

CALL-IN SUB COMMITTEE

22 AUGUST 2006

Chairman: * Councillor Anthony Seymour

Councillors: * B E Gate * Dinesh Solanki (4)
 * Mitzi Green * Jeremy Zeid (1)

Voting Co-opted: (Voluntary Aided) (Parent Governors)
 (See Note (1) below) † Mrs J Rammelt * Mr H Epie
 † Reverend P Reece † Mr R Sutcliffe

* Denotes Member present
 † Denotes apologies received
 (1) and (4) Denote category of Reserve Member

[Notes: (1) Under Overview and Scrutiny Procedure Rule 5.4, where there is a matter relating to the Council’s education functions at Call-in Sub-Committee meetings, the “church” and parent governor representatives have attendance, speaking and voting rights. The items indicated at Minutes 7(i), (ii), (iv), (v) and (vi) below relate to education functions;

(2) Councillors Mrinal Choudhury, Navin Shah and Bill Stephenson also attended this meeting in a participatory capacity].

PART I - RECOMMENDATIONS - NIL

PART II - MINUTES

1. **Appointment of Chairman:**

RESOLVED: To note the appointment, at the Overview and Scrutiny Committee meeting on 18 July 2006, of Councillor Anthony Seymour as Chairman of the Sub-Committee for the Municipal Year 2006/07.

2. **Attendance by Reserve Members:**

RESOLVED: To note the attendance at this meeting of the following duly appointed Reserve Members:-

<u>Ordinary Member</u>	<u>Reserve Member</u>
Councillor Jean Lammiman Councillor Mark Versallion	Councillor Jeremy Zeid Councillor Dinesh Solanki

3. **Declarations of Interest:**

RESOLVED: To note that the following interests were declared:

<u>Agenda Item</u>	<u>Member</u>	<u>Nature of Interest</u>
7(c). Call-in of the Decision of the Cabinet Meeting on 3 August 2006: Key Decision – Financial Position – Item 17 – Focus Clothing Grants on Real Need	Councillor Mrinal Choudhury	Personal interest arising from his involvement with Elmgrove School. Accordingly, the Member would remain in the room and take part in the discussion on this item.
	Councillor B E Gate	Personal interest arising from his membership of the Education Consultative Forum. Accordingly, the Member would remain in the room and take part in the discussion and decision-making on this item.

<u>Agenda Item</u>	<u>Member</u>	<u>Nature of Interest</u>
7(f). Call-in of the Decision of the Cabinet Meeting on 3 August 2006: Key Decision – Financial Position – Item 44 – Public Realm Maintenance – Parks Locking	Councillor Bill Stephenson	Prejudicial interest arising from the fact that the Member lived adjacent to a park that would no longer be locked at night. Accordingly, the Member would leave the room and take no part in the discussion on this item.
	Councillor Jeremy Zeid	Personal interest arising from the fact that the Member lived adjacent to a recreation ground that would not be affected by the decision not to lock parks. Accordingly, the Member would remain in the room and take part in the discussion and decision-making on this item.
7(i). Call-in of the Decision of the Cabinet Meeting on 3 August 2006: Key Decision – Financial Position – Item 47 – Reduce Agency Staff in Development Control and Reduce Contract and Permanent Staff within Conservation and Design	Councillor Mrinal Choudhury	Personal interest arising from his membership of Development Control Committee. Accordingly, the Member would remain in the room and take part in the discussion on this item.

4. **Arrangement of Agenda:**

It was agreed that the order of items 7(a) to 7(l) be varied, and that items relating to education functions, or for which members of the public were present, be taken first.

RESOLVED: That (1) in accordance with the Local Government (Access to Information) Act 1985, the meeting be called with less than 5 clear working days' notice by virtue of the special circumstances and grounds for urgency stated below:-

Special Circumstances/Grounds for Urgency: Under Overview and Scrutiny Procedure Rule 22, a meeting of the Call-in Sub-Committee must be held within 7 clear working days of the receipt of a request for call-in. This meeting therefore had to be arranged at short notice and it was not possible for the agenda to be published 5 clear working days prior to the meeting.

(2) all items be considered with the press and public present.

5. **Appointment of Vice-Chairman:**

RESOLVED: To appoint Councillor Mitzi Green as Vice-Chairman of the Sub-Committee for the Municipal Year 2006/07.

6. **Minutes:**

RESOLVED: That the minutes of the meeting held on 26 January 2006, having been circulated, be taken as read and signed as a correct record.

