

**In accordance with Committee Procedure Rule 46.2, we the undersigned, hereby give notice that we wish to call-in the Executive Decision – Flash Musicals (Granting of Lease) made on Monday 16<sup>th</sup> September 2013 by the Portfolio Holder for Property and Major Contracts.**

**In accordance with Committee Procedure Rule 46.5, we the undersigned, hereby give notice that we wish to call-in the Executive Decision with the following reasons.**

#### **1. Inadequate consultation with stakeholders prior to the decision**

The decision has been made by the Portfolio Holder in a rush on the day of a Full Council Meeting that had been called to debate a Motion that removed him from his position.

The undue haste of the decision being rushed through has prevented a briefing from taking place with Members or other affected organisations meaning limited time being allowed for proper consultation or examination of the proposal. It also suggests that the intention may have been to circumvent such scrutiny.

The property is within the Housing Revenue Account and the normal consultation process whereby the views of the Tenants and Leaseholders were not sought concerning a reduced rent or future use of the property. (Local Government and Housing Act 1989 Section 74)

#### **2. The absence of adequate evidence on which to base a decision**

We appreciate that Flash Musicals, along with the wider voluntary sector in Harrow, provide excellent services to their local communities. However, we fervently believe that the council must treat all of these organisations equitably.

Within the report (2.2.2) it clearly states that evidence has not been provided to support the statement that services have been delivered to the value of £72,000. Where is the evidence that the council specifically asked Flash Musicals to supply these services, what other groups were considered and what was the guiding principles to supply this work in an equitable way across the voluntary and private sector?

There are no details of engagement activity that the Council has undertaken with people whom they consider to be in a similar position of owing debt to the Council and the fairness of the decision.

The decision is unclear as to where, and which budget, the subsidy will come from. There is insufficient information within the report to demonstrate compliance with the general equality duty across other affected parties or organisations.

#### **3. The decision is contrary to the policy framework, or contrary to, or not wholly in accordance with the budget framework**

The policies to apply for funding, or supplying services, across the Council are open and transparent. By one organisation receiving preferential treatment through a hasty process with regard to the write-off of debt and reduced rental for council owned buildings, it has meant that there is significant risk that other organisations will also seek financial reimbursement under similar circumstances and the possible consequence if they are refused.

The decision contradicts the Councils agreed policies that ensure there is a joined-up, cross-sector approach to agreeing the delivery of local priorities.

The property concerned is within the Housing Revenue Account (HRA) and the decision may have an adverse impact on the HRA due to the lower rent, which is contrary to the long term business plan for the HRA previously agreed by Cabinet.

#### **4. The action is not proportionate to the desired outcome**

At a time when the council is facing significant financial challenges to its budget with the council having to find £75 million so far and recent announcements that further savings of £60 million will need to be made over the next few years the council needs to ensure that in exercising its functions it has regard to a combination of economy, efficiency & effectiveness. This has not been articulated within the report that the decision has been made on.

There is no mention within the report as to how the decision is proportionate to achieving the Councils agreed vision and priorities.

#### **5. A potential human rights challenge;**

When making the decision the Portfolio Holder did not take due regard to the Public Sector Equality Duty (PSED), in particular, where decisions must be aimed at *Fostering good relations between people who share a protected characteristic and those who do not.*

The decision does not positively contribute to the advancement of equality and good relations within the voluntary sector within Harrow as it has ignored the financial difficulties of other organisations that the Council connects with.

Further, the decision does not reflect the wider sector and the delivery of services, which may contribute to greater inequality and poorer outcomes.

#### **6. Insufficient consideration of legal and financial advice.**

##### **a) Legal Advice**

There is no publication of any Legal Advice provided around the fact that the Council is commissioning services from Adult Services and Community & Culture without due consideration of other suitable providers and the effect that this may have.

There is no mention in the Legal Advice concerning the fact that the decision contradicts the commitments given within the agreed Council Equality Objectives that state:-

*As a service provider, we are committed to ensuring our services are open, fair and accessible by taking into consideration the needs and requirements of our diverse community and service users. We will continue to improve our services through a comprehensive Equality Impact Assessment (EqIA) process, engaging with and listening to our communities and service users.*

*As a procurer of goods and services, we will continue to ensure our commissioning processes are fair and equitable and that service providers delivering a service on our behalf share our commitment to equality and diversity.*

##### **b) Financial Advice**

No consideration has been given to the fact that the decision will have a major long term impact on the budgets within the council plus the write-off value of £72,000 out of this year's contingency fund.

It must be noted that the decision commits the council to expenditure through a 5 year SRA that is not available to other providers, is outside of the current commissioning process and is not open and transparent. It also undermines the Outcome Based Grants process.

In view of the reasons outlined in point 3, and due to recent changes within the political administration of the Council, we would like the committee to consider referring the decision to Full Council in accordance with the powers and duties given to the Call-In Sub-Committee as stated within the Constitution.

*Hard copy signed by*

Councillors Bill Phillips, Keith Ferry, Krishna Suresh, Sasi Suresh.

Email notices have also been received from Councillors Amir Moshenson and Yogesh Teli citing the same grounds.