

	Council 19th November 2014	Agenda Item No. 8
Title	Response to Council Motion	
For further information about this report please contact	Clare Sawdon – Chair of the Council Telephone: 01926 485035 Email: clare.sawdon@warwickdc.gov.uk	
Wards of the District directly affected	All	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number	25 th June 2014 - Minute Number 14	
Background Papers	None	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	No
Equality Impact Assessment Undertaken	No

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	10/11/14	Bill Hunt
Head of Service	10/11/14	Andy Thompson
CMT		
Section 151 Officer	10/11/14	Mike Snow
Monitoring Officer	10/11/14	Graham Leach
Finance	10/11/14	Mark Smith
Portfolio Holder(s)	10/11/14	Councillor Norman Vincett
Consultation & Community Engagement		
<p>The Constitution Working Party has met twice to consider the motion put forward and to agree proposals to be put to Council.</p>		
Final Decision?	No	
Suggested next steps (if not final decision please set out below)		
If approved there will be a further report to the Executive in November.		

1. Summary

- 1.1 This report is in response to the resolution passed in June 2014 (minute 14 refers) requesting that the Chairman of the Council brings forward proposals for Members to consider to amend the constitution to enable the introduction, at the earliest possible opportunity, of a new Housing Committee. The full motion is at Appendix A.
- 1.2 A Working Group was established, its membership comprising the Leaders of the Council's four political groups and the Chairman of the Council, Councillor Mrs. Sawdon, to consider the practicalities of the resolution.
- 1.3 This report sets out the Working Group's considerations and recommendations.

2 Recommendations

- 2.1 That a Housing Advisory Group is established.
- 2.2 That authority is delegated to the Head of Housing & Property Services in consultation with the existing Working Group to finalise details of the proposed working arrangements for the Housing Advisory Group and bring a report to the February 2015 Executive.
- 2.3 That the Interim Housing and Property Board is dissolved, and its remit is absorbed within the new Housing Advisory Group.

3 Reasons for the Recommendation

- 3.1 During the debate on the Motion presented to Council on 25th June 2014, concern was expressed that there may be a lack of opportunities for active engagement by Members in the development and delivery of the Council's housing and housing related services.
- 3.2 The Working Group, established after that meeting and chaired by the Chairman of the Council, has explored the options open to the Council to address this, including the formal proposal made at the meeting to establish a Housing Committee.
- 3.3 To address the concerns around engagement and involvement, it is recommended by the Working Group that a Housing Advisory Group is established with a remit to consider and advise on policy and practice relating to the way the Council discharges its housing duties and responsibilities. Such an approach would not involve any constitutional changes as the Housing Advisory Group would not have formal decision making powers.
- 3.4 The proposed Housing Advisory Group would be chaired by the Housing & Property Services Portfolio Holder, who would present a report from the Housing Advisory Group, when a decision is required of the Executive. This means that the Scrutiny Committees will be able to call in items that either committee may wish to consider, allowing for wider consultation, communication and engagement. The Working Group considers that this proposal is the best means of ensuring meaningful and effective engagement between officers and members in respect of the housing service.
- 3.5 Subject to approval of recommendation 2.1, the new Housing Advisory Group will need clear Terms of Reference detailing, for example, its membership,

frequency of meetings and reporting mechanisms. Development of these would be delegated to the Head of Housing & Property Services working in consultation with the existing Working Group to finalise details of the proposed working arrangements for the Housing Advisory Group and bring a report to the February 2015 Executive

- 3.6 The Housing Advisory Group will then be formed with a view to becoming operational in March 2015.
- 3.7 The Interim Housing & Property Board (IHPB) was set up following the implementation of Self Financing. The raison d'être of the IHPB is set out at Appendix B.
- 3.8 The IHPB is chaired by the Portfolio Holder for Housing & Property Services and membership is comprised of: Portfolio Holder for Finance, the Shadow Portfolio Holders for Housing & Property Services, a Tenants Panel Representative, Head of Housing & Property Services, Housing Strategy and Development Manager and the Housing Revenue Account Principal Accountant.
- 3.9 The Working Group considers that the IHPB is too narrowly focussed on financial matters. It also considers that the membership of the IHPB is not wide enough to facilitate effective engagement and involvement of Councillors with the Housing & Property Service. The Working Group also feels that there are no links from this group to the wider Member body.
- 3.10 The Working Group view is that the Housing Advisory Group should absorb the functions of the IHPB that are still relevant so that the Housing Advisory Group is all encompassing. Such an approach will also avoid the risk of any organisational confusion that may arise from having two advisory bodies and the duplication and inefficiency that would be created by the servicing of two separate governance groups.

4 Policy Framework

- 4.1 The Housing Advisory Group may impact upon the Council's approach to the way it operates in respect of the discharge of its housing duties and responsibilities. This is because the Housing Advisory Group would allow for a wider range of contributions to be made to the development of policy and practice which can then be taken into account by the Executive during its deliberations and decision making.
- 4.2 The Housing Advisory group will play a role in addressing the need to improve the communication between Housing and Property services and Members and residents. It will add to and complement other work already under way to raise the quality of communications by Housing and Property Services, which will be covered by the Agenda Item: The Way Forward for Housing and Property Services, being presented at this meeting.

5 Budgetary Framework

- 5.1 There will be no budgetary implications for the recommended option to be taken forward. Further work to develop detailed proposals, and the ongoing administrative support for the Housing Advisory Group to operate, can be undertaken within existing resources.

6 Risks

6.1 The primary risks are as follows:

Risk	Mitigation
Perception that concerns about lack of engagement opportunities for Members in the Council's housing role persist	Increase the scope and frequency of formal meetings between the head of Housing and Property Services and Group Leaders and Portfolio/Shadow Portfolio Holders.
	Introduce a Housing and Property Services Core Brief for all Members, to include Performance management as a key item
Possible confusion over the future respective roles of the Executive, Portfolio holders and members of an Advisory Body	Effective and consistent management of current arrangements until such time as any changes are agreed
	Targeted and focused communications strategy explaining the process of considering change to all relevant parties

7 Alternative Option(s) considered

7.1 Move the Council to a Committee Structure

7.1.1 The Council could move entirely from a Leader and Cabinet structure to a form of Committee system to facilitate establishing a decision making Housing Committee to establish a Housing Committee with full decision making powers. This approach would require the Council to completely overhaul its constitutional arrangements.

7.1.2 The working group feel that the existing Leader and Cabinet structure is effective and would not wish to see the Council move away from this approach, therefore this option was discounted.

7.2 Adopt a hybrid approach to governance

7.2.1 The Council could operate the existing Leader and Cabinet Model alongside a Committee model under the powers introduced in the Localism Act 2011, combining elements of the Leader and Cabinet model with that of the Committee system.

7.2.2 This is a very new and untested model which has yet to be adopted by other Local Authorities and for this reason the working group discounted this option at this stage.

7.3 Establish a Housing Advisory Group with a Gentleman's Agreement

7.3.1 A housing advisory body could be established, supported by a Gentleman's Agreement for the Executive to ratify all decisions made by the advisory body. Such an agreement could not preclude the Executive from exercising its constitutional decision making powers, including where it felt necessary refusing to ratify any decisions made by an advisory body.

7.3.2 The Working Group feel that the Leader and Cabinet system is effective and that a Gentleman's Agreement is impractical and would not work, therefore this option was discounted.

7.4 Do Nothing

7.4.1 The Council could decide to terminate the work of the Working Group and maintain the current arrangements of a Portfolio Holder for Housing, drawing as necessary and when required upon the Interim Housing and Property Board for comment and feedback.

7.4.2 The working group do not feel that this option would allow for effective communication and involvement in the Housing and Property Service, hence this option was discounted.

Appendix A – Motion Passed by Council June 2014

The notice of motion passed by Council, in June 2014, was as follows:

“This Council regrets that, under the current committee structure, the provision of Housing Services has become remote from elected members. It also recognises that provisions in the Localism Act provide greater flexibility for the Council to determine its own committee structure.

This Council calls upon the Chairman of the District Council, as custodian of the Constitution, to bring forward proposals for members to consider at the November 2014 Council meeting to amend the constitution to enable the introduction, at the earliest possible opportunity, of a new Housing Committee.”

Appendix B – Raison d’etre of the Interim Housing & Property Board

1. To oversee the service wide governance review and propose preferred governance model to Executive for Executive Approval.
 - a. To ensure the governance review meets as far as possible elected member and customer expectations including best practice
2. Oversee the development of the emerging Housing & Property Services Strategy
3. Until the governance review is implemented to direct the services affairs including the following functions predominantly in relation to the Landlord Service:
 - a. The Interim Housing & Property Board has no delegated authority. All decisions will be made by Executive and the board will provide a mechanism to provide cross party support.
 - b. High level monitoring of performance across key business areas
 - c. To create the structures and environment for risk management to operate effectively, satisfying itself that risk is managed effectively
 - d. To agree interim governance structure and key business areas
 - e. To receive high level exception reports on business area performance
 - f. To manage the Interim Housing & Property Board Project Plan