7. **Call-in of the Decision of the Cabinet Meeting on 3 August 2006: Key Decision - Financial Position:**

At its meeting on 3 August 2006, the Cabinet had received a report of the Director of Financial and Business Strategy, advising of the need for the Council to achieve a further £9.4m of savings in 2006/07. The report set out an action plan which outlined some 80 measures to achieve these savings and, with the exception of a few items, all the measures had been approved. 12 call-in notices had subsequently been received, calling in the decisions relating to 13 items, and these decisions had therefore been referred to the Call-in Sub-Committee for consideration under the call-in procedure.

The Sub-Committee received the report to Cabinet, documents setting out comments from staff and from GMB which had been tabled at the Cabinet meeting, the relevant extract from the Cabinet minutes, and the 12 call-in notices.

At the meeting, the Director of Financial and Business Strategy introduced her report, and stated that each proposal had been evaluated for impact prior to the decision. Some consultation on the proposals had been carried out - for example, views of staff

and Unions had been reported to Cabinet and partner organisations had been informed – and consultation was also being undertaken on those proposals for which it was a statutory requirement. In addition, the papers for the Cabinet meeting had been available in advance of the meeting, and the issue had been well publicised in the press; as a result Cabinet had received a number of petitions and public questions relating to the proposed savings. The urgency of the decision was stressed, however, and it was noted that, in light of this, the proposals had been considered only at Cabinet, not at any other Committees or Consultative Forums. A Member representing the signatories to the call-in notices also made a statement about the budget proposals generally, expressing concern that they had not been subject to the same level of consultation and scrutiny as the annual civic budget, and that their impact had not therefore been properly considered.

The Members of the Sub-Committee considered each of the call-in notices in turn. For each item, an officer was invited to explain the reasons for the decision and to respond to the grounds for call-in, and a Member representing the signatories to the call-in notice was invited to explain the key reasons for the call-in. All the items with the exception of three had been called in the following grounds:

- (a) inadequate consultation with stakeholders prior to the decision
- (b) the absence of adequate evidence on which to base a decision;
- (c) the decision is contrary to the policy framework of the Council; and
- (d) the action is not proportionate to the desired outcome.

Agenda items 7(a), “Item 5 – Civic Centre Car Parking Subsidies”, and 7(k), “Item 76 – Cease Music Teaching Subsidy” had been called in on grounds (a) to (c) only, and agenda item 7(j), “Item 67 – Close Harrow Teachers’ Centre Library” had been called in on grounds (a) and (b) only.

(i) Item 17 - Focus Clothing Grants on Real Need:

The Interim Director (Business Services) explained the background to this decision, and a Member representing the signatories to the call-in notice summarised the grounds for the call-in.

In response to Members’ detailed questions, further information was provided on a number of issues. It was noted that it was within the Council’s discretionary powers to decide whether or not to provide this grant, and that, prior to this decision, Harrow had been the most generous authority in London. In addition, schools had balances of £10m, in comparison with the Council’s balances of £2.5m, and schools had received a 6% increase in funding this year, in comparison with a 2% increase in the Council’s funding. A Member suggested that schools could provide this grant in future.

The Sub-Committee was concerned, however, that there had been no consultation prior to this decision, particularly with schools, and it was also noted that parents had not been informed of the date on which this decision would come into effect.

RESOLVED: That the call-in of this decision be upheld on the grounds of inadequate consultation with stakeholders prior to the decision, and that the decision be referred back to Cabinet for re-consideration.

(ii) Item 76 - Cease Music Teaching Subsidy:

An officer reported that there would be consultation on the removal of this subsidy, as the contract still had some time to run; consultation had not been carried out prior to the Cabinet meeting as it was known that there was still time to consult, and a commitment to do this had been made.

A Member representing the signatories to the call-in argued, however, that there should have been consultation with schools and service users prior to the decision, as there was a risk that schools may choose not to buy back the service. It was noted that Harrow’s was among the higher-costing music services in London due to the high quality of the teachers, and some schools had already opted out of the Council’s service as they could buy it cheaper elsewhere.

Members of the Sub-Committee were also concerned that there had been no consultation with schools, service users and Harrow Young Musicians, and it was

RESOLVED: That the call-in of this decision be upheld on the grounds of inadequate consultation with stakeholders prior to the decision, and that the decision be referred back to Cabinet for re-consideration.

(iii) Item 44 - Public Realm Maintenance - Parks Locking:

The Executive Director (Urban Living) explained the reasons for this decision. He also reported that Harrow Police had been apprised of the proposal to stop locking parks through the Harrow Strategic Partnership, and there was still an opportunity to engage with the community on this, as it was a task that residents could possibly take on; the Council would be seeking to do that in relation to specific sites. It had not been possible to consult residents beforehand, however, due to the urgency of the decision.

