



## **OVERVIEW & SCRUTINY COMMITTEE**

MINUTES of the OPEN section of the meeting of the OVERVIEW & SCRUTINY COMMITTEE held on MONDAY MARCH 9 2009 at 6.00 P.M. at the Town Hall, Peckham Road, London SE5 8UB

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### **PRESENT:**

Councillor Fiona Colley (Chair)  
Councillor Jane Salmon (Vice-Chair)  
Councillors Toby Eckersley, John Friary, Barrie Hargrove,  
David Hubber, Adedokun Lasaki, Veronica Ward and  
Lorraine Zuleta

### **OTHER MEMBERS PRESENT:**

Councillor Alison McGovern  
Councillor Adele Morris – Executive Member, Citizenship,  
Equalities & Communities  
Councillor Lisa Rajan – Executive Member, Children's  
Services  
Councillor Lewis Robinson – Executive Member, Culture,  
Leisure & Sport

### **OFFICER SUPPORT:**

Deborah Collins – Strategic Director of Legal &  
Democratic Services  
Doreen Forrester-Brown – Legal Services  
Jules O'Mahoney - Head of Social Inclusion  
Cliff Robinson – Head of Children's Services Finance  
Janice Smith – Early Years Business Operations  
Manager  
Mike Smith – Assistant Director 0-5 & Community  
Services  
Adrian Whittle - Head of Culture, Libraries, Learning and  
Leisure  
Peter Roberts – Scrutiny Project Manager

### **APOLOGIES FOR ABSENCE**

There were no apologies for absence.

### **NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMED URGENT**

The Chair accepted supplemental agenda 1 as late and urgent.

### **DISCLOSURE OF INTERESTS AND DISPENSATIONS**

Councillor Toby Eckersley and John Friary declared prejudicial interests in item 3 as

they had been members of the Planning Committee which had taken a decision in respect of the Downtown application.

Councillors Toby Eckersley and Lorraine Zuleta declared that they were board members of Fusion (question 16 to the Executive Member for Culture, Leisure & Sport).

## **MINUTES**

**RESOLVED:** 1. That, subject to the following amendment, the Minutes of the open section of the joint meeting held on February 4 2009 be agreed as a correct record:

Paragraph 1.10, Delete "Councillor Mitchell" and insert "Councillor Hubber".

2. That, subject to the following amendment, the Minutes of the open section of the ordinary meeting held on February 18 2009 be agreed as a correct record:

After paragraph 1.27, insert "The committee asked the executive member to circulate written answers to his questions."

### **1. CALL-IN: FEES AND CHARGES RELATING TO CHILDREN'S SERVICES 2009/2010 – 2011/12 (EXECUTIVE MEMBER FOR CHILDREN'S SERVICES FEBRUARY 6 2009)** (see pages 1 - 17)

- 1.1 The committee considered a presentation from the executive member for children's services. The executive member stressed that the council was very supportive of families, especially working families, and appreciated the difficulties of arranging and paying for childcare. She drew the committee's attention to the requirements of the Medium Term Resources Strategy (MTRS) relating to fees and charges and changes in use of the General Fund in respect of early years places.
- 1.2 The executive member explained the current central government policy of subsidising childcare costs through the tax credit system. She emphasised that in providing childcare direct, and even increasing the level of fees and charges, the council continued to provide a subsidy of approximately £61 per child per week. Steps had been taken to minimise the impact of increases, including limiting the increases to new users and the introduction of an element of means testing.
- 1.3 In response to questions from the committee, the executive member clarified that current charges for the early years service were in line with the London average while fees for the after school and holiday club service were well below the average. Members drew the executive member's attention to a letter she had written which had stated that charges for the early years service were below the London average and that this contradicted the information set out in the report. The executive member acknowledged that this has been an error on her part. Members also referred to a recent article in The Guardian, comparing fees for early years provision across London boroughs, which challenged the figures for private providers referred to at paragraph 16 of the report.

