



HILLINGDON
LONDON



Executive Scrutiny Committee

Date: THURSDAY, 25 OCTOBER
2018

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

Venue: COMMITTEE ROOM 6 -
CIVIC CENTRE, HIGH
STREET, UXBRIDGE UB8
1UW

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

To Members of the Committee:

Councillor Henry Higgins (Chairman)
Councillor John Riley (Vice-Chairman)
Councillor Simon Arnold
Councillor Wayne Bridges
Councillor Peter Curling
Councillor Nick Denys
Councillor Peter Money
Councillor John Morse
Anthony Little (Representative Member
for Education Issues)

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camera and scan the code below:



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Putting our residents first

Lloyd White
Head of Democratic Services
London Borough of Hillingdon,
Phase II, Civic Centre, High Street, Uxbridge, UB8 1UW

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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

- 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 27 September 2018 1 - 2
- 4 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.
- 5 Consideration of any Call-Ins 3 - 6
To hear the Call-In of any decisions made at the Cabinet meeting prior to this meeting or made by Cabinet Members, other Council Committees or a delegated officer and published within five working days of this meeting.

Members should bring their Cabinet agenda to the meeting.

Members should consider any other decision published in the five working days before this meeting.

The purpose of this meeting is to decide whether to refer back any decision to the decision maker.



If Minutes

EXECUTIVE SCRUTINY COMMITTEE

27 September 2018

Meeting held at Committee Room 6 - Civic Centre,
High Street, Uxbridge UB8 1UW

	<p>Committee Members Present: Henry Higgins (Chairman), John Riley (Vice-Chairman), Simon Arnold, Wayne Bridges, Peter Curling, Nick Denys, Peter Money, John Morse and Tony Little (Representative Member for Education Issues)</p> <p>LBH Officers Present: Mark Braddock (Democratic Services)</p>
19.	<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>
20.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>No interests were declared by Members present.</p>
21.	<p>TO RECEIVE THE MINUTES OF THE MEETING HELD ON 26 JULY 2018 (<i>Agenda Item 3</i>)</p> <p>The minutes of the meeting held on 26 July 2018 were agreed as a correct record.</p>
22.	<p>EXCLUSION OF PRESS AND PUBLIC (<i>Agenda Item 4</i>)</p> <p>Items were considered and public and private as set out on the Cabinet agenda.</p>
23.	<p>CONSIDERATION OF ANY CALL-INS (<i>Agenda Item 5</i>)</p> <p>Members gave consideration to the Cabinet reports of 27 September 2018 and the decisions made by Cabinet on them earlier that evening.</p> <p>Reviewing the budget monitoring report, Labour Members present noted that Government funding for higher needs and early years had increased between 2017/18 and 2018/19, contrary to the information in the report and that the pressure showing was due to a clawback of funds. Labour Members also stated that the effect of the cut in funding for section 17 accommodation would mean more money would be used from the Children's Services budget.</p> <p>On the report relating to granting two schools a licensed deficit, Committee Members agreed on the need for the Council to closely monitor the schools concerned going forward. Members also discussed the clear responsibility of the Schools Forum in overseeing the Dedicated Schools Budget, whilst noting that the Council had a restricted role in this regard. Labour Members informed the Committee of a recent court ruling that had found that cuts to the Higher Needs budget were unlawful.</p>

The Committee decided not to call-in any decisions made by the Cabinet. However, the Committee did request minor clarifications on information within some reports and it was agreed that these would be provided outside the meeting informally.

RESOLVED: – That the decisions made by the Cabinet at their meeting on 27 September 2018 be endorsed and that no call-in be made.

The meeting, which commenced at 7.35 pm, closed at 7.51 pm.

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

TO CONSIDER THE CALL IN OF ANY DECISIONS MADE AT CABINET ON 25 OCTOBER 2018 OR MADE BY CABINET MEMBERS, OTHER COUNCIL COMMITTEES OR A DELEGATED OFFICER AND PUBLISHED WITHIN FIVE WORKING DAYS OF THE MEETING.

Contact Officer: Mark Braddock
Telephone: 01895 250470

REASON FOR REPORT

To provide information to Committee Members on their powers to call in decisions made by Cabinet, Cabinet Members and officers with delegated power from Cabinet.

OPTIONS OPEN TO THE COMMITTEE

To note the contents of this report and use it to inform the process of, considering whether to request further information on decisions taken at Cabinet, or to approve the Call-in of decisions. 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.

To hear any called in decisions made recently by Cabinet Members, other Council Committees or a delegated officer.

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

- i. Refer it back to the decision-making person or body 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 (included earlier in this agenda and reports), or
- iii. Decide not to refer back the decision. If the Committee wishes, it may give advice or feedback to the decision-maker and/or officers.

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. At this Committee's meeting on 2 June 2009 approval was given to an amendment to the rules of procedure relating to Call-Ins. These amendments were approved by Council at their meeting on 2 July 2009.
4. The purpose of this meeting is to enable Members to review the decisions taken at the Cabinet meeting which is taking place prior to this meeting and give consideration to the potential for call-ins of items.
5. 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 the following Tuesday 30 October 2018**.
6. 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.
7. If an item is called in, 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.
8. Any Member of the Committee may also propose a decision for call in by contacting Democratic Services, the Chairman of the Committee or the lead representative of the majority party on the Committee. It is recommended that this is done either before the Cabinet meeting or within 2 working days of the Cabinet meeting in order to allow time for the Committee to be consulted before the deadline for considering the decision expires. Any proposals will be notified to the whole Committee for comment and agreement.

Cabinet decisions

9. All Members of this Committee are on the 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.

Education decisions

10. Co-opted representative Members for Education may only sit on the Committee and speak or 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.

Cabinet Members and officers decisions

11. The Forward Plan 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.
12. The Committee may call-in any key decisions taken by officers and will be notified of such decisions, but such decision-making is extremely rare, as such key decisions are taken by Cabinet or delegated to Cabinet Members to make at a later date.
13. The Committee is advised that day-to-day operational and service 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.

BACKGROUND PAPERS

Annex 1 – Criteria for call-in as agreed at the first meeting of the Committee in 2006.

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

SUGGESTED SCRUTINY ACTIVITY

- Refer to the attached criteria when considering Cabinet decisions for call-in, noting those that are mandatory and those that are advisory.
- To review the decisions taken at the Cabinet meeting which is taking place prior to this meeting and to give consideration to the potential for call-ins of items as outlined in the Call-In procedure.
- If a vote is taken, Education representatives may only vote on items or elements of item reports concerning education
- Consider recent Cabinet Member decisions – decide whether to call-in any of these.

Annex 1 – 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.

Note: If a decision is considered contrary to any strategic policy or the approved budget (that are part of the Council's policy and budget framework), then the Committee may consider referral of the matter to full Council. Further guidance on this is available from Democratic Services.