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Scrutiny & Overview Committee

Meeting held on Tuesday, 30 March 2021 at 6.30 pm in This meeting will be held remotely

MINUTES

Present: Councillors Sean Fitzsimons (Chair), Leila Ben-Hassel (Deputy-Chair), Robert Ward (Vice-Chair), Oni Oviri, Andrew Pelling (reserve for Jerry Fitzpatrick) and Joy Prince.

Also Present: Councillors Hamida Ali, Patricia Hay-Justice Bernadette Khan, Stuart King, Oliver Lewis.

Apologies: Councillor Jerry Fitzpatrick

PART A

26/21 **Disclosure of Interests**

There were no disclosures of interest made at the meeting.

27/21 **Urgent Business (if any)**

The Chair advised that Committee that in light of recent media coverage of the poor living conditions experienced by council housing tenants at 1-87 Regina Road, an urgent update had been requested for this meeting.

28/21 **Urgent Item: Scrutiny Update on Regina Road**

The Scrutiny & Overview Committee was provided with an overview of the support provided to the tenants at 1-87 Regina Road, following national media coverage on the living conditions at two of the flats within the block. A copy of the presentation delivered at the meeting can be found on the Council's website at the following link: -

<https://democracy.croydon.gov.uk/ieListDocuments.aspx?CIId=166&MIId=2158&Ver=4>

The overview was delivered to the Committee by the Interim Executive Director for Place, Sarah Hayward. In addition to the information provided in the slides that can be found on the above link, the following information was also noted:-

- The poor living conditions found in the two flats at 1-87 Regina Road was first reported in the media eight days ago. The Council only became aware of the severity of the situation in flats 7 and 15 shortly before the weekend, just prior to the news reports. Once the Council became aware, the Tenancy team acted quickly to move the tenants out of the affected properties. The tenant in flat 7 had been rehomed and the tenants in flats 15 and 31 were being supported to find alternative accommodation, while repairs were made

- Assurance was given that the water leak, which caused the damage, had been located and stopped, with remedial action underway. Further leaks had subsequently been identified within the block, with other tenants in the process of being decanted to enable repair work to be undertaken. The Council had sixteen other blocks of a similar design, which were also being investigated as a result of the issues at 1 – 87 Regina Road.
- The Council had made a self-referral to the housing regulator and the Health & Safety Executive, as a result of the situation at Regina Road. The Ark Collective had been commissioned to carry out an independent investigation, which had already started. The investigator was on site today (30 March 2021) and a verbal report was expected by Wednesday, 7 April, before the full written report was provided on Friday, 9 April. The findings of this investigation would inform a wider improvement plan that would address the issues identified within the Council's housing services.

The Leader of the Council, Councillor Hamida Ali, attended the meeting, advising the Committee that their feedback on the information provided was sought and confirmed that a further report presenting the findings from the investigation would also be brought to scrutiny for its input. It was highlighted that the position of the Administration, which had previously been outlined at the Council meeting on 29 March, was focussed on addressing the damage and looking after the tenants. There was a need to understand where there had been failures in the system, which had led to residents' concerns not being addressed. The independent investigation was the start of the work needed to identify these failings. The issues experienced by the tenants at 1 – 87 Regina Road fed into wider cultural concerns of the Administration about how the Council interacted with its tenants, with it emphasised that the Council should be aiming to care for its residents as if they were family members.

The Cabinet Member for Homes, Councillor Patricia Hay-Justice, echoed the comments of the Leader, highlighting that it was essential that the Council learnt from its failings that had contributed to conditions found at 1 – 87 Regina Road, to ensure that no other residents experienced a similar situation again.

Following these introductions, the Committee was given the opportunity to ask questions and make comments on the information provided. The Chair of Committee highlighted a report from Shelter Housing Commission, which emphasised the need for social landlords to listen to the voice of their tenants. As such, it was suggested that the improvement journey for the Housing service, needed to prioritise improving engagement with tenants throughout the delivery of services.

