

Call-In Sub-Committee

Minutes

14 June 2021

Present:

Chair: Angella Murphy-Strachan

Councillors: Dan Anderson James Lee
Stephen Greek Norman Stevenson

In attendance (Councillors): Marilyn Ashton For Minute 13
Peymana Assad For Minute 12
Graham Henson For Minute 12, 13
Paul Osborn For Minute 13
Anjana Patel For Minute 13
Natasha Proctor For Minute 13

Apologies received: Jeff Anderson Chloe Smith

7. Attendance by Reserve Members

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

Ordinary Member

Councillor Jeff Anderson
Councillor Chloe Smith

Reserve Member

Councillor Dan Anderson
Councillor James Lee

8. Declarations of Interest

RESOLVED: To note that there were no declarations of interests made by Members.

9. Minutes

RESOLVED: That the minutes of the meeting held on 17 June 2019 be taken as read and signed as a correct record.

Resolved Items

10. Appointment of Vice-Chair

RESOLVED: To appoint Councillor Stephen Greek as Vice-Chair of the Call-In Scrutiny Sub-Committee for the 2021/2022 Municipal Year.

11. Protocol for the Operation of the Call-In Sub-Committee

The Chair advised that two call-in notices had been received and drew attention to the document 'Protocol for the Operation of the Call-In Sub Committee'. She outlined the procedure to be followed at the meeting and the options open to the Sub-Committee at the conclusion of the process.

In accordance with Committee Procedure Rule 46.5, a notice seeking to invoke the call in procedure must state at least one of the following grounds in support of the request for a call-in of the decision:

- a) inadequate consultation with stakeholders prior to the decision;
- b) the absence of adequate evidence on which to base a decision;
- c) the decision is contrary to the policy framework, or contrary to, or not wholly in accordance with the budget framework;
- d) the action is not proportionate to the desired outcome;
- e) a potential human rights challenge;
- f) insufficient consideration of legal and financial advice.

Referring to paragraph 8 of the Protocol, the Chair stated that the Sub-Committee, having considered the grounds for the call-in and the information provided at the meeting, may come to one of the following conclusions:-

- (i) that the challenge to the decision should be taken no further and the decision be implemented;
- (ii) that the decision is contrary to the policy framework, or contrary to, or not wholly in accordance with the budget framework and should therefore be referred to the Council. In such a case the Call-in Sub-Committee must set out the nature of its concerns for Council; or
- (iii) that the matter should be referred back to the decision taker (i.e the Portfolio Holder or Executive, whichever took the decision) for reconsideration. In such a case the Call in Sub Committee must set

out the nature of its concerns / reasons for referral for the decision taker/Executive.

12. **Call-In of the Cabinet Decision (27 May 2021) - Harrow Town Centre Public Spaces Protection Order (PSPO)**

The Sub-Committee received the papers in respect of the call-in notice submitted by over 150 residents in relation to a decision made by the Cabinet on 27 May 2021 that the Public Spaces Protection Order (Harrow Town Centre) (Harrow Council) 2021 be approved.

The Chair sought clarification from the representative of the signatories for the call in notice in relation Harrow Town Centre Public Spaces Protection Order (PSPO) as to the grounds and it was confirmed as e).

RESOLVED: That the Call-In in relation to Harrow Town Centre Public Spaces Protection Order (PSPO) would be determined on the basis of the following grounds:

e) a potential human rights challenge.

The Chair invited the representative of the signatories to present the reasons for the call-in.

The representative, in presenting the call in, questioned and challenged the following aspects of the Cabinet decision:

- (i) Whether there had been any consultation with groups regularly in the town centre and should it be extended due to people having to stay at home due to the pandemic;
- (ii) Had there been any consideration as to whether there were sufficient bins in the town centre;
- (iii) In terms of section 2 of the Cabinet report, why not control the numbers in the town centre;
- (iv) It was unclear as to the cause of the problems in the town centre;
- (v) The reasonable adjustments, if any, that had been made for people with disabilities in terms of amplification and the distribution of leaflets;
- (vi) Made reference to the Government website in terms of those groups that were exempt from the Order;
- (vii) Whether the obstruction of an authorised officer was a civil or criminal matter;
- (viii) Were there issues with enforcement;
- (ix) Whether the Council would be allocating time for protests.

