

**MINUTES OF A MEETING OF THE
OVERVIEW & SCRUTINY BOARD
Havering Town Hall, Main Road, Romford
1 February 2023 (7.30 - 9.00 pm)**

Present:

COUNCILLORS

| | |
|---------------------------------------|--|
| Conservative Group | Timothy Ryan, Christine Smith and David Taylor |
| Havering Residents' Group | Bryan Vincent, Gerry O'Sullivan (Chairman), Philip Ruck (Vice-Chair), Laurance Garrard and Natasha Summers |
| Labour Group | Katharine Tumilty and Patricia Brown |
| East Havering Residents' Group | Martin Goode |

An apology was received for the absence of Councillor Mandy Anderson (substituted by Councillor Patricia Brown).

Also present at the meeting were: Councillor Barry Mugglestone, Cabinet Member for Environment, Councillor David Godwin, Councillor Matthew Stanton and Councillor Brian Eagling.

Officers present at the meeting: Gavin Milnthorpe, Monitoring Officer, Imran Kazalbash, Assistant Director of Public Realm, Julie Oldale, Deputy Section 151 Officer, Ian Saxby, Head of Technical Services Asset Management, Jacki Ager, Waste and External Contracts Manager, Mel Gadd, TMO Officer (Online).

25 CHAIRMAN'S ANNOUNCEMENTS

The Chairman reminded Members of the action to be taken in an emergency.

26 ELECTION OF CHAIRMAN FOR THE MEETING

The Chairman proposed a different Member of the Overview and Scrutiny Board to lead the meeting as it was a matter of public record that he was one of the signatories of the requisition being considered. In order to ensure the scrutiny process being would be seen to be as even-handed as possible, Councillor Gerry O'Sullivan proposed that a new Chair be nominated.

The nominated Chairman was Councillor Bryan Vincent and the proposal was seconded by Councillor Philip Ruck. The proposal was agreed without a formal vote being required.

27 DISCLOSURE OF INTERESTS

There were no disclosures of interest.

28 EXCLUSION OF THE PUBLIC

The Board agreed to exclude the public from the remainder of the meeting on the grounds that it was likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public were present during these items there would be disclosure to them of exempt information within the meaning of paragraph 3 of Schedule 12A to the Local Government Act 1972.

29 REQUISITION OF KEY EXECUTIVE DECISION: AUTHORISATION TO AWARD A CONTRACT FOR THE EXTENSION AND MODIFICATION OF CENTRAL DEPOT

In accordance with paragraph 17 of the Overview and Scrutiny Committee Rules, a requisition signed by six Members representing more than one Group (Councillors Gerry O'Sullivan, Phillip Ruck, Mandy Anderson, Kathy Tumilty, David Godwin and Matthew Stanton) had called in the Key Executive Decision dated 3 January 2023.

The authorisation to award a contract for the extension and modification of Central Depot was linked to the public realm contract that has already been let. Councillors had stated that they were unaware of the full costs for the extension and modification of Central Depot at the time of the initial meeting of the Places Overview and Scrutiny Sub-Committee to carry out pre-decision scrutiny of the public realm contract on 8th December 2022.

A procedural motion was proposed that, given the grounds of the requisition, only made reference to the decision in respect of the authorisation to award a contract for the extension and modification of Central Depot, that the debate and any subsequent vote on the requisition should relate to the extension and modification of Central Depot only. The procedural motion was proposed by Councillor Gerry O'Sullivan and seconded by Councillor Phillip Ruck. The procedural motion was agreed unanimously.

Officers responded to the grounds for call in through a presentation and written report.

It was noted that there was a contingency arrangement in the estimated cost of works to cover any potential increase in costs such as supplier chain risks. Officers answered Members' questions concerning how the preferred bidder was selected and this included officers evaluating Local Authority

references and quality of work, all of which, along with the other evaluation criteria was included in the full, exempt report submitted at the Places OSSC meeting on 8th December 2022.

Officers responded to Members in relation to how the evaluation took into account if suppliers elected to use the Council's operational site or their own. There was a discussion around costs of capital borrowing and officers presented the Council's assumptions on this.

The requisition of the Key Executive Decision for authorisation to award a contract for the extension and modification of Central Depot was **not** upheld.

The requisition was **NOT UPHELD** by 10 votes to 1.

Members voting not to uphold the requisition:

Councillor Gerry O'Sullivan
Councillor Philip Ruck
Councillor Laurance Garrard
Councillor Patricia Brown
Councillor Timothy Ryan
Councillor Christine Smith
Councillor Natasha Summers
Councillor David Taylor
Councillor Katharine Tumilty
Councillor Bryan Vincent

Members voting to uphold the requisition:

Councillor Martin Goode

The Board further requested the following recommendations to be **noted**:

- All agendas including partially exempt and completely exempt items, should be open to councillors to access for effective scrutiny for their respective committees. Officers are to email members when agendas and documentation are available.
- Reports for new projects should only be brought to Committee meetings and Cabinet when all the relevant information is available especially noting capital costs, the associated chargeable interest to the general fund and the impact of such expenditure on Council resources. If for any reason this cannot be detailed in the report, sufficient reasoning must be stated as to why. As an example future benefits of the project, not already incorporated and quantified in budget/financial assessments, will exceed by far the costs associated with the potential additional revenue and capital expenditure.

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The requisition of the Key Executive Decision for authorisation to award a contract for the extension and modification of Central Depot was **NOT UPHELD** which meant the decision could be implemented with immediate effect as set out in the Key Executive Decision report.

Chairman