



OVERVIEW & SCRUTINY COMMITTEE

DRAFT MINUTES of the OPEN section of the meeting of the OVERVIEW & SCRUTINY COMMITTEE held on 16TH APRIL 2003 at 7.00 P.M. at the Town Hall, Peckham Road, London SE5 8UB

PRESENT: Councillor Kim HUMPHREYS (Chair)
Councillor Linda MANCHESTER (Vice-Chair)
Councillor Barrie HARGROVE, Andy SIMMONS, Columba BLANGO [reserve] and David HUBBER [reserve].

CO-OPTED MEMBER (VOTING) The Venerable Douglas Bartles-Smith

ALSO PRESENT: Councillor Toby ECKERSLEY
Councillor Catriona MOORE – Executive Member for Health & Social Care
Councillor Dominic THORNCROFT – Vice-Chair of Health & Social Care Scrutiny Sub-Committee

OFFICER SUPPORT: Chris Bull – Director of Social Services
Shelley Burke – Constitutional Support (Scrutiny) Manager
Susan Harrison – Assistant Director of Social Services [Community Care]
Ian Hughes – Head of Corporate Strategy
Lucas Lundgren – Constitutional Support (Scrutiny)
Lyn Meadows – Assistant Borough Solicitor & Secretary

APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillors Eliza MANN, Mark PURSEY and Neil WATSON.

CONFIRMATION OF VOTING MEMBERS

The Members listed as being present were confirmed as the Voting Members

NOTIFICATION OF ANY OTHER ITEMS WHICH THE CHAIR DEEMED URGENT

The Chair agreed to accept the following items as late and urgent for the reasons set out in the reports, i.e.

Item 62: Scrutiny Business Monitor – April 2003

Item 60: Modernising Day Services for People with Community Care Needs – outcome of consultation [Report to Executive 22nd April 2003]

Deputation requests from

DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were no disclosures of interests or dispensations made.

RECORDING OF MEMBERS' VOTES

Council Procedure Rule 1.17(5) allows a Member to record her/his vote in respect of any motions and amendments. Such requests are detailed in the following Minutes. Should a Member's vote be recorded in respect to an amendment, a copy of the amendment may be found in the Minute File and is available for public inspection.

The Committee considered the items set out on the agenda, a copy of which has been incorporated in the Minute File. Each of the following paragraphs relates to the item bearing the same number on the agenda.

MINUTES

RESOLVED: That the OPEN minutes of the meeting held on 19th March 2003 be agreed as a correct record of the proceedings and signed by the Chair.

VARIATION OF AGENDA ORDER

The Chair gave notice of variation of the published order of business. Accordingly deputation requests in respect of item 60 were considered at the start of the meeting, followed by items 60, 59, 61 and 62.

59 ANNUAL INTERVIEW OF LEADER AND DEPUTY LEADER OF SOUTHWARK COUNCIL

The Chair welcomed the Leader and Deputy Leader to the meeting.

The Venerable Douglas Bartles-Smith asked the following questions in respect of education performance.

- 1) Have the DfES and the authority learned anything from the WSAtkins situation ?
- 2) To what extent is the DfES prepared to allow the authority to look at all possible options that may happen now, or is this determined by the DfES ?
- 3) Did the DfES and the authority realise the importance of consulting with the faith communities, given their very large stake in church education and church schools in the borough ?

NS Everyone can learn something from the situation that's happened in the last four years. We haven't yet agreed the terms of Atkins terminating the contract. All that's been agreed is that we will talk to them about them walking away from the contract.

We met Stephen Twigg [Minister for London Schools] recently. In respect of the style of intervention by Central Government, lessons had been learned following the first intervention made in respect of failing schools in 1999-2000. This time there has to be a partnership approach, not only involving the government and the council, but including the heads, parents, teachers and unions in the process. He acknowledged headteachers perception of the last intervention being that they ceased to be involved following the Ofsted report being published.

There was cultural resistance by those in the Education sector to a commercial company running the education service. Whilst there was no antagonism to the people brought in to the borough to run the service, there was suspicion amongst the heads that WSA were out to make a profit and that somewhere in the system funds intended for schools were instead going to WSA shareholders. I suspect that WSA haven't made a penny in profit from this contract.

If terms for WSA to walk away from the contract are agreed, the DfES have set out very clearly short term action, i.e. that Atkins would go at the end of the Summer term, the service would come back in house with strategic management being outsourced [there are many gaps in strategic management that the authority would be unable to fill in the short term]. DfES are open to discussion with local stakeholders about future options, and have not to date ruled any options out. He believed that the political reality was that the government would not let the contract return in house, problems having occurred since the original intervention and instruction to outsource having been made. He noted that no other company had contracted the authority in respect of the education contract. As such he felt that a position/solution between the political and commercial extremes was most likely and must involve stakeholders equally.

DBS Education, Youth & Leisure Scrutiny Sub-Committee had agreed to invite the Minister [for ?] because the DfES needs scrutinising itself as much as Southwark Council.

NS Suggested that questions to the Intervention Unit would be more useful than questioning Ministers.

AS Asked when the Leader first became aware of problems with the Education contract and (both) what meetings have you had with Atkins ?

NS Would meet Steve Davies regularly for performance reviews, but first serious meeting with DfES and Atkins senior staff was in Autumn just after Ofsted POIAP, in same week as KS2 results published [Southwark bottom in country]. Met with WSA & DfES and raised serious performance issues with WSA, schools in special measures. DfES's position at that meeting was that following outsourcing of the education contract the authority had a good Ofsted report, that the bad headlines would pass, that the contract was in place until 2006 and that problems were to be sorted out with Atkins.

AS We appear to be slipping backwards ITO schools on special measures – whats happening about this immediate task ?

NS He acknowledged that one additional problem was now how to manage the contract now the contractor had no motivation to make things work. The DfES had responsibility to ensure WSA kept working and recruited to unfilled posts, at least temporarily. He proposed that a mini-Ofsted inspection be undertaken to ascertain the baseline situation, and to audit what action should be taken from this point onwards.

In respect of proposals for day care, the Chair asked whether the four weeks consultation period prior to the introduction of day care eligibility criteria was adequate ? The Leader acknowledged the amount of consultation information he had received, but confirmed that consultation process had been on the Forward Plan for some time and that to date he had received no complaints about non-consultation.

The Chair confirmed that those impacted directly felt it had been sprung on them.

BH Prior to the 2002 election, the Liberal Democrats made a lot of their Anti-Poverty strategy. Can the Leader tell us how his Executive Committee is considering "the possible impact on poverty before making decisions" ?

- NS Wanted to move towards AP issues becoming part of the standard committee report format in the same way as are LA21 and equal opportunities considerations. Using the Early Years and Enterprise Strategy as examples of having received regular report backs to check whether theory is being put into practice.
- AS When we called-in BVR of Early Years Councillor Skelly confirmed that he had not considered poverty and income.
- NS If we didn't do this in the Executive meetings themselves we certainly did so during the challenge sessions.
- BH Would the Leader agree that his party's 2002 manifesto may have wrongly raised voter's expectations, by promising community safety wardens "across the borough" ?
- NS No. Wardens were in place in Bermondsey and Peckham. The scheme was about to start in Camberwell. Aylesbury would get wardens through the NDC. There was funding for wardens at Elephant & Castle and East Street and the authority was seeking match funding from SRB. At Bankside there was clearly a need for a uniformed presence and a tourist resource. The main shopping centres and stations would then be considered. Within each community council there would be a warden scheme in place by 2006.
- BH In respect of waste management, if the Old Kent Road site is found not to be viable, what alternatives are there ?
- NS None that I am aware of, but have delegated this to Cllr Thomas.
- CP The Manor Place site has been modernised and we'd have to do our best of the limited site if the Old Kent Road site didn't come to fruition.
- KH ITO new cleansing contract, he commented on the more visible cleansing operatives now implementing the contract. Wished to clarify whether the Executive strategy was to contract out after the current year ?
- NS Legally the Council must tender the contract. Had planned [after the service had been in house for 1 year] to assess the contract specifications before putting it out to tender again.
- CP One advantage of having the contract in house, at least in the short term, is that the client is able to negotiate variations [frequency of sweeping etc] more simply than where contracted.
- In respect of accountability for onstreet cleaning the Community Councils and opps for them to assist in targeting of resources to particular areas, the Deputy Leader confirmed that once the contract was let it would be a borough-wide contract. Each CC could have a role in monitoring street cleaning, but we need to see how this develops.
- IRO whether CCs would influence the way in which street action teams work, the Deputy Leader felt they would link.
- BH How can the Deputy Leader justify democratically having a Liberal Democrat Chair of Peckham Community Council ?
- CP This was a Council Assembly decision, not mine alone ! Six candidates for Chair were nominated and from those I voted for the person I felt to be best for the job. Suggested he take it up with the whips next year.

- BH Can the Deputy Leader confirm how long she is prepared to continue to pursue using functions being devolved to Community Councils, given much evidence shows that delegation of these functions doesn't work in this arrangements. At what stage will it be obvious that devolvement of these to CCs was neither good for these delegated functions, nor good for the CCS as viable bodies themselves ?
- CP The assumption that CCs don't work is wrong. CCs haven't even yet started and the devolution of Planning & Licensing functions won't occur until July 2003. Scrutiny undertook an inquiry into CCs and it resulted in policy setting recommendations that delegation of these functions would work at the local level. There were many examples of this arrangement working effectively in other boroughs, e.g. Kingston and Islington. CCs would have discretion as to how to consider these items ultimately.
- KH IRO the licensing function in the light of new alcohol licensing legislation since scrutiny of delegating the licensing function, the Deputy Leader agreed this should be looked at during the six month review and to assess whether arrangements are working.
- NS Some of the most important decisions taken locally relate to licensing and planning functions at a Ward level. I would actively encourage people to start thinking of things they want included in the future section 106 for bid developments.
- AS Simon Bevan had reportedly not enabled local people to get involved, including refused to agree to hold a consultation session for Peckham Rye in the Peckham Library on a Saturday. He was asked to let Councillor Bowman know, and to copy the complaint to the Leader and Deputy Leader for follow-up.
- KH Are there any other Executive proposals that you'd like to see included in any further roll-out of CCs powers ?
- NS Should still be possible to free up parts of revenue budgets, giving extra local control over projects, e.g. libraries. In addition, he suggested that Ofsted reports might be considered by scrutiny and the Executive as a means to improve education in the borough. Schools are a community focus and he suggested they present Ofsted inspection reports to CCs.
- CP Re: youth service. We are looking at second CC meetings looking at Summer schemes and plans for youth service in the area. Could link with crime and fear of crime topic and involve the community in prevention.
Also interesting will be to see how links with health and the Police develop after the initial rounds of CC meetings. In respect of local hospital foundation trust status applications, it would be interesting to see how this issue developed through CCs.
- AS Why not ask young people themselves what they wish to be doing, rather than asking adults ?
- CP Could find ways of targeting young people for attendance at those meetings where issues are being discussed, or hold special events/meetings for young people. Recent youth event at E&C organised by Regeneration Department successfully involved a large number of youth people.
- DBS Re: new multi-faith working party – any conclusions on this ?

- NS There is a potential for faith and voluntary sector groups to use the MFWP for their own purposes – make presentations about their work. Information is not easily available in the borough about opportunities for volunteering for example. One measure of CC success will be that people will start using the CCs for circulation of other local information/leaflet about community resource.
- DH Re: youth provision. How can we get info about whats available across in an interesting and attractive way ? and has feedback you've received confirmed that not all young people want structured/sports oriented provision ?
- CP Youth service provision in certain areas do indeed try to strike the balance. We need to find other ways of reaching young people.
- NS Re: young people's own fear of crime and need to have safe environments in which to be – alongside older people's fear of groups of young people. MORI surveys commonly identify youth provision as high priority. EIP programme addressed youth facility also. Schools could be more used as facilities and resources outside of school times.
- KH Re: possibility of housing management becoming a community council issue.

**60 SCRUTINY REPORT OF HEALTH & SOCIAL CARE SCRUTINY SUB-COMMITTEE
"MODERNISING DAY CARE" (see pages 1119-1130)**

The Chair agreed to hear deputations from users of the Aylesbury Day Centre, the Director of Southwark Community Care Forum and the Co-Chair of Southwark Mind. He outlined the format of the meeting for the benefit of those present.

As stated in the final report of the Health & Social Care Scrutiny Sub-Committee, scrutiny's work in this area had coincided with Social Services Departmental consultation on proposals to modernise day care and consisted of a short inquiry aimed at identifying concerns and risks and ensuring these were addressed sufficiently in the decision making process.

The Vice-Chair of Health & Social Care Scrutiny Sub-Committee introduced the final report from that body.

The deputation requests were then heard and Members asked questions of the deputees.

The Director of Social Services and Assistant Director of Social Services [Community Care] outlined the Social Services exercise and responded to points raised by the deputations. He made reference to the Social Services report due to be considered by the Executive on 22nd April 2003, entitled "Modernising Day Services for People with Community Care Needs – outcome of consultation".

Members and deputees then asked questions of the Director of Social Services.

The Director of Social Services was asked to confirm the implications of any delay to the Executive decision in respect of day care services.

Members discussed the matters raised and

RESOLVED:

That the report prepared by the Health & Social Care Scrutiny Sub-Committee entitled "Modernising Day Care" be formally adopted by Overview & Scrutiny Committee, and referred to the Executive for consideration on 22nd April 2003, subject to the following recommendations replacing those set out at paragraphs 2.1-2.9 of the Sub-Committee's report, i.e.

1. That the Social Services Department should include greater detail of the proposed day care provision that will result from modernising the service, with its final recommendations to the Executive. That the Social Services Department should report back to scrutiny with the details of future day care provision within three months.
2. That the Council should seek to monitor the impact of any day centre closure in order to ensure that the social inclusion of older people is not compromised and that the Council should work with the Older People's Partnership Board to assess the impact and bring a progress report to scrutiny within three months, with the work being completed within six months.
3. That the Social Services Department should demonstrate how it will ensure that through its equalities policies and its approach to care assessments, those people who might be eligible for services but who are not putting themselves forward for assessment (because of cultural or other barriers including issues of mental health stigma) are not disadvantaged.
4. That the Council should work in partnership with those voluntary sector organisations providing best practice and the wider independent sector, to continue to develop and modernise day care provision to ensure that best practice is adopted and that appropriate monitoring arrangements are in place.
5. The Council should give an assurance to voluntary organisations that necessary support will be given to those affected by the modernisation of day care to access or identify additional sources of funding.
6. That the Council should consider how it might ensure that the needs of people, who might lose day care services, through the modernisation process, are met by other council services and the services of other partners. That a progress report be provided to scrutiny on this within three months, with the work being concluded within six months.

7. That the Council should ensure best practice in the operation of Council owned venues, including Tenants' halls, and leisure facilities, in order to widen access and that it should encourage, through its partnership working, best practice in the use of all venues in the borough.
8. That given the scarcity of venues in the borough, the Executive should provide a clear statement of its future plans for the Royal Road building should the decision be made to end the provision of day care services from the site.
9. The estimate is that modernising day care will save approximately £1.5 million. Scrutiny would welcome a statement from the Executive on the implications for Children's services of the proposals for day care not being implemented, or of the expected savings from day care not being achieved.
10. Scrutiny is concerned about the very short consultation period set by the Social Services Department on proposals to modernise day care [i.e. four weeks]. Scrutiny is disappointed in the lack of clarity between budgetary decisions and the overall process of modernising day care.
11. Scrutiny asks the Executive to provide a clear statement of its future proposals for the Aylesbury Day Centre site and provision thereon.

61 **MANAGING SICKNESS ABSENCE – REFERENCE FROM COUNCIL ASSEMBLY [26/03/03]** (see pages 1131-1133)

RESOLVED: That consideration of this item be deferred until such time as scrutiny Work Programmes and priorities for 2003-04 are discussed/agreed.

62 **SCRUTINY BUSINESS MONITOR – APRIL 2003** (see pages 1134-1153)

RESOLVED: That the Scrutiny Business Monitor for April 2003 be noted.

The meeting ended at 10.25 p.m.

CHAIR:

DATED: