

LONDON BOROUGH OF CROYDON

REPORT:	Scrutiny & Overview Committee	
DATE OF DECISION	6 June 2023	
REPORT TITLE:	Scrutiny Work Programme 2023-24, including the re-establishment of the Homes Sub-Committee	
CORPORATE DIRECTOR / DIRECTOR:	Stephen Lawrence-Orumwense Director of Legal Services and Monitoring Officer	
LEAD OFFICER:	Adrian May Interim Head of Democratic Services	
LEAD MEMBER:	Chair of the Scrutiny & Overview Committee	
AUTHORITY TO TAKE DECISION:	<p>In accordance with paragraph 1.2 (vi) of Part 4E - Scrutiny and Overview Procedure Rules, in the Council's Constitution, the Committee should agree an initial scrutiny work programme at its first full meeting after the Annual Council meeting.</p> <p>In accordance with paragraph 1.2 (iv) in part 4.E – Scrutiny and Overview Procedure Rules of the Council's Constitution, the Scrutiny & Overview Committee has the ability to appoint such Sub-Committees as it considers appropriate, by resolution determining the terms of reference and membership including the appointment of a Chair and Vice-Chair.</p> <p>Additionally, paragraph 2.4 of the same procedure rules allows for appointments to Sub- Committees to be varied by resolution of the Scrutiny and Overview Committee at any point during the Municipal Year.</p>	
CONTAINS EXEMPT INFORMATION?	No	Public
WARDS AFFECTED:	N/A	

1. SCRUTINY WORK PROGRAMME 2023-24 AND R E-ESTABLISHMENT OF HOMES SUB-COMMITTEE

- 1.1. This report sets out for the agreement of the Scrutiny & Overview Committee the underlying principles to guide the work programmes of the Committee and its Sub-Committees. A further report providing more further detail on the work programme will be brought back to the next Committee meeting on 25 July 2023.

- 1.2. The report also proposes the re-establishment of the Homes Sub-Committee and Streets & Environment Sub-Committee arrangement and a change to the membership of the Health & Social Care Sub-Committee, as agreed by the political groups on the Council. The proposed membership can be found in the accompanying Appendix 1 to this report.

2. RECOMMENDATIONS

- 2.1. The Scrutiny & Overview Committee is asked to:
 1. Agree the underlying principles to guide the work of the Council's Scrutiny function in the forthcoming year.
 2. 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 2024-25 municipal year.
 3. Agree that the terms of reference agreed for both the Streets & Environment and the Homes Sub-Committees in October 2022, as outlined in section 6, remain valid and are agreed.
 4. 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.
 5. Agree the appointments (including regular and reserve members and chairs and vice-chairs) to the Sub-Committees as set out in Appendix 1.
 6. 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 2025-26 municipal year, unless the Scrutiny & Overview Committee resolves otherwise.

3. REASONS FOR RECOMMENDATIONS

- 3.1. 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 housing related items and as housing is a key priority for the Council, a new, time limited, Homes Sub-Committee was established in October 2022 to sit alongside a reformatted Streets & Environment Sub-Committee. This arrangement was initially made on a trial basis until the end of 2022-23 municipal year.
- 3.2. As the initial trial of the Homes Sub-Committee revealed that there was a lot more work to do on the improvement journey, and the budget work highlighted that there was a lot more to be done on temporary and emergency accommodation, both in terms of the service we were offering and the huge cost it was giving us, it is proposed that this arrangement of scrutiny sub-committees continues for a further two years, until the end of the 2024-25 municipal year, at which point it will be reviewed. To re-

establish the Homes Sub-Committee and the Streets & Environment Sub-Committee requires a resolution of the Scrutiny & Overview Committee, which is the reason for the recommendations set out in the report.

