

OVERVIEW AND SCRUTINY COMMITTEE MINUTES

13 DECEMBER 2011

Chairman:	* Councillor Jerry Miles	
Councillors:	* Sue Anderson * Tony Ferrari (2) * Ann Gate * Barry Macleod-Cullinane	* Paul Osborn * Sachin Shah * Victoria Silver * Stephen Wright
Voting Co-opted:	(Voluntary Aided) † Mrs J Rammelt Reverend P Reece	(Parent Governors) * Mrs A Khan
In attendance: (Councillors)	David Perry	Minute 216

- * Denotes Member present
- (2) Denote category of Reserve Members
- † Denotes apologies received

210. Attendance by Reserve Members

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

Ordinary Member

Councillor Kam Chana

Reserve Member

Councillor Tony Ferrari

211. Declarations of Interest

RESOLVED: To note that the following interests were declared:

Agenda Item 9 – Strategic Overview of Voluntary Sector Support and Update on Implementation of Third Sector Strategy

Councillor Sue Anderson declared a personal interest in that she was a Member of the Grants Advisory Panel. She would remain in the room whilst the matter was considered and voted upon.

Councillor Ann Gate declared a personal interest in that her husband was a trustee of Harrow Association of Voluntary Service (HAVS). She would remain in the room whilst the matter was considered and voted upon unless the interest became prejudicial and she would then leave the room.

Councillor Barry Macleod-Cullinane declared a personal interest in that he was employed by London Councils. He would remain in the room whilst the matter was considered and voted upon.

Councillor Sachin Shah declared a personal interest in that he worked in the Third Sector but not for one of the organisations mentioned in the report. He would remain in the room whilst the matter was considered and voted upon.

Agenda Item 10 –Senior Management Restructure Proposals Challenge Panel Report

Councillor Barry Macleod-Cullinane declared a personal and prejudicial interest in that he was a member of the Chief Officers' Employment Panel. He would leave the room whilst the matter was considered and voted upon.

Agenda Item 12 – Standing Scrutiny Review of the Better Deal for Residents – Quarterly Report

Councillor Barry Macleod-Cullinane declared a personal interest in that he had been the relevant Portfolio Holder at the time of the reablement pilot. He would remain in the room whilst the matter was considered and voted upon.

Agenda Item 13 – Report of the Performance and Finance Scrutiny Sub-Committee Chair

Councillor Paul Osborn declared a personal interest in that he had received hospitality from Capita. He would remain in the room whilst the matter was considered and voted upon.

212. Minutes

RESOLVED: That the minutes of the meeting held on 1 November 2011 and of the Special meeting held on 24 November 2011 be taken as read and signed as correct records.

213. Public Questions, Petitions and Deputations

RESOLVED: To note that no public questions were put, or petitions or deputations received at this meeting under the provisions of Committee Procedure Rules 17, 15 and 16 (Part 4B of the Constitution) respectively.

214. References from Council/Cabinet

There were none.

RESOLVED ITEMS

215. West London Waste Plan: Pre-Submission Consultation document

Members received a report of the Corporate Director of Place Shaping which presented the results of the consultation held in February and March 2011 on the West London Waste Plan (WLWP) Proposed Sites and Policies Consultation Document. The report introduced the next version of the Plan – the Pre-Submission document – proposed for publication for public consultation in January 2012.

The officer outlined the content of the report and reminded Members that the West London Waste Plan Proposed Sites and Policies Consultation Document had been considered by the Committee on 2 November 2010 and had subsequently been approved by Cabinet for publication for public consultation. The report outlined the arrangements that had been made to involve the public and key stakeholder in that stage of the consultation and the main concerns that had been raised. These included the four objections to the proposed Council Depot site in terms of the impact on the residential amenity and access.

The officer advised that the Pre-Submission documents had been amended to take account of the consultation responses, the findings by the consultants in terms of the detailed Site Delivery Assessment, a Sustainability Appraisal and Equalities Impact Assessment. He reported the main changes to the draft Plan and the timetable for the preparation of the WLWP.

A Member questioned the economies of scale that could be derived from the proposed Plan in terms of recyclables and waste going to landfill, suggesting that a specific site deal with all recyclables or land fill and expressed concern that the report did not address this issue. The officer advised that there were two elements to this; the Council's policy and planning functions and the Council's function as a waste authority. He advised that the West London Municipal Waste Strategy provided the detail to which the Member referred and was an operational document whilst the West London Waste Plan enabled the allocation of sites and was a policy document. The distinction was key. Another Member stated that it would be helpful to consider both of the afore-mentioned documents at the same time.