- 1.4 Some members were concerned that a decision to introduce differential fees in respect of core hours and extended hours, to reflect the fact that early and late provision was more expensive to provide, penalised those parents who had to work longer hours and further away. It was possible that these included the most vulnerable, younger and ethnic minority families.
- 1.5 Members highlighted paragraphs 38 and 41 of the report to the executive member and queried whether the council had a clear idea about the amount of additional income likely to be generated by the increase in charges, particularly in view of a possible drop in take-up. Some members considered that the additional income would be small in comparison with the savings made necessary by the decision to maintain a 0% increase in council tax. Some members also took the view that the impact of the increases had not been fully explored and was not sufficiently clear in terms of who it would affect.
- 1.6 Members were also concerned about whether consultation had been adequate. The executive member outlined the consultation which had taken place in respect of modernising the council run early years centres and explained the intention to talk individually to each of the families affected by the increases in fees and charges. Some members of the committee were of the view that this was to consult parents after a decision had already been taken and did not take future users into account.

**RESOLVED:** That, within seven clear working days, the executive member reconsider her decisions in respect of fees and charges relating to Children's Services 2009-10 – 2011-12 in light of the following concerns of the committee:

- The committee believes that the decision to raise the maximum charge for attendance at early years centres by more than 29%, after school club fees by 17.5% and holiday club fees of up to 34% this year and 24% next year is not proportionate (reason 20.2 a), particularly considering the current economic climate, that inflation is 0.9%, that Southwark Council plans a council tax freeze and that the proposals go beyond the requirements of the Medium Term Resources Strategy (MTRS)
- Furthermore the decision does not maintain the link between the council's strategy and implementation (reason 20.2 f), indeed the decision seems in many ways to contradict council strategy. The Young Southwark Strategy sets out as a vision:  
  
*"We want Southwark to be a place where every child and young person can have high expectations and the best opportunities. We will work together with children, young people and their families so that they can grow up in good health, feeling safe and secure, and realise their full potential"*
- This vision is underpinned by the 5 Every Child Matters outcomes and specific aims including:

*“Achieve economic well-being*

- *live in households free from low income*
  - *parents, carers and families are supported to be economically active”*
- Southwark’s Children & Young People’s Plan identified as an area of further need to achieve these outcomes:
- *income maximisation, access to childcare and anti-poverty strategies*
- It is the committee’s view that raising fees for children’s services to the extent proposed and the new fee structure runs contrary to the aims and needs set out in the Young Southwark Strategy and Children & Young People’s Plan
- The committee believes that the decision has not been subject to due consultation (reason 20.2 b). Indeed the report makes clear that these proposals will instead be included in a future consultation with parents and other stakeholders – after the decision has been taken!
- The committee believes that this structure of fees penalises parents who work longer or less standard hours or who work further away and can least afford the increase
- The committee refers the decision back to the executive member and recommends that she does not increase the fees or increases them by a smaller, more proportionate amount and that she carries out a proper consultation with parents prior to taking a final decision
- The committee recommends that the executive member should undertake a more detailed study of the impact of changes in charges prior to taking a decision

(Councillor Toby Eckersley requested that his vote against the above resolution be recorded.)

## **2. EXECUTIVE MEMBER INTERVIEWS (see pages 18 - 29)**

(Written answers to the questions had been circulated in advance of the meeting.)

**To Councillor Adele Morris, Executive Member, Citizenship, Equalities & Communities:**

2.1 *When and how does the executive propose to consult with community councils on the council’s response to the Sustainable Communities Act?*

2.2 In response to further questions from the committee, the executive member explained that a range of possible projects were being suggested by the community, including working with job centre plus and looking at managing railway stations in the borough. The council had not put forward proposals but instead hoped to work with the community.

