

## **HOUSING & COMMUNITY SAFETY SCRUTINY SUB-COMMITTEE**

MINUTES of the Housing & Community Safety Scrutiny Sub-Committee held on Tuesday 25 November 2014 at 7.00 pm at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

---

**PRESENT:** Councillor Tom Flynn (Chair)  
Councillor Ben Johnson (Vice-Chair)  
Councillor Vijay Luthra  
Councillor Claire Maugham  
Councillor Damian O'Brien  
Councillor Martin Seaton  
Councillor Johnson Situ

**OTHER MEMBERS PRESENT:** Councillor Richard Livingstone - Cabinet Member for Housing

**OFFICER SUPPORT:** Gerri Scott - Strategic Director of Housing & Community Services  
Paul Langford - Head of Operations  
Bernard Nawrat - Human Resources Director  
Shelley Burke – Head of Overview and Scrutiny  
Debbi Gooch – Head of Litigation  
Dorren Forrester-Brown - Director of Legal Services  
Fitzroy Williams – Scrutiny Team

### **1. APOLOGIES**

1.1 Apologies for absence were received from Cris Claridge.

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

2.1 There were no urgent items.

### **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 21 October 2014 will be made available to the meeting scheduled for 26<sup>th</sup> January 2015 for approval.

#### **5. BOROUGH COMMANDER INTERVIEW - POLICE**

- 5.1 The chair invited the Borough Commander to address the sub-committee and give a brief introduction which would be followed by members' questions.
- 5.2 The Borough Commander reported he had been in post for 8 months. Southwark had moved from the worst performing borough in London in terms of crime reduction and neighbourhood crimes to the sixth best borough in the last 6 months. He was especially pleased with progress on crime reduction. He had some concern with how visible the police were as an organisation and how they were dealing with anti-social behaviour.
- 5.3 A member reported he had been out on exercise with the police recently where they were clocking vehicle speeds along Grange Road and understood warning letters would be issued to people who were caught speeding - were there plans to roll this scheme out across the borough and will it become an enforcement issue rather than a warning issue in future?
- 5.4 The Borough Commander reported the problem with enforcement was that the equipment needed to be corroborated and there were some legal difficulties with the equipment that the police used. It was used for warnings rather than enforcement.
- 5.5 As far as that activity was concerned the Commander had been clear to his staff that he would like to see more visible enforcement activity on the streets, and thought it was key that officers were seen in the main access routes in and out of the borough. He explained that officers on the streets were an important disruption method to burglary and to deal with any other anti-social behaviour.
- 5.6 A member asked about female genital mutilation (FGM) - 1 in 10 births in this borough was to a mother who had suffered FGM. When might we see a prosecution for this crime in Southwark, what was he doing personally and what would he like to see the

council doing to help?

- 5.7 The Borough Commander reported that nationally the police services have not yet got a conviction for FGM. It was a very challenging area, the first challenge was for the victim to have to the confidence to come forward and report, we had not received one report of FGM as yet.
- 5.8 The police needed to work on building trust and confidence in the community. One of the first things the Commander did when he arrived was to employ a full time faith representative in the borough, as there were parallels with the domestic violence agenda because that was also about trust and confidence which if increased would improve reporting of incidents. If there were to be reports they would most likely come from the health services rather than directly to the Police, similar to the pattern with domestic violence.
- 5.9 The Commander stated he would like to see more awareness and a closer working relationship with other agencies that may influence reporting in the first instance. When it came to bringing charges that would be a greater challenge and specialists would be involved in the process.
- 5.10 A member stated there had been a number of high profile crimes recently involving shooting incidents on estates and stabbings in the Elephant & Castle and Pilgrim Street, and asked did these incidents represent a rise in violent crimes? What were the police doing to tackle these incidents?
- 5.11 The Borough Commander reported that Southwark Borough Police prior to his arrival took a brave move to focus far more resources proportionally in gangs than most other operational command units in London two years ago, and that had great success. That had been to the expense of other areas that the police would have liked to have focused on since, but the consequence was that related crime had gone down quite significantly, robbery was down by 42% against a 25% average across London. Southwark had moved from the highest proportion of knife crime to 4<sup>th</sup> in London. As far as street based activity was concerned all the indicators are that they are coming down. Theft from a person was down 52% and that was the biggest reduction in London.
- 5.12 When a few high profile stabbings occurred they were more likely to be reported and increase awareness, but there has not been a significant increase in stabbings.
- 5.13 The Borough Commander reported that there had been a murder on Sunday and the victim had died yesterday, but that death was not gang related, and nor was the other recent death. These were very sad incidents and the police put a lot of time and effort into

solving them, but it was not indicative of a wider gang/street problem emerging in Southwark.

