



OVERVIEW AND SCRUTINY COMMITTEE

MINUTES of the Overview and Scrutiny Committee held on Monday November 16 2009 at 7.00 pm at Town Hall, Peckham Road, London SE5 8UB

PRESENT: Councillor Fiona Colley (Chair)
Councillor Jane Salmon
Councillor Toby Eckersley
Councillor John Friary
Councillor Barrie Hargrove
Councillor Adedokun Lasaki
Councillor Richard Thomas
Councillor Veronica Ward
Councillor Lorraine Zuleta

EDUCATION REPRESENTATIVES: Colin Elliott, Parent Governor

OTHER MEMBERS PRESENT: Councillor Sandra Rhule

OFFICER SUPPORT: Doreen Forrester-Brown, Legal Services
Richard Rawes, Strategic Director of Regeneration and Neighbourhoods
Maurice Soden, Regeneration Initiatives Manager
Nnenna Urum-Eke, Estate Regeneration Co-ordinator
Peter Roberts, Scrutiny Project Manager

1. APOLOGIES

1.1 There were no apologies for absence.

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 Councillors Toby Eckersley, Richard Thomas and Veronica Ward declared non-prejudicial interests in respect of item 6, Primary School Places in Dulwich and East Dulwich – Draft Report:
- Councillor Toby Eckersley, governor of The Charter School
 - Councillor Richard Thomas, parent of pre school-age children living in East Dulwich
 - Councillor Veronica Ward, governor at Dulwich Wood Children’s Centre and grandmother of young child living in East Dulwich
- 3.2 Councillors Toby Eckersley and John Friary declared prejudicial interests in respect of item 8, Downtown Scrutiny Review Update, as members of the Planning Committee which had taken the original decision in respect of the Downtown application.

4. MINUTES

The minutes of the meeting held on October 12 2009 were deferred.

RESOLVED: That, subject to clarification of paragraph 5.19 (to read “the north-east corner of the junction of Heygate Street and Walworth Road”) and correction of a typographical error at paragraph 7.3, the Minutes of the open section of the meeting held on September 14 2009 be agreed as a correct record.

5. CALL-IN: PREFERRED OPTIONS FOR ELMINGTON ESTATE (EXECUTIVE OCTOBER 14 2009)

- 5.1 Councillor John Friary outlined the reasons for the call-in request. Discussions about redevelopment of the Elmington had been ongoing for some years and Councillor Friary felt that, because of this, many residents were no longer clear about proposals for particular blocks. He was of the view that there had been insufficient consultation with residents and that, following recent decisions, the views of tenants and residents associations needed to be canvassed again. Councillor Friary also drew attention to the fact that Drayton House, which had been the subject of many petitions and was one of the worst blocks on the estate, was now only going to be refurbished and was well down the list for this. He also queried the proposals for higher density of housing and questioned why a new stock condition survey had to be undertaken.
- 5.2 Representatives from the mid-Elmington tenants and residents’ association addressed the committee. A resident in Drayton House said that she had first been told that the block was to be redeveloped, then that no decision had been made and now that the block was to be refurbished. She

emphasised that she had been raising concerns about the state of the windows in the block since 1999 but understood that Brisbane was to be refurbished ahead of Drayton House. She felt that many tenants were not clear about the proposals for the block, did not understand the reasoning behind the proposals and did not understand the proposed timetable. A resident from Lomond Grove felt that the level of understanding resulted from a lack of consultation and advice from the council.

- 5.3 The strategic director of regeneration and neighbourhoods outlined consultation undertaken to date and the possible options for the blocks on the Elmington estate. He stressed that there was more consultation to come and that any issues arising out of this could, if they affected the decisions already taken, be fed back to the executive for consideration. Further consultation would take place once the executive's October decision could be implemented. Some members of the committee remained unclear as to the extent of consultation and whether the decisions could be re-visited as a result.
- 5.4 The strategic director explained that the proposed mix of redevelopment and refurbishment resulted in at least 35% affordable homes and generated funding to meet the council's commitment to decent homes across the borough. He clarified the requirements and development potential of the different blocks and the number of new homes that would be achieved. He also clarified the possible timetables and issues relating to leaseholders.
- 5.5 The regeneration initiatives manager provided detail in terms of the ongoing consultation. In a block facing refurbishment, consultation would focus around the timetable, the level of disruption, the specification and nature of works and the access needed. If a block was being redeveloped, consultation would involve discussion of re-housing and housing needs in order to determine the kind of property to be offered. Consultation would also be necessary with individual leaseholders to calculate the market value to be offered and options if the leaseholder would be left with insufficient equity. The intention was to help residents plan their lives over the next few years and to maintain the fabric of the blocks.
- 5.6 The estate regeneration co-ordinator informed the committee of action taken by the council to consult residents, following the decision of the executive on May 19 2009. This included letters to the blocks affected, various consultation events and a survey. She clarified the number of respondents to the survey. Project teams were being set up to meet regularly with tenants and leaseholders. The estate regeneration co-ordinator acknowledged that more consultation with ward members could have taken place.
- 5.7 Members queried the assumptions on which the calculation of net present value was based. The regeneration initiatives manager responded that the

aim was to remove the problems of the extended timescale and was based on a discounted value of 5% over fifteen years. The strategic director of regeneration and neighbourhoods assured the committee that a robust model had been applied. In response to further questions he confirmed that the detail of the financial calculations had been discussed with the executive and with the executive member.

- 5.8 A member asked how construction costs were reflected in the different options considered by the executive. Officers assured the committee that these had been properly taken account of.
- 5.9 Members asked whether any of the new homes to be developed would be reserved for residents decanted from blocks on the Elmington. The regeneration initiatives manager confirmed that there would be some ring-fencing of new rental homes on sites A and B to assist the Elmington programme.
- 5.10 Members asked whether the total cost of refurbishment would be different if it was not required to meet the Southwark standard. The regeneration initiatives manager indicated that the needs of the Elmington were on a different scale compared with some blocks and did not simply require updating.
- 5.11 Some members were of the view that, because a mixed solution was being proposed, it was irrational to present the results of the survey without breaking them down on a block by block basis. Currently it was not possible to compare the different solutions being proposed with the views of residents on the blocks concerned. Some members also felt that residents did not have sufficient information about the proposals – for instance about the proposed mix of housing – in order to be able to answer the survey questions.

RESOLVED:

1. That the decisions not be referred back to the executive.
2. That the executive member for housing be recommended to ensure that:
 - future consultation seek to engage better with more residents and all the ward councillors for both Camberwell Green and Brunswick Park wards
 - officers offer regular meetings to all ward councillors
 - the next report to the executive breaks down the results of the consultation on a site by site basis

- all future reports of a like kind include more clarity on the methodology and assumptions made in the financial modelling

3. That the committee receive an update report at a future meeting.

6. PRIMARY SCHOOL PLACES IN DULWICH AND EAST DULWICH - DRAFT REPORT

- 6.1 The committee considered and agreed Councillor Eckersley's first two suggested amendments to the final report. Councillor Eckersley withdrew his proposed new recommendation 12.
- 6.2 The committee noted and agreed the amendments made to the report as a result of comments received from the children's services department (shown in bold on the revised draft circulated in supplemental agenda 1), in particularly the clarification that the government provided guidance rather than requirements in terms of distance criteria for admissions.
- 6.3 The committee considered the comments from the deputy director children's services in respect of paragraph 1.1. Members took the view that more than one child had been offered a place involving difficult journeys from their home and agreed to amend the report to clarify the introduction.
- 6.4 The committee appreciated the deputy director's comments about paragraph 5.3 and recommendation 16 and agreed to amend these references in the report to reflect differences in urban and rural areas. The committee also noted the deputy director's comments in respect of paragraph 5.4 but took the view that other boroughs did not have the same criteria as Southwark and that it would still be useful for the admissions forum to review the criteria. Members considered that the admissions forum should be requested to look at unintended consequences of the council's criteria.
- 6.5 The committee reviewed what it hoped to be achieved in respect of the GLA projection figures and agreed to amend recommendation 1 to read "scrutinises" rather than "analyses". Members stressed that any action plan in response to recommendation 18 be developed in partnership with head teachers and governors. Members also returned to possible changes to the council's website and clarified recommendation 21 to propose that the website be comprehensively overhauled – to enhance the information provided about the admissions process, to provide up to date information about schools and to achieve a step-change improvement in the numbers of on-line applications.
- 6.6 The committee revisited issues around the role of faith schools in meeting the demand for bulge classes and concluded that it was satisfied by the deputy director's comments at its meeting in October. The committee was also satisfied by the apology given for an error in addressing letters to children rather than their parents.

