

# Overview and Scrutiny

**How the Council's Executive is  
called to account**

Extracted from the Constitution of the  
London Borough of Havering



INVESTOR IN PEOPLE



**Havering**  
LONDON BOROUGH

# **Overview and Scrutiny: How the Council's Executive is called to account**

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## **1. Relationship between the Executive and Overview and Scrutiny**

**Under the Executive model of decision making, the strength and certainty of decisions being made by specifically empowered individual Members is mirrored by robust scrutiny of those decisions and by reporting on matters of concern, with recommendations for the development of policy and practice.**

The context within which the Executive operates is set by the Council's Executive Procedure Rules which form part of the Constitution, as follows:

### **EXECUTIVE PROCEDURE RULES**

#### **1. Rules**

This records the rules made by the Leader governing meetings of the Cabinet and the discharge of Executive functions by himself, the Cabinet and Cabinet Members. It should be noted that Executive decisions may also be delegated elsewhere e.g. to officers.

#### **2. Role**

The Executive will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

#### **3. Form and Composition**

The Executive will take the form of a Cabinet consisting of the Executive Leader together with at least 2, but not more than 9 Councillors appointed to the Cabinet by the Leader.

#### **4. Meetings of the Cabinet**

- (a) Meetings of the Cabinet shall be held on such dates and at such times and venues as the Leader shall decide.
- (b) The Proper Officer will summon all Members of the Cabinet to meetings by sending an agenda and accompanying papers to each Cabinet Member and by publishing the Agenda in accordance with any statutory requirements.
- (c) The meeting or part of a meeting must be held in public where the Leader, reasonably believes that one of the following circumstances apply:
  - (i) A decision made will be a key decision; or
  - (ii) A matter that is included in the Forward Plan or is the subject of a notice given under Regulation 15 (exception to inclusion on the forward plan) is likely to be discussed; and

- (iii) The decision on the matter is likely to be made within 28 days; and
- (iv) An officer who is not a political assistant will be present at the discussion

## **5. Portfolios and responsibility of functions**

The Members of the Cabinet shall have the portfolios designated by the Leader. The Leader will maintain a list and notify this list to the Proper Officer setting out what individual members of the Cabinet, committees of the Cabinet, officers or joint arrangements are responsible for the exercise of particular Executive functions.

## **6. The agenda for Cabinet meetings**

The agenda for each meeting of the Cabinet will comprise:

- (a) The minutes of the previous meeting for approval and signing
- (b) Declarations of interest, if any
- (c) An item referred for consideration by Cabinet as the result of an overview and scrutiny committee upholding the requisition of an Executive Decision by Cabinet or by and individual Cabinet Member, or a key decision by an officer.
- (d) An item placed on the agenda by the Proper Officer where the full Council have resolved that an item be considered by the Cabinet at its next available meeting.
- (e) An item placed on the agenda by the Proper Officer within two months of a relevant overview and scrutiny committee referring an item for consideration by the Cabinet.
- (f) An item that the Leader or any other member of the Cabinet has required the Proper Officer to place on the agenda of the next available meeting for consideration.
- (g) An item placed on the agenda of the next available meeting of the Cabinet by the Proper Officer at the request of a Champion. That Champion shall be invited to attend the meeting and shall be allowed to speak to it.
- (h) Any item that the Leader has agreed at the request of any member of the Council will be considered at the next available meeting of the Cabinet. The notice of the meeting will give the name of the member who asked for the item to be considered. This member will be invited to attend the meeting and will be allowed to speak. However, there may only be up to two such items per Cabinet meeting.

## **7. Quorum**

The quorum for a meeting of the Cabinet is three Members.

## 8. **Chairing**

If the Leader or Deputy Leader is not present or able to preside, the Cabinet shall elect another Member to preside for that meeting or item.

## 9. **Attendance and speaking**

- (a) All members of the Council may attend meetings of the Cabinet.
- (b) Without prejudice to the powers of the person presiding at the meeting to control debate as chairman, the following rights of address apply:
  - (i) Members of the Cabinet are entitled to speak at any meeting on any matter.
  - (ii) Any Group Leader who is not a member of the Cabinet (or a member nominated by him) may speak on any item before the Cabinet.
  - (iii) Champions in accordance with Rule 14(b) below
  - (iv) Any other member may speak only with the consent of the person presiding.
- (c) For the avoidance of doubt and in the interests of orderly debate, the person presiding has discretion to limit the amount of time, and the number of times, that any member may speak on a particular item.
- (d) The person presiding at the meeting has discretion to permit one or more members of the public to address the Cabinet on a matter on the Agenda provided he is satisfied that to do so will assist the Cabinet in coming to a decision on that matter. In giving such permission, the Chairman may attach such conditions as he thinks fit.

## 10. **Conduct of Meeting**

- (a) The person presiding at the meeting shall have power to exercise the powers conferred on the Mayor in relation to the conduct of meetings of the Council. In any conflict between these rules and those of Council these rules shall prevail.
- (b) The person presiding may vary the order of the agenda where it is necessary to do so for the proper conduct of the business of the meeting. Where the person presiding is of the opinion that there is insufficient information available to the Cabinet to enable a proper decision to be reached, consideration of the report in question may be deferred to a future meeting.

## 11. **Private meetings of the Cabinet**

Cabinet meetings will be held in public save where there would otherwise be a disclosure of confidential or exempt information within the meaning of the Local Government Act 1972 as amended.

12. **Consultation**

All reports to the Cabinet from any member of the Cabinet or a member of staff on proposals relating to the budget framework and the policy framework must contain details of the nature and extent of consultation with stakeholders and relevant overview and scrutiny committees, and the outcome of that consultation, if any. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

13. **Conflicts of interest**

- (a) Where the Leader has a conflict of interest this should be dealt with as set out in the Members' Code of Conduct set out in Part 5 of this constitution.
- (b) If every member of the Cabinet has a conflict of interest this should be dealt with as set out in the Members' Code of Conduct.
- (c) If the exercise of an Executive function has been delegated to an individual member or a member of staff, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made.

14. **Key decisions**

- (a) A key decision is an Executive decision which is likely
  - (i) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates and for this purpose "significant" is defined as

**Revenue Expenditure/Savings**

- (i) over £500,000 or in excess of 10% of the gross controllable composite budget at Head of Service/ Assistant Chief Executive level
- (ii) the 10% calculation will exclude a de minimis level of £250,000 and therefore no decision under £250,000 will be a key decision
- (iii) a single revenue virement in excess of £500,000

**Capital Expenditure**

- (i) a capital scheme in excess of £500,000 expenditure
- (ii) a single virement in excess of £500,000, or
- (ii) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority

In determining the meaning of “significant”, regard must be had to any guidance issued by the Secretary of State.

