



## OVERVIEW & SCRUTINY COMMITTEE

MINUTES of the Overview & Scrutiny Committee held on Monday 12 March 2012 at 6.00 pm at 160 Tooley Street, London SE1 2QH

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**PRESENT:** Councillor Catherine Bowman (Chair)  
Councillor Andy Simmons (Chair)  
Councillor Nick Dolezal (Reserve)  
Councillor Toby Eckersley  
Councillor Gavin Edwards  
Councillor Dan Garfield  
Councillor David Hubber  
Councillor Victoria Mills  
Councillor Helen Morrissey (Reserve)  
Councillor David Noakes  
Councillor Geoffrey Thornton

**EDUCATION REPRESENTATIVES:** Leticia Ojeda, Parent Governor

**OTHER MEMBERS PRESENT:** Councillor Barrie Hargrove, Cabinet Member for Transport, Environment & Recycling  
Councillor The Right Reverend Emmanuel Oyewole  
Councillor Ian Wingfield, Deputy Leader and Cabinet Member for Housing Management

**ALSO PRESENT:** Barry Albin-Dyer, OBE, chairman of FA Albin & Sons, Funeral Directors  
Jane Salmon, Homeowners' Council

**OFFICER SUPPORT:** Shelley Burke, Head of Overview & Scrutiny  
Doreen Forrester-Brown, Legal Services  
Gerri Scott, Strategic Director of Housing  
Des Waters, Head of Public Realm  
Peter Roberts, Scrutiny Project Manager

**1. APOLOGIES**

1.1 Apologies for absence were received from Councillors the Right Revd Emmanuel Oyewole and Mark Williams and, for lateness, from Councillor Geoffrey Thornton.

**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 Andy Simmons declared a personal and non-prejudicial interest in respect of item 6, relating to the professional health workers' permit, and Councillor Catherine Bowman declared a personal and non-prejudicial interest in item 11, as a leaseholder.

**4. MINUTES**

**RESOLVED:**

That the minutes of the meeting held on 9 January 2012 be agreed as an accurate record.

**5. HOUSING & COMMUNITY SAFETY SCRUTINY SUB-COMMITTEE - APPOINTMENT OF VICE-CHAIR**

**RESOLVED:**

That Councillor Graham Neale be appointed vice-chair of the Housing & Community Safety Scrutiny Sub-Committee for the remainder of the municipal year.

**6. CALL-IN: SETTING FEES & CHARGES FOR PUBLIC REALM DIVISION FOR 2012/13 & ADDENDUM REPORT (CABINET MEMBER FOR TRANSPORT, ENVIRONMENT AND RECYCLING - 1 & 20 FEBRUARY 2012)**

6.1 Councillor Barrie Hargrove, Cabinet Member for Transport, Environment & Recycling, responded to the concerns raised in the call-in. He stressed that budgetary pressures were extreme and were the basis for the proposed increases in fees and charges. He acknowledged that consultation had not been carried out in this or previous years but agreed that consideration should be given to this in the future. Councillor Hargrove felt unable to answer the third point without specific examples.

6.2 Councillor Hargrove explained that professional carers parking permits had been brought together into one category. Some members were concerned that the definition of professional carer was not sufficiently clear. They felt that because of

the lack of clarity it was not easy to assess who would be impacted on by the increase in charges and that consultation would have been beneficial. There was the possibility that people using personalised budgets to employ carers would be indirectly effected. Other members suggested that the issue of clarification of the category could have been raised outside of the formal call-in procedure. Councillor Hargrove stated that it was important to consult if proposed changes might impact on vulnerable people.

- 6.3 A member highlighted paragraphs 21 and 27 in the report, and asked what processes would be used on street to verify whether or not a permit user was on call. Des Waters, the Head of Public Realm, explained that permits were issued on production of an employer's letter and that there was no means of confirming whether a driver was engaged on a business call. Members commented again that it was not clear who was included in the different categories and that the use of permits might be open to abuse.
- 6.4 Councillor Hargrove outlined the rationale for new charges relating to touch rugby and school sports days. Touch rugby was a growing sport which was putting pressure on maintenance of grounds. The charge for schools sports days would be a small charge once or twice a year and therefore not unduly burdensome. Councillor Hargrove did not accept that this was incompatible with the council's free school meals policy. It was the general view of members that in the future more thought needed to be given to consultation with groups effected by the charges. Some members took the view that the introduction of these charges was at odds with the council's wish to encourage sport, a wish recently expressed by Council Assembly and the Education & Children's Services Scrutiny Sub-Committee in its report on childhood obesity and sports provision. Councillor Hargrove pointed out that football teams were charged for competitive matches and that the council had a duty as a custodian of the borough's open spaces and parks. He believed that it was fair for organisations to contribute to maintenance and emphasised again that income had to be found in the face of the cuts imposed by central government.
- 6.5 Councillor Hargrove also confirmed that interment charges would be charged at the level for residents even if the person in question had moved outside the borough, up to a period of five years. Some members were of the opinion that changes in charges relating to cemeteries and crematoriums should have been considered in the wider context of the council's burials strategy, on which a report was to be submitted to the cabinet in April. They asked if increases reflected a pressure on space. Councillor Hargrove emphasised that there was no change in policy and that charges were to be increased on a pro-rata basis. A member asked the cabinet member if he would look at re-balancing the differential between interment charges for residents and non-residents. Councillor Hargrove stated that the charges made by neighbouring boroughs were a lot more than those being proposed by the council for next year.
- 6.6 The chair invited Mr Barry Albin-Dyer, OBE, chairman of FA Albin & Sons, Funeral Directors, to address the committee. Mr Albin-Dyer stated that he was against the principle of imposing different charges for non-residents, let alone increasing the charges. He added that in his view Southwark's charges were much higher than Lambeth's. Mr Albin-Dyer was not clear what the purpose was of having non-

residents charges and asked whether it was to deter people from using Southwark's cemeteries or intended to make cemeteries self-supporting. In his view, the charges were too high and people would not use the cemeteries. He also queried the logic of digging prices. In general, he felt that Southwark should abolish its current charges and replace them with what was in his view a sensible solution, like that of Lambeth. Some members suggested that it would be helpful to create a body which dealt with cemeteries and crematoriums across London, rather than the current system where each borough agreed charges independently. Des Waters, the Head of Public Realm, reported that the Strategic Director of Environment was already chairing a group of officers from across the capital who were looking at burial capacity in London.

- 6.7 One of the committee members, with a crematorium and two cemeteries in her ward, took the view that the borough was in a critical state in terms of burial space. Residents in her ward wanted a sustainable answer to this that would balance the need for burial space against the need for green spaces and sports pitches. Mr Albin-Dyer stressed that he was against taking back land now used as sports fields and referred to Councillor Hargrove's earlier statement that increased charges were not in response to pressures on space. Mr Albin-Dyer also explained that he had offered the council burial space outside the borough at a discounted rate. Councillor Hargrove repeated that the proposed charges were not driven by a shortage in burial space. He explained that in May last year the council had been running out of space but that it had managed to find space and continue to increase space.
- 6.8 Committee members considered whether or not to refer the decision back to the cabinet member.

**RESOLVED:**

1. That the committee agrees not to refer the decision back to the cabinet member for transport, environment & recycling.
2. That the cabinet member be asked to consider giving greater clarity to who will be covered by the new chargeable category of Professional Health Workers' permit.
3. That the cabinet member clarify who qualifies for the permit for full time professional child care providers.
4. That the cabinet member consider appropriate criteria for future consultation in respect of reviewing fees and charges.
5. That the cabinet member be asked to ensure that the committee receive the future cabinet report on burial provision in advance of cabinet consideration.

**7. CABINET MEMBER INTERVIEW - COUNCILLOR IAN WINGFIELD, DEPUTY LEADER & HOUSING MANAGEMENT**

## Leasehold Management

- 7.1 Members asked the cabinet member for his views on working arrangements between the home ownership & tenant management initiatives division and the housing management unit. Councillor Wingfield acknowledged that management arrangements were separate and that many leaseholders found this difficult to understand. Housing services had been reorganised and he hoped that this would improve communication across divisions. Councillor Wingfield also reported on the Putting Residents First programme aimed at increasing the involvement of leaseholders and tenants. The programme set out twenty-seven steps to be followed before, during and after major works. The strategic director of housing added that the programme had been well-received by residents.
- 7.2 The chair of the committee stated that at a recent tenants and residents association meeting a housing officer had given incorrect advice about the council's responsibility for a leaseholder causing nuisance and asked the cabinet member whether he was confident that in the future this was less likely to happen. Councillor Wingfield was confident that housing services were improving but welcomed ongoing feedback.
- 7.3 In response to questions, Councillor Wingfield confirmed his commitment to implementing all the recommendations of the Grant Thornton report. He also confirmed that the council was proactive in ensuring that tenants received all necessary information once they expressed an interest in becoming leaseholders. In addition, he intended to consult the Homeowners' Council on the best ways to publicise the conditions and responsibilities attached to being a leaseholder. At the same time, Councillor Wingfield commented that the rate of right-to-buy applications had really slowed down.
- 7.4 Members were concerned at the number of leasehold properties that were being sub-let. Councillor Wingfield indicated that he had taken this issue up with Simon Hughes, MP, with a view to making changes in the law so that leaseholders would notify local authorities who their tenants were. Members asked if the council had taken back leases on the grounds of anti-social behaviour. The strategic director of housing replied that there had been some cases of forfeiture but none recently and added that this was a difficult and protracted process.

## Anti-social Behaviour

- 7.5 Members asked what impact the reorganisation of the safer neighbourhood teams had had on crime and anti-social behaviour. Councillor Wingfield explained that this had been part and parcel of the re-organisation of housing services. Resident officers were increasingly out and about on estates and could deal with low level anti-social behaviour more quickly, allowing the anti-social behaviour unit to concentrate on more serious issues. Councillor Wingfield reported that from April to January there had been nearly seven hundred cases of anti-social behaviour of which a third were noisy neighbours and only 17% related to harassment.
- 7.6 Members asked whether the courts set a high bar in terms of evidence required. Councillor Wingfield responded that the re-organisation enabled the anti-social

behaviour unit to concentrate on more complex cases but that people were often reluctant to give evidence in court.

#### The New Housing Commission

- 7.7 Councillor Wingfield reported that the housing commission had been launched and the chair and members appointed. The commission met for the first time in January and February and called for evidence. Four public hearings were to be held with the first being on 22 March. The cabinet hoped to receive the commission's report and recommendations in the autumn.
- 7.8 Members asked how the report would be submitted to the Department for Communities and Local Government. Councillor Wingfield stated that there was already interest in the commission from the government, professional bodies and the housing media. The council hoped for an independent view on the future financing of council housing over the next thirty years. This would have significance for boroughs in London and across the country. In response to further questions, Councillor Wingfield emphasised that, although the commission's recommendations could have a bearing on the rest of the country, its first port of call was the situation in Southwark and how to make council housing in the borough secure for the next thirty years. The commission would be taking evidence from Southwark residents and representative groups.

#### Capital Investment Programme

- 7.9 Members asked whether changes in government subsidy had any implications for the capital programme and whether any works would be brought forward as a result. Councillor Wingfield indicated that it had always been the intention that works later in the programme would be brought forward through the early release of government money or faster realisation of the value from council assets. The programme would be constantly monitored and reviewed. However, it was difficult to predict whether or not work could be brought forward as this also depended on ongoing spend. The council might need to spend more money on certain estates and properties than had originally been anticipated. Councillor Wingfield added that the capital investment programme was also targeting blocks that the fire brigade had identified as being at substantial risk.
- 7.10 Some members were concerned that residents identified other priorities, on top of the warm, dry and safe programme, such as the provision of security doors. They referred to extra funding from government of £70million and asked what use this could be put to. Councillor Wingfield explained that the confirmed funding amounted to £11.2million in the next financial year and emphasised that the administration's priority was to make its housing stock warm, safe and dry. At the same time, the council had responsibilities as a landlord to ensure that its properties were secure and would weigh up the possibility of additional works against the money that was available.
- 7.11 A member asked whether it was appropriate for Section 106 money to be used for refurbishing existing housing stock rather than for new affordable housing. Councillor Wingfield replied that there had to be a balance between new build and refurbishment and also pointed out that any new homes built in the north of the

borough would not be affordable. The use of Section 106 money was being explored.

- 7.12 In response to further questions about spend on street level properties, Councillor Wingfield stated that properties would always be assessed on whether or not they could be refurbished and brought back into use. The cabinet's commitment was to review any prospective sale of a property and to keep ward members informed at every step.

#### Implementation of Housing Repairs Scrutiny Recommendations

- 7.13 Councillor Wingfield reported that, out of thirteen recommendations, only two key areas were outstanding and in need of further discussion; the percentage of repairs completed first time and the percentage of orders completed on time. He also confirmed that residents had to verify that a repair was completed to their satisfaction in order for a case to be closed.

“How big a problem does the cabinet member think illegal sub letting is and what steps is he taking to ensure social housing is occupied by only those in social need, with particular regard to the new lettings flexibilities in the Localism Act 2011? With regard to the provisions of the Act would he consider future fixed term lettings rather than the traditional secure tenancies, and if so in what circumstances?”

- 7.14 Councillor Wingfield responded that it was not possible to predict figures. Lewisham had estimated that 2-3% of its stock was the subject of sub-letting. As a result of a recent exercise with the Border Agency and the police, fourteen households in Southwark had been raided and a number of properties brought back into council possession. The council had also recently received government funding to assist housing associations in the borough with their illegal sub-lets. In addition, it was now possible to identify potential illegal sub-lets through other sources.
- 7.15 In response to further questions, Councillor Wingfield explained that the council was working closely with agencies such as the police, inland revenue and customs in order to improve fraud detection. The strategic director of housing added that the council's illegal occupation team was co-located beside the housing benefits team and that this helped the council to focus in on properties. There was also joined working and sharing of information with children's services. Finally, leads had been generated by the “blow the whistle on housing fraud” publicity.
- 7.16 Councillor Wingfield emphasised that the council wished to retain existing tenancy arrangements including the life-time tenure. He hoped that the lettings review working party and housing commission would review some aspects of arrangements such as giving priority to people who had served in the armed forces and applicants with a local connection.

#### Housing Repairs Contractor Performance and Contract Management

- 7.17 It was moved, seconded and resolved that the committee go into closed session in order to receive an update on Housing Repairs Contractor Performance and

## Contract Management.

- 7.18 Councillor Wingfield reported that contract management was a key area in his portfolio and that the changes the Strategic Director of Housing had made had been highly successful. He also reported on recent performance figures and that robust discussions on performance were being had with contractors and that the council was considering all possible options. The Strategic Director of Housing clarified the extent of work held by the different repairs contractors in the borough.
- 7.19 Councillor Wingfield confirmed that a communications strategy had already been agreed to ensure that councillors would be informed if any decisions were made about changes to contracts. It would be important to monitor future performance closely over the next five years and he suggested that this might be an area for a housing scrutiny sub-committee to be involved in.
- 7.20 Councillor Wingfield stated that, generally speaking, the council needed on-going improvements in contract management in order to achieve better performance and greater savings.
- 7.21 Members asked whether new measures of customer satisfaction could be introduced. The strategic director of housing stressed that performance on estates was now measured by what residents told the council, either by text or phone.
- 7.22 At 9.50pm the committee returned to open session.

## **8. CUSTOMER SERVICE PERFORMANCE MONITORING & BENCHMARKING**

This item was deferred to the next meeting of the committee.

## **9. SCRUTINY ARRANGEMENTS FOR 2012/13**

### **RESOLVED:**

That the following composition and terms of reference of overview & scrutiny committee and its sub-committees be recommended to the constitutional steering panel for the 2012/13 municipal year:

Overview & Scrutiny Committee (11 members, terms of reference to include overview of regeneration)

Three scrutiny sub-committees (7 members but size to be discussed further amongst whips of political groups)

- Education, Children's Services & Leisure Scrutiny Sub-Committee
- Health, Adult Social Care, Communities & Citizenship Scrutiny Sub-Committee
- Housing, Environment, Transport and Community Safety Scrutiny Sub-Committee (to be established as crime and disorder scrutiny committee)

**10. CHILDHOOD OBESITY AND SPORTS PROVISION FOR SECONDARY AND PRIMARY CHILDREN - FINAL REPORT FROM EDUCATION & CHILDREN'S SERVICES SCRUTINY SUB-COMMITTEE**

- 10.1 Councillor David Hubber, chair of the Education & Children's Services Scrutiny Sub-Committee, introduced the report.
- 10.2 Members congratulated the chair and members of the sub-committee on their work.

**RESOLVED:**

That the scrutiny report be submitted to Cabinet for consideration.

**11. REVIEW OF LEASEHOLDER CHARGING IN SOUTHWARK - FINAL REPORT FROM HOUSING & COMMUNITY SAFETY SCRUTINY SUB-COMMITTEE**

- 11.1 This item was taken in advance of the cabinet member interview. Councillor Gavin Edwards, chair of the Housing & Community Safety Scrutiny Sub-Committee, introduced the report.
- 11.2 Members reported specific complaints raised by leaseholders, including scaffolding being put up and taken down with no work being done and leaseholders being incorrectly charged for damage resulting from vandalism. Councillor Edwards suggested that these be taken up direct with the head of the home ownership & tenant management initiatives division.
- 11.3 Members asked Councillor Edwards whether he was confident that the council's i-world system could be linked to the billing and accounts receivable project (BAR). Councillor Edwards responded that this had been explored extensively in the interviews with staff.
- 11.4 Members also highlighted the recommendations of the Grant Thornton report (section 10 of the scrutiny report) and asked whether a recommendation could be added to the scrutiny report to stress the importance of implementing the Grant Thornton report. Councillor Edwards felt that this would be in accord with the work and decisions of the sub-committee.
- 11.5 Some members queried the relationship between the home ownership & tenant management initiatives division and housing management teams and particularly whether housing management teams understood their responsibilities towards leaseholders. Councillor Edwards commented that in the past there had been failures to inform the home ownership & tenant management initiatives division about the need for Section 20 consultation, resulting in financial loss to the council, but that this situation had improved.
- 11.6 Some members were also not sure whether methods for consulting with leaseholders were adequate. Councillor Edwards explained that leaseholders

were generally happy with responses from the home ownership & tenant management initiatives division. Issues tended not to be around communication but more around processes, for instance in respect of service charges.

- 11.7 Members congratulated the chair and members of the Housing & Community Safety Scrutiny Sub-Committee on a valuable piece of work and wide sweep of recommendations.

**RESOLVED:**

That, subject to an additional recommendation on the implementation of the Grant Thornton report, the scrutiny report be submitted to Cabinet for consideration.

The meeting ended at 10.20 pm.