In response to the comments, the officer advised that the West London Waste Authority and the technical group that supported them had been involved in the preparation of the WLWP and did not wish the Council to pre-judge which facilities would be on which site. The WLWA had received eight bids to divert waste from landfill. The Council could assess but not be seen to be prejudicial.

A Member questioned whether the facilities could be expanded by the use of Colnbrook rather than building a new facility. He expressed the view that the Depot was poorly served in terms of road linkages and that it would therefore be sensible to keep the import of waste to a minimum. He added that the Major Developments Panel had been considering sites for development and that there was a perception that there appeared to be a lack of joined up thinking between this report and the proposals under consideration by that Panel. The officer responded that consideration was being given to the expansion of Colnbrook and he acknowledged that waste might still need to be treated outside of Harrow. There was, however, an assumption that waste would also be imported for treatment but this did not necessarily mean a significant increase in the number of road trips that would need to be made. A new waste facility on the Depot site would enable the Council to modernise the Civic Amenity Site. In terms of the MDP, the officer added there were policies for the Depot within the Area Action Plan (AAP).

Members made a number of other comments and asked questions as follows:

- A Member questioned how white electrical waste would be dealt with. The officer undertook to look into this and to advise the Member accordingly.
- A Member sought clarification on paragraph 3.8 of the draft Plan in terms of the source of agricultural waste and its composition. The officer undertook to establish the position on this aspect of the Plan.
- A Member expressed the view that paragraph 7.1.2 of the draft Plan was inadequate as it did not state who was responsible and who would manage this aspect. The officer took these comments on board.
- Inclusion of the timescales setting out when the Plan would be coming 'on stream' would be helpful.

The Chair thanked the officer his presentation and responses.

RESOLVED: That the report be noted and the comments of the Committee be forwarded to Cabinet.

216. Strategic overview of Voluntary Sector support and update on implementation of Third Sector Strategy

The Chair welcomed the Portfolio Holder for Community and Cultural Services and the Divisional Director of Cultural Services to the meeting. The Portfolio Holder introduced the report which provided an overview of Council support to the Voluntary Sector and an update on the implementation of the Third Sector Strategy.

The Divisional Director of Community and Cultural Services outlined the background to the report, the current situation, the way in which each of the three objectives of the Third Sector Strategy had been delivered to date, some of the highlights and work for the future. Both the Divisional Director

and Portfolio Holder offered to provide the Committee with an annual update on the Strategy.

During the discussion on this item Members made comments and asked questions as follows:

- A Member stated that whilst transparency in the grants process was important he was concerned about the scoring of the applications. Scoring removed judgement and he was not convinced that was helpful as had been seen with the Shopmobility application earlier that year. He added that it may be that those organisations that completed the application form well that received a grant and suggested that maybe a more common sense approach should be taken. The Divisional Director acknowledged the difficulties but advised that as applications requested funding for triple the amount available in the budget there needed to be a clear and transparent process in place. The grants process was reviewed annually and, following the most recent review, this year's application focused on outcomes and the need the organisations had identified. The Portfolio Holder added that there was cross party evaluation of the applications and that there was a fine balance in terms of judgement.
- The London Councils Grants Scheme was not mentioned in the report and a Member expressed concern that the Council viewed this as free money. The strategy should include reference as to how the repatriation of London Council funding would be dealt with. Another Member advised that London Councils had agreed the budget that day and that a reduction in the budget to £11.5m had been recommended. Two thirds of London Boroughs would be required to agree this by 31 January 2012. The Divisional Director advised that the London Councils funding tended to be targeted disproportionately to inner London Boroughs. She undertook to take the comments on board.
- A Member sought clarification on the phased transition to commissioning and how it worked in practice. The Divisional Director advised that work was currently underway and officers were looking to identify the first pilot(s) in consultation with the Voluntary and Community Sector which would begin with a workshop at the end of January 2012. There would be a report to Cabinet in March 2012.
- A Member questioned how support could be given fairly and suggested that discretionary rate relief could be considered. The Divisional Director responded that consistency and transparency of support was important and that Finance was currently doing consultation on discretionary rate relief. Another Member stated that he had been unable to find any reference to this consultation on the Council's website and emphasised the need for the website to be up to date.
- A Member questioned how much money the voluntary sector brought into the borough and was advised that it would be suggested to the voluntary service representatives that they might want to consider this.

There were 600 organisations in Harrow, of which 38 were funded by the Council through the Main Grants Programme.

