

OVERVIEW & SCRUTINY COMMITTEE

MINUTES of the Overview & Scrutiny Committee held on Monday 16 July 2012 at 7.00 pm at 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Catherine Bowman (Chair)
Councillor James Barber (Reserve)
Councillor Neil Coyle
Councillor Toby Eckersley
Councillor Gavin Edwards
Councillor Lorraine Lauder MBE
Councillor Tim McNally (Reserve)
Councillor Paul Noblet
Councillor the Right Revd Emmanuel Oyewole
Councillor Martin Seaton (Reserve)
Councillor Mark Williams

EDUCATION REPRESENTATIVES: Leticia Ojeda, Parent Governor

ALSO PRESENT: Emma Ailes, Journalist from Southwark News
Canon Grahame Shaw, Chair of Governors, St Paul's Church of England Primary School

OFFICER SUPPORT: Kerry Crichlow, Assistant Director Strategy & Support
Earl Legister, Team Leader Food Safety
David Littleton, Environmental Health and Trading Standards Manager
Ferenc Morath, Investment Manager
Gerri Scott, Strategic Director of Housing and Community Services
Peter Roberts, Scrutiny Project Manager

1. APOLOGIES

- 1.1 Apologies for absence were received from Councillors Dan Garfield, David Hubber and David Noakes and, for lateness, from Councillor Neil Coyle. Councillors James Barber, Tim McNally and Martin Seaton attended as reserves.

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

- 2.1 The Chair reminded committee members that they would be asked to note the sub-committee's work programmes.

3. DISCLOSURE OF INTERESTS AND DISPENSATIONS

- 3.1 There were no disclosures of interests or dispensations.

4. MINUTES

RESOLVED:

That the minutes of the meetings held on 8 May and 18 June 2012 be agreed as an accurate record.

5. FOOD HYGIENE IN SCHOOL KITCHENS

- 5.1 David Littleton, Environmental Health and Trading Standards Manager, and Earl Legister, Team Leader Food Safety, briefed the committee. The officers explained that 90% of Southwark schools had now been awarded four to five stars under the new Food Hygiene Rating Scheme and the remaining 10% had been awarded three stars. The Southwark News journalist had been advised that they were taking information from the wrong website, which was not under the council's control, and that it was not possible to make comparisons with other local authorities by using this website. At the time of the article, all Southwark schools were broadly compliant. Officers emphasised that Southwark was a top performer and initiated more prosecutions than its comparative neighbours but had never had cause to take enforcement action in a school.
- 5.2 Members asked for reassurance that the information on the Food Standards Agency website was accurate and up to date. Officers clarified that there was a three weeks' delay before data was uploaded in order to allow time for appeals. In response to further questions from members, officers stressed that the key issue was whether schools were compliant and delivering safe food. The section's focus had to be on food premises which were not meeting the requirements.
- 5.3 In response to questions, officers reiterated that, under the previous "scores on the doors" scheme, a rating of two stars equated to a premises being broadly compliant and raising no particular issues of concern. Officers also explained that a score could reflect the age of a structure, the layout and fabric of a building. Officers stressed that there was no basis for the concern expressed in the press article and that the journalist had been contacted in order to explain this. Officers also commented that council advice that the journalist needed to put in a freedom of information request in respect of particular information had been reported as a refusal to give the information.

- 5.4 A member asked how many regular inspection visits were made to schools. Officers explained that the findings of the inspection determined the number and frequency of re-visits. The risk rating scheme was very robust and ensured that those premises which needed it were inspected. Unlike the old system, under the new system it was possible to update a rating after a re-visit.
- 5.5 Another member queried the length of time during which schools had appeared on two different ratings systems. Officers explained that a soft launch of the new system had been intended but that unfortunately the journalist had accessed the data before the launch and before the old website had been turned off. The FSA had still not turned off the old “scores on the doors” website.
- 5.6 The chair asked for the perspective of the children’s services department on the issue of food hygiene in schools, particularly bearing in mind the council’s healthy food strategy. Kerry Crichlow, Assistant Director Strategy & Support, clarified that the nutritional offer and meeting food standards was the responsibility of governors of maintained schools. The council supported the governors and had written to academies to encourage them to follow similar standards. The council’s position was one of influence rather than direct power.
- 5.7 The chair asked what action would be taken if a school was not delivering the quality of meals that the council expected. The Assistant Director Strategy & Support stated that there was no evidence of this. The department was advised by colleagues in environmental health to ensure that accommodation and kitchens were compliant. In response to a question she explained that the additional capital investment related to the healthy school meals policy had been targeted at equipment to enable more children to eat meals at school, for instance extra ovens and freezers. Members were also interested in procedures to follow up on any public health issues such as outbreaks of food poisoning. The Environmental Health and Trading Standards Manager was not aware of any such outbreak.
- 5.8 Some members were unclear as to whether the children’s services department had been aware of the number of schools with only a two-star rating under the old system. The Assistant Director Strategy & Support stressed that the department would be advised by colleagues in Environmental Health of any causes for concern.
- 5.9 A member asked whether food supplied to schools had a sell-by date. The Assistant Director Strategy & Support stated that she would provide details to the member.
- 5.10 Canon Grahame Shaw, chair of governors at St Paul’s Church of England Primary School, addressed the committee. His school had been cited in the article as an example of a school with a low rating. Canon Shaw explained that a new kitchen had been fitted at great cost and that, especially in view of this, he was appalled when he read the press article. The school maintained the highest standards in food delivery. Both he and the head teacher had contacted Southwark News after the article and he felt that the response had been inadequate. Canon Shaw commented that the school would be happy for more frequent food hygiene inspections.

- 5.11 In response to questions, Canon Shaw confirmed that food hygiene and nutritional value were high on the school's list of priorities. He reported that before the kitchen re-fit 75% of pupils had school dinners but that this had now increased to 98%. In his opinion the reporting in Southwark News was not good enough and he added that the school had received no apology for the writing of the article. Canon Shaw also explained that there had been no inspection of the school since the article and emphasised his view that anyone writing such an article should have verified the current situation before publishing.
- 5.12 Councillor the Right Reverend Emmanuel Oyewole, vice-chair of the education scrutiny sub-committee, commented that members of the sub-committee had visited Southwark schools at various times and seen the high standards of kitchens. He suggested that it was high time that Southwark News printed an apology.
- 5.13 The chair invited Emma Ailes, the journalist from Southwark News, to comment on the discussion. She explained that a list had been compiled from the "scores on the doors" system and submitted to the Southwark press office for comment. The press office had explained that one system was being phased out and a new system was taking its place. The journalist had searched out the new website and updated the list for further comment. The final list was confusing with some schools having three different ratings available online and the journalist commented that this was confusing to parents and other interested members of the public. Some of the figures appeared not to be up to date. Some schools were listed under the catering agency rather than the school. St Paul's school had been awarded a two stars' rating.
- 5.14 The Environmental Health and Trading Standards Manager explained again that under the old system a score could not be updated until the next inspection and that the press office was aware of this. The journalist was sorry that schools had got caught in the changeover between two systems and congratulated the council on re-inspecting Southwark schools so quickly. She also stated that she had spoken to the head teacher of St Paul's and arranged a follow-up visit which had unfortunately been cancelled by the school. She was happy to do a story about the new kitchens and the increased take-up of school meals.
- 5.15 A member was concerned that schools had not realised that information was already in the public domain and took the view that this information was sometimes obscurely recorded, for instance not under the name of the school. He hoped that the council would talk to schools that had less than a four star rating. The chair asked officers what freedom was possible in terms of the inspection regime. Officers clarified that the risk assessment of premises determined the next inspection.
- 5.16 Members asked whether it was possible to make information more accessible, especially to parents, and whether the council could publicise its own list of ratings. The committee asked officers to come back to its meeting in October with possible options and costings.

6. MAJOR WORKS - WATES MAJOR WORKS CONTRACT BERMONDSEY AND ROTHERHITHE

- 6.1 Gerri Scott, strategic director of housing and community services, and Ferenc Morath, investment manager, introduced the report. In response to questions from members, they explained that the contract had initially been awarded on the basis of a quality/price evaluation. The possible back-up contractor, Apollo, was more expensive based on initial estimates but for the type of works necessary on Hawkstone, John Kennedy House and the 4 Squares Estate its price was very similar to Wates.
- 6.2 Members queried whether the Wates price could ever have been achieved. The strategic director commented that in the past the price of contracts had increased during delivery but that on this occasion the council had not been persuaded of any need for an increase. The investment manager added that Wates had put in low prices in some areas and had been specifically written to about these areas but had held to their price.
- 6.3 Members were concerned about the impact on leaseholders of an increase in price. The strategic director explained that the council had taken legal advice and was confident that a decision to use the cheapest back-up contractor could not be challenged. At the same time, detailed conversations had been held with leaseholders in order to explain the situation. One to one discussions had taken place with leaseholders about options for payment.
- 6.4 Members were also concerned at any delay in work that would result from a change in contractor. The strategic director indicated that the new contractor would be able to get on-site very quickly and that other contracts were already progressing. In response to further questions, the investment manager explained that work on other estates were behind time, including Manor, St Saviour and Dickens, but that as these were smaller contracts it would be a relatively quick contract process and that the design process had not been interrupted.
- 6.5 Members asked whether the council would gain a reputation for holding contractors to account and what would be the possible effect of this. The strategic director commented that the decision had been covered in the trade press and was helpful to the council in terms of ensuring that other contracts delivered what the council wanted. However, terminating a contract would always be a decision in the last resort, especially bearing in mind the impact on residents' expectations and officer resources.
- 6.6 A member suggested that the validity of the partnering concept was now cast into doubt. The investment manager responded that, instead, the strength of partnering had been shown in that it was possible to continue contracts and not delay works. In addition, it was possible to benchmark partnered and funded contracts against those of other authorities. The strategic director gave her view that a mixed economy lead to healthy provision but that partnering required extremely strong contract management. The investment manager added that going through the supply chain process with a number of contractors achieved a combined price at a lower rate. Also, contractors were rewarded if they did not

take up the full amount of inflation each year.

- 6.7 Some members were concerned at the quality of work that would be delivered by Apollo, especially on the 4 Squares Estate. The strategic director reported that residents in the Wates contract area were being enabled to see the work that Apollo was currently delivering in other areas. In addition, the council had engaged in robust discussions with Apollo and the contractor had clarified its whole management structure and new senior managers who would be responsible for work in Southwark. The council would be able to agree the specific materials to be used in homes. The strategic director stated that the overwhelming majority of tenants trusted that the council would be able to get value for money from a contract with Apollo.

7. SUB-COMMITTEE WORK PROGRAMMES

- 7.1 The committee noted the draft work programmes circulated by chairs of sub-committees and looked forward to updates.
- 7.2 Councillor Mark Williams, chair of health, adult social care, communities & citizenship scrutiny sub-committee, reported that the sub-committee would be looking at three main topics – the merger of King’s health partners, public health and dementia care. The sub-committee would also be maintaining watching briefs on the move to delegated authority and the reorganisation of the mental health of older adults survey in addition to interviewing the chair of the safeguarding board and the cabinet member.
- 7.3 The chair of the committee reported that she had asked for a briefing on the shadow health and wellbeing board and an item on risk analysis/management of large regeneration projects. The committee would have to consider how it wished to undertake its scrutiny of the budget.

The meeting ended at 9.05 pm