

CONSTITUTION WORKING PARTY		
Report Title	OPTIONS FOR AN OVERVIEW AND SCRUTINY HOUSING SELECT COMMITTEE	
Key Decision	No	Item No. 4
Ward		
Contributors	CHIEF EXECUTIVE – Head of Law	
Class	Part 1	Date: 5 MARCH 2008

1. Summary

This report sets out a number of possibilities for the continued scrutiny of housing issues in the borough and the implications of the options.

2 Purpose of the report

The purpose of this report is to consider the options for the establishment of and terms of reference for an Overview and Scrutiny Housing Select Committee, in accordance with the recommendation of the Housing Select Committee which reviewed housing PFIs and Lewisham Homes implementation and completed its report in August 2007. The views of the Housing Select Committee were endorsed by the Overview & Scrutiny Committee on 31 January 2008.

3 Recommendations

That the Constitution Working Party consider the options set out in paragraph 5 below and decide whether to recommend to Council at its AGM that it adopt one of them and if so which.

4 Background

4.1 Under the Local Government Act 2000, the Council must establish at least one overview and scrutiny committee to carry out the functions described in Section 21 of the Act, namely:-

- To review and scrutinise decisions made or other action taken in relation to the discharge of executive and non-executive decisions
- To make reports and recommendations to the Council or the executive on the discharge of executive and non-executive functions

- To make reports or recommendations to the executive or the authority on matters which affect the authority's area or its inhabitants
 - To review health service matters and make reports and recommendations in accordance with the Health and Social Care Act 2001 and regulations made under it.
- 4.2 This legal requirement is reflected in the Council's Constitution which provides for all overview and scrutiny functions to be the responsibility of one committee which discharges its duties through a number of sub committees known as select committees.
- 4.3 Currently the Constitution provides at Article 6.3 for a number of standing select committees. These are:-
- Public Accounts
 - Children and Young People
 - Healthier Communities
 - Sustainable Development
 - Safer and Stronger Communities
- as well as two Business Panels (one including education representatives) to exercise the right to require the executive to reconsider a decision made but not yet implemented.
- 4.4 The Constitution sets out the terms of reference of the Select Committees. These are not repeated here in detail, but it is inevitable that in some cases there is a degree of overlap between them. Where this occurs, it is for the Business Panel to resolve the question of allocation.
- 4.5 The composition of the select committees is set out at Article 6.3, and the general provision in the Constitution here is that the select committees should consist of no less than 7 nor more than 11 members of the Council who cannot also be members of the Mayor and Cabinet.
- 4.6 As presently drafted, the overview and scrutiny of housing function falls within the terms of reference of the Sustainable Development Select Committee which state that the Select Committee is charged with commenting and consulting on and making recommendations to the Mayor and Cabinet on:-
- “(iii) highways, parking, traffic and transport, urban regeneration and housing”
- 4.7 However given the scale of activity in relation to achieving an improved Audit Commission rating to support the Council's Decent Homes agenda it was agreed on November 2006 that a time limited Select Committee be established with the following terms of reference:-

“to investigate how the recommendations of the Audit Commission Voluntary Improvement report on the Indicative ALMO published in July 2006 and service improvement plans are being implemented and; study how the process of change is being managed in relation to the Private Finance Initiative (PFI) for Housing”

- 4.8 The Select Committee made a number of thoughtful and detailed recommendations in relation to both the Housing PFI schemes and the relationship with Lewisham Homes, the ALMO established by the Council and these are being taken forward.
- 4.9 A key recommendation of that Select Committee was that there is a significant need for continued scrutiny of housing issues in the borough. Officers were asked to submit a report to the Constitution Working Party on the available options and their implications. This report is the result.

5 Options

- 5.1 No change – The scrutiny of housing issues in the borough is already within the terms of reference of a select committee which could focus on such issues in future. This would not require any change to the constitutional arrangements, but does not accord with the wishes of the now expired Housing Select Committee. Further the Sustainable Development Select Committee has not been able to explore housing issues in the past, focusing on significant ‘green issues’, topical climate change and regeneration strategies. Even so, this has been a very busy select committee with a heavy workload, meeting on a monthly basis. But it is true to say that housing issues have not figured as a key focus for this select committee or its predecessor, the Environment Select Committee.
- 5.2 A standing committee – It would be possible to establish a Housing Select Committee without time limit and amend the Constitution to do so, though this would of course require Council agreement. Changes to the Constitution which relate only to overview and scrutiny arrangements do not require consultation, provided that the change would not entail a reduction in the number of select committees to less than 4 or more than 10, nor entail a change in the number of members on any select committee so that the number falls to less than 5, nor represent more than minor changes to the Business Panel. None of these apply.
- 5.3 Were a standing committee to be established it could be established with broad terms of reference – for example:-

To fulfil all overview and scrutiny functions in relation to the discharge by the authority of its housing functions. This shall include the power to:-

- *review and scrutinise decisions made or other action taken in connection with the discharge of the Council of its housing function*

- *make reports or recommendations to the authority and/or Mayor and Cabinet with respect to the discharge of these functions*
- *make recommendations to the authority and/or Mayor and Cabinet proposals for housing policy*
- *to review initiatives put in place by the Council with a view to achieving the Decent Homes standard, making recommendations and/or report thereon to the Council and/or Mayor and Cabinet*
- *To establish links with housing providers in the borough which are concerned with the provision of social housing*

5.4 This would give the select committee a broad but perhaps unfocused remit and would require changes to the Constitution to remove the function from Sustainable Development Select Committee. Further this could mean overlap with the work of the Sustainable Development Select Committee which deals with the overview and scrutiny of regeneration matters, and many regeneration schemes have a strong housing emphasis. Its terms of reference could therefore be more limited to specific items of housing concern.

5.5 This could be resolved by the Business Panel making decisions on the allocation of work between these select committees as the Constitution currently provides, Alternatively it could be resolved by the terms of reference being couched in such terms that the issues with which any new select committee is to be concerned during any municipal year should be agreed by the full overview and scrutiny meeting at its annual meeting.

5.6 A time limited select committee - It would be possible under existing constitutional arrangements to establish a time limited select committee with terms of reference that address the focus of its work. Were members to decide that a particular housing issue is pressing and needs in depth study, it would be possible (as happened in relation to the now expired select committee) for specific select committees to be established to deal with these matters in a concentrated effort. This would be a matter for the overview and scrutiny committee to decide unless the Constitution were amended to state otherwise. Whilst this would give the select committee clear direction it would require the establishment of select committees with a particular remit and lifespan from time to time.

6 Political balance

6.1 By law the requirements relating to political balance – namely that the make up of committees should so far as possible reflect the political composition of the Council - applies also to overview and scrutiny bodies, unless the Council agrees, with no-one voting against, that the rules should not apply. If the Council adopts the normal political proportionality

rules, the allocation of seats would be as set out in Appendix 1. The Council currently has 5 Select Committees each with 10 members. The fifty places on the Select Committees are currently allocated in accordance with the political composition of the entire Council. The Council could also agree, without anyone voting against, that a select committee if established should reflect the political composition of the overview and scrutiny select committee.

- 6.2 There is no law requiring the allocation of Chairs and Vice Chairs of overview and scrutiny bodies to reflect the Council's political composition. However, Lewisham's Constitution requires at E8 that the Chairs and Vice-Chairs of the Overview and Scrutiny Select Committees will be allocated in accordance with the proportion of seats held by the political groups on the Overview and Scrutiny Committee.

7 Membership of the Business Panel

Currently the Constitution provides that the Business Panel will consist of:-

- the Chair and Vice Chair of the Overview and Scrutiny committee
- all of the Chairs of the Select Committees
- three or the smallest number higher of councillors required to ensure political balance requirements are met

Depending on the number of select committees in the next municipal year, this calculation would need to be carried out for the purposes of allocating seats on the Business Panels. It will depend on the identity of the Chairs of the various overview and scrutiny bodies at that time.

8 Legal implications

These are contained in the body of the report

9 Financial implications

These can be contained within existing budgets

10 Environmental and crime and disorder implications

None specific arising.

Background Papers

Constitution of the London Borough of Lewisham

If there are any queries on this report please contact the Head of Law 0208 314 7648