

Item No:	Classification: Open	Date: 4 th May 2004	Meeting Name: Executive
Report Title:		Call-In: Area Housing Forum Constitution and Changes to Tenant and Leaseholder Council Constitutions	
Ward(s) or Group affected:		All	
From:		Overview & Scrutiny Committee	

RECOMMENDATIONS

1. That the Executive immediately suspends the dissolution of Neighbourhood Forums and works with tenant representatives to achieve a smooth transition to Area Forums in September when the new Area Managers will be in place; and
2. That the Executive reviews the status of the recently dissolved Neighbourhood Forums in the light of 1 above.

BACKGROUND INFORMATION

3. On 16 December 2003 the Executive agreed proposals to establish twelve Area Forums.
4. On 13 April 2004 the Executive considered item 9 from the Strategic Director of Housing in respect of Area Housing Forum constitutions and changes to Tenant and Leaseholder Council Constitutions. The Executive agreed the following:
 - That the report be received;
 - That the proposed Area Housing Forum Constitution as set out in Appendix 1 of the consultation report be agreed;
 - That the amendments to the Tenant Council Constitution as set out in Appendix 2 of the consultation report be agreed;
 - That the amendments to the Leaseholder Council Constitution, as set out in Appendix 3 of the consultation report, and the proportional formula for membership for 2004/05, be agreed;
 - That it be noted that the majority of Forums received and noted the report but that some concerns had been expressed at the overlap between the dissolution of Neighbourhood Forums and the establishment of Area Forums. The Executive therefore recommends that the timescale set out in paragraphs 3 to 8 of the Neighbourhood Forum consultation report be amended to show that all Neighbourhood Forums be dissolved first and Area Forums be constituted thereafter throughout June and July to elect representatives onto the inaugural Tenant Council and Leaseholder Council meetings of the new Municipal Year; and

- That it be noted that job and section titles highlighted in bold italic in the constitutions are provisional and may be subject to change.
5. On 15 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 was as follows:
- “Interim issues between introduction of Area Forums and area management structures”.

KEY ISSUES FOR CONSIDERATION

6. The Overview & Scrutiny Committee considered the call-in request at their meeting on 26 April 2004. The Committee received deputations from Tenants Council, Southwark Group of Tenants Organisations (SGTO), Southwark Black & Ethnic Minority Tenants & Residents Organisation (SBMETRO) and from Taplow Neighbourhood Forum.
7. The key concern of the deputations was that consultation on proposed constitutions had been inadequate and had not provided sufficient opportunity for tenants’ and residents’ input, especially in respect of the number of delegates on Tenants Council. The deputations felt that the new area management structure should be in place before Neighbourhood Forums were dissolved and Area Forums established. The deputations also felt that the Executive decision in December did not enable any action to be taken to dissolve Neighbourhood Forums and that action taken by Officers to date was not legal and affected the current membership of Tenants Council. Taplow Neighbourhood Forum raised particular concerns about the impact of dissolving the Forum.
8. Members who had requested the call-in expressed concern at the lack of legal advice to the Committee with regard to the implications of the December Executive decision. They felt that the current structure needed to remain in place in order to allow proper consultation on the proposed changes.
9. The Head of Housing Management stated that the December decision to move to Area Forums empowered Officers to dissolve Neighbourhood Forums. The Executive in April responded to tenants’ concerns about the timetable and agreed that all Neighbourhood Forums be dissolved before Area Forums were established in June/July. Consultation on constitutions had been limited to minor changes in wording with the intention that Area Forums, once established, would have the opportunity to consider any further changes. In response to Members’ questions, the Strategic Director of Housing stated that Area Forums would receive support from appropriate senior housing managers until such time as Area Housing Managers were in post.

10. The Leader of the Council indicated that proposals for the new constitutions had been circulated to all Neighbourhood Forums and their comments had been reported back to the Executive. The new constitutions were based on those of the Neighbourhood Forums. He confirmed that the change to the timetable had been in response to tenants' concerns and that inaugural meetings of Area Forums should still be taking place in June/July. Area Forums would then be consulted on the housing management structure. He felt that the Executive had consulted tenants and residents throughout the process.
11. The Overview & Scrutiny Committee considered the above in reaching its decisions as set out at paragraphs 1 – 3. Overview & Scrutiny Procedure Rule 19.5 requires that decisions referred back to the decision making body be considered within seven clear days of the date on which the decision to refer back was taken.

COMMENTS FROM OTHER OFFICERS

Borough Solicitor & Secretary

12. Section 105 of the Housing Act 1985 requires the Council to "maintain appropriate arrangements" for consultation with secure tenants "on matters of housing management". The Neighbourhood Forums form part of these consultation arrangements.
13. The decision of Executive on 16 December 2003 authorised the dissolution of Neighbourhood Forums and the establishment of replacement Area Forums. This decision was not called in by OSC. Therefore the Council acted lawfully in dissolving Neighbourhood Forums.
14. Executive must now respond to the concerns expressed by OSC. If Executive wishes to accept the recommendations of OSC the following course of action is recommended:
 - The dissolution of Neighbourhood Forums be suspended.
 - All Neighbourhood Forums already dissolved be reconstituted with immediate effect and officers take the necessary action to effect this.
 - A new timetable be set for the dissolving of Neighbourhood Forums (including those reconstituted) and their replacement with Area Forums. This new timetable needs to ensure that there is a seamless transition from Neighbourhood Forums to Area Forums.

REASONS FOR URGENCY

15. The Overview & Scrutiny Committee procedure rules (19.5) require that the Executive reconsiders its decision within 7 clear working days. The next meeting of the Executive is not scheduled to meet until 18th May 2004 which will be outside the required time period for reconsideration of its decision.

REASONS FOR LATENESS

16. The Overview & Scrutiny Committee met on 26th April 2004 which was after the date of the agenda despatch.

Background Papers	Held At	Contact
Executive 16 December 2003 and 13 April 2004 – Agenda and Minutes	Town Hall, Peckham Road, London, SE5 8UB	Ian Millichap Constitutional Support 020 7525 7225
Overview & Scrutiny 26 April 2004 – Agenda and Minutes		Lucas Lundgren Scrutiny Team 020 7525 7224

APPENDIX

Audit Trail

Lead Officer	Shelley Burke, Head of Overview & Scrutiny	
Report Author	Peter Roberts, Scrutiny Team	
Version	Draft	
Dated	28 April 2004	
Key Decision?		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Chief Officer	No	No
Borough Solicitor & Secretary	Yes	Yes
Executive Member	No	No
Date final report sent to Constitutional Support Services	30.04.04	