It was questioned whether the structure for housing services, which was split over three separate directorates, was fit for purpose and whether this had been a contributory factor? The Chief Executive advised that previous feedback received from staff as part of the Croydon Renewal Plan had already indicated that the current structure was not fit for purpose and a

service redesign had been planned. In light of the issues raised by Regina Road, the Leader had asked for the work on redesigning the service to be prioritised and expanded to include areas such as contract management and tenant support. The initial phase of this redesign was underway, with possible options being scoped by officers.

The Committee identified that dedicated communication support was needed to respond to the issues arising from Regina Road. It was agreed that communications support would be reviewed. It was confirmed that to date the communications response to Regina Road had included press statements, media interviews, direct communication with tenants in the flats affected and visits to the properties.

In response to a question about the source of the water leak, it was confirmed that it had been caused by the mains pipe degrading over time. This was the reason why other council blocks built to the same design were being reviewed to assess whether these buildings had any similar issues.

The Committee agreed it was essential that the outcomes from the investigation included an assessment of the Council's current processes for reporting repairs, with it questioned whether the full report would be publicly available. It was advised that the Council would look to publish as much of the report as possible, but would need to be mindful of any contractual constraints with the provider of the repairs contract.

Councillor Clive Fraser, a ward councillor for area where the flats were located, raised concern about the water leakages not being resolved when the flat above the affected properties had been vacated. A request was made for ward councillors to continue to be involved in the response going forward, with the Committee supportive of the need to keep ward councillors informed of progress made. Councillor Patsy Cummings, the other councillor for the ward, advised that a potential learning point should be the need to provide a more thorough response when reports of leaks causing water damage were received, given the potential risk of much more extensive damage if left unaddressed.

It was questioned whether the Council's insurance liabilities would be reviewed as part of the investigation. It was confirmed that insurance liability had not been included in the scope of the work provided to the investigator. However, it may be something that could be picked up in any further work arising from the review. It was advised that it was unlikely any report by either the regulator or the Health & Safety Executive would be available for the investigator to factor into the investigation given the timescales for delivery of the review. The investigation would be reviewing the contact history of the two cases to find out whether there had been any discrimination.

Looking forward to the possible improvement work for the Housing service it was agreed that the following areas needed to be addressed: -

- i. How damp and condensation issues were managed in Council properties.

- ii. Whether invasive work into the fabric of the building had contributed to the issues experienced at 1-87 Regina Road, and if this was the case, how it could be avoided in the future.
- iii. There needed to be a full review of the process used for tenants reporting issues.
- iv. The relationship between tenants and leaseholders needed to be reviewed to ensure that repairs were carried out promptly, to prevent further damage to other properties in the block.
- v. The repairs contract needed to be comprehensively reviewed to establish the best option for the Council.
- vi. Further consideration was needed on how the Council listened to its tenants to shape services and whether the culture of the Council needed to change.
- vii. Consideration also needed to be given to how potential safeguarding and health and safety issues for tenants were responded to.

In response, the Leader of the Council confirmed that the issues raised by housing conditions at Regina Road had created enormous concern, with the relationship with residents in need of repair. It was likely that recommendations arising from the investigation would be used to inform the long term improvement journey for the service. The Cabinet Member highlighted that there would be a role for scrutiny to inform the improvement journey as it progressed.

At the end of the discussion on this item the Chair thanked the Members and Officers for providing an urgent update for the Committee and noted that the outcome from the investigation was likely to be considered at the next meeting of the Streets, Environment & Homes Sub-Committee.

