

# OVERVIEW AND SCRUTINY COMMITTEE MINUTES

## 23 JULY 2013

<b>Chairman:</b>	* Councillor Paul Osborn	
<b>Councillors:</b>	* Sue Anderson * Kam Chana Mano Dharmarajah * Tony Ferrari	* Ann Gate * Jerry Miles * David Perry (4) * Stephen Wright
<b>Voting Co-opted:</b>	(Voluntary Aided) † Mrs J Rammelt Reverend P Reece	(Parent Governors) † Mrs A Khan
<b>Non-voting Co-opted:</b>	Harrow Youth Parliament Representative	
<b>In attendance: (Councillors)</b>	Asad Omar William Stoodley	Minute 423 Minute 421

- \* Denotes Member present
- (4) Denotes category of Reserve Member
- † Denotes apologies received

### 416. Attendance by Reserve Members

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

Ordinary Member

Councillor Graham Henson

Reserve Member

Councillor David Perry

**417. Declarations of Interest**

**RESOLVED:** To note that the following interests were declared:

Agenda Item 10 – Scrutiny Work Programme Update

Councillor Sue Anderson declared a non-pecuniary interest in that she used to be employed by Public Health. She would remain in the room whilst the matter was considered and voted upon.

**418. Minutes**

Members agreed to consider the minutes of the Special meeting held on 9 July 2013 as a matter of urgency for the reasons set out on the supplemental agenda.

**RESOLVED:** That the minutes of the meeting held on 4 June 2013 and of the Special Meeting held on 9 July 2013 be taken as read and signed as a correct record subject to an amendment to Minute 397 in that Councillor Barry Macleod-Cullinane worked for London Councils Ltd.

**419. Public Questions**

**RESOLVED:** To note that no public questions were received.

**420. Petitions**

**RESOLVED:** To note that no petitions had been received.

**RESOLVED ITEMS**

**421. Reference from Special Cabinet held on 6 June 2013 - Petition in relation to John Lyon Sports Centre**

Members received a reference from Cabinet in relation to a petition which sought to stop the closure of the John Lyon Sports Centre to use by the swim school, external members and users.

The Chair welcomed the Portfolio Holder for Planning and Regeneration, the Director of Planning and Peter Barnes, the Secretary of Borough of Harrow Swimming Club, to the meeting. The Committee agreed that whilst there was no provision in the Council's Constitution to allow members of the public to speak at the meeting that they would agree to allow the representatives of the petitioners to speak and ask questions.

The Chair invited Peter Barnes to state the concerns of the petitioners. Mr Barnes advised that notice had been served in June that the facilities would

no longer be available to the swimming club. He had been advised that there had never been planning permission for residents' use of the facility. The purpose of the petition was to ask the Council to look into the matter.

The Director of Planning outlined the chronology of the John Lyon Sports Centre in terms of the site history and a legal agreement dating back to 1995 which restricted the use of the site. The legal agreement included the stipulation that the sports hall and swimming pool were not to be used outside the school's normal hours or for any purpose other than permitted recreational use. The Section 106 agreement defined the permitted recreational use but that this was restricted to pupils, parents, teachers and others permitted by the Council. There was scope for the applicant to seek the Council's permission for other individuals to use the facility but to date he was unaware of any request to add others to the list of permitted users.

The Director of Planning reported that on 2 November 2012 a complaint about car parking had been received by the Planning Authority. The Planning Authority had investigated the complaint and written to the bursar of Old Lyonians School. A response had subsequently been received on 2 February 2013 which had highlighted the number of hours the school was open. The Planning Authority had written to the school again on 19 March 2013 indicating that there appeared to have been a breach of the legal agreement. At a meeting between the Chair of Governors, the head teacher and the Planning Department on 16 April 2013 it was accepted that there was a breach and the Planning Authority had sought clarification as to how this would be resolved. The Planning Authority had consistently reserved its position on formal enforcement preferring instead to engage with and seek resolution of breach voluntarily. Following the meeting in April, the school had subsequently written to the Planning Authority indicating that they were going to close the facility with effect 30 June.

In terms of the questions submitted by the lead petitioner, the Director of Planning advised that the role of the Planning Authority was to manage the planning process with sensitivity but mindful of its statutory nature. The Planning Authority was prepared to discuss the issues raised with the school but he could not pre-determine any change to the Section 106 agreement. Equally, the Planning Authority could not insist upon the school applying for a change to the agreement.

Peter Barnes expressed his gratitude for the detailed answer provided but stated that many of the sports clubs used the facility out of school hours and did not create traffic. The school had, over the years, transformed itself and now had a sixth form and therefore students with cars. The petition was to highlight that the disruption at prime times was caused by sources other than the sports clubs who were being incorrectly blamed for the parking problems / issues. It was felt that there may be a different agenda behind the school not permitting use by the sports clubs and it was difficult to understand why the school had not applied for a modification to the agreement.

