

HousingExecutive

SENIOR MANAGEMENT COMMITTEES - TERMS OF REFERENCE

(as at 31st August 2016)

Senior Management Committees' Terms of Reference

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Introduction

The Department for Social Development governance review of the Housing Executive (recommendation 23) identified a need for an early review of the organisation's Committee arrangements to ensure a proper understanding of the timing and types of papers they consider and that the Committees remain fit for purpose. This recommendation also asked that the Chief Executive ensure that all Committees have formal terms of reference developed to provide clarity around:

- the purpose of these Committees
- the papers submitted to each and
- how business should be conducted at each, and in particular,
- how any potential conflicts of interest will be handled

The following Terms of Reference have been updated in consultation with the relevant Directors and in line with the updated Standing Orders and Board Scheme of delegations. Details will be incorporated into the Housing Executive Governance Manual.

Chief Executive's Business Committee (CXBC)

Frequency:	Weekly
Normal timing:	Tuesday morning
Chaired by:	Chief Executive
Attendance:	Director of Housing Services Director of Asset Management Director of Finance Director of Regional Services Director of Business Services Head of Corporate Communications & Secretariat Head of Human Resources
Administrative Support:	Secretariat

Terms of Reference

To consider, scrutinise and approve matters relating to operational and financial business delegated by the Board to the Chief Executive at the Chief Executive's Business Committee in accordance with and subject to Standing Orders and the Board Scheme of Delegations.

Timing of Papers

Papers must be submitted, with Director's signature by 2pm on Thursday before meeting. Late papers will be considered only in exceptional circumstances.

Potential Conflicts of Interest

Declaration of Interests will be a standing item on the agenda at the start of each meeting and will be recorded in the minutes together with details of any action taken where appropriate. Where necessary matters will be re-allocated to another Director or Officer.

Types of Papers Considered/Presented

The Committee considers matters delegated to the Chief Executive at the Chief Executive's Business Committee, under the Board Scheme of Delegations together with routine operational and cross divisional business within the Chief Executive's delegated limits. Other matters considered include the business calendar, matters carried forward from previous Chief Executive's Business Committee meetings.

The Committee also considers and scrutinises papers for submission to the Board including strategy, policy and operational papers outside the remit of the Chief Executive and requiring Board approval or ratification, in accordance with Standing Orders. Matters arising from Board meetings are also considered.

Matters arising from the Audit & Risk Assurance and DLO Performance & Development Committee meetings are also considered by the Committee.

Opportunity for Challenge

The Chief Executive's Business Committee is an open forum where the Chief Executive and Directors are expected and encouraged to challenge decisions and to raise any concerns at the meeting.

Agenda

- Declaration of Interests
- Minutes of last meeting
- Matters arising from the minutes
- Matters Brought Forward/Outstanding Matters List
- Management of the Business issues including:
 - Landlord Services – Housing & Asset Management
 - Regional Services
 - Landlord Services – Routine Business
 - Regional Services – Routine Business
 - Business Services
 - Finance
 - Information Papers
 - Chairman / Vice Chair Appointments
 - Any other Business

APPENDIX 3 - RESIDUAL MATTERS TO BE DECIDED AT CHIEF EXECUTIVE'S BUSINESS COMMITTEE (CXBC)

Governance

- (1) Approval of arrangements for dealing with complaints.
- (2) Approval of principles of Executive policy on Freedom of Information.

Policy, strategy, plans, budgets and risk register

- (3) Approval of format and principles of Housing Investment Plans.

Land & Property issues (excluding Social Housing Development Programme)

- (4) Approval of policy framework of the Acquisition of Satisfactory Houses (ASH) Scheme.
- (5) Approval of purchase of dwelling under the ASH Scheme if the value of the dwelling is in excess of £100,000.
- (6) Approval of purchase under the advance purchase arrangements if the value of the property is in excess of £100,000.
- (7) Approval of contributions towards costs of developing land sold by the Executive.
- (8) Approval of the construction of houses for sale.
- (9) Approval of all Land and Property transactions over £100,000 and under or equal to £500,000 with the exception of SPED disposals (see paragraph 10 below).
- (10) SPED disposals over £250,000 require CXBC approval. SPED disposals under or equal to £250,000 are approved at Regional Services Clearing House Committee.
- (11) SPED acquisitions are approved by Director of Regional Services (Appendix 2).
- (12) Granting of authority to negotiate vesting compensation on an equivalent reinstatement basis.

Financial arrangements

- (13) Approval of the writing-off of any loss, subject to the delegated limits determined by DSD as stated in the agreed Management Statement Financial Memorandum (£15,000 per case / incident) and Powers Delegated to Specific Posts ([Appendix 2](#)). This applies to the following categories of losses/special payments:
 - (a) Cash losses.
 - (b) Stores and equipment losses.
 - (c) Constructive losses.
 - (d) Fruitless payments.

(In this context, the expression “losses”, and the sub-categories of losses, are to be construed in line with the equivalent expression and sub-categories in any relevant provision of the Dossier of Controls which is in force at the date on which Board approval, of the relevant expenditure, is given).

- (15) Approval of extra contractual and ex-gratia payments over £15,000, unless considered novel or contentious, and under or equal to £50,000.
- (16) Approval of requests for departmental approval of action in relation to:
- cash losses over £15,000
 - stores and plant losses over £15,000
 - constructive losses & fruitless payments over £15,000
 - extra-contractual or ex-gratia payments over £50,000
 - all extra statutory and extra regulatory payments
 - payment of compensation in excess of £50,000 in respect of loss/damage to employees personal property
 - any waiver or abandonment of any claim not the subject of pending litigation (including arbitrations) if the amount waived or abandoned exceeds £20,000. (for delegated limits, see appendix 5)
 - any claim in the context of litigation (including arbitration) or adjudication by or against the Executive where the amount at stake or the settlement sum (including costs) exceeds £50,000. (For delegated limits see Appendix 4).
 - financial remedy payments over £500 (i.e. payments made to complainants through internal complaints processes, Department of Finance (DF) approval required)
 - financial remedy payments over £50,000 to be made as a result of a recommendation from the NI Assembly Ombudsman or NI Commission for Complaints (DF approval required).
 - foregoing the recoupment of overpayments of pay, pensions and allowances over £20,000(DF approval required).
 - foregoing the recoupment of overpayment of grants (DF approval required)
 - negotiated vesting compensation payments as specified in paragraph 12 above where the amount is greater than £50,000.
 - special severance packages (DF approval required)
- (17) The approval of compensation payments in accordance with the requirements stated in the Board Scheme of Delegation section 9, as follows (for delegated limits see Appendices 4 and 5):
- Not the subject of litigation, (including arbitration), for damage to personal property of staff where the amount is greater than £5,000 and does not exceed £50,000 including legal costs.

- Not the subject of pending litigation (including arbitrations) where the amount is greater than £15,000 and less than £50,000 including legal costs.
- (18) The approval of any waiver or abandonment of any claim, as follows (for delegated limited see Appendices 4 and 5):
- Not the subject of pending litigation (including arbitrations) if the amount waived or abandoned exceeds £15,000 but does not exceed £20,000 (for delegated limits see Appendix 5).
- (19) If an award exceeding £50,000 is made against the Executive in any judgment or decision the facts will be brought promptly to the attention of the Chief Executive's Business Committee, so that early consideration can be given by the Chief Executive, to the possibility of an appeal and to comply with any approval requirements in the Financial Memorandum.

Building contracts and Planned Schemes (including Group Repair)

- (20) For the avoidance of doubt, a Planned Scheme (including Group Repair) is one that consists of works of a planned nature and requires the allocation of a project number for cost collection. Financial Regulations 1 and 2 provide further directions on the level and scope of sub-delegated authorities in relation to this matter.

Authority to incur expenditure on building contracts / Planned Schemes (including Group Repair) (FR. I)

- (21) The Chief Executive at CXBC is granted authority to incur expenditure on capital and revenue schemes of more than £500,000 and under or equal to £1,000,000.

Authority to incur expenditure on Land and Property Transactions (FR. IA)

- (20a) The Chief Executive at CXBC is granted authority to incur expenditure on land and property transactions over £100,000 and under or equal to £500,000.
- Transactions do not include SPED acquisitions (see Appendix 2:12).
- (20b) Any proposed amendments to the Terms and Conditions of any Asset disposal or contract previously approved by the CXBC must have prior CXBC approval.

Approval of tenders of building contract / Planned Schemes (including Group Repair) (FR.2)

- (21) If the approved cost estimate is greater than £1,000,000 and the recommended tender value has not exceeded this cost estimate by more than +10%.
- (22) If the approved cost estimate is more than £500,000 and is under or equal to £1,000,000, and the recommended tender value has exceeded this cost estimate by more than +10%.

Variation of building contract / Planned Schemes (including Group Repair)

- (23) Approval of the issue of instructions by a contract administrator / project manager under a building contract / Planned Scheme (including Group Repair) which increases the original contract / quotation sum by:

For contracts more than £500,000 and less than or equal to £1,000,000:

A percentage in excess of plus 10% or £50,000 in aggregate (whichever is the lesser) if the adjusted contract / quotation sum remains more than £500,000 and less than or equal to £1,000,000.

For contracts more than £100,000 and less than or equal to £500,000:

A percentage in excess of plus 10% or £50,000 in aggregate (whichever is the lesser) if the adjusted contract / quotation sum exceeds £500,000.

Authority to incur expenditure generally

- (24) Generally, the Annual Budget approval by the Board provides authority to incur all expenditure specified within the Budget (subject to the requisite CXBC and other delegations as appropriate), subject to the following which require separate CXBC approval.
- (25) Whenever such expenditure on a particular heading or programme (e.g. procurement strategy for response and planned maintenance, IT services) requires to be tendered, then the authority to incur such expenditure (i.e. before being tendered) will require specific approval by the Chief Executive at the Chief Executive's Business Committee, where the value is over £100,001. Approval by the Board of the successful tender is required where the value is in excess of £1,000,000.

- (26) Authority to incur expenditure (other than building contract/Planned Schemes (including Group Repair)) of between £100,001 and £1,000,000. Directors have general delegated authority to incur expenditure up to and including £100,000.

Financial/other assistance to external bodies and groups

- (27) Approval of financial and other assistance to voluntary organisations concerned with homelessness, if the value of the assistance (in cash and/or in kind) is more than £101,000 and less than or equal to £500,000.
- (28) Approval of funding to service providers, pursuant to the Housing (Support Services) Order 2002, if the value (in cash/ or in kind) of the assistance to any individual scheme (in cash/or in kind) is more than £100,001 and less than or equal to £500,000 in any financial year.
- (29) Approval of financial assistance to housing associations, charities and/or other approved bodies towards the provision of, or facilitating the carrying out of, works or services for owners or occupiers of any dwellings, if the value of the assistance (in cash and/or in kind) does not exceed £100,000.
- (27) Approval of financial assistance to voluntary organization/bodies and to community groups if the value (in cash and/or in kind) of the assistance does not exceed £100,000.
- (28) Approval of any applications for vesting orders (other than approvals reserved to the Board).

Social Housing Development Programme

- (29) The granting of authority to incur expenditure on the Social Housing Development Programme in compliance with Financial Regulation 4 and the relevant Dossier of Control.

Asbestos removal work

- (30) Approval to use grant aid as appropriate, on an exceptional basis, in respect of asbestos removal work to former (i.e. sold) Executive stock in compliance with the relevant Dossier of Control.

Miscellaneous functions/activities

- (31) Approval of the Review of Northern Ireland Housing Market.
- (32) Approval of the annual research programme.
- (33) Novation of any contract.

- (34) Approval of list of officers authorized to affix the seal in accordance with Standing Order A9.

Pre-Board Meeting

The Chief Executive's Business Committee also constitutes itself as the Pre-Board Committee to consider draft papers for submission to the Board. The Pre-Board takes place the second Monday in the month.

