



HILLINGDON  
LONDON



# Executive Scrutiny Committee

**Date:** TUESDAY, 30 JUNE 2009

**Time:** 7.00 PM

**Venue:** COMMITTEE ROOM 3 -  
CIVIC CENTRE, HIGH  
STREET, UXBRIDGE UB8  
1UW

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

**Councillors on the Committee:**

David Yarrow (Chairman)  
Edward Lavery (Vice Chairman)  
Brian Crowe  
John Riley  
2 Vacancies

**Representative Members for Education issues:**

Vacancy – Church of England Diocesan  
Representative  
Anthony Little – Roman Catholic  
Diocesan Representative  
Vacancy – Parent Governor  
Representative

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This Agenda is available online at:  
<http://www.hillingdon.gov.uk>

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# Executive Scrutiny

## About this Committee

This Committee exercises the right set out in the Policy Overview and Scrutiny Procedure Rules to **call-in and recommend for reconsideration any decisions made but not yet implemented** by the Cabinet, a Cabinet Member, a Council Committee or a delegated officer.

“Call in” enables the Committee:

- To question the circumstances of the decision
- To ask for more information about the decision if that contained in the report recommending the decision is considered inadequate
- To decide whether to ask for the decision to be reconsidered by the person or Committee that took it.

## Rules of Procedure

### Call-In

- (a) When a decision is made by the Cabinet, an individual Member of the Cabinet or a Committee of the Cabinet, or a Key Decision is made by an officer with delegated authority from the Cabinet, or under joint arrangements, the decision shall be published, including by electronic means, and shall be available at the Civic Centre normally within 2 working days of being made.
- (b) The notice of the decision will bear the date on which it is published and notified to all Members of the Council and will specify that the decision will come into force, and will then be implemented, on the expiry of 5 working days after the publication of the decision, unless the decision is called-in by the Executive Scrutiny Committee.
- (c) 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).
- (d) The Executive Scrutiny Committee will meet within 5 working days of each Cabinet to hear the call-in of any decisions made at the preceding Cabinet meeting. Decisions to be called in will be agreed by the Chairman of the Committee, the lead

representative of the majority party on the Committee and other members of the committee including the education representatives in the case of education decisions. These will be notified to the Scrutiny Advisor within two working days of the Cabinet meeting being held. Officers and/or Cabinet Members responsible for the recommendations leading to the decision or for making the called in decision will be notified and asked to attend the call-in to explain decisions.

Decisions made by an individual Member of the Cabinet or a Key Decision made by an officer with delegated authority from the Cabinet, can be called-in by agreement of the Chairman of the Committee and the lead representative of the majority party on the Committee within 5 working days of the decision being published. These Members shall inform the Scrutiny Advisor who will 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.

- (e) If, having considered the decision, the Executive Scrutiny Committee are still concerned about it, then it may:
- refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns, or
  - refer the matter to full Council, but only in the circumstances set out below.

A decision will not be referred to full Council unless either the Committee believes it to be contrary to the Policy Framework or Budget, or considers that it was a Key Decision that was not dealt with as such by the Cabinet. If it is referred to the decision maker they shall then reconsider within a further 5 working days, amending the decision or not, before adopting a final decision.

- (f) If following an objection to the decision, the Executive Scrutiny Committee does not hold the two meetings within 10 working days of the date of the Cabinet meeting, the original decision shall take effect at the end of the 10-day period.
- (g) If the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below.
- (h) If the Council does object, it has no authority to make decisions in respect of a Cabinet decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Cabinet as a whole or a Committee of it, a meeting will be convened to reconsider within 10 working days of the Council request. Where the decision was made by an individual, the individual will reconsider within 10 working days of the Council request.

- (i) If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.

### **CALL-IN AND URGENCY**

The call-in procedure set out above shall not apply where the decision being taken by the Cabinet or executive member is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests or could lead to an (increased) risk of damage to people or property. The record of the decisions, and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The Head of Paid service or his/her nominee and the Chairman of the Executive Scrutiny Committee or his/her nominee must be informed that the decision will be implemented immediately upon their all agreeing that the decision is reasonable and to it being treated as a matter of urgency, or after 2 clear days should no objection to urgent implementation be received. Decisions taken as a matter of urgency must be reported to the next available meeting of Council, together with the reasons for urgency.

# 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 2 June 2009. (attached)
- 4 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 To hear the call in of any decisions made at the Cabinet on 25 June 2009 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 25th June 2009 Cabinet agenda to the meeting.

