

Item No: 1	Classification: Open	Date: January 8 2007	Meeting Name: Overview & Scrutiny Committee
Report Title:		Call-in: Strategic Management Arrangements (Executive December 12 2006)	
Ward(s) or Group affected:		All	
From:		Acting Borough Solicitor	

Comments of the Acting Borough Solicitor on the grounds of Call-in

"that these decisions...may be unconstitutional and may be outside the policy and budget framework. The post of Strategic Director of Housing is specified in the articles of the Council's Constitution and alterations of the Constitution are reserved to Council Assembly".

1. The Chief Executive is responsible for the deployment of resources including ensuring that appropriate interim arrangements were put in place following the departure of the Strategic Director of Housing and Head of Housing Management.
2. When the Chief Executive proposes a "major reorganisation" or "major reallocation of functions between Departments or Chief Officers" she is required to obtain the approval of the Executive under Part 3C of the Constitution (page 48). Council Assembly is not responsible for deciding whether to approve the Chief Executive's proposals.
3. Article 12 of the Constitution states that the Council will employ a Strategic Director of Housing. If the Executive chooses to delete this post or otherwise alter the Chief Officer structure, a consequential amendment to the Constitution will be required. Although the Council's housing strategy mentions a Strategic Director of Housing, a decision to delete this post does not affect the policy and budget framework; the housing strategy remains the same. The Executive is therefore responsible for deciding whether to delete the post and Council Assembly for then changing the Constitution to reflect Executive's decision. Before Council Assembly considers whether to approve a change to the Constitution, Article 15 (page 36) requires the proposal to be considered by Standards Committee. This Committee has now established the Constitutional Steering Group to consider proposed changes to the Constitution.
4. In order to comply with the above provisions of the Constitution, a meeting of the Council's Constitutional Steering Group is being convened to consider any changes to the Constitution that might be required following the Executive meeting on 16 January. Council Assembly will then consider whether to change the Constitution at its meeting on 24 January.

Members are also concerned that the consultation process agreed was insufficient to meet the Council's legal duties to consult with tenants and residents.

1. Section 105 of the Housing Act 1985 requires the Council to consult with tenants on "matters of housing management". The section applies to the management of housing accommodation and services to tenants and not to the management of staff.
2. The Chief Executive's proposals merely change line management arrangements of staff employed to deliver services to tenants. Section 105 does not require the Chief Executive to consult with tenants before altering internal reporting lines within the Council.

The Acting Borough Solicitor advises that the decisions made by the Executive on 12 December 2006 were lawful.