

Item No: 1	Classification: OPEN	Date: 1 November 2004	Meeting Name: OVERVIEW & SCRUTINY COMMITTEE
Report Title:		Call-In: Individual Decision [20 th October] in respect of Various Recommendations received from Neighbourhood Forums on proposed amendments to the new Housing Area Forum and Tenants Council Constitutions.	
Ward(s) or Group affected:		All Wards	
From:		Head of Overview and Scrutiny	

RECOMMENDATION

1. That Overview & Scrutiny Committee [OSC] considers a call-in request relating to the Open decision taken by the Executive Member for Housing and Community Safety on 20 October 2004 in respect of which recommendations from Tenant Council would be considered as Key or Non Key Decisions.
2. That OSC also consider the recommendations of the Executive Member to:
 - Retain the Bermondsey West Area Forum name;
 - Retain the Bermondsey One-stop shop name,
 - Retain the boundaries of the three area forums in the Walworth Housing Area; and
 - Double the number of delegates and deputies from Area Forums to Tenant Council.

BACKGROUND INFORMATION

3. At Tenant Council 19th July 2004 the Tenant Council referred the following recommendations they wished to be considered by the Executive.
 - 1 We at Tenant Council recommend that Bermondsey One-stop Shop should be called the Alfred Salter One-Stop Shop.
 - 2 And that the Bermondsey Area Forum should be named the Alfred Salter Area Forum.
 - 3 Tenant Council supports the views of Rodney Road, Taplow, and West Walworth Area Forums to cover the same areas as the present Neighbourhood Housing Forums
 - 4 Tenant Council agrees that Area Forums have two delegates and two deputies and that all previous constitutions be recalled to be amended to incorporate the new Tenant Council. Tenant Council agrees that the first item at the new Area Forum be proportional representation.

4. On 20th October 2004, under the Individual Decision Making Scheme, the Executive Member for Housing and Community Safety – Cllr Gavin O’Brien – took the following decisions as to whether the Tenant Council recommendations be considered key decisions or not.

Tenant council Recommendations:

- 1) Bermondsey One-Stop shop
- 2) Bermondsey West Area Forum
- 3) Walworth Area Forum boundaries
- 4) Area Forum Constitution

Executive Member Decision:

- Not a key decision
- Not a key decision
- A key decision
- A key decision

5. The Executive Member through the Individual Decision [20th October] also made recommendations that

1. It is NOT recommended that the name of the Bermondsey One-Stop shop be changed but that it remain Bermondsey One-Stop shop.
2. It is NOT recommended that the Bermondsey West Area Forum be renamed.
3. It is NOT recommended to amend the boundaries of the 3 Area Forums in the Walworth Housing Area.
4. It is recommended to double the number of delegates and deputies from Area Forums to Tenant Council, with consideration being given to proportional representation along the lines of Leaseholder Council.

6. On 26 October 2004 in accordance with Scrutiny Procedure Rules [para 18] a request for call-in of this decision, made by Cllr Fiona Colley, and supported by Councillors Kim Humphreys [Chair], Barrie Hargrove and Andy Simmons, was received.

The reason given for the call-in request was as follows:

- (1) That the report to the Executive Member did not adequately convey the reasons for the recommendations of the Tenant Council;
- (2) That the second half of decision 1 is unclear as it is only recommended and not agreed
- (3) That the reason given for decision 2 ‘The Executive was determined that Area Forums should contain the distinct geographic location in their names’ is not supported by the minutes of the Executive meetings of 16 December 03, 13 April 04 or 4 May 04 when the implementation of the Area Forums was considered.
- (4) That the Tenant Council has not been consulted on the process proposed in decision 4 and that the possible consequences of this decision for the consultation system have not been properly considered.

7. Previous reports/minutes relating to this item are attached as follows, i.e.

Appendix A: Individual Executive Member Decision-Making Record of Decision [20th October 2004] Various recommendations received from Neighbourhood Forums on proposed amendments to the new Housing Area Forum and Tenant Council Constitutions.

Appendix B: Individual Executive Member Decision-Making Report from Strategic Director of Housing [October 2004] Various recommendations received from Neighbourhood Forums on proposed amendments to the new Housing Area Forum and Tenant Council Constitutions.

Appendix C: Call-in request

KEY ISSUES FOR CONSIDERATION

8. Requests for call-in should normally only be made if there is evidence that the Executive did not take a decision in accordance with the principles of decision making as set out in the Council's Constitution, i.e.:
 - (a) Proportionality (i.e. the action must be proportionate to the outcome);
 - (b) Due consultation and the taking of professional advice from Officers;
 - (c) Respect for human rights;
 - (d) Presumption in favour of openness;
 - (e) Clarity of aims and desired outcomes;
 - (f) The link between strategy and implementation must be maintained;
 - (g) Decision-making generally, whether by individual Officers, individual Executive Members or the Executive collectively, should have reference to the policy framework and be in accordance with the budget.
8. The Overview and Scrutiny Procedure Rules require the Committee to consider any call-in request and in particular whether or not the decision might be contrary to the policy framework or not wholly in accordance with the budget. Advice should be sought from appropriate Chief Officers including the Monitoring Officer and the Chief Finance Officer.
9. If, having considered the decision and all relevant advice, the Overview & Scrutiny Committee is still concerned about it, then it may either:

- Refer it back to the decision-making body *[or officer to whom responsibility for that decision was delegated]* for reconsideration, setting out in writing the nature of its concerns; or
 - Refer the matter to Council Assembly if the decision is deemed to be outside the policy and budget framework.
10. The Executive Member with relevant portfolio responsibilities has been advised of this meeting.

LEGAL & FINANCIAL IMPLICATIONS

11. Rule 18.6 of the Overview and Scrutiny Procedure Rules requires a call-in request to be signed by the Chair or Vice-Chair of the Overview and Scrutiny Committee plus three members of the Committee; the call-in request has been validly made in accordance with this rule. Rule 18.2 which sets out the circumstances in which call-in requests should normally be made is reflected in paragraph 5 of this report. The decision of the Executive is not contrary to the policy framework and accords with the budget.

BACKGROUND DOCUMENTS

Background Papers	Held at	Contact
Executive Agenda, Reports and Minutes	Constitutional Team Town Hall, Peckham Road, London SE5 8UB	Everton Roberts Tel: 0207 525 7221

AUDIT TRAIL

Lead Officer	Shelley Burke, Head of Overview & Scrutiny	
Report Author	Stephanie Dunstan, Scrutiny Project Manager	
Version	Final	
Dated	28 th October 2004	
Key Decision ?	Yes	
CONSULTATION WITH OTHER OFFICERS/DIRECTORATES/EXECUTIVE MEMBERS		
Officer Title	Comments Sought	Comments Included
Borough Solicitor & Secretary	No	-
Chief Finance Officer	No	-
Executive Member	No	-