

VIRTUAL

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

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 12 November 2020 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 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.

- 6 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.



HILLINGDON
LONDON

Minutes

EXECUTIVE SCRUTINY COMMITTEE

12 November 2020

Meeting held virtually, live on the Council's YouTube channel: [Hillingdon London](https://www.youtube.com/channel/UCv8v8v8v8v8v8v8v8v8v8v8)

	<p>Committee Members Present: Henry Higgins (Chairman), John Riley (Vice-Chairman), Simon Arnold, Wayne Bridges, Kerri Prince, Nick Denys, Peter Money, Jazz Dhillon (Reserve) (In place of Peter Curling) and Tony Little (Representative Member for Education Issues)</p> <p>LBH Officers Present: Mark Braddock (Democratic Services)</p>
32.	<p>APOLOGIES FOR ABSENCE AND TO REPORT THE PRESENCE OF ANY SUBSTITUTE MEMBERS (<i>Agenda Item 1</i>)</p> <p>Councillor Peter Curling sent his apologies and Councillor Jazz Dhillon substituted for him.</p>
33.	<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>
34.	<p>TO RECEIVE THE MINUTES OF THE MEETING HELD ON 22 OCTOBER 2020 (<i>Agenda Item 3</i>)</p> <p>The minutes of the virtual meeting held on 22 October 2020 were agreed as a correct record.</p>
35.	<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>
36.	<p>FOLLOW-UP: MATTERS FOR CLARIFICATION FROM THE LAST MEETING (<i>Agenda Item 5</i>)</p> <p>Clarifications from the last meeting were noted. The Committee also sought further clarification outside the meeting to the response provided on the backlog in Education and Health Care Plans.</p>
37.	<p>CONSIDERATION OF EXECUTIVE DECISIONS TAKEN AND ANY CALL-INS (<i>Agenda Item 6</i>)</p> <p>Members had watched the virtual Cabinet meeting held prior so that they could review the Cabinet reports and decisions made.</p> <p>On the report on the Proposed Lease Arrangements for a potential new secondary free school on Ruislip Golf Course, the Committee sought information on the likely compensation payment from HS2 Limited and how many secondary places in the school planning area were projected to be needed where the potential new secondary</p>

free school is to be located.

Reviewing the Monthly Budget Monitoring Report, the Committee sought a greater understanding on the capital programme's projected variance change for the planned Yiewsley and West Drayton Leisure Centre and the corresponding change in variance for the refurbishment of the Yiewsley and West Drayton Community Centre, along with any savings on the projects from the tender process. The Committee also asked for any projections on the likely number of families in temporary housing by the end of December 2020.

Noting the report on the delegations to the Deputy Chief Executive and Corporate Director of Residents Services, the Committee concluded by expressing their sincere thanks to Ms Jean Palmer OBE for her hard work and dedication to the Council. Members wished her a happy retirement and requested their thanks be put on record and sent to Ms Palmer.

RESOLVED: – That the decisions made by the Cabinet at their meeting on 12 November 2020 be endorsed and that no call-in be made.

The meeting, which commenced at 7.40 pm, closed at 7.57 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.

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 – 12 NOVEMBER 2020

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 6 - PROPOSED LEASE OF RUISLIP GOLF COURSE FOR NEW FREE SCHOOL

Committee Clarification	Officer response
The Committee asked how many secondary places in the school planning area are projected to be needed, where the potential new secondary free school will be located?	Projections for the north of the borough show a continuing rise to 2025-26 which then plateaus. Extra places in Year 7 will continue to be required every year to give every resident pupil starting secondary school an offer of a school place, rising from the 60 temporary places added in 2020, to between 130-190 extra each year. This creates a cumulative total extra number of local pupils far beyond the capacity of the existing schools, as most school sites and buildings are now full, with a number having extra places added in the last few years.
The report states: HS2 Ltd has agreed to enter into a lease to regularise their occupation of the course and has also agreed that on completion of this lease it will pay the Council compensation for the loss of revenue and costs incurred by the	This response will be provided to the Committee in Part 2 of the meeting by Democratic Services on the 10 December with a short response.

<p>Council from December 2018 to the date of full possession. Compensation for the period from 2nd September 2019 to the date upon which the land is returned to the Council is covered under an Agreement between the Secretary of State for Transport, High Speed Two (HS2) Limited and the London Borough of Hillingdon dated 17th August 2017 (The Legal Agreement).</p> <p>The Committee has asked what the compensation figure is likely to be?</p>	
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ITEM 8 - MONTHLY BUDGET MONITORING REPORT

Committee Clarification	Officer response
<p>Further clarification of a question asked at the previous meeting, where it was asked how much of the 17.5% increase in EHCPs had been contributed by the backlog and how many cases are still outstanding?</p> <p>The response from officers answers the second part of that question but not the first. Is it possible to find out how many backlogged cases were included in the 17.5% and therefore arrive at an indication of what is the ongoing rate of increase in EHCPs?</p> <p>Note: previous response from officers below:</p> <p><i>'The increase of plans from 2297 (July 2019) to 2691 (July 2020) has been partly due to the number of backlogged EHC needs assessments completed, however there were other factors to this growth including:</i></p> <ul style="list-style-type: none"> <i>• New requests for assessments</i> <i>• Pupils moving into the borough with an EHCP</i> <p><i>There are still 55 'backlogged' Education, Health and Care needs assessments that are yet to be finalised, of which 29 will be finalised shortly, once a placement is confirmed.'</i></p>	<p>The 17.5% growth was in part contributed by backlogged cases. Backlogged cases accounted for 32% of the growth in EHCPs for last year.</p>

<p>Appendix B - Major Projects Capital Programme shows under “Total Project Variance 2019-2014”, a £7,672k underspend in the New Yiewsley Leisure Centre and a corresponding £7,672k increase in the Yiewsley/West Drayton Community Centre project.</p> <p>The Committee asked if officers advise on what the switch-around of future planned capital expenditure is on?</p>	<p>Finance have apologised for a transposition error in the table which impacted on these two lines.</p> <p>The spend of £7,672k should have been included in the Leisure Centre line but was included in the Community Centre line in error. This produced two offsetting but incorrect variances and suggested the switch-around of expenditure which generated the question. There were three columns in the table in Appendix B impacted by this and the corrected extract is given below which shows that there is currently no variance forecast against either of these projects.</p> <table><tr><th>Prior Year Cost £'000</th><th>Project</th><th>Total Project Budget 2019-2024 £'000</th><th>Total Project Forecast 2019-2024 £'000</th><th>Total Project Variance 2019-2024 £'000</th></tr><tr><td></td><td>Major Projects</td><td></td><td></td><td></td></tr><tr><td></td><td>Community Commerce & Regeneration</td><td></td><td></td><td></td></tr><tr><td>963</td><td>New Yiewsley Leisure Centre</td><td>29,037</td><td>29,037</td><td>0</td></tr><tr><td>69</td><td>Yiewsley and West Drayton Community Centre</td><td>1,931</td><td>1,931</td><td>0</td></tr></table>	Prior Year Cost £'000	Project	Total Project Budget 2019-2024 £'000	Total Project Forecast 2019-2024 £'000	Total Project Variance 2019-2024 £'000		Major Projects					Community Commerce & Regeneration				963	New Yiewsley Leisure Centre	29,037	29,037	0	69	Yiewsley and West Drayton Community Centre	1,931	1,931	0
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<p>Has there been a delay and re-tendering of the above two Yiewsley and West Drayton projects?. If so, can officers advise whether this has achieved any savings?</p>	<p>For the Yiewsley and West Drayton Community Centre works, the contact was awarded first time around by the Cabinet in July 2020 to Portview Fit-Out Limited at the value of £1,512,810.</p> <p>The main construction contract for the new Yiewsley and West Drayton Leisure Centre has been re-tendered by officers. A decision on this contract has been delegated to Cabinet Members to make a decision on in due course and the necessary financial update on build costs for this project will be included in the report, which all Members will have access to.</p>																									
<p>Page 98 - para 74 shows the current level of families in temporary housing in July, August and September. The Committee wondered whether there is a projection of the number likely to be in temporary accommodation by the end of December 2020?</p>	<p>The Homeless Prevention Services has a set target to be at or under 130 households in B&B by the end of March 2021.</p> <p>It is therefore projected that by 31 December 2020 there will be no more than 160 households in B&B accommodation.</p> <p>This will be achieved by –</p>																									

	<ul style="list-style-type: none"> • Preventing homelessness where possible and reasonable to do so for new homeless applicants approaching the Council. • Increasing private rented housing options to prevent homeless households from having to move into temporary accommodation. • Supporting current temporary accommodation residents into a long term housing solution which will either be a social housing or private rented solution.
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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 14 December 2020**.
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.

APPENDICIES 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.