Conclusions

Following the discussion of the information provided, the Scrutiny and Overview Committee agreed that the following conclusions would be reported to Cabinet:-

1. The Committee broadly accepted the terms of the reference for the independent investigation into the housing disrepair found at 1-87 Regina Road, which was due to report its findings back to the Council by 9 April.
2. The Committee welcomed confirmation that a review of housing services had been brought forward considering the issues experienced by tenants at Regina Road and agreed that there were a number of key areas that needed to be looked at as part of this review.
3. The Committee had concerns about the performance of the current contractor for the repairs service that needed to be investigated to establish whether either value for money or the required service standards were being achieved.

Recommendations

The Scrutiny and Overview Committee agreed to make the following recommendations to the Cabinet Member for Homes for further consideration:-

1. The Committee asks that as part of the review of the Council's housing services, consideration is given to the following areas: -
 - Prior to starting the review, the Council's long term vision for its housing services needed to be defined and then used as a basis for the review.
 - The review needed to consider how the Council listened to the voice of its tenants, both in terms of responding to issues raised and in designing services.
 - The process for tenants reporting issues and how they are subsequently dealt with needed to be comprehensively overhauled to ensure the needs of tenants are prioritised in any future delivery model.
2. The Committee recommends that delivery of the repairs service should be reviewed, when possible to do so under the terms of the current contract, to establish the most cost effective means of providing the service that also met the standards expected by tenants.

29/21 **Scrutiny Improvement Review**

The Scrutiny & Overview Committee considered a report from the Centre for Governance and Scrutiny (CfGS) which presented the findings from their review of the scrutiny function in Croydon. Ed Hammond, the Deputy Chief Executive from CfGS, was in attendance at the meeting to introduce the report. During the introduction, the following points were noted:-

- CFGS was a charity that provided governance support and advice to both the public and private sector.
- CfGS had been commissioned to review the scrutiny function at Croydon in the spring of 2020 by the Scrutiny & Overview Committee. The review had been informed by evidence gathering in the summer of 2020, with a final report prepared in September. However, following the publication of the Report in the Public Interest (RIPI) by the Council's external auditors, it was considered important to ensure that the recommendations in the RIPI report were reflected in the Scrutiny Improvement Review and it was in line with the Council's improvement journey.
- It was proposed that immediate action was taken to implement recommendations 1, 5 and 6 set out in the Review, which would be supported by recommendation 8. Recommendation 1 related to ensuring Scrutiny played an immediate role in the Council's financial recovery. Recommendation 5 was aimed at ensuring Scrutiny was provided with the relevant evidence to carry out that role and recommendation 6 concerned the prioritisation of the work programme. Recommendation 8, which would support the other three recommendations as it concerned the delivery of training to improve scrutiny at the Council.
- CfGS, working with Members and officers, would create an action plan over the coming weeks for the delivery of all recommendations in the new municipal year. Reassurance was given that the support provided by CfGS was being met from a Central Improvement Fund which was

available to the Local Government Association and CfGS to support councils.

Members of the Committee commended the quality of the report and agreed that the recommendations targeted the right areas for improvement. It was also agreed that the need for Scrutiny to have access the information it required to inform its work was essential. It was advised that as part of the improvement plan, CfGS would be working with Members and officers to establish what this meant in practice, with work to resolve long standing cultural issues also important to ensuring Scrutiny had the right tools to perform as expected.

It was suggested that prioritisation of the work programme sometimes suffered from a lack of understanding of the value of scrutiny by officers, with a need for a more strategic view to be taken on work planning. It was also difficult to define what Scrutiny should be focusing upon without having sight of any performance framework. Consideration also need to be given to how Scrutiny coordinated its work with that of the General Purposes and Audit Committee.

Although there would not be a cost to the Council for the ongoing support provided by the CfGS to implement the recommendations from the Scrutiny Improvement Review, the cost to commission the original review had been £4,600.

It was highlighted that improvement work had already started to be implemented, with the work programme focussed towards the covid response and the financial challenges facing the Council. As the pandemic had required the Council to hold remote meetings, the introduction of new technology had also helped scrutiny members to hold more frequent pre-meets, which helped with the coordination of the meetings.

