

OVERVIEW AND SCRUTINY COMMITTEE MINUTES

17 NOVEMBER 2015

Chair:	* Councillor Jerry Miles	
Councillors:	* Ghazanfar Ali	† Michael Borio
	* Richard Almond	* Jo Dooley (5)
	* Jeff Anderson	* Chris Mote
	* Marilyn Ashton	* Paul Osborn
Voting Co-opted:	(Voluntary Aided)	(Parent Governors)
	* Mrs J Rammelt	
	Reverend P Reece	
Non-voting Co-opted:	* Harrow Youth Parliament Representative	
In attendance: (Councillors)	Simon Brown	Minute 127
	Graham Henson	Minutes 128 and 129
	Kiran Ramchandani	Minute 126
	Stephen Wright	Minute 126

- * Denotes Member present
(5) Denote category of Reserve Members

121. Attendance by Reserve Members

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

Ordinary Member

Reserve Member

Councillor Primesh Patel

Councillor Jo Dooley

122. Declarations of Interest

RESOLVED: To note that the following interests were declared:

Agenda Item 8 – School Expansion Programme

Councillor Richard Almond declared a non-pecuniary interest in that he was a governor at St Teresa's Catholic Primary School and Nursery. He would remain in the room whilst the matter was considered and voted upon.

Councillor Jeff Anderson declared a non-pecuniary interest in that he was a governor at Kingsley High School. He would remain in the room whilst the matter was considered and voted upon.

Councillor Marilyn Ashton declared a non-pecuniary interest in that she was a governor at Park High School. She would remain in the room whilst the matter was considered and voted upon.

Councillor Jo Dooley declared a non-pecuniary interest in that she was a governor at Rooks Heath College for Business and Enterprise. She would remain in the room whilst the matter was considered and voted upon.

Councillor Paul Osborn declared a non-pecuniary interest in that he was a governor at Norbury School. He would remain in the room whilst the matter was considered and voted upon.

Agenda Item 10 – Events Policy

Councillor Chris Mote declared a non-pecuniary interest in that he did have some involvement in organising events in open spaces and parks. He would remain in the room whilst the matter was considered and voted upon.

123. Minutes

Councillor Almond proposed that the minutes of the meeting held on 16 September 2015 be amended as follows:

- On page 94, a fifth bullet point be inserted to read:

The Portfolio Holder for Business, Planning and Regeneration would be developing a commercial property strategy and a paper would go to Cabinet by December 2015.

- On page 96, the 5th paragraph be amended to read:

The Portfolio Holder for Business, Planning and Regeneration would expect the sum to be - if all time scales were met - £10 - £15million by 2020. The exact figures were not available at this meeting but this figure was the minimum that was expected to be achieved by 2018/19. Further details on the breakdown of how this would be achieved would be available in the draft budget in December.

- On page 96, replace final paragraph with:

The Council will carry out a trial and if it got more money from car parking than it would from housing the car park would remain as it is.

RESOLVED: That the minutes of the meeting held on 16 September be taken as read and signed as a correct record, subject to the amendments agreed above.

124. Public Questions and Petitions

RESOLVED: To note that no public questions were put or petitions received at this meeting.

125. References from Council/Cabinet

There were none.

RESOLVED ITEMS

126. Project Minerva Update

The Committee received a report which set out progress on Project Minerva since it was last presented to the Committee in December 2014.

The Committee agreed that Councillor Wright could speak and ask questions on this item.

The Portfolio Holder for Performance, Corporate Resources and Policy Development introduced the item and explained that there were currently financial pressures facing the Council. As a result significant savings had to be achieved. As a result it was important to be more efficient and build partnerships. This theme had been a key aspect of Project Minerva. A lot of hard work had taken place on this Project resulting in an organisation which was better able to deliver the future financial savings required.

The following questions were made by Members and responded to accordingly:

- Could further explanation be provided on the anticipated savings expected from Project Minerva.

The original savings identified under the internal option from Project Minerva totalled £2 million. This figure excluded the savings expected from the ICT procurement.

- In relation to the continued progress for a shared service partner for Human Resources and Development, it was important to recognise that although the same software might be utilised between the relevant Councils, they were normally structured differently. How confident were the Council that the systems would integrate?

