


Non-Executive Report of the: Overview and Scrutiny Committee 9 th May 2016	 TOWER HAMLETS
Report of: Melanie Clay, Director of Law, Probity and Governance	Classification: Unrestricted
Establishing a Housing Scrutiny Sub-Committee	

Originating Officer(s)	Kevin Kewin, Interim Service Head Corporate Strategy and Equality
Wards affected	All

REASONS FOR URGENCY

This report was published five days in advance of the meeting but not five clear days and pursuant to Rule 6.1 of the Access to Information Procedure Rules before the item can be considered, the Chair of the Overview and Scrutiny Committee needs to be satisfied that by reason of special circumstances the item should be considered as a matter of urgency.

The Chair of the Overview and Scrutiny Committee believes that it is necessary for the report to be considered without that consideration being delayed to a later meeting. The special circumstances are that the establishment of the Housing Scrutiny Sub-Committee contributes towards the transparency agenda and should be implemented at the earliest possible opportunity.

Summary

The Local Government Act 2000 and the Council's constitution allow the Overview and Scrutiny Committee to set up a sub-committee to discharge its scrutiny functions as appropriate.

At present scrutiny of local housing provision is led by the Committee through its regular meetings. In addition, the Scrutiny Lead for Development and Renewal undertakes reviews and challenge sessions on particular housing-related topics.

In view of the priority given to housing within the Strategic Plan, and its importance to local people, the Overview and Scrutiny Committee would like to establish a dedicated Housing Scrutiny Sub-Committee. This Sub-Committee would support effective scrutiny across the spectrum of the Council's housing functions and local housing provision managed by social and private landlords.

This report sets out the draft terms of reference, composition and chairing arrangements for the Sub-Committee. Potential issues and topics that could be included in the Sub-Committee's annual work programme are also outlined.

Recommendations:

1. Agree to the establishment of a Housing Scrutiny Sub-Committee which will scrutinise housing functions within the borough, including through working closely with registered providers and other key stakeholders;
2. Consider and agree the terms of reference; composition; chairing arrangements; proposed dates of meetings and an outline work programme for such a sub-committee.

1. REASONS FOR THE DECISIONS

- 1.1 A dedicated Housing Scrutiny Sub-Committee will support scrutiny of housing issues in the borough. Housing is a key priority within the Council's Strategic Plan.

2. ALTERNATIVE OPTIONS

- 2.1 Many other local authorities have established a housing scrutiny panel or sub-committee with a similar remit to the one proposed. However, there is no requirement to set up a Housing Scrutiny Sub-Committee its functions could continue to be undertaken by the Overview and Scrutiny Committee.

3. DETAILS OF REPORT

3.1 Overview and Scrutiny Background

The Council is required by section 9F of the Local Government Act 2000 to have an Overview and Scrutiny Committee and to have executive arrangements that ensure the committee has specified powers. Consistent with this obligation, Article 6 of the Council's Constitution provides that the Overview and Scrutiny may consider any matter affecting the area or its inhabitants. The Committee may also make reports and recommendations to the Full Council or the Executive in connection with the discharge of any functions.

- 3.2 Under the Terms of Reference for the Overview and Scrutiny Committee, it can appoint such sub-committees or scrutiny panels as the Committee considers appropriate from time to time to carry out individual reviews under the Overview and Scrutiny work programme.

- 3.3 The formation of this sub-committee will enable the Council to exercise comprehensive scrutiny over all of its housing functions and ensure transparency in how these functions are discharged.

3.4 Terms of Reference

The proposed Terms of Reference of the Housing Scrutiny Sub-Committee are attached as Appendix 1. The broad role of the Housing Scrutiny Sub-Committee will be to consider all housing-related matters that have an impact on local residents.

3.5 Forward Plan

The Housing Scrutiny Sub-Committee meetings will be agreed subject to the Committee's agreement to establish the Sub-Committee and its schedule of meetings will be incorporated into the Forward Plan in line with the Overview and Scrutiny Committee Terms of Reference.

3.6 Composition

The membership is proposed to consist of seven (7) members. The Lead Scrutiny Member for Development and Renewal shall be appointed as a member and Chair of the Housing Scrutiny Sub-Committee (subject to the agreement of the Overview and Scrutiny Committee) and 6 other non-executive members, reflecting the political proportionality of the Council.

3.7 The Sub-Committee is entitled to appoint up to two non-voting co-opted members with knowledge and experience of housing matters. It will aim to appoint one tenant and one leaseholder to bring a balance of issues to the Committee's work. It is proposed that these two co-opted members are recruited through the Council's existing procedures for such and the candidates will be required to provide a short submission to demonstrate they possess the relevant knowledge and experience to perform the role.

3.8 Development and Training

The Service Heads for Corporate Strategy and Equality (LPG) and Strategy, Regeneration and Sustainability (D&R) will be the senior officer leads and champion the work of the Sub-Committee. This will include assisting in developing a work programme that focuses scrutiny on specific housing issues - based on the identified priorities of the Sub-Committee - as well as linking up with other housing partners to ensure appropriate analysis and data is available for scrutiny.

3.9 Officers from the Corporate Strategy and Equality Service will support the work of the Sub-Committee, through carrying out research, gathering evidence from available sources and preparing draft scrutiny reports for consideration by the Sub-Committee. Possible topics for scrutiny are suggested elsewhere in this report (Appendix 2), based on the views of the Service Head of Strategy, Regeneration and Sustainability and practice from other local authorities who maintain a housing scrutiny panel or sub-committee. Once established the Sub-Committee will decide how many reviews and challenge sessions reports it carries out each year and what issues it will scrutinise.

3.10 The sources of information and data which can help the work of the Sub-Committee include: available performance information (both for the Council and its providers); national statistics compiled by the DCLG, Institute of Housing or other key representative bodies; the work carried out by resident

scrutiny panels in the past and revisiting their findings especially for those providers who have weak scrutiny arrangements; as well as housing related matters that arise from cabinet papers.

- 3.11 It is suggested the first meeting of the Sub-Committee functions as an induction session, where relevant officers put housing services in context and familiarise Members with the Council's statutory housing functions and its relationship with other local social and private landlords. As part of its ongoing development the Sub-Committee will receive presentations on current housing issues and practice, as well as opportunities for more formal training (potentially drawing on material from the Local Government Association or Centre for Public Scrutiny) to enable them to perform their role - once specific areas for development are identified.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 This report details the need and purpose for establishing a Housing Scrutiny Sub-Committee. In the main, this Sub-Committee would be supported through resources within the corporate strategy & equalities team, the democratic services team and through other relevant directorate resources.
- 4.2 There could potentially be an additional resource requirement to support the administration and work of the new Sub-Committee, primarily within the corporate strategy and equality team and democratic services team. If these requirements cannot be met through existing resources then officers will need to identify the additional resources requirement, which will be considered in the context of the Council's Medium Term Financial Strategy.

5. LEGAL COMMENTS

- 5.1 Pursuant to section 9F of the Local Government Act 2000 ('the 2000 Act') the Council is required to have an Overview and Scrutiny Committee and which is to have the power, amongst other matters to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive and to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are the responsibility of the executive. Housing functions of the Council are the responsibility of the executive
- 5.2 Pursuant to section 9FA(1) of the 2000 Act, an Overview and Scrutiny Committee of a local authority may appoint one or more Sub-Committees, and may arrange for the discharge of any of its functions by any such Sub-Committee.
- 5.3 The recommendations in the report regarding the establishment by the Overview and Scrutiny Committee of a Housing Scrutiny Sub-Committee and which will scrutinise housing functions within the borough, including through working closely with registered social landlords and other key stakeholders is therefore a decision that the Committee can make.

5.4 As to the terms of reference of the Housing Scrutiny Sub-Committee, it is for the Committee to set such and the Scrutiny Sub Committee can only discharge the functions that are conferred on it by the Committee. The proposed terms of reference in Appendix 1 of the report specify that the responsibilities of the Scrutiny Sub Committee pertain to housing matters.

5.5 The Local Government and Housing Act 1989 ('the 1989 Act') requires that there be political balance on Committees. The rules for the allocation of seats are set out in sections 15 and 16 of the 1989 Act and the Local Government Committee and Political Group Regulations 1990. Pursuant to section 9FA(6)(b) of the 2000 Act, an Overview and Scrutiny Committee of a local authority, or a sub-committee of such a committee, is to be treated as a body to which section 15 of the Local Government and Housing Act 1989.

5.6 Section 15(4) sets out four rules, and requires authorities to apply them in descending order of priority.

- Rule 1: Where some or all of the members of an authority have formed into two or more political groups, then no Committee may comprise just members from one political group.
- Rule 2: Where a majority of members of Council are members of one political group, that political group must have a majority of the seats on each Committee.
- Rule 3: Without being inconsistent with the first two rules, the number of seats allocated to each political group on all the Committees taken together be as near as possible proportionate to their strength on Council.
- Rule 4: So far as is consistent with Rules 1 to 3, each political party must be allocated that number of seats on each Committee taken individually as is proportionate to their strength on the Council. However, as set out above, this is subject to the need to give the majority a majority on each Committee.

5.7 Any seats left unallocated go by default to any members who are not members of any political group. A political group must comprise at least two members.

5.8 The political composition of the Council is as follows:

	Council	Labour	Independent Group	Conservative	Un-grouped
Members	45	23	13	5	4

5.9 Therefore, if you have a Sub-committee with 5 Councillors, then based on above Rules (and in particular Rule 4) the split has to be 4 Labour, 2 Independent Group and 1 Conservative, as Labour, being the majority party must have a majority on the Committee. The split therefore cannot be 2 Labour, 2 Independent Group and 1 Conservative.

- 5.10 Pursuant to section 9FA(4) and (5) of the 2000 Act, an overview and scrutiny committee of a local authority, or any sub-committee of such a committee, may include persons who are not members of the authority but any persons who are not members of the local authority are not entitled to vote at any meeting of its overview and scrutiny committee, or any sub-committee of such a committee.
- 5.11 It is noted that the aim is to appoint one tenant and one leaseholder to bring balance of issues to the Sub-Committee's work. It is proposed that these two co-opted members are recruited through the Council's existing procedures and the candidates have will be required to provide a short submission to demonstrate they possess the relevant knowledge and experience to perform the role.
- 5.12 Non-voting members do not count towards calculating the political balance on Committees.
- 5.13 As to the Chair of the Scrutiny Panel, Rule 7.1 of the Overview and Scrutiny Procedure Rules provides that the Chairs of the Scrutiny Panels will be drawn from among the Councillors sitting on the Committee. Further Paragraph 4.5.4 of the Overview and Scrutiny – Protocols and Guidance provides that where Scrutiny Panels are established to deliver the Committee's work, their membership will be constituted according to proportionality rules and in liaison with Party whips. It would be expected that membership would be based on the expressed interests of Members. In that regard, the work of the Scrutiny Panel falls within the purview of the Lead Scrutiny Member for Development and Renewal and for 2016/17 it is proposed that that Lead Member be the Chair of the Scrutiny Panel.
- 5.14 When taking action, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who do not (the public sector equality duty). Matters relevant to this duty are set out in the One Tower Hamlets section of the report.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 Establishing a Sub-Committee that will exercise comprehensive scrutiny across the range of the Council's housing functions and relationships with other housing providers, will help improve accountability and performance and highlight any areas where equal access to services are failing to be delivered. Several housing related issues, for example affordability and standards of accommodation are vital concerns for many residents and the Sub-Committee will contribute to the delivery of the One Tower Hamlets priorities and objectives.

7. BEST VALUE (BV) IMPLICATIONS

7.1 The recommendations in this report are made as part of the Overview & Scrutiny Committee's role in helping to secure continuous improvement for the Council, as required under its Best Value duty.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

8.1 Issues around improving the environment, for example, those associated with the location or development of housing might be addressed as part of the Sub-Committee's work programme.

9. RISK MANAGEMENT IMPLICATIONS

9.1 The recommendations made in this report will help reduce the risk to the Council, by identifying and proposing action to address housing related risks arising from the proposals contained in the reports the Sub-Committee will produce.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

10.1 Issues around reducing crime and disorder in a housing context might be addressed as part of the Sub-Committee's work programme.

Linked Reports, Appendices and Background Documents

Linked Report

NONE

Appendices

NONE

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