A Member representing the signatories to the call-in felt that the Harrow Strategic Partnership had not been properly consulted and argued that there should have been consultation prior to the decision with park user groups, residents living in the vicinity of parks, residents' associations, Ward Members, the police, staff and Trade Unions. He doubted whether residents would be able to take on the task of locking and unlocking parks, and it was suggested that there may be issues relating to liability.

The Sub-Committee

RESOLVED: That the call-in of this decision be upheld on the grounds of inadequate consultation with stakeholders prior to the decision, and that the decision be referred back to Cabinet for re-consideration.

(See also Minute 3).

(iv) Item 27 - Reduce Subsidised Legal Support to Schools:

The Director of Legal Services responded to the issues outlined in the call-in notice. He stated that consultation with schools on the reduction of subsidised legal support had been on-going for several months via the Primary and Secondary Schools Group, which was the headteachers' preferred forum. Schools valued the legal service and were willing to pay for it. He added that there was nothing to stop schools from taking ill-advised decisions currently as lawyers did not attend all Governing Body panel meetings; the policy framework did not state that the Council should provide a subsidised legal service to schools; and schools recognised that they currently paid only a nominal fee for a good service.

A Member representing the signatories to the call-in felt that consultation with headteachers did not constitute consultation with schools, as Governors sat on the panels for which legal advice was required. He considered that there should have been consultation with Governing Bodies and the Education Consultative Forum. In addition, he questioned whether the £10,000 saving arising from the decision was worth the risk of schools opting out of the service and acting without legal advice, with possible disastrous effects and significant costs to the Council. It was confirmed that this was a risk, but it had been flagged up.

Upon a vote, and with the Chair using his second and casting vote, it was

RESOLVED: That the grounds for the call-in be rejected and the decision be implemented.

(v) Item 67 - Close Harrow Teachers' Centre Library:

Members were informed of the background to the decision to close the library at the Teachers' Centre. Following a Best Value Review in 2004, the library at the Teachers' Centre had changed from a buy-back service to a pay-as-you-go service, as part of a package of measures to make the Teachers' Centre self-financing. During that time, there had been consultation of all users and major-funding stakeholders. A Member representing the signatories to the call-in felt that this was inadequate, however, and that there should have been consultation on the library's closure with schools.

It was noted that resources currently available in the Teachers' Centre Library would be re-located elsewhere; some of them would be put onto the electronic library catalogue located in the Civic Centre Library, and would be more accessible as a result.

RESOLVED: That the grounds for the call-in be rejected and the decision be implemented.

- (vi) Item 77 - Cancel involvement in Community Sports Coaching Scheme:
It was confirmed that there had been no consultation on the proposal to cancel involvement in the community sports coaching scheme, and that the Council would lose access to coaches as a result. There may be funding available for the scheme from other sources, but this was not guaranteed.

A Member representing the signatories to the call-in stated that this decision would involve withdrawing from a partnership with other Boroughs, and argued that, given that the saving arising from this decision was only £13K, the action was disproportionate to the outcome.

The Sub-Committee

RESOLVED: That the call-in of this decision be upheld on the grounds of inadequate consultation with stakeholders prior to the decision, and that the decision be referred back to Cabinet for re-consideration.

- (vii) Item 5 - Civic Centre Car Parking Subsidies:
It was reported that consultation on this decision had been carried out with staff and unions, and that further consultation would be carried out by the Project Team who were developing the details of the scheme. In addition, the proposal was not contrary to the Council's statutory policy framework, as the Council's Strategy for People was not a statutory policy. The proposal was in line, however, with the Council's Green Travel Plan.

A Member representing the signatories to the call-in stated that there should have been consultation with Members and other stakeholders. It was advised that there had been Member briefings on the budget report, but that there would be further consultation with Members and other tenants on the Civic Centre site.

Some Members of the Sub-Committee were concerned that stakeholders were being consulted after the event, but it was noted that the largest stakeholder group, ie staff, had been consulted prior to the decision.

RESOLVED: That the grounds for the call-in be rejected and the decision be implemented.

- (viii) Item 14 - Harrow Saves:
A Member representing the signatories to the call-in stated that their concerns related particularly to the decision to stop expenditure on conferences and seminars, and on journals and subscriptions.

The Director of Financial and Business Strategy explained the reasons for this decision. It was also clarified that where a training course or journal subscription was essential to a role, for example due to Continuing Professional Development requirements, this would continue. Many staff development activities were done in-house so these would also continue. It had not been considered appropriate to carry out formal consultation with staff on these measures, as Directors had agreed them and had informed their teams.

The Sub-Committee unanimously rejected the call-in, but suggested that the exceptions to the decision, as clarified above, be communicated to staff.

RESOLVED: That the grounds for the call-in be rejected and the decision be implemented.

- (ix) Item 35 - Peel House Car Park, Wealdstone-reduce opening hours to 8.30pm:
Members were informed that the opening hours of Peel House Car Park had been extended in 2004 in line with the opening hours of the Wealdstone Centre library, but that the latter had subsequently been reduced. It had not been possible to consult with users, as there were very few users of the facility after 8.30 pm, and consultation on the reduction of the car park's opening hours had therefore been limited to the Library Service. A Member representing the signatories to the call-in stated, however, that the original extension of the opening hours had also been in response to requests from traders, and that they and Ward Members should have been consulted. In addition, a Member

of the Sub-Committee highlighted that there was a temple in Wealdstone, and that when the temple held events, other car parks were often full.

Members of the Sub-Committee agreed to uphold the call-in on the grounds of inadequate consultation, and suggested that there should have been consultation prior to the decision with traders operating in the evening, Ward Members and the local temple.

RESOLVED: That the call-in of this decision be upheld on the grounds of inadequate consultation with stakeholders prior to the decision, and that the decision be referred back to Cabinet for re-consideration.

(x) Item 46 - Withdraw from Town Centre Management Initiative:

The Executive Director (Urban Living) outlined the background to this decision. He highlighted that the Town Centre Management Initiative was a wholly discretionary service, and that the Council's focus was shifting from the management to the development of the town centre. There had been consultation on the decision with the Chair of the Harrow Town Centre Forum (HTCF). A Member representing the signatories to the call-in felt, however, that there should also have been consultation with traders, Harrow in Business and Harrow Chamber of Commerce.

It was noted that more than half the funding for the initiative came from the Council, with the rest provided by retailers, but that the HTCF had built up balances; it may therefore be able to continue without Council funding.

RESOLVED: That the grounds for the call-in be rejected and the decision be implemented.

(xi) Item 47 - Stop Indemnity Insurance cover Provided for Building Control Surveyors:

The Member representing the signatories to the call-in expressed concern that the Audit Committee had not been consulted on this decision, contrary to advice from officers, and that there had been no consultation with staff. The Sub-Committee was informed, however, that the Service Manager in Building Control had provided a response to the proposal, and this was read out at the meeting. In addition, it was noted that the insurance cover had been introduced in 2002 when the Council was doing work for the Brent and Harrow Health Authority, but that that arrangement had now ceased, and since then a personal indemnity scheme had been introduced which meant that the Council indemnified staff.

It was unanimously

RESOLVED: That the grounds for the call-in be rejected and the decision be implemented.

(xii) Item 47 - Reduce Agency Staff in Development Control and Reduce Contract and Permanent Staff within Conservation and Design:

The Executive Director (Urban Living) explained the implications of the decision, and clarified the position with regard to the Planning Delivery Grant. He added that it had not been considered necessary to consult the Development Control Committee but only to advise them of the decision, since their role was to determine applications. A Member representing the signatories to the call-in argued, however, that the Committee should have been consulted in light of the possible impact on the Planning Service.

The Sub-Committee agreed that the call-in be upheld on the grounds of inadequate consultation, and suggested that the Development Control Committee should be consulted on the decision. The other grounds for call-in were rejected.

RESOLVED: That the call-in of this decision be upheld on the grounds of inadequate consultation with stakeholders prior to the decision, and that the decision be referred back to Cabinet for re-consideration.

8. **Extensions of the Meeting:**
In accordance with the provisions of Overview and Scrutiny Procedure Rule 6.6(ii)(b), it was

RESOLVED: (1) At 9.58 pm to continue until 10.30 pm;

(2) at 10.29 pm to continue until 11.00 pm;

(3) at 10.57 pm to continue until 11.15 pm;

(4) at 11.11 pm to continue until 11.30 pm;

(5) at 11.28 pm to continue until 11.45 pm;

(6) at 11.44 pm to continue until 11.50 pm;

(7) at 11.50 pm to continue until 11.55 pm.

(Note: The meeting having commenced at 7.33 pm, closed at 11.54 pm).

(Signed) COUNCILLOR ANTHONY SEYMOUR
Chairman