- In response to a Member's comment that an analysis should be done of organisations viability and longevity, the Divisional Director advised that a financial review of those organisations applying for funding was carried out before any grant was given.
- Referring to objective 3, a Member sought clarification on the longer term funding arrangements. The Divisional Director advised that commissioning would give organisations more certainty for a 3 year period whereas the grants process was annual.
- A Member questioned whether any analysis was done on the overall external funding streams lost by organisations in the current financial climate. The Divisional Director advised that the grants process was competitive and officers could not determine who would apply. Sixty organisations had attended the workshops run by the Council to offer assistance with the process. She added that some external funding organisations, such as the Heritage Lottery fund, had more (not less) funding available.
- A Member stated that the Association of London Government, the predecessor of London Councils, had funded some organisations year after year and he questioned how the Council could ensure that organisations/groups did not automatically receive funding for historical reasons. The Divisional Director stated that it was a competitive process and some organisations that were funded previously had not been this year. The Portfolio Holder added that workshop sessions had aimed to improve the skills of those completing the application form and that whilst large organisations did receive the most funding, there was a separate budget this year for smaller organisations. He acknowledged the Member's comments about the need for an increased budget in this area.
- In response to a Member's question in relation to the transformation fund, the Interim Director of Finance advised that the Council was in a forecast over spend position. In terms of general new bids there was £470,000 remaining and, in relation to the restructure, £1m, but that this would not be the case at year end. In terms of commissioning, she added that the Council's resources should be allocated in accordance with the priorities and by what the Council was trying to achieve.
- In response to a Member's question as to whether unsuccessful applicants were provided with details of other potential sources of funding, the Divisional Director advised that the Council had an External Funding Officer who sent regular emails to voluntary service organisations. Regular workshops were also held by the Community Development Team and there would be a workshop targeting sports organisations with input from the Big Lottery Fund and Sport England in January 2012.

The Chair thanked the Portfolio Holder and officer for their attendance and the responses provided.

RESOLVED: That

- (1) the progress against the action plan for the Third Sector Strategy and current developments regarding Council support to the Voluntary Sector be noted;
- (2) the proposed updated actions set out at Appendix 4 to the report of the Divisional Director of Community and Culture be noted.

217. Senior Management Restructure Proposals Challenge Panel Report

The Committee received report from the scrutiny challenge panel which had considered the Senior Management Re-Structure proposals.

In considering the report of the panel, Members expressed differing views as to the extent to which the panel's comments had been taken on board in the report that was due to be considered by Cabinet on 15 December 2011 with particular reference to the Section 151 Officer and competition for posts. A Member stated that whilst he was happy with the report he was concerned at having a Section 151 Officer in post that had not been interviewed and appointed by Members. He also suggested that the report be forwarded to the Chief Officer's Employment Panel for consideration. In response, the Chair of the panel advised that this had not been a finding of the panel.

During the discussion on this item, Members made comments and asked questions as follows:

- A Member expressed the view that whilst he was pleased to see that there would be a review of the structure in 18 months, he was concerned about the contradiction in terms of the post of the Corporate Director of Environment and Enterprise in that he/she would be appointed for a period of 2 years.
- A Member voiced his concerns about the potential for legal challenge and stated that some of the proposals did not appear to have been thought through. The potential consequences should the Council not want post holders to continue in their role in 18 months required consideration. No evidence had been provided to the panel as to how the structure had been devised.
- A Member stated there would always be problems when a structure was based around existing post holders and that the clear driving force behind the re structure was reducing redundancy costs. The Section 151 Officer should be 'free' to look at finances as a whole and whether that individual had a place on the Corporate Board was a separate issue. The Interim Director of Finance advised that the new structure had not been created around existing post holders but instead to take

the organisation forward. In terms of the future Section 151 Officer there would be an open invitation for the post holder to attend the Corporate Strategy Board and he/she would receive all the papers. The post holder would also have regular meetings with the Chief Executive.

- A Member stated that over 90% of Section 151 Officers were on the Corporate Board and had a direct link to the Chief Executive. There were issues in terms of overloading this post holder and Director of Resources. Another Member stated that the Section 151 Officer was the officer that the Council would rely on in a crisis and it made no sense that this individual was not included on the Corporate Board.

RESOLVED: That (1) the report of the challenge panel and comments of the Committee be referred to Cabinet for consideration;
(2) the report of the challenge panel be referred to the Chief Officers' Employment Panel for consideration.

218. Report from the Debt Recovery Challenge Panel

Members received a report of the Debt Recovery Challenge Panel which outlined the review's observations and findings with regards to the Council's debt recovery processes.

The Chair of the Panel introduced the report and stated that, in his view, a balance had been struck between the officer view and resident and service perspective. He stated that the Council did, in many ways, deal well with debt recovery but expressed concern that no assessment of vulnerability was carried out. In terms of the most serious cases of debt, it was necessary to deal with them with consideration and thought.

A Member expressed concern that the step by step debt recovery process was not documented and as Councillors were a representative of their residents, serious cases of debt should be brought to their attention to enable them to assist. It might also be helpful to have a database of those that were in debt to the Council. The Chair of the panel responded that there was a large report that did document the process but that had not been appended to the challenge panel report. He reported that, in terms of numbers, there were approximately 1,000 bailiff visits per ward per annum and therefore the process had to recognise the numbers and therefore any intervention would need to be towards the end of the process. The officer added that whilst the process documents had been considered by the panel and the lead Members in preparing for the panel, their focus had been on the need for a greater flexibility in the application in the very few circumstances in which very vulnerable residents needed to be identified.

Other Members expressed the view that the debt recovery processes in place should be robust enough that councillors should not need to get involved. If they were to get involved, there would be Data Protection Act issues and whether all three ward councillors should be involved would also be a consideration. The Interim Director of Finance endorsed this sentiment and

stated that there were agencies in the community that could assist residents in dealing with debt and the Council could act as a signpost to assistance.

In discussing the report, the following comments were also made:

- Members suggested that consideration should be given to involving ward councillors and/or the portfolio holder at the final stage of the debt recovery process.
- The Council should become better at signposting residents to assistance.
- During the previous Administration there had been useful, regular meetings between the portfolio holder, Director of Legal and Governance and the Divisional Director of Audit and Risk to discuss and act as a check on the most serious cases of debt.
- A Member suggested that the debt collection process across the Council appeared to be fragmented and that he felt that the panel should investigate this. The Interim Director of Finance agreed that there was some fragmentation and that as in her statutory role she needed to have an overarching view of debt, she already had a piece of work in progress in this area which she was happy to discuss with Scrutiny. An officer suggested that the challenge panel be re-convened when this work had been completed and other relevant officers be invited to attend in order to consider the Interim Director of Finance's findings. The Committee endorsed this suggestion.

RESOLVED: That

- (1) the findings and recommendations of the Debt Recovery challenge panel be noted and be referred to Cabinet for consideration;
- (2) the possible integration of debt recovery processes be further examined by this challenge panel once the current work led by the Interim Director of Finance had been completed.

219. Standing Scrutiny Review of the Better Deal for Residents - Quarterly Report

The Committee received a report which provided a quarterly update on the Standing Scrutiny Review of the Better Deal for Residents consideration of project management and the VERTO system and the Re-abling Focused Care project. The Chair of the review outlined the projects and stated that a successful project would save money.

A Member expressed the view that it was unclear what the significant reductions in project management being proposed in the draft budget and Medium Term Financial Strategy were and that it was unclear what the impact of the reductions in project management might be. The impact of this required consideration. The Interim Director of Finance advised that the

proposals covered a three year period and tied in with the transformation programme not having the same throughput. Individual projects would have in built project management and VERTO should assist efficiency. Each proposal built in to the budget was accompanied by an assessment of implications. The Member stated that, in his view, more projects should be coming forward.

RESOLVED: That the findings of the scrutiny review be noted and referred to Cabinet for consideration.

220. Report of the Performance and Finance Scrutiny Sub-Committee Chair

Members received the report of the Chair of the Performance and Finance Scrutiny Sub-Committee which provided a summary of issues to be taken forward following meeting on 22 November 2011.

A Member questioned where the information that had been promised to the Sub-Committee was and stressed the need to receive information in a timely fashion. The Chair undertook to chase it up.

RESOLVED: That the report be noted.

221. Report from Scrutiny Lead Members

The Committee received the report which outlined the details of work of the Scrutiny Lead Members for Adult Health and Social Care and Children and Young People.

A Member expressed concern in terms of children looked after and stated that as corporate parents, this be prioritised to the top of the list of work.

RESOLVED: That the report be noted and the actions proposed be agreed.

222. Termination of Meeting

In accordance with the provisions of Committee Procedure Rule 14 (Part 4B of the Constitution) it was

RESOLVED: At 9.58 pm to continue until 10.05 pm.

(Note: The meeting, having commenced at 7.35 pm, closed at 9.59 pm).

(Signed) COUNCILLOR JERRY MILES
Chairman