



## URGENT ITEM

By reason that the conveyance process for the property has highlighted that the Registered Provider name previously authorised is incorrect and given the urgent need of refurbishment the chairman is of the opinion that this item should be considered as a matter of urgency.

## DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT DIRECTORATE	ENVIRONMENT HEALTH AND HOUSING	9 JANUARY 2018	URGENT ITEM
<b>93 ST ALBANS ROAD CHANGE OF NAME FOR PROPERTY TRANSFER AND GRANT AGREEMENT</b>			

### SUMMARY

At the meeting of 16<sup>th</sup> October 2017 the Council approved a fully-funded addition to the 2017/18 Capital Programme for the refurbishment of 93 St Albans Road, St Annes and also approved the transfer of the property to ForViva Housing Association.

Subsequently it has become apparent that ForViva Housing Association is a Community Benefit Society and as such cannot hold assets as that entity. The organisation is set up as a Group Registered Provider Structure, ForViva Group. The organisation within the Group that is permitted to hold assets is City West Housing Trust Limited.

This report:

1. Provides clarity that City West Housing Trust Limited is the registered provider of affordable housing within the ForViva Group; and
2. seeks approval to amend the named organisation to whom 93 St Albans Road will be transferred to and enter into the grant agreement with.

### RECOMMENDATIONS

**The Committee is recommended :**

To approve City West Housing Trust Limited as the Registered Provider that the Council will transfer the Order Land of 93 St Albans Road to, and enter into the grant agreement with, for conversion into 2 or 3 self-contained flats, which ForViva Housing Association will subsequently operate.

### SUMMARY OF PREVIOUS DECISIONS

Council on the 16<sup>th</sup> October 2017:

It was RESOLVED

1. To approve ForViva Housing Association as the Registered Provider that the Council will transfer the Order Land of 93 St Albans to, for conversion into 2 or 3 self-contained flats, which ForViva Housing Association will operate; and
2. To approve an addition to the Capital Programme 2017/18 in the sum of £147,890 in respect of the St Albans Road scheme, to be met from S106 developer contributions held by the Council for affordable housing in the sum of £112,794 and a contribution from ForViva Housing Association for £35,096.

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Environment, Health and Housing Committee, held on 5th September 2017:

Following a brief discussion it was unanimously RESOLVED:

1. To note the current position with regard to the proposed development at 93 St Albans Road, St Annes and the revised structure of the proposed scheme;
2. To recommend to the Finance and Democracy Committee approval for an addition to the Capital Programme in 2017/18 in the sum of £147,890 in respect of the St Albans Road scheme, to be met from S106 developer contributions held by the Council for affordable housing in the sum of £112,794 and a contribution from For Viva Housing Association of £35,096.

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Environment Health and Housing 21st February 2017:

Following detailed consideration of this matter it was RESOLVED:

1. To instruct officers to approach Registered Providers of Affordable Housing within Fylde, with a view to a possible jointly funded venture for the scheme being sought, with respect to the refurbishment of 93 St Alban's Road, St Annes;
2. To authorise an addition to the Capital Programme in the sum of £147,890 - "Affordable Housing Scheme at 93 St Albans Road" for 2017/18 to be met from a portion of the balance of S106 developer contributions for affordable housing currently held by the Council for this purpose (totalling £75,950 from Agreement Ref: 03/0157 Queen Mary School Development, and a further £71,940 when funds become available) to deliver 2 units for affordable rent at 93 St Albans Road, St Annes to a Registered Provider of Affordable Housing;
3. To authorise expenditure in a sum not exceeding £147,890 (includes a 5% contingency allowance of £7,040) to a Registered Provider of Affordable Housing in relation to the scheme as described within the report after due regard and in compliance with the financial regulations as covered within the body of the report; and
4. To agree to the scheme proceeding in line with the above subject to sufficient Section 106 funding being in place to deliver the scheme.

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Finance and Democracy Committee, 25th January 2016:

- 1) The Committee RESOLVED to approve a fully funded addition of £105,000 to the Council's 2015/16 Capital Programme for the compulsory purchase of 93 St Albans Road to be met from a Section 106 contribution (agreement ref:03/0157 – Queen Mary Development) held by the Council paid under planning obligations for affordable housing of the same amount.

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Environment, Health and Housing Committee, 5 January 2016:

- 1) Recommend to the Finance & Democracy Committee a fully funded addition of £105,000 to the Council's 2015/16 Capital Programme for the compulsory purchase of 93 St Albans Road to be met from a Section 106 contribution (Agreement Ref: 03/0157 – Queen Mary School Development) held by the council paid under planning obligations for affordable housing of the same amount.
- 2) Approve, subject to the Finance and Democracy Committee having accepted recommendation 1), the making of a general vesting declaration in respect of the property and the onward transfer of 93 St Albans Road to New Fylde Housing Ltd (or another company in the Progress Housing group) for nil consideration.

