



HILLINGDON
LONDON



Executive Scrutiny Committee

Date: THURSDAY, 14 OCTOBER
2010

Time: 7.30 PM OR AT THE RISING
OF CABINET

Venue: COMMITTEE ROOM 7 -
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

Eddie Lavery (Chairman)
John Riley (Vice-Chairman)
Mo Khursheed (Labour Lead)
Brian Crowe
Anita MacDonald
Brian Stead

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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large print or on audio tape on
request. Please contact us for
further information.**

Published: Wednesday, 6 October 2010

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This Agenda is available online at:

<http://modgov.hillingdon.gov.uk/ieListDocuments.aspx?CId=236&MId=677&Ver=4>

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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 23 September 2010 (**Pages 1-5**)
- 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 (**Pages 7-10**)

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 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.

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Minutes

Executive Scrutiny Committee
Thursday, 23 September 2010
Meeting held at Committee Room 7 - Civic Centre,
High Street, Uxbridge UB8 1UW



	<p>Members Present: Councillors Edward Lavery (Chairman), Mo Khursheed, Anita MacDonald, Richard Mills, Andrew Retter and John Riley.</p> <p>Representative Member for Education Issues: Tony Little.</p> <p>Apologies: Councillors Brian Crowe (Councillor Andrew Retter substituting) and Brian Stead (Councillor Richard Mills substituting).</p> <p>Also Present: Councillors Wayne Bridges and Dominic Gilham.</p> <p>Officer Present: Khalid Ahmed (Democratic Services Manager).</p>
15.	<p>DECLARATIONS OF INTEREST</p> <p>Councillor Anita MacDonald declared a Personal Interest In Cabinet Agenda Item 5 – Conservation Management Plan for Eastcote House Buildings and Gardens as she attended St Laurence’s Church which is an organisation which had commented on the consultation. She remained in the room and took part in discussions on the item.</p> <p>Councillor Edward Lavery declared a Personal Interest in Cabinet Agenda Item 16 – Appointment of consultants in support of a planning application and design for the Ruislip High School additional form of entry and Sixth Form Centre as he was a Governor at Ruislip High School. He remained in the room and took part in discussions on the item.</p>
16.	<p>MINUTES OF THE MEETING HELD ON 15 JULY 2010</p> <p>Agreed as an accurate record.</p>
17.	<p>EXCLUSION OF THE PRESS AND PUBLIC</p> <p>It was agreed that all items of business were considered in public.</p>
18	<p>CONSIDERATION OF ANY CALL-INS OF DECISIONS MADE AT THE CABINET MEETING ON 23 SEPTEMBER 2010</p> <p>Members gave consideration to the Cabinet reports of 23 September 2010 and after careful consideration Members</p>