The Portfolio Holder for Community Cohesion, Crime and Enforcement advised the Sub-Committee that the purpose of the Order was to address anti-social behaviour in the town centre for a period of three years. She responded to the points made by the representative of the signatories as follows:

- (i) Consultation had been carried out with a wide range of businesses and residents. This had been done electronically due to the Covid 19 pandemic but there had also been posters in the town centre signposting how residents and businesses could get involved. The Business Improvement District (BID) had submitted a response on behalf of its 200 members. The Portfolio Holder outlined the statistics in the report and stated that she was confident that the consultation had been conducted correctly and been wide ranging. She added that there would be a review of the Order in six months;
- (ii) The Council had been receiving complaints in relation to litter in the town centre which was the reasoning for requesting that groups/ organisations seek the Council's permission if they wished to distribute leaflets and also outline the planned clear up following the activity;
- (iii) Residents/ Groups were asked to notify the Council if they were going to carry out leaflet distribution in order to better manage activity in the town centre;
- (iv) In terms of amplification, possible limitations on music were being considered as there had been multiple groups playing music resulting in competing noise and therefore the Council would look to arrange timeslots;
- (v) There would be adjustments for those people with disabilities and the Cabinet report included the Equality Impact Assessment;
- (vi) People could still assemble and protest and the Order did not prevent charities, religious or political groups from distributing leaflets. The Portfolio Holder stated that if the Sub-Committee felt that this matter should be addressed/ clarified she would action this and include it in the publicity communications;
- (vii) The police would be called if an individual/ group was aggressive but in terms of legal powers, the Cabinet report had been cleared by the legal officer but clarity could be sought as to whether an enforcement officer could demand that an individual provide his or her name.

Having heard from both the representative of the signatories and the Portfolio Holder, the Sub-Committee asked questions and sought clarification on a number of points:-

- In terms of the Equalities Impact Assessment (EQiA, the Chair questioned whether any consideration had been given to religious groups that distributed leaflets in the town centre as some might be more significantly impacted and was advised that a template had been

followed. The Portfolio Holder sought to reassure the Sub-Committee that the intention was not to prevent free speech, rather it was to prevent noise nuisance as amplification was not required;

- A Member challenged whether the strength of responses to the consultation justified the decision and was advised that prior to the PSPO there had been a large number of complaints. The Portfolio Holder indicated that she was confident that the decision was justified given the 93 responses to the consultation plus the response from the BID;
- A Member expressed the view that, given the Portfolio Holder's comments that this was a legacy report, the report should have been withdrawn from the Cabinet agenda. In response, the Portfolio Holder advised that the report was, in her view, straightforward and that the Council wanted to be able to better manage the town centre in terms of activities, hence the request that individuals, groups and organisations provide notification in advance;
- In response to a question as to how Members could be reassured that enforcement officers would have a measured response to any breach of the Order, the Portfolio Holder stated that it was a not for profit system and that all officers from Kingdom were professionally trained and experienced. There were regular meetings between the enforcement officers and managers with reports back to the Council. All of the officers wore body cameras, the footage of which could be reviewed. The aim was to educate, promote and enforce;
- A Member expressed concern that, as staff were paid in accordance with the number of Fixed Penalty Notices (FPN) issued, there might be overzealous staff. The Sub-Committee were reassured that the issue of FPNs would be monitored;
- In response to a Member's comments that the Council appeared to be creating a complicated structure and the request for details as to who would make the decision on the requests to carry out activities received by the Council, the Portfolio Holder advised that such requests would be considered by a Panel involving the BID and the Council within three working days of receipt.

The Portfolio Holder concluded that freedom of speech was not impacted by the PSPO as legislation precluded it, but this could be made more explicit in the Order. The borough wide PSPO had given rise to positive changes in behaviour and she referenced the improvements at Wealdstone Square. The Leader of the Council added that the purpose of the report was to deal with low level crime and to save police time but did not override other legislation in place.

The Chair thanked the representative of the signatories, the Portfolio Holder and Leader of the Council for their attendance, participation, questions and

responses and advised that, as there was a second call-in to consider, the signatories would be advised of the decision the following day.

Having adjourned from 7.09 pm to 7.54 pm for deliberations it was

RESOLVED (unanimously): That

- (1) the challenge to the decision of Cabinet should be taken no further and the decision be implemented;
- (2) the Portfolio Holder for Community Cohesion, Crime and Enforcement be requested to provide clarification as to what was required in terms of exceptions by virtue of existing legislation (religious and political groups, charities) and that
 - (i) this be made clear in any publicity;
 - (ii) any leaflet made it clear how the Council would determine applications/ requests;
 - (iii) and that it also be recognised that the Order would be subject to review.

13. Call-in of the Cabinet Decision (27 May 2021) - The Council's Accommodation Strategy and the Harrow New Civic Centre

The Sub-Committee received the papers in respect of the call-in notice submitted by six Members of the Council in relation to a decision made by the Cabinet on 27 May 2021 on the Council's Accommodation Strategy and New Harrow Civic Centre.

