

Item No: 1	Classification: OPEN	Date: 26 th APRIL 2004	Meeting Name: OVERVIEW & SCRUTINY COMMITTEE
Report Title:		Call-In: Executive Decision of 13 th April 2004, Item 9: Area Housing Forum Constitution and Changes to Tenant & Leaseholder Council Constitutions.	
Ward(s) or Group affected:		All Wards	
From:		Head of Corporate Strategy	

RECOMMENDATION

1. That the Committee considers a call-in request relating to the decision taken by the Executive on 13th April 2004 in respect of interim issues between introduction of area forums and area management structures.

BACKGROUND INFORMATION

2. On 16th December 2003 the Executive agreed proposals to establish twelve Area Forums. At this meeting the Executive also agreed that a separate Leathermarket Gardens area forum be supported.
3. On 13th April 2004 the Executive considered the constitutional arrangements necessary to effect its decision of 16th December 2003. It was proposed that a constitution for the new Area Forums based on that of the Neighbourhood Forums was adopted [requiring a simple name change from "Neighbourhood" to "Area"], in addition Members were asked to consider a formula to calculate the number of delegates from each new Area Forum to Leaseholder Council.
4. At this meeting the Executive agreed the Area Forum Constitution, amendments to both the Tenant Council and Leaseholder Council Constitutions, and the proportional formula for Leaseholder Council representation from the new Area Forums. In the light of concerns expressed at the overlap between dissolution of neighbourhood forums [NHF] and establishment of new Area Forums, the Executive recommended that NHFs be dissolved prior to constitution of Area Forums through June and July 2004.
5. On 15th April 2004 the Chair of Overview & Scrutiny Committee - Councillor Kim Humphreys - and three members of the Committee (Councillors John Friary, Barrie Hargrove and Andy Simmons) requested a call-in of this decision.

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

"Interim issues between introduction of area forums and area management structures"

6. The previous Executive report and Minute relating to this item are attached as follows, i.e.

Appendix A: Executive report [13th April 2004]: Area Housing Forum Constitution and Changes to Tenant & Leaseholder Council Constitutions;

Appendix B: Executive Minutes of 13th April 2004 meeting.

KEY ISSUES FOR CONSIDERATION

7. 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 Constitution:
 - (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	Ian Hughes, Head of Overview & Scrutiny	
Report Author	Lucas Lundgren, Scrutiny Project Manager	
Version	Final	
Dated	19 th April 2004	
Key Decision ?		
CONSULTATION WITH OTHER OFFICERS/DIRECTORATES/EXECUTIVE MEMBERS		
Officer Title	Comments Sought	Comments Included
Borough Solicitor & Secretary	No	-
Chief Finance Officer	No	-
Executive Member	No	-