	<p>decided not to call-in any decision made by the Cabinet at their meeting.</p> <p>However Members sought clarification on the following items:</p> <p><u>Cabinet Agenda Item 7 - Pan London Emergency Arrangements - Amendment to the Gold Resolution and Procedures for Mutual Aid</u></p> <p>In the financial implications of the report it stated that there may be a number of costs falling upon the Council. If at all possible, could officers provide an estimate of this likely maximum financial commitment?</p> <p><i>[Subsequent to the meeting, officers provided the following response:</i></p> <p><i>“It is important to note that neither the Gold resolution nor the Mutual Aid agreement will create additional costs over and above those that we, as a Local Authority, are already liable for during an emergency. Estimating the maximum costs of an emergency is difficult and imprecise as there are many factors that determine our liabilities. However, below are some examples of areas where Local Authorities may respond during an emergency:</i></p> <ul style="list-style-type: none"> <i>○ Provision of humanitarian assistance</i> <i>○ Provision of temporary additional mortuary capacity</i> <i>○ Emergency accommodation, predominantly to those enable to return to their homes due to the impact of the emergency</i> <p><i>Below are estimated costs incurred by Boroughs from emergencies, which shows the range and extremes of possible spend. It should be noted the a temporary mortuary of the scale of the 7th July bombings is extremely rare:</i></p> <ul style="list-style-type: none"> <i>○ Overnight stay in temporary accommodation for one family of 4 - £150</i> <i>○ Temporary mortuary for the 7th July 2005 London bombings, incurred by Westminster - approximately £3 million</i> <p><i>Recovering the costs:</i></p> <ul style="list-style-type: none"> <i>○ The Bellwin scheme allows Local Authorities to recoup costs from emergencies. However, the criteria is extremely limited and would not be applicable to Hillingdon until we spent over £760,000 on a single emergency. Note: Bellwin only refunds a maximum of 80% of these costs.</i> 	<p>Action By:</p>
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	<p>o <i>Government grants - both during 7th July bombings and 2007 flood, Government Departments offered considerable emergency grants to affect local authorities. However, this is not guaranteed.”</i>”</p> <p><u>Cabinet Agenda Item 8 - Revisions to the Chapter 4 'Educational Facilities' of the Planning Obligations Supplementary Planning Document</u></p> <p>On page 83 reference was made to the worked example of 26 flats in Uxbridge which stated that no child-yield would be calculated for the 6 studios. Is there a statutory calculation or some other method which stipulated that there should be no child yield for studios?</p> <p><i>[Subsequent to the meeting, officers provided the following response:</i></p> <p><i>“The worked example follows the Revised SPD Chapter 4 paragraphs 4.14 - 4.15 on developments that qualify for section 106 contributions. The relevant paragraphs are extracted:</i></p> <p><i>Qualifying Developments</i></p> <p><i>4.14 The Local Planning Authority will, where appropriate, seek to secure contributions from all new residential development (houses and flats), apart from non-family units. In cases such as sheltered housing, where it can be adequately demonstrated to the Council that there would be no child yield, the education contribution may be waived or deferred until the residence reverts back to family housing.</i></p> <p><i>4.15 The threshold at which the local authority may seek contributions for extra school facilities will be any qualifying residential development(houses and flats) resulting in a total net increase of 6 or more rooms (as defined in paragraph 6.3) for units which contain three or more rooms. In addition, the Council may, at its discretion, consider rooms in excess of 20 sqm as potentially 2 separate rooms for the purpose of this assessment. The policy will be applied to all forms of residential development apart from non-family units with no child yield as may be adequately demonstrated to the Council.</i></p> <p><i>Therefore studios and bedsits do not qualify for assessment on the basis of being non-family units and typically having less than 3 rooms. Since Section 106 calculations were first adopted, it has been the standard practice to exclude this type of property. The Council would not want to encourage children in studio or very small 1 bed flats and hence we have not sought an education contribution from these. Clearly if the accommodation had very large rooms that could be subdivided to comply with the policy, then a contribution could be sought.</i></p>	<p>Action By:</p>
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Action By:

As far as actual child-yields are concerned, the original 2001 Census data that underpins the Council's S106 calculations did actually demonstrate that 1 and 2 room properties (proxies for studios & bedsits) contained some children. The original data revealed that there were 935 0-16 year olds residing in 4,332 properties that contained only 1 or 2 rooms.”]

**Cabinet Agenda Item 10 - Council Budget - Month 4
2010/11 Revenue and Capital Monitoring**

In relation to paragraph 17 on page 101, could clarification be given on the detail in that paragraph and also whether Playbuilder is still running?

[Subsequent to the meeting, officers provided the following response:

In relation to the Playbuilder scheme, the authority has confirmed in writing that the full allocation for the current financial year has been committed. Despite the DfE stating in writing that allocations would be confirmed by the end of August 2010 we still await their decision. The position on Surestart is similar and officers are discussing our revised allocation with the DfE, however much of our allocation was committed in advance of the review of expenditure taking place.”]

In relation to Appendix B - Treasury Management Report - the table on outstanding deposits and the item relating to Unpaid Maturities, could officers inform Members when it was expected that the outstanding monies would be coming back to the Council?

[Subsequent to the meeting, officers provided the following response:

“There is currently £13.9m outstanding on the Icelandic investments, of which we expect not to recover £2.5m. Discussions are continuing with DCLG on capitalisation of this impairment. Of the £15m invested with Heritable, we expect to recover 85%, of which £6.1 m has been repaid and the remainder is due to be repaid in 5% instalments quarterly until September 2012. Of the £5m invested with Landsbanki, latest projects are that we should recover 95% and repayments are due to start in October 2011 and continue till October 2018.”]

In relation to Appendix C - Retaining of agency for Adult Social Care, Health and Housing Services - reference is made to 3 contract workers, although in the final sentence reference is made to 5 posts. Could officers clarify this?

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Agenda Item 5

TO CONSIDER THE CALL IN OF ANY DECISIONS MADE AT CABINET ON 14 OCTOBER 2010 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 (18 October 2010).
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 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 on 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.