



HILLINGDON
LONDON

VIRTUAL Executive Scrutiny Committee

Date: THURSDAY, 18 FEBRUARY 2021

Time: 7.15 PM (OR ON THE RISING OF CABINET)

Venue: THIS IS A VIRTUAL MEETING

Meeting Details: Watch a live broadcast of this meeting on the Council's YouTube channel: [Hillingdon London](#)

To all Members of the Committee:

Keith Burrows (Chairman)

Wayne Bridges (Vice-Chairman)

Simon Arnold

Philip Corthorne

Peter Curling (Opposition Lead)

Kerri Prince

Nick Denys

Peter Money

Tony Little, Roman Catholic Diocesan Representative (Representative Member for Education Issues)

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Putting our residents first

Agenda

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|----------|---|--------|
| 1 | Apologies for Absence and to report the presence of any substitute Members | |
| 2 | Declarations of Interest in Matters coming before this meeting | |
| 3 | To receive the minutes of the meeting held on 14 January 2021 | 1 - 2 |
| 4 | To receive the minutes of the meeting held on 21 January 2021 | 3 - 4 |
| 5 | Exclusion of Press and Public | |
| | To confirm that the items of business marked Part I will be considered in public and that the items marked Part II will be considered in private. | |
| 6 | Follow-up: Matters for clarification from the last meeting | 5 - 8 |
| | To receive the responses on any information requests or clarifications on matters from the previous Cabinet meeting and associated reports. | |
| 7 | Consideration of Executive Decisions Taken and any Call-Ins | 9 - 14 |
| | To undertake the statutory scrutiny role of executive decision-making by the London Borough of Hillingdon, and in particular to review decisions made by the Cabinet prior to this meeting. Members should consider any other decision taken by a Cabinet Member(s) or key decision taken by an Officer published in the five working days before this meeting. | |

Agenda Item 3

Minutes

EXECUTIVE SCRUTINY COMMITTEE

14 January 2021



VIRTUAL

	<p>Committee Members Present: Keith Burrows, Wayne Bridges, Simon Arnold, Philip Corthorne, Peter Curling (Opposition Lead), Kerri Prince, Nick Denys and Peter Money</p>
44.	<p>ELECTION OF CHAIRMAN (<i>Agenda Item 1</i>)</p> <p>Councillor Burrows was nominated as Chairman of the Executive Scrutiny Committee for the remained of the 2021/2022 municipal year.</p> <p>Councillor Prince moved, and Councillor Money seconded, that Councillor Curling be elected as Chairman of the Executive Scrutiny Committee. On being put to the vote, the motion was lost.</p> <p>On the original nomination being put to the vote, it was:</p> <p>RESOLVED: That Councillor Burrows be elected as Chairman of the Executive Scrutiny Committee for the remainder of the 2020/2021 municipal year.</p>
45.	<p>ELECTION OF VICE CHAIRMAN (<i>Agenda Item 2</i>)</p> <p>RESOLVED: That Councillor Bridges be elected as Vice Chairman of the Executive Scrutiny Committee for the remainder of the 2020/2021 municipal year.</p>
	<p>The meeting, which commenced at 8.00 pm, closed at 8.10 pm.</p>

These are the minutes of the above meeting. For more information on any of the resolutions please contact Mark Braddock on 01895 250470. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.

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Minutes**VIRTUAL EXECUTIVE SCRUTINY COMMITTEE**

21 January 2021



HILLINGDON
LONDON

This meeting was held virtually live on the Council's
YouTube channel: Hillingdon London