Corporate Performance Review Committee

Frequency:	Monthly
Normal timing:	Monday– 3rd week in month
Chaired by:	Director of Business Services
Attendance:	Director of Finance Director of Housing Services Director of Regional Services Director of Asset Management Assistant Director Corporate Strategy & Planning Business Planning Manager Assistant Principal Officer/Senior Officer

(In the absence of the Director of Business Services, the Corporate Performance Review Committee should be chaired by the Director of Housing Services.)

Note : All Directors must attend, with substitution of an Assistant Director, only on an exceptional basis.

Administrative Support: Secretariat

Timing of Papers

Papers must be submitted by 2pm on Thursday before meeting. Late papers will be considered only in exceptional circumstances.

There is a standard agenda which co-ordinates the submission of the relevant performance information from Divisions to allow reporting against the agreed key performance indicators and corporate risks.

Potential Conflicts of Interest

Declaration of Interests will be a standing item on the agenda at the start of each meeting and will be recorded in the minutes together with details of any action taken where appropriate. Where necessary, matters will be re-allocated to another Director or Officer.

Types of Papers Considered/Presented

- Landlord Services Monthly Monitor
- Regional and Support Services Monthly Monitor
- Recommendations Monitor
- Risk Management
- Absence Management

Opportunity for Challenge

The Chief Executive's Performance Review Committee is an open forum, where Directors and other participants are encouraged and expected to challenge decisions and raise concerns.

Agenda

- Declaration of Interests
- Minutes of last meeting
- Matters arising
- Landlord Services Monthly Monitor
- Regional and Support Services Monthly Monitor
- Recommendations Monitor
- Risk Management
- Absence Management
- Any Other Business

Terms of Reference

To review and monitor progress against the annual corporate business objectives approved by the Board using a range of agreed key performance indicators, investigating and explaining any significant variances and producing a monthly progress report for submission to the Board.

To review and update the Corporate Risk Register on a monthly basis, advising Audit & Risk Assurance Committee and Board accordingly.

Landlord Services Clearing House Committee

- Frequency:** 2nd and 4th Monday in the month
- Normal timing:** Monday at 2.00 p.m.
- Chaired by:** Director of Asset Management
(In the absence of the Director of Asset Management, the Landlord Services Clearing House Committee should be chaired by another Director.)
- Attendance:** Assistant Director Asset Management (Programme Development)
Assistant Director Asset Management (Support Services)
Assistant Director Asset Management (Strategy)
Assistant Director Finance (Corporate Accounting)
Head of Procurement
Regional Delivery Manager, Belfast
Regional Delivery Manager, North
Regional Delivery Manager, South
Administrative Support Secretariat

In exceptional circumstances an Assistant Director or Member of the Committee may nominate a deputy.

Timing of Papers

Papers to be submitted to Secretariat by Thursday noon of the previous week.

Potential Conflicts of Interest

Declaration of Interests will be a standing item on the agenda at the start of each meeting and will be recorded in the minutes together with details of any action taken where appropriate. Where necessary, matters will be re-allocated to another Director or Officer.

Types of Papers Considered/Presented

- All Capital and Revenue scheme papers, Economic Appraisals and Leasehold papers.

Breach of Standing Orders

Any scheme submitted to Landlord Services Clearing House which is in breach of Standing Orders must be accompanied by a full paper regardless of the scale of breach. Secretariat will produce a weekly schedule for submission to the Chief Executive's Business Committee. This will be recorded in the minutes along with any action required.

Opportunity for Challenge

The Landlord Services Clearing House is an open forum where participants are encouraged to challenge proposals and decisions and to raise concerns.

Agenda

- Declaration of Interests
- Minutes of last meeting
- Matters arising
- Outstanding matters
- Emergency approvals
- Breaches of Standing Orders
- Routine business (All categories)
- Economic Appraisals
- Leasehold Papers
- Any Other Business

Terms of Reference

To consider and scrutinise all routine Landlord Services papers for compliance with organisational governance requirements.

Matters delegated to Landlord Services Clearing House

Building contracts and planned schemes (including Group Repair)

For the avoidance of doubt, a planned scheme is one that consists of works of a planned nature and requires the allocation of a project number for cost collection. Financial Regulations 1 and 2 provide further directions on the level and scope of sub-delegated authorities in relation to this matter.

Authority to incur expenditure on building contracts / Planned Schemes (including Group Repair) (FR.1)

- (1) The Landlord Services Clearing Houses is granted authority to incur expenditure on capital and revenue schemes of more than £100,000 and less than or equal to £500,000.

Approval of tenders of building contract / Planned Schemes (including Group Repair) (FR.2)

- (2) If the approved cost estimate is greater than £500,000 and the recommended tender value has not exceeded this cost estimate by more than +10%.

- (3) If the approved cost estimate is more than £100,000 and is under or equal to £500,000, and the recommended tender value has exceeded this cost estimate by more than + 10%.

Variation of building contract / Planned Schemes (including Group Repair)

- (4) Approval of the issue of instructions by a contract administrator / project manager under a building contract / planned scheme which increases the original contract / quotation sum:

For contracts more than £100,000 and less than or equal to £500,000 by :

A percentage in excess of 10% or £50,000 (whichever is the lesser) in aggregate, if the adjusted contract / quotation sum (after having made a downward adjustment for house sales and refusals) remains more than £100,000 and less than or equal to £500,000.

For contracts less than or equal to £100,000 by:

A variation of £10,000 in aggregate if the adjusted contract / quotation sum (after having made a downward adjustment for house sales and refusals) increases to more than £100,000.

- To grant authority to incur expenditure for all Building Contracts/Planned Schemes (including Group Repair) more than £100,000 and less than or equal to £500,000.
- To agree and recommend to the CXBC for approval, tenders for Building Contracts/Planned Schemes (including Group Repair) over £500,000 and less than or equal to £1,000,000.
- To agree and recommend to the CXBC for submission to the Board for approval , tenders for Building Contracts/Planned Schemes (including Group Repair) over £1,000,000.
- To agree and recommend to CXBC / Board in accordance with the limits detailed in the Standing Orders and the Board Scheme of Delegations.
- To recommend to CXBC for approval or for submission to the Board for approval of the variation in expenditure of Building Contracts/Planned Schemes (including Group Repair) in excess of limits as detailed in Standing Orders and the Board Scheme of Delegations.

Emergency Approval

Should any matter not admit of delay, the Director of Asset Management may authorise such action to be taken on behalf of the Housing Executive, within the Director's delegated limit as determined within the Board Scheme of Delegations. All such action must be reported to the next meeting of the Landlord Services Clearing House Committee.

Regional Delivery Manager's Clearing House

The Regional Delivery Manager's Clearing House meeting is held monthly to review in detail the content of each planned capital and revenue project that are scheduled.

Frequency:	Monthly or as required
Normal timing:	Dedicated day each month per Region
Chaired by:	Regional Delivery Manager

Potential Conflicts of Interest

Declaration of Interests will be a standing item on the agenda at the start of each meeting and will be recorded in the minutes together with details of any action taken where appropriate. Where necessary, matters will be re-allocated to another Director or Officer.

Attendance:	Attendees will include, but will not be limited to the following: Regional Delivery Manager Senior Project Manager (Asset Management) Regional Economic Appraisal Officer (Landlord Services) where appropriate Area Manager(s) or representative (Landlord Services) Regional Finance representative Designer / Consultant Administrative Support/Minutes: (Asset Management)
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Opportunity for challenge:

This is an open forum at which all officers present are encouraged to scrutinise and challenge the papers submitted.

