



HILLINGDON  
LONDON

A

# Executive Scrutiny Committee

**Date:** THURSDAY, 27 MAY 2021

**Time:** 7.15PM OR AT THE RISING OF CABINET, WHICHEVER IS EARLIEST

**Venue:** COMMITTEE ROOM 6 - CIVIC CENTRE, HIGH STREET, UXBRIDGE

**Meeting Details:** Members of the Public and Press are welcome to attend this meeting

## To Members of the Committee:

Councillor Keith Burrows (Chairman)  
Councillor Wayne Bridges (Vice-Chairman)  
Councillor Simon Arnold  
Councillor Philip Corthorne  
Councillor Peter Curling (Opposition Lead)  
Councillor Kerri Prince  
Councillor Nick Denys  
Councillor Peter Money  
Anthony Little (Representative Member for Education Issues)

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[www.hillingdon.gov.uk](http://www.hillingdon.gov.uk) or use a smart phone camera and scan the code below:



**Published:** Wednesday, 19 May 2021

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Putting our residents first

# Useful information for residents and visitors

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# About the Executive Scrutiny Committee

## Terms of Reference

### Membership

8 Members, appointed on a proportional basis. 2 voting church and 3 voting parent governor representatives when the decision made by Cabinet or any decision called-in that relates wholly or in part to any education functions which are the responsibility of the authority's Cabinet. Attendance by education representatives shall be as set out in paragraph 4 of these rules (see below).

The Committee will normally meet in an informal capacity immediately after the conclusion of a meeting of Cabinet to consider which decisions the Members of the Committee might require further information about or to consider for potential call-in. Although meeting in an informal capacity, should there not be a consensus as to which decisions require such consideration then the matter will be determined by a majority vote of those Members of the Committee present and able to vote (with respect to the normal rules as set out in the Code of Conduct).

### Terms of Reference

To exercise the right set out in the Policy Overview, Scrutiny and Select Procedure Rules to call-in and recommend for reconsideration any key decisions made but not yet implemented by the Cabinet, a Cabinet Member, a Council Cabinet Sub-Committee or an officer. This would include any key decision that needs further information from the decision-maker to explain why it was taken.

#### 4. *Education Representatives*

*The Residents, Education and Environmental Services Policy Overview Committee shall include in its membership the following voting representatives:*

- (a) 1 Church of England diocese representative;
- (b) 1 Roman Catholic diocese representative; and
- (c) Such other representatives of faiths and denominations as may be appointed by the Council subject to a direction being issued by the Secretary of State.
- (d) 3 parent governor representatives elected by parents.

*These representatives will also be appointed to the Executive Scrutiny Committee when a decision has been made by the Cabinet or any decision called-in that relates wholly or in part to any education functions which are the responsibility of the authority's Cabinet.*

*Education representatives may only attend (in part) as members of a Committee meeting, for education related items / decisions on the agenda, which they may speak and vote on.*

# Agenda

<b>1</b>	Apologies for Absence and to report the presence of any substitute Members	
<b>2</b>	Declarations of Interest in Matters coming before this meeting	
<b>3</b>	To receive the minutes of the meeting held on 22 April 2021	1 - 2
<b>4</b>	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.	
<b>5</b>	Follow-up: Matters for clarification from the last meeting	3 - 6
	To receive the responses on any information requests or clarifications on matters from the previous Cabinet meeting and associated reports.	
<b>6</b>	Consideration of Executive Decisions Taken and any Call-Ins	7 - 12
	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.	

**Minutes****EXECUTIVE SCRUTINY COMMITTEE**

22 April 2021


**HILLINGDON**  
LONDON

Meeting held virtually on the Council's YouTube channel: Hillingdon London

	<p><b>Committee Members Present:</b> Keith Burrows (Chairman), Wayne Bridges (Vice-Chairman), Simon Arnold, Philip Corthorne, Peter Curling (Opposition Lead), Kerri Prince, Nick Denys, Peter Money and Tony Little (Representative Member for Education Issues)</p> <p><b>LBH Officers Present:</b> Mark Braddock (Democratic Services)</p>
65.	<p><b>APOLOGIES FOR ABSENCE AND TO REPORT THE PRESENCE OF ANY SUBSTITUTE MEMBERS</b> <i>(Agenda Item 1)</i></p> <p>All Members were present.</p>
66.	<p><b>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING</b> <i>(Agenda Item 2)</i></p> <p>No interests were declared by Members present.</p>
67.	<p><b>TO RECEIVE THE MINUTES OF THE MEETING HELD ON 18 MARCH 2021</b> <i>(Agenda Item 3)</i></p> <p>The minutes of the meeting held on 18 March 2021 were agreed as a correct record.</p>
68.	<p><b>EXCLUSION OF PRESS AND PUBLIC</b> <i>(Agenda Item 4)</i></p> <p>Items to be considered in public and those in private were confirmed.</p>
69.	<p><b>FOLLOW-UP: MATTERS FOR CLARIFICATION FROM THE LAST MEETING</b> <i>(Agenda Item 5)</i></p> <p>The report was noted.</p>
70.	<p><b>CONSIDERATION OF EXECUTIVE DECISIONS TAKEN AND ANY CALL-INS</b> <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>In respect of Cabinet's decisions agreeing the findings from the Social Care, Housing &amp; Public Health Policy Overview Committee's review into 'making the Council more autism friendly', Councillor Kerri Prince moved to call-in these decisions with the rationale being a lack of consultation with and evidence from autistic people in developing the Committee's recommendations considered by Cabinet. Councillor Prince also sought clarification on how the Council plans to work with autistic people on</p>

the actions arising from the review and on the usefulness of having an easy read version of the report.

Members explained how the review was both shaped and undertaken on a cross-party basis and clarification was given that the review involved a broad wide range of stakeholders in shaping the final report presented to Cabinet. Additionally, that further details would be provided on the witnesses involved in the review. Mr Tony Little sought clarification on whether school governors would be given autism awareness training, as was given to council officers.

The motion to call-in the decision having been proposed by Councillor Prince, was seconded by Councillor Pete Curling. Being put to the vote, the motion was lost.

**RESOLVED: That Cabinet's decisions on the Policy Overview Committee review into 'Making the Council more autism friendly" be not called-in.**

For the purpose of the minutes, Mr Little did not take part in the vote on the call-in.

On the annual report to Cabinet on education attainment, Mr Little urged Members and Officers to look at how the significant level of detailed data and information within could be presented in a better way going forward.

On the Cabinet report relating to budget monitoring, Councillor Prince raised some questions regarding the new fee charges for parking at Ruislip Lido, including how many Hillingdon vs non-Hillingdon residents currently park there and whether these measures would help reduce congestion, in particular for Hillingdon residents, and encourage people to take alternative forms of transport and help reduce air pollution.

Similarly, on the budget monitoring report, Mr Tony Little noted that there was further adverse movement in the High Needs Block and asked if officers have a clear plan to manage the growth to help avoid a continued rise in the deficit.

**RESOLVED: – That the remaining decisions made by the Cabinet at their meeting on 22 April 2021 be endorsed and that no call-in be made.**

The meeting, which commenced at 7.25 pm, closed at 7.51 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 5

## 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 – 22 April 2021

#### Item 5 – Review by the Social Care, Housing & Public Health Policy Overview Committee into ‘making the Council more autism friendly’

Committee question	Officer response
Clarification on whether autistic people were involved in the review.	<p>A broad range of relevant witnesses were considered from the outset by Members and put forward by officers. The initial scoping report did include plans to meet with autistic people in an appropriate informal setting outside official committee meetings.</p> <p>This was prior to the onset of the Covid-19 pandemic and the Committee's witness and evidence gathering sessions were put on hold for several months and also adjusted in light of social distancing requirements and difficulties holding face-to-face meetings.</p> <p>Overall, the review had a wide range of witness evidence and testimony with expertise received relevant to support the recommendations put forward to Cabinet.</p>
Having an easy read version of review reports from committees	Officers are happy to look at the feasibility of producing a second ‘easy read’ document, within resources. It should be noted though that a summary of the review is provided in the accompanying Cabinet report, the Chairman’s foreword in the main

	report and the Annual Report to Council each year. One suggestion is to better summarise all committee reviews on the Council's website.
How the Council plans to work with autistic people on the actions arising from the review	The relevant Committee will undertake periodic reviews of how its recommendations are being implemented and at these occasions will be in a position to ask officers, wherever possible, to engage with autistic people in their application going forward.
Clarification on whether school governors receive or would be given autism awareness training	Response awaited.

### **Item 7 – Council Monthly Budget Monitoring Report**

<b>Committee question</b>	<b>Officer response</b>
Regarding the new fee charges for parking at Ruislip Lido how many Hillingdon vs non-Hillingdon residents currently park there.	Whilst this may vary over time, as an example, activity between 1 January and 14 May 2021 shows that 19.2% of parking was by residents with a Hillingdon First Card, the remainder were either non-residents or residents not using a Hillingdon First card.
Whether these measures would help reduce congestion & in particular encourage Hillingdon residents, and encourage people to take alternative forms of transport and help reduce air pollution	Officers advise that one of the main reasons for the change in charges is to discourage visitors coming by car as the Lido is well served by public transport. The Council publicises that parking is limited in the area.
It was noted that there was further adverse movement in the High Needs Block and the committee asked whether there was a plan to manage the growth in services to help avoid a continued rise in the deficit.	<p>The Council is required to submit a DSG Deficit Recovery Plan to the DfE/ESFA so they can confirm a plan is in place.</p> <p>This includes planned actions in the following areas in particular:</p> <ul style="list-style-type: none"> <li>• SEND Places - Use of SEND Capital Grant funding to create in-borough specialist places to meet current and future demands</li> <li>• SEND Pathway - It is anticipated that pressures on the cost of High Needs placements can be managed through the SEND pathway model. This is based on the assumption that new children in the system, will go through the pathway of the pre-statutory SEND pathway via the SEND Advisory Service, through the</li> </ul>

	Extra Support Funding mechanism at a lower average per pupil cost (c.£6k).
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# Agenda Item 6

## 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 31 May 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.