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**MINUTES OF A MEETING OF THE
OVERVIEW & SCRUTINY BOARD
Havering Town Hall, Main Road, Romford
13 October 2020 (7.30 - 10.17 pm)**

Present:

COUNCILLORS

Conservative Group	Ray Best, John Crowder, Judith Holt, Sally Miller, Nisha Patel, Christine Smith, Maggie Themistocli and Michael White (Chair)
Residents' Group	Ray Morgon and Barry Mugglestone
Upminster & Cranham Residents' Group'	Linda Hawthorn and Christopher Wilkins
Independent Residents' Group	David Durant and Graham Williamson
Labour Group	Keith Darvill
North Havering Residents' Group	Martin Goode

Councillors Osman Dervish, Roger Ramsey, Damian White and Natasha Summers were also present.

Officers present:

Mark Butler, Director of Asset Management
Simeon Nnyombi, Strategic Asset Manager
Sue Harper, Assistant Director of Environment
James Rose, Parks Development Manager
Jane West, Chief Operating Officer
Julie Oldale, Head of Finance for Business Partnering
Sandy Hamberger, Assistant Director of Policy, Performance and Community
Andrew Beesley, Head of Democratic Services
Anthony Clements, Principal Democratic Services Officer

18 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

Apologies were received from Councillor Philippa Crowder (Councillor John Crowder substituting) Councillor Natasha Summers (Councillor David Durant substituting) and Councillor Darren Wise (Councillor Martin Goode substituting).

19 **DISCLOSURE OF INTERESTS**

There were no disclosures of interest.

20 **MINUTES**

It was clarified that, at the meeting of the Board held on 15 September, Councillor Darvill had given apologies and been substituted by Councillor McGeary.

The minutes of the meetings of the Board held on 21 July, 19 August and 15 September were otherwise agreed as a correct record.

21 **PROTOCOL ON THE OPERATION OF OVERVIEW AND SCRUTINY BOARD MEETINGS DURING THE COVID-19 PANDEMIC RESTRICTIONS REPORT**

The protocol on the operation of Overview and Scrutiny Board meetings during the Covid-19 pandemic restrictions was noted by the Board.

22 **PROTOCOL FOR PRE-DECISION SCRUTINY - UPDATE**

An amended version of the protocol for pre-decision scrutiny was submitted to the Board. This had been requested at an earlier meeting of the Board. A member of the Board queried whether any amended protocol for pre-decision scrutiny needed to be agreed by Governance Committee. Officers agreed to discuss this with the Monitoring Officer.

The amended protocol for pre-decision scrutiny, with appendix, was noted by the Board.

23 **CALL-IN OF EXECUTIVE DECISION - DISPOSAL OF LAND AT HALL LANE PITCH & PUTT COURSE, UPMINSTER FOLLOWING ITS APPROPRIATION FOR PLANNING PURPOSES**

An Executive Decision had been requisitioned by Councillors Durant, Ford, Hawthorn, Morgon, Wilkins and Williamson.

Officers and the Cabinet Member advised that careful thought had been given to the decision which was not intended to replace the original Cabinet decision that was taken in 2019. The grounds of the requisition were then responded to.

When the planning decision for the site had been put before officers, the area had been assessed as open space under the Local Development Plan. The Golf Facilities Needs Assessment had however stated that the site was surplus to requirements. Whilst the site could only be accessed by the public upon payment of a fee during opening hours, the Cabinet Member felt therefore that this was in reality not open space.

The Council would have control of the development and it was therefore anticipated that the area would remain as open space. The Cabinet Member added that the most likely scenario was that the Council's Parks Department would maintain the site.

The needs assessment had considered golf provision across the whole of the borough and found that the Hall Lane facility was not viable. Usage of the pitch and putt course remained very poor and the lack of car parking on the site was also a problem. The facility was also loss making for the Council, requiring a subsidy of around £5k per annum. Some Members felt that the site would have been better used if there had been better control of contractor staff attending and ensuring that the site was open. The close proximity of Upminster Playing Fields meant there was no viable alternative leisure use for the site.

