

REPORT TO:	Scrutiny & Overview Committee 18 October 2022
SUBJECT:	ESTABLISHMENT OF A SCRUTINY SUB-COMMITTEE
LEAD OFFICER:	Simon Trevaskis Senior Democratic Services & Governance Officer - Scrutiny
PERSON LEADING AT SCRUTINY COMMITTEE MEETING:	Councillor Rowenna Davis Chair of the Scrutiny & Overview Committee
PUBLIC/EXEMPT:	Public

ORIGIN OF ITEM:	This report has been included on the agenda following prior agreement by the Scrutiny & Overview Committee that it wanted to explore the possibility of setting up a Homes Sub-Committee.
BRIEF FOR THE COMMITTEE:	<p>The Scrutiny & Overview Committee is asked to:</p> <ol style="list-style-type: none"> 1. Agree that the remit of the Streets, Environment & Homes Sub-Committee will be divided through the formation of a separate Homes Sub-Committee until the end of 2022-23 Council year. 2. Agree the terms of reference for both the Streets & Environment and the Homes Sub-Committees are agreed, as outlined in section 3 3. Agree to waive the requirement for the seats on the Sub-Committees to be allocated in line with the overall political balance of the Council. 4. Agree the appointments (including regular and reserve members and chairs and vice-chairs) to the Sub-Committees as set out at paragraph 4.10. 5. Agree the provisional work programme for Homes Sub-Committee, as outlined in section 5 6. Note that the existence of the Home Sub-Committee will be reviewed by the Scrutiny Chairs, in consultation with officers and other partners following the final sub-committee meeting of the Council year. 7. Note that Sub-Committee arrangements will revert to three sub-committees (Children & Young People, Health & Social Care and Streets, Environment & Homes) from the start of the 2023-24 council year, unless the Scrutiny & Overview Committee resolves otherwise.

1. EXECUTIVE SUMMARY

- 1.1. This report sets out for the consideration of the Scrutiny and Overview Committee a proposal to set up a fourth sub-committee with a remit to scrutinise homes and housing related items.

2. ESTABLISHMENT OF A SCRUTINY SUB-COMMITTEE

- 2.1. Following media reports of the housing conditions at Council owned properties on Regina Road leading to the Housing Improvement Plan in 2021, the work programme of the Streets, Environment & Homes Sub-Committee has predominantly focussed on housing issues at the expense of issues relating to its streets and environment brief. To ensure that there is sufficient room in the work programme for streets and environment related scrutiny and given housing is a key priority for the Council, it is proposed that a new Homes Sub-Committee sits alongside a reformatted Streets & Environment Sub-Committee.
- 2.2. As set out in paragraph 1.2 (iv) in Part 4E – Scrutiny and Overview Procedure Rules in the Council’s Constitution, the Scrutiny and Overview Committee is permitted to set up any sub-committees it considers appropriate. To do this the Committee must take a resolution determining terms of reference and membership including the appointment of a Chair and Vice-Chair. This report will set out both proposed terms of reference and memberships for the both the Streets & Environment and Homes Sub-Committees for the Committee’s approval.
- 2.3. Given that the new sub-committee will need to be delivered within existing resources, it is proposed that the Housing Sub-Committee will be set up for the remainder of 2022-23 council year. At which point the Scrutiny Chairs will review whether it is still needed and can be successfully managed within available resources.

3. Terms of Reference.

- 3.1. To facilitate setting up the Homes Sub-Committee, it is proposed that the homes remit will be removed from the terms of reference for the Streets, Environment & Homes Sub-Committee and used to create two new sub-committees. These will be known as the Streets & Environment Sub-Committee and the Homes Sub-Committee.
- 3.2. The proposed terms of reference for the two new sub-committees for the agreement of the Scrutiny & Overview Committee are: -

Streets & Environment Sub-Committee

1.To scrutinise:

- a. The built environment

- b. Planning policies
 - c. Public realm
 - d. Transport
 - e. Highways and streets
 - f. Green and clean
 - g. The environment, conservation, climate change and sustainability
2. To scrutinise Flood Risk Management and report findings direct to the Cabinet and/ or other partners.

Homes Sub-Committee

1. To scrutinise:
- a. Housing policies
 - b. Housing Needs
 - c. Housing Improvement Plan (led by the Housing Improvement Board)
 - d. Homelessness and Rough Sleeping
 - e. Temporary & Emergency Accommodation
 - f. Housing Associations in the borough
 - g. Social Housing, including responsive repairs and planned maintenance
 - h. Housing Revenue Account

4. Political Balance and the Appointment of Membership to the Scrutiny Sub-Committees

- 4.1 If the changes set out above are agreed, the Committee will need to constitute the sub-committees having regard to the rules on political balance. The rules on political balance and committees / sub-committees are set out in sections 15 to 17 of the Local Government and Housing Act 1989 (the 1989 Act) and supplemented by the Local Government (Committees and Political Groups) Regulations 1990.
- 4.2 The Committee is required to review the representation of different political groups on its sub-committee in specified circumstances. As soon as practicable after the review, the Committee then has a duty to determine the allocation to the different political groups all the seats on its sub-committee.

- 4.3 The allocation is determined by applying the political balance rules prescribed by section 15(5) of the 1989 Act. These rules are set out in the next paragraph and are designed to ensure that the political composition of the Council's committees and sub-committees, as far as possible, replicates the political composition of the Council.
- 4.4 The rules are that seats on relevant committees / sub-committees must be allocated to different political groups (i.e. a group of two or more members), so far as reasonably practicable, in accordance with the following four principles:
- (a) That not all the seats on the body are allocated to the same political group. In other words, committees/sub-committees comprising solely of members of the same political group are not allowed.
 - (b) That the majority of the seats on the body is allocated to a particular political group if the number of persons belonging to that group is a majority of the Council's membership. As no political group has an overall majority, this rule is not applicable.
 - (c) Subject to paragraphs (a) and (b) above, that each political group is allocated the same proportion of the total seats across all the *ordinary committees* of the Council as the proportion of the members of the Council that belong to that group. In other words, the total number of seats on certain committees have to be taken together and then allocated proportionately to each political group so far as is possible. This rule is not applicable to sub-committees.
 - (d) Subject to paragraphs (a) to (c) above, that each political group is allocated the same proportion of the seats on each relevant body as the proportion of the members of the Council that belong to that group.
- 4.5 Following the mayoral and local elections in May 2022 and the by-election on 30 June 2022, the two main political groups in the Council remain as the Labour Group and the Conservative Group. The Council also has two Green Party Members (who have constituted a political group) and one Liberal Democrat Member.
- 4.6 Following the sad passing of Councillor Quadir in September 2022, the total membership of the Council, including the Mayor, is 70 which means that, for the purposes of political balance calculations, the membership of the Council in percentage terms breakdowns as follows:

Political Group/ Ungrouped Member	Members	Percentage
Conservative	33	47.1%
Labour	34	48.6%

Green	2	2.9%
Liberal Democratic	1	1.4%

4.7. Paragraph 1.3 of the Scrutiny and Overview Procedure Rules in the Council's Constitution states –

'Any Sub-Committees of the Scrutiny and Overview Committee shall comprise of a minimum of 7 Members, appointed in accordance with the overall political balance of the Council.'

4.8. Clearly, as the Conservative and Labour groups have almost equality of Members on the Council, with no political group having overall control, it is not possible to achieve proportionality or fairness without an even number of seats on each new Scrutiny Sub-Committee. This would require there to be a membership of eight councillors (four Conservative and four Labour) on the two new respective Sub-Committees.

4.9. However, given the makeup of the Council now includes representatives from the Green Party and the Liberal Democrats, to increase the range of voices on Scrutiny the two main groups have agreed informally to waive the requirement in this instance for seats to be allocated in line with the overall political balance of the Council. For the political balance requirement to be waived it requires that no Member of the Committee vote against the proposals. If a Member does vote against the proposals, then the allocation of Sub-Committee seats will revert back to the political balance allocation outlined above.

4.10. Following consultation with the Conservative and Labour groups, and in accordance with their wishes, the Committee is recommended to appoint the following Members and reserves, including appointing Chairs and Vice-Chairs, to the Streets & Environment and Homes Sub-Committees:

Streets & Environment Sub-Committee Membership	Homes Sub-Committee Membership
<ol style="list-style-type: none"> 1. Cllr Ria Patel (C) - Green 2. Cllr Amy Foster (VC) – Lab 3. Cllr Adele Benson – Cons 4. Cllr Simon Brew – Cons 5. Cllr Christopher Herman – Lab 6. Cllr Mohammed Islam – Lab 7. Cllr Luke Shortland – Cons 	<ol style="list-style-type: none"> 1. Cllr Leila Ben Hassell (C) - Lab 2. Cllr Joseph Lee (VC) – Cons 3. Cllr Kola Agboola – Lab 4. Cllr Adele Benson – Cons 5. Cllr Claire Bonham – Lib Dem 6. Cllr Danielle Denton – Cons 7. Cllr Ellily Ponnuthurai – Lab
Reserves <ol style="list-style-type: none"> 1. Cllr Samir Dwesar – Cons 2. Cllr Sean Fitzsimons – Lab 3. Cllr Simon Fox – Cons 	Reserves <ol style="list-style-type: none"> 1. Cllr Sue Bennet – Cons 2. Cllr Richard Chatterjee – Cons 3. Cllr Amy Foster – Lab

4. Cllr Eunice O'Dame – Lab	4. Cllr Humayan Kabir – Lab
5. Cllr Ellily Ponnuthurai – Lab	5. Cllr Tamar Nwafor – Lab
6. Cllr Nikhil Sherine Thampi – Con	6. Cllr Nikhil Sherine Thampi – Cons
7. Cllr Esther Sutton - Green	

5. Work Programme for Homes Sub-Committee

- 5.7. Set out below for the approval of the Scrutiny & Overview Committee is the proposed work programme for the new Homes Sub-Committee. It has been agreed that the Sub-Committee will have a maximum of three meetings before the end of the Council year and will be primarily based around the pre-decision scrutiny of housing related items due to be considered by the Cabinet.
- 5.8. As there is an existing Housing Improvement Board set up to scrutinise the delivery of the Housing Improvement Plan, it will be important to ensure the new Home Sub-Committee does not replicate the work of the Board. The work programme will be kept under review to ensure that the Sub-Committee does not replicate the activity of the Board.
- 5.9. The proposed work programme is:-

Meeting Date	Items for consideration
2 November 2022	Regina Road Pre-decision scrutiny of a Cabinet report Housing Improvement Update Pre-decision scrutiny of a Cabinet report
5 December 2022	Homelessness & Rough Sleeping Strategy 2022-24 Pre-decision scrutiny of a Cabinet report Homes for Ukraine An update is requested on the Homes for Ukraine, to allow the Sub-Committee to evaluate the progress made to date.
6 February 2023	HRA Business Plan & Rent Setting Pre-decision scrutiny of a Cabinet report Emergency Accommodation/Temporary Accommodation report Pre-decision scrutiny of a Cabinet report

- 5.10. Please note that the dates proposed in the above work programme are indicative and are subject to final confirmation.

6. Future Arrangements

- 6.7. As set out above, the Committee is being asked to agree new arrangements for its sub-committees. These changes are proposed to be implemented on a trial basis until the end of the 2022-23 council year and will be reviewed following the last meeting of the Homes Sub-Committee in February 2023. This review will be led by the Scrutiny Chairs and will present its findings to the final meeting of the Scrutiny & Overview Committee in 2022-23 council year on 28 March 2023.
- 6.8. The review will include consultation with council officers and other relevant partners and provide an assessment of whether a separate Homes Sub-Committee should continue. The review should take account of the potential resource implications of delivering a fourth permanent sub-committee.
- 6.9. Should the review conclude that there is further need for an additional Homes Sub-Committee, this would need to be decided by resolution by the Scrutiny & Overview Committee. If no resolution is made, the scrutiny arrangements will revert to having three sub-committees, including the Streets, Environment & Homes Sub-Committee, from the time of the Annual Council meeting.

CONTACT OFFICER: Simon Trevaskis – Senior Democratic Services & Governance Officer – Scrutiny

simon.trevaskis@croydon.gov.uk

APPENDICES TO THIS REPORT

None

BACKGROUND DOCUMENTS: None