- 6.7 A member of the committee drew attention to a concern he had raised at the last meeting over the reality of parental choice. He requested that the minutes of the meeting be amended to make specific reference to his argument that the government should fund extra capacity at all schools, over and above the projections, in order to provide real choice for parents.

RESOLVED: That, subject to the above, the scrutiny report be submitted to the executive for consideration.

7. FINAL SCRUTINY REPORT: REVIEW OF BUDGET AND POLICY FRAMEWORK (SCRUTINY SUB-COMMITTEE C)

- 7.1 Councillor Toby Eckersley, Chair of Scrutiny Sub-Committee C, introduced the final report of the review of the budget and policy framework. In response to a request for clarification of recommendation (i) he agreed to change its wording to:

“That the budget presentation to council assembly should include a high level ~~subjective~~ analysis **by service area** for each directorate.”

- 7.2 The committee considered recommendations (iv) and (v) of the scrutiny report. It took the view that a widely publicised budgetary scene setting meeting would provide an opportunity for the executive member and director of finance to involve back bench members so that there is understanding of the budgetary process and financial situation facing the council. However, members felt that there was insufficient merit in a further informal meeting at a later stage of the process as this would be overtaken by budget consideration within the individual party groups.
- 7.3 The committee queried whether recommendation (x) referred only to reserves and the extent to which the audit and governance committee could be asked to look into the matters raised. It was agreed to clarify the recommendation in these respects.
- 7.4 Members agreed that it would be important for the committee to participate in the capital refresh programme.

RESOLVED: That, subject to the above, the scrutiny report be submitted to the executive for consideration.

8. DOWNTOWN SCRUTINY REVIEW UPDATE

- 8.1 The committee went into closed session in order to consider the legal briefing on the Downtown scrutiny review proposal. Councillors Toby Eckersley and John Friary had earlier declared prejudicial interests in respect of this item and left the meeting at this point.
- 8.2 The purpose of the item was to allow re-consideration of the committee’s decision in September to defer the scrutiny review until after the upcoming planning decision on Downtown and the exhaustion of any review period. This followed a threatened judicial review of the September decision. Members questioned the

validity of the threatened judicial review and noted the legal advice at paragraph 3.1 of the open report.

8.3 The committee confirmed its decision not to undertake a review while the Downtown application was still undetermined. At the same time, as there was no interrelationship between the timing of the review and the timing of the planning committee meeting to determine the Downtown planning application, it noted that a scrutiny review could not affect a specific application.

8.3 Members commented that the purpose of the proposed review was, in part, to examine planning issues where the council was involved not only as the planning authority but also as a landowner and/or regeneration partner. They also noted the legal advice that scrutiny should stay clear of reviewing individual planning applications and that any scrutiny in relation to planning should be part of a wider policy review (paragraph 5.1 of the open report). In addition they noted the legal advice that one possible way forward might be to proceed with the proposed review but with an amended terms of reference (paragraph 6.1 and appendix 2 of the open report).

8.4 Taking consideration of the above, it was

RESOLVED: That the committee not proceed with the Downtown Scrutiny Review but give further consideration to the scope and timing of a wider review.

The meeting ended at 11.05 pm