This issue was recognised and was currently being investigated. It was important to note however that the Business Case for this proposal was primarily based of making efficiencies through shared management and staff.

- Were there any other Local Authorities sharing services for Human Resources?

There were shared services currently between the London Boroughs of Havering and Newham. The London Boroughs of Sutton and Merton had a shared Director of HR and it was understood that proposals for shared services were being discussed between the London Boroughs of Richmond and Wandsworth. It was important to recognise that different Local Authorities had different needs.

- What did the term 'SAP' stand for?

It was understood that this was the name of the product rather than an acronym. The term 'ERP' referred to Enterprise Resource Planning.

- It was referred to in the report that the training and development specification for managers and HR staff was over ambitious. Was this lesson learnt before Project Minerva or before it had commenced?

This lesson had been learnt during the implementation of Project Minerva.

- It was referred to in the report that performance pressures in Housing Benefits concerning processing times and that the situation was being monitored. Who was doing this monitoring?

Extra work had been created relating to Housing Benefits as a result of increased automation with the Department for Work and Pensions. The amount of resource required had been estimated and work was already under way on clearing the backlog which had accumulated. Consideration would be given as to whether this amount of resource would be sustainable in the longer term.

- Would lessons learnt during Project Minerva be considered and acted upon?

Lessons were learnt and were always acted upon. The Divisional Director Commercial, Contracts and Procurement was a member of the Minerva Programme Board and any improvements required to the procurement process would be picked up.

RESOLVED: That

- (1) the results achieved from Project Minerva be noted;
- (2) it be noted that the total programme spend was £70,000 under the original budget.

127. School Expansion Programme

The Committee received a report which provided an update on the School Expansion Programme and related matters including procurement for the next phase of the schools capital programme delivery.

The Portfolio Holder for Children, Schools and Young People introduced the report and explained that Phase 1 of the Programme for Primary Schools had been completed. Phase 2 of the Programme was currently underway. This involved 29 different projects. All of the schools had opened on time in September apart from 4 schools which had been delayed by 2 working days.

The Portfolio Holder also explained that there had been issues with the main contractor who had delivered the building works required under the Programme. As a result of the lessons learnt from these issues, Phase 3 of the Programme would include a more robust contract with contractors that the Council could rely upon and enforce.

In relation to the Secondary School Expansion Programme, details of this had been provided in the report. It was also expected that the possible introduction of free schools in the borough would help the provision of Secondary School places.

The Corporate Director of People acknowledged the amount of work put into the Programme by Headteachers, staff and site managers.

The following questions were made by Members of the Committee and responded to accordingly:

- It was important that free schools provided a good level of education for pupils who attended these schools.

This was a good point and it was fair to say that the jury was still out on whether free schools provided just as good an education as state schools.

- There were concerns that the use of bulge classes to deal with an increased population?

The use of bulge classes was only introduced where there no certainty on population estimates. This meant that building works were not delivered where the extra capacity would then not be required later on. Where bulge classes were introduced, this was always done in conjunction with the school concerned.

- It had to be recognised that the borough had committed to undergoing regeneration in a number of areas. As a result this would place pressure on school places and it was important that a plan was in place to address this. In light of this Academies were working well and provided the schools with more freedom to take decisions.

The most important thing to consider was that the school provided good education for its pupils. There was a difference of opinion on whether Academies provided Headteachers with greater powers than state schools. In terms of populations projections the Council worked with the Greater London Authority to estimate this going forwards. The Council always retained flexibility to ensure that it could deal with any future demands.

- There was an organisation who wished to open a free school in Harrow. However they had encountered difficulties in identifying an appropriate site. Were the Council doing anything to help them?

The role of the Council was to facilitate the opening of a free school as far as possible if they were approached directly.

- There were concerns that building works at Kingsley High School were not fit for purpose and dangerous for the pupils.

The issues with Kingsley High School were acknowledged. There were no penalties that could be enforced by the Council under the contract but there were general legal obligations that could be pursued.