CORPORATE PRIORITIES	
Spending your money in the most efficient way to achieve excellent services ( <b>Value for Money</b> )	
Delivering the services that customers expect of an excellent council ( <b>Clean and Green</b> )	
Working with all partners ( <b>Vibrant Economy</b> )	✓
To make sure Fylde continues to be one of the most desirable places to live ( <b>A Great Place to Live</b> )	✓
Promoting Fylde as a great destination to visit ( <b>A Great Place to Visit</b> )	✓

## REPORT

1. A report was considered by the Environment, Health and Housing Committee on the 5<sup>th</sup> September 2017 on a proposed project for the refurbishment of 93 St Albans Road, funded from S106 develop contributions to transform the property from a single dwelling over three floors to two self-contained affordable housing units.
2. The report updated Committee on the work to source another Registered Provider to work with the Council, on a jointly funded venture, following the withdrawal of Progress Housing from the scheme and there being sufficient S106 funds available. The Committee agreed to recommend to the Finance and Democracy Committee approval to an addition to the Capital Programme in 2017/18 in the sum of £147,890 in respect of the St Albans Road scheme.
3. Due to the additional requirement to secure the necessary authorisation for the transfer of the Order Land of 93 St Albans Road to ForViva Housing Association this report was presented before Council rather than the programme committee.
4. Fylde BC have since been advised by ForViva, that this organisation is a Community Benefit Society and consequently cannot hold assets. The organisation is set up as a Group Registered Provider Structure, the ForViva Group. The organisation within the Group that can hold assets is City West Housing Trust Limited.
5. Appendix 1 contains a diagram of ForViva Group Registered Provider Structure that illustrates how the group is set up and Appendix 2 contains the National Housing Federation Rules of City West Housing Trust Limited, where the name of the society shall be City West Housing Trust Limited (the association and the society shall be a subsidiary of ForViva Group).
6. The association is formed for the benefit of the community. Its objects shall be to carry on for the benefit of the community:
  - a. The business of providing and managing housing and social housing and providing assistance to help house people and associated facilities and amenities or services for poor people or for the relief of aged, disabled (whether physically or mentally) or chronically sick people.
  - b. Any other charitable object that can be carried out from time to time by a registered society registered as a provider of social housing with the regulator.

IMPLICATIONS	
Finance	There are no financial implications arising directly from this report
Legal	Covered in the body of the report
Community Safety	None in relation to this report
Human Rights and Equalities	None in relation to this report
Sustainability and Environmental Impact	None in relation to this report
Health & Safety and Risk Management	None in relation to this report

LEAD AUTHOR	CONTACT DETAILS	DATE
Kirstine Riding	01253 658658	8 <sup>th</sup> January 2017

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection

Appendix 1 - ForViva Group Registered Provider Structure 2016/17

Appendix 2 – National Housing Federation - Rules of City West Housing Trust Limited

# ForViva - Group RP Structure 2016/17

The ForViva Group is constituted from 4 Housing Associations with ForViva as the regulated Group parent. All assets are contained in the three subsidiary organisations and the parent has extensive powers over the subsidiaries as outlined in a detailed Intra Group Agreement and Rules of Association.





**NATIONAL  
HOUSING  
FEDERATION**

## **Rules of** City West Housing Trust Limited

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

**Register no.**

Based on the

**MODEL RULES 2005**

***National Housing Federation***

Amended to create Tenant Empowerment Model

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**Part A            Name and objects**

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**Name**

- A1.1            The name of the society shall be City West Housing Trust Limited (**the association**).
- A1.2            The society shall be a subsidiary of ForViva.

**Objects**

- A2              The association is formed for the benefit of the community. Its objects shall be to carry on for the benefit of the community:
- A2.1        the business of providing and managing housing and social housing and providing assistance to help house people and associated facilities and amenities or services for poor people or for the relief of aged, disabled (whether physically or mentally) or chronically sick people.
- A2.2        any other charitable object that can be carried out from time to time by a registered society registered as a provider of social housing with the regulator.

**Non-profit**

- A3              The association shall not trade for profit.
- A4              Nothing shall be paid or transferred by way of profit to shareholders of the association.

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**Part B            Powers of association, board, and shareholders**

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**Powers**

- B1              The 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.
- B2              Without limiting its general powers under rule B1 and only so far as is necessary or expedient to achieve its objects the association shall have power to:
- B2.1        purchase, acquire or dispose, take or grant any interest in land including any mortgage, charge or other security whatsoever including without limitation in respect of B2.2 and B2.3 construct or carry out works to buildings,
- B2.2        help any charity or other body not trading for profit in relation to housing and related services,
- B2.3        subject to rules F12, F13, F14 and F15 borrow money or issue bonds, notes, loan stock or any other debt instrument or enter into any transaction having the commercial effect of a borrowing;
- B2.4        enter into and perform any derivative transaction on such terms as the association thinks fit for the purpose of hedging or otherwise managing any treasury risk or other financial exposure of the association;
- B2.5        subject to rule F16 invest the funds of the association,
- B2.6        work with communities and all other interested or affected parties in the geographical areas of its activity in order to implement the tenant

empowerment strategy(ies) developed in accordance with Part G of these rules (and with other organisations working with those communities),

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 another organisation on such terms as the association shall think fit,

B2.8 lend money on such terms as the association shall think fit.

B3

The association shall not have power to receive money on deposit in any way which would require authorisation under the Financial Services and Markets Act  
d faith with the association shall be concerned to know whether rule F12 or F13 or this rule F15 have been complied with.