It was questioned whether the recommendations should also include the creation of a Scrutiny - Executive Protocol, setting out the executive commitment to the parity of esteem. It was advised that in the medium term the Council will need to formulise its expectations for the relationship between scrutiny and the executive. However, in the short term early conversations had indicated that expectations would be met and the experience over the next few months would be able to inform the process. .

It was agreed that public engagement with Scrutiny could be improved. CfGS had worked with other authorities on this and experience indicated that a holistic approach to engagement was required. As part of the wider improvement journey, the Council needed to change its relationship with the public and this work was something that Scrutiny could feed into.

At the conclusion of this item the Chair of the Committee thanked Mr Hammond and his colleagues at CfGS for delivering the Scrutiny review. The Committee agreed to accept all eight recommendations set out in the covering report of item.

The Scrutiny & Overview Committee **resolved** to:

1. Receive and accept the findings of the CfGS Scrutiny Improvement Review,
2. Agree that the recommendations will be incorporated into the Croydon Renewal Plan,
3. Recommend to Council the CfGS Scrutiny Improvement Review for noting,
4. Agree that Recommendations 1, 5 & 6 are prioritised for delivery.
5. Agree to commission the CfGS to develop a training programme for Scrutiny which will be incorporated into Council's overall programme for Member Learning & Development to be overseen by the Ethics Committee.
6. Work with the CfGS to develop a work programme that is focussed on the priorities of the Council and allows Scrutiny to add value to the ongoing improvement journey.
7. Agree to set up a Scrutiny Co-ordination Group to monitor and steer the scrutiny work programme.
8. Note that an overarching Information Protocol is being developed for Members taking into account the recommendations in the CFGS Scrutiny Improvement Plan and the Croydon Renewal Plan.

30/21

Review of Libraries Public Consultation - Phase One

The Scrutiny & Overview Committee considered a report from the Cabinet Member for Culture and Regeneration, Councillor Oliver Lewis, setting out the findings from the first phase of the libraries consultation and asked for the Committee's views on the options due to be put forward for the second phase. During the introduction to the report, the Cabinet Member advised the Committee that the budget agreed by Council on 8 March had set a savings target of £500,000 from a £3.5m budget for the Libraries service. Potential options for achieving these savings, including the possible closure of five libraries, a consultation on the way forward had started earlier this year. The results of that consultation, along with proposals for the next phase of consultation, were presented to the Committee for its input and any recommendations arising from the discussion of this item would be submitted to the Cabinet.

Elizabeth Ash, a representative from the Save Croydon Libraries Campaign (SCLC), had been invited to address the Committee by the Chair, to present the views of SCLC on the proposals. It was advised that in the view of SCLC insufficient information had been provided with the consultation to allow an informed response, which had resulted in a flawed process that should not move forward. Furthermore, by carrying out the consultation during the pandemic and without contacting library users, it further invalidated the outcome. The consultation seemed to be unfairly focused toward a delivery

model that used volunteer run services, rather than being open to all options. There were a number of other concerns raised about the consultation process, such as the quality and consistency of the information provided, the lack of communication about the extension to the consultation deadline and the perceived lack of regard to equalities. In conclusion, any reduction of the library service was viewed as a false economy, which would have far reaching consequence for the borough.

The Cabinet Member thanked the representative from SCLC for their contribution and acknowledged it was important to provide an opportunity for all contributors to input into the consultation process. In response to the comments from SCLC it was highlighted that the Council had worked with the Department for Digital, Culture, Media and Sport to ensure the consultation process complied with best practice. There had been a good level of response to the consultation with over 2000 responses received and the various options suggested in the report demonstrated that it had been a genuine consultation. By running the consultation in two phases, it provided the Council with the opportunity to take on board ideas from the public on how best to achieve the savings the Council was required to deliver.

Prior to questioning the Cabinet Member, the Chair re-emphasised that the £500,000 budget saving had been approved as part of the budget setting process. As such it was outside of the scope set for the Committee, which was to provide comment on the consultation process and the options being put forward for the second phase of the consultation.

In response to question about whether the budget of £3.5m for the service included maintenance costs, it was advised that the budget covered the running costs for the service. The maintenance of library buildings was covered under a separate maintenance contract. The Council had continued to be responsible for repairs and maintenance when the service was managed by Carillion, but the buildings had not been maintained to a satisfactory level. When the library service was brought back in-house, user feedback was used to inform both the Libraries Plan, adopted in May 2019, and a refresh of library facilities.

It was noted that consultants had been commissioned to produce a report on the Council's libraries, which had informed the Libraries Plan. It was questioned whether the consultant's work had also been taken into account when forming proposals for consultation. In response it was advised that the consultation report had been taken into account as part of a wide range of information used to inform the process, including the number of books issued, digital facilities, the location of libraries in the borough and the level of maintenance required on each building.

In response to a question about whether the Cabinet report would include an options appraisal, it was advised that this had been included in the initial plan, but due to the pre-election period and the political nature of the decision, it was likely that the decision would be delegated to the Cabinet Member in consultation with the Interim Executive Director for Place, with further information published after the pre-election period had concluded.

It was highlighted by a number of Committee Members that it was difficult to reach a conclusion on the preferability of any of the options, as it was not clear from the information provided what the Council's vision was for its library service. In response, it was advised that the Council's libraries had seen an increase in membership during the lockdown, despite the public not being able to physically access the service. In recent years there had also been a huge update to the digital services offered within the library service. The consultation had indicated that the Service meant different things for different people, but the Council needed to find a way to deliver the financial savings, which would necessitate looking at alternative methods of delivery.

When the Committee previously looked at libraries (10 February 2020), it had been mentioned that the possibility of using technology to allow out of hours access to library facilities was being explored. As such it was questioned whether this had been progressed. It was confirmed that the Open Plus system had been installed at both Selsdon and Norbury libraries, giving the opportunity for out of hours access to residents. In order for the Open Plus system to be rolled out in other libraries, it would require additional capital investment.

Regarding the possibility of increasing the availability of new books and electronic resources, which would drive up membership, it was advised the Council had joined a libraries consortium of 17 authorities to purchase books. As well as providing residents access to over 6 million books it also allowed access to a range of additional online materials such as e-books, audio books and online training.

A suggestion was made that an ongoing aim should be to grow the service, including making it easier for residents to sign up as library members. The Cabinet Member advised that the Council had always strived to grow the membership of the library service and this would continue to be an ambition going forward.

It was highlighted that 12% of the responders to the consultation had indicated that they would be unable to access any other library than one of those identified as at risk of closure. As such, it was questioned whether there was any analysis of these responders and if there would be any alternative provision. It was advised that further analysis was needed to understand why these respondents would not be able to access other libraries, but this would be dependent on whether their permission had been given for further contact from the Council. There was existing provision including the home library service, a befriending service and online resources that may help support these respondents to continue accessing library services.

In response to a question about the baseline for a viable library service, it was confirmed that there was no threshold, with a range of factors taken into account as part of the decision making process. Once the budget reduction of £500,000 had been confirmed, it was quickly realised that the service would need to be rationalised. The five libraries at risk of closure were those with the lowest book issues, the lowest rate of digital access, had significant maintenance issues and had other libraries in the vicinity.

It was questioned why the operational costs for the South Norwood Library were based on the new site, when the consultation was based on the existing building. It was advised that the current library building in South Norwood required a lot of work and a capital investment was needed to get the new site ready as a library. There was a number of possible options for the library service in South Norwood, which would be informed by the consultation process.

