



FULL COUNCIL, Wednesday 25 January 2017

## MEMBERS' QUESTIONS

### Air Pollution

**1) To the Cabinet Member for Environment, Regulatory Services & Community Safety (Councillor Osman Dervish)**

**From Councillor Reg Whitney**

Would the Cabinet Member confirm that Havering is not breaching legal limits on air pollution and how it ranks against other London Boroughs

**Response:**

Havering is not breaching legal limits on air pollution for either the annual or hourly levels set within the National Air Quality Standards (England).

Havering has better air quality overall than many other London Boroughs coming within the top 5-6 for good air quality.

### Litter Thrown from Cars

**2) To the Cabinet Member for Environment, Regulatory Services & Community Safety (Councillor Osman Dervish)**

**From Councillor John Glanville**

Given that English councils are to be given the legal power to punish car owners who let litter be thrown from their cars and some London boroughs already have this power, will Havering Council be using this power?

**Response:**

Power to serve a Penalty Charge Notice on those who litter from cars exists under the London Local Authorities Act 2007.

Littering is very bad behaviour and we support any increase in powers that allows us to target the problem. A more simplified procedure for dealing with car litterers is proposed as part of the Anti-Social Behaviour 2014 Crime and Policing Act. The enabling legislation to introduce this isn't yet in place but once it is we will monitor those new powers and decide whether they should be introduced here.

In response to a supplementary question, the Cabinet Member indicated that he would be happy to consider how this power could be enforced as part of the general enforcement strategy.

## **The Local Plan and Parking Provision**

### **3) To the Cabinet Member for Environment, Regulatory Services & Community Safety (Councillor Osman Dervish)**

#### **From Councillor David Durant**

Due to Government/GLA policy of “housing targets” developers are submitting plans “within the rules” that provide not enough resident and almost no visitor parking and clearly this policy relies on adjoining roads providing the overspill parking. In view of this will the Cabinet Member for Regulatory Services recommend a change to the Local Plan and require highway contributions from developers to assist with the provision of more parking to help replace the national policy of “housing targets” with a local policy of “sustainable housing”.

#### **Response :**

The level of parking required on any particular new development is currently set out within the London Plan. The forthcoming Local Plan will set local parking requirements. A Residential Car Parking Standards Study is being prepared as part of the evidence base for the Local Plan and will be used to inform the proposed parking standards.

As part of any planning application, the impact of the development on the surrounding area is a material consideration. Where it can be clearly demonstrated that surrounding streets already suffer significant parking stress or would do as a result of the development, mitigation measures, including possible developer contributions would be considered

We are encouraging prospective developers to engage earlier in the process, long before the planning application process to ensure that they understand the needs of the community. Working more proactively with developers will allow the council to increase influence over the specification of large scale developments going forward.

In response to a supplementary question, the Cabinet Member confirmed that the Local Plan would set local parking levels and this would be presented to Members later in the year.

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## **The Future of the Harold Hill Crown Post Office**

### **4) To the Cabinet Member for Environment, Regulatory Services & Community Safety (Councillor Osman Dervish)** **From Councillor Keith Darvill**

What representations have been made to Post Office Limited and the Minister for Postal Affairs about the proposal to close the Harold Hill Crown Post Office in Farnham Road?

#### **Response:**

While we have not made any specific representation, we have contacted the post office to find out further information. However, it is likely that the Post Office is exploring opportunities to seek a franchisee, which is the Post Office current business model. Usually, franchise branches offer the same services for customers as well as sometimes longer hours and on some occasions opening on a Sunday. A call has been logged with the Post Office HR and consultation team to find out further information.

In response to a supplementary question, the Cabinet Member conformed he was happy to meet with local ward Councillors about this issue and make representations accordingly.

## **Under Occupation of Council Properties**

### **5) To the Cabinet Member for Housing (Councillor Damian White)** **From Councillor June Alexander**

Would the Cabinet Member confirm what proactive steps are being taken to encourage the near 400 single council tenants living in 3 plus bedrooms to downsize.