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

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

# Agenda Item 3

## Executive Scrutiny Committee

2 June 2009

## Minutes



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	<p><b>Members Present:</b> Councillors David Yarrow (Chairman), Brian Crowe and John Riley</p> <p><b>Representative Member for Education Issues:</b> Tony Little</p> <p><b>Apologies:</b> Councillor Edward Lavery</p> <p><b>Officer Present:</b> Khalid Ahmed.</p>		
	<p><b>Declarations of Interest:</b> None.</p>		
	<p><b>Minutes of the meeting held on 27 January 2009</b> Agreed as an accurate record.</p>		
	<p><b>Exclusion of the press and public:</b> It was agreed that all items of business were considered in public.</p>		
1.	<p><b>Decisions of Cabinet – To consider the decisions made at the Cabinet meeting on 28 May 2009</b></p> <p>Members noted that at the informal meeting of this Committee which had met after the Cabinet meeting on 28 May 2009 there had been no requests from Members for further information on clarification on any Cabinet report.</p>		
2.	<table border="1"><tr><td><p><b>Work Programme and meeting dates 2009/10</b></p><p>Consideration was given to proposals to improve the effectiveness of this Committee's performance and its work programme for 2009/10.</p><p>The proposal was for a formal Executive Scrutiny Committee meeting to take place at the rising of Cabinet meetings. At this meeting Members would review the decisions taken at the Cabinet meeting and give consideration to the potential for call-ins of items. On areas where further information or clarification was sought, officers would be asked to provide a response to the Committee queries by midday on the following Monday. These responses would be sent to Members of this Committee by email, and based on this information, Members would be</p></td><td><p><b>Action By:</b></p></td></tr></table>	<p><b>Work Programme and meeting dates 2009/10</b></p> <p>Consideration was given to proposals to improve the effectiveness of this Committee's performance and its work programme for 2009/10.</p> <p>The proposal was for a formal Executive Scrutiny Committee meeting to take place at the rising of Cabinet meetings. At this meeting Members would review the decisions taken at the Cabinet meeting and give consideration to the potential for call-ins of items. On areas where further information or clarification was sought, officers would be asked to provide a response to the Committee queries by midday on the following Monday. These responses would be sent to Members of this Committee by email, and based on this information, Members would be</p>	<p><b>Action By:</b></p>
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	<p>asked to email or telephone Democratic Services on whether they were content with the information supplied or whether they recommended the calling –in of the particular item. The majority of the Committee Members would have to agree to the call-in request for it to proceed.</p> <p>If an item was called in, another formal meeting of the Committee would 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, would be invited to discuss the called-in item.</p> <p>The suggested changes would require a change to both the Council’s timetable of meetings and the Constitution in respect of the rules of procedure relating to Call-ins.</p> <p>Members were informed that the proposed changes if approved would come into effect pending full Council approval on 2 July and the first formal meeting of the Executive Scrutiny Committee would be on 16 July, at the rising of the Cabinet meeting.</p> <p><b>Resolved –</b></p> <ol style="list-style-type: none"> <li>1. That, subject to the approval of the Leader of the Council, Council be recommended to agree the amendments to the rules of procedure relating to Call-In as outlined above.</li> <li>2. That subject to Council’s approval of the changes to the rules of procedure relating to Call-in, the Council’s timetable of meetings be amended so that formal meetings of this Committee take place after Cabinet meetings.</li> </ol>	<p><b>Khalid Ahmed</b></p> <p><b>Khalid Ahmed</b></p>
	<p><b>Meeting closed at 7.35pm</b>  <b>Next meeting: Informal Executive Scrutiny Committee – 25 June 2009 at the rising of Cabinet</b></p>	

These are the minutes of the above meeting. For more information on any of the resolutions please contact Khalid Ahmed on 01895 250833. Circulation of these minutes are to Councillors, Officers, the Press and Members of the Public.



# Agenda Item 5

**TO HEAR THE CALL IN OF ANY DECISIONS MADE AT CABINET ON 25 JUNE 2009 OR MADE BY CABINET MEMBERS, OTHER COUNCIL COMMITTEES OR A DELEGATED OFFICER AND PUBLISHED WITHIN FIVE WORKING DAYS OF THE MEETING.**

Contact Officer: Khalid Ahmed  
Telephone: 01895 250833

## **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, first, deciding whether to call in decisions and then, at this meeting, hearing any called in decisions made at Cabinet on 25 June 2009 or made recently by Cabinet Members, other Council Committees or a delegated officer.

The options open to the Committee on a called in decision are 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. An informal meeting of the Committee will be held in Committee Room 7 immediately after the end of the Cabinet meeting on 25 June 2009 to decide whether to question or call in any decisions made at Cabinet. The formal meeting of the Committee is scheduled to take place within 5 working days of the Cabinet meeting.
4. Any Member of the Committee may also propose a decision for call in by contacting the Scrutiny Advisor, 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.

5. The Scrutiny Advisor should normally be notified of all called-in decisions agreed by the Committee within 3 working days of the Cabinet meeting or of the Cabinet Member taking a decision. Officers and/or the Cabinet Member responsible for the called-in decision will be notified and asked to attend the call in.

### **Cabinet agendas and decisions**

6. All Members of this Committee are on the Cabinet team mailing lists to receive printed copies of the Cabinet meeting agendas and decisions.

### **Education decisions**

7. Representative Members for Education on the Committee can only vote education issues. They may speak on education and other matters.
8. There are no reports on education or with education elements listed on the Cabinet Agenda for 25 June 2009 are:

### **Cabinet Members' and officers' decisions**

9. 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.
10. As advised at the Committee's first meeting, Government Guidance states that day-to-day decisions by officers should be excluded from scrutiny. There is no central record of officers' delegated decisions. Cabinet Members are briefed on the more significant delegated decisions at Directors' briefing. Directorates should keep records of delegated decisions.

## **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.
- Decide within 3 working days of Cabinet whether to call in any decisions taken at Cabinet on 25 June 2009.
- If a vote is taken, Education representatives may only vote on items or elements of item

reports concerning education (listed at 8 above).

- Consider recent Cabinet Member decisions – decide whether to call-in any of these.

## **Annex 1 – Criteria for call-in agreed at the Executive Scrutiny Committee’s first meeting**

### **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 another O&S committee.