There had been no evidence found that the site had been left for the public in perpetuity nor that there were any special constraints on its disposal. Any residents wishing to make a claim for access to the site should direct these to the Director of Legal Services. The Council did not however recognise any private rights of access. Estimates had been obtained for remedial works on the site which were in the region of £35k.

Some Members felt that the published opening times for the Pitch and Putt course had not been delivered. Officers clarified that the site had been considered on its own merits but alternative brownfield sites had been included as part of the Council's Local Plan. The development proposals had been tested for school capacity as part of the planning process and the Cabinet Member added that the Strategic School Plan would take into account all developments such as the one on this site.

Tree Protection Orders would be used where appropriate and other trees on the site would be protected in accordance with Council planning procedures. Any issues around the protection of tree roots were also considered during the planning process.

It was confirmed that the development was in line with the Council's energy strategy. The position on whether the site would still be included in the Hall Lane Policy Area if the land was disposed of would need to be checked with planning officers.

The requisition was NOT UPHeld by 8 votes to 7 with 1 abstention. The voting was as follows:

Not in favour of upholding the requisition – Councillors Best, J Crowder, Goode, Holt, N Patel, Christine Smith, Themistocli and M White.

In favour of upholding the requisition – Councillors Darvill, Durant, Hawthorn, Morgon, Muggleston, Wilkins and Williamson.

Abstention – Councillor Miller.

24 **PRE-DECISION SCRUTINY OF A CABINET REPORT - UPDATING
PARKS AND OPEN SPACES BYELAWS**

Under the pre-decision scrutiny protocol, officers introduced a report due to go be considered by Cabinet on 14 October to allow more effective enforcement action in parks and open spaces by updating byelaws. It was proposed to modernise the byelaws and allow the addressing of issues such as overnight parking and the overage use of children's play areas. Public events and cycling policy would also be covered in the byelaws. New byelaws would require the permission of the Secretary of State and so a possible further decision would be needed from full Council in the future.

Enforcement of byelaws would be undertaken by the Council's in-house enforcement team. The Metropolitan Police, including the section 92 officers controlled by the Council, could also be used to enforce byelaws. The precise hours of enforcement operations were not certain although there were both daytime and night teams. Enforcement action could be varied depending on the issue and escalated as necessary.

Members felt it was important that byelaws addressed cycling in parks and that a balanced approach should be taken to this as there were different views on the issue. Other issues Members thought could be covered by byelaws included the use of pedalos and e-scooters in parks. Officers felt the scattering of ashes in parks should not be encouraged but this would also depend on the results of the consultation.

It was suggested that the Cabinet report should go to all Councillors for them to respond to and that a date to conduct a review of the new byelaws should be agreed. Issues such as drones and fishing licences were covered by separate legislation and hence could not be included in byelaws. This also applied for the control of dogs in parks. Officers would consider the best date for a review of the byelaws. Another issue raised by Members was the impact of the new byelaws on housing land.

Members also felt that park signage could be improved with a list of byelaws clearly displayed in parks although officers felt that byelaws were currently displayed in all Havering parks. Only enforcement of dog fouling came under Council control with the control of dogs being subject to a separate legal process. The use of horse and traps would also be covered in the byelaws and there would be no effect on land classified as fields in trust. It was accepted that there were very few official bridleways in Havering, even though horse riding did take place in a number of parks. Officers were not aware of any park areas not owned by the Council as Tyler's Common had been transferred to Council control.

The Board agreed unanimously that the following comments should be passed to the Cabinet Member as part of the pre-decision scrutiny process:

- The importance of the enforcement of byelaws, especially during night time hours.
- That all responses to the consultation on the byelaws should be carefully considered.
- That the Cabinet report and the consultation materials should be sent to all Councillors.
- That the impact of any new byelaws on housing land be clarified.
- That careful consideration be given to the policy around cycling in parks.
- The use of horse and traps in parks to be enforced under the byelaws.

25 **UPDATE - BUDGET MONITORING**

The Board noted that this report had been submitted to it for scrutiny but would not in fact be presented to Cabinet.

Officers advised that the overall financial position of the Council had not changed markedly since the last report to the Board. There would be year end expenditure of £11.8m on Covid-19 issues that was outside of the original budget. There was also an income loss of £12m and £6.8m of savings that could not be achieved due to the redeployment of staff etc.

Government funding of £16m had been received and a further tranche of funding had recently been announced although it was uncertain at this stage what Havering's allocation would be. The overall position was that the Council was approximately £14m overspent. General reserves totalled £13.6m so there would be a need to take some funding from allocated reserves. The Chief Operating Officer felt therefore that this was a very challenging and unprecedented position.

Expenditure had been mainly on areas such as PPE, the temporary mortuary and food distribution with the highest additional amount being spent on adult social care. Income losses were due to the non-charging of parking fees and the lack of use of services such as school transport and sports centres.

Officers emphasised that they had no option but to follow the rules and guidelines laid down by central government. The Leader of the Council was working with London Councils on Covid issues but it was often not possible to impact government policy.

There was a backlog of healthcare placements that it was hoped to clear by December 2020. The cost of placements until that date would be reimbursed by the Department of Health. Some test and trace work was already being done by the Council which would now be responsible for contacting hard to reach cases. Funding for outbreak management had

been received from central government. There would be a contact centre located in Havering but it was uncertain how large this would need to be. The level of grant funding available for this work was also currently uncertain.

It was clarified that debts for service charge income would not be written off unless there was no alternative. It was hoped more debts could be collected once the courts had reopened.

A total of around £800k would need to be taken from the earmarked reserves and it was accepted that it would difficult to attain the general reserve target of £20m. This would be addressed in the next budget process. All accruals and liabilities had been adjusted for via the budget monitoring process. It was uncertain at this stage what level of future loss of income could be reimbursed from central government. The financial settlement to local government for next year would not be announced until shortly before Christmas.

The Board noted the report.

26 **TOPIC GROUP UPDATE**

The Board agreed the scope and membership of the two Covid-19 topic groups as follows:

1. Covid-19 Topic Group 1 comprised Councillor Michael White (Chairman) Philippa Crowder, Sally Miller, Nisha Patel and Darren Wise and submitted the following scope for approval by the Board:

Focus-Review the impact of COVID on residential care homes in Havering

Scope.

Work with the private care sector and public authorities to explore the following:

- discussions with care providers and health services to understand the impact of COVID in care homes;
- Assess measures undertaken to protect the safety and well-being of individuals including residents and staff; including the provision of PPE and the COVID-testing regime

2. Covid-19 Pandemic Topic Group 2 comprised Councillors Keith Darvill (Chairman) Linda Hawthorn, Ray Morgon and Christine Smith and submitted the following scope for approval by the Board:

Focus-Review the Council's response to COVID, focussing on its pandemic-flu plan and Command structure

- Review the Council's flu-pandemic plan and develop an understanding of the Council's Command structure;
- Understand the relationship between the Command structure and the Borough Resilience Forum; and
- Communication roles between Command, the Resilience Forum and elected Members

The Board also noted that the debt recovery topic group would be meeting in November 2020 in order to better understand how the Council's debt recovery processes would operate going forward. A proposed scope would be brought to the Board following this meeting and its drafting by the Topic Group.

27 CORPORATE FORWARD PLAN

The Board did not select any further items for pre-decision scrutiny at this point but noted that suggestions could be passed to the clerk at any time.

28 WORK PROGRAMME

It was suggested that it would be advantageous for the Board to have earlier access to Cabinet reports relating to items selected for pre-decision scrutiny. Officers advised that this may not always be possible as the Board needed to have the final version of the Cabinet report in order to conduct its scrutiny.

29 NEXT MEETING

It was agreed that the next meeting of the Board would take place on 10 November in order to allow the pre-decision scrutiny of any items selected that were due to be considered by Cabinet on 11 November.

Chairman

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