

Overview & Scrutiny Committee

MINUTES of the OPEN section of the Overview & Scrutiny Committee held on Wednesday 4 October 2023 at 7.00 pm at 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Ian Wingfield (Chair)
Councillor Irina Von Wiese
Councillor Victor Chamberlain
Councillor Sam Foster (Reserve)
Councillor Jon Hartley
Councillor Laura Johnson
Councillor Sunny Lambe
Councillor Bethan Roberts
Councillor Chloe Tomlinson
Jonathan Clay (Co-opted Member)
Marcin Jagodzinski (Co-opted Member)

OTHER MEMBERS PRESENT: Councillor Jasmine Ali, Deputy Leader and Cabinet Member for Children, Education and Refugees
Councillor Stephanie Cryan, Ward Councillor

OFFICER SUPPORT: Sarah Feasey, Deputy Head of Law
Everton Roberts, Head of Scrutiny

1. APOLOGIES

Apologies for absence were received from Councillors Suzanne Abachor, Ellie Cumbo, Margy Newens and Martin Brecknell (Co-opted Member).

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

There were no late items.

3. DISCLOSURE OF INTERESTS AND DISPENSATIONS

Councillor Bethan Roberts declared a pecuniary interest in item 5, Canada Estate Quality Homes Improvement Programme – Scrutiny of Major Works and did not take part in the discussion on this item.

4. MINUTES

RESOLVED:

That the Minutes of the meeting held on 4 July 2023 be approved as a correct record.

5. CANADA ESTATE QUALITY HOMES IMPROVEMENT PROGRAMME (QHIP) - SCRUTINY OF MAJOR WORKS DELIVERY

The committee heard from Councillor Stephanie Cryan in her capacity as ward councillor, Mr Barry Duckett, chair of the Canada Estate Tenants & Residents Association, and estate residents Ms Elaine Lock and Mr Michael Robertson.

The committee also heard from Desmond Vincent, Assistant Director of Building Safety and Major Works, and David Quirke-Thornton, Strategic Director.

Key points made by Councillor Cryan

- This was a major works project that she felt had not been handled as well as it should have been
- Works 17 months overdue, the longer the contract went on the more costs went up
- Additional costs for leaseholders
- More money required from the housing revenue account to meet the costs
- Concerns around contract management and financial management of the contract
- Concerns over response, paragraph 6 of the report – reasons given for delay
- Catalogue of misinformation around window replacement
- Felt that all the decisions were made for the benefit of the contractor and not for residents
- Residents' concerns were dismissed
- Concerns around installed windows – experience of windows whistling which increased for windows higher up. It was noted that building control were doing investigations and some of the concerns were now being picked up
- Issues around timing of instructions for scaffolding being struck (before painting and pigeon netting installed) and incorrect information sent to residents around this

- Tenants and Residents Association AGM held in September 2023 has seen a shift change in attitude towards residents - residents were now being listened to and promises made to investigate and come back to residents with answers
- Residents have not been treated with respect by the contractors and by some officers as well
- Decisions being made at a lower level were not the right decisions, or were being made without consultation.

Mr Barry Duckett addressed the committee about communication around scaffolding and the replacement of the windows. Mr Duckett also addressed the committee around reasons for the delays.

Key points made by Mr Barry Duckett

- Installed windows forced upon residents, not fit for purpose
- Question mark over existence of a Fire Brigade report stating windows were dangerous
- Absence of officers and consultants on site
- Breakdown of communication in zoom meetings, with residents being cut-off if they mentioned issues the contractors didn't like
- Residents not involved in any decision making
- Major decisions being made on residents behalf without them being informed
- Contractors cutting holes in estate landing panels instead of unscrewing them (incurring more cost for replacement of the panels)
- Replacement of landing doors installed 10 years ago, adding significant cost
- Fire risk assessment (type fours)
- Estate ventilation system covered over with Asphalt
- Lack of consultation with residents
- Lack of acknowledgement that the clients were the tenants and leaseholders
- Residents not provided with the fire risk assessments undertaken
- Building material in cavity walls in low rise blocks rotted away due to water penetration over the years resulting in the flats smelling of mould Proposed solution was to repoint the walls and redo the beams as infilling would be too expensive. Instead the contractors put in polystyrene and covered it over with cement – the flats were still very wet
- Scaffolding was left up for two years
- Residents not being given scope of works upon enquiry
- Safety rules being broken
- Reports of residents being happy with the work carried out, however no satisfaction survey had been undertaken
- Residents not given choice over colour of paint used, even though they did not want the colour chosen.
- Incomplete paint work where scaffolding footplates had been, resulting in big unpainted square marks across the estate

- Works being signed off without asking residents whether they were happy with the works
- Painting was of poor quality, and the residents still had to pay for it

Key points made by Ms Elaine Lock in relation to the windows

- Resident of Columbia point for 30 years
- Prior to windows being changed, she never had to turn on her bedroom heaters or the small radiator in her living room. Since windows changed, now experience significant drafts due to the damage done to the structural integrity of the cavity walls, resulting in required use of all the radiators in the property
- Brickwork damaged during the removal of the windows, including the breeze blocks between the kitchen and living room dividing wall – this was never fixed
- The silicone used was failing both inside and out and allowing water to penetrate the rock wall and cavity walls
- The force used to remove the large living room windows had damaged the structural integrity of the cavity wall resulting in drafts from above and below the windows
- The drafts had been acknowledged by the contractor, but their only solution was to use more silicone above the curtain rail and below the windowsill, however this had not resolved the problem.
- One third of her living room was now freezing cold across that bank of windows in the winter
- The small kitchen window in many of the estate properties were covered over during major works undertaken in 2015. The contractor and the council refused as part of the current major works to remove the covering so that the small windows could be sealed internally. In a lot of the properties the wind whistles through the air vents creating a high pitched noise which was unbearable for a lot of the tenants
- No retaining arm or way of locking windows on the tilt – when you have a cross breeze during the summer, the windows slam shut
- The air vents were cheap and difficult to open, and difficult to reach
- No extra filtration on the air vents, so tenants were being exposed to the air pollution, dust and dirt from the road that runs to the Canada Water Bus Station and British Land major construction sites which the estate was situated next to
- Unable to clean infill panels on the large strip of windows or the glazing on the balcony or the drains
- Tenants informed that if they didn't let contractors install the windows, it would be a breach of their tenancy and would be taken to court.

Key points made by Mr Michael Robertson

- Officer response inaccurate and legally disputable
- Communications have been an issues since the start of the project

- Concerns of residents not being captured by the council on site – contractor had no relevance comment book, and no mechanism in place by the council throughout the programme to feedback to residents on the weekly meetings being held between the contractor and the council.
- Residents persistently hindered by the council from obtaining straightforward data on communications, certificates and safety reports
- Multiple cases of breaches involved with the project – examples given, smoke extraction units on the two tower blocks, and amendments to the living room windows
- Major scrutiny required in order to establish accountability, and scrutiny of the framework that the council operates within.

The committee then heard from officers.

David Quirke-Thornton, Strategic Director gave an unreserved apology to the residents, the TRA and ward councillors on their experience. He indicated that he was very concerned about the reports on the contractor, and working with residents, the TRA and the ward councillors, everything was on the table to resolve and to remedy the matter, and to take to learning and accountability.

Desmond Vincent, Assistant Director for Building Safety and Major Works informed the meeting that he was brought in under the former strategic director of housing to start a transformation exercise to look at some of the failings and challenges to try to improve the service.

Desmond introduced the officer report. He explained that the report was responding to the direct questions raised by ward councillors [letter to the chair of overview and scrutiny committee].

Councillor Stephanie Cryan indicated that what was clear was that residents were asking for an investigation, and this investigation needed to be independent. The parameters of that investigation needed to be agreed with residents, and that residents should be on the panel to choose who they want that investigation to be carried out by.

The overview and scrutiny members recommended that the following areas be covered as part of the investigation:

- Management of the whole exercise, including framework, and contract management of the whole major works
- Oversight of the project in terms of how it progressed
- Consultation with residents
- Committee should come back to this issue this year, but guided by local ward councillors and residents
- Make a recommendation to the cabinet member that the council needs a thorough review of the housing department's culture, its accountability, its competency, its procurement procedure, its approach to repairs, and this should come back to the committee as soon as possible.

- That the Minutes of the meeting be sent to the peer review, to ask them to look at the culture that has gone on and the issues that have been raised at this meeting, as there were issues that the council needed to be open and accountable for.
- Outsourcing, how we procure to those third party services (quality of contractors)
- Consideration of how much services the council should outsource, and how much it may want to provide in house for better accountability.

6. KEEPING EDUCATION STRONG RECOMMENDATIONS

The committee received a presentation from Councillor Jasmine Ali, Deputy Leader and Cabinet Member for Children, Education and Refugees, updating members on progress in relation to the 'Keeping Education Strong Recommendations' agreed by cabinet in June 2023.

Following the presentation the committee heard from Ms Anna Harding, Head Teacher, St Mary Magdalene School and Sonia Phippard, Chair of Governors, St Mary Magdalene School.

Ms Harding provided the committee with information on the schools response to falling school rolls, acknowledging that the school had gone from a one form entry to a half form entry. Ms Harding highlighted that the school had a strategic plan over the last four years to move to mixed age classes. The school now had four mixed age classes, previously seven classes, and the school had had to restructure every level of their workforce, and had achieved minimal redundancies through forward planning.

Ms Harding explained that two of the classes had 30 children in them and one had 27. Those classes were full and working at capacity. The school had had to turn down expressions of interest in the school because the classes were full.

Where the school was short was the reception year (the first time in three years). Eight children had come into reception, but 15 were required in order for the numbers to be adequate, given that the school was operating a half form entry. There had been 20 children the previous year, and there had been a three year increase up until this year.

Ms Harding reported that the school had high levels of children with SEN:

- 47% of children with additional needs
- 52% Pupil Premium children
- 8% of children with additional needs who have an education health care plan, and more that the school was applying for.

Ms Harding informed the committee that families had told the school that the reason they chose it was because it was a small school and were able to support

their children's needs.

Ms Harding also informed the committee of the following:

Lots of small schools across the country had operated satisfactorily with half form entry for many years. The school and the governing body believed that they were able to provide a good quality of education.

The school recognised that it could not continue to run a reception with just eight children. The school had put a proposal to the local authority to open a mixed nursery reception class and that class would become a mixed age class in the same way as the other classes.

The local authority had advised that there wasn't a need for nursery provision because there were empty nursery places across the borough. In doing their own research the school had found that there was a need in their community and there were many people who wanted to come to their nursery. The figures had been included in their business plan.

The St Mary's Church in Peckham had just rented out their space to a private nursery, and through the tender process had three companies bidding for that space to open a private nursery. The school therefore felt that there was a case for them to open a nursery. The school already had the expertise, the class, and it wouldn't be costly because it would be a mixed aged class using existing staff.

The school felt that it was being successful in providing a high quality of education, turning the school around in the last four years. There was excellent behaviour and good standards across the school, a very happy supportive parent body and a strong governing body. The school felt that it was a viable option going forward as a half form entry school.

There was a historical deficit budget of £27,000. In the last four years the school had been within budget and had been reducing the deficit by small amounts despite the rising costs nationally. The school had a three year plan to address the deficit.

The committee then heard from Ms Sonia Phippard. Ms Phippard reported that the school had recognised the overarching case for change and had been very willing to engage with the council and other local schools to look for options for their school. In respect of the possibility of an amalgamation with St John's and St Clements which had been mentioned earlier, she felt that both schools recognised that both the distance between them and the different demographic meant that it was not an amalgamation that was likely to work. They had also looked at possible amalgamations with non church schools, which had not worked.

Ms Phippard explained that they had been left in a situation where they felt they were fundamentally a viable school, meeting the needs of parents who wanted it, but didn't at the moment see a serious alternative to the school continuing,

particularly given the nature of the children that they were serving. The school was open to further discussion, but felt that they had not had any serious discussion with the council since the beginning of the last term. Ms Phippard welcomed the meeting that was due to take place with the council the following day and hoped that all options remained on the table.

The committee then heard from David Quirke-Thornton, strategic director of children and adults services. David wished to put on record, his thanks to the head teacher, and the school for the work it had done over the years, in particular the inclusion of children with special educational needs. He felt that the challenges faced across the system were captured in the strategy which was about working with schools and not doing on to them. He stressed that it was important to find the right way forward for the school, because it was at the heart of the community, and discussions would continue.

David raised the issue of the future of faith schools in the country. He informed the meeting that the Church of England (Southwark Diocese Board of Education) and the Catholic Commission had agreed with the government, the forward agenda of academisation of all their schools. The local Diocese already had an academy trust to manage the future of its schools. David shared this information to highlight another context unique to faith schools which was in play in this circumstance, and needed to be part of the solution in sustaining the schools. The council was no longer in a position where it was the LEA having a relationship with schools and able to sort out these issues itself. There was now a Schools Forum, which was having to navigate the way forward, and so increasingly he was asking the Diocese Board and the Catholic commission for clarity on their plans for their schools to help them be sustainable.

David explained that in terms of nursery places – there were very significant challenges on some nurseries because of the fall in birth rate, and those most at risk were nursery schools. Private nurseries were able to operate in a certain way, and nursery schools had a much harder challenge, and this was being seen at various nursery schools across the borough and the country. He admired the approach the head teacher had taken with her team to skillfully navigate mixed age year groups. The challenge for all was how to get it right for parents in this neighbourhood against the backdrop of the falling birth rate and the limited funding available for the whole system and nurseries.

David indicated that he respected what the school had done and the plans put forward.

He acknowledge that the deficit was not huge, and that there was a plan to resolve that within three years. He hoped that working together and with the diocesan board that they could find the solution. He felt that all three organisations needed to be involved to make this work.

Questions and discussion were held around the following:

- Impact closure will have on the high percentage of SEN pupils

- Rationale for restructuring of the Education Department
- Mixed reception nursery classes
- Safeguarding and providing extra resource to protect against loss of learning at both KS2 and KS4, particularly for less well-off children
- Reasons for reduction in applications for reception class
- Quality of education versus what an individual schools budget allows them to acquire
- Council communication with St Mary Magdalene school
- Repurposing of schools that have closed (under council control) for special education needs provision
- Exploration of St Mary Magdalene school becoming an Academy.

7. SOUTHWARK COUNCIL CFGS SCRUTINY IMPROVEMENT REVIEW AND ACTION PLAN

RESOLVED:

1. That the letter from the Centre for Governance and Scrutiny, arising from the scrutiny improvement review commissioned by the council (Appendix 1 to the report) be noted.
2. That the proposed Action Plan (Appendix 2) of the report be noted, and that all the recommendations be agreed, noting that recommendations 1, 2 and 9 will require further approval from either cabinet or council assembly.
3. That in respect of review of call-in arrangements, overview and scrutiny committee recommends that any three members of the council can request the call-in of a decision.
4. That the grounds for call-in be:
 - Lack of consultation
 - New important evidence
 - Insufficient information or important information disregarded
 - Lack of a clear recommendation
 - Lack of reason for a recommendation
 - No details on other options considered, or consultation carried out
 - Inadequate consideration of legal and financial issues
 - No or incomplete list of background documents
 - Omission of key facts on which decision is based
 - Clear deviance from Constitution's principles
 - Outside the financial and legal frameworks
 - Flaw in process – procedures not followed correctly
5. That a formalised timetable be prepared giving an indication of when recommendations will be implemented.

6. That a recommendations monitor be established in order to track the progress of recommendations, to be maintained by the scrutiny team.
7. That the proposal for the minutes of the overview and scrutiny committee meetings to be submitted to council assembly, be submitted to the group whips for consideration.
8. That matters requiring cabinet/council assembly approval be brought to their respective November meetings.

8. SCRUTINY ARRANGEMENTS FOR 2023-24 [AMENDMENT]

RESOLVED:

1. That the 'community engagement' element of the Environment and Community Engagement Scrutiny Commission be transferred to the Housing and Community Safety Scrutiny Commission.
2. That the commissions be renamed:
 - Environment Scrutiny Commission
 - Housing, Community Safety and Community Engagement Scrutiny Commission

9. WORK PROGRAMME

It was agreed that XR Southwark be invited to attend the meeting when considering the climate emergency as they had added a lot of value to the scrutiny process previously.

RESOLVED:

That the work programme as at 4 October 2023 be noted.

The meeting ended at 10.26pm

CHAIR:

DATED: