



CAERPHILLY HOMES TASK GROUP – 16TH APRIL 2014

SUBJECT: REVIEW OF TERMS OF REFERENCE

REPORT BY: INTERIM CHIEF EXECUTIVE

1. PURPOSE OF REPORT

- 1.1 The recent review and updating of the Council's Constitution identified that a review of the terms of reference of the Caerphilly Homes Task Group would be undertaken.

2. SUMMARY

- 2.1 The report provides background to the establishment of the Caerphilly Homes Task Group (CHTG). Arising from current governance considerations advice has been received that the public sector housing scrutiny function must sit within the remit of one of the formally constituted scrutiny committees. This has necessitated a review of the terms of reference for the CHTG.

3. LINKS TO STRATEGY

- 3.1 The Welsh Housing Quality Standard is intended to ensure that all local authority and housing association homes are improved and maintained to achieve specified standards.
- 3.2 The Single Integrated Plan 2013-2017 has a priority to "improve standards of housing and communities, giving appropriate access to services across the County Borough."
- 3.3 The Council's Local Housing Strategy "People, Property, and Places" has the following aims:
"To provide good quality, well managed houses in communities where people want to live, and offer people housing choices which meet their needs and aspirations."
- 3.4 The Caerphilly Homes Task Group is a formal mechanism to engage with tenant representatives and ensure their views are reflected in decisions relating to public sector housing.

4. THE REPORT

- 4.1 Following the outcome of the ballot in February 2012 the Council considered the mechanisms required to oversee the management and delivery of the WHQS Programme and the housing service improvements that had been promised in the Offer Document / Addendum. In particular there was a commitment to engage more effectively with tenants in future decision making. To give effect to this the Council at the meeting held on 29th February 2012 agreed to establish an all party Housing Task Group with tenant representatives, reporting to a Cabinet Sub Committee.

- 4.2 The Task Group, subsequently named the Caerphilly Homes Task Group (CHTG), was established with seven Councillors and seven tenants and met for the first time on 12th September 2012. At the first meeting consideration was given to the terms of reference. The purpose of the CHTG is to focus on the WHQS Programme and the public housing service and the overall objective is to lead a transformation of the Council's housing estates. Within the terms of the Council's Constitution it was recognised that the CHTG could not be a decision making body and would make recommendations direct to a Cabinet Sub Committee. The latter has the same powers as the Cabinet in relation to those matters in the remit of the CHTG, that is public sector housing. The intention was to establish a governance structure solely focused on public sector housing, to lift the profile of the social housing function as a responsibility within the Council following the ballot, and to fulfil a commitment to fully involve tenant representatives in the decision making processes but within the limitations imposed by the Constitution.
- 4.3 With the CHTG having a sole focus on public sector housing it seemed appropriate that this would be an ideal forum for scrutiny particularly given the involvement of service users.
- 4.4 With the recent review of the Council's Constitution and examination of governance arrangements following various audit reports the scrutiny function allocated to the CHTG has been brought into question. The overview and scrutiny function is a central part of the Council's Constitution. The Council has to appoint scrutiny committees to discharge functions conferred by section 21 of the Local Government Act 2000. The purpose of scrutiny is to discuss and make recommendations on the improvement and development of policies and hold the Executive and officers exercising delegated powers to account for their actions. Advice has been given that the scrutiny function can only be exercised by a formally constituted committee of the Council. Furthermore it is not appropriate for those Members that form part of the Executive (ie Cabinet Members) to be Members of a scrutiny committee. In light of this advice it is necessary to amend the terms of reference of the CHTG as the formal scrutiny function for public sector housing has been determined to rest with the Policy and Resources Scrutiny Committee.
- 4.5 The CHTG will still have an important consultative role and by removing the formal scrutiny function will mean the current membership which involves three Cabinet Members will not need to change. A revised terms of reference is attached at appendix 1.
- 4.6 In light of this change there are a number of consequential procedural amendments:
- The date of the CHTG meetings within the cycle to be changed to take place in the week before the Policy and Resources Scrutiny Committee.
 - The views of the CHTG on reports being presented to the Policy and Resources Scrutiny Committee will be passed to the Scrutiny Committee for consideration.
 - Chair, Vice Chair, or other tenant representative from CHTG invited to attend Policy and Resources Scrutiny Committee when public sector housing reports are on the agenda.
 - In accordance with the current practices the Policy and Resources Scrutiny Committee will undertake pre decision consideration of all reports which require an Executive decision.
 - Information reports presented to CHTG to be reported to Policy and Resources Scrutiny Committee as Information Items.
 - From Policy and Resources Scrutiny Committee reports requiring decision to be referred to Cabinet.
 - Cabinet Sub Committee disbanded in light of changed circumstances.

- 4.7 These changes should not be viewed as downgrading the role of the CHTG which will still function in much the same way as at present. But reports that require a decision of the Executive will go through an extra step of referral to Policy and Resources Scrutiny Committee prior to Cabinet. The Cabinet Sub Committee was originally instigated to raise the housing profile and expedite decision making. However reports from Policy and Resources Scrutiny Committee go straight to full Cabinet. In the changed circumstances there is no merit in retaining a separate Cabinet Sub Committee. An important change will be the opportunity for appropriate representatives from the CHTG to attend the Policy and Resources Scrutiny Committee to speak on any public sector housing report subject to no individual having a conflict of interest.

5. EQUALITIES IMPLICATIONS

- 5.1 An EqlA screening has been completed in accordance with the Council's Equalities Consultation and Monitoring Guidance and no potential for unlawful discrimination and for low level or minor negative impact have been identified, therefore a full EqlA has not been carried out.
- 5.2 The proposed changes do not diminish the opportunities for tenant representatives to be fully involved in debate on matters pertinent to public sector housing.

6. FINANCIAL IMPLICATIONS

- 6.1 There are no financial implications arising from the report.

7. PERSONNEL IMPLICATIONS

- 7.1 There are no personnel implications.

8. CONSULTATIONS

- 8.1 The Chair of Policy and Resources Scrutiny Committee is in agreement with the proposal for appropriate representatives from CHTG to attend the Scrutiny Committee when public sector housing reports are under consideration.

9. RECOMMENDATIONS

- 9.1 The CHTG is invited to comment on the report and the revised terms of reference at appendix 1 prior to the matter being reported to Full Council.

10. REASONS FOR THE RECOMMENDATIONS

- 10.1 It is necessary to review the terms of reference for the CHTG to ensure compatibility with the Council's Constitution.

11. STATUTORY POWER

- 11.1 Local Government Act 2000.

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Appendices:
Appendix 1 Caerphilly Homes Task Group Terms of Reference