It had to be recognised that at the time the Council entered into the agreement with its building contractor, the financial climate was different. It also had to be recognised that the majority of the works under the Programme had been successful. The lessons learnt would be incorporated into the contracts for Phase 3 of the Programme.

- Were there and quality and design issues for the works conducted under the Programme?

There were a few quality issues which had come to light. There were contractual discussions taking place with the contractors on these. Ultimately if variations had taken place to which the Council had not agreed then the Council would not pay for it. The Council had already commenced the process of taking legal advice and it was anticipated that these discussions would be concluded by February 2016.

- How confident were the Council that variances between building works expected would be avoided?

The Council would be using an NIC form of content, which was more robust and provide greater security for the Council.

- What did the Council do regarding under performing schools? Additionally how were gifted and exceptional students encouraged to do well?

Schools in Harrow performed exceptionally well and did not by definition have an under performing school. The Council had a School Improvement Partnership which monitored the performance of different groups within schools and looked at all of their performances and improvement measures. All of the Academies in Harrow had bought this service from the Council.

- What did the appointment of EC Harris as Technical Advisers bring to the Council that we did not have beforehand?

The Council required additional technical services. Having put this out to tender EC Harris offered the best value for money.

- In relation to SEP 1 schools, what was happening in relation to the outstanding delays on the Programme?

The Council were seeking a resolution of the outstanding work issues. The Council did not wish for the building contractor to pull off site as this was likely to create further delays. However a loss and expense claim against the building contractor was being investigated.

- When was the Council expecting a surplus of Year 7 pupils?

It was expected that numbers would break even up until 2018, then after that there would be a significant increase.

- How had road safety and traffic issues been looked at when assessing the expansion proposals?

These issues had been taken seriously when developing proposals. Meetings had taken place and consultation with local residents. The Council were always looking at how it could alleviate traffic issues. Traffic was always a sensitive issue but it had to be realised that if schools did not expand, children who lived close to schools would not be able to attend them and would have to attend schools further away.

- There was a big difference in the original pre-feasibility estimated project cost and the latest forecast / agreed price for SEP Phase 1 for Marlborough Primary School. What was the reason for this?

The reason for this was the framework for the building costs used by the Education Funding Agency had meant that better prices were being achieved.

- There were concerns if the former Wickes building was identified as a site for the free school. There was a high volume of traffic and not much pavement space.

The Council were only aware of locations for free schools if they were asked for advice or assistance. There was no requirement for them to inform the Council prior to identifying a site. However if there were issues relating to a particular site, these would be identified and considered when planning permission was sought for a change of use for the building.

RESOLVED: That the report be noted.

128. Revised Policies under the Licensing Act 2003 and the Gambling Act 2005

The Committee received a report which enclosed the revised proposed policies under the Licensing Act 2003 and the Gambling Act 2005.

The Environmental Services Manager introduced the report and explained that the 2 policies were being presented to the Committee for comment before being sent to the Full Council for approval. He reported that the Licensing Policy had been amended to reflect changes in legislation including the requirements of the Police Reform and Social Responsibility Act 2011, the Live Music Act 2012.

The Gambling Policy had also been amended as per new guidance from the Gambling Commission. On consultation of this Policy, 3 representations had been received by Coral, Power Leisure and William Hill.

The following questions were made by Members of the Committee and responded to accordingly:

- What was a Citizen Card supported by the Home Office as referred to in the Licensing Policy? Also it had to be taken into account that official ID cards issued by HM Forces were provided to those who were 17 years old. This therefore could not be used as proof of being above the age limit for the sale of alcohol?

More information on what a Citizen's Card was would be obtained. More information would also be obtained on the official ID cards issued by HM forces.

- If a Temporary Event Notice related to an event in a park, how would the Council be able to ascertain if less than 500 people were attending the relevant event?

There would be entrances and barriers to any relevant event. This would help segregate those attending the event to other park users. This would make it easier to ascertain numbers and control licensable activities.

- Had there been any issues raised by Councillors in relation to the operation of the Gambling Policy across Harrow previously?

No, although other issues had been raised by other Responsible Authorise including the Police.

- Other than in the Town Centre, were there other slot machines in the borough and how were they monitored?