- (b) A decision maker may make a key decision only in accordance with the requirements of the Access to Information Procedure Rules set out in Part 4 of this constitution.
- (c) A key decision is recorded and published on the Council’s website and is published to members by way of a weekly Calendar Brief

**15. Forward Plan**

The Leader must instruct the Proper Officer to publish a document stating the following:

- (a) That key decisions are to be made on behalf of the local authority;
- (b) That a “Forward Plan” containing particulars of the matters in respect of which those decisions are to be made will be prepared monthly by the authority;
- (c) That a Forward Plan will contain details of the key decisions likely to be made by the authority for the four month period following publication of the forward plan;
- (d) That each current Forward Plan may be inspected at all reasonable hours and free of charge at the local authority’s offices;
- (e) That each Forward Plan contains a list of the documents submitted to the decision makers for consideration in relation to the matters in respect of which decisions are to be made;
- (f) The address from which copies of listed documents are available;
- (g) That other relevant documents may be submitted to the decision-makers’
- (h) The procedure for requesting details of any such documents as they become available.
- (i) The dates in each month in the following 12 months on which each Forward Plan will be published and available at the authority’s offices.
- (j) The document must be published in at least one local newspaper annually between 14 and 21 days before the first Forward Plan of that year comes into effect.

**16. Recording of Executive decisions made by individuals**

- (a) As soon as reasonably practicable after an individual Executive decision has been made, the Proper Officer shall produce a written statement in respect of that decision which includes:
  - (i) A record of that decision;
  - (ii) A record of the reasons for that decision;

- (iii) Details of any alternative options considered and rejected at the time;
  - (iv) A record of any conflict of interest or of any dispensation granted
- (b) After a private meeting or a public meeting of a decision making body at which an Executive decision has been made, after an individual member has made an Executive decision or after an officer has made a key decision, the Proper Officer shall ensure that:
- (i) Any records prepared in connection with; and
  - (ii) Any report considered

shall be available for inspection by members of the public, as soon as is reasonably practicable, at the offices of the authority.

#### 17. **Executive decision-making processes**

- (a) Key decisions may be taken only if due notice has been given of them in the Forward Plan unless the procedure for taking decisions without due notice has been followed.
- (b) Key decisions may be taken by Cabinet, by individual members of Cabinet or Chairmen of area committees or by officers acting in accordance with powers delegated generally or for specific purposes.
- (c) Executive decisions that are not key decisions may be taken by officers as well as by Cabinet, individual Cabinet members or area committee chairmen, in accordance with powers delegated generally or for specific purposes.
- (d) A list of all Executive decisions (whether or not key decisions) taken by members and of key decisions taken by officers in the preceding week will normally be published in the weekly Calendar Brief but where circumstances so require a supplementary Calendar Brief may be issued at any time.
- (e) No key decision shall be acted upon until either the deadline for submission of a requisition has passed without one being submitted, or any requisition submitted has been disposed of, unless the urgency provisions under Rule 18 of the Overview and Scrutiny Procedure Rules apply.
- (f) Where an Cabinet Member or Officer receives a report, which they intend to take into consideration when making the key decisions, they must not make that decision until the report has been available for public inspection for at least five clear days.
- (g) The Cabinet Member or Officer must ensure that the Proper Officer makes the report (and a list and copies of Background Papers) available for public inspection as soon as reasonably practicable after the Cabinet Member or Officer receives it.

- (h) Where a report has been submitted to a Cabinet Member or Officer with a view to it being considered when a key decision is made, the person submitting the report must, as soon as reasonably practicable, supply a copy to the Chairman of every relevant Overview and Scrutiny Committee.

**18. Action where a key decision has not been shown on the Forward Plan**

- (a) A key decision that has not been shown on the Forward Plan shall be made only in exceptional circumstances.
- (b) Such a key decision shall be made only if the Chairman of the relevant overview & scrutiny committee signifies in writing that he is satisfied on the report of the member or officer responsible for making the decision that
  - (i) it was reasonable in all the circumstances for notice of need for the decision not to appear in the Forward Plan
  - (ii) there is urgency for the decision to be made that justifies its being dealt with immediately rather than awaiting processing in the normal way
  - (iii) there are no grounds for supposing that the decision would be likely to be called in if processed in the normal way
- (c) Where the Chairman so signifies, the decision may be made forthwith and implemented without delay, and shall not be liable to be called in under the procedure provided for in paragraph 17 of the Overview & Scrutiny Procedure Rules in Part 4 of the Constitution.

**The principal check and counterpoint to the decisions taken by Cabinet is the function of the Council's Overview and Scrutiny Committees. This role, together with some additional powers granted to Overview and Scrutiny, is considered in the remainder of this booklet.**

## **2. What is Overview and Scrutiny?**

Havering operates a Leader and Cabinet system of decision-making, with a Leader of the Council and up to nine Members in a Cabinet exercising executive authority. Overview and Scrutiny is an essential function: monitoring the work of the Leader and Cabinet and providing a route through which the non-executive Members can scrutinise the work of the decision makers and hold them to account.

A key task of overview and scrutiny, as an independent mechanism within the Council, is to assist in the development of policy through the examination of specific issues ("topics") and review of the implementation and effects of previous decisions ("continuous improvement"), to monitor performance and to draw attention to issues of concern to the public. In this way, scrutiny drives

improvement, sets high standards for the delivery of services and crucially responds to the needs of the borough through maintaining a constant dialogue with residents.

This booklet has been produced as a guide specifically for Councillors but available to others to the current procedures through which Scrutiny is undertaken in Havering.

The statutory requirement for Overview and Scrutiny was introduced by the Local Government Act 2000. The function is designed to 'assert and protect the public interest by holding decision makers and policy makers to account' (Executive Director of the Centre for Public Scrutiny, quoted in *'The Good Scrutiny Guide'* published by CfPS May 2006). This role has now been strengthened by the Local Government and Public Involvement in Health Act 2007, extending the scope of Scrutiny to partnership working, and clarifying the links between the Executive and Overview and Scrutiny. Additional legislation has given further specific powers to the Crime and Disorder and Health Overview and Scrutiny Committees and these areas are referred to later.

Effective Overview and Scrutiny should provide constructive input to the decision making processes of local government and to joint decision making with partners. As such it is a valuable and necessary check and balance to the Executive function. The Executive Director of CfPS notes 'The non-executive function is acknowledged as a critical factor in well run organisations'.

### **3. Overview and Scrutiny Committee Procedure Rules**

***The following extract from the Council's Constitution details the rules of procedure that apply to Overview and Scrutiny Committees.***

#### **1 Membership**

All councillors (except members of the Cabinet) may be members of one or more Overview & Scrutiny Committees (OSCs). However, no member may be involved in scrutinising a decision in which he or she has been directly involved.