#### **Response:**

While council tenants have the right to live in a property even if it is too large for them, the Council takes proactive steps to encourage them to downsize.

(a) In July 2016, the Council revised its Housing Allocation Policy, to reward tenants that do downsize with a community contribution reward (CCR 1 and 2) which is a high housing priority to support tenants to move into alternative smaller accommodation.

(b) Community events are also held to provide information on the housing options available to tenants to encourage them to downsize. On 19 October 2016, a Mobility Open Day was held for tenants who were under-occupying their homes or were overcrowded with the aim of bringing them together to find a swap. The event was also attended by other housing providers including Home-swapper, Seaside & Country

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Homes and the GLA's Housing Moves. We will be organising another event in March 2017.

In response to a supplementary question, the Cabinet Member confirmed that tenants would be assessed for emergency rehousing if a health issue had been identified. A total of 67 people had attended the recent housing swaps with 11 swaps being progressed as a result of this.

**RIPA Powers**

**6) To the Leader of the Council**

**From Councillor Ian de Wulverton**

Has Havering used the Regulation of Investigatory Powers Act (RIPA) powers, to gather information on the residents of Havering? If so when and what where they used for?

**Response :**

The legislation provides Local Authorities with statutory powers to use covert intelligence operations in very limited circumstances where it is investigating serious criminal offences. It is not used to gather information on residents. These restricted legal powers are rarely used – there have been 2 occasions in the last 4 years. The powers cannot be used by the Council without an application to Magistrates Court which considers the circumstances and decides whether the action is justified. The Council is also inspected by the Office of Surveillance Commissioners every two or three years to ensure its policies and use of the legislation is appropriate. The Council was last inspected in December 2016 and a positive report was received.

The most recent orders for surveillance were in respect of allegations of repeated sales of cigarettes and alcohol to children and, secondly, commercial-scale fly tipping.

**Conservation Areas**

**7) To the Cabinet Member for Environment, Regulatory Services & Community Safety (Councillor Osman Dervish)**

**From Councillor Keith Roberts**

Due to the growth in 'try on' applications to build in our Conservation Areas can the Cabinet Member for Regulatory Services assure Council that Conservation Area rules will be applied and if necessary strengthened to ensure only schemes that enhance rather than undermine our Conservation Areas will be recommended for approval?

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**Response:**

All applications for development within our Conservation Areas are assessed against our Local Development Framework (LDF), the London Plan and the National Planning Policy Framework (NPPF). The Council has a duty to take account of the desirability of sustaining and enhancing the significance of heritage assets when reaching decisions on planning applications. The Council is now using Place Services, Essex County Council's traded services arm as this gives us a good resource for specialist advice on applications concerning heritage assets. This adds value to the assessment process each application is subject to.

Looking forward, as part of the Local Plan preparation work, our existing heritage policies, including our Heritage Supplementary Planning Document (SPD), are being reviewed to ensure that they reflect the approach adopted by the NPPF.

**Blue Badge Fraud**

**8) To the Cabinet Member for Environment, Regulatory Services & Community Safety (Councillor Osman Dervish)**

**From Councillor Barbara Matthews**

In order that genuine users of Blue Badges can use them and to protect council revenue, would the Cabinet Member confirm over the past three years how many exercises have been carried to catch those misusing Blue Badges and how many Blue Badges have been confiscated and/or users prosecuted?

**Response:**

Since January 2014 we have carried out two blue badge operations, both in Romford Market Place, on 21 August 2014 and 19 February 2015, where 16 blue badges were confiscated. Since then our records show 10 further badges have been confiscated as part of the Civil Enforcement Officers normal duty.

There have been no convictions for blue badge misuse. However, a prosecution is not an indicator of the work our officers do to minimise misuse wherever possible. Blue Badge anti-fraud operations, involving Audit, Traffic & Parking Control and the Police, have taken place, and more routinely, Civil Enforcement Officers undertaking their daily enforcement patrols inspect Blue Badges and speak to users to determine correct use.

