



## OVERVIEW & SCRUTINY COMMITTEE

MINUTES of the Overview & Scrutiny Committee held on Monday 31 March 2014 at 7.00 pm at 160 Tooley Street, London SE1 2QH

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**PRESENT:** Councillor Catherine Bowman (Chair)  
Councillor Gavin Edwards (Vice-Chair)  
Councillor Neil Coyle  
Councillor Toby Eckersley  
Councillor Dan Garfield  
Councillor David Hubber  
Councillor Lorraine Lauder MBE  
Councillor Rebecca Lury  
Councillor Paul Noblet  
Councillor The Right Revd Emmanuel Oyewole  
Councillor Geoffrey Thornton

**OTHER MEMBERS PRESENT:** Councillor Peter John, Leader of the Council

**ALSO PRESENT:** Mr Mick Barnard, member of the public

**OFFICER SUPPORT:** Shelley Burke, Head of Overview & Scrutiny  
Norman Coombe, Legal Services  
Stephen Douglass, Head of Community Engagement  
Graeme Gordon, Director of Corporate Strategy  
Duncan Whitfield, Strategic Director of Finance and Corporate Services  
Peter Roberts, Scrutiny Project Manager

### 1. APOLOGIES

1.1 There were no apologies for absence.

### 2. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

2.1 There were no urgent items of business.

### **3. DISCLOSURE OF INTERESTS AND DISPENSATIONS**

3.1 There were no disclosures of interests or dispensations.

### **4. MINUTES**

#### **RESOLVED:**

That the minutes of the meeting held on 18 February 2014 be agreed as a correct record.

### **5. REPRESENTATION FROM MEMBER OF THE PUBLIC - MR M BARNARD**

- 5.1 Mr Mick Barnard, a member of the public, had been given the opportunity to address the committee. He claimed that Southwark officers had failed to adhere to the constitution and to the legal framework within which a local authority was required to operate. He referred to various officers, including the chief executive, monitoring officer and a principal lawyer, and to individual members with whom he had raised his concerns. Mr Barnard stated that he could provide a number of examples of such failures. He had raised a series of complaints which he felt had not been adequately investigated or responded to. He was not satisfied with the process undertaken by officers of the council.
- 5.2 Members of the committee asked for details of complaints which Mr Barnard felt had not been properly dealt with. Mr Barnard referred to an incident involving a former mayor. He also referred to a feasibility study in respect of new changing rooms on Peckham Rye which he felt that officers had not taken account of. He claimed that officers had not adhered to the legal framework and that neither the monitoring officer nor complaints officer had accepted that this was in their remit to investigate.
- 5.3 The chair of the committee acknowledged that Mr Barnard had recently asked a public question at Council Assembly on a similar topic. She asked him whether his key concern was about process and about the procedure to be followed if a complainant was not happy with a response received from the council. Mr Barnard repeated his view that proper process was not being followed and that this needed to be investigated, perhaps using one of the cases he was aware of as an example. He also stated that he had not been able to submit a six hundred signature petition to the committee. The chair clarified that the committee was not able to look into individual complaints but could look at the complaints process more generally, for instance in terms of what happened when a complaint was not resolved.
- 5.4 A member of the committee commented that, while it was important that the council give a hearing to concerns raised by the public, it also had a responsibility as to how public funds were used. The member acknowledged that Mr Barnard had attended Council Assembly and was now attending this committee. Mr Barnard

had also stated that his complaints had been going on over a number of years. The member was concerned as to how much these various processes had cost the authority. Duncan Whitfield, Strategic Director of Finance and Corporate Services, stated that he could not provide the total cost of responding to Mr Barnard's complaints but that, due to the level of senior management engagement, it would be significant and perhaps run into tens of thousands of pounds.

5.5 Another member recognised that on occasion the public might receive a sub-standard service from the council. Part of the role of overview and scrutiny was to review particular service areas and to determine whether there were ways of improving them. Mr Barnard responded that, over an eight year period, nothing had helped. He said that he had submitted dozens of deputations and questions, most of which had been rejected. He had submitted a complaint for which there was an established procedure but officers had denied having the responsibility to deal with it. A member suggested that the facts as Mr Barnard saw them were being disputed by the officers who had investigated his complaints. Perhaps Mr Barnard had not got what he wanted from the process, rather than there being a fundamental problem with the process itself or the process not being followed. Another member asked whether Mr Barnard had contacted the Local Government Ombudsman. Mr Barnard explained that the Ombudsman only dealt with issues causing direct personal injustice to the complainant. He was representing a local football team, in respect of the changing rooms, and other people, rather than himself and therefore the Ombudsman had not taken up his complaints.

5.6 The chair reiterated that the committee was not part of the complaints procedure. Members took the view that in the new municipal year the incoming Overview & Scrutiny Committee could consider looking at how the council dealt with complex complaints and how these were addressed once the usual complaints process had been exhausted. It could also look at comparable bodies to see whether more satisfactory outcomes were being achieved and whether there were any ways to improve Southwark's procedures. Some members were concerned that the issues raised by Mr Barnard were not sufficient to justify this.

**RESOLVED:**

That officers be asked to bring a briefing to the incoming Overview & Scrutiny Committee detailing the process by which complicated complaints are dealt with, to include:

- how it is decided where a complaint goes
- how a complaint is escalated
- maintenance of any audit trail for complaints, decisions and costs
- whether there is any cap on compensation awards
- recent performance against the current procedure
- any comparative procedures and statistics
- decision making process in determining a vexatious complainant

## **6. CABINET MEMBER INTERVIEW: COUNCILLOR PETER JOHN, LEADER**

- 6.1 The Leader of the Council, Councillor Peter John, attended the committee for his cabinet member interview. As an introduction, the Leader referred to the vision for the borough which he had set out at the previous week's meeting of Council Assembly.
- 6.2 In terms of the council's housing strategy, a member asked how better use could be made of empty privately-owned properties in the borough. The Leader acknowledged that this was a concern but stressed that a change in legislation would be needed before the council could forcibly take action. The council had tried to encourage landlords to house families needing urgent or temporary accommodation and steps had been taken to bring derelict properties back into use but the council had no powers to, for instance, tell landlords to let their properties to the local community. The Leader welcomed any suggestions in this area.
- 6.3 A member commented that the decision of Cabinet on 18 March in respect of the options available to leaseholders displaced from estates undergoing regeneration was a step forward. He asked whether there was any scope for bringing forward the new options and for going further. The Leader agreed that the options of shared ownership and shared equity would make a huge difference. He commented that the council was able to reach agreement with the vast majority of leaseholders affected by regeneration projects. He stressed the importance of sensitive negotiation, especially with older residents, and that it was absolutely crucial to ensure that there was an officer point of contact who fully understood the process and what was needed.
- 6.4 Another member put this in the context of the regeneration of the Aylesbury estate. There were still twenty-five to thirty years before the project was completed and it was important for the council to remain flexible in how it engaged with and supported tenants and leaseholders and to be prepared to change its policies. The Leader agreed with this point of view and emphasised that the council had to be mindful that it was making decisions that effected how people lived over a long period of time, families and individuals who were often extremely vulnerable. The Leader also pointed out the positive impact of regeneration on employment; in recent months over six hundred people had been brought into work on big regeneration projects, there hundred of whom had been unemployed.
- 6.5 A member asked for the Leader's view on contracting out services, particularly in view of the success of bringing revenues and benefits and the call centre back in-house. The Leader stated that services should be constantly reviewed in order to see whether or not they could be run more efficiently in-house. At the same time he commented that facilities management was contracted out and was a well-run contract. It would be difficult to bring IT back in-house. The right solution needed to be found for each service.
- 6.6 The chair of the committee expressed concern at the council's procurement procedures and its capacity to manage big value contracts, especially big major

works contracts. The Leader was confident that the council was improving all the time. He referred to the Vangent contract. The key performance indicators were wrong by 2010/11 but the contract did not allow for these to be changed. There was always room for improvement in contract management, especially on a housing contract. The Leader gave the Capita contract as an example of a contract which was being very robustly managed on a weekly basis by a board chaired by the chief executive.

- 6.7 In response to questions, the Leader stated that the chief executive was due to review the spend of the local assistance fund. The council would not continue to receive funding in this area. In addition, universal credit had not been introduced at the expected rate. It was important to review the impact of changes in benefits and the spend of the fund.
- 6.8 Members were also concerned about the council's void disposal strategy and how it impacted on different areas of the borough. The Leader responded that to date only seven properties had been disposed of. The council was selective and tended to dispose of properties needing a lot of investment. Capital received was directed towards funding of the warm, dry, safe programme. The Leader commented that, in view of rising property prices, it might be appropriate to review the current threshold of £300K. Some members remained concerned that one part of the council might be disposing of four and five bed properties while another part was trying to house large families. The Leader clarified that the process was much more discriminating. He stressed that the bigger challenge to the housing stock was the government raising the cap on right-to-buy. There were currently 1,026 applications being processed.
- 6.9 Members were interested to hear the Leader's views on whether and how the borough's housing issues could be resolved. The Leader felt that, given current population projections, it was unlikely that enough properties could be built to solve the council's waiting list. Planning consent had been given to eleven thousand new homes over the last four years, including three thousand affordable homes. A member asked whether the Leader was in favour of getting rid of right-to-buy or any changes in the powers of local authorities. The Leader felt that the level of prescription by Westminster should be less across the whole of London. He also felt that local authorities should be able to suspend right-to-buy if it put too much pressure on the housing stock but was doubtful whether any government would support this. The Leader also hoped that a future government would invest in transport infrastructure into East London, opening up vast tracts of land for housing and other development.
- 6.10 In response to questions about ongoing risks for the council, the Leader identified continuing threats to the budget. The council was also arguing for the headroom in the Housing Revenue Account to be lifted as this would help local authorities to build housing. A member asked whether, in the Leader's opinion, there was a role for scrutiny in respect of the Health & Wellbeing Board. The Leader reported that last week he had commissioned a governance review which would include consideration of the role of scrutiny in this area. He drew attention to the Southwark and Lambeth Integrated Care programme which did important work but was currently outside the structure of governance and to the Clinical Commissioning Groups which worked to NHS England.

- 6.11 The chair of the committee asked for an update on possible sites for the John Donne secondary school. The Leader expressed sympathy with parents at John Donne but stated that currently plans for a new secondary school were in abeyance in the area. He commented that one of the problems was parents' confidence in schools already in the area, especially the Harris Academy in Peckham. The council needed to meet the aspiration of parents and ensure that places were available but a new school on a new site was not necessarily the solution.
- 6.12 A member asked for more information about the Leader's pledge to bring high speed broadband to Rotherhithe. The Leader stated that the council needed to take the lead in procuring delivery. He hoped that a solution would be achieved as soon as possible.

## **7. DEPUTY CABINET MEMBER INTERVIEW: COUNCILLOR THE RIGHT REVEREND EMMANUEL OYEWOLE, FAITH COMMUNITIES**

- 7.1 Councillor the Right Reverend Emmanuel Oyewole, Deputy Cabinet Member for Faith Communities, attended the committee. He reported that for the past few years the council had been working with Roehampton University in research into black churches in Southwark. As Deputy Cabinet Member he had been working with Councillor Vikki Mills, Cabinet Member for Communities & Economic Wellbeing, on how to take forward the recommendations from the research and how to improve relationships with faith communities. He had also been working with an umbrella organisation of churches to co-ordinate the recommendations and to develop communication. A member of staff had been allocated as a link person for churches and the council had reviewed and was promoting its guide for faith communities. The Deputy Cabinet Member reported that recently only one planning application from a faith community had been unsuccessful. He also reported on key activities during the year, including a festival at Burgess Park, Black History Month and meetings with the Multi-Faith Forum and the co-ordinator of the mosque.
- 7.2 Members welcomed the council guide for faith communities and asked how its use was being monitored. The Deputy Cabinet Member explained that it had been sent to four hundred faith groups in Southwark and was also available on the council's website. The link person in the community engagement section acted as a point of liaison. Planning issues were monitored and the council talked to churches in order to mitigate any problems in this area. Stephen Douglass, Head of Community Engagement, explained that the current guide had been completed in November, taking account of the views of faith organisations in the borough and of the Roehampton research. The guide appeared to have helped in terms of planning issues as there were more successful applications and less potential enforcement actions. The Deputy Cabinet Member added that landlords often did not inform churches as to what was possible within a lease and that the council was looking into this issue in order to achieve greater transparency about the use of properties.

- 7.3 In response to further questions, the Deputy Cabinet Member confirmed that the council's liaison officer had been created within the community engagement section in response to the suggestion of faith groups themselves. He felt that the post helped the council to gain a better understanding of faith communities and how to improve relationships. A member stressed the amount of good work undertaken by faith groups in Southwark but asked how the council could respond if a new organisation was set up which was not motivated by genuine faith. The Head of Community Engagement emphasised that it was not the role of the council to police faith communities but that a lot of work took place between the council, the police, the fire service and others and that concerns about particular organisations could be addressed amongst these agencies. A great deal of the council's work was to support faith groups in gaining a better understanding of what the council required in planning and other terms.
- 7.4 Councillor Rebecca Lury, Chair, Health, Adult Social Care, Communities & Citizenship Scrutiny Sub-Committee, referred to a pilot programme to talk to faith congregations about mental health and the importance of early intervention. The sub-committee had recommended that the council continue to part fund the programme. The Deputy Cabinet Member agreed that this was important and stated that he was discussing with officers how it could be continued. The chair of the sub-committee wondered whether there were other ways of utilising the networks of faith communities. The Deputy Cabinet Member reported that he and the council were encouraging faith communities in the areas of safeguarding, health and safety, fire wardens and first aiders. A member asked whether, relating to the area of safeguarding, the Deputy Cabinet Member felt that Southwark was equipped to deal with the issue of female genital mutilation. The Deputy Cabinet Member explained that this was beyond his remit and was rather the responsibility of social care. His understanding was that the issue related to the Muslim community and was not generally encountered in Southwark but he would raise this with the appropriate cabinet member.
- 7.5 In response to further questions, the Deputy Cabinet Member confirmed that there were almost four hundred churches in Southwark out of which only one was subject to enforcement proceedings. A member asked how wide the Deputy Cabinet Member's remit was in terms of engagement with the community. The Head of Community Engagement clarified that there was some cross-over with the remit of the Cabinet Member for Communities and Economic Well-Being. The council was broadening and improving its engagement with all communities across the borough. A member suggested that faith groups might be a conduit to increasing voter registration within the borough. The Deputy Cabinet Member was of the view that faith communities would welcome any relevant literature. The Head of Community Engagement indicated that the council was talking to faith groups about a similar approach to that of community volunteers. A member asked the Deputy Cabinet Member whether he had gained useful information from his visits to the United States in terms of how best to handle issues with faith organisations. The Deputy Cabinet Member felt that while American local government was more generous in its support, Southwark was doing well and was the first authority to appoint a Deputy Cabinet Member for Faith Communities.

**8. FINAL SCRUTINY REPORT: PREVALENCE OF PSYCHOSIS & ACCESS TO MENTAL HEALTH SERVICES FOR THE BME COMMUNITY IN SOUTHWARK (HEALTH, ADULT SOCIAL CARE, COMMUNITIES & CITIZENSHIP)**

8.1 Councillor Rebecca Lury, chair, Health, Adult Social Care, Communities & Citizenship Scrutiny Sub-Committee, introduced the report.

**RESOLVED:**

That the report be submitted to cabinet for consideration.

The meeting ended at 9.30 pm