



**AGENDA ITEM: 8(b)**

**EXECUTIVE OVERVIEW &  
SCRUTINY COMMITTEE:  
3 February 2011**

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**Report of: Council Secretary and Solicitor**

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**SUBJECT: CALL IN ITEM – TENANTS’ AND RESIDENTS’ FORUM  
CONSTITUTION**

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Wards affected: Borough wide.

**1.0 PURPOSE OF THE REPORT**

1.1 To advise the Executive Overview & Scrutiny Committee of the reason for the call in of the decision on the above item, as set out in Minute No. 114 of the meeting of Cabinet held on 18 January 2011.

**2.0 RECOMMENDATIONS**

- 2.1 That the Committee determines whether it wishes to ask for a different decision.
- 2.2 That if the Committee does wish to ask for a different decision, the Committee indicates which of the options set out at paragraph 5.1 below, it wishes to pursue.

**3.0 DETAILS RELATING TO THE CALL IN**

- 3.1 The report attached as an Appendix to this report was considered at a meeting of Cabinet on 18 January 2011.
- 3.2 The decision of Cabinet 18 January 2011 reads as follows:

**“114. TENANTS' AND RESIDENTS' FORUM - CONSTITUTION**

Councillor Mrs Hopley introduced the report of the Executive Manager Housing and Property Maintenance Services which provide an amended Tenants and Residents' Forum Constitution as an interim measure until the Corporate Overview and Scrutiny Committee has recommended changes which better reflect the role encouraged by the Tenant Services Authority (TSA) for tenants to influence and scrutinise services received by them.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained in it.

RESOLVED: A. That the amended Tenants' and Residents' Forum Constitution attached at Appendix A to the report be approved.

B. That the Executive Manager Housing and Property Maintenance Services, in consultation with the Portfolio Holder for Housing, be given delegated authority to make future amendments to the Constitution, subject to the approval of the Tenants' and Residents' Forum."

3.3 The following reason for call in was given in the requisition:

*"a) The exclusion of the right of elected members to speak at the Tenants and Residents' Forum is both injurious to local democracy and doubtful in terms of its legality*

*b) The delegation of further amendments to the constitution is excessive."*

3.4 The requisition also provided an alternative decision which was:

*"That the resolutions be amended to read:*

*A. That the amended Tenants' and Residents' Forum Constitution attached at Appendix A be rejected, and that an amended version maintaining the right of elected members to speak, and inclusive of appropriate legal considerations, be brought back to Cabinet at the earliest opportunity.*

*B. That any future amendments to the Tenants' and Residents' Forum constitution be made through the normal process of Cabinet and Overview & Scrutiny as appropriate."*

3.5 The following Members of the Executive Overview & Scrutiny Committee signed the requisition for call-in in accordance with the provisions of Overview & Scrutiny Committee Procedure Rule 15:

Councillor N Furey

Councillor B Nolan

Councillor J Coyle

Councillor J Fillis

Councillor C Mawdsley

#### **4.0 COMMENTS OF THE EXECUTIVE MANAGER HOUSING AND PROPERTY MAINTENANCE SERVICES**

4.1 Tenants requested on review of the TRF Constitution that members should not be allowed to speak at meetings but welcome their attendance as observers. Tenants feel that there are a number of other platforms available that members can use to raise issues without having to do so at the TRF meetings. Tenants do not wish the TRF meetings to become political.

4.2 The recommended changes better reflect the role encouraged by the Tenant Services Authority (TSA) for tenants to have some independence and influence in scrutinising services received by them.

## **5.0 CONCLUSION**

5.1 Following consideration of the decision of Cabinet, the requisition for call in and the comments of the Assistant Chief Executive, the Executive Overview & Scrutiny Committee can decide if it wishes to ask for a different decision. If the Committee does not wish to ask for a different decision then the decision of Cabinet takes immediate effect. If the Committee does wish to ask for a different decision, it may:

- a. refer the decision back to Cabinet (as the decision making body) for reconsideration, setting out the different decision; or
- b. refer the matter to Council. If the matter is referred to Council and Council does not object, then the decision of Cabinet will take effect immediately from that Council meeting date. If the Council does object, then the decision and the objection will be referred back to Cabinet (as the decision making body) for reconsideration.

5.2 The Secretary of State in his Guidance recommends that Overview & Scrutiny Committees should only use the power to refer matters to the full Council if they consider that the decision is contrary to the policy framework or contrary to or not wholly in accordance with the budget.

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### **Background Documents**

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

### **Equality Impact Assessment**

There is no evidence from an initial assessment of an adverse impact on equality in relation to the equality target groups.

### **Appendices**

Report of the Executive Manager Housing and Property Maintenance Services.