Councillor Clive Fraser, a Ward Member for South Norwood, thanked the Cabinet Member for his engagement with the South Norwood councillors and highlighted that other options to library closure should be explored. There also needed to be a holistic approach used for the library service as they had a much wider impact than simply book lending, through influencing people's learning and knowledge as well as helping to support local high streets.

It was confirmed that since the library service had been brought back in-house following the collapse of the contractor, Carillion, £5m of capital funding had been invested into the service. This funding had paid for new equipment, high speed broadband as well as refurbishing Norbury and Selsdon libraries. At present, all libraries had high speed broadband access and it was hoped that further investment could be made in the future, although this would be dependent on the financial circumstances of the Council.

The Committee reached the view that the lack of an options appraisal to accompany the consultation made it difficult to make an informed opinion on the options presented in the report. Other options were suggested by the Committee, in addition to those included in the report, such as using a co-design approach with community groups that could take into consideration existing constraints. Another option would be to have a limited number of flagship libraries, with the opening times of other libraries based on their usage. The Committee was thanked for these suggestions, with it highlighted that the consultation was being used as a form of co-design.

It was questioned whether there were any abortive costs should the five libraries close. It was advised that there would not be any abortive costs from the closure. There had been a cost to install high speed broadband, but this equipment could be utilised across other sites.

The Chair highlighted to the Committee that the consultation was not formally about the closure of libraries and should that decision be pursued, then there was a statutory requirement to undertake a further range of consultation.

The Committee reached the conclusion that library closure should only be considered as a last resort, if no other viable options could be identified. Of the other options included in the report, it was difficult to reach a conclusion without further information on which to make an informed judgement. No dissent was raised against the principle of outsourcing the running of the library service to a social enterprise, but if this option was chosen the Council would need to have sufficient capacity in place to design the contract specification and monitor delivery.

The Committee agreed that the second phase of the consultation process should include a more detailed options appraisal setting out the savings expected for each option, the staffing impact and the criteria used to assess the options. It was also agreed that any further consultation needed to set out the Council's vision for the library service.

At the conclusion of this item the Chair thanked the Cabinet Member and officers present for their engagement with the questions of the Committee.

Conclusions

Following the discussion of the budget proposals, the Scrutiny and Overview Committee agreed that the following conclusions would be reported to Cabinet for its consideration:-

1. The Committee concluded that any consultation on the provision of the libraries service needed to be based on an underlying vision for the service and that the vision needed to be clearly defined in the consultation process.
2. The Committee concluded that the option to close five libraries needed to be a last resort and should only be pursued if it was not possible to achieve the required savings through other options for delivery of the libraries service.
3. The Committee was unable to reach a conclusions on the preferability of the other three options. Instead it concluded that a thorough options appraisal was needed to make a judgement on which of these options was included in the next stage of the consultation.

Recommendations

The Scrutiny and Overview Committee agreed to make the following recommendations to the Cabinet Member for Culture and Regeneration for further consideration:-

1. The Committee recommends that any future consultation documents on the libraries service clearly outlines the Council's vision for libraries and how it had informed the process.
2. The Committee recommends that further work is undertaken to prepare a detailed appraisal of any options put forward for the next stage of the consultation, to ensure that those responding could make an informed decision. This should include consideration of:-
 - hybrid options
 - a co-design approach for the redevelopment of the future library service

The assessment criteria for the options appraisal also needed to be clearly defined at the start of the process and published with the second phase consultation

..... 31/21

Establishment of the Town Centre Task & Finish Group

The Scrutiny & Overview Committee considered a report setting out the proposed terms of reference for a task and finish group that would look at the future of the town centre in its recovery from the Covid-19 pandemic.

The Committee **RESOLVED** to:-

1. Set up a task and finish group to undertake a review on the future of the town centre in Croydon.
2. Agreed the terms of reference for the Town Centre Task and Finish Group, as set out in the report.

32/21

Exclusion of the Press and Public

This motion was not required.

The meeting ended at 9.43 pm

Signed:

Date: