to approve any future ToR variations.

### **3 ALTERNATIVE OPTIONS**

- 3.1. Members could decline the approval of the ToR variation, taking regard of the previously agreed text: “Any changes arising from such reviews shall be with the consent of LBM, where such consent will not be unreasonably refused.”
- 3.2. Members could retain decision making at Council and decline the request to delegate the authority to approve any future variations, to the Executive Director of Housing and Sustainable Development, in consultation with the Cabinet Member for Housing and Sustainable Development.

### **4 CONSULTATION UNDERTAKEN OR PROPOSED**

- 4.1. Clarion Housing officers have consulted internally with the Merton Community Panel members: independent members, tenants, leaseholders, freeholders and LBM nominated members.
- 4.2. Wider promotion of the posts will be made as part of any recruitment plans to advertise any vacancies.

### **5 TIMETABLE**

- 5.1. For approval at Council on 7 February 2024.

### **6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

- 6.1. There is no anticipated financial impact on the council.

### **7 LEGAL AND STATUTORY IMPLICATIONS**

- 7.1. Under the current Terms of Reference where a review has been carried out and changes proposed this requires the consent of the Council, where such consent will not be reasonably refused.
- 7.2. The delegation being proposed in Recommendation B is permissible under S101 of the Local Government Act 1972.

### **8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

- 8.1. The Merton Community Panel provides a voice for local people.

### **9 CRIME AND DISORDER IMPLICATIONS**

- 9.1. None

**10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

10.1. None

**11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT**

- Appendix 1 – Original Terms of Reference from 2017
- Appendix 2 – Revised Terms of Reference for Approval

**12 BACKGROUND PAPERS**

12.1. Report to Council, 1<sup>st</sup> February 2017

<https://democracy.merton.gov.uk/documents/s16153/MPH%20report.pdf>

Department Approval	Name of Officer	Date of Comments
Legal	Fabiola Hickson	02/11/2023
Finance	Marsha Walker	02/11/2023
Executive Director	Lucy Owen	19/01/2024
Cabinet Member	Cllr Andrew Judge	23/01/2024