- 5.14 A member moved onto the night time economy - we have a lot of night time venues such as pubs and clubs particularly round the Elephant & Castle and Borough and one of the things that we were looking at last month's meeting was the fact there was an increase in the number of people being taken to hospital for drink related incidents, but police recorded incidents seem to have gone down. How does that correlate?
- 5.15 The Borough Commander reported there was an increase in violence of 20%, the hospitals, security industries and SIS door staff have shown a reduction in violent crime, the national crime survey shows a reduction in violent crime. There was always a disparity between the various indicators. We were far better at recording and reporting incidents and more visible around the night-time economies than we had been before. The offences you see around our main night-time economies have reduced quite significantly. That was largely due to a very close effective relationship with the local authority licensing team and we have night-time economies officers working out there every week and they were supported by the police specials.
- 5.16 Police had also targeted some of the bigger venues that had caused more problems, and acknowledged that these big venues were bringing in 2,000 to 3,000 people a night, so the proportion of crime was relatively small, but he assured members that these venues had got responsible licence and policies in process.
- 5.17 The Elephant & Castle was a concern to the Commander in that the volume was generally quite high and it straddles a number of wards so when co-ordinating activity was more complicated. Currently it was a priority - the police were delivering on a operation called "equinox", across London which puts a lot of resources into violent crime areas.
- 5.18 The London Bridge area was a slightly different issue. Activity did not go as long into the night and was less locally based, so it was more about people coming into the area and then leaving again. It was more of a volume crime issue than a violent crime issue in this part of the borough.
- 5.19 A member asked about how the police work with the probation services and particularly were there plans in terms of offenders coming out of prison and back into communities?
- 5.20 The Commander stated there were plans and the success with gangs was largely down to joint working relationship with the authority and the enforcement aspect was a small part of that. A lot of that was built around diversion and giving people the opportunity

to move away from violent crime before the police took enforcement activity.

- 5.21 There were links with prison services, and the local police were linked into the integrated management process including the probation service. For example the police were currently planning ahead for someone being released 25<sup>th</sup> January 2015. That was a part of the process where officers were working out how much of a risk these people present, not only to themselves but to other people in the community, to make an assessment and if necessary he was prepared for his officers to pick them up from prison and have that conversation with them about re-offending on their way back.
- 5.22 It was still an issue for the police, they had worked very hard to get into the position that they were in and the Commander did not want to lose the momentum by not being linked together or being complacent or not knowing who is coming out or when.
- 5.23 A member asked about the London wide policy for stop & search excluding the section 60, was it intelligence lead these days? Or was it down to the officer on the ground deciding that this person may look suspicious?
- 5.24 The Borough Commander set out some context about stop and search - it was reported earlier about the policy of this borough to tackle gangs and that was a tactic employed as part of the process. A lot of training was put into stop and search activity, public complaints have been reduced, and we now focus more on the intelligence picture. The consequence of activity was we were the highest volume contributor of stop and search in London and that was an untenable position.
- 5.25 The Home Secretary has made it clear that we need to come back from that position and the Commander has focused his intention along with his inspectors at the inspectors' performance meeting on how many people they were arresting from those stop and search encounters, the Commander stated he made it very clear he expected a 20% arrest rate, which was the corporate arrest rate for stop and search, and inroads had been made but officers were not there yet.
- 5.26 Officers were asked to ensure that a significant proportion of those stop and search were weapons based rather than drugs. Again improvements had been made but they were not there as yet. So a high volume of stop and search remains as drugs and that impacts on community confidence and officers need to reduce that number and use more intelligence leads around those stops.
- 5.27 A member stated excluding section 60, there were particular ethnic groups which were always over represented. The issue was

understanding why that might be if the proportion of the ethnic groups were much smaller when compared to the number of stop and searches and the number of actual arrests and prosecutions.

- 5.28 The Borough Commander reported the latest stats showed that for every white person that gets stopped per head of population 1.77 black people were stopped and 0.78 Asian people were stopped and searched. The key issue was how the police interact and stopped and searched black youngsters.
- 5.29 The member expressed his concern for his children's safety and the police should be their ultimate protectors and should not say they were afraid when they saw a police officer.
- 5.30 The Commander stated that the people who conducted the highest volume of stop and search now wear body cameras which improve the professionalism of that encounter. Complaints resulting from those stop and searches have plummeted significantly. It was an ongoing challenge with the Metropolitan Police for the last 25 years and was very much on the radar.
- 5.31 Members were assured that every month the inspectors had to account for their arrest rates for stop and search at their monthly meetings and explain why they were not hitting the 20% figure, and was very much on the agenda. The proportionality of it was more difficult and the Commander's main drive was to ensure the professional manner in which they were carried out.
- 5.32 There were all sorts of initiatives with youth groups around how the police can better engage and communicate and suggestions around stop and search card. He would take any advice from young people on how the police can engage better - a lot of initiatives had been tried and not had enough impact.
- 5.33 The Borough Commander highlighted public confidence was not necessarily about crime rates it was about professionalism, how the police conduct stop and search, how many public complaints were received, how visible the police were in the community.
- 5.34 A member stated that perception was key in terms of stop and search and the community. How did he feel that has played into relations with the community?
- 5.35 The Borough Commander reported one of the tactics used to reduce gang violence was stop and search, but moving onto the issue of visibility in the neighbourhood policing numbers have increased from 63 to 168 police officers in neighbourhood functions. The times these teams were out had increased from 40 hours a week to 16 hours a day, 7 days a week. Those officers now have additional responsibilities and work more on a cluster basis and when people do not see that dedicated face of the

neighbourhood people tend to feel there was a lack of police officers around. That connection was very successful in the old safer neighbourhood policing model, people were more trusting of this model.

- 5.36 The sub-committee were informed that the Commander was working with officers around ensuring that they had the consistency of delivery in the neighbourhoods. When a neighbourhood police team is on duty they will be dedicated to a ward but they will have other responsibilities which may take them away from the ward, i.e. there could be 8 police officers on duty in Chaucer ward but those officers would be covering any issues that come up in the neighbourhood and the whole of the north west cluster. Those officers would know who the people are that need to be taken to task in Chaucer ward. They have that ability to deal with those who behave in an antisocial way.
- 5.37 A member asked the Borough Commander did he think confidence had been hampered?
- 5.38 The Borough Commander reported that the visibility question and people telling him on a regular basis that they do not see the police in the same way that they used to, worried him. He explained that he was dependent on trust and confidence in the community, if he was going to make a difference.
- 5.39 Public confidence had improved - the Home Office statistics shows an improvement in Southwark. If we were to look at the evidence base on why that had improved, he did not think it was to do with neighbourhood policing - it would be more about how the police were approaching crime than the lack of gang violence that has been seen in the press recently.
- 5.40 The chair stated that he had heard that a lot of the data now comes from Lewisham, and the analytical hub had been moved there and it was felt that perhaps the service was bit patchier now than it had been in the past. What was your opinion on that move and has it been the right thing for Southwark and was there anything you would do differently if you could?
- 5.41 The Borough Commander reported the metropolitan police have had to lose £500 million which was a 6<sup>th</sup> of its budget. We have to do things differently, neighbourhood policing was supported and part of those changes. We have more people with neighbourhood functions than before. Where we made the savings were in the supervision ratio, fewer supervisors from sergeants upwards. We have lost a lot of police buildings and staff, and we have had to centralise some of our functions.
- 5.42 He explained that before he may have had 14 officers in intelligence functions and no he longer had those officers. He was

still getting an intelligence function but it was being delivered across the south, and it was coming from Lewisham, which was the team the councillor was referring to, so he still got a product that delivers policing in Southwark but it was delivered remotely. There were teething issues, it is a new changed process and any business will tell you these things take time to bed in, we have to be more disciplined about what we are requesting and make sure there was nothing already in the system and be a bit smarter about how we do our business.

- 5.43 The Borough Commander reported the police were facing further significant budget cuts, and we had to think differently how Southwark was policed. There will be a formal consultation process in due course about how that happens. We do need to start having honest conversations about what the public expects the police to do, what the public think we can afford not to put as much attention into, because over the next 5 years we are going to have to do things differently and we can not afford to lose many more staff or lose any more buildings.
- 5.44 The chair stated that earlier today SE1 tweeted for questions and the chair had received a couple which were as follows:-
- Can you give us updated statistics for domestic violence in Southwark?
  - What action was being taken with the problems with youths in the Blue in Southwark Park Road?
- 5.45 The Borough Commander stated he could not give specifics on the second question asked but undertook to speak to the local ward team and the cluster inspector and ask them to tell him what they were doing and he would examine whether the actions they were taking were sufficient.
- 5.46 Domestic abuse was up 13% in the borough but has come down from 20% six months ago, he did not think it was always helpful to talk about domestic abuse increases because it can be an indicator of increase confidence in the reporting systems. It was important how the police dealt with repeat offenders, repeat victims and how we were doing around detecting crime.
- 5.47 As far as repeat offenders are concerned we now have a process where we actively target repeat domestic abuse offenders as part of a fortnightly tasking process, so an officer will be responsible for ensuring that repeat domestic offender is visited and monitored and their behaviour was disrupted. As far as repeated victims are concerned we have doubled our MARAC referrals (joint risk assessment process) victims were considered by a number of different agencies, we were low on our referral numbers we have now doubled over the last few months, it has doubled largely as a result of independent inspection that says the police needs to do



better around referrals. We could do a lot better, we have a high arrest rate in the first 24 hours, we need to be better after the first 24 hours, and there was a need to be better around decision making i.e. charging people while they are in custody.

- 5.48 A member asked did the Commander mean that officers needed to be trained better to be more effective?
- 5.49 The Commander stated there were a number of different things when someone gets arrested, the police need to refer more to the Crown Prosecution Service, provide a better evidence package, and looking at corroborative evidence around the case there were a few procedural issues, the community safety unit investigators are trained to a higher standard than others, and a lot of work had been done with the core teams and response teams to raise awareness of the things they can do to improve the investigation process. There was training and awareness but this was a natural refreshment of the process.
- 5.50 A member asked the Commander what kind of officer would he recommend to investigate this kind of crime? Bearing in mind that the current level of arrest was so low.
- 5.51 The Borough Commander reported when the emergency response team attend a report of domestic abuse, they were very good at arresting in the first 24 hours compared to other London Boroughs. If the suspect was not at the address they would they would go to another address and make the arrest. The vulnerability that the Commander felt was if there was no arrest in the first 24 hours, the police were a bit slow to arrest over the coming days and there was room for improvement.
- 5.52 In relation to investigation, all but three people in the community safety unit are detectives, so they have had additional training programme and on top of that when you are in the community safety unit you were subject to further training to better help you identify risk and vulnerabilities in victims in particular.
- 5.53 You cannot train detectives in every particular area, you can give people a level of confidence in a degree of training in order for them to be put in an environment where they can do the best they possibly can. The Commander stated he needed to make sure the supervision structures were right, that the sergeants were right and the officers know what the latest box was to tick on the computer system was because those are things that we do not train and a lot of that was admin and how we can better serve the victim in those particular cases, this area does need to be refreshed regularly.
- 5.54 A member asked how the police relationship was with the CPS and was it working? Is it as effective as it can be? Are they taking cases forward in a way that justifies the work that your officers are

doing to bring those cases to court?

- 5.55 The Borough Commander reported that prosecution decisions were passed onto the CPS following a change in arrangements a few years ago. They now deal with all of those matters, with the exception of a number of low level cases, and with that transfer of responsibility there would always be a difference of opinion between the different organisations. Ultimately the police acknowledge and respect their ownership and responsibility to make challenging decisions where appropriate, and the police have the ability to challenge those decisions if they feel it was appropriate to do so and do this on a fairly regular basis. Ultimately if the CPS decides not to charge the police would back off. They were independent and whilst they did not always see eye to eye, it was a healthy relationship and it was important to have that independent accountability.
- 5.56 A member stated that residents in the area around the bottom of the Rockingham Estate in Chaucer ward face a number of pressures to do with being disturbed during the weekend nights, and police officers have been helpful with the Night time Economy Team making a difference there recently. Residents have appreciated that and would like to be sure that improvement is sustainable and is not just due to people staying inside in the cold weather. If it was to return what further measures would you consider taking in that area, would you consider a dispersal zone for example?
- 5.57 The Borough Commander reported that officers were tasked to investigate and concluded it was a case of noise nuisance and anti social behaviour, and there were things that could be done, like police officers being more visible. There were new powers available under the new anti-social behaviour and crime act 2014 which enable the police to work alongside the local authority to implement various control orders as dispersal orders no longer exist. There was a process in place to address this kind of problems.
- 5.58 A member asked about the police approach and strategy to cannabis?
- 5.59 The Borough Commander reported the borough was more robust about cannabis usage largely through stop and search activity, tackling drug abuse is important but burglary and robbery were more important. It was a tool to tackle anti-social behaviour and other issues which may be linked to cannabis usage. Targeting people who smoked cannabis in the street was not a target.
- 5.60 The member asked was there enough clarity on what the community was hearing on the police stance?

- 5.61 The Borough Commander reported stated that cannabis usage on the street was addressed through high level stop and search in a robust way in this borough. He felt the police needed to move away from this and put more resources into other areas of business as well as more police on the streets.
- 5.62 The Chair stated that on some estates in the borough there was low level cannabis dealing, young people dealing small amounts of cannabis which can lead to serious gangs moving in to take over that business, leading to threats of violence and escalation in amount of activity on the estate at night. Someone had recently commented to him that it would only be a matter of time before someone is shot. The worry was that what starts off as a small issue quickly escalates into much larger.
- 5.63 The Borough Commander stated cannabis usage and dealing are completely separate issues. There was a fully resourced drugs and fire arms team/gangs unit which a lot of other boroughs do not have - investment has continued into that area. There are officers doing far more subtle work and observations and a whole range of tactics that they use that was targeted at drug dealing.
- 5.64 The chair received a question from Councillor Burgess via twitter stating there was a GP (Blackfriars) surgery in SE1, that was currently being intimidated by anti-abortion groups. There were protesters outside with cameras filming people going in and out of the building, and points out that they do not protest only on the days that British Pregnancy Advisory Service (BPAS) runs a service but on days when the GP runs a mother and baby clinic, so there was a range of people being intimidated. The chair asked for the Borough Commander's thoughts and whether there was anything that can be done to ensure people's safety entering and exiting the building?
- 5.65 The Borough Commander reported that 4 weeks ago this was brought to the police attention. This group Abort 69 were an international protest group and they have protested elsewhere in the UK and London. They know where the limitations of the law start and finish and they have tried and tested various public order acts and enforcement activities in court and there were precedent cases that limit what the police can do with them. They have now moved away from directly in front of the clinic and taken down their posters. Legally the police have to manage this situation. If it crosses into criminality the police will take action but until then it will continue to be monitored.
- 5.66 A member asked what kind of relationships do we have with neighbouring authorities? The Borough Commander reported that every month he met with all the Borough Commanders in south London to look at cross border criminal activity, the cluster was Southwark, Lambeth, Croydon, Bromley, Bexley, Lewisham and

Greenwich. He explained that they share intelligence and look at cross border trends, in addition to their own fortnightly intelligence tasking meetings.

- 5.67 It was the intelligence and tasking meetings that allowed them to access corporate resources which were shared by the south east forces and each force benefits from this resource. There had also been a number of joint operations with Lambeth in relation to street activity in the Southbank and burglaries in the Camberwell Green and Herne Hill area.
- 5.68 A member stated that territorial policing gives lots of opportunity for collaboration, but do you think that the territorial police act as a bar to operating effectively across borough borders and more centrally?
- 5.69 The Borough Commander stated he did not think so and explained that kind of specialism was needed across London, and that had to be delivered through a central process, it was part of the cost cutting measures to centralise for example surveillance function which would have been delivered across four or five departments and was now delivered by one.
- 5.70 In the case of Operation Trident there are pan London operational command units that will flex according to where the demand is and Southwark benefit from that on a regular basis. Trident deal with a matter on Sunday and were there within half an hour and dealt with that investigation from the start, so it was important that London was able to flex and that specialism exists in a central location. We have a gangs unit and were dedicated to gangs locally that were also linked into Operation Trident and other operational command units, so there was that connectivity and it works well.
- 5.71 A member stated that the Borough Commander had informed the sub-committee that the force had lost ½ a billion pounds and would have to think more creatively about how you delivered the service in Southwark, would you tell us of three significant changes you think you would need to make in order to continue deliver the service more efficiently and increase public satisfaction with the local service?
- 5.72 The Borough Commander stated we need a more comprehensive understanding of what London wants the police to deliver, we need to be lead by Londoners, and we need to know what is important clearly and consistently around what they expect the police to do.
- 5.73 The police need to work better with businesses and partners that sit outside of the statutory authorities such as bookmakers or McDonalds. The police need to be a bit smarter about how the police are linked in to mitigate crime together. There was work to be done in this area, and the need to make sure that the

Neighbourhood policing teams remain the centre of policing activity as there was a real need to deliver on a local level, if the police are to maintain the confidence of Londoners.

- 5.74 A member asked on terrorism, we are all aware of the threat rating which was severe right now and the highest it has been for a number of years, in Southwark we are just across the river from Westminster and that puts us in a slightly different position from a lot of other London boroughs, so what would be useful to hear from you is what do you think is the potential threat to London, around the Shard and north of the borough? Are you getting the resources you need to deal with that risk adequately and what preventative work are you undertaking that you can talk about?
- 5.75 The Borough Commander reported that we were seeing an increase in activity locally, home grown and radicalised on the internet type activity, that tends to be targeted towards individuals rather than buildings. London has a longstanding credibility around how we disrupt target towards buildings and security. The way the police work with the security industry was quite robust and comprehensive, but they were moving towards more long based attacks that they need to flex and be more responsive to.
- 5.76 The police have Prevent Engagement Officers. Prevent was one strand of counter terrorism strategy and a very important aspect that the police can assist with locally, for example the police have got a prevent engagement officer who works at Southwark Police Station who will go into the local community and raise awareness and tell people how they can report their concerns and really looking at identifying radical relationships with that process. The police can also refer people into a programme which seeks to disrupt that radicalised thought process where appropriate.
- 5.77 The police have a dedicated full time faith liaison officer and he works with different faith institutions around raising awareness, so the police understood where the potential issues were, Southwark were relatively low risk and the majority high risk areas were elsewhere.
- 5.78 The Borough Commander stated he was satisfied that he had the resources and the links at the moment and reported he also had a counter terrorism team who largely work in the north end of the borough with businesses, and pointed out that this week was counter terrorism awareness week – people may have seen stalls set up in the Southbank to raise awareness.
- 5.79 The chair stated that after talking to other ward councillors about their experiences of communications with local officers, he had heard great stories from them having regular ward panels where they get to express their concerns to the officers. There was a different experience in Camberwell where a number of inspectors

have moved on rather quickly, which means there has been little consistency at Community Council and it has been difficult to get crime figures back. Did he have thoughts about how councillors and the police can work together to deliver the best possible service and reassure the community?

- 5.80 The Borough Commander stated that councillors were a vital cog in the wheel and as far as he was concerned communication was very important, he also expressed that he would be disappointed if anyone was excluded from the panel meetings on the basis that they were a councillor. This year for neighbourhood policing we had 21 teams working independently with different methods and levels of experience. He said more consistency was required and part of the inspectors' management process was to generate a degree of consistency across all the teams in the borough, making sure that a clear message was delivered to all communities.
- 5.81 Members were informed that there were some challenges as to how the police respond to people who raise issues. He thought the police needed to be more accountable. If a councillor raised an issue he would expect that they would be provided with a reply and he believed this did not always happen, so there was work to be done in this area.
- 5.82 The chair thanked the Borough Commander for attending the meeting and answering members' questions and said he would be welcomed to attend scrutiny meetings at any time.

## **6. HIGH COURT JUDGEMENT MR AA**

- 6.1 The chair welcomed Councillor Richard Livingstone (Cabinet Member for Housing), Gerri Scott (Strategic Director of Housing & Community Services), Paul Langford (Head of Operations) and Bernard Nawrat (Human Resources Director).
- 6.2 Councillor Livingstone stated this was a very distressing case where the council got things badly wrong. He explained that in the previous year, the council had conducted 227 evictions, which was a declining number from 4 years ago when the figure was 352. The number of evictions was coming down. It was important that every eviction is conducted professionally so the council does not end up in a situation such as this.
- 6.3 Councillor Livingstone set out some background information: Mr AA had been a council tenant since 1989. He was re-housed in 2001 to a new property. From the point where he moved his tenancy, his housing benefit covered most of his rent but he was responsible for a proportion. Immediately from 2001 he fell into arrears. Over time the arrears built up to £1,300 in 2006, at which

point the council decided to take possession proceedings. By the time possession order was granted in November 2006 the debt had built up to £1,564.

- 6.5 An eviction has effectively two legal processes, getting the possession order and then moving to execute the possession. The council received the possession order in 2006. There were then several occasions before the incident discussed here when the council successfully applied to carry out the eviction and in each case Mr AA came to an agreement with the council when he started repaying his debt and then for whatever reason those repayments stopped. Finally in April 2013 it got to the point where he was evicted, and that eviction went very badly wrong. It led to the removal and disposal of his possessions due to officers not following council procedures around evictions properly.

The cabinet member felt these were unique circumstances. He set out a number of steps the council had taken both before and after the court case.

- 6.6 A review of procedures had resulted in 4 changes:

- (1) The procedures were rewritten for improved clarification of where responsibility lay for actions.
- (2) The housing service clarified what the procedure was in terms of storing goods following evictions.
- (3) a new procedural step was added so that when an income officer was expecting an eviction, they had to confirm with the resident services officer it was going to take place and ensure the resident services officer was going to be present.
- (4) The income officer was also required to inform the income team leader that the eviction was taking place and that the income officer was going to be on site.

- 6.7 Members were informed that immediately following these instances those four steps were taken to tighten up procedures although the existing procedure should have led to the right outcome.

- 6.8 Councillor Livingstone stated that housing management had apologised face to face with Mr AA, compensation was agreed and there was an investigation started into the event was carried out by an independent officer. That investigation lead to the disciplinary proceedings against 6 staff, 3 of which were for gross misconduct.

- 6.9 Councillor Livingstone reported that all of this happened before the trial. There was then the court case where the first judge looked at the case and considered the case was about focusing on damages. It was passed to a second judge who broadened the scope. The case was settled out of court in the summer and the

judgement was published in October 2014.

- 6.10 That judgement was based substantially on the council's internal report. The judge found the internal report to be credible and robust investigation into the incidents that had taken place and primary basis for all the evidence to be used in reaching the judgement. Officers reviewed the internal report against the judgement to consider whether there needed to be any further disciplinary action.
- 6.11 The sub-committee were informed there was an interpretation in law which was important in this case. The council used a 6 year time limit based on a judgement which had been a case between Bristol Council and a tenant called Hassan. This case set out that the 6 years started from the point where the eviction was actionable which in this case was 2008. When this eviction took place in April 2013 the council's view was that this was still within that timeframe.
- 6.12 The judge came to a different view which was the actual starting point for the clock to start ticking was November 2006 when the original possession orders were received. There had been a number of discussions whether the council should appeal that part of the judgement on this narrow point. We were never going to appeal the issues about our fault in this incident. We settled out of court and agreed from the outset that the council was wrong but did need to look at this in terms of precedent it might set.
- 6.13 Members were informed that it was important that there was confidence that there were no similar issues with evictions. Officers had been asked to conduct a review of evictions over the last 2 years. This was a substantial number of cases so they would be looking at a sample, to review the circumstances and ensure that those evictions had been carried out properly. The review was likely to take 2 months or at least until the end of the year . The Cabinet Member for Housing undertook to report back to the sub-committee the outcome of the review.
- 6.14 Councillor Ben Johnson stated he was concerned by the tone of the report, that the council did not accept parts of the judge's findings. He was concerned that it could suggest there was a culture in the housing department where this kind of behaviour is acceptable, and this in turn left him concerned about the officer review of evictions
- 6.15 Councillor Livingstone reported that the only grounds that officers were considering appeal was a specific issue in respect of the Bristol versus Hussan case. It raised a point in law that we thought needed some clarification. However ultimately the decision had been made to accept the ruling and no appeal had gone forward



- 6.16 The Strategic Director of Housing & Community Services responded to the councillor's point regarding the culture in the housing department. She said that there are 1200 staff in the department and the vast majority of them come into work and do a good job, are compassionate and care about what they are doing and follow the rules. When this incident did come to light the right things happened in terms of the management investigation. It had been brought to her attention by the Head of Operations. The important thing to make sure that proper management processes were put in place and that was what happened in this case.
- 6.17 Councillor Livingstone said that it was very clear that the officers had acted inappropriately, did not follow procedure, there clearly was a conspiracy among some officers to cover things up and that was a matter of gross misconduct which cannot be tolerated..
- 6.18 Councillor Ben Johnson asked about the timeline - the internal HR process with officers versus the court proceedings. The internal process took place prior to the trial. Is it usual practice where a case goes to trial for the council to hold a disciplinary process and assess the officers before a trial, when there may be material/facts that arises from the trial and would be of interest to the panel?
- 6.19 Councillor Livingstone reported when the disciplinary cases were considered, members should remember this case appeared to be about what was the right level of compensation for Mr AA for the loss of his goods, and that was the expected focus of the trial.
- 6.20 The Human Resources Director reported that the cases where officers would delay disciplinary hearing was if there was a police investigation with potential criminal process where there was potential for new evidence to come to light. The reality in this situation was there was no new evidence - the evidence gathering had been completed and was ready to go to hearing.
- 6.21 Councillor Martin Seaton asked who makes that decision? Was it the legal department, the director or the head of Human Resources?
- 6.22 The Human Resources Director explained that the decision to move to disciplinary action sits with the chief officer - in this case the Strategic Director of Housing & Community Services.
- 6.23 Councillor Claire Maugham said she was glad to hear the recognition that something had gone very badly wrong in this case – she was keen for the sub-committee to be satisfied that the review is fit for purpose. She was concerned about what residents and other staff would think about the fact that these officers still work for the council. It could appear that we have tolerated.
- 6.24 The Human Resources Director said that it was unreasonable to

suggest that we have tolerated it – a clear process was followed to the letter. There was an management investigation and independent disciplinary panels. Sometimes it would mean dismissal and sometimes not, other sanctions can be put on them, which happened in these cases.

- 6.25 There were four separate disciplinary panels coming up with decisions. It was not one panel hearing all four cases. That is the process, and we have to accept the process was correct, proper and fair.
- 6.26 Councillor Livingstone agreed that a clear process had been followed and reached its conclusions. Taking a decision outside that process would very quickly lead the council to the employment tribunal.
- 6.27 Councillor Claire Maugham stated that she would like an assurance on this as what we have seen here was a high court identifying gross misconduct, our independent review identifying gross misconduct, and a number of other officers aware of the situation, however when the case goes to internal disciplinary procedure it dissipates.
- 6.28 The Human Resources Director reported that it was not true that gross misconduct always lead to dismissal. The ACAS code of conduct which we have to follow is very clear that it is a choice. It is a judgement we rely on trained disciplinary panels to make, when they consider all the information. The disciplinary panels were trained to take on all the circumstances and evidence received, what the individual have to say about what happened and all relevant factors
- 6.29 Councillor Claire Maugham asked the Cabinet Member of Housing if he felt confident in the process?
- 6.30 Councillor Livingstone replied that he was confident in the process. The investigation process lead to 3 officers facing gross misconduct hearings. The charges went to the hearings, were found to be gross misconduct and sanctions were applied as a result of that process.
- 6.31 In terms of the investigation the judge said it had been a robust process. It clearly lead to disciplinary action taking place
- 6.32 Councillor Johnson Situ asked what kind of outcome can the review bring and what steps can we take to restore confidence in the system?
- 6.33 The Strategic Director of Housing and Community Services reported that the review would look at evictions for rent arrears, anti-social behaviour and illegal sub-letting since these are the

three biggest categories. Officers wanted to look at some of the things that came up through the management investigation and high court judgement - it was about the grounds for eviction, the orders and the potential timing concerns. When does the clock start ticking and if officers were to apply the outcome of the judgement would that mean that some of those evictions that had been carried out would be wrong, the presence of the right officers and importantly were all the processes and procedures followed particularly around removal and storage of goods.

- 6.34 Members asked that an email is sent to all ward councillors asking for details of particular cases they would like to see investigated as part of the eviction review.
- 6.35 Councillor Ben Johnson asked for an update on the officers named in the judgement. The Human Resources Director responded that a decision was made to take them out of the front line. Officers were actively pursuing placements in alternative jobs. One of the officers was on serious long term sick leave and the other three should be placed shortly into jobs away from the front line.
- 6.36 Councillor Claire Maugham asked whether the review would apply a greater level of scrutiny to previous evictions handled by the officers named in this judgement . The Head of Operations reported that proportionality means that inevitably they will recur. Over 300 cases would be looked at.
- 6.37 Councillor Claire Maugham asked what would scrutiny look like from the tenant's point of view. If cases crop up where the investigation indicates there might have been something wrong, how would you involve the tenant? The Head of Operations reported that would be handled on a case by case basis. If there was a need to contact a tenant or previous tenant officers would do that or anyone else, officers may need to talk to with regards to the review. Sometimes tenants' families were involved for example where goods are stored because there were reasons why people were not at home that do not relate to eviction. Officers will explore whatever avenues they need to as a result of the sample.
- 6.38 Councillor Martin Seaton was of the view that all the cases those named that they had been involved in should be reviewed because the potential to abuse the system was clearly demonstrated in this case.
- 6.39 Councillor Damian O'Brien asked about the process of disposing of goods. There was supposed to be a pre-eviction meeting but that had not happened, but ultimately someone arrived at that property to find laptops, paperwork and passports, surely that person should have realised they do not usually dispose of this kind of goods?

- 6.40 The Strategic Director of Housing and Community Services reported that goods were not immediately disposed of, laptops and passports may be taken out of properties but were properly and carefully placed in storage and the former tenants was given the opportunity to get their goods back. This did not happen in this case but the process was very clear about what should happen.
- 6.41 The contractor who removed the goods from the property were Mears, who had taken part in the investigation.
- 6.42 Councillor Ben Johnson asked for officer comments on rent collection procedures not being followed or were the procedures not fit for purpose?
- 6.43 The Head of Operations reported there were comprehensive procedures were in place and there was nothing to suggest in this case that every effort had not been taken. A number of agreements had been reached with Mr AA on various occasions which then broke down. The attempts to contact would have been there on a regular basis from the income officer and Mr AA did not engage.
- 6.44 The chair was concerned about a suggestion in the judgement that the council was not recording deductions from Mr AA's JSA - it seemed possible that at least in part Mr AA was making an attempt that the council did not acknowledge, and he was worried that might be the case elsewhere.
- 6.45 The Cabinet Member for Housing stated that was a matter worth looking into to make sure that the council are certain on those cases. There had been some improvement in the communication with the Job Centre, and some of those benefits are ones that now the council administers which we would not have done back in 2010. The council now have access to the Job Centre and data that we did not have at that point,
- 6.46 Councillor Claire Maugham asked about the £5k in paragraph 14 to obtain independent legal advice, was it not the case that the court ordered Southwark to make that payment to Mr AA as a credit against the amount it might have to pay in damages. The Lawyer reported to the best of her recollection the sum was ordered in order that Mr AA could seek legal advice. Councillor Claire Maugham stated that the paragraph implied the council offered the money voluntarily.
- 6.47 Councillor Ben Johnson asked had there been any investigation of the non-response to correspondence from the councillors who tried to intervene in Mr AA's case?
- 6.48 The Head of Operations stated it was not part of the management investigation but there was no reason why it could not be picked up

now.

- 6.49 Councillor Martin Seaton suggested that paragraph 14 previously referred to be amended to show that the £5,000 payment was made on the instruction of the court.
- 6.50 The Strategic Director of Housing and Community Services undertook to have the report amended.
- 6.51 Councillor Claire Maugham stated many of the responses that had been given this evening related to process. This did not go to the heart of the issue that this judgement indicates may be present. What are you doing to check that the culture you wish for the department was in fact there? The judgement indicates other officers who were aware and did not report, did not take action.
- 6.52 The Strategic Director of Housing and Community Services reported that this case had been known about for a long time, She did not wait for the judgement to take action. She met with her senior management team every two weeks and a part of the meeting was to discuss culture and staffing issues. We all know that occasionally bad things happen and it was crucial to her how that works when this happens, She did not want people to walk past problems or be defensive or think they were being loyal by not telling management what had happened.
- 6.53 She did not want people to feel there was a blame culture and would not want people to see something and not tell senior management because they feared the consequences. She placed a great priority on getting people in the department to serve people with courtesy and respect, to deal with complaints promptly and to put themselves in the residents' shoes. Most staff did a fantastic job and really care about what they do and really want to make a difference. We have done a lot to stop these kind of things from happening but can not say that it will never happen again, we have so many staff and residents the scale was huge. The standards expected from staff were very clearly understood. We do not accept it when these incidents happen, and the Head of Operations had personally apologised to Mr AA.
- 6.54 The Head of Operations reported that every 3 months he took half a day with his senior management team and the focus of those sessions were how officers were dealing with our customers.
- 6.55 Councillor Damian O'Brien stated that the letter to Mr AA regarding disposal of his possessions was very poorly worded. The Cabinet for Member for Housing agreed and said there was a need to get the wording right in such sensitive matters.
- 6.56 Councillor Ben Johnson asked if there was any more the department can do to make sure staff can speak freely if they were

aware of things going wrong or whistle blowing?

- 6.57 The Strategic Director reported there were lots of examples and evidence that people do tell management. All officers coming through induction are invited to tell the Leader or Chief Executive - both were very explicit about the kind of behaviour they want to see, things were not perfect yet but there was a real will and commitment to sort these things out.
- 6.58 Councillor Martin Seaton stated that he agreed the department had undergone a sea change and asked does there need to be more opportunity and support for whistle blowing? How do we address fundamental issues of small abuses of power? Maybe the department needs an external mentor to help with fresh ideas on these matters. The member suspected under reporting of low level abuse of power as data suggested there may be more going on.
- 6.59 The Strategic Director reported that officers had a barometer in terms of the staff survey which asks about staff willingness to report things and had they been listened to when they reported things to managers, management wants to see that growing year on year across the council.
- 6.60 The Human Resources Manager reported the next survey would be in February 2015, also all staff get the opportunity to meet their chief officer and cabinet member.
- 6.61 The Director of Legal Services reported that there was a clear whistle blowing policy which gives channels if staff do not want to talk to a manager. She was the whistle blowing officer and saw complaints coming through that route. The policy was actively monitored and there was good management and supervision of all parts of this framework.
- 6.62 The chair stated that councillor Edwards had recently emailed all staff asking for their comments on anything they wanted to raise so that was another potential channel.
- 6.63 The chair with the agreement of the sub-committee thanked the Cabinet member and officers and invited him to return to the next meeting of the sub-committee Monday 26<sup>th</sup> January 2015 meeting.

**Resolved:** 1. that the Cabinet Member for Housing report back to the sub-committee on the outcome of the eviction review.

2. The sub-committee agree that the report include how the department would look forward and include this incident in training and development.

3. That ward councillors be invited to submit cases to the eviction review.

Meeting ended at 10 p.m.

**CHAIR:**

**DATED:**