- 2.3 Members of the committee emphasised that it was dangerous to build up the community's expectations. Members also suggested that this exercise was an opportunity to engage with young people. The executive member agreed to take this back to officers and the executive.
- 2.4 *What role does the executive member believe Overview and Scrutiny can play in the council's response to the "Communities in control" agenda?*
- 2.5 The executive member confirmed that she was happy to discuss with the committee how to work effectively together in response to the Communities in Control paper. Members suggested that it was important to clarify the role of community councils in this area, perhaps to give them some power of local scrutiny or the ability to summons executive members in terms of local issues. It was also important to amend the council's constitution to take account of the community call for action.
- 2.6 *Does the executive member believe that the restructure of the Area Management division will lead to "improved support to the community"?*
- 2.7 The executive member stressed the importance of information and intelligence sharing in the context of establishing the work being done, ensuring no duplication was taking place and adding value. The review provided the opportunity to look at the delivery of services and to establish greater involvement with the community.
- 2.8 Some members of the committee were concerned that a restructuring could impact on areas such as Nunhead and Peckham Rye which, in the past, had benefitted from the work of the Peckham Programme. Members were of the view that the council needed to reaffirm its commitment to strong area management.
- 2.9 *What are the priorities for CIDU in the coming year?*
- 2.10 In response to concerns that not all issues within the community were reflected at community council meetings, the executive member outlined her vision that Area Management, CIDU, Community Councils, the voluntary sector and the local community would work more closely together. The committee underlined that ward members needed to be involved.
- 2.11 Members were concerned that community councils and housing forums needed to work together and that resources and staff invested in community development needed to be reviewed. Members also raised the lack of tenants' representation at some community council meetings and the possibility of increasing the number of education representatives at scrutiny meetings to include other faiths. The executive member was happy to support this.
- 2.12 *Following the success of the Peace by Piece exhibition last year, what further steps has the department taken to address negative perceptions of the Muslim population?*
- 2.13 The vice-chair applauded the achievement and continuing momentum of the project.

- 2.14 *Since the Ouseley Report and now some years later, what overall benefits to community cohesion does the executive member think have come about as a result of this report?*
- 2.15 Some members of the committee expressed concern at the lack of statistics relating to equalities impact assessments. The executive member explained that, when taking major decisions, all departments were required to take equalities impact assessments into account. It was the responsibility of all executive members to ensure that this was taking place in the departments within their individual remits and she was happy to circulate relevant figures. The Head of Social Inclusion clarified that this had been mainstreamed into the annual performance reporting.
- 2.16 Members highlighted that historically the proportion of staff undertaking diversity training was quite low. The executive member explained that this was being reviewed, with a view to improving it, making it more interesting and engaging and ultimately more effective. She confirmed that currently the diversity training, a rolling programme, prioritised managers and front-line staff.
- 2.17 *Are there communities in Southwark with which the Council is still struggling to communicate effectively? What strategies are in place to tackle this?*
- 2.18 Members queried the success of reaching newer communities such as those from eastern Europe. The executive member commented that this was always difficult and very resource intensive. The council worked closely with Community Action Southwark and smaller community sector groups and always welcomed intelligence about new groups in the borough.
- 2.19 Members asked whether more could be done to encourage community groups to exchange ideas and experiences with each other. The executive member replied that the council tried to encourage such sharing in order to break down barriers and help people to understand and learn from each other.
- 2.20 *Can the executive member update us on the progress of the review of voluntary sector and community buildings, further to the 2007 report, "Community Buildings, Next Steps"?*
- 2.21 *Please can you provide an update on the progress of the review of community premises and tenants halls?*
- 2.22 The executive member indicated that the review was due to be finished in April. The next step was to look at the physical state of buildings and determine how they could best be used for the community. Tenants and Residents Association halls needed to be considered alongside voluntary sector provision. The executive member was aware of some issues over use of tenants' halls and would work with tenants groups and forums to ensure they were available for use by the whole community.
- 2.23 In response to questions, the executive member confirmed that no halls had been closed during the review. Members stressed that, while some halls were not well run, others were very good and run by volunteers who might feel criticised by the review. Issues over use of halls had been talked about for many years but members asked when action would be taken.

