



OVERVIEW & SCRUTINY COMMITTEE

MINUTES of the OPEN section of the meeting of the OVERVIEW & SCRUTINY COMMITTEE held on 1ST MARCH 2004 at 7.00 P.M. at the Town Hall, Peckham Road, London SE5 8UB

PRESENT: Councillor Kim HUMPHREYS (Chair)
Councillors Barrie HARGROVE, Eliza MANN, Gavin O'BRIEN, Andy SIMMONS, Neil WATSON, Stephen FLANNERY [Reserve] and Billy KAYADA [Reserve]

CO-OPTED VOTING MEMBERS: The Reverend Canon Grahame Shaw [Church of England Diocesan Representative]

ALSO PRESENT: Shelley Burke – Head of Overview & Scrutiny
Glen Egan – Assistant Borough Solicitor
Lucia Hinton – Black Awareness Group
Deborah Holmes – Borough Solicitor & Secretary
Councillor Jonathan Hunt
Matthew Hunt – Departmental Facilities Manager, Property Development & Regeneration
Councillor James Gurling – Executive Member for Communications & Performance Improvement
Lucas Lundgren – Scrutiny Team
Phil McCarvill – Social Policy Unit
Bill Murphy – Assistant Chief Executive [Improvement & Development]
Kevin Peters – Head of Modernisation
John Ryan – Deputy Client Manager, Southwark Building Design Service
Angela Stanworth – Director, Southwark Community Care Forum
Raymond Stephenson
David Wallis – Manager, Early Years, After School & Play

APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillors Linda Manchester, Anne Yates and Ian Wingfield.

CONFIRMATION OF VOTING MEMBERS

The Members listed as being present were confirmed as the Voting Members In accordance with Council Procedure Rule 2.7(2) the Proper Officer notified that Councillor Billy Kayada had been appointed as reserve Member in place of Councillor Ian Wingfield for discussion of Item 3: Award of Planning Permissions at 295-297 Camberwell New Road & 200 Camberwell New Road, and Local Government Ombudsman Report on Complaint No. 02/B/08100.

NOTIFICATION OF ANY OTHER ITEMS WHICH THE CHAIR DEEMED URGENT

The Chair agreed to the circulation of the following item which had not been available for circulation with the main Agenda, i.e.

- Item 1: Executive Member Interview
- Corporate Service Centre Risk Log spreadsheet

DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were no disclosures made. The Borough Solicitor & Secretary advised the meeting that she had prepared advice in respect of Item 3. Councillor Neil Watson declared a personal interest in Item 3 having served on the Planning Committee that had considered the Fairview Homes application.

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 28th January and 2nd February 2004 be agreed as a correct record of proceedings and signed by the Chair.

1. **EXECUTIVE MEMBER INTERVIEWS: COUNCILLOR JAMES GURLING [MEMBER WITH PORTFOLIO FOR COMMUNICATIONS & PERFORMANCE IMPROVEMENT]** [see page 1 & 127-132]

The Chair advised Members that in addition to the areas of questioning set out in the report the Executive Member had been asked to address Best Value, customer focus and general improvements to service delivery.

The Executive Member confirmed that much work had been done to ensure corporate targets were met, revised information was available to officers and there was also a new IT system – performance reports reflect this work.

The authority had requested a review of its CPA assessment, which would take place in July 2004.

Current performance indicators across the Council were under review to assess whether they were sufficient for the authority's needs.

Communications

The authority had undertaken a great deal of work towards communications improvement during the last year, including a more accurate assessment of the Council's communications functions expenditure than had previously been made. Current expenditure was greater than the previous figure of £2 million and this having been established, more accurate efficiencies could now be made.

Savings had been made on publicity, and unintentional duplication of bidding for advertising contracts was being addressed.

The Council has been nominated for two beacon awards for its communications related functions.

In respect of translation services, the ongoing review of language support delivery had revealed that the authority had been failing to provide in-house support to certain community languages including Albanian, Spanish and French.

The recently published District Audit public interest report in respect of "Award of planning permissions at 295-297 Camberwell New Road", and Local Government Ombudsman report on complaint no.02/b/08100 would clearly impact on the overall standing of the Council, but the Executive Member stated that the CPA upgrading was based on performance across specific areas which did not include the planning function or Department.

Best Value Review of "Face to Face" Services

The Executive Member confirmed that consultation presentations to neighbourhood areas on proposals in the Best Value Review of Income Management to reduce the number of cash offices were now completed and a report would follow. Negotiation with Post Offices about stamping of receipts continued. He acknowledged users concerns about potential loss of services, and emphasized that the authority therefore needed to demonstrate confidence in whatever system was put in place.

In respect of the impact of the Review of Face to Face Services on Housing Management, presentations had made it clear that the Executive was directing to consult according to Housing's normal framework for consultation that recognised current neighbourhood structures. The provision of IT hardware and support and the decision about location of housing offices were interrelated and would need co-ordination to ensure proper service provision and best use of IT investment.

Bill Murphy confirmed that consultation exercise feedback and a plan for taking the project forward would be presented to the Executive for consideration in early April 2004. No closures were therefore anticipated prior to September 2004, therefore. The earliest any paypoint contract could be let was 1st April 2004 with "Regis" card issue following this date.

Members raised capacity concerns in respect of the Peckham One Stop Shop if existing Acorn and Rosemary Gardens NHOs were closed. Councillor Gurling stated that no detailed figures were yet available to indicate the impact of closures on the work of other services, but that in respect of housing, evidence suggested that the housing repairs call-centre would address at source many issues that might otherwise need to be referred elsewhere. There could be no firm closure date for either NHO until the housing strand of consultation was completed and more firm data was available.

In response to Member questions about the level of modelling undertaken in respect of front-facing offices, particularly in respect of the physical capacity of offices to accommodate staff, and storage of tenancy files, the Executive Member stated that modelling of the impact of front-facing offices assumed that where callers could speak to staff by telephone this would lead to a reduction in the number of visits to physical offices.

The two processes of the BVR Housing Management and the Review of Face to Face services were discrete however both reviews would be informed by possibilities thrown up by each and would impact on each other.

Although NHO usage was now being monitored [a live pilot], several months of data was needed before an understanding of the position was possible. It was not intended to cut across existing housing services, but to aggregate them. Individuals choosing to visit physical offices would get an improved range of services. Modelling had been carried out and business process reengineering would be undertaken shortly.

Monitoring of customer satisfaction had been built into the consultation process for Call-Centre proposals. Substantial strides forward had been made in terms of the authority's relationship with service providers, which made financial sense and improved customers experience of the authority.

The authority would struggle to meet the Government's E-government targets, under which 100% of transactions should be online by 2005. However the Council received a positive assessment for this area under CPA.

Best Value Review of IT

The authority had made significant improvements to IT delivery, with network capacity having been addressed. Anticipated benefits were yet to flow through however, e.g. the housing neighbourhood offices were still unable to use necessary Council systems due to inadequate bandwidth. Making the developments achieved available across the authority would present the biggest challenge and it would take time to put in place the necessary infrastructures, given the remaining obsolescence in some parts of the system.

Risk Assessment of Corporate Call Centre

The project was currently on track, with the risk assessment now having been matched to the risk assessment issued to the contractors. Officers were currently evaluating the standard bids submitted. Varying bids would subsequently be evaluated and reported to the Evaluation Panel and all evaluation was expected to be complete by late April 2004. Following completion the authority would enter into negotiations [May-June], then shortlist two bids – although a single preferred bidder could be selected at that stage. The Executive would consider this in September 2004.

Officers confirmed that all three bidders i.e. ITNET, Liberata and HBS were compliant. Whatever bidder was selected the resulting contracting relationships were very likely to be complicated given that two of the in-house contractors were part of consortia bidding. A risk assessment in respect of the possibility of the contractor withdrawing from the contract had been undertaken. Bill Murphy noted that in respect of Liberata, a current contractor also bidding for this contract, the authority was at the point in the contract at which an indication needed to be given about the ongoing situation for the next two years.

The Chair thanked the Executive Member and supporting officers for attending Committee.

RESOLVED:

1. That Overview & Scrutiny Committee continues to monitor the implementation of the Corporate Call Centre project and receive further information from officers before the end of the current municipal year, once the bid evaluation process was complete.
2. The Assistant Chief Executive [Improvement and Development] agreed to provide detailed modelling information, including weekly figures for communications received by NHOs [including breakdown of mode of communication] to the Committee.

2. **PROGRESS ON COMPLIANCE WITH THE DISABILITY DISCRIMINATION ACT (DDA) [1995]** [see pages 2-7]

The Chair welcomed Phil McCarvill, Matthew Hunt and John Ryan to the meeting. John Ryan subsequently gave a presentation to the Committee on the authority's progress towards compliance, a copy of which has been placed on the Minute File.

The current report on the Council's progress towards DDA compliance built on the work carried out by the Environment & Community Support Scrutiny Sub-Committee last year.

Member discussion ensued, during which the following points were raised, i.e.

- SCCF raised concerns in relation to voluntary sector organisations with disabled staff and users in council owned buildings and these organisation's ability to comply with the DDA, given the nature of their leases;
- Re: impact of compliance requirements on listed buildings, including how many such buildings are affected ? *[Officers stated there were twelve listed buildings, not including buildings owned by Housing or Education. It was not uncommon for listed buildings to be made compliant – for example Hampton Court Palace was fully compliant].*
- Re: the cost to the Council of DDA compliance and impact on its future budgets. *[The authority has spent approximately £2.6 million to meet the requirements of the Act, and further expenditure will be required to meet changing regulations];*
- Members were interested in finding out the extent to which the authority might influence developers through the planning process;
- Re: staff awareness of DDA compliance and provisions. Members acknowledged that there appeared to be a lack of connection between policy and implementation/service delivery. *[Officers confirmed that the CEAP was the link between performance and delivery and had been extended to include disabilities];*
- Members were interested in exploring how the authority might ensure sub-contractors complied with the DDA;
- Re: definition of "reasonable adjustments" ? *[The definition remains untested, however the Disability Rights Commission [DRC] sets out a number of scenarios, which indicate that the larger the organisation, the better the provision was expected to be].*

- Re: paragraph 18 - how would the small management changes made by local managers be inspected ?
[Work currently carried out included work around signage and induction loops. Service departments themselves should advise how they are meeting targets];
- At cash offices the principles of access and maintaining security were balanced as they were for banks, Members were advised;
- Re: monitoring of compliance by disabled people ?
[Officers confirmed that through CEAP external challenge was provided. The Equality and Diversity Panel includes user perspective from Southwark Disablement Association and encourages dialogue between officers and those developing ideas];
- Officers confirmed that the DDA provisions applied to open spaces.
- Peckham Library was DDA compliant and would remain so for the next 8 years. Changes were planned for the ground floor of the building and this was felt to be a good opportunity to improve provision.

Officers anticipated that the programme of work would continue to improve access and that the authority would meet compliance targets by October 2004.

Officers agreed to secure information and liaise with Members outside of the meeting about progress towards resolving issues around the barriers in Dulwich Park and difficulties with road humps in Dulwich.

RESOLVED:

1. That officers report to the Environment & Community Support Scrutiny Sub-Committee the authority's progress against the Corporate Equalities Action Plan [CEAP] and also provide information about the CEAP Impact Assessments.
2. Officers to bring information back to Members on the impact of the DDA [1995] on the planning process and the provisions within the UDP in respect of DDA compliance, together with information about the "ten year rule" on compliance.

At 9.05 p.m. it was proposed, seconded and

RESOLVED:

That the meeting stand adjourned for five minutes to allow a Member comfort break.

At 9.10 p.m. the meeting reconvened.

3. AUDIT COMMISSION PUBLIC INTEREST REPORT "AWARD OF PLANNING PERMISSIONS AT 295-297 CAMBERWELL NEW ROAD", AND LOCAL GOVERNMENT OMBUDSMAN REPORT ON INVESTIGATION INTO COMPLAINT NO.02/B/08100 [see pages 8-43]

The Assistant Borough Solicitor [ASB] advised Members to declare an interest in this item if any Member had had any contact with the individuals involved in this case and felt that it would affect their judgement.

Although it was believed that all Members had received both information and documents from the parties involved in the case, the Assistant Borough Solicitor [ABS] advised that this did not in itself constitute a personal and prejudicial interest.

Councillor Flannery also asked whether his position as Chair of the Disciplinary Appeals Panel constituted a personal and prejudicial interest. The ASB advised that if this position meant that he had information that would prevent him acting in the public interest he should declare an interest. Councillor Flannery confirmed it did not.

The ASB confirmed that the written advice given to Members at Full Council in respect of the conduct of Members by the Borough Solicitor & Secretary applied only to the matter in front of Council Assembly in respect of member conduct.

Councillor Simmons asked for advice as to whether being a member of the same party group as the Councillors named in the report constituted a personal and prejudicial interest. The ASB reminded Members that the Committee's remit was not that of a Standards Committee, and advised Members they themselves must choose whether to declare any interest having taking into account whether they felt that their position would affect their judgement.

Councillor Neil Watson declared an interest having served on the Planning Committee at which the Fairview Homes application had been considered, and was advised by the ABS to declare a personal and prejudicial interest and in addition to withdraw from the room during discussion of this item.

The Head of Overview & Scrutiny reiterated the background to the item for consideration. Council Assembly had met on 18th February 2004 and resolved to ask Overview & Scrutiny Committee to review and advise on the Council's response to the issues raised in the District Audit and Local Ombudsman reports, to consider the mechanism for assessing possible compensation and to bring back its recommendations within three months to Council Assembly.

There were three strands to the work needed, i.e.:

- 1) Rigorous scrutiny of the authority's Planning Department – lessons learned, how operations had changed as a result of its Action Plan in response to the DA'd report;
[The Head of Scrutiny had carried out initial research into registers of professionals who might be suitable for consideration as expert advisers. There was Member consensus that an adviser external to the authority and Planning Department be appointed to give technical advice to the review and that the consultant should have experience of working with a Planning Section judged as excellent under CPA ratings, in addition to having major town planning experience.
- 2) Consideration and drawing up of a methodology for assessing compensation issues;
- 3) Scrutiny of matters/questions not addressed by the DA's and LO's reports [including questions about purchase of land without permission having been first granted for development for housing use].

The scrutiny could take into account comments on the planning consultation process arising from the Committee's recent short scrutiny of the Borland Road/Stuart Road application. The review might also provide an opportunity to benchmark the authority's planning services.

In respect of legal advice to the review, and responding to concerns about the independence of legal advice, the ASB confirmed that a budget existed for external legal advice to be commissioned if any conflict arose in respect of his own position. The ASB confirmed that he had corresponded previously with Mr Stephenson on another unrelated matter.

Councillor Hunt suggested that the Committee might usefully widen its given remit to include the Society of Black Planners' concerns about racism, and suggested that appointment of an external team would be a more appropriate way of undertaking scrutiny. Members sought advice about taking evidence from Councillor Hunt, and the ASB responded that it was not inappropriate for him to attend the meeting but that it was for Members to subsequently decide the weight given to any submission.

Mr Raymond Stephenson noted that the DA report was very clear that he and the other Directors of the former [now liquidated] would be the main claimants for compensation. Whilst identification of the heads of claim was important the only way to properly quantify the losses of the directors and companies involved was for the complainants to have access to the same legal resources as had been at the Council's assistance especially given the complicated nature of the case.

The Chair advised that simple clarification of who would be claiming would be requested by the Council, with this information being used as the basis for assessing compensation.

Mr Stephenson noted that he would require legal assistance to respond to any request letter from the authority. Whilst the DA had specified a response was required in 3 months to the planning issues in his report, the Council should seek to resolve the matter sooner given the length of time the complainants had waited so far.

The Chair hoped that Mr Stephenson would give evidence to the scrutiny about the planning issues, but acknowledged that there was no compulsion to do so. Mr Stephenson stressed the issue of resources/assistance needed to be resolved. Members acknowledged that Committee consideration of the compensation issues could be lengthy.

In response to Member questions about who was directing the BS&S on this matter, and who had taken the decision to offer Mr Stephenson financial assistance The Chair confirmed that Mr Stephenson had asked the BS&S for financial assistance and the BS&S had offered £1,000 to Mr Stephenson seven months ago. OSC might wish to recommend that the BS&S provide such facility in respect of Mr Stephenson making a claim. Mr Stephenson stated that whatever amount of assistance was offered to him needed to be sufficient to enable him to identify the heads of claim, and ideally should be a similar amount to that to which the Council had access. The Chair confirmed that the BS&S would write to Mr Stephenson within 24 hours on the matter.

Mr Stephenson asked the Committee to bear in mind that one guarantor for the business/project would shortly lose their home and that the Committee should be mindful of the timeframe in reaching its decisions/recommendations. The claimants would certainly not delay in making their claim, he noted.

AGREED: 1. That in order to make recommendations to Council Assembly on this authority's response to issues raised

by the reports of the Audit Commission and Local Ombudsman and the mechanism for assessing possible compensation within three months, Overview & Scrutiny Committee undertakes a review of the matter.

2. That the review will not examine issues of Member conduct, nor disciplinary matters. These matters are not within the remit of this Committee.
3. That this review be undertaken at discrete meetings of Overview & Scrutiny Committee which shall be additional to existing scheduled meetings, and that officers liaise with Members of this Committee about their availability to attend such meetings.
4. That officers undertake work to commission independent planning advice to the review from an external expert, whom it is suggested should:
 - (a) be a member of a relevant professional body;
 - (b) have particular professional experience of the city planning environment;
 - (c) have no connections with Southwark Council; and
 - (d) have experience of working for/within a planning service rated as "excellent" under CPA.
5. That notice of the forthcoming review be placed in the local press, to include:
 - (a) details of the reviews' remit; and
 - (b) an invitation to the wider community to submit evidence and information to the review strictly in relation to the reports of the Audit Commission and Local Ombudsman.
6. That the Borough Solicitor be asked to consider writing to the complainants offering to provide assistance so that they may obtain legal advice to enable them to submit a claim to the authority.
7. That the Strategic Director of Regeneration be invited to present the Council's case at the first meeting of the review, this to include presentation of the Department's Action Plan in response to the reports of the Audit Commission and Local Ombudsman.

In respect of taking forward the review, Members suggested that:

- The external adviser should advise on the most effective way of approaching "mystery shopping" of planning services which should form part of the review in respect of the planning function;
- The review should take into its scope the Planning Department's consultation processes [taking into account the recommendations arising from scrutiny of the Unitary Development Plan by Housing & Regeneration Scrutiny Sub-Committee in 2003];

- That legal advice to the review be provided by the Borough Solicitor's Section, until such time as any conflict arises [if it does], at which time independent legal advice shall be sought;
- Whilst there is no constitutional requirement for continuous attendance by Members throughout the period of the review, Overview & Scrutiny Members serving on this review would be strongly encouraged to maintain continuous attendance through the review, wherever possible;
- The developers, Fairview Homes, should be invited to give evidence to the review, and given the opportunity to give evidence in closed session in accordance with the Access to Information Procedure Rules; and
- The complainants shall be invited to give evidence to the review.

4. **THIRD PROGRESS REPORT ON IMPLEMENTATION OF EARLY YEARS BEST VALUE REVIEW** [see pages 44-59]

David Wallis [Manager of Early Years, After School and Play] presented the third report-back received to date by Overview & Scrutiny Committee monitoring the implementation of the strategy.

The Children's Services Business Unit had implemented the majority of action points in the Best Value action plan. The unmet need for childcare provision in the borough continued.

The Business Development process had identified the need for Children's Services and the Childcare Partnership to continue working closely with the voluntary sector on capacity building.

In the second year of implementation officers recommend that the Best Value project team be reconvened by July 2004 to assess progress to date, consider the impact of the Children's Centre strategy and the outcomes of any new legislation arising from the Green Paper. In addition, to continue to review pricing policies and their impact on capacity, and to establish how further saving targets might be achieved.

The original Early Years vision report established that the saving target for the third year of implementation would be 20k, 2005/6. This figure will need to be reassessed in light of the final decisions made in respect of voluntary sector funding for 2004/5 and the impact of developing Children's Centres. The next stage of changes will be subject to further business planning process.

Mr Wallis having guided Members through the written report, Angela Stanworth, Director of Southwark Community Care Forum [SCCF] then made a deputation on behalf of the Early Years Voluntary Sector Network, highlighting the impact of the current changes on community nurseries, a copy of which has been placed on the Minute File.

Having received the officer information report and heard the SCCF deputation, Members remained concerned that there appeared to be two conflicting stances emerging on the progress of implementation, and Members suggested that the matter be brought back to OSC for fuller consideration at such time as the review was due to consider its progress, in three months time, and to continue to monitor the situation. Members suggested that case studies [one chosen by SCCF and one by the Council] might be helpful in illuminating the matter.

AGREED: That this matter be brought back to Overview & Scrutiny Committee in three months time.

5. **POST OFFICE CLOSURES – BACKGROUND INFORMATION** [see pages 60-107]

AGREED: That consideration of the report be deferred to the next meeting of the Committee.

6. **SCRUTINY AWAYDAY [28/01/04]: REPORT BACK**

AGREED: That consideration of this item be deferred to the next meeting of the Committee.

7. **BUSINESS UPDATES FROM SCRUTINY SUB-COMMITTEES** [see pages 108-120]

AGREED:

1. That the report be noted.
2. That the Head of Scrutiny pursue scrutiny training for co-opted members of Housing Scrutiny Sub-Committee;
3. That officers prepare a report for the forthcoming meeting of Education, Youth & Leisure Scrutiny Sub-Committee setting out the current basis of co-option to scrutiny, and addressing the implications of the co-option of Headteachers to this Sub-Committee

8. **REPORT FROM HOUSING SCRUTINY SUB-COMMITTEE – SCRUTINY OF CANADA ESTATE** [see pages 121-126]

AGREED: That consideration of the report be deferred to the next meeting of the Committee.

The meeting ended at 10.50 p.m.

CHAIR'S SIGNATURE:

DATED: