



HILLINGDON
LONDON



Executive Scrutiny Committee

Date: THURSDAY, 14 FEBRUARY
2019

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

Venue: 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 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)

This Agenda is available online at:
www.hillingdon.gov.uk or use a smart phone
camera and scan the code below:



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Putting our residents first

Lloyd White
Head of Democratic Services
London Borough of Hillingdon,
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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 24 January 2019 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 Executive Decisions Taken and any Call-Ins 3 - 8
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

24 January 2019

Meeting held at Civic Centre, High Street, Uxbridge

	<p>Committee Members Present: Henry Higgins (Chairman), John Riley (Vice-Chairman), Simon Arnold, Wayne Bridges, Peter Curling, Nick Denys, Peter Money and John Morse</p> <p>LBH Officers Present: Mark Braddock (Democratic Services)</p>
39.	<p>APOLOGIES FOR ABSENCE AND TO REPORT THE PRESENCE OF ANY SUBSTITUTE MEMBERS (<i>Agenda Item 1</i>)</p> <p>Apologies had been received from Mr Tony Little, Roman Catholic Diocesan Co-opted Member.</p>
40.	<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>
41.	<p>TO RECEIVE THE MINUTES OF THE MEETING HELD ON 13 DECEMBER 2018 (<i>Agenda Item 3</i>)</p> <p>Subject to changing an error in the attendance at the last meeting, the minutes of the meeting held on 13 December 2018 were agreed as a correct record.</p>
42.	<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>
43.	<p>CONSIDERATION OF EXECUTIVE DECISIONS TAKEN AND ANY CALL-INS (<i>Agenda Item 5</i>)</p> <p>Members gave consideration to the Cabinet reports of the 24 January 2019 and the decisions made by Cabinet on them earlier that evening.</p> <p>On the budget monitoring report, Members discussed the forecast overspend on the contingency provision for Looked After Children in part due to an increase in the number of high cost residential placements and also a unit cost increase in such placements. The recurring issue of the deficit on the Dedicated Schools Budget was raised along with the risks associated with. Members noted some schools had substantial reserves and stressed the importance of the role of the Schools Forum in tackling such financial pressures. Vacant posts within Trading Standards were highlighted and assurances were sought on whether this was having an impact on local consumer protection services.</p> <p>RESOLVED: – That the decisions made by the Cabinet at their meeting on 24 January 2019 be endorsed and that no call-in be made.</p>

The meeting, which commenced at 7.20 pm, closed at 7.31 pm.

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

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.

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. 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 the following Monday - 18 February 2019**.
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.
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 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 1.

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 Member and officers decisions

11. 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 1.
12. The Committee may also call-in any key decisions taken by officers (usually when they have been previously taken by Cabinet) and will be notified of such decisions, but such decision-making is extremely rare and key decisions are usually taken by Cabinet or Cabinet Members.
13. 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.

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.

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.

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), then the Committee may consider referral of the matter to full Council instead. Further guidance on this is available from Democratic Services.

Decisions that cannot be called in include:

- Any decision relating to a non-executive (Cabinet) function, e.g. licensing matter

- Non-key decisions delegated by Cabinet to Council officers (e.g. operational)
- 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, 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.

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