- 2.24 The executive member commented that the council needed to manage the process positively, consulting tenants and residents' associations before taking any action as a result of the review. One hundred and ten halls had been assessed and most had works identified in order to bring them up to standard. Some members were of the view that, in view of next year's elections, it might not be considered politically expedient to take any immediate action. Members asked whether the intention was that the council own fewer voluntary and community sector buildings and tenants' halls. The executive member responded that it was essential to look at overall provision and that dealing with the management elements might prove sensitive. Members emphasised again that, in view of the long standing issues and length of the review, decisions and action needed to be taken.
- 2.25 *Southwark is a National Empowerment Authority. Can the executive member explain what this means and what role she plays in supporting this national role for the Council?*
- 2.26 The executive member clarified that Lewisham was the only other London borough included in the 18 authorities whose work was recognised by the Department of Communities and Local Government (CLG) as being at the forefront of current good practice.
- 2.27 *When will the Nunhead Community Centre be reopening?*
- 2.28 The chair of the committee reported that she had met with the executive member for resources. The centre had already been closed for two years. Options for re-opening had been promised last year but as yet nothing had been put forward. The past users of the centre were mostly pensioners and had nowhere else to go. The executive member stated that she was fighting the community's corner and hoped to sit down with ward councillors and resolve the matter.

**To Councillor Lewis Robinson, Executive Member, Culture, Leisure & Sport:**

- 2.29 *Do you have a date for the first meeting of the Greendale Steering Group? This was originally promised for the "New Year"?*
- 2.30 Members asked that Village Ward members be kept informed of meetings.
- 2.31 *Please provide a breakdown of how the additional £513,000 allocated to "establish a budget" for the Canada Water Library will be spent in 09-10? What are the annual running costs of the library expected to be once it has opened?*
- 2.32 Councillor Fiona Colley declared as personal but non-prejudicial interest in this item. She asked for reassurance that the budget for the library would not continue to expand.
- 2.33 The executive member stated that he was constantly liaising with Major Projects in respect of this development. He explained that a number of difficulties had arisen on the site, for instance issues involving London Underground, and that this had driven the budget up. However, the executive was committed both to delivering an iconic building as part of the regeneration package and to containing costs. In response to further questions, the executive member indicated that the build would be starting as soon as possible, would take eighty-eight weeks and that the expected completion date was September 2010.

- 2.34 *When will Southwark have the result of the bid for Government funding for the refurbishment of Camberwell Baths?*
- 2.35 Some members were concerned that the council's bid application might not be successful and were not sure that any alternative plan existed.
- 2.36 The executive member circulated copies of the council's submission and stated that all indications were that the bid was very strong. He commented that, if awarded, the funding would have to be spent in the next financial year and that, in contrast to some other local authorities, Southwark was in a good position to do this as it had already procured an architect and contractor for leisure investment. The executive member confirmed that, if the bid was unsuccessful, the executive would review all other options, including consideration of the use of capital.
- 2.37 *What are the current levels of customer satisfaction in leisure centres and how will Fusion be managed in the future in relation to this?*
- 2.38 The executive member explained that historically a number of centres were not of the standard that users wanted. Projects such as Dulwich Leisure Centre had yet to be delivered. The executive member also commented that the contract with Fusion would be considered by the executive in May/June and that this would be an opportunity to address any concerns. In response to questions about considering other providers, the executive member stated that Fusion was now a bigger and different organisation. There was also the possibility that, with Dulwich Leisure Centre being out of action during its refurbishment and with the possibility that Camberwell would also be subject to works, the leisure contract might not be seen as attractive by other providers. It was important for the council to complete the current period of leisure investment.
- 2.39 Some members had received complaints about Camberwell Leisure Centre. The executive member agreed that there had been complaints about general cleanliness and also an issue about the roof of the ladies' toilets. Some issues related to day to day management but others reflected more the state of the building and investment required.
- 2.40 Members also raised issues relating to Seven Islands Centre, including that it had been without hot water for several weeks last Summer and that it had only recently re-opened. As the centre had been closed for such a long period, the executive member was unable to comment on customer satisfaction. He explained that the Canada Water action plan contained two options for swimming, depending on the level of development. The final decision would be influenced by the results of consultation and any assessment about capital requirements would be a decision for the capital programme.
- 2.41 *What progress is being made to reopen the Livesey building? When do you anticipate that it will be back in use?*
- 2.42 Some members were unclear why the leader of the council had apparently criticised the majority opposition for not including any revenue costs for the Livesey within its budget proposals. The executive member clarified that a decision had been taken within a previous budget not to continue revenue funding for the museum. The administration had found a way to bring the building back into public use but was not going to re-open the museum.



- 2.43 Members asked that officers ensure that the collection of artefacts held by the Livesey Children's Museum is made available to schools. Members also asked whether the collection of the Educational Library Service was accessible to schools. The executive member explained that the first step was to get stock back in from schools. At the same time, all schools who subscribed to the scheme this year were being written to asking them to choose a selection of up to 500 books/story telling aids. The stock would then be allocated equitably across schools and any remaining items would be distributed to the twelve public libraries.
- 2.44 *How are you ensuring that the priorities of the PCT and your new sport and physical activity plan are aligned?*
- 2.45 Members asked whether any jointly funded activities were taking place. The executive member's view was that it might prove more helpful to have a discussion with King's, rather than the PCT, about how they might want to contribute in the future. The council had a clear commitment to free swimming for the next two years and might be refurbishing the two pools closest to King's. King's might want to support a programme of swimming in the borough, particularly benefitting their patients. Some members doubted whether King's had resources or if they would be prepared to contribute financially. The executive member commented that this might change if DDA compliant pools were available locally and suitable for patients to use and that finding a revenue stream might be more possible than any capital contribution.
- 2.46 Members asked whether any lessons could be learned from the provision of health facilities at the Peckham Pulse. The executive member commented that currently this was the only pool suitable for some treatment. A stronger case could be made for revenue commitment from local hospitals for increased borough wide swimming provision.
- 2.47 Members suggested that the executive member might consider offering Southwark as a host to one of the countries attending the 2012 Olympics in London. The executive member thought that this was worth pursuing as a possibility, especially if it reflected links with a particular community within the borough.

**3. SCRUTINY PROPOSAL – PLANNING APPLICATIONS PROCESSING SYSTEM AND PROCEDURAL ISSUES PARTICULARLY AS RELATING TO DOWNTOWN SITE IN SURREY DOCKS WARD** (see pages 30 - 31)

- 3.1 The chair of the committee explained that the scrutiny proposal had originated in requests received from local residents and community groups. The proposal was intended to look at the processing of the planning decision and circulation of information on the night of the meeting, rather than the planning decision itself. The aim was to widen out the review to learn lessons from the Downtown application, particularly for applications where the council was both planning authority and the land-owner or promoter of a regeneration scheme.

- 3.2 The committee was advised that Legal Services had received a pre action letter to challenge the planning committee decision made on 4 November by seeking a judicial review of the decision in the High Court - not only challenging the decision but also the processes leading up to the committee decision. Following this letter the council had 14 days to respond, after which the applicant had to file a claim at court by 23 March if they wished to proceed with their application.
- 3.3 The legal representative advised that it would not be appropriate to conduct a scrutiny review of this matter whilst there were ongoing legal proceedings. For this reason, the committee could only take an in principle decision to support the scrutiny proposal and could not at the moment agree a possible timetable for the review. The chair asked the legal representative to keep her and the vice-chair informed of progress on the legal proceedings.

**RESOLVED:** That the scrutiny proposal be agreed in principle, the timetable for the review to be subject to ongoing legal advice.

The meeting concluded at 9:20 p.m.