

Minutes of a Meeting of the **SWANAGE COMMUNITY HOUSING STEERING GROUP** held via Zoom video conference platform on **MONDAY 19th APRIL 2021** at **5.30 p.m.**

Present: Mr R Sutcliffe – Chair

Mr J Bishop
Councillor M Bonfield
Councillor T Foster
Councillor D Monkhouse
Councillor N Rogers (from 6.15 p.m.)

In Attendance: Ms F Astin – Housing Advisor (until 6.00 p.m.)
Dr M Ayres – Town Clerk
Mrs E Evans – Management Support Officer

There was one member of the public present at the meeting.

Public Participation Time

The following matter was raised:-

• Clarification over the aims, objectives and representation of the group was requested. In response it was stated that the group had been established by the council, to investigate the formation of a Community Land Trust, with the aim to provide affordable housing to residents of Swanage. It was noted that a public meeting had been held in November 2020, where members of the public were invited to join the steering group to represent the community, and that any recommendations made by the group were presented to full council for consideration and approval.

1) Apologies

Apologies for their inability to attend the Meeting were received from Councillor Harris, Mr M Suttle, Mrs R Suttle and Mr D Smith.

2) Declarations of Interest

Mr Sutcliffe declared an interest by reason of being a trustee of the Swanage and Purbeck Development Trust.

There were no other declarations to record on this occasion.

3) To approve the minutes of the meeting of the Swanage Community Housing Steering Group, held on 8th March 2021

It was AGREED:

That the Minutes of the Meeting of the Swanage Community Housing Steering Group held on 8th March 2021 be approved as a true record.

4) To consider the Form of incorporation

Further to Minute No. 4 a) of the Swanage Community Housing Steering Group meeting, held on 8th March 2021, consideration was given to the notes from a subsequent advice session with Wessex Community Assets.

A discussion ensued around the implications of incorporating as a Community Benefit Society (CBS) with or without charitable status. It was noted that there were both advantages and disadvantages to holding charitable status, and that advice from both the National Community Land Trust Network and Wrigley's solicitors made it clear that these needed to be weighed carefully before any decision on this was taken.

During the debate on this matter, it was clear that there remained support for the previous decision to register as a charitable body. However, in light of guidance from the CLT Handbook which stated that a CBS can register as a charity after its initial incorporation, it was agreed that if a set of model rules could be identified that would allow charitable status to be applied for at a later stage of incorporation then it was not essential that this matter was determined now. Members of the Steering Group agreed that the urgent priority was to form the CBS and that the issue of charitable status should not hinder this process.

It was therefore proposed by Councillor Bonfield, seconded by Mr J Bishop and
RESOLVED UNANIMOUSLY:-

TO RECOMMEND:

That incorporation of a Swanage Community Land Trust as a Community Benefit Society should proceed as an urgent priority, with a constitution that would allow for charitable status to be acquired at a future date, if that issue cannot be adequately addressed at the current time.

Members of the Steering Group also considered preliminary estimates for the legal costs of incorporation as a CBS. It was acknowledged that in accordance with the Council's Financial Regulations the Town Clerk would review the estimates and the service provided prior to agreeing whom to instruct.

Ms F Astin left the meeting at 6.00 p.m.

5) To consider the next steps

Further to Minute No. 4), it was agreed that Officers would take forward the agreed action and would report any questions relating to the model rules and cost estimates to the next meeting of the Steering Group.

6) To consider membership of the Board of Trustees

It was noted that in legal terms a CBS has a Board of Directors, not Trustees.

Further to Minute 150(d) of the Council Meeting held on 15th March 2021, by which Council had agreed to appoint up to four councillors to a 12-member Board, consideration was given to legal advice which confirmed that Council could appoint up to one-third of Board Members without the CLT being regarded as a local authority controlled company under the Housing and Local Government Act 1989. However, it was acknowledged that that level of Council representation may lead to the CLT being treated as a local authority influenced company, if a broader business relationship existed between the two entities. It was therefore acknowledged that the Town Clerk would need to seek further advice prior to such arrangements being confirmed.

More broadly, it was acknowledged that the role of Secretary would need to be appointed in order to incorporate, and the roles of Treasurer and Chairman would also need to be appointed at the first meeting of the CLT.

Councillor Rogers joined the meeting at 6.15 p.m.

In respect of councillors serving on the Board, advice from the Monitoring Officer was noted, stating that Board Members would have a duty to support the interests of the CLT above that of the Council, and these dual-hatted Members would be required to declare CLT board membership on their Register of Interests and absent themselves from relevant discussions at Council meetings if required by the Council's Code of Conduct.

It was acknowledged that the role of councillor board members would be to make progress reports to the Town Council. If the Town Council were to supply a site for development, then its use would be governed by the terms of the lease or asset transfer.

The question of Board membership and the appointment of key positions were noted as issues to be addressed in due course.

7) Items of Information and Matters for Forthcoming Agendas

The main item for the next agenda would be to address any matters that needed to be resolved in order to complete the process of incorporation.

8) Date of next meeting

It was agreed that the next meeting should be held at 5.30 p.m. on Monday 17th May.

The meeting closed at 6.30 p.m.