The Chair advised the Sub-Committee that as the Cabinet report contained confidential appendices, if there were any questions in relation to that part of the report the meeting would need to move into private session. The representative of the signatories confirmed that he did not intend to raise any questions on the confidential appendices.

The Chair invited the representative of the signatories to present his reasons for the call-in. The representative referred to the call-in notice which set out six grounds for the call-in of the Cabinet decision and went on to emphasise a number of points in relation to each of the grounds as follows:

Inadequate consultation with stakeholders prior to the decision

There had been no meaningful consultation with Harrow residents as to where the Council would operate from or with those residents that lived in proximity of the Forward Drive site.

With reference to Council staff, there had been no mention of the proposed move to Forward Drive in either of the two staff Pulse surveys. There now appeared to be an expectation that staff would work 50% at home and 50% in the office which was a shift from the previous proposal. There had been no

examination of where staff would be based, how they would travel to the office or the impact of the reduction of car parking spaces.

In terms of partners, for example the Multi Agency Safeguarding Hub (MASH), there was no evidence of consultation on the proposals. The representative stated that there had been no consultation with councillors in terms of where Council meetings would be held or details of how it was envisaged that Members, staff and residents would travel to and from meetings safely as they often ended late in the evening.

The absence of adequate evidence on which to base a decision

A key dependency of the Accommodation Strategy was the 'flexible futures' scheme which had not been agreed. There was no evidence in the Cabinet report of the parking requirements for either the new Civic Centre or the Forward Drive site. There had been no consideration of where staff travelled to work from or whether they were required to travel around the borough as part of their role.

The concerns in relation to the safety of Members, staff and residents at the end of late evening meetings had not been addressed in the Accommodation Strategy. There had been a suggestion that Committee meetings be held during the day, but this was not a suitable option as many councillors worked.

In terms of the Strategy for the new Civic Centre, no business plan had been presented and the representative questioned how the Cabinet made the decision without this in place.

The action is not proportionate to the desired outcome

Members were reminded that the desired outcome of the new modern Civic Centre, which would accommodate most Council staff, had been the regeneration of the Wealdstone area. This no longer appeared to be the case as it would not, by definition, be a Civic Centre at Peel Road and, due to a planning error in relation to the Forward Drive site, the top two floors of which would now accommodate staff.

It was emphasised that the scheme was no longer cost neutral.

Potential Human Rights Challenge

The Equality Impact Assessment did not provide any analysis of the staff who had classified themselves as having a disability and so the effect of the Strategy was unknown. The Cabinet report was inaccurate in that there were 24 disabled parking bays at the Civic Centre with an additional 500 spaces that could be used if the bays were occupied or a staff member chose not to advise the Council of their disability. The Strategy would reduce the overall amount of parking by over 70%.

Contrary to the Policy Framework

During the last six years all corporate documents had indicated that the Council would have one main site. This change in the way of working had not been referenced in the Borough Plan agreed by Council in February 2021. In addition, the Council Delivery Plan had not yet been approved by Cabinet.

Contrary to, or not wholly in accordance with the budget framework

Members had been assured that the new Civic Centre would be cost neutral, but the cost of the Forward Drive site had not been included. The top two floors of that site and the fit out, should be included in the costings. Further, the Registrars team had not been consulted in terms of where they would be located.

The Leader and Deputy Leader of the Council responded to the points raised both in the call-in notice and the presentation by the representative as follows:

- The Cabinet report recognised the significant amount of work done and it was clear that a large Civic Centre was no longer required but services would continue to be delivered. There had been a reduction in the number of residents visiting the Civic Centre with many transactions now done online;
- In relation to the Peel Road site, there had been cross party discussions since 2016 and the Cabinet report set out the considerable benefits for staff;
- The Strategy would enable the Council to build houses;
- Access points for residents to Council services across the borough, such as libraries, were being considered;
- The location of staff accommodation was a matter for the Chief Executive;
- The general feedback from staff in relation to homeworking had been positive but it was recognised that some had concerns. There had been discussion with staff groups and risk assessments for homeworking would require updating. The Civic Centre was currently being remodelled as a Civic Hub and, from September, staff would be able work more agilely;
- In terms of parking and the EQIA, the Cabinet report made it clear that demand and take up for disabled parking would be reviewed. The Duty of Care was taken seriously, and any additional parking would be secured by design;
- Wealdstone was a high PTAL area and the Cabinet report indicated that the Strategy would have a positive impact. Members were encouraged to visit Wealdstone to see the improvements that had taken place;

- The Strategy had been fully costed in the budget and reported to Cabinet.