For the avoidance of doubt, no Member of an Area Committee exercising delegated executive authority shall be regarded as an executive Member unless they are a Member of the Cabinet.

#### **2 General role of OSCs**

Within their individual terms of reference, OSCs may:

- (a) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions or those of a partner authority (as defined for the purposes of the Local

Government and Public Involvement in Health Act 2007) where relevant to the terms of reference of that OSC

- (b) make reports and/or recommendations to the full Council and/or the Cabinet and/or any policy, joint or area committee and/or to any partner authority in connection with the discharge of any functions

In doing so the OSCs may record the views of members on that committee who are not members of the largest political group on the Council

- (c) consider any matter affecting the area or its inhabitants
- (d) exercise the right to call-in for consideration, decisions made but not yet implemented by the Cabinet
- (e) from time to time review previous decisions of Cabinet or of the committee in relation to strategic policy issues as part of the Continuous Improvement process.
- (f) Consider matters referred to them by individual Members using the Councillor Call for Action process (see paragraph 9 following).

### 3 **Specific functions of OSCs**

#### (a) **Policy development and review**

OSCs may:

- (i) assist in the development of the budget and policy framework by in-depth analysis of policy issues
- (ii) conduct research, community and other consultation in the analysis of policy issues and possible options
- (iii) encourage and enhance community participation in the development of policy options
- (iv) inquire of:
  - members of the Cabinet, the Chief Executive, Group Directors, Assistant Chief Executive, Assistant Directors and Heads of Service (who may involve other staff as appropriate)
  - appropriate members and/or staff of partner authorities about their views on issues and proposals affecting the area
- (v) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

#### (b) **Scrutiny**

OSCs may:

- (i) review and scrutinise the decisions made by and performance of the Cabinet and/or council staff both in relation to individual decisions and over time. In reviewing decisions made by and the performance of council staff, it is expected that members will direct initial inquiries to the Chief Executive, Group Directors, Assistant Chief Executive, Assistant Directors and appropriate Heads of Service
- (ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas
- (iii) inquire of members of the Cabinet and/or the Chief Executive, Group Directors, Assistant Chief Executive, Assistant Directors and Heads of Service about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects
- (iv) inquire of relevant partner authorities (as defined in the Local Government & Public Involvement in Health Act 2007) about their decisions and performance in relation to matters:
  - falling within the scope of the National Health Service Act 2006 and any re-enactment thereof
  - relating to the Local Area Agreement
- (v) make recommendations to the Cabinet, Council and/or partner authorities arising from the outcome of the scrutiny process
- (vi) review and scrutinise the performance of partner authorities and other public bodies in the area and invite reports from them by requesting them to address the OSC and local people about their activities and performance
- (vii) question and gather evidence from any other person (with their consent)
- (viii) Establish Topic Groups

The topic group must report back to the OSC which established it immediately after their first meeting with the group's suggested, detailed terms of reference for confirmation. The Committee is entitled to alter the terms of reference if it sees fit and to ask non-Members of the Committee to join the topic group. There is no requirement for topic groups to accord to the political balance rules or routinely be open to the public or non-Members of the topic group.

- (ix) Establish Groups, to be known as "CCA Groups", in response to Councillor Calls for Action pursuant to the Local Government & Public Involvement in Health Act 2007

(c) **Work programme**

The OSCs will be responsible for setting their own work programme.

(d) **Annual report**

OSCs must report annually to full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

4 **Co-opted members**

Subject to paragraphs 5 and 6 following, each OSC or sub-committee shall be entitled to recommend to Council the appointment of people as non-voting members (as defined in section 13 of the Local Government and Housing Act 1989).

5 **Co-opted members and teacher representatives on Children's Services OSC**

(a) The Children's Services OSC (**Informative: this is the statutory "Education" OSC**) must include in its membership the following co-opted members:

- (i) one Church of England diocese representative
- (ii) one Roman Catholic diocese representative
- (iii) three parent governor representatives (elected by all governors in each of the three sectors of education)

Each of these appointees has statutory rights to attend and vote at meetings of the OSC at which education matters are discussed.

(b) The Children's Services OSC may also invite local teacher unions and professional association representatives to nominate, in each municipal year, two non-voting teacher representatives (one primary sector representative and one secondary sector representative).

6 **Co-opted members on the Crime & Disorder Committee**

The Crime & Disorder Committee may co-opt members in accordance with the provisions of Regulation 3 of the Crime and Disorder (Overview and Scrutiny) Regulations 2009 and decide whether they should have voting rights.

7 **Meetings of the committees**

There shall be at least four ordinary meetings of each OSC in each year. In addition, extraordinary meetings may be called from time to time as and when appropriate. An OSC meeting may be called by the Chairman of the relevant OSC, by half the whole number of members of the committee or by the proper officer if he or she considers it necessary or appropriate.

## 8 **Quorum**

The quorum for an OSC shall be as set out for committees in rule 4 of the Committee Procedure Rules in Part 4 of this constitution.

Co-opted Members – whether or not having voting rights – shall be taken into account when calculating the quorum of a Committee.

## 9 **Councillor Calls for Action**

- (a) Any member –
  - (i) of an OSC may refer to that Committee any matter which is relevant to the functions of that Committee; and
  - (ii) of the Council may refer to an OSC any local government matter which is relevant to the functions of that Committee.
- (b) Any member of the Council who is not a member of the Crime & Disorder Committee may refer any local crime and disorder matter to that Committee.

The proper officer shall include any matter referred in accordance with either (a) or (b) above in the agenda for a meeting of the relevant Committee and the Chairman shall ensure that it is discussed at that meeting.

## 10 **Policy review and development**

- (a) The role of the OSCs in relation to the development of the Council's budget and policy framework is set out in detail in the Policy Framework Procedure Rules set out in Part 4 of this constitution.
- (b) In relation to the development of the Council's approach to other matters not forming part of its policy framework or budget framework, OSCs may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference.
- (c) OSCs may hold inquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration.

## 11 **Reports to Council and Cabinet**

- (a) Once it has formed recommendations on proposals for development, the OSC will prepare a formal report and submit it to the proper officer for consideration by the Council or by the Cabinet as appropriate.
- (b) If an OSC cannot agree on one single final report to the Council or Cabinet as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council or Cabinet with the majority report.

- (c) As soon as possible after the OSC has prepared the report, the proper officer shall serve a copy of it upon the relevant Cabinet Member.
- (d) The Council or Cabinet must consider the report of the OSC within two months of it being submitted to the proper officer.
- (e) Reports of OSCs referred to the Cabinet shall be considered by the Cabinet within two months of the meeting of the OSC at which its report and recommendations are agreed.

**12 Reports to partner authorities**

Where an OSC's report relates to a local improvement target which—

- (a) relates to a relevant partner authority, and
- (b) is specified in a local area agreement of the authority

that Committee shall comply with the relevant statutory requirements.

