

(For Democratic Services use)

Decision Number: 07 - 2024/25

## Portfolio Holder Executive Decision Statement

### The Local Authority (Executive Arrangements) (Meetings and Access to Information)(England) Regulations 2012

Subject: West Kent Housing Association - Deed of Variation of a Transfer Contract dated 17 March 1989

Details of Decision taken: That the Head of Legal and Democratic Services be authorised to agree a Deed of Variation to the Transfer Contract dated 17 March 1989, such that the Association is not obliged or required to maintain admission to the Kent County Council Superannuation Fund (or any replacement scheme to the Kent County Council Superannuation Fund) on or from 1 September 2024.

#### Reason for Decision:

The Council transferred its housing stock to West Kent Housing Association in 1989. Part of the transfer related to the treatment of transferred employees, allowing them to remain contributors to the Local Government Pension Scheme. One transferred Officer remains at West Kent Housing Association.

Following negotiations with KCC Pensions, it has been agreed that West Kent Housing Association will no longer offer ongoing participation in the Kent Pension scheme.

The original transfer required pension scheme membership to be maintained. Therefore, the Council has been approached to agree a variation to the contract between SDC and WHKA in the following terms:

"The Council and the Association agree that the Association is not obliged or required to maintain admission to the Kent County Council Superannuation Fund (or any replacement scheme to the Kent County Council Superannuation Fund) on or from 1 September 2024."

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The variation will include an indemnity in the terms that the West Kent Housing Association *agrees to indemnify and keep indemnified and hold harmless the Council on demand against any and all losses....*

The proposal is cost neutral to the District Council and does not impact current Council Officers or Members.

All Documents considered:

Draft Deed of Variation attached.

Details of any alternative options considered and rejected by the Member when making the Decision:

The alternative option is not to agree a Variation, which would impact West Kent Housing Association with no benefit to the Council.

Financial implications: None.

Legal Implications and Risk Assessment Statement: The arrangements between the Council and West Kent Housing Association are legally governed by a contractual agreement. The proposal in this decision is to vary that agreement. There is no financial risk to the Council.

Equality Impacts (Consideration of impacts under the Public Sector Equality Duty):



The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Local Member (s), other Portfolio Holders and Chief Officer/Head of Service Consulted: Deputy Chief Executive and Chief Officer – Finance and Trading; Head of Legal and Democratic Services.

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Details of any conflicts of interest a) declared by any executive member who is consulted by the Decision Taker: None  b) and any details of dispensations granted by the Chief Executive in respect of any declared conflict: N/A	
Decision taken by:	Portfolio Holder for Finance and Investments
Signed by Portfolio Holder	
Date of Decision	19/09/2024.
Record made by:	
Date of record:	20/9/24

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