	<p>Committee Members Present: Keith Burrows (Chairman), Wayne Bridges (Vice-Chairman), Simon Arnold, Philip Corthorne, Peter Curling (Opposition Lead), Nick Denys, Kerri Prince, Peter Money and Tony Little (Representative Member for Education Issues)</p> <p>LBH Officers Present: Mark Braddock (Democratic Services)</p>
46.	<p>APOLOGIES FOR ABSENCE AND TO REPORT THE PRESENCE OF ANY SUBSTITUTE MEMBERS <i>(Agenda Item 1)</i></p> <p>All Members were present.</p>
47.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING <i>(Agenda Item 2)</i></p> <p>No interests were declared in matters before the meeting.</p>
48.	<p>TO RECEIVE THE MINUTES OF THE MEETING HELD ON 10 DECEMBER 2020 <i>(Agenda Item 3)</i></p> <p>The minutes of the meeting held on 10 December 2020 were agreed as a correct record.</p>
49.	<p>EXCLUSION OF PRESS AND PUBLIC <i>(Agenda Item 4)</i></p> <p>Items to be considered in public and those in private were confirmed.</p>
50.	<p>FOLLOW-UP: MATTERS FOR CLARIFICATION FROM THE LAST MEETING <i>(Agenda Item 5)</i></p> <p>Clarifications from the last meeting were noted.</p>
51.	<p>CONSIDERATION OF EXECUTIVE DECISIONS TAKEN AND ANY CALL-INS <i>(Agenda Item 6)</i></p> <p>Members of the Committee attended the virtual Cabinet meeting held prior so that they could review the Cabinet reports and decisions made.</p> <p>The Committee sought clarifications on the Monthly Budget Monitoring Report, specifically:</p> <ol style="list-style-type: none"> 1. The Committee noted the difficulties in planning for the costs for SEN spend, whilst it also noted there has been a consistent underestimate of the costs. Therefore, the Committee requested information on the basis on which forecast

estimates for expected costs for new SEN pupils over the year are planned.

2. The Committee requested information on whether the Council would make any representations to the Government on the additional £80 per pupil funding catch-up fund to be increased, in light of the pandemic.

On a report considered in the private part of the meeting, the Committee sought clarification on how the capital receipts from the sale of the properties and garage sites referenced would be ring fenced for types of housing projects.

RESOLVED: – That the decisions made by the Cabinet at their meeting on 21 January 2021 be endorsed and that no call-in be made.

The meeting, which commenced at 7.55 pm, closed at 8.15 pm.

The public part of this virtual meeting was broadcast live on the [Council's YouTube channel here](#) under The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) (Regulations) 2020. These are the official minutes of the above meeting. For more information please contact Mark Braddock - Statutory Scrutiny Officer. Circulation of these minutes is to Councillors, Officers and the Public via the Council website.

Agenda Item 6

FOLLOW-UP: MATTERS FOR CLARIFICATION FROM THE LAST MEETING

Contact: Mark Braddock
Statutory Scrutiny Officer
Telephone: 01895 250470

REASON FOR REPORT

To follow-up any clarifications and information requests agreed by the Committee undertaking their role scrutinising the decisions and reports from the last Cabinet meeting. These matters are for noting only and not for call-in. If a particular Member wishes for further clarification on the information provided below, this will be for the Committee to determine.

OPTIONS OPEN TO THE COMMITTEE

That the Committee note the information provided.

CABINET – 21 JANUARY 2021

The Committee gave consideration to the reports and the decisions made by Cabinet at this meeting and sought further information or clarifications in the reports as set out below.

ITEM 7 – BUDGET MONITORING REPORT (MONTH 8)

Committee Clarification	Officer response
<p>In para 134 (shown below), the Committee noted the difficulties in planning for the costs for SEN spend, however, it also noted there has been a consistent underestimate of the costs.</p> <p>The Committee have requested if officers can provide information on the basis on which officers plan estimates for expected costs for new SEN pupils over the year?</p> <p><i>Para 134. There are still a number of SEN pupils awaiting a school placement and whilst an estimate of the cost of this has been included in the current projection, the actual cost of these placements is not yet known and so there may be a further increase to the total expenditure on SEN placements. In addition, the local authority is often required to provide specialist tuition for SEN pupils without a school placement. The total cost on this tuition has increased significantly over the last twelve</i></p>	<p>Officers plan estimates for the expected cost for new SEND pupils in a number of ways, including oversight over the decision-making processes of assessments and through participation at the SEND Sufficiency Strategy Group.</p> <p>Regarding the oversight of growth, SEND panel decisions are being reviewed monthly to ensure that officers are able to forecast growth at the earliest opportunity.</p> <p>At present, based on the first term's requests for assessment, we are projecting a growth of between 5-8% for the full year. This is in part due to a strengthened SEND panel with strong wider stakeholder involvement (including health, social care and school leads) and due to the early support funding (ESF) that education settings can access as</p>

<p>months with the current projection that there will be a £325k overspend in this area which accounts for some of the month 8 adverse movement.</p>	<p>opposed to via statutory assessments for a EHC plan.</p> <p>The growth in EHCPs has continued at a significant rate, higher than previously anticipated. Between the period of July 2019 – July 2020, Hillingdon saw a rate of growth of 17% against a national growth rate of 10%. There is the added difficulty that as most in-borough special schools are at capacity and the lack of local provision can lead to periods of specialist tuition followed by more costly placements in the Independent sector.</p> <p>Typically the average cost of a residential setting is £50,000 per placement per academic year. Additionally, an increase in complexity of need means that some pupils needs cannot be met other than in high cost specialist placements. At present, approximately 70% of the cohort accessing an independent placement cost more than a Band 9, the highest local rate of banding, which does demonstrate the more complex needs that are being supported in independent settings.</p> <p>Work is on-going through the SEND Sufficiency Strategy Group to address the gaps in the provision locally and to ensure that the local authority is setting out priority work relating to SEND.</p>
<p>On Para 140 (shown below) – the Committee would like to know if the Council is making any representations to the Government for this £80 per pupil funding catch-up fund to be increased in light of the pandemic?</p> <p><i>Para. 140 - The DfE has confirmed that the £650m universal catch-up premium funding will be paid directly to schools through the 2020/21 academic year, on a per pupil basis. Mainstream schools will receive £80 per pupil, with Special Schools receiving £240 per place. Schools will have flexibility to use this funding which should be used for specific activities to support pupils to catch up for lost teaching over the previous months. In addition, schools will be able to access £350m of funding through a National Tutoring Programme to</i></p>	<p>The Council is working closely with all schools in the Borough to ensure that Government funding to address any gaps in educational progress and to provide support to pupils is used effectively. All schools are required to publish a plan for the use of the additional funding and how they will evaluate progress. This is being reviewed by the Council.</p> <p>Should there be a need for additional funding this will be raised with the Regional Schools Commissioner.</p>

provide additional targeted support for those children and young people who need the most help.

ITEM 9 – DISPOSAL OF 2 DWELLINGS AND 2 GARAGE SITES

The report on this matter was considered in private by the Committee, however the officer response is not deemed confidential and suitable for publication.

Committee Clarification	Officer response
The Committee requested detail on how exactly the receipts from 2 East Way and Great Benty will be ring fenced for other Housing projects, i.e. what type of housing projects – affordable housing etc....	<p>There are restrictions on what the receipts obtained from the disposal of land that is held in the Housing Revenue Account can be used for.</p> <p>The receipts from the sale of the 2 East Way and Great Benty sites will be ringfenced to the Housing Revenue Account and, as such, will be utilised in conjunction with other sources of finance to support the capital programmes involved in maintaining existing stock and the delivery of new housing units.</p>

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Agenda Item 7

CONSIDERATION OF EXECUTIVE DECISIONS TAKEN & CALL-IN

Contact: Mark Braddock
Statutory Scrutiny Officer
Telephone: 01895 250470

REASON FOR REPORT

To provide information to Committee Members on their statutory scrutiny responsibilities and their power to call in decisions made by Cabinet and recent key decisions by Cabinet Members and Officers.

OPTIONS OPEN TO THE COMMITTEE

First meeting (directly after Cabinet)

That the Committee either:

1. Review the decisions taken and agree no call-in be made;
2. Consider the potential for any call-in, by requesting further information, which will be provided by midday the following Monday. At this point, a majority of the Committee (informally) would decide whether to call-in to a second meeting.
3. Resolve at the meeting, through a majority, to formally call-in a decision with relevant reasons and agree to hold a second meeting to hear the matter to determine whether it be referred back to the decision-maker.

Second meeting (if required)

If Members agree to Call-In an item, another formal meeting of the Committee will take place on the Tuesday (or the Thursday at the latest) of the following week after Cabinet, where relevant officers and the relevant Cabinet Member, if appropriate, will be invited to discuss the called-in item.

The options open to the Committee when considering a Called In decision is to:

- i. Refer it back to the Cabinet or Cabinet Member (whoever made the decision) for reconsideration, setting out in writing the nature of the Committee's concerns, or;
- ii. Refer the matter to full Council, but only in the circumstances set out in the rules of procedure (i.e. if it is contrary to the Council's policy framework or budget, or if it was a "key decision" that was not dealt with as such by the Cabinet or Cabinet Member), or;
- iii. Decide not to refer back the decision based on the information or assurances received. If the Committee wishes, it may give advice or feedback to the decision-maker and/or officers instead.

INFORMATION

Criteria and process for deciding a call-in

1. Advisory criteria agreed by the Committee for deciding whether or not to call in a decision are attached in Annex 1. If a decision is called in, the criteria will be referred to in the call-in notification, to give reasons for the Committee's decision.
2. The advisory criteria may be amended at any time, if the Committee feels they do not adequately reflect the range of reasons for calling in decisions.
3. Additionally, technical criteria is given on what can and cannot be called-in as per the Council's Constitution and also national guidance and regulations.
4. On areas where Members request further information or clarification prior to any potential call-in, officers will be asked to provide a response to the Committee queries by **midday on Monday 22 February 2021**.
5. These responses will be sent to Members of this Committee by email, and based on this information, Members will be asked to email or telephone Democratic Services on whether they are content with the information supplied or whether they recommend the calling –in of the particular item. The majority of the Committee Members will have to agree to the call-in request for it to proceed. The Chairman will then advise the Head of Democratic Services.
6. The full procedure is set out in Part E – Policy Overview, Scrutiny & Select Committee Procedure Rules in the Council's Constitution.

Calling in Cabinet decisions

7. All Members of this Committee are on the electronic and hard copy mailing list to receive copies of the Cabinet meeting agendas and decisions in order to scrutinise the decisions made. The Committee may only call in the specific formal resolutions made by the Cabinet, i.e. the recommendations in the report (or tabled or amended subsequently) that were agreed at the meeting. Any resolutions by the Cabinet "to note" or "to receive" or similar cannot be called in, as there is no technical decision taken. Cabinet resolutions on policy and budget framework documents that are referred direct to full Council cannot be called in. More detail is provided in Annex 2.

Education decisions

8. Co-opted representative Members for Education may only sit on the Committee and speak and vote on education (or part education items where a resolution made specifically relates to education). On any other business, such co-opted members are welcome to remain in the room as an observer during Part 1 items / discussion only. For the benefit of the co-opted member, the agenda may be adjusted to allow education items first.

Call-in of Cabinet Member and Officer decisions

9. The Forward Plan, as far as possible, lists planned Cabinet Members' decisions and may be used to guide scrutiny of Cabinet Members' decisions. All Members of this Committee also receive an e-mail copy of all requests for Cabinet Members' decisions. All Councillors receive e-mail copies of Cabinet Members' decisions when made, which may be published at any time. Call-in on these decisions can only take place within 5 working days of the decision being published and only if they are deemed "key decisions" as outlined in Annex 2.
10. The Committee may also call-in any key decisions taken by officers (where they have been previously delegated to officers by Cabinet) and will be notified of such decisions. However, such decision-making by officers is extremely rare and key decisions are usually taken by Cabinet or Cabinet Members.
11. To call-in Cabinet Member and Delegated Officer Key Decisions, this requires the agreement of the Chairman of the Committee and lead representative of the other party within 5 working days of the decision being published by Democratic Services on the formal decision notice. These Members shall inform the Head of Democratic Services of the reasons for the call-in. The Executive Scrutiny Committee will meet within 5 days of the Head of Democratic Services being notified to consider the decision.
12. The Committee is advised that day-to-day administrative executive decisions by officers are excluded from the scrutiny call-in powers of the Committee. There is no central record of such decisions, but officers should act in accordance with their relevant Departmental Scheme of Delegations, which is published.

APPENDICES AND BACKGROUND PAPERS

Annex 1 - Criteria for call-in as agreed at the first meeting of the Committee in 2006, with supplementary technical notes.

Members should bring their copies of the Cabinet agenda and decisions and the Forward Plan to the meeting.

Criteria for call-in agreed by the Executive Scrutiny Committee

Mandatory

- a. A majority of the Committee agrees to call-in the decision (this is required by the Constitution)

Advisory

- b. The expenditure or savings resulting from the decision are £25,000 or greater (to stop trivial call-ins)

and one or more of the following:

- c. The recommendations that lead to the decision do not adequately reflect the evidence contained in the report.
- d. There is evidence that does not appear to have been considered in reaching the decision.
- e. There is a high level of public interest or concern, perhaps evidenced by many complaints or a petition to Councillors.
- f. The decision appears to be contrary to an Auditor's or an Inspector's recommendation.
- g. Cabinet has not accepted a recommendation from a Policy Overview or Select Committee.

Supplementary Technical Notes from Democratic Services

What decisions can be called-in?

1. Cabinet decisions (key and non-key decisions)
2. Cabinet Member decisions (key and non-key decisions)*
3. Officer decisions (key decisions only, i.e. when delegated by Cabinet)

**The law only requires key decisions can be called-in by Cabinet Members, however, Hillingdon's Constitution extends this to non-key decisions, for increased accountability.*

If a decision above is considered contrary to any strategic policy or the approved budget (that are part of the Council's policy and budget framework) - or if it was a "key decision" that was not dealt with as such by the Cabinet or Cabinet Member, then the Committee may consider referral of the matter to full Council instead.

Decisions that cannot be called in include:

- Any decision relating to a non-executive (Cabinet) function, e.g. licensing or planning decision;
- Non-key decisions delegated by Cabinet to Council officers (e.g. operational, i.e. to implement the Cabinet's decision);
- Decisions taken under urgency or special urgency provisions (where the Chairman of the Committee has already waived the scrutiny call-in period);
- A decision that has already been the subject of a call-in during the previous 6 months;
- Any decision that is required to be taken by the full Council (e.g. Annual Budget, Policy Framework documents, or reports to Cabinet making recommendations to full Council);
- Decisions that are not technically decisions, i.e. "to note" or "to receive";
- Previously taken decisions by Cabinet Members that are later 'ratified' by Cabinet.

KEY DECISIONS DEFINITION (Article 7, Council Constitution)

1. Developing proposals that require the Council to amend its policy framework.
2. Decisions resulting in cost/savings outside of existing budget that exceed the following thresholds:-
 - 10% of the annual revenue budget for a service or any proposals in excess of £500,000.
 - variations to capital schemes on programmes in excess of £250,000 in any one year.
3. Decisions which have a significant impact on two or more wards as defined below:-

- where the outcome will have a significant impact on the well-being of the community or the quality of service provided to a significant number of people living or working in an area.
- Where 'Communities of Interest' as well as geographic areas are affected significantly, e.g. young people by the closure of a youth centre.