

A meeting of the Cabinet and Corporate Services Scrutiny Committee held at Kensington Town Hall, Hornton Street, London W8 7NX at 6.30pm on 18 April 2016

PRESENT

Members of the Committee

Councillor Pat Mason (Chairman)
Councillor James Husband (Vice-Chairman)
Councillor Adrian Berrill-Cox
Councillor Emma Dent Coad
Councillor David Lindsay
Councillor Daniel Moylan
Councillor Will Pascall
Councillor Andrew Rinker

Others in attendance

Kevin Bartle (Bi-Borough Director of Finance)
Steve Bell (Head of Property)
Jacqui Hird (Scrutiny Manager)
Nicholas Holgate (Town Clerk)
David Kerry (Contingency Planning Manager)
Tony Redpath (Director of Strategy and Local Services)
Adam Srodzinski (Capital Programme Manager)
Martyn Carver (Principal Governance Manager)

A G E N D A

A1 APOLOGIES

Apologies for absence were received from Cllrs Campbell and Lomas.
Cllr Lindsay submitted apologies for lateness.

A2 DECLARATIONS OF INTEREST

None.

A3 MINUTES

The minutes of the meeting held on 8 February were confirmed as a correct record and were signed by the Chairman.

Matters arising:

Procurement Scrutiny report

In relation to minute A5, the Chairman drew attention to the delay in the publication of the report of the Procurement Scrutiny Working Group. Cllr

Rinker explained that the Scrutiny Steering Group had given approval for the Working Group to hire an external drafter as the three earlier versions of the final report were not considered satisfactory. The one external drafter suggested by Mr Fitzpatrick, Head of Media and Communications, had not been deemed suitable to undertake the work. Cllr Rinker said that he had found someone willing to undertake the work but they had been sent a contract which ran to 17 pages and required insurance. He considered this disproportionate for such a piece of work. Members of the Working Group had been consulted and had approved the appointment of Cllr Rinker's drafter. The drafter would work to the directions of the Working Group. Cllr Rinker said that he had spoken to the drafter proposed by officers and he had confirmed that he held no such insurance.

Mr Holgate said that the draft agreement had been an adaptation of a standard template for consultants sent to Cllr Rinker for comment. He added that Cabinet Members were fully entitled to reject officers' advice and that the working group should have a similar discretion in what was, after all, a relatively small contract. Thus the insurance clause in the draft could be modified or cut out if Members were confident that it did not apply. The Committee agreed that a shorter contract could be drafted by the Committee Chairman and the Chairman of the working group.

Action by: Cllrs Mason and Rinker

Cllr Husband commented that the final report would be published by the Committee so he did not consider insurance to be relevant. However, he added that as some of the information considered during the Working Group's deliberations was confidential, the drafter should sign a confidentiality agreement.

Mr Redpath explained that he had asked Mr Fitzpatrick to help only with identifying someone who would be able to draft the report. He had not been given an instruction to come up with a list of possible drafters.

Anti-extremism strategy

The Chairman also drew attention to the Government's anti-extremism strategy published in October 2015, and referred to in minute A5. The Committee noted that the guidance to enact the strategy, expected in Spring 2016, had still not been published, so the Committee cannot meaningfully scrutinise the strategy until the guidance is available. Cllr Pascall said that until the strategy was released it would be helpful to have a reminder of the Council's current responsibilities and approach. Mr Redpath said that he would speak to Mr Priestley, the Council's Chief Community Safety Officer, to ensure this was provided.

Action by: Mr Redpath

A4 MATTERS ARISING FROM THE PREVIOUS MEETING

Paragraph 1 – Tesco Site

The paragraph was received and noted.

Paragraph 2 – CCTV

The paragraph was received and noted.

Paragraph 3 – Hate Crime

Cllr Dent Coad said that the statistics confirmed her understanding about the increase in hate crime. Mr Redpath said that the reporting of incidents was to be encouraged. Committee members commented on the reluctance of some victims to report such incidents in case it resulted in an escalation against them. On the question of giving information to the police and security services, it was said that some people in the community, especially Muslims, but also other faiths and various nationalities, did not trust the police, would not want their details recorded anywhere for fear they would be investigated and targeted, and others were put off by the climate of demonisation and accusation against their communities in the news media, in particular. The Committee welcomed the fact that the Community Safety Programme Board had made hate crime a strategic priority in 2016/17.

The paragraph was received and noted.

Paragraph 4 – Disaster recovery / resilience

Noted that there was a report elsewhere on the agenda.

Paragraph 5 – Adair Tower fire

The Chairman reminded Members that he had circulated some information from the TMO and London Fire Brigade regarding fire safety information to residents prior to the meeting in response to a question from Councillor Campbell at the previous meeting. The Borough Fire Commander was to attend the Committee's next meeting.

The paragraph was received and noted.

A5 FOX PRIMARY SCHOOL PROCUREMENT

The Chairman explained that this issue, raised by former Councillor Victoria Borwick whilst she was still in office, would have been considered by the Procurement Working Group, but as the group had now finished its deliberations he had agreed for it to be brought to the Committee. Councillor Borwick and other Members had expressed concerns about the delays and overspending, and also about the planning process for the project.

Mr Bell commented that the procurement process had run smoothly, but the planning strategy had led to delays. The original budget had been increased by £320k as a result of planning issues but the revised budget set in November 2015 was still intact. Corporate Property had been advised to issue a Section 211 notice in order to have a tree removed from the site. Objections had been received so the application had been withdrawn. The Planning Department had been unable to consider the matter until the full application for the site had been submitted. The Secretary of State had been lobbied to call in the application. Work could not start until May 2015, seven months later than planned. As a result, additional costs were incurred as pupils needed to be decanted to other schools. Mr Bell reiterated that procurement had not been a problem. A key lesson learned was to avoid part-approval processes in future. Members considered that the pre-application advice from the Planning Department should have identified this as a possible issue so that delays and extra costs could have been avoided.

The Committee noted that Mr Bell was soon to leave the Council after five years. Members thanked him for his hard work as Head of Property and wished him well for the future.

A6 RESILIENCE PLANNING

Mr Kerry introduced the report which set out the position of the Council's emergency planning and resilience activities. The Chairman asked how the Council could get people involved in community resilience. Mr Kerry referred to paragraph 3 of the report and commented that efforts were being made to raise the profile of community resilience through work with the voluntary sector, faith forums, residents' associations and landlord organisations. The Chairman suggested that features could be added to local magazines and online bulletins, eg Notting Hill Housing Trust, TMO, Catalyst Housing etc to improve communication. However, high resident turnover meant that communications would have to be ongoing. He added that the Council should also liaise with Kensington and Chelsea Social Council who represent over 500 voluntary groups in the Borough, many of whom will have hard copy or online bulletins.

The report was received and noted.

A7 TRI-BOROUGH WORKING UPDATE

Mr Holgate introduced the report. He said that savings of the order of £50m had been achieved across Tri-Borough. He did not see much more scope for significant savings, although there may be some adjustments at the margins. £13-14m was the figure for recurrent savings each year. Government grant was still falling, but instead of the Council having to save as much as £14m per year, this had been reduced to around £8m in the next few years. Despite this, he still expected the budget to be contracting in 2021.

On the subject of business rates, Mr Holgate commented that this was still only a proposition. There would be no windfall for the Council. The only good news was that there was a safety net to protect the Council from losses over £1.6m. Mr Holgate added that he might be able to report more detail in about six months' time.

The report was received and noted.

A8 MANAGED SERVICES PROGRAMME – ORAL UPDATE

Mr Bartle provided an oral update on progress with the Managed Services Programme. He explained the timetable for the external audit, the additional work that had been undertaken and said that he was hopeful that an unqualified opinion would be forthcoming. Mr Bartle described other areas of concern which would need to be addressed, further details of which are included in the confidential part of the minutes.

A9 CABINET AGENDA FOR 20 APRIL

In relation to Report A5, the working group's report on the temporary closure of Thamesbrook, Cllr Lindsay said that he would check the Cabinet minutes to see if the working group's recommendations had been accepted.

The other reports on the Cabinet agenda were noted.

A10 FORWARD PLAN - AS AT 8 APRIL

On page 4 of the report, in relation to release of additional funding to deliver Tri-Borough IT working arrangements (KD03743), Members noted that Mr Holloway had left some time ago. Officers undertook to check if the key decision should be removed from the forward plan.

On page 5, on the contract review of agency staff (KD04725), the Chairman asked if the report was now ready. Officers undertook to check.

Action by: Governance Services

The forward plan was received and noted.

A11 FUTURE AGENDA AND SCRUTINY ITEMS

Cllr Lindsay asked whether the Committee would support a review of the Mayoralty. Members did not support this suggestion. The Chairman asked for other suggestions for future items to be sent to him.

A12 OTHER URGENT ITEMS

None.

EXCLUSION OF PRESS AND PUBLIC FROM THE MEETING:

RESOLVED – to exclude the press and public from the meeting for the following specific items of business on the grounds that they may involve the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act, as amended:

B1 MANAGED SERVICES PROGRAMME UPDATE

The Committee discussed with Mr Bartle the progress with the programme.

B2 FOX PRIMARY SCHOOL PROCUREMENT

The discussion is summarised in Part A of the minutes above.

No other matters were discussed.

The meeting ended at 8.35pm.