Jackie Ware, the former manager of the John Lyon Sports Centre, advised the Committee that the swim club was successful in its own right with 1,000

children a week being taught to swim. Nineteen sports clubs had been affected by the closure.

A Member stated that the Borough of Harrow Swimming Club's use of the facility was surely be beneficial to John Lyon School and he sought clarification as to what officers could do resolve this issue. The Director advised that the Planning Authority could not compromise itself. There had, however, been discussion with Leisure Services and some time had been brokered for the swimming club's use of the Leisure Centre.

**RESOLVED:** That, the petition be received and referred to the Corporate Director of Community Health and Wellbeing and Portfolio Holder for Community and Cultural Services and Housing for consideration, in addition to the Corporate Director for Environment and Enterprise and Portfolio Holder for Planning and Regeneration, as they may have more flexibility in achieving a solution to the issue.

#### **422. Written Statement submitted by the Executive**

The Committee received the written statement of the Executive which was a response to a request from two Members for the complete commissioning panel documents. This request had been rejected by the Executive.

The Director of Legal and Governance Services advised that the Regulations were intended to give members of the Overview and Scrutiny Committee increased access to papers. The Regulations were designed to deal with items in the possession of the Executive and therefore if a report or paper was not submitted to Cabinet, it was not in the possession of the Executive. He confirmed that the written statement before Members had not been considered at a formal meeting of the Executive.

A Member stated that he would be more comfortable with the statement if it had been considered at a meeting of the Executive and legal advice had been given. He added that the Monitoring Officer should be given the opportunity to advise whether the Executive was acting lawfully. The Director advised that if such a paper were to be submitted to Cabinet it would be Part II (ie exempt from publication) and be available to all members of Council thereby negating the need for such a decision. He did, however, acknowledge the point made and suggested that a protocol with the Executive in relation to the provision of documents might be beneficial.

Following comments in relation to the circulation of Regulations and guidance to Members, it was suggested that consideration be given as to how such information could be communicated to Members.

A Member expressed the view that in order for the Committee to carry out its function it should be entitled to receive any document in the possession of the Executive.

**RESOLVED (unanimously):** That the written statement of the Executive be rejected.

#### 423. Community Safety Plan and Strategic Assessment

Members received a report of the Divisional Director of Strategic Commissioning which presented the draft Community Safety Plan for 2013/16 and the Strategic Assessment of crime and anti-social behaviour for 2012 which had informed the development of priorities and actions. The Plan would be submitted to Cabinet in September 2013.

The Chair welcomed representatives of the Borough Commander, Detective Chief Inspector Pete Stride and a Senior Intelligence Analyst to the meeting. An officer outlined the content of the report advising that the form of the Plan was short and simple compared to previous years in order to avoid duplication of the content set out in the Strategic Assessment. In his view the most significant issue of note was that the pattern of crime in Harrow changed little year on year and that Harrow had 1,100 burglaries above the level of the safest borough in London. The new Borough Commander's ambition was for Harrow to be the safest borough in London.

Members then asked questions and made comments as follows:

- The distribution of SmartWater kits appeared to be a little haphazard and there needed to be engagement with residents. The officer reported that 13,000 kits were yet to be distributed and in hindsight a different distribution network may have assisted. It was, however, necessary for SmartWater to be used for a number of years before trends would be seen. DCI Stride reported that the expectation was that going forward recorded crime would reduce as a result of SmartWater but that there was, however, a need to manage expectation at the 'front door'. A crime unit had been established comprising 21 officers with a focus on burglary and robbery. It was important to note that it was not possible to stop burglars; they tended to move from one area to another.

Another Member questioned why the publicity of SmartWater had stopped and was advised that following the initial large take up of the kits there had been a decline and it might be that a fresh launch was required. DCI Stride added that the police were keen to actively discourage burglars and to engage with partners. In his previous borough of Brent, SmartWater had largely been a success due to the visibility of officers and visits to residents.

- In response to a question as to the profile of burglars and whether they tended to live in the borough, the Senior Intelligence Analyst advised that of those arrested 40% did not live in Harrow and 20% not even in London. Signs to deter burglars had been erected at the points of entry to the borough. Care and consideration was required in terms of the use of different languages in publicity.
- A Member requested clarification in that he had heard the Borough Commander report that Harrow had the third lowest level of overall crime in London on 4 occasions but that more recently he had reported

Harrow as the seventh lowest. The Senior Intelligence Analyst advised that the Borough Commander's chosen measure for comparison with other Boroughs was the total number of crimes committed across the MOPAC (Mayor's Office for Policing and Crime) 7 crime types. Previous league tables had been based on the total number of crimes per thousand population. These different measures explained the difference in reported league table position.

- In responses to a Member's question in relation to youth on youth crime in the vicinity of schools, it was confirmed that this was not a huge issue.
- A Member commented that domestic violence did not appear to be addressed in the plan. DCI Stride advised that the priority of burglary had been set by MOPAC. In terms of domestic violence, consideration was being given to the purchase of cameras for officers in order for court action not to be so reliant on the victims, who were often reluctant to pursue prosecution. The officer added that domestic violence was a priority in the Community Safety Plan and that Harrow, due to its low crime levels, had the highest proportion of domestic violence in London.
- A Member questioned whether environmental health and food safety should be included in the plan. The officer advised that whilst he had hoped to include these issues as well as trading standards and potholes, it had not been possible this year because of late changes to accommodate the MOPAC plan and new Borough Commander's priorities. He hoped that these areas could be included in future plans.
- A Member expressed the view that retaining public confidence in the police would be a challenge in light of the spending review and different wards had different issues. The officer advised that the confidence in the police service related to fairness, civility and solving crime. A reduction in crime would result in more time to engage with the community. SmartWater distribution had resulted in 27,000 interactions with the public. DCI Stride advised that a quality call back process was in place. In terms of wards, Members were advised that limited resources had to be targeted effectively.
- With reference to the Harrow Police and Community Consultative Group (HPCCG), clarification was sought as to their funding situation and what measures were being taken to engage with community groups. The officer advised that HPCCG had lost its funding earlier than other CCGs in London as MOPAC felt it had not been performing the functions required. MOPAC was launching Community Safety Boards but it was currently unclear whether the HPCCG would be part of this. In terms of engagement with community groups, a number of voluntary groups had contributed to the Plan and had made valuable contributions including Mothers against Gangs and IGNITE. As the grants budget was reducing, it would be helpful if such groups could align themselves with the police.

- In response to a request for clarification on the purpose of Harrow Shield relationship project, the officer advised that it was funded by the Mayor and aimed to teach young people in schools about healthy relationships. It was a long term investment with the aim of reducing domestic violence.
- A Member stated that he was unhappy with the format of the plan as there was no baseline data, it was unclear what was to be delivered, by when and how it was going to be measured. It would also be helpful to have a recap of the previous year's targets to see if they had been met. In his view there was no other way of determining whether the Borough Commander was doing a good job. The officer undertook to look at these areas prior to the plan's submission to Cabinet.

The Chair thanked DCI Stride, the Senior Intelligence Analyst and the officer for their attendance and responses. He suggested that Members give some consideration as to how the Plan and Strategic Assessment could be scrutinised more regularly.

**RESOLVED:** That the Committee's comments on the draft Community Safety Plan be forwarded to Cabinet for consideration.

#### **424. Business Continuity Update**

Members received a report from the Corporate Director of Resources which provided an update on Business Continuity activity.

An officer outlined the content of the report advising that the Civil Contingencies team was one of the smallest in London. In his view, the current staffing level of 3 was the minimum requirement.

In response to a Member's question, the officer advised that the team had been working with public health since October 2012 and that there would be a test in November 2013. The results of tests were reported to the Corporate Strategy Board and the Governance and Risk Management Committee (GARM). A monitoring report was also submitted to GARM twice a year.

The officer undertook to provide the Chair with the GARM report and to submit the Business Continuity report to the Performance and Finance Scrutiny Sub-Committee alongside the IT Disaster Recovery report.

**RESOLVED:** That the report be noted.

#### **425. Scrutiny Work Programme Update**

Members received a report of the Divisional Director of Strategic Commissioning which provided an update on the projects currently underway as part of the scrutiny work programme.

A Member questioned the inclusion of NHS Health Checks and it was suggested that both this issue and Debt Recovery be discussed by the

Scrutiny Leadership Group. In addition, Members requested clarification on the Child's Journey through Care and the briefings that had previously been provided by the Children and Families Directorate.

**RESOLVED:** That

- (1) the report be noted;
- (2) the proposals for identifying further projects for inclusion in the work programme be agreed.

#### **426. Performance and Finance Scrutiny Sub-Committee Chair's Report**

Members agreed to consider the report of the Divisional Director of Strategic Commissioning as a matter of urgency for the reasons set out on the supplemental agenda.

**RESOLVED:** That the report be noted.

#### **427. Scrutiny Lead Member Report**

Members received a report of the Divisional Director of Strategic Commissioning which accompanied the reports from the Scrutiny Lead Members.

Members expressed concern that a briefing, which had been requested in relation to Environment and Enterprise, had yet not been received and that service plans only appeared to operate part way through the year. The Chair indicated that he would like a better process in terms of service plans to enable Scrutiny to comment and have input.

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

#### **428. Termination of Meeting**

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

**RESOLVED:** At 9.52 pm to continue until 10.08 pm.

(Note: The meeting, having commenced at 7.32 pm, closed at 10.08 pm).

(Signed) COUNCILLOR PAUL OSBORN  
Chairman