**13 Rights of OSC members to documents**

- (a) In addition to their rights as councillors, members of OSCs have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this constitution.
- (b) Nothing in this rule prevents more detailed liaison between the Cabinet and OSC as appropriate depending on the particular matter under consideration.

**14 Members and staff giving account**

- (a) Any OSC or sub-committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any individual Cabinet member, the Chief Executive, a Group Director and/or Assistant Chief Executive, Assistant Director and Head of Service (who may involve other staff as appropriate) to attend before it to explain, in relation to matters within their remit:
  - (i) any particular decision or series of decisions
  - (ii) the extent to which the actions taken implement Council policy, and/or
  - (iii) their performance

and it is the duty of those persons to attend if so required.

- (b) Where any member or member of staff is required to attend an OSC under this provision, the Chairman of that committee will inform the proper officer. The proper officer shall inform the member or member of staff in writing giving at least seven working days' notice of the meeting at which they are required to attend. The notice will state the nature of the item on which they are required to attend to give account and whether any papers are required to be produced for the

committee. Where the account to be given to the committee will require the production of a report, then the member or member of staff concerned will be given sufficient notice to allow for preparation of that documentation.

- (c) Where, in exceptional circumstances, the member or member of staff is unable to attend on the required date, then the OSC shall in consultation with the member or member of staff arrange an alternative date for attendance to take place within a maximum of ten days from the date of the original request.

#### 15 **Attendance by Cabinet Members**

- (a) A member of the Cabinet may attend any meeting of an OSC. Subject to (b) below, where a matter before the committee relates to an issue within the portfolio of that Cabinet member, he or she may address the committee about it unless to do so would breach any provision of the Members' Code of Conduct or any rule of law.
- (b) Where a decision of the Cabinet or of a Cabinet Member has been called in pursuant to rule 18 following, the relevant Cabinet Member or Members may attend the meeting at which the requisition is considered in order to explain the reasons for the decision and to respond to the decision, notwithstanding that the Cabinet Member has a prejudicial interest (which must be declared at the outset of the meeting). The Cabinet Member must, however, leave the meeting before the committee deliberates upon the matter and reaches a decision.

#### 16 **Attendance by others**

An OSC may invite people other than those people referred to in paragraphs 14 and 15 above to address it, discuss issues of local concern and/or answer questions, such as residents, stakeholders and members and staff in other parts of the public sector.

#### 17 **Call-in (“requisition”) procedure**

- (a) All decisions of Cabinet and individual Cabinet members, and all key decisions taken by staff or area committees, will be notified weekly to all members, who shall be entitled to requisition that decision. Notification will be by the weekly Calendar Brief (or, where necessary, by supplementary Calendar Brief) to all members, indicating the latest date for submission of a requisition.
- (b) If the Chief Executive is notified of a requisition of a decision shown on that notification within three working days of the publication in Calendar Brief (or any supplementary Calendar Brief) of a decision, then that decision shall not be acted upon but shall be submitted to the next OSC meeting, or one convened for the purpose, for determination.

- (c) At a meeting due to consider a requisition submitted under (b) above, the OSC may resolve to initiate either of the specific call-in procedures set out in rule 5 of the Policy Framework Procedure Rules or in rule 5 of the Budget Framework Procedure Rules.
- (d) Any requisition submitted under (b) above must be in writing and must be signed by:
  - (i) at least two members representing between them more than one group (and may include one or two members who are not attached to a group), or
  - (ii) at least one co-opted member and one member.

The requisition must state the grounds for the requisition.

- (e) Where a requisition relates to a matter falling within the purview of more than one OSC, it shall be referred to a joint meeting of both or all of those committees. A separate decision to uphold or not to uphold that requisition shall be taken by each of the participating committees. If any of the Committees decides to uphold the requisition, then the matter shall be referred back to the Council or Cabinet as appropriate.
- (f) In the remainder of this paragraph the term “committee” includes two or more committees meeting jointly as well as individual committees.
- (g) The committee may uphold a requisition in its entirety or in part, or may decline to uphold a requisition (in which case the original decision shall stand and be able to be implemented forthwith).
- (h) Following the consideration of the matter by the committee, if the requisition submitted under (b) above is upheld, the matter shall be referred to either
  - (i) The Council where the committee considers the matter is contrary or not wholly in accordance with the policy or budgetary framework, or otherwise
  - (ii) The Cabinet
- (i) The report of the committee submitted to the Council or Cabinet shall incorporate the committee’s views on the requisition and any recommendations it wishes to put forward as to how the requisitioned decision should be reviewed or altered in order to address the points in the requisition that have been upheld.
- (j) The Committee’s views may be articulated by an officer’s report, by a minute of the Committee or by a summary of the minute.
- (k) A requisition under (b) above shall be determined at the committee meeting by simple majority. In the case of joint meetings, each Committee shall vote separately.
- (l) The members calling in the decision may indicate at the time of submitting any requisition that it is “holding” requisition, to permit informal discussion with the relevant Cabinet member or the Chairman

of the relevant Committee, as the case may be, as to the merits of the decision. Time shall be of the essence when dealing with “holding” requisitions. A “holding requisition” shall be treated as withdrawn if, eight clear days having passed from the publication of the decision, both members have not confirmed by notice in writing to the Chief Executive that the requisition should be subject to the full requisition procedure provided for in the preceding paragraphs.

- (m) Any requisition may be withdrawn by the requisitioners at any time prior to it being disposed of.
- (n) For the avoidance of doubt, “notice given in writing” for the purpose of this Rule includes notice given by a requisitioner by fax or by email from an address or number recognised as associated with the member sending it, and shall be regarded as validly signed by both members if either an identical fax or email is received from both of them or one clearly associates him or herself with a submission by the other, and different members may use different methods of giving such notices.

#### 18 **Exception to the call-in (“requisition”) procedure**

- (a) The call-in procedure set out above shall not apply where a decision being taken by Cabinet or an individual Cabinet member, or a key decision made by a member of staff or an area committee, is urgent. A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council’s or the public interests. The record of the decision and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in.
- (b) The decision making person or body can only take an urgent decision under (a) above and avoid the call-in procedures after obtaining agreement from the Chairman of the relevant OSC or OSCs that the decision be treated as urgent.
- (c) In the absence of the Chairman, the Vice Chairman, or if neither is able to act, then the Mayor, or in his/her absence the Deputy Mayor, may give the agreement in (b) above.
- (d) Any agreement obtained under (b) or (c) above shall be evidenced in writing.
- (e) The Leader of the Council will submit quarterly reports to Council on decisions taken by himself, Cabinet or individual Cabinet members, or key decisions made by a member of staff or area committees, pursuant to this rule in the preceding three months. The report will include the number of decisions taken and a summary of the matters in respect of which those decisions were taken.
- (f) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council by the proper officer with proposals for review if necessary.

## 19 **The Party Whip**

There shall be no Party Whip at a meeting of an OSC. "The Party Whip" is understood to mean "any instruction given by or on behalf of a political group to any Councillor who is a member of that group as to how that Councillor shall speak or vote before a OSC, or the application or threat to apply any sanctions by the group in respect of that Councillor should they speak or vote in any particular manner"

## 20 **Procedure at OSC meetings**

- (a) OSCs and any sub-committees shall consider the following business:
  - (i) minutes of the last meeting
  - (ii) declarations of interest
  - (iii) consideration of any matter referred to the committee for a decision in relation to call in of a decision
  - (iv) responses of the Leader or Executive to reports of the OSC
  - (v) the business otherwise set out on the agenda for the meeting.
- (b) Where the OSC conducts investigations (for example, with a view to policy development), the committee shall observe the following principles:
  - (i) that the investigation be conducted fairly and all members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak
  - (ii) that those assisting the committee by giving evidence be treated with respect and courtesy
  - (iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- (c) Following any investigation or review, the committee shall prepare a report for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public.

## 21 **Restriction on appointment to Housing OSC**

No member who has been appointed by the Council to the board of Homes in Havering shall be appointed to the overview & scrutiny committee responsible for scrutiny of the Council's housing management functions.

## **4. Committee Chairman's Job Description**

***Shown below is the job description for the role of Chairman of an Overview and Scrutiny Committee as agreed on behalf of the Council.***

### **Role**

1. To provide leadership of & direction to their particular Committee

2. To ensure that adequate resources (financial & officer support) are identified and sought from the Council
3. To chair Committee meetings and ensure the Committee achieves its terms of reference

### **Duties and responsibilities**

1. To ensure that Committee members lead on developing an effective work programme
  2. To encourage Committee members to obtain necessary skills to carry out the scrutiny role and to work with officers to provide training if necessary
  3. To endeavour to engage all members of the Committee within the scrutiny process
  4. To lead the Committee in prioritising its work so as to ensure effective scrutiny
1. To co-ordinate work with other scrutiny Committees & Chairmen and to share learning
  2. To develop a constructive relationship with the Executive, especially with relevant portfolio holders
  3. To develop a constructive relationship with the Executive Directors/Heads of Service in the areas that the Committee scrutinises
  4. To find a suitable substitute and to brief them on the meeting due to be attended, on occasions when personal attendance is not possible and where substitutes are permissible.

### **Skills Required**

1. Good communication and interpersonal skills
2. Leadership and chairmanship skills
3. Project and time management skills
4. Ability to influence and work constructively with members, officers, the public and outside organisations
5. Ability to work as part of a team

Note: The above duties and responsibilities are in addition to the member's role as a Councillor (See separate job profile)

### **5. Legislation**

The Council's Overview and Scrutiny Committee's each have legal powers based on the Local Government Act 2000 (separate legislation applies to the Crime & Disorder and Health Overview and Scrutiny Committees and these are considered further below). A short extract from the **Local Government Act 2000** is shown below, detailing the powers of Overview and Scrutiny Committees:

(2) *Executive arrangements by a local authority must ensure that their overview and scrutiny committee has power (or their overview and scrutiny committees have power between them)—*

- (a) *to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive,*
- (b) *to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are the responsibility of the executive,*
- (c) *to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive,*
- (d) *to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are not the responsibility of the executive,*
- (e) *to make reports or recommendations to the authority or the executive on matters which affect the authority's area or the inhabitants of that area.*

Thus the Overview and Scrutiny Committees have the power to request reports or information from officers whose areas of responsibility fall under the Committee's remit. The Committees also have the power to compel relevant (usually senior) officers to appear before them to answer questions etc.

The **Local Government and Public Involvement in Health Act 2007** conferred further powers on Overview and Scrutiny Committees, in particular the power to request reports or information from partners organisations involved in the Local Area Agreement (a borough-wide agreement of objectives for progress in Havering, involving all relevant stakeholders). Partner organisations and their relevant overview and scrutiny committee(s) are:

<b>Partner</b>	<b>Relevant OSC(s)</b>
(a) the London Fire and Rescue Authority;	Crime & Disorder; Environment
(b) the Metropolitan Police Authority;	Crime & Disorder; Environment; Corporate
(c) the Metropolitan Police;	Crime & Disorder; Environment
(d) the East London Waste Authority;	Environment; Corporate
(e) Transport for London;	Crime & Disorder; Environment; Adult Services
(f) the Havering Primary Care Trust (NHS London);	Crime & Disorder; Health; Children's Services; Adult Services

(g) the London Development Authority;	Environment; Culture & Regeneration
(h) the local probation board;	Crime & Disorder; Children's Services; Adult Services
(i) the Havering Youth Offending Team;	Crime & Disorder; Children's Services
(j) the Barking, Havering and Redbridge Hospitals National Health Service Trust;	Health; Crime & Disorder
(k) the London Ambulance Service National Health Service Trust;	Health; Crime & Disorder
(l) the North East London NHS Foundation Trust.	Health; Crime & Disorder
(m) the Arts Council of England;	Culture & Regeneration
(n) the English Sports Council;	Culture & Regeneration; Children's Services
(o) the Environment Authority;	Environment;
(p) the Health and Safety Executive;	Crime & Disorder; Corporate
(q) the Historic Buildings and Monuments Commission;	Environment; Culture & Regeneration
(r) the Learning and Skills Council for England;	Culture & Regeneration; Children's Services; Adult Services
(s) the Museums, Libraries and Archives Council;	Culture & Regeneration
(t) Natural England;	Culture & Regeneration
(u) the Secretary of State, but only in relation to—	
(i) his functions under section 2 of the Employment and Training Act 1973 (c. 60) (arrangements with respect to obtaining etc employment or employees);	Adult Services; Culture & Regeneration
(ii) functions which he has as highway authority by virtue of section 1 of the Highways Act 1980 (c. 66); and	Environment
(iii) functions which he has as traffic authority by virtue of section 121A of the Road Traffic Regulation Act 1984 (c. 27).	Environment

## **6. Statutory Scrutiny Officer**

Recent legislation, the **Local Democracy, Economic Development and Construction Act 2009**, which came in to force on 1 April 2010, has required local authorities to designate a statutory Scrutiny Officer to champion and promote the role of Overview and Scrutiny. The following extract from the legislation details the specific responsibilities of this role:

*(a) to promote the role of the authority's overview and scrutiny committee or committees;*

*(b) to provide support to the authority's overview and scrutiny committee or committees and the members of that committee or those committees;*

*(c) to provide support and guidance to—*

*(i) members of the authority,*

*(ii) members of the executive of the authority, and*

*(iii) officers of the authority,*

*in relation to the functions of the authority's overview and scrutiny committee or committees.*

In Havering, the statutory Scrutiny Officer is Philip Heady, Democratic Services Manager.