Terms of Reference for Regional Delivery Manager's Clearing House

To ensure that:

- To ensure the Regional Delivery Manager reviews the main proposals and costs to ensure the schemes approved are in accordance with corporate objectives, policies, standards and are within Regional Budget and to ensure the Regional Delivery Manager formally signs off each scheme.
- the definitive Scheme Condition Report & Costs and additional presentation material, (where applicable), have been received and assessed by Senior Project Staff– and that only schemes which have proposals fully developed and finalised may be submitted for Regional Delivery Manager's Clearance

Senior Management Committees' Terms of Reference

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- consideration. (In exceptional circumstances outline/initial feasibility designs may be presented for discussion).
- the Scheme complies with the appropriate regulatory and legislative requirements.
- the Designer / Consultant has met with the respective Residents Group and individual tenants etc. and that the proposals are deemed to incorporate their requirements, within the constraints of the Housing Management brief.
- scheme proposals and costings are scrutinised to ensure they comply with the Housing Management brief requirements, organisational Design Standards and that the proposed package of works represents value for money.
- on presentation, content and costs for each scheme must be subjected to “challenge and query”, in order to ensure uniform interpretation and application of organisational Policy & Standards across Regions. Final adjudication of such matters rests with the Regional Delivery Manager.
- all capital and revenue schemes , defined as those bearing a unique eight digit project number, must be tabled, assessed and agreed at a Regional Delivery Managers Clearance Meeting before formal papers can be submitted for Landlord Services Clearing House, CXBC or Board approval.
- Major Adaptations for Persons with a Disability (APD) under £100,000 must be tabled and agreed prior to submission for the Regional Delivery Manager's approval and then scheduled on a monthly basis for submission to Landlord Services Clearing House.

Regional Services Clearing House Committee

- Frequency:** Monthly
- Normal timing:** Monday @3.00 p.m. Third week of the month.
- Chaired by:** Director of Regional Services
(In the absence of the Director of Regional Services, the Regional Services Clearing House Committee should be chaired by another Director.)
- Attendance*:** Director of Regional Services
Assistant Director Regional Services (Land & Strategic Regeneration)
Assistant Director Asset Management, Strategy
Senior Principal Officer, Private Sector Improvement Services
Principal Office, Finance
Strategic Development Officer
Administrative Support Secretariat

*(Only in exceptional circumstances may an Assistant Director or Member of the Committee nominate a deputy)

Timing of Papers

Papers are to be submitted to the Secretariat by Thursday noon of the previous week.

Purpose of the Regional Services Clearing House

The Regional Services Clearing House is a committee with delegated authority to consider a range of Land & Property Papers under the limits as contained within relevant Standing Orders and the approved Board Scheme of delegations.

Potential Conflicts of Interest

Declarations will be sought at the outset of the meeting, and any such declarations will be recorded in the Minutes, together with any actions taken on the foot of the declaration.

Types of Papers Considered/Presented

- Land & Property transaction papers.

Regional Services Clearing Committee Roles & Responsibilities

The Regional Clearing House is an open forum where members are required to consider the proposals and to be informed in their decision making with full knowledge of the Governance Structure and Delegated Limits of Authority they are operating under.

Agenda

- Declaration of Interests
- Minutes of last meeting
- Matters arising
- Outstanding matters
- Emergency approvals
- Routine business (All categories)
- AOB

Land and Property Transactions – to be decided at Regional Services Clearing House

- Approval of purchase of a dwelling under the ASH Scheme if the value of the dwelling is **under or equal to £100k**
- Approval of applications for abandonment of any public rights of way
- Approval of vesting compensations payments **under or equal to £100k**
- Approval of purchase under the Advance Purchase arrangements **under or equal to £100k**
- SPED purchase – to be approved by the Regional Housing Services Director
- SPED disposals – to be approved by Regional Services Clearing House **under or equal to £250k**

(Note all approvals to be scheduled to CXBC for information)

Emergency Approval

Should any matter not admit of delay, the Regional Services Director may authorise such action to be taken on behalf of the Housing Executive, within the Director's delegated limit. All such action must be reported to the next meeting of the Regional Services Clearing House Committee.

Potential Conflicts of Interest

Declaration of Interests will be a standing item on the agenda at the start of each meeting and will be recorded in the minutes together with details of any action taken where appropriate. Where necessary, matters will be re-allocated to another Director or Officer.

AUTHORITY TO INCUR EXPENDITURE REGIONAL SERVICES – Land & Property Transactions

