



HILLINGDON  
LONDON



# Executive Scrutiny Committee

**Date:** THURSDAY, 24  
SEPTEMBER 2009

**Time:** 7.30 PM OR AT THE RISING  
OF THE CABINET MEETING

**Venue:** COMMITTEE ROOM 7 -  
CIVIC CENTRE

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

**This agenda and associated  
reports can be made available  
in other languages, in Braille,  
large print or on audio tape on  
request. Please contact us for  
further information.**

## **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

**Published: 16 September 2009**

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This Agenda is available online at:

<http://lbh-modgov:9071/ieListDocuments.aspx?CId=236&MId=530&Ver=4>

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# Useful information

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Please enter from the Council's main reception where you will be directed to the Committee Room. An Induction Loop System is available for use in the various meeting rooms. Please contact us for further information.

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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 immediately after the conclusion of a meeting of Cabinet to enable Members to review the decisions taken at the Cabinet meeting and give consideration to the potential for call-ins of items. 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) On areas where Members request further information or clarification, officers will be asked to provide a response to the Committee queries by midday on the following Monday following the Cabinet and this Committee meetings.

- (e). 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.
- (f). 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.
- (g). 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 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 16 July 2009
- 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 Cabinet on 24 September 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 24 September 2009 Cabinet agenda.*

*Members should consider any other decisions 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.*

# Agenda Item 3

## Executive Scrutiny Committee

16 July 2009

## Minutes



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	<p><b>Members Present:</b> Councillors David Yarrow (Chairman), Brian Crowe, Mary O'Connor and John Riley.</p> <p><b>Representative Member for Education Issues:</b> Tony Little</p> <p><b>Apologies:</b> Councillor Edward Lavery (Councillor Mary O'Connor substituting)</p> <p><b>Officer Present:</b> Khalid Ahmed.</p>
3.	<p><b>Declarations of Interest:</b> All Members declared Personal Interests in those Cabinet items relating to schools, as they were all Governors of various schools within the Borough.</p>
4.	<p><b>Minutes of the meeting held on 2 June 2009</b></p> <p>Agreed as an accurate record subject to an amendment to Minute No. 2 as amended at the Council meeting on 2 July 2009 – the last sentence, so that it reads: “These responses would be sent to Members of this Committee by email, and based on this information, Members would be asked to email or telephone the Chairman 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. The Chairman would then advise the Head of Democratic Services.”</p>
5.	<p><b>Exclusion of the press and public:</b> It was agreed that all items of business were considered in public.</p>

6.

**Decisions of Cabinet – To consider the decisions made at the Cabinet meeting on for 16 July 2009**

Members gave consideration to the Cabinet reports of 16 July 2009 and after careful consideration Members decided not to call-in any decision made by the Cabinet at their meeting.

However, officers were asked for clarification on a number of issues detailed in reports. These were:

**Item 11 - Council Budget - 2008/9 Revenue and Capital Outturn** - Could officers explain in more detail the £246k under spend in Education and Children Services, under Director & Youth Services, paragraph 3, page 243 of the Cabinet agenda? What was the reason for the staffing vacancies, have the posts been removed?

Subsequent to the meeting officers provided Members with the following response.

*“£50k of this under spend was due to the departure in year of the Deputy Director for Learning and School Effectiveness. £65k was an adjustment following the centralisation of Early Retirement Charges which had been borne by the service. The under spend in Youth services was staffing costs associated with the new mobile bus. As the purchase was delayed, staff costs were not incurred until later in the year. There was a £40k under spend due to delayed recruitment in Connexions, a £30k under spend was reported this year. There was a further one-off saving in Connexions due to the early completion of a project”.*

**Item 11 - Council Budget - 2008/9 Revenue and Capital Outturn** - Could officers explain in more detail the £281k Pressure in Education and Children Service, under Resources, Policy & Performance, paragraph 4, page 243 of the Cabinet agenda? What was the shortfall of the grant for Barnhill PFI and what were the additional payments?

Subsequent to the meeting officers provided Members with the following response.

*“The grant shortfall on the Barnhill PFI amounts to approximately £140k. This represents the difference between the funding allocated to the Council via Revenue Support Grant and the amounts payable under the contract. The contract was reviewed during the course of the year. The payments required to the sinking fund had not been recalculated to take account of benchmarking data and some items had been charged to the sinking fund in error. Discussions were had with the contractor and an agreed amount to top up the fund was agreed by both parties”.*

**Item 12 - Council Budget - 2008/9 Revenue and Capital Outturn** - Could officers explain the significant under spends on Extended Schools - New Grant and Early Years Foundation Stage - Surestart as detailed under Education and Children Service, Capital paragraph 7, page 245 of the Cabinet agenda? Members asked that for future reports there should be an extra column, giving for example, explanations on under spends/overspends.

Subsequent to the meeting officers provided Members with the following response.



	<p>“This was a three-year grant allocation and any under/over spends can be carried from one year to the next. The annual split of the allocation was determined by the DCSF and was not based on the Council’s expected spend. The programme was currently behind schedule due to delays in time involved to agree &amp; allocate funding to schools, release of funding, procurement of tenders and planning permission”.</p> <p><b>Item 12 - Council Budget - Month 2 2009/10 - Revenue and Capital Monitoring</b> - On pages 284 (paragraph 8) and 285 (paragraph 10) - Members asked for greater detail on these paragraphs. i.e. identifying the savings of £653k (paragraph 8) and what was the timescale for agreeing which areas the savings would be allocated to (paragraph 10)?</p> <p>Subsequent to the meeting officers provided Members with the following response.</p> <p><i>“The Education &amp; Children’s Services Service Review identified that both outcomes for children could be improved and savings made through the development of prevention and early intervention services. There are a range of projects underway at different stages of implementation. These would also address the short-term pressures arising from Baby P. The LSCB Baby P project plan and the Children and Families Trust Plan set out the actions and report on progress. The group was undertaking complex profiling of costs and savings associated with these developments including reviewing grant allocations to seek any flexibility in applying the grant, for example, within the Early Years Service, to ensure services were focused on prevention and early intervention”.</i></p> <p><b>Resolved –</b></p> <ol style="list-style-type: none"> <li>1. That the decisions made by Cabinet at their meeting on 16 July 2009 be noted and no call-in be made of any decision.</li> <li>2. That officers be asked to provide clarification on the issues outlined above.</li> </ol>	
	<p><b>Meeting closed at 9.00pm</b>  <b>Next meeting: 24 September 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.

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# Agenda Item 5

**TO CONSIDER THE CALL IN OF ANY DECISIONS MADE AT CABINET ON 22 SEPTEMBER 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, 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, officers will be asked to provide a response to the Committee queries by midday on the following Monday (28 September 2009).
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 agendas and decisions**

9. 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**

10. Representative Members for Education on the Committee can only vote education issues. They may speak on education and other matters.

### **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. 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.
- 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 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.