## **7. Crime and Disorder Committee**

Havering voluntarily set up its Crime and Disorder Committee in 2006 but Section 20(3) and 20(4) of the Police and Justice Act 2006, which came into force on 30 April 2009, put the Committee onto a statutory footing. The powers conferred on the Crime and Disorder Committee are:

- The power to co-opt additional members to serve on the committee;
- the authority to request information, relevant to its functions, from the responsible bodies and this information must be provided no later than the date indicated in the request;
- to require the attendance of an officer or employee of a responsible body in order to answer questions or otherwise provide information;
- to make a recommendation to a responsible body to which a response in writing shall be given in one month.

In addition to the Council, “responsible bodies” for these purposes are defined as follows:

London Fire and Emergency Planning Authority

Metropolitan Police

Metropolitan Police Authority

NHS Havering

The Probation Service

The role of the Crime and Disorder Committee is to scrutinise specifically the activities of the borough's Crime and Disorder Partnership. It does not have power to scrutinise day to day police operations, nor the individual crime and disorder functions of the Council or of any of the responsible bodies. Close co-operation has been established with the police and the other responsible authorities.

## **8. Health Overview and Scrutiny Committee**

The Health Overview and Scrutiny Committee is charged with scrutinising the quality of health services supplied to Havering residents. This is a statutory power granted under the **Local Government Act 2000 and the NHS Act 2006**.

The Committee has a number of powers under the legislation to enable it to carry out its role. Health officers are required to appear before it to answer questions and also supply any written information the Committee may require. This applies to all suppliers of health services to Havering residents but principally to the following organisations:

**Barking, Havering and Redbridge Hospitals' NHS Trust (BHRUT)** – Provide services at Queen's Hospital, as well as at King George Hospital in Ilford.

**NHS Havering (also known as "Havering PCT")** – Responsible for services from all Havering General Practitioners, NHS Dentists, St. George's Hospital Hornchurch and other community-based services such as public health and smoking cessation advice.

**North East London NHS Foundation Trust (NELFT)** – Provide community-based mental health services for residents of Havering (as well as Barking & Dagenham, Redbridge and Waltham Forest) as well as in-patient facilities at Goodmayes Hospital.

The Committee must also be consulted (by law) on any substantial variations to existing health services that may be proposed by the Health Trusts.

A number of issues relating to health services cut across borough borders and affect a wider geographical area than Havering alone. As such, there is a standing Joint Health Overview and Scrutiny Committee covering the four Outer North East London boroughs of Barking & Dagenham, Havering, Redbridge and Waltham Forest, with input from Essex County Council. Three members of Havering's Health Overview and Scrutiny Committee are also members of this Joint Committee. The Joint Committee has recently concluded a scrutiny of the Health for North East London proposals for changes to health services in this region and copies of the Committee's report can be supplied on request.

Other issues such as changes to stroke or trauma services apply on a pan-London basis and there is also a pan-London Committee, comprising of representatives of all London boroughs that meets on an ad hoc basis when such consultations on pan-London services changes are announced. The Chairman of Havering's Health Overview and Scrutiny Committee usually also represents the Committee at these pan-London meetings.

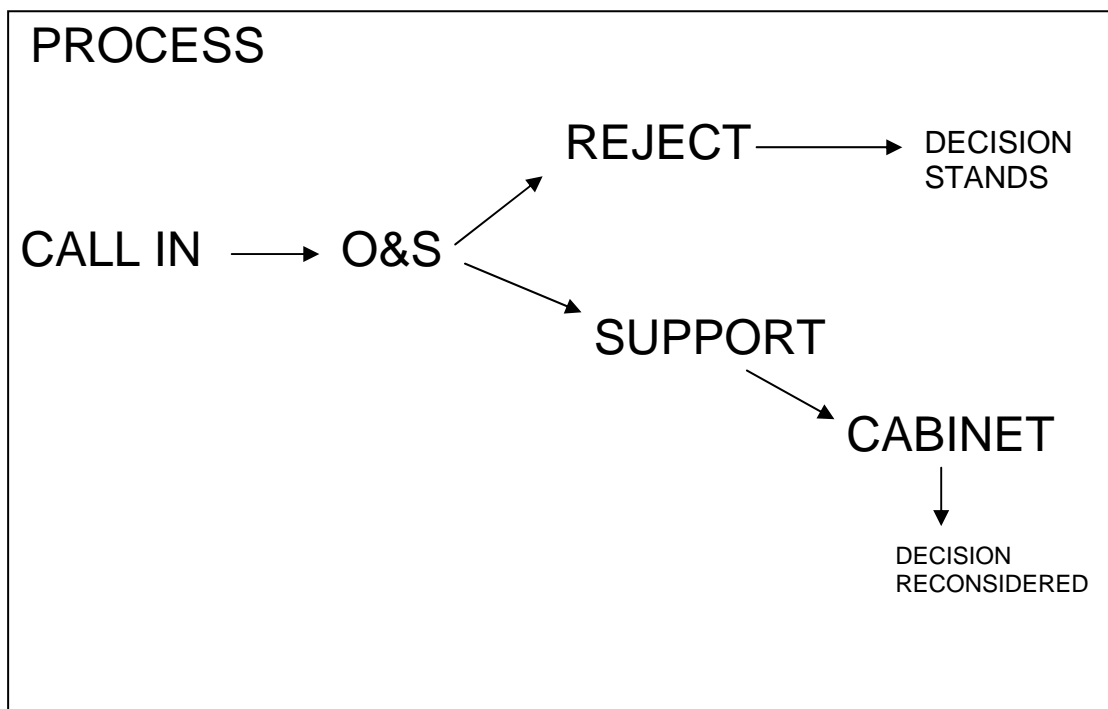
## **9. Calling in decisions**

An important feature of the legislation relating to Executive decision-making is the ability of Members of Overview and Scrutiny Committees to call-in key decisions made by or on behalf of the Executive before they are implemented.

There is a short time after a decision is made during which it may be called in. Once a decision has been made, it is published in the weekly Calendar Brief publication (usually on a Friday). The decision cannot be acted on until three working days have passed since it was published: during that time, the decision can be requisitioned by any two non-Executive Members (including for Education matters, the statutory co-opted Overview & Scrutiny Committee Members), provided they are from two different Groups (or are co-opted Members).

If a decision is requisitioned, it cannot be acted upon until either the requisition has been withdrawn, or the relevant Overview and Scrutiny Committee has considered the decision and has either:

- rejected the requisition; or
- upheld it, in which event the decision must be referred to Cabinet for re-consideration: Cabinet may decide to re-affirm the decision (in which event it can then be implemented) or come to a different decision in place of the original (which itself can then be called-in).



