



OVERVIEW & SCRUTINY COMMITTEE

MINUTES of the OPEN section of the meeting of the OVERVIEW & SCRUTINY COMMITTEE held on 6TH MARCH 2003 at 6.00 P.M. at the Town Hall, Peckham Road, London SE5 8UB

PRESENT: Councillor Kim HUMPHREYS (Chair)
Councillor Linda MANCHESTER (Vice-Chair)
Councillors Aubyn GRAHAM, Barrie HARGROVE, Eliza MANN, Mark PURSEY, Lisa RAJAN [Reserve] and Andy SIMMONS.

ALSO PRESENT: Councillor Toby ECKERSLEY – Chair of Finance & General Purposes Scrutiny Sub-Committee

OFFICERS: Keith Broxup – Director of Housing
Shelley Burke – Constitutional Support Manager (Scrutiny)
Deborah Holmes – Borough Solicitor & Secretary
Neil Kirby – Regeneration Initiatives Manager (Housing)
Lucas Lundgren – Constitutional Support Officer (Scrutiny)
Harry Marshall – Divisional Housing Manager

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Neil Watson.

CONFIRMATION OF VOTING MEMBERS

The Members listed as being present were confirmed as the Voting Members.

NOTIFICATION OF ANY OTHER ITEMS WHICH THE CHAIR DEEMED URGENT

The Chair agreed to accept the report and background papers relating to Item 54 as late and urgent for the reasons set out in the report.

DISCLOSURE OF INTERESTS AND DISPENSATIONS

No disclosures of interests or dispensations were made.

RECORDING OF MEMBERS' VOTES

Council Procedure Rule 1.17 (5) allows a Member to record her/his vote in respect of any motions and amendments. Such requests are detailed in the following Minutes. Should a Member's vote be recorded in respect to an amendment, a copy of the amendment may be found in the Minute File and is available for public inspection.

The Committee considered the items set out on the agenda, a copy of which has

been incorporated in the Minute File. Each of the following paragraphs relates to the item bearing the same number on the agenda.

54. **CALL-IN: SHORT LIFE RETURNS 2002 – APPROVAL OF TENDER PACKAGE 1 (DECISION TAKEN UNDER DELEGATED AUTHORITY)** (see pages 1001-1065)

In accordance with paragraph 19.3 of the Scrutiny Procedure Rules, Overview & Scrutiny Committee met to consider the call-in of the decision taken on 26 February 2003 by the Director of Housing under delegated authority to approve a tender for refurbishment of six properties in Brook Drive. The properties were being handed back to the Council after being “short-lived” to Housing Associations for a number of years.

The decision had been called in following a request received in accordance with Scrutiny Procedure Rule 18.6 to review whether any alternative options for consideration had existed prior to the decision having been taken, and to consider the recent management of the properties in question.

The Director of Housing clarified that the decision as delegated represented whether or not to accept a tender, rather than concerning the principle of whether to refurbish the properties in question. The background to his decision was set out in Appendix A to the report.

Nearly four years had elapsed since Members of Housing Committee had first considered the matter in 1999. The Director of Housing was asked why Members had not been re-consulted, nor the advice of the Executive Member for Housing sought in respect of pursuing previously agreed policy prior to the decision given that it was likely that over time the financial and policy climate to the decision may well have changed. The Director of Housing had reported to the Executive in December 2002, at which time Members reviewed a previous decision relating to other properties and resolved to dispose of three properties previously earmarked for refurbishment having been advised of variations to circumstances and financial information. The Director of Housing stated that within the context of meeting the borough’s demand for large bed properties, Members previous decision had provided him with a clear policy mandate for his decision.

Members asked the Director of Housing whether disposal of the properties, with income generated being used to build new large bed properties elsewhere in the borough, had been considered. The Director of Housing stated that whilst it was estimated that each property in question could raise approximately £500,000 at sale, finding land for newbuild homes remained extremely difficult, and that in any event after April 2003 Capital Receipts could not be recycled (used) for Local Authority Social Housing Grant. The potential impact of disposal of these properties on the Housing Revenue Account would have been minor in relation to the Council’s overall stock, however.

The Director of Housing agreed to provide information to Committee on the number of large bed properties to be returned to Council stock in the near future.

Members expressed concern that refurbishment work had not started immediately on handback and that properties had been allowed to remain vacant – thus increasing the risk of them being squatted. Officers confirmed that the properties had been handed back to the Council at various times between November 2001 and April 2002. The Council had taken time to construct an effective contract and in addition survey work could not be carried out until short life tenants had vacated the properties. Use of the properties to accommodate individuals otherwise in bed and breakfast accommodation would have rendered the authority in breach of both the Environmental Health Act and the Landlord and Tenant Act, owing to the poor condition of the properties.

A sub-group of the Council's Senior Management Team [SMT] existed to monitor property voids and review action to address them. Reports to SMT and the Executive Member for Housing were made regularly.

The Director of Housing agreed to provide Committee with information on the number of long-term voids [of over one year's duration].

The Director of Housing confirmed that all the properties in question either had been or were currently squatted. Measures to prevent squatting of these properties had included erection of security grilling, removal of sanitary appliances and essential utility points. Although squatting management measures had been developed as a result of the Council's experience of large regeneration projects, squatters were often prepared to live in extremely basic conditions.

Officers confirmed that the contract for refurbishment of these properties was for thirty-two weeks, and would become active from the date on which contractors went onsite.

The Borough Solicitor & Secretary advised that having taken the Director of Housing's evidence into account, his decision to go to tender was valid, and that ostensible authority for the decision existed if officer statements about costs were correct. However there remained an issue in respect of re-consulting Members where the context to decisions changed over time.

The Borough Solicitor & Secretary advised Members to move to closed session for consideration of matters contained in the closed papers circulated.

EXCLUSION OF PRESS AND PUBLIC

At 6.15 p.m. it was proposed, seconded and

RESOLVED: That the public be excluded from the meeting for consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 8 of the Council's Access to Information Procedure Rules.

The meeting went briefly into closed session to allow consideration of the original Closed report to the Director of Housing, which contained information not for publication by virtue of paragraph 8 of paragraph 10.4 of the Access to Information Procedure Rules of the Southwark Constitution. During this discussion Members referred to paragraph 4.1 of the report in which it had been stated that no alternative options for consideration existed.

Reference having been made to the report, the meeting returned to open session.

RESOLVED:

1. That the decision of the Director of Housing in respect of Short Life Returns 2002 (Package 1) taken under delegated authority on 26 February 2003 under delegated authority remain, and that accordingly this decision shall take effect on the date of this meeting, i.e. 6th March 2003.
2. That the Director of Housing be asked to prepare a report to the Executive in respect of the treatment of future Short Life Properties, reviewing on a case-by-case basis whether schemes such as those proposed represent value for money, and considering the option of sale of these properties on the open market.
3. That the Executive be asked to consider the report requested at (2) above prior to any further tenders for refurbishment of Short Life Properties being let.
4. Overview & Scrutiny Committee recognises that greater forward planning is required to avoid leaving properties vacant for long periods and that such extended voids neither represent best use of Council resources, address housing need in the borough, nor assist in the prevention of squatting.
5. That the Director of Housing be asked to prepare a closed report to the Executive outlining the Council's current anti-squatting strategy and procedures, in the light of forthcoming major refurbishment projects in Southwark.
6. That Overview & Scrutiny Committee supports the Council's "Initiative to Create Larger Units" and encourages the Executive to continue to pursue it.

The meeting ended at 7.05 p.m.

CHAIR:

DATED: