

Overview & Scrutiny Committee

Monday 16 July 2012

7.00 pm

Ground Floor Meeting Room G01B - 160 Tooley Street, London SE1 2QH

Membership

Councillor Catherine Bowman (Chair)
Councillor Dan Garfield (Vice-Chair)
Councillor Neil Coyle
Councillor Toby Eckersley
Councillor Gavin Edwards
Councillor David Hubber
Councillor Lorraine Lauder MBE
Councillor Paul Noblet
Councillor David Noakes
Councillor the Right Revd Emmanuel Oyewole
Councillor Mark Williams

Reserves

Councillor Kevin Ahern
Councillor James Barber
Councillor Nick Dolezal
Councillor Tim McNally
Councillor Darren Merrill
Councillor Helen Morrissey
Councillor Lisa Rajan
Councillor Lewis Robinson
Councillor Martin Seaton
Councillor Cleo Soanes
Councillor Geoffrey Thornton

Education representatives

Reverend Nicholas Elder
Colin Elliott, Parent Governor
Leticia Ojeda, Parent Governor

INFORMATION FOR MEMBERS OF THE PUBLIC

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Contact

Peter Roberts on 020 7525 4350 or email: peter.roberts@southwark.gov.uk

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Chief Executive

Date: 6 July 2012



Overview & Scrutiny Committee

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7.00 pm

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Order of Business

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PART A - OPEN BUSINESS

1. APOLOGIES

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

In special circumstances, an item of business may be added to an agenda within five clear working days of the meeting.

3. DISCLOSURE OF INTERESTS AND DISPENSATIONS

Members to declare any personal interests and dispensation in respect of any item of business to be considered at this meeting.

4. MINUTES

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To approve as a correct record the Minutes of the open section of the meeting held on 8 May and 18 June 2012.

5. FOOD HYGIENE IN SCHOOL KITCHENS

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

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DISCUSSION OF ANY OTHER OPEN ITEMS AS NOTIFIED AT THE START OF THE MEETING.

PART B - CLOSED BUSINESS

DISCUSSION OF ANY CLOSED ITEMS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.

Item No.

Title

Page No.

Date: 6 July 2012



OVERVIEW & SCRUTINY COMMITTEE

MINUTES of the Overview & Scrutiny Committee held on Tuesday 8 May 2012 at 7.00 pm at 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Catherine Bowman (Chair)
Councillor Andy Simmons (Vice-Chair)
Councillor Gavin Edwards
Councillor Dan Garfield
Councillor David Hubber
Councillor Victoria Mills
Councillor David Noakes
Councillor the Right Revd Emmanuel Oyewole
Councillor Mark Williams

ALSO PRESENT: Ian Ritchie, Buchan TRA
Susanne Webb, Astley Cooper TRA

OFFICER SUPPORT: Shelley Burke, Head of Overview & Scrutiny
Doreen Forrester-Brown, Legal Services
Simon Godfrey, Resident Involvement Senior Manager
Richard Selley, Head of Customer Experience
John Wade, Temporary Parks & Open Spaces Manager
Des Waters, Head of Public Realm
Darren Welsh, Head of Community Housing
Julie Timbrell, Scrutiny Project Manager

1. APOLOGIES

1.1 Apologies for absence were received from Councillors Toby Eckersley and Geoffrey Thornton. Apologies for lateness were received from Councillor David Hubber.

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

2.1 There were none.

3. DISCLOSURE OF INTERESTS AND DISPENSATIONS

- 3.1 Councillor Mark Williams declared a non-prejudicial interest through his role working for the Greater London Authority. Councillor Andy Simmons disclosed a prejudicial interest for the last item, as he has an honorarium contract with SLaM, and announced that he would withdraw when that item was taken.

4. MINUTES

RESOLVED:

That the minutes of the meeting held on 16 April 2012 be agreed as an accurate record.

5. LONDON BOROUGH OF SOUTHWARK CEMETERY STRATEGY

- 5.1 The chair welcomed a deputation from Save Honor Oak Recreation Ground Campaign. Matt Beale-Collins and Fran Swan said that they would not be commenting on the detail of the report. They explained that they were pleased that the council had listened to the campaign's views and that it now looked as though it would be twenty-eight years before the recreation site could be used. The campaign members said that they would like the recreation ground to have a change of status so that it would be permanently protected and in order to secure investment and improve facilities. They explained that a survey indicated that the Honor Oak Recreation ground was very highly used. They reported that the space was particularly well-used at the weekend.
- 5.2 A member encouraged the campaign to put a bid into Cleaner, Greener, Safer, and commented that while funds were scarce there was support for bigger schemes. The member went on to comment that he would support the recreation ground being protected in some way as metropolitan land. This should not prohibit it being used as a burial land if it was needed in the future, as indicated in the action plan. Another member recommended that the campaign submit evidence to the council's Open Spaces Strategy consultation, which closed at midnight that evening. He said that the consultation might well be able to be extended for a day or so. Councillor Barrie Hargrove was the lead member. The campaign asked if members would support this.
- 5.3 Members suggested that the campaign meet with the Friends of Burgess Park and Friends of Peckham Rye Park, as a catalyst for developing plans. It was noted that Friends of Peckham Rye had received Cleaner, Greener, Safer funding that they had matched with Lottery funding. A member suggested Village Green status, however officers questioned whether the recreation ground would fit the criteria as Village Greens needed twenty-four hour access and the council had a need to keep cemetery land secure, which meant that the recreation ground was locked at night.
- 5.4 The chair thanked the Save Honor Oak Recreation Ground Campaign for their deputation. She then invited Des Waters, Head of Public Realm and John Wade,

Temporary Parks & Open Spaces Manager, to present the Cemetery Strategy.

- 5.5 Officers drew members' attention to the principles of the Mayor of London's spatial development strategy that stated that boroughs should ensure that provision of burial space was based on proximity to local communities and was made for those groups where burial was the only option. Officers also highlighted that burial space was green space, whether or not it was used for recreation.
- 5.6 Officers explained that the aim of the strategy was to use the minimal amount of land, and for this land to be utilised for as long as possible in order to be sustainable. Officers explained that there were difficulties likely from 2045 and 2050. Members responded that it seemed that the Honor Oak Recreation Ground was being put aside for this pressure point and officers concurred.
- 5.7 Officers explained that an initial report had been commissioned because of critical issues. The council had taken some immediate steps to meet current burial needs and this included the ending of pre sales and setting aside £400,000 to provide more burial space. It was anticipated that pre sales would start up again in 2013.
- 5.8 A longer report was then commissioned to look further into the future. Over a thousand people had participated in the consultation and stakeholders such as faith groups and funeral directors had given their views.
- 5.9 The preferred options were to re-use public graves, utilise unused space in private graves and to introduce mausoleums. There was also some support, but not a majority, for working with other local authorities to find a new site. Private provision had not been popular as there was concern that the council might have to step in if a company went bust.
- 5.10 Officers reported that the cemetery service had been under huge amounts of stress. Criminal activity on the site from fly-tipping had meant that unwanted material had to be removed offsite. The quality of the service was not what the council would want it to be. The new strategy was about improving the whole service from beginning to end.
- 5.11 Members asked if the strategy had considered the issue of fees and noted that the cabinet member decision on fees and charges had been called in recently. Officers responded that this was part of the bigger picture and commented that Southwark's burial fees were currently some of the lowest in London. There was an expectation that they would need to rise and that this was picked up in the report. The fees meant that the burial services were a net contributor to the crematory service.
- 5.12 Officers explained that the strategy contained short, medium and long-term options. Short-term options, up until 2022, included using the remaining part of the Honor Oak Nursery site, which would mean adding two metres of soil over a concrete base. There was some unused ground in Camberwell New Cemetery and some extra capacity around Camberwell Old Cemetery, which was currently used recreationally by local residents. Officers said that some residents had indicated that they did not want to overlook graves so the council was considering putting up soft screening and releasing some ground for amenity. The short-term

strategy would provide 1600 new plots.

- 5.13 Officers then moved on to the medium term plans. They explained that this primarily involved re-use of public graves, reclaiming of private graves and introducing mausoleums. Officers explained that the Corporation of London had re-used graves for some time and that churches had been doing this for the last five hundred years. Mausoleums attracted a premium and had a twenty-five-year deed. The remains were then removed or the lease extended. Officers indicated that they estimated that the medium term plan would provide 6500 spaces.
- 5.14 Officers explained that the longer-term plan was about further reclamation of private and public graves. Some of these could not be re-used as they were on wooded ground. However many of these options would not become available until 2045.
- 5.15 Officers explained that there were some legal problems as Southwark was excluded from being a burial authority, but this was probably because of poor drafting of various acts. This meant that the council would probably need to seek an amendment and this could be done yearly.
- 5.16 Officers spoke about other options for the five-year gap between 2040 and 2045. The council had been exploring options with Lambeth Council, which included looking at funding and forming an appropriate legal vehicle. The council had been approached with an opportunity to purchase spaces in Sidcup, however, if pursued this would need to go through the usual procurement process.
- 5.17 A member asked how much capacity there was to meet the burial needs of the Muslim population and officers responded that there was a year's capacity for Muslim burials in area B, however many people in Southwark were using burial facilities in North London. A member requested that the strategy meet the needs of other faith groups with particular practical requirements, such as Roman Catholics, Eastern Europeans or the Jewish community.
- 5.18 Officers were asked about emergency planning in the event of a disaster. Officers explained that the crematoria had the capacity to meet this need, and that there was some burial capacity. In an emergency, burial was not a statutory requirement and different local authorities had different plans according to their local conditions.
- 5.19 A member asked about the consultation process and noted that most people expressed a preference for local burial sites. Officers were asked if a specific question was asked about how far people were prepared to travel. A member asked about the ownership status of the Sidcup option. Officers responded that a question about travel was not included and that Sidcup would be privately run.
- 5.20 Officers confirmed that they had spoken to the local diocese about re-using burial plots. Church authorities were supportive and had highlighted this on their webpage.
- 5.21 A member noted that that the strategy talked about heritage assessments and indicated that local organisations might well want to assist with this process.

- 5.22 A member asked if all the sites in Camberwell Old Cemetery had been consulted on. She said that she thought that some sites had not been identified initially but had emerged during the consultation process. In particular, the member raised concerns that Ryedale residents were not initially identified as stakeholders. The member reported that Ryedale residents were subsequently written to, however she raised concerns that a scheduled meeting had not taken place. The member also queried consultation with residents from Underhill and Forest Hill Road and asked whether residents were aware of the consultation. She reported that residents were concerned about the risk to mature planting.
- 5.23 Officers confirmed that the meeting with Ryedale residents had not taken place and explained that this was because there had not been much to say about the implementation at this stage. Officers said that all of these sites had risks, which might result in some tree loss. They assured members that there would be a consultation to mitigate biodiversity loss and consider residents' concerns. This would be about how to best implement the plan rather than the nature of the plan. Officers indicated that the sites in question were all part of the cemetery and as such part of land set aside for burials.
- 5.24 Members raised concerns that the community had not formally been given details of these site options. Members said that while the general area had been discussed, residents would want details on the plans for specific areas.
- 5.25 Members asked if there was any risk of a judicial review if consultation had been insufficient with residents in Ryedale and the surrounding areas. The legal officer commented that if further options were added after the start of the consultation then there could be a risk, however this depended on whether the changes were significant. This was something that might warrant a closer look, but there was a balance to be struck. The judicial process was expensive and time consuming and therefore a risk that needed to be managed. A member noted that a judicial review was potentially an expensive process for the council but could be instigated by an individual for a small fee.
- 5.26 Members asked what would happen with the remains from mausoleums and officers explained that these might go to crematoria, a bone yard for crushing or be stored. Officers were also asked about the concrete substrata of one site and whether it might be better to dig this up rather than put soil on top. Officers explained that provision for drainage needed to be made, however this was the most efficient way as it could be very expensive to remove physical obstructions from the earth and there was a risk of contamination.
- 5.27 Officers were asked about provision for more natural and environmental burials, for example in woodland and with natural caskets. Officers explained that in the short term, more space was needed for these types of burials, but they needed less long-term management, as decomposition was faster. Officers explained that there were no sites in Southwark that were suitable for woodland burials, however this was indicated as an option to explore in the longer term strategy.

RECOMMENDED:

The committee noted that three additional potential sites for burial in Camberwell Old Cemetery had been identified after the main consultation was under way, and that residents closest to these sites might not be aware of this. The committee therefore recommended that the cabinet request officers to carry out a risk assessment on the consultation process and consider whether any additional work was required in respect of these particular sites.

6. HOUSING RESIDENT INVOLVEMENT ARRANGEMENTS

- 6.1 The chair welcomed the head of community housing, Darren Welsh, and the resident involvement senior manager, Simon Godfrey. She reported that she had received a number of comments and complaints from tenants' & residents' associations (TRAs) about the grant application process. The chair invited the officers to present their paper.
- 6.2 Officers explained that they were currently consulting on a new resident engagement strategy for housing. Officers said that they worked with one hundred and twenty-seven TRAs, needing various levels of support. Fifty-nine had been assigned an officer to support them and seven were currently at critical level, the most serious of which might involve suspected fraud and the involvement of the police.
- 6.3 Officers reported that they were developing a model constitution and had recently held a network event promoting financial inclusion. They were also working with TRAs on halls, asset management and stock condition surveys.
- 6.4 The review would look at how the Tenant Fund was utilised; this had an income of over £0.5 million per year and funded a variety of activities including grants, training, resource centres and the annual tenants' conference.
- 6.5 Officers went on to explain the practicalities of making a funding application. This was now linked to a recognition policy whereby TRAs had to demonstrate that they were able to manage a hall or similar facility; were applicable for grant funding; could elect delegates to their housing forum and that the council could consult with the TRA. This was a new process that had been agreed by tenants' council and area housing forums. The application for a grant was also the application for recognition, although some TRAs would be recognised but not seek or be awarded funding.
- 6.6 The recognition process acted as a governance check and officers explained that this allowed them to see for example whether enough meetings had been held and whether halls were managed and accounts were presented.
- 6.7 Officers explained that in 2010/11 the grant application process had changed. Groups now applied within three months of their AGM and grants were paid in advance. The idea was that this would spread the load; however, officers explained that this had created some confusion. There had also sometimes been delays because not all the paperwork had been forthcoming. Officers explained

that they had provided an extension for TRAs until September for 2011/12.

- 6.8 Twelve applications had been refused because of, for example, inquorate AGMs, insufficient general meetings or that the TRA had closed. The report also gave details of issues raised at the Walworth West area forum.
- 6.9 The chair asked why around a third of TRAs had not applied for grants. Officers responded that there were a variety of reasons; for some TRAs this might be because of confusion, others had £10,000 in the bank and some TRAs might not think it was worth it. The chair commented that she was concerned that there was insufficient understanding of the new rules and processes. Officers said that they shared this concern and had been contacting organisations directly, attending events and setting aside funding. The chair reported that at one event the TRA said that the rules had got so confusing that they saw this as a deliberate attempt to reduce funding. Officers assured the committee that this was not a savings issue and that there were no plans to make cuts. Officers said that the council would like 100% of organisations to apply because the process was also a governance check. The chair suggested asking organisations why they did not apply for funding.
- 6.10 In response to a question about contact with TRAs, officers said that some organisations were healthy and therefore contact was less; however they would be chasing all TRAs up. Officers reported that a survey had been done about the new form and that 64% of respondents had said they found it easy to complete. TRAs had said that the hardest part had been the separate form for members of the committee to complete. Equalities questions had not been popular either. Officers said that they intended to retain this information, which would make successive applications easier to complete.
- 6.11 A member commented that even TRAs that were performing well were finding the two-year rule hard to grapple with. He said that the form he had seen demanded a fair amount of financial understanding. An officer acknowledged that there were capacity issues, however he said that support was available from the resident involvement and housing management teams and that officers were available to help with grant applications over the phone. Members requested information on the volume of grant applications awarded in previous years.
- 6.12 Members asked how applications could be made and if there was an option to make an application via email, or online using an application like Survey Monkey. Officers said that there were difficulties with using Survey Monkey to store confidential information as this was stored in the US and could breach Data Protection rules. Members asked about alternatives to Survey Monkey and officers said that there were other applications but that they also had limitations.
- 6.13 Members made a series of suggestions including resident involvement officers attending AGMs; a question being added asking why TRAs did not apply for funding and officers looking at how other parts of the council have developed online forms. Officers agreed that collecting as much information as possible at the AGMs was a good way of progressing applications and agreed that offering an electronic version of the main form would be helpful.

- 6.14 The chair invited the public to comment. An audience member commented that her TRA had recently found out that Resident Involvement Officers did not have to come to meetings and that housing officers would do this in future. She went on to comment that applications for funding used to take place at the end of the financial year and that her TRA had not been told of changes to the application process. The audience member asked why her TRA was no longer getting support and why Resident Involvement Officers did not give assistance in the same way.
- 6.15 A member commented that there appeared to be a number of issues that needed to be looked at including how information was provided and the role and function of Resident Involvement. Another member reported that he had been to a meeting in Rotherhithe recently and had been shocked that many TRA chairs did not understand the process, and this included healthy TRAs, which was of particular concern. Members said that they would like more information on contact to date by officers and to be able to assist in supporting TRAs. The chair asked officers to provide information on the extent of contact with TRAs and how far on in the application process they were.
- 6.16 Officers were asked if the £30,000 unspent grant money had been lost and officers clarified that the money remained and had been carried forward to this financial year. Members asked what comments had been received about the revised process of applying for recognition and grants. Officers responded that there had been a range; for some TRAs the recognition process had been perceived as “big brother”; however, officers said, de-recognition was a last resort. Officers reported that usually it did not come to this and that groups either stepped up or fell apart. Members requested that feedback from TRAs be included in the strategy report.
- 6.17 Councillor Noakes commented that the report indicated that seven TRAs were in critical condition and fifty-nine had a dedicated officer giving support. He noted that in his ward there were a variety of TRAs; some were very good, some were new, some barely met, one was critical and one held an AGM but could not elect a chair. He commented that it seemed that quite a few TRAs were struggling. Officers reported that some of the problems were interpersonal and that officers had been working in the background to support the struggling organisations that were at risk of quietly falling apart, not just the more vocal TRAs. Councillor Noakes requested specific information on TRAs in his area and progress with the recognition and grants process, and said that he was very supportive of TRAs.
- 6.18 An audience member commented that funding was achieved through a small levy on rents and that leaseholders paid a percentage. A member asked officers about estates that did not have TRAs and an officer responded that the service was considering how all householders could gain value from the fund. Officers commented that while they could encourage the formation of TRAs they could not make them form. Members reported that residents had been complaining that funding and rents were rising and questioning value for money. Officers said that the review was considering the priorities for the fund, for example whether a TRA with many resources, or those that offered significant benefit to the community, should get less or more funding.
- 6.19 A member asked if there was a target for processing applications and officers confirmed that this was fourteen days, however this was not being met and they

were looking at the council processes to see what was holding this up.

- 6.20 Members asked if officers would be doing a satisfaction survey and officers confirmed that they would be. Officers went on to comment that sometimes they were addressing problems and that this might make them unpopular with TRA committee members, because officers would be saying difficult things. The other issue was that the communities were often looking back to levels of support that could no longer be sustained.
- 6.21 A member of the audience, Ian Ritchie of Buchan TRA, commented that this process was the triumph of bureaucracy over tenant democracy. He commented that the forms were overly long-winded, which in his view made the process intensive for both tenants and officers. He said that if changes were introduced there needed to be adequate back office support. He went on to comment that resources were wrongly targeted, and that despite his organisation having serious problems he had only seen a Resident Involvement officer once. He ended by asking if the chair would accept a letter outlining his concerns, which the chair welcomed.
- 6.22 Susanne Webb then spoke about Astley Cooper TRA. She reported that at one stage they had been struggling with issues such as hall management and access. She said that officers had given support and that the TRA committee had learned new skills, however there remained an ongoing need for Resident Involvement support. She commented that if the TRA had been more aware of the grant process they would have applied for more money and that volunteers had little time to chase up applications. A member of the audience said that at the very least Resident Involvement officers should come to TRA AGMs. He also added that forms had been delayed for a long time and lost.
- 6.23 The chair thanked the officers for their attendance and for their frankness.
- 6.24 The committee discussed the information that they would like officers to provide and the recommendations for cabinet.

RESOLVED:

1. That officers be asked to circulate all members with additional information on:
 - the number of TRAs who made applications in 2009/10
 - officers' contact with all TRAs, in order to assist with the recognition and grant application process
 - TRAs who have not made an application for funding and recognition, in order to assist ward councilors with supporting local TRAs to complete an application, where appropriate.
2. The officers be asked to provide Councillor David Noakes with additional information on the status and activity of all TRAs in his ward in order to assist with support.

RECOMMENDATIONS TO CABINET:

1. That the application process for grants and recognition be made less complicated, less bureaucratic and more accessible.
2. That officers create an online application process to complement the paper based process, so that tenants' and residents' associations (TRAs) have options for making applications. This to be completed within six months.
3. That there be an emphasis on support for TRAs to make funding applications over the next few months, rather than on recognition, in order to clear the backlog of applications and enable organisations to receive funds.
4. That it be obligatory for a Resident Involvement Officer to attend every TRA AGM, and that officers use this occasion to assist TRAs in their applications for recognition and funding.
5. That TRAs create a standing item at every AGM covering the administration needed to complete the recognition and funding application process.
6. That the Resident Involvement Team be asked to consider how to work with ward councillors to support TRAs.
7. That a report on resident engagement be sent to the Housing Commission, Southwark Tenants' Council and Southwark Homeowners' Council.
8. That officers be asked to return to overview & scrutiny committee in six months' time to report on progress on the above recommendations.

7. ALLOCATION OF PRIMARY SCHOOL PLACES

- 7.1 The committee requested that officers provide more information so that the item could be considered more fully at a future meeting.

RESOLVED:

That Officers provide further information on the allocation of primary school places for children residing in postcodes SE19, SE21, SE22, SE23 and SE24.

8. CUSTOMER SERVICE PERFORMANCE MONITORING

- 8.1 The chair invited the head of customer experience, Richard Selley, to present the Customer Service Performance Monitoring report. He explained that, when he had last attended the committee, the council was taking advice on the Vangent contract. The council had now informed Vangent that it would be terminating the contract two years earlier than anticipated and that the customer services functions would now be delivered in house. Officers believed that the council could make savings as Vangent's overheads were high and the service would no longer need to make a profit. The head of customer experience explained that the council had

already released considerable savings in the last year through closer management of the contract and service channel shift – i.e. encouraging customers to access services using cheaper channels, like the web.

- 8.2 The head of customer experience said that the council's contract with Vangent was based on transactional costs, so that every time a customer called the Customer Service Centre or visited a One Stop Shop they would receive a payment. This provided no incentive for Vangent to reduce call volumes or seek to get customers to use cheaper service access channels. The new service would be investing in staff and would not be a script-based service.
- 8.3 A member welcomed this development and asked if officers also thought that the council should take the housing repairs service in house. The head of customer experience responded that, for contracted services, having a sole provider could mean that you lost the competitive edge.
- 8.4 Members asked how moving the customer service in-house would improve the quality of the service and how the council would deliver the new service. The head of customer experience explained that the new service would be under member and officer control. The service would be delivered largely from the new Queen's Road site in Peckham. The Vangent service had delivered well in terms of answering calls; however the outcomes for customers had sometimes been poor. The new service would promote advocacy for the customer by the customer service centre. This would be easier once the service was not divorced from its implementation. A member commented that he hoped that staff would be empowered to chase repairs and contractors.
- 8.5 Members asked how the council was managing the risks of disengaging from the Vangent contract and if the council was developing the in-house service in shadow form. The head of customer experience explained that there was an exit strategy and strong governance around transition of the service. He explained that one of the possible risks was that the Queen's Road site might not be ready in time. Some work might be done in parallel to mitigate the risk and there would be a phased approach, for example, a new switchboard was being developed.
- 8.6 The head of customer experience explained that there were up to three hundred and fifty staff that could be transferred over using TUPE, however many of these were part time. There was also a delivery site in Yorkshire, but these staff were not expected to transfer to Queen's Road. The in house service might have to take over more staff than were eventually needed.
- 8.7 A member noted that when the council brought in the council tax service there were hiccups. He recommended that officers looked at this.
- 8.8 Members asked if the ending of the contact with Vangent had meant that the council incurred costs and the head of customer experience explained that Southwark had not incurred any costs, as there had been a technical breach of the contract. He went on to explain that there would be costs to be incurred as the council would need to invest in setting up the new service. He further explained that there was some question over the service operating model and whether there would be a large contact centre and that this would go to chief officers and then to

cabinet for discussion and decision in July.

- 8.9 Members asked if there were risks around Vangent's delivery for the duration of the remaining contract. The head of customer experience said that there were risks of quality falling, however the council was still managing the contract proactively and many of the staff would TUPE over, which was an incentive to maintain performance.
- 8.10 Members then moved on to consider the report on complaints. A member commented that he thought there would be more complaints on Children's Services, particularly around admissions. The head of customer experience explained that this was a situation where there was a split; the call centre handled some questions, but Children's Services dealt with more sensitive or complex calls directly.
- 8.11 A member asked if there was a council wide report and the head of customer experience said there was and that this went to CMT.
- 8.12 A member commented on the volume of complaints to Regeneration and Neighbourhoods and the head of customer experience said that this was improving.
- 8.13 There was a discussion about members enquires and the different methods used, including using icasework, member support or the use of informal contacts. The head of customer experience said that complaints that came to his team were resolved quite quickly. Members noted that a web interface for the iphone would be helpful.

RESOLVED:

That Officers return to a meeting of the committee in the next municipal year with:

- A global report on complaints received by the call centre and more sensitive or detailed complaints dealt with by departments. This would provide details on whether complaints were falling in volume, on the amount escalating to the next stage and the numbers resulting in a payout.
- A detailed report on complaints received on the allocation of school places, including information on how many places were allocated manually.

9. SOUTHWARK CLINICAL COMMISSIONING CONSORTIA (HEALTH & ADULT SOCIAL CARE SCRUTINY SUB-COMMITTEE)

- 9.1 Councillor Mark Williams, chair of the Health and Adult Social Care Scrutiny Sub-Committee, presented the report. He drew the committee's attention to recommendations 5 and 16. The first recommended that any commissions made by the consortia, other than minor changes outside of the NHS, should be referred to the Health and Wellbeing Board and the health scrutiny sub-committee. Recommendation 16 proposed that locally determined contracts should contain clauses on patient satisfaction.

RESOLVED:

That the report be agreed.

10. SUPPORT FOR PARENTS AND CARERS OF DISABLED CHILDREN AND YOUNG PEOPLE (EDUCATION & CHILDREN'S SERVICES SCRUTINY SUB-COMMITTEE)

- 10.1 Councillor David Hubber, Chair of the Education and Children's Service Scrutiny Sub Committee, presented the final report. He said that he would particularly like to highlight the recommendations in respect of the need for better and more sensitive sharing of data. He also drew the committee's attention to the appendix, which detailed a pilot scheme from Wandsworth Council that supported parents back into work. The chair reported that a parent of a disabled child had recommended this report to the committee.

RESOLVED:

That the report be agreed.

11. EMPLOYMENT AND UNEMPLOYMENT IN SOUTHWARK (REGENERATION & LEISURE SCRUTINY SUB-COMMITTEE)

- 11.1 Councillor David Noakes, Chair of the Regeneration and Leisure Scrutiny Sub-Committee, presented the report. He said that the sub-committee instigated this report because of concerns about unemployment and particularly about youth unemployment. There were also concerns that large local employers such as the local authority and health authority were not areas of local growth.
- 11.2 The chair of the sub -committee explained that officers from regeneration gave evidence of the council's successes in regeneration and that there were jobs in Southwark, however sometimes there was not a good skills match. The report contained some interesting recommendations on this.
- 11.3 A member suggested that recommendation 4 cover all education providers.
- 11.4 The chair of the sub-committee outlined the work of the Regeneration and Leisure Scrutiny Sub-Committee throughout the year and tabled a paper.

RESOLVED:

That the report be agreed with the amendment that recommendation 4 be changed to cover all education providers; including schools, academies and further education providers:

"That the council acts as an enabler regarding the creation of a generic borough-wide careers advice service across school, academies and further education providers in Southwark and encourages the greater involvement of local employers in these educational providers in order to help young people secure jobs and

careers when they leave school, including how to set up and run a business.”

12. MINUTES

- 12.1 The minutes of the closed section of the meeting held on 16 April 2012 were agreed as an accurate record.

The meeting ended at 10.45 pm



OVERVIEW & SCRUTINY COMMITTEE

MINUTES of the Overview & Scrutiny Committee held on Monday 18 June 2012 at 7.00 pm at 160 Tooley Street, London SE1 2QH

PRESENT:	Councillor Catherine Bowman (Chair) Councillor Dan Garfield (Vice-Chair) Councillor Toby Eckersley Councillor Gavin Edwards Councillor Lorraine Lauder MBE Councillor Tim McNally (Reserve) Councillor Darren Merrill (Reserve) Councillor Paul Noblet Councillor the Right Revd Emmanuel Oyewole Councillor Geoffrey Thornton (Reserve) Councillor Mark Williams
OFFICER SUPPORT:	Shelley Burke, Head of Overview & Scrutiny Norman Coombe, Legal Services Peter Roberts, Scrutiny Project Manager

1. APOLOGIES

- 1.1 Apologies for absence were received from Councillors Neil Coyle, David Hubber and David Noakes and from Ms Leticia Ojeda, Parent Governor.

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

- 2.1 There were none.

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 23 May 2012 be agreed as an accurate record.

5. REPORT INTO THE COLLAPSE OF SOUTHERN CROSS CARE HOMES (FINAL REPORT OF HEALTH & ADULT SOCIAL CARE SCRUTINY SUB-COMMITTEE)

- 5.1 Councillor Mark Williams, chair of the health & adult social care scrutiny sub-committee, introduced the report.
- 5.2 Members asked whether the review had explored the possibility of requiring care providers to indemnify themselves against financial risk. Councillor Williams responded that this had not been included within the scope of the review but that a recommendation could be added to the report. However, he commented that this would inevitably push up the cost of providing care.
- 5.3 Members were concerned at the indication on page seventeen of the report that the Four Seasons loan of £600 million would mature in September of this year. Councillor Williams highlighted that their accounts had been returned as qualified and that debt repayments were falling behind.
- 5.4 In response to further questions, Councillor Williams confirmed that, as a result of improvements, the council had lifted the embargoes in respect of the care homes in the borough. He also clarified the process for billing and reported that survey returns and the oral update in respect of Tower Bridge Home were positive.
- 5.5 Members asked whether the council had a good relationship with the various tiers of management. Councillor Williams believed that new management at Southern Cross was better and more open. In his view, sharing of best practice was key. Once the report had been considered and commented on by cabinet, the sub-committee aimed to meet with the managers of the three homes.
- 5.6 The committee welcomed the report as an important piece of work.

RESOLVED:

That, with the additional recommendation below, the final scrutiny report be submitted to cabinet for consideration:

“That cabinet be asked to explore the feasibility of requiring indemnification from future care contractors in the event that the provider ceases to operate.”

6. WORK PROGRAMMING

- 6.1 The chair hoped that all three sub-committees would achieve a high quality of

reports in the forthcoming year. She felt that it was important for the committee to maintain an overview of the work of the sub-committees. With the smaller number of sub-committees and the expanded terms of reference it was even more important that work programmes be seen as meaningful and relevant by local residents and take up issues that were of strategic importance to the council.

- 6.2 The chair reported that she had met with the vice-chair to discuss the way forward for developing work plans. Their view was that sub-committees remained best placed for conducting longer term investigative reports while the parent committee was able to focus more successfully on issues that arose at short notice and could be dealt with by brief scrutinies. The chair suggested that sub-committees might be expected to produce a minimum of two reports during the year, to set at least one topic before the summer recess and to revisit the work plan mid-year. It was agreed that members of the committee forward any proposed scrutiny topics for sub-committees to the vice-chair by 1 July.
- 6.3 The chair indicated that a possible item already on the table for discussion at the parent committee was the council's management of allotments. She welcomed any other possible items from members during the course of the year.
- 6.4 Members of the committee reported their experience of cabinet member interviews. It was agreed that the committee and its sub-committees would continue to interview the cabinet member whose portfolio fell within their terms of reference.
- 6.5 The chair proposed that, with the agreement of members, the committee introduce a bi-monthly agenda item in respect of management and monitoring of major contracts. She suggested that the first of these take place at the July meeting and concentrate on the Wates Major Works Contract. Future items might include the development of the new in-house customer contact centre. The chair also indicated that she had asked for an item to the July meeting in respect of food hygiene in schools.

The meeting ended at 7.45 pm

Food Hygiene Rating Scheme (FHRS) and school kitchen inspections

Background

1. On 23 May 2012 Southwark News printed an article claiming that, "Southwark Schools have the worst food hygiene records of four south London boroughs". The article also claimed that, "inspections of some school kitchens are overdue by more than 2,000 days...according to the council's own records".
2. An article the following week suggested that confusion had been caused by the introduction of a new scoring system under the Foods Standards Agency (FSA).

Comments of Strategic Director of Environment & Leisure

3. Since January 2006, the food team has successfully published the results of food hygiene inspection scores online using the "scores on the doors" scheme. The scheme was a pioneering initiative led by Southwark. Its main objective was to provide consumers with useful information on the hygiene performance of local food businesses so that they could make an informed choice about where they purchase their food. This would reward those businesses performing well and act as an incentive for those with poor hygiene performance to make improvements, thereby raising the general standards of food hygiene performance overall.
4. Under the scheme, all food businesses receiving a programmed food hygiene inspection would be given a star rating based on a numeric risk score for three main criteria considered during the inspection. These are:
 - standard of compliance with hygiene rules
 - standard of compliance with structural requirements
 - confidence in the management system
5. The numeric risk scores for each aspect of the programmed inspection, together with associated guidance, are set out in the Food Law Code of Practice issued by the Food Standards Agency (FSA), the national regulator.
6. The star rating scheme under "scores on the doors" allowed for the classification of food businesses across six tiers of performance ranging from 0 stars to 5 stars, zero being the worst.
7. Whilst the scheme was in operation, the government introduced the national indicator of "broadly compliant" for food hygiene performance (NI184). As the scheme provided no descriptors for the star rating awarded, the FSA advised that it was necessary to identify within the star ratings, the level which equates to broadly compliant. The Agency also recommended that local authorities publishing food hygiene ratings amend their star rating to clearly identify the level at which a business was broadly compliant with food hygiene requirements. This was considered to be equivalent to 2 stars. Southwark amended its records to implement the recommendation but this was not adopted by all local authorities operating the scheme.
8. With the desire to have a consistent and reliable national scheme, in late 2011 the FSA launched the Food Hygiene Rating Scheme (FHRS) following a

series of earlier consultation and pilot programmes. The Agency later acquired the privately operated 'scores on the doors' website with a view to terminating the facility once all local authorities using the website had implemented the new FHRs.

9. As part of a Pan-London initiative, in January 2012, the FSA provided grant funding to London Local Authorities to prepare for the adoption and implementation of the scheme. The Agency (FSA) desires that the scheme is implemented in London before the commencement of the Olympic Games.
10. Southwark food team received grant funding for £14k to make the necessary preparation for the implementation of the scheme. On 16 May 2012, Southwark food team published its food hygiene ratings to the new FHRs site for the first time.

Press Article

11. In preparation for the implementation of the FHRs, it was unavoidable that the vast majority of food businesses would receive their star rating based on data from earlier but most recent inspections. However, as programmed inspections progress, food businesses would be provided with a more up to date hygiene rating which replaces any they received earlier. It was also necessary to identify a cut off date when no more inspection data would be published to the old 'scores on the doors' website. Additionally, the new FHRs introduced a slightly different method of calculating the hygiene rating of the business from the risk score.
12. As a result of the difference in approach to calculating the hygiene ratings, some businesses received a different star rating when the new FHRs was implemented.
13. The new scheme was publicised on Southwark website with web links to the correct online data. However, historic star rating data was still accessible via the scores on the doors website. The Southwark News reporter used the historic data, resulting in the publication of an unfavourable and inaccurate press article.
14. The press article compared the historic data for Southwark's schools with those of neighbouring borough Lambeth and concluded that Southwark had the worse school kitchens. The article commented on the number of Southwark schools given 2 stars in comparison to Lambeth and incorrectly concluded these schools were dirty and implied poor hygiene standards.
15. However Southwark had implemented the recommendations of the FSA to identify broadly compliant businesses within the star rating scheme, although the star rating was low, performance in food hygiene requirements was broadly compliant. In addition, it is not clear that Lambeth had implemented the recommendation to identify a star rating that equated to 'broadly compliant', therefore the two sets of data could not be accurately compared in the manner undertaken by the journalist.
16. Since the publication of the article, measures have been taken to prevent further possible confusion. All our schools have been generally compliant with food law requirements and work has been done and still in progress with

schools that were displaying low hygiene rating. Currently around 80% of schools in Southwark have a hygiene rating of 4 or 5.

Comments of Strategic Director of Children's Services

17. When responsibility for public health transfers to local authorities in 2013 the functions pertaining to school kitchen hygiene will remain the same as they are now. Public health colleagues currently work closely with Environmental Health Officers, and would become involved if EHOs identified a health risk or health-related problems as a result of monitoring or enforcement action. Similarly if public health identified a disease outbreak, they would involve EHOs in the investigation and management of the source.

18. As advised above, all our schools have been generally compliant with food law requirements. There has therefore been no impact on the Free Healthy school meals programme.

Item No.	Classification: Open	Date: 16 July 2012	Committee Overview & Scrutiny Committee
Report title:		Major Works - Wates Major Works Contract Bermondsey and Rotherhithe	
Ward(s) or groups affected:		All	
From:		Strategic director of housing	

Recommendations

- 1 That overview and scrutiny committee note the contents of this briefing.

Background

2. The major works partnering contracts were awarded by the Strategic Director of Environment and Housing (SDEH) in June 2010, following an Executive decision in March 2010 delegating responsibility for the award of the contracts. The Lot 2 contract was awarded to Wates Construction Ltd (WCL) for a period of five years with an option to extend by a further five years. Lot 2 encompasses the whole of Bermondsey and Rotherhithe Areas in the North of the Borough. The contract was awarded by means of a 'letter of award'. Subsequently WCL have since refused to provide signed documentation in order that a contract can be formed under seal.
3. Whilst some rates within the tender received from WCL had to be clarified before award the overall priced tender from WCL could not be considered as abnormally low. Furthermore, WCL confirmed their ability to stand by rates in the tender during the tender clarification period.
4. The major works third party contracts include an exclusivity clause that serves to prevent the council placing works encompassed within the scope of the contract works in any Lot with a contractor other than the actual Service Provider (in this case WCL), save that in specific circumstances of repeated failure work may be placed with back-up service providers.
5. From the outset, agreement of task order prices with WCL proved difficult. Indeed in December 2010 issues around electrical pricing led to the interim Investment Manager engaging the Partnering Advisor to act as a mediator in a formal process which resulted in the council agreeing to minimal increase tendered rates to electrical pricing where WCL admitted errors in their tender pricing. This agreement it was hoped would end the protracted discussions around task order prices and enable the programme of works in Lot 2 to commence.
6. It should be noted however, that due to a disappointing Leasehold Valuation Tribunal decision in 2010, which has now been successfully challenged at Lands Tribunal, very limited opportunity for works to progress were available until early 2012. As such the full extent of the issues with WCL, were not evident until late 2011 when officers were able to start to finalise pricing for projects moving forwards. The Lands Tribunal decision on the appeal was

made in December 2011, which meant that from January 2012, the major works team were working closely with all five partnering contractors to gear up for delivery of the first year of the five year programme to deliver Warm, Dry and Safe (WDS) works to council properties. It quickly became clear that Wates would not stand by their rates submitted in the tender for major works.

7. There is a significant investment required in the council's housing stock in the Lot 2 area and as the council were persistently unable to agree task order prices with the service provider (WCL), this investment need remains outstanding and delivery of the WDS programme has stalled.
8. The WDS programme is a key area of the council's housing investment programme and is subject to scrutiny by all stakeholders. The Bermondsey and Rotherhithe areas also includes the three high investment needs estates (HINE) which have been subject to recent consultation with stakeholders led by colleagues in Regeneration and subsequent Cabinet discussion and decision. Delivery of WDS and the HINE works requires the major works team to have a fully operational and functioning procurement vehicle through which works can be undertaken. The situation with WCL was such that delivery of WDS and HINE works was unachievable in the short or medium term.

Factors Considered

9. The financial difference between the council and WCL (which was considered to be the minimum amount likely as it details only the position reached on four projects) was some £1,090,000. This difference would obviously have continued to grow as the term of the contract proceeded and further works projects were undertaken.
10. Performance on the small amount of pilot work and the survey work issued to WCL was patchy at best. The council had already issued two default notices under the terms of the partnering contract prior to the mutual ending of the contract. Although contract management is robust and there are frequent performance issues which require remedial action, to date it has not proved necessary to issue any default notices to the other four service providers delivering the major works to the remainder of the council's housing stock.
11. The council currently has five service providers of varying size delivering major works across the housing stock. At present works are ongoing in Lot 1 (Breyer), Lot 3 (Apollo), Lot 4 (A.E. Elkins) and Lot 5 (Saltash). It is only in Lot 2 with WCL that the council was unable to agree task order prices and commence work.
12. Based upon WCL's performance and the fact that the council and WCL were so far apart in terms of remuneration for the works despite numerous meetings and discussions over a period of twelve months, a decision was taken, following legal advice, on 10 May 2012 to commence the termination process set out in the partnering contract with WCL.
13. Whilst there were a number of risks associated with termination, doing nothing or making unwarranted additional payments to WCL in order that they agree to undertake works were considered greater risks, not least because of the need for value for money and the importance of accurate and fair charges for leaseholders.

14. Officers followed the steps required to terminate the contract, including dispute resolution, however during the termination process WCL requested that the contract be mutually brought to a premature end. This option to end the contract had been suggested as a preferred option by the Strategic Director of Communities, Law and Governance and the Finance Director should the option be offered by WCL as it mitigated the risk of WCL taking legal action against the council.

The agreement

15. A short period of negotiation in relation to the terms of the mutual ending of the contract facilitated by our Legal Advisors (Sharpe Pritchard) resulted in a signed binding agreement whereby WCL will fully complete the outstanding works and provision of warranties and guarantees. No further costs or payments will be made by either party.

Moving forwards

16. The council is still determined to honour its commitment to residents to carry out major works to properties within the Bermondsey and Rotherhithe area. Officers have been working up options to ensure that residents, whose expectations are that works would be carried out in 2012/13, are not disadvantaged by the contract coming to an end when expectations.
17. Essentially, there are two options available:
1. Place the works with a back-up contractor
 2. Retender the works on the open market.
18. The advantages of placing the work with a back-up contractor are that the works could proceed to programme in the current financial year. Officers are proposing Apollo as the alternative back-up contractor on the Hawkstone low rise properties, John Kennedy House and the Four Squares estate, all which are programmed for 2012/13. Should residents wish their works to be carried out using back-up arrangements, officers would be looking to Apollo to price works in accordance with the rates tendered by Wates, notwithstanding the inflationary uplift due to the passage of time.
19. The advantages of retendering the works are that the process would be open and transparent regarding the cost of the works in the current market conditions. However, the procurement process would be subject to the Official Journal of the European Union (OJEU), the European tendering regulations, and is a lengthy process which can take up to eighteen months. There would be no guarantee that prices would be cheaper and having gone through the tendering process, the council could not revert to the use of the back-up contractor without being subject to legal challenge by those contractors who had tendered for the works.
20. To assess residents' views on their preference, the council is conducting a consultation exercise with the Hawkstone low rise properties, John Kennedy House and 4 Squares Estate. As well as being invited to open meetings, residents are also being asked to respond to a questionnaire. Questionnaires

are being sent to tenants and leaseholders resident in the properties and to non-resident leaseholders so that their views can also be taken into account.

21. Hawkstone residents were invited to an open meeting on 27 June 2012 and the meeting with Four Squares residents takes place on 5 July. Questionnaires have been sent to all residents in the first year of the programme. Clearly, there is a tight timescale for responses to ensure that we are able to respond quickly, dependent on the feedback from residents.
22. For those residents not within the first year of the programme, there is less urgency. The remainder of the programmed works through to the end of 2013/14 financial year in the Lot 2 area will be tendered out in the traditional manner using the approved list. Letters have been sent to those residents advising them of the mutual termination and our plans to deliver major works to their homes.
23. The tender prices received in Lot 2 will be used to benchmark the costs in the remaining partnering contracts to ensure best value is achieved.

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OVERVIEW & SCRUTINY COMMITTEE**MUNICIPAL YEAR 2012-13****AGENDA DISTRIBUTION LIST (OPEN)****NOTE:** Original held by Scrutiny Team; all amendments/queries to Peter Roberts Tel: 020 7525 4350

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