

Item No: 1	Classification: OPEN	Date: 28 th January 2004	Meeting Name: OVERVIEW & SCRUTINY COMMITTEE
Report Title:		Call-In: Review of the Secure Tenancy Agreement	
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 January 2004 to approve the amendments to the existing tenancy agreement for secure tenants.

BACKGROUND INFORMATION

2. On 13th January 2004 the Executive considered item 22 & a supplemental report from the Strategic Director of Housing seeking approval to the review of the secure tenancy agreement. The Executive approved the recommendations contained in the report.
3. On 20th January 2004 the Chair of Overview & Scrutiny Committee, Councillor Kim Humphreys, and three members of the Committee (Councillors John Friary, Barrie Hargrove and Dora Dixon-Fyle) requested a call-in of this decision.

The reasons given for the call-in were as follows:

"Lack of consultation and legal advice, lack of consultation in Scrutiny, delay until further consultation and agreement ".

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

Appendix A: Executive report: Review of the Secure Tenancy Agreement:

Appendix B: Supplemental Executive report: Review of Secure Tenancy Agreement – Feedback from Tenants Council 12th January 2004 – (supplemental):

Appendix C: Executive minutes 13th January 2004:

Appendix D: Call-In request.

KEY ISSUES FOR CONSIDERATION

5. 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
6. 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.
7. 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.
8. The Members of the Executive with relevant portfolio responsibilities have been advised of this meeting.

LEGAL & FINANCIAL IMPLICATIONS

9. 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.