



## **OVERVIEW & SCRUTINY COMMITTEE**

MINUTES of the OPEN section of the call-in meeting of the OVERVIEW & SCRUTINY COMMITTEE held on MONDAY JANUARY 8 2007 at 7.00P.M. at the Town Hall, Peckham Road, London SE5 8UB

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**PRESENT:** Councillor Fiona Colley (Chair)  
Councillors John Friary, Barrie Hargrove, Adedokun Lasaki, Jonathan Mitchell (Reserve), Tim McNally, David Noakes, Lewis Robinson and Dominic Thorncroft

**CO-OPTED MEMBERS:** Ms Ann-Marie Eastwood

**ALSO PRESENT:** Dave Clark – Chair, Leaseholders' Council  
Cris Claridge – Chair, Southwark Group of Tenants' Organisations  
Andrew Eke - Southwark Group of Tenants' Organisations  
John McGrath - Southwark Group of Tenants' Organisations  
Al-Issa Munu - Southwark Group of Tenants' Organisations  
Councillor Nick Stanton – Leader of the Council  
Frank Tamplin - Southwark Group of Tenants' Organisations  
Lionel Wright – Tenants' Council

**OFFICER SUPPORT:** Chima Amiaka – Principal Policy Assistant  
Chris Bull – Strategic Director of Health & Community Services  
Shelley Burke – Head of Overview & Scrutiny  
Glen Egan – Acting Borough Solicitor  
Paul Evans – Strategic Director of Regeneration  
Stephanie Fleck – Legal Services  
Graeme Gordon – Head of Chief Executive's Office  
Robin Rogers – Policy Assistant  
Annie Shepperd – Chief Executive  
Peter Roberts – Scrutiny Project Manager

### **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Bob Skelly.

## **NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMED URGENT**

The Chair accepted the following items of business as urgent:

1. Call-in: Strategic Management Arrangements (Executive December 12 2006):
  - Comments of Acting Borough Solicitor
  - Minutes of Housing Scrutiny Sub-Committee November 15 2006

## **DISCLOSURE OF INTERESTS AND DISPENSATIONS**

Councillor Adedokun Lasaki declared a personal interest in Item 1 as a member of a Tenant Management Organisation.

### **1. CALL-IN: STRATEGIC MANAGEMENT ARRANGEMENTS (EXECUTIVE DECEMBER 12 2006)** (see pages 1 - 21)

- 1.1 Representatives from Tenants' Council, Leaseholders' Council and the Southwark Group of Tenants' Organisations (SGTO) addressed the committee on how the strategic management arrangements had been announced, their concerns about the arrangements, consultation that had taken place and what they would like to see happen. The representatives were unclear as to the cause of the changes and were of the view that there was no clarity or openness in the proposals. They believed that the proposals affected the future of the housing service and asked for further consultation to be undertaken.
- 1.2 The Chair of Leaseholders' Council was of the view that changes had been introduced without sufficient consultation. He was also of the view that the services provided to leaseholders were inadequate and that responsibility for service charges should be centralised within the home ownership unit. Leaseholders' Council was not satisfied that the officers proposed to be appointed had the required knowledge and experience to manage Southwark's housing stock. The Chair also queried whether an equal opportunities policy had been followed in terms of evaluation and testing against other candidates. In addition, he was concerned at the impact of new duties on the post-holders' existing portfolios of work. The Chair of Leaseholders' Council highlighted problems leaseholders had encountered in obtaining a breakdown of charges for the integrated cleaning contract as an example of difficulties already experienced with the Department of Environment & Leisure. Leaseholders' Council had no confidence in the proposed changes.
- 1.3 SGTO representatives believed that the vision document of 2004 had not been fully adhered to in respect of consultation and partnership on all issues relating to tenants and housing. They also queried whether the proposed changes could be agreed by the executive rather than being decided by council assembly.
- 1.4 The Tenants' Council representative expressed the opinion that the effect of the proposals would be that housing services were no longer integrated. He felt that there was no argument for this and that it resulted in not one but several directors having to be held to account. The impression created by this was that housing had lost its prime position within the council's priorities and was now to be only one on a list of miscellaneous services. It also brought into question the council's commitment to meeting the decent homes standards in-house.

- 1.5 The Tenants' Council representative argued that a broader consultation, perhaps including former and serving Councillors and former directors of Housing, could have enriched the proposals. He believed that it was still possible to extend consultation. He also questioned whether Section 105 of the Housing Act 1985 had been followed, with regard to consultation on matters of housing management. The Tenants' Council representative called for an immediate halt to the changes in order to allow full and open consultation with tenants and residents.
- 1.6 The Acting Borough Solicitor clarified that Section 105 of the Housing Act did not apply to the current proposals which related to internal line management arrangements and not any change or withdrawal of services. The tenants' and residents' representatives suggested that this interpretation was open to challenge. It was also suggested that consultation could be required under the Race Relations (Amendment) Act 2000. Some members of the committee were of the view that, irrespective of the lack of a statutory requirement, the extent of consultation was inadequate and that its style and content did not coincide with the council's commitment to consult with tenants and residents.
- 1.7 In response to questions from members of the committee the Acting Borough Solicitor explained that the Chief Executive had put forward proposals for the internal reorganisation of the housing functions. The executive had responsibility for such reorganisations and had deferred its consideration until January. Currently no posts had been deleted and if the executive were to decide to make the interim management arrangements permanent then, on the recommendation of the Constitutional Steering Group, Council Assembly would make the necessary formal changes to the constitution. The Committee asked for the ongoing process to be fully explored, including the role of the Steering Group and the Standards Committee, some members holding the opinion that the process to date was unclear and appeared to have changed over time.
- 1.8 Some members of the committee remained of the view that a decision in respect of the strategic management arrangements was outside the policy framework of the council and could not be taken by the executive. These members questioned whether the executive could take a decision which, as a consequence, would require Council Assembly to change the constitution. They believed that Council Assembly would be fettered in their consideration by the prior decision of the executive and were of the view that either the requirement on Council Assembly should be amended or Council Assembly should make its decision prior to the executive's consideration.
- 1.9 In contrast, other Members expressed the opinion that the Acting Borough Solicitor's advice refuted the grounds of the call-in in that the executive had not taken any decision as yet and was awaiting the results of consultation. The consultation was not determined by any statutory guidelines as Section 105 of the Housing Act did not apply. A view was also given that tenants and residents were concerned about the delivery of services and not about changes to the internal officer structure of the council. Some members commented that they had not been contacted by any constituents raising concerns about the proposals. They also stressed that the intention of the proposals was to improve services.

- 1.10 Members asked the tenants' and residents' representatives what they considered would be a reasonable length of time for consultation. The representatives initially commented that consultation could have begun as soon as the officers who retired put their notice in. In terms of enabling meetings of the various associations, forums and Tenants' and Leaseholders' Councils to take place, a period of around 4 months was usually sufficient. As tenants and residents were already aware of the current proposals it was possible that this period could be foreshortened. However, the representatives were of the view that the change had been presented as a fait accompli, i.e. not an interim arrangement, and that it was unlikely to be reversed. The representatives were unclear whether or not the housing department still existed.
- 1.11 The Chief Executive was asked to explain the thinking behind the consultation process that had been followed to date. The Chief Executive reiterated that there was no statutory requirement to consult on managerial changes. However, given the context of the proposals, she had taken the decision that it was reasonable to consult on them and include tenants' and residents' organisations in the consultation. The consultation had been launched and all relevant documents had been made available. A large number of responses had been received and these would be reported back to the executive in order to inform their final decision. It was clear from the responses that respondents had understood the proposals and had been able to give their views. The Chief Executive commented that tenants and leaseholders had been given greater access to consultation than the majority of the residents of the borough.
- 1.12 The Chair of SGTO stated that in the past the tenants' movement had undertaken extensive work on what constituted proper consultation. She felt that the consultation offered on the strategic management proposals did not match any agreed criteria. The proposals had a major impact on the housing department and on the council's management of housing within Southwark. The Chair of SGTO was of the view that the lack of adequate consultation on these important issues demonstrated a lack of respect to tenants and residents and threatened partnership working in the borough.
- 1.13 Some members of the committee continued to be of the opinion that the form of consultation was unsatisfactory in that it did not highlight the proposals or formally request views. They remained unconvinced that, although there was no statutory obligation, there would have been no benefit in consulting through the existing formal structures of tenants and leaseholders. The Chair of Leaseholders' Council emphasised that representatives of the organisations principally involved in negotiation and partnership with the council were present at this meeting and that none of these had been directly consulted in the usual way. Some members of the committee were of the view that the interim arrangements should remain in place for a period of time in order to allow more meaningful consultation with tenants' and residents' associations, Area Forums and Tenants' and Leaseholders' Councils.
- 1.14 The Acting Borough Solicitor repeated his advice that in this instance there was no requirement to consult. He gave his view that requiring the Chief Executive to consult when there was no statutory obligation to do so would have the effect of constraining the Chief Executive's ability to make managerial changes following the departure of council staff.

- 1.15 The committee debated whether or not the decision in respect of the strategic management arrangements should be referred back to the executive for further consideration. Councillor John Friary, seconded by Councillor Barrie Hargrove, moved that the interim arrangements remain in place and that the executive take no decision at its meeting on January 16 2007 but, instead, put the proposals out to consultation via the usual consultation arrangements. This recommendation was put to the vote and lost. No further proposal was put to the committee and, in view of this, the decision of the executive was able to take immediate effect.

The meeting concluded at 9:20 p.m.

**CHAIR:**

**DATED:**