In accordance with Committee Procedure Rule 4.1, the Sub-Committee agreed that two Members, who were also signatories to the call-in notice, be permitted to speak. The Sub-Committee then asked questions, made comments and sought clarification as follows:

- Concern was expressed at the proposed reduction in parking spaces and the Leader advised that both the London Plan and Development Plan looked to reduce parking across London. The representative of the signatories stated that the purpose of the call-in was to ask Members to consider the way the Cabinet decision had been made as there was no evidence of the demands for parking or the effect on those with disabilities;
- A member of the Sub-Committee advised that the safety of Councillors, staff and residents late at night following meetings had been raised at the Overview and Scrutiny Committee and he questioned the impact of the Strategy on those individuals with protected characteristics. The Leader reminded Members that the Council already had policies in relation to lone working and out of hours working in place and that officers would be undergoing training in order to make proper assessments. If necessary, the Council would meet the cost of a member of staff's travel home late at night. A Member emphasised that there would be a greater number of individuals leaving the new Civic Centre on foot and there would therefore be financial implications for the Council in meeting that cost;
- In response to a Member's comments that there appeared to be an issue with the process in making the Cabinet decision and the request for an assurance from the Leader that there had been meaningful consultation with staff, the Sub-Committee were advised that staff consultation had started a couple of years ago and it was clear that staff did not want to go back into the office 9-5; they wanted a modern working environment and flexible working. A collaborative space would be provided but there would also be room for those staff members that struggled to work from home, subject to the agreement of the relevant line manager;
- The representative of the signatories asked what percentage of staff lived within one hour of the new Civic Centre by public transport and was advised that due to staff turnover it was not possible to provide this figure;
- A Member, who was a signatory to the call-in notice, reminded the Sub-Committee that the Council would be applying for planning permission and that the Peel Road site might be too constrained; evidence was needed. It appeared that Cabinet were trying to correct the error in relation to planning permission at Forward Drive;

- In response to the concerns in relation to safety and accessing the Peel Road site, the Deputy Leader advised that Harrow was the safest borough in London and that Wealdstone was well connected in terms of transport links;
- Clarification was sought from Leader as to why it was felt that the decision was proportionate, and the Member also questioned the possible alternatives to the Strategy that had been approved by Cabinet. The Sub-Committee were advised that report addressed whether the size of the Civic Centre was commensurate with the needs of the Council and that the money being saved as a result of a smaller building would enable more affordable housing to be built and also improve the infrastructure across Harrow. The Avison Young report had, pre-pandemic, been optimistic in terms of lettings opportunity in relation to the new Civic Centre building in Wealdstone but it was now clear that Covid 19 had damaged the lettings market;
- In response to questions from the Sub-Committee on the costs of the Accommodation Strategy and the level of savings arising from having a smaller Civic Centre, the Deputy Leader provided the figures and the Director of Finance confirmed that these were correct and included in the capital programme;
- A question was asked as to whether interaction with the public would be reduced as a result of a smaller Civic Centre. It was confirmed that the intention was that the new Civic Centre be the 'front door' to the Council and that consideration was being given as to how interaction with residents could take place, for example, at libraries and the Arts Centre. There would also be rooms bookable for meetings at the new Civic Centre;
- A member of the Sub-Committee challenged the figures in that the Cabinet report indicated (page 127) that the total forecast for the Accommodation Strategy was £44,194m which contrasted considerably from the £14m agreed by Council as part of the Capital budget;
- Concerns were expressed about the lack of business plan and an officer clarified that references to the business plan related to the Harrow Strategic Development Partnership.

In summary, the representative of the signatories reiterated that the reason for the call-in was due to the way the Cabinet decision had been made and the lack of evidence. The Council's capacity to be flexible was being removed, there had been no analysis in terms of the amount of parking required, many of the figures were out of scope or not included and significantly more was being spent than had been planned for. He challenged the decision in terms of the adequacy of the consultation, the EQIA, the budget and policy framework and stated that the Strategy was not going to be cost neutral. He reminded Members that the original intention of the Strategy was to regenerate Wealdstone.

The Leader of the Council, in summary, stated that the decision was about the size of the new Civic Centre in Wealdstone and whether the Forward Drive site was used.

The Chair thanked the Leader and Deputy Leader of the Council and the signatories to the call-in notice for their attendance, participation and responses to questions.

The Sub-Committee adjourned from 7.09 pm to 7.54 pm for deliberations.

RESOLVED: That the challenge to the decision should be taken no further and the decision be implemented.

[Councillors Stephen Greek and Norman Stephenson requested to be recorded as having voted against the above resolution].

(Note: The meeting, having commenced at 5.00 pm, closed at 7.59 pm).

(Signed) Councillor Angella Murphy-Strachan
Chair