



Harrow L.G. Branch
The UNISON Office
Central Depot, Forward Drive
Harrow, Middlesex
UK
HA3 8NT
Tel: 020 8424 1795
Fax: 020 8424 1835

Email: info@harrow-unison.org.uk
Web: www.harrow-unison.org.uk

Branch Secretary: Gary Martin

Friday 21st September 2012

To: The Director of Legal and Governance Services

Harrow Council Call-in Notice

Matter Called-in: Public Realm Integrated Services Model (PRISM): Business Case

Decision: That;

- (1) The implementation of the Transformation Project for the Public Realm Integrated Services Model, as set out in the Full Business Case, be agreed;
- (2) The Corporate Director of Environment and Enterprise, in liaison with the Portfolio Holder for Environment and Community Safety, take the necessary actions to implement the Project.

Reason for Decision: To achieve the savings targets agreed previously in the MTFs and transform the services covered by the Project.

Decision Notice date: 13 September 2012 (published on 14 September 2012)

Made by: Cabinet

In accordance with Overview and Scrutiny Procedure Rule 22 of Harrow Council's Constitution, we, the signatories to this call-in notice, being members of the public registered of the electoral roll of the London Borough of Harrow, hereby give notice that we wish to call-in the Decision as detailed above.

Grounds for Call-In

In accordance with Overview and Scrutiny Procedure Rule 22.5, the below contains the grounds for call-in and refers to evidence in support of this call-in which UNISON, on behalf of the undersigned, can provide upon request:

(a) Inadequate consultation with stakeholders prior to the decision

i) On behalf of the Council the officer/s responsible for PRISM did not take adequate consideration of the public sector equality duty in failing to allow adequate consultation of the project's Equality Impact Assessment (EqIA). Despite UNISON requests for a relevant EqIA in various consultation meetings prior to Cabinet decision on the 13th September 2012, management did not produce the requested documentation making it impossible for UNISON representatives to provide any meaningful comment or dialogue on any equality impact related to the decision to implement PRISM.

ii) The HR1 redundancy notice form (a legal notice employers are required to supply Government and employee/union representatives when a certain number of redundancies are planned) supplied on the 7th September 2012 stated that the consultation process had started with representatives but failed to stipulate on the required legal form the date consultation started.

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Furthermore, the HR1 form does not comply or reflect the numbers of posts released as stated and agreed by Cabinet within the Full Business Case which makes reference to fifty three possible redundancies.

iii) In addition to point (ii) the HR1 form stipulates that there is a need to make redundancies for the purpose of 'changes in work methods or organisation'. This reason has not been adequately consulted upon as evident from the content of the Full Business Case which fails to provide a proposed staffing structure.

(b) The absence of adequate evidence on which to base a decision

The EqIA accompanying the Cabinet report (Agenda Item 17, pages 455-492, 13 September 2012) does not relate or reflect the actual impact of the PRISM project which has been communicated by other formal means (HR1 notification) to UNISON and involves a significant reduction in the workforce. The EqIA is dated the 25th July 2012 and makes numerous references to the implications of a transfer (TUPE) situation as a result of the adoption of the 'social enterprise model'. This document fails to mention the reduction of staff envisaged and states that the responsible officer (the author of the document) does not envisage any adverse equality impact. We firmly believe that Cabinet were supplied incorrectly with inadequate information and evidence which they could not have taken into account before deciding to agree implementation of PRISM.

(c) The decision is contrary to the policy framework, or contrary to, or not wholly in accordance with the budget framework

UNISON received the HR1 form on the 7th September 2012 notifying that a possible fifty five redundancies are planned as a result of the implementation of PRISM. The notice was received nearly a week before Cabinet met on the 13th September 2012 which breaches the corporate governance and constitutional requirements of the Council. We firmly believe the responsible officer/s acted ultra vires in pre-empting a Cabinet decision four working days before the democratic decision was made.

(d) The action is not proportionate to the desired outcome

The outcome to achieve improvements in service standards or the same service standards prior to the decision to implement PRISM cannot be justified on recent census figures (2011). The reduction of twelve manual staff and four refuse vehicles would fail to meet the increase in providing services to a growing population of Harrow which has increased by 15.6% since the last census reported in 2001. The number of households in the borough have also seen a dramatic increase of 7% (over 84,000) and with the Governments recently launched House Building Strategy coming into play which has overseen the approval of 985 new homes to be built on the Kodak site, an eroded workforce will not be able to meet the needs of Harrow's new and burgeoning population.

(e) A potential human rights challenge

Ground b (as stated above) may constitute a challenge under UK equalities legislation or a judicial review to reconsider as a legal complaint with the High Court a declaration that the decision was an unlawful breach of the public sector equality duty.

(f) Insufficient consideration of legal and financial advice;

In facilitating and progressing the implementation of PRISM in private as a Part II meeting, Harrow Council's Cabinet, the Portfolio Holder and responsible officer/s did not comply with the statutory requirements as laid within The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. The Council did not inform of its intention 28 days before it was convened that the meeting was to be held in private or publish that notice on the Council's website or allow the public and other Members to make representations to the contrary. The Council did not act in accordance with the relevant regulations of this statutory provision which ensure English Council's are open and transparent in their executive decision making. No consideration of this law was taken into account before implementing PRISM making it unlawful.

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CALL-IN NOTICE

To be completed by Members of the Public, as per the provisions of Overview and Scrutiny Procedure Rule 22.2(b).

To: The Director of Legal and Governance Services

1. Notice of Call-In of Executive Decision

In accordance with Overview and Scrutiny Procedure Rule 22, we, the 150 signatories to this call-in notice (see numbered continuation sheets overleaf), being members of the public registered on the electoral roll of the London Borough of Harrow, hereby give notice that we wish to call-in the Executive decision detailed in section 2 below.

2. Details of Executive Decision

The details of the Executive decision are as follows:-

Decision: Public Realm Integrated Services Model (PRISM) Business Case

Made by: Cabinet
(Cabinet/relevant Portfolio Holder)

Published on: 14th September 2012
(Date)

3. Grounds for Call-In

(Please specify below the grounds for the call-in, in accordance with Overview and Scrutiny Procedure Rule 22.5. Please note that, in the event that this call-in is referred to the Call-in Sub-Committee, the considerations of the Sub-Committee will focus on the grounds stated, and the Sub-Committee will seek evidence to support them. Please therefore also set out below details of the evidence to support the grounds for call-in, continuing on a separate sheet if necessary).

Grounds Attached within supporting document dated 21st September 2012.

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Once completed, please forward this form to Damian Markland, Legal & Governance Services, Harrow Council, Room 143, Civic Centre, HA1 2UH or send it by fax to 020 8424 1557 WITHIN 5 CLEAR WORKING DAYS OF THE DATE OF PUBLICATION OF THE DECISION.