## **10. Councillor Call for Action**

Legislation has also provided powers for all Members when dealing with specific problems regarding the delivery of council services. The **Councillor Call for Action (CCA)** allows any member to bring a matter of concern to overview and scrutiny.

This empowers councillors when acting on behalf of their constituents. The CCA is a tool at a Councillor's disposal if, having first encountered a problem with a Council-run service and then made unsuccessful attempts to resolve it, an overview and scrutiny committee (OSC) feels that the matter warrants a review.

There are a number of caveats to this power; in the first instance any issue brought to the attention of scrutiny in this way cannot be "broad brush" or non-specific. Secondly, the power does not cover planning or licensing issues, nor does it cover matters relating to services provided by the NHS or Crime and Disorder issues, for which separate arrangements, outlined above, apply.

In practice, the CCA works in the following way:

- a Councillor is notified of a problem;
- the Councillor then makes attempts to resolve this problem through correspondence with the relevant officers responsible at the Council, this is referred to as "the informal stage";
- the informal stage is not prescriptive, but may include face to face meetings with the local people concerned, site visits and correspondence with officers higher up in the council's management structure should satisfactory resolution not be obtained in the previous stage;
- if, after the informal stage, a resolution is still not achieved then the Councillor fills in the CCA referral form and the issue is placed on the agenda of the relevant OSC;
- the Councillor is welcome to attend the OSC meeting and explain in further detail the reason for the referral and the OSC will then make a decision on whether or not it wishes to pursue the issue further;
- if the OSC **does not** opt to pursue the CCA then it must give reasons for its decision, but the matter can be taken no further;
- if the OSC **does** opt to pursue the CCA then the member may be invited to participate in subsequent meetings or topic-group sessions.

Councillor Call for Action is an important tool for any Member, whether Executive or non-executive, which allows them to act as empowered representatives for their constituents. However, CCAs will not be considered if

they are seen to be vexatious or referring to individual cases where those in question have access to other appeal or complaints procedures.

This power has the potential to enable Councillors to become community champions; though this relies on transparent decision-making, a willingness to accept mistakes and a broader acceptance of the scrutiny process.

## **11. Sources of Further Information**

The Centre for Public Scrutiny exists to support the role of scrutiny throughout public life, including in Local Government. The centre's website – [www.cfps.org.uk](http://www.cfps.org.uk) – contains a great deal of information and publications relating to scrutiny and how it is carried out in practice.

London Councils hosts and facilitates a network of scrutiny Members and officers from all London boroughs, meeting quarterly to discuss issues of concern. There is normally one Member and one officer attending from Havering. Further details including dates of future meetings can be found on this link:

<http://www.londoncouncils.gov.uk/committees/retrieve.htm?comid=47>

## **12. Topic Groups**

Each Overview and Scrutiny Committee has the discretion to set up one or more topic groups to undertake more in-depth scrutiny of a particular area. Topic groups may vary in length from a few weeks to up to a year depending on their depth and complexity. Topic groups can use a variety of methods including desk-top research, interviews with Council officers, meetings with external witnesses and site visits as appropriate. Each topic group will be principally supported by the Committee Officer for that Committee with input from the relevant head of service. Topic groups conclude with production of a report, including recommendations which, if agreed by the parent Overview and Scrutiny Committee, are then presented to Cabinet for its consideration.

An example of a recent, completed topic group report follows:

**SUBJECT: REPORT OF THE HOUSING OVERVIEW AND SCRUTINY COMMITTEE – DOWNSIZING PROPERTY TOPIC GROUP**

**SUMMARY**

This report contains the findings and recommendations that have emerged after the Topic Group scrutinised the topic selected by the Committee in June 2009.

The environmental, equalities & social inclusion, financial, legal and HR implications and risks are addressed within the topic group's report.

**RECOMMENDATION**

That Members:

1. Note the report of the Downsizing Property Topic Group (attached).
2. Decide whether to refer the recommendations of the Topic Group to Cabinet.

**REPORT DETAIL**

At its meeting on 23 June 2009, the Housing Overview and Scrutiny Committee agreed to set up a topic group to examine the Council's strategy to encourage council tenants to downsize to a smaller property.

Attached is the topic group's report. The report includes details of the research that the group undertook in reaching the recommendations set out.

Several of the topic group's recommendations were formulated at the very end of the review process. While these have been considered and, where appropriate, commented on by officers as part of the report preparation process, the Housing Needs and Strategy Manager has asked that the following comments be considered by the Committee during its discussion of this report.

*Recommendation 7 - That, where a person has agreed to move and that property does not meet the Decent Homes standard, the Council agree to bring it to such a level within a specified period of time.*

*(A) With the Government's moratorium on Decent Homes funding for Havering, this would be a difficult commitment for the Council to make.*

*(B) Notwithstanding the pressure on capital funding, the “pepperpotting” of resources that this commitment would require could compromise the value-for-money of the Decent Homes programme - notably, it is more cost-effective to carry out windows, roof improvements and the like en masse within an area, rather than specific works to properties dotted around the borough.*

*Of course, these considerations themselves do not negate the merit of this recommendation, but I just wanted to point out that the accompanying financial implications would need to bring these points to Cabinet's attention so I wanted to raise them with the Topic Group first.*

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Designation: Principal Committee Officer

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**CHERYL COPPELL**  
Chief Executive

**Background Papers List**

None

**REPORT OF THE HOUSING OVERVIEW AND SCRUTINY COMMITTEE –  
DOWNSIZING PROPERTY TOPIC GROUP**

**1. BACKGROUND**

- 1.1 At its meeting on 23 June 2009, the Committee established a Topic Group to review the under occupation of council housing in Havering and the benefits of encouraging tenants to downsize to a smaller property. The group consisted of all members of the Housing Overview and Scrutiny Committee – Councillors Lesley Kelly, Sandra Binion, Barbara Matthews, Ray Morgon, Barry Oddy and Keith Wells as well as Councillor Dennis Bull. The review was chaired by Councillor Kelly.
- 1.2 The Topic Group met on four occasions, concluding its deliberations on 17 December 2009. During the course of the review, the topic group received a presentation from officers of the London Borough of Camden on how tenants in that borough were encouraged to downsize property.

**2. THE SCOPE OF THE REVIEW (Agreed by Committee, 29 September 2009)**

- To review the existing Council procedures to assist downsizing of Council properties and how these could be improved or expanded.
- To ascertain how data is gathered on under-occupying tenants in the Borough.

- To consider the ways in which under-occupiers are encouraged to move to smaller properties.
- To look at best practice elsewhere in encouraging or assisting downsizing of properties.

### **3. FINDINGS**

3.1 The current situation in Havering – Housing officers informed the group that numbers on the housing register waiting for a home, had risen, in the last five years, from 2,500 to in excess of 9,000. This meant that an increasing emphasis was being placed on identifying under occupying households i.e. those with a larger property than they needed, and encouraging them to downsize. The Council runs a Downsizing Incentive Scheme to encourage this by offering a cash incentive to tenants to move to a smaller property as well as providing further financial support for home improvements and moving costs. Between its launch in March 2009 and December 2009, 14 Havering households had been helped under the scheme and it was hoped to increase this in the future. The review then looked at ways to encourage tenants to downsize and measures by which such moves could actually be facilitated.

#### **Encouragement of tenants to downsize properties**

3.2 Identification of Potential Downsizing Tenants – The group found that although some of the required information did exist on the Housing ANITE database, it had not been collated in such a way to specifically measure the potential demand for downsizing of properties. Although there was some joint working between the Council’s Housing and Council Tax departments, the group felt that this should be increased and strengthened in order that potential under-occupiers could be more accurately located and approached. Members heard that a further strategy adopted in Camden was to identify tenants with long-standing (in excess of 15 years) tenancies and contact these residents to see if they wished to now move to a smaller property.

3.3 Downsizing Publicity – The topic group noted with interest the publicity techniques employed by Camden to raise the profile of downsizing and the benefits that could accrue from this. This included the production of a DVD, viewed by the topic group, which listed possible reasons for downsizing as well as detailing the experiences of a downsizing resident and of a family moving into a larger home. Members felt that any publicity or marketing campaign should be carefully managed in order to avoid a rush of applicants for downsizing. Perhaps a useful first step would be to place an article on downsizing in Homes in Havering’s “At the Heart” magazine.

3.4 Downsizing Events – Members were advised that Camden had arranged a downsizing week in September 2009 which included a series of consultation events held on estates which, with larger properties, were likely to contain a significant proportion of residents who may be interested in downsizing. Partners and stakeholders such as NHS

Camden and housing associations who worked with the Council were also present at the events and distributed information. The group felt that such events could be extremely effective and that consideration should be given to organising a Downsizing Day or similar in Havering.

### **Providing more opportunities to move to the right-sized accommodation**

- 3.5 Conversion of Larger Properties - The group discussed that there were Council properties, particularly in areas such as Harold Hill, that had very large bedrooms that could be converted into additional smaller bedrooms, hence increasing the stock of sought after properties with larger numbers of bedrooms. It was pointed out that any new bedrooms would still have to meet minimum size requirements but this could be done in certain circumstances. A further suggestion from the topic group was that any such conversion work could be carried out while the property was at void stage in order to save time.
- 3.6 Decent Homes Standard - The condition of properties for downsizing was also a concern of the group and it was felt that all properties involved in a downsizing move should be at the Decent Homes Standard.
- 3.7 Use of Mutual Exchange to Assist Downsizing – The existing Havering Downsizing Incentive Scheme did not include a mutual exchange facility. The topic group felt this could be a good way of facilitating downsizing and indeed of freeing up larger properties for families with children. It was noted that ground floor flats that were favoured by downsizing residents were often occupied by people with specific needs who may not wish to exchange for a larger property. It was agreed however that there may also be families occupying smaller accommodation of this type who may well wish to participate in an exchange. The topic group felt that mutual exchange should be more heavily promoted as a means of encouraging downsizing.
- 3.8 Use of Redundant Garage Sites - The topic group was made aware during discussions with officers of the Council's strategy on the use of redundant garage sites and felt strongly that consideration should be given to building bungalows on these sites. This would improve the supply of smaller properties and hence encourage downsizing and the associated increase in availability of larger properties for families.
- 3.9 Joint Offers to Families - The officers from Camden explained that a common scenario was where adult children were living with parents and this could prevent the parents moving to a smaller property. In Camden, a joint offer could be made to both the parents (to downsize to a smaller property) and to the children (to move to accommodation of their own). Joint offers of this type were not routinely made in Havering, unless for example a person in the family had a disability. The topic group felt that Havering should have a specific policy on joint offers to parents and

children. Perhaps children in this situation could be given Band B priority in order that they could move to a one bedroom flat.

#### **4. RECOMMENDATIONS**

##### **Encouragement of tenants to downsize properties**

- 1. That the Housing Service work more closely with Council Tax officers in order that tenants who are claiming single occupancy discount and may be interested in downsizing can be more clearly identified, subject to Data Protection requirements.**
- 2. That the Council put in place a plan, with timeframes, to bring its database up to date with details of all persons living in a property.**
- 3. That contact be made with Havering residents with longstanding Council tenancies in order to ascertain if they would be interested in downsizing.**
- 4. That increased publicity be given to the benefits of downsizing, initially by the use of Homes in Havering's "At the Heart" magazine.**
- 5. That the Housing Service organise a downsizing day or event to supply information to people interested in downsizing. All potential housing providers should be invited to attend such as sheltered housing companies, Registered Social Landlords and Private Sector Leasing organisations.**

##### **Providing more opportunities to move to the right-sized accommodation**

- 6. That, where appropriate, consideration be given to the conversion of properties by splitting larger bedrooms into two smaller bedrooms. This work to be done while the property is at void stage if possible.**
- 7. That, where a person has agreed to move and that property does not meet the Decent Homes standard, the Council agree to bring it to such a level within a specified period of time.**
- 8. That the mutual exchange system be promoted to residents as a means of encouraging downsizing.**
- 9. That the relevant Cabinet Members consider the policy of building bungalows on redundant garage sites in Havering.**
- 10. That a specific policy be developed on joint offers to parents and children to allow parents to downsize their property.**

#### **5. ACKNOWLEDGEMENTS**

The topic group would like to express its thanks to the officers who assisted their review. In particular to Jonathan Geall, Acting Head of Housing, and to Martin Pereira, Senior Strategy Officer. Members also wish to thank Louise Murphy, Pathways for All Service Manager and Sally Caldwell, Enhanced Housing Options Manager at London Borough of Camden for their input into the review.

**The following comments are submitted by members of staff:**

**Financial Implications and risks:**

Concerning recommendation 7 of this report, the Council is under considerable pressure to deliver the Decent Homes programme for residents as a result of the financial constraints placed upon it by the withdrawal of the Decent Homes funding by the Government. The Council at present is delivering an agreed programme of capital expenditure and any deviation could compromise the delivery of that programme for residents and any value for money savings.

The remaining recommendations in this report are not financially significant.

**Legal Implications and risks:**

Legal advice will be given at the appropriate time should there be any proposed amendments to approved Council housing policy.

**Human Resources Implications and risks:**

There are no implications specific to this review.

**Equalities and Social Inclusion Implications and risks:**

There are no implications specific to this review.

**Background Papers List**

Notes of downsizing property topic group meetings:

6 July 2009

5 August 2009

4 November 2009

17 December 2009