There were other slot machines in the borough. These were visited regularly and worked closely with the Police.

RESOLVED: That the report be noted.

129. Events Policy

The Vice-Chair introduced the item which had been presented to Cabinet on 15 October 2015. The Vice-Chair explained that he had asked for the item to be on the agenda as there were a number of concerns in relation to the proposed Events Policy.

The Portfolio Holder for Environment, Crime and Community Safety addressed the Committee and explained that the Policy was currently in the event of being consulted on. The consultation would end on 31 December 2015.

The Portfolio Holder reported that there was currently no policy covering events taking place within the borough. When events were held these were usually based on informal arrangements with Council officers. However there had been an increase in the number of events within the borough and there was also a need to look after Council owned land. As a result an Events Policy was required to provide a greater amount of clarity and understanding. This Policy would also ensure adherence to other relevant legislation and other Council policies.

The Portfolio Holder also reported that the Policy would also ensure effective forward planning and management of events and would enhance the borough's reputation.

The Portfolio Holder also stated that consultation on the policy was now taking place with residents, park users, local community groups, responsible authorities, Portfolio Holders and Directors. Once the consultation process had concluded, a report would be taken to Cabinet in February 2016 for determination.

The Vice-Chair responded that the introduction of a Policy was welcomed. However there was a significant issue to address in which events would be

exempt from the proposed charges. There were no specific exemptions mentioned which could be interpreted to mean that events like Remembrance Sunday would also be subject to a fee being paid to the Council. Other events that could be affected were political rallies which were specifically mentioned as not being accepted as an 'event' for the purpose of the policy. It was important that successful events were supported and not penalised financially just to hold the event.

The Policy and Performance Manager responded by stating that the Events Policy would list those events which would be exempt from the proposed charges following consultation. In relation to political rallies, what had been proposed in the Policy was in line with other boroughs across West London and political rallies or petitions against the Council were by their nature not 'events' for the purpose of the policy and hence would not be subject to the rules of the policy. Additionally the level of discounts applied to community and free events was subject to the outcome of the consultation so it would be considered if this was at an appropriate level.

The following questions were made by Members of the Committee and responded to accordingly:

- There were concerns at the level of discount being applied at that it would mean that events could not be run as they would not be financially viable. This had the risk of damaging community cohesion if events had to be cancelled.

The level of discount would be considered as part of the consultation.

- If any damage caused meant that the organiser of the event was liable this could result in unfair situations where other people had caused the relevant damage and the organiser was being held liable.

In the example referred to, the insurance policy held by the event organiser would cover any damage caused. This is why the Council would insist that all events were fully insured.

- There were concerns that in relation to events held in Pinner, these would be subject to charges which did not recognise the good work conducted by local residents in holding an event which was very well attended. These would then make the events nearly impossible to run.

The intention of the Council was not to stop well run events but simply to be fairer and transparent. It was acknowledged that more dialogue may be required regarding charges, exceptions and discounts and this would take place during the consultation process. It should also be noted that small gatherings, family picnics in the park etc were not considered 'events' for the purpose of the policy.

- It was important to recognise that many events, including those in Pinner already had risk assessments, insurance and a good infrastructure. Now organisations were being asked to pay for things

that they were already doing. There were concerns that this would prevent events from taking place.

These issues were all part of the discussion required around charges, exemptions and discounts.

- If the Policy was implemented and later found to be preventing events from taking place, would the Council review the Policy?

The policy would be reviewed in light of developing practice, guidance and changing legislation as necessary and in any event every two years. At the time of review, consultation would take place with appropriate parties. Ultimately, it had to be noted that there was a cost to the council when events were held and, due to the difficult financial circumstances, the Council needed to look to recover costs for services and officer time.

The Vice-Chair proposed that in light of the concerns regarding charges, exemptions and discounts and the outcome of the consultation, a report be presented to a meeting of the Committee in February 2016 prior to it being sent to Cabinet for determination.

RESOLVED: That a report on the Events Policy be presented to the meeting of the Committee in February 2016.

(Note: The meeting, having commenced at 7.30 pm, closed at 9.58 pm).

(Signed) COUNCILLOR JERRY MILES
Chair