

# Cheltenham Borough Council

**Cabinet 19 April 2011**

## **Item 10 Affordable housing programme Addendum to report**

Under the new regime for grant funding social housing, recipients must be registered with the Tenant Services Authority as a registered provider of social housing under s112 of the Housing and Regeneration Act 2008. It is Tenant Services Authority policy requirement that all applicants for registration must have a specific explicit object of providing social housing. Whilst this is implicit in Cheltenham Borough Homes' Articles of Association, it is not explicit, so an amendment to the objects is required. Furthermore following full implementation of the Companies Act 2006, any amendment to a company's articles must now also implement a change in the format of the company's constitution such that the constitution reads as a single set of articles (with provisions previously being in the company's memorandum now required to be incorporated in the articles).

A revised set of CBH Articles has been received this week from Trowers and Hamlin, the solicitors who are providing the advice to CBH. The main changes to the Articles relate to the provision and management of social housing by CBH in its own right. The Articles are an important document and it is necessary for the proposed changes to be carefully considered from both a legal and practical perspective prior to acceptance by the Council. In order to facilitate this it is proposed that authority be delegated to the Director Commissioning in consultation with the Cabinet Member Housing & Safety and Borough Solicitor. To achieve this, an additional recommendation is required as follows:

### **Recommendation iv**

That the Director Commissioning be authorised, in consultation with the Cabinet Member Housing & Safety and Borough Solicitor, to agree the new Articles and sign the resolution effecting the changes.

Jane Griffiths  
Director Commissioning  
19 April 2011