4. SCRUTINY WORK PROGRAMME

- 4.1. As noted above, in accordance with paragraph 1.2 (vi) of Part 4E - Scrutiny and Overview Procedure Rules, in the Council's Constitution, the Committee should agree an initial scrutiny work programme at its first full meeting after the Annual Council meeting. In line with the principle followed at the start of the last municipal year, at its first meeting, the Scrutiny & Overview Committee is asked to agree the guiding principles that will form the underlying basis for including items in the work programme. These principles will be used by the Committee and its sub-committees filter items for inclusion in the work programme for the year ahead. A full, outline work programme will be brought to the next Committee meeting on 25 July 2023.
- 4.2. In between this meeting and the next on 25 July 2023, the Sub-Committees (Children & Young People Sub-Committee, Health & Social Care Sub-Committee, Homes and Streets & Environment Sub-Committee) will each hold their own meetings. The discussions at these meeting, along with other informal discussions, will be used by the Scrutiny Work Programming Group to draft a outline work programme for the agreement of the Committee on 25 July.
- 4.3. The financial recovery of the Council will continue to remain the primary focus of Scrutiny and it is against this backdrop that the Committee is asked to agree the following underlying principles for the development of the work programme: -
 1. **The Public's Money.** Scrutiny wants reassurance that taxpayers' money is put to best use. At a time when the Council is making cuts to balance the books, it has no money to waste. In the middle of a cost-of-living crisis, every pound of public money should be valued. Scrutiny will aim to look at the impact of any financial decisions on the public and the Council's finances, including knock-on effects. We will aim to research best practice and to provide suggestions as well as criticism.
 2. **The Public's Services.** Scrutiny wants reassurance that services are improving. This is about leadership, culture and organisation as much as it is about budgets. We will seek reassurance that even in difficult financial circumstances, we are still meeting our duty of care to the most vulnerable. Scrutiny will listen and learn from the public's experiences of service performance to guide its work on Croydon's transformation.
 3. **The Public's Voice.** Scrutiny wants to make sure that the Council is transparent, open and engaging with the people it exists to serve. Scrutiny will monitor the planned improvements in governance for Croydon's local democracy, as well as inviting public voices into the Scrutiny process itself. The Mayor was elected on a mandate to "listen to Croydon" and Scrutiny will hold the executive to account for this pledge.

5. RE-ESTABLISHMENT OF A SCRUTINY SUB-COMMITTEE

- 5.1. 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.
- 5.2. Given that the Homes Sub-Committee has been set up to increase the capacity of Scrutiny to scrutinise the Council’s response to the challenges within the Housing Service, it is proposed that the new sub-committee is set up until the end of 2024-25 municipal year. At which point the Scrutiny Chairs will review whether it is still needed.

6. TERMS OF REFERENCE.

- 6.1. As originally agreed by the Scrutiny & Overview Committee on 18 October 2022, to facilitate re-establishing 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.
- 6.2. 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
- i. Private Sector Accommodation And Landlords

7 POLITICAL BALANCE AND THE APPOINTMENT OF MEMBERSHIP TO THE SCRUTINY SUB-COMMITTEES

- 7.1 If the changes set out above are agreed, the Committee needs to constitute its 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.
- 7.2 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.
- 7.3 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.
- 7.4 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.

7.5. Following the mayoral and local elections in May 2022 and the by-elections on 30 June and 3 November 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.

7.6. 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	34	47.9%
Labour	34	47.9%
Green	2	2.8%
Liberal Democratic	1	1.4%

7.7. 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.'

7.8. Clearly, as the Conservative and Labour groups have 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.

7.9. Scrutiny can be most effective when there is input from a range of different voices into the process, working together to improve outcomes for the good of the whole borough. Given the makeup of the Council includes representatives from the Green Party and the Liberal Democrats, 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. This would allow both the Homes Sub-Committee and the Streets & Environment Sub-Committee to be set up with seven members, allocated as follows.

Sub-Committee	Conservative seats	Labour seats	Green seats	Liberal Democrat seats
Homes	3	3	1	-
Streets & Environment	3	3	-	1

- 7.10. Following consultation with the Conservative and Labour groups, and in accordance with their wishes, the Committee is recommended to appoint the Members and reserves, including appointing Chairs and Vice-Chairs, to the Streets & Environment and Homes Sub-Committees, as set out in Appendix 1.
- 7.11. Following the appointments to scrutiny sub-committees made at the Scrutiny & Overview Committee meeting immediately after the Annual Council meeting on 17 May 2023, a commitment was given that the two largest political groups on the Council would review the allocation of Chair and Vice-Chair roles on the scrutiny sub-committees to ensure they better reflected the overall political balance of the Council. A change to the appointment for Vice-Chair of the Health & Social Care Sub-Committee had been proposed as a result of this review, which is also set out in appendix 1 for the agreement of the Scrutiny & Overview Committee.

8 ALTERNATIVE OPTIONS CONSIDERED

- 8.1 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.

9 CONSULTATION

- 9.1 Political group leads have been approached in advance of the meeting to consult on the proposal to waive the requirement for political balance in making appointments to the Scrutiny Sub-Committees.

10. CONTRIBUTION TO COUNCIL PRIORITIES

- 10.1 This report contributes to priority 1: The Council balances its books, listens to residents and delivers good sustainable services.

11. APPENDICES

- 11.1 Appendix 1: Proposed Membership of Scrutiny Sub-Committees