In response to a supplementary question, the Cabinet Member confirmed he was happy to review how wardens carried out their work and to ensure that Blue Badge abuse was prosecuted where possible.

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## **Orchard Village**

### **9) To the Cabinet Member for Housing (Councillor Damian White)**

#### **From Councillor Phil Martin**

At the last Full Council there was motion put before the council to ensure that measures were adopted to deal with the repeated failure of the Orchard Village developers to put right their many failures which have been publicised in the Local and National Press, and on prime time television and shows no sign of abating.

What steps, if any, has the Administration taken to assist the residents of this appalling development whose lives have been blighted by the sub- standard building work that has taken place there.

#### **Response:**

In line with the legal advice obtained, an inspection of one of the properties in Phase 3 of the development is to be undertaken to ascertain the extent of the problems in relation to the Building Regulations. Legal advice has confirmed that due to the length of time since the development has been completed, no action can be taken in respect of Phases 1 or 2. Depending on the outcome of the inspection, further investigation and/or legal action will be considered.

The Council is working strenuously to facilitate improvements with the owners of the site, Clarion Housing and will continue to work them to seek early redress of these issues. The Director of Housing Services has recently met with the Chief Executive of the Housing Association and the local MP in order to view the site.

In response to a supplementary question, the Cabinet Member emphasised that work was in progress to support remedial works to be undertaken and to enable the correct provision of the right type of accommodation. Work on these areas would continue in conjunction with the Chief Executive of the Housing Association.

## **GLA Precept and Police Budget**

### **10) To the Cabinet Member for Environment, Regulatory Services & Community Safety (Councillor Osman Dervish)**

#### **From Councillor Graham Williamson**

According to BBC News and reports in the Evening Standard the Mayor of London Sadiq Khan will increase the GLA precept on council tax bills by 1.99% to meet a shortfall in police budget of £17.4m which he claims has been imposed by the Government. If so will the Cabinet Member for Public Safety make representations to the Mayor seeking the withdrawal of the short-sighted proposals to save money by merging/reducing the Police Borough Commanders of Havering, Redbridge and Barking and Dagenham from 3 to 1?

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**Response:**

I recognise the concerns that reducing from 3 Borough Commanders to 1 may appear to present. However, these plans are part of a wider review to reduce the total number of Borough Commanders across the Metropolitan Police Service. This wider package of proposals includes the pilot of a tri-borough model of policing. Whilst clearly this new approach presents opportunities for savings, it also, more importantly, responds to concerns raised during a recent HMIC inspection of the MPS. Indeed the Council's own OFSTED inspection raised concerns in relation to the MPS's current arrangements around safeguarding and child protection.

The new tri-borough policing model seeks to strengthen the police's offer in this regard by creating a single safeguarding hub, enabling all concerns relating to vulnerable people to be referred through one point of access. The proposal is to locate the referral desk for such concerns within the Multi-Agency Safeguarding Hub (MASH) in each borough. This fits well with the Council's own approach of being the first borough in London – and indeed one of the first in the country – to implement an all-age MASH, thus enabling the multi-agency partnership to take a “whole family” approach to issues that affect a family system. This represents a more joined-up approach and should allow us to work more efficiently and effectively with our police colleagues in these particular areas of work, as well as giving us the opportunity to exercise greater influence over the allocation of police resources.

At this early stage, the Council therefore welcomes the MPS pilot model and very much hopes that it will achieve its aims and objectives – especially regarding a better approach to safeguarding and child protection. However, if the pilot does not deliver a better operational model, the Mayor of London and the Deputy Mayor for Policing and Crime have been clear that the new ways of working should be fully reversible. The Leader of the Council and senior officers are well represented on the governance and oversight bodies for the new “pathfinder”. As such, the Council will be well positioned to evaluate the impact of the pilot and will of course be taking a particular interest in the capacity of the new model to meet the policing needs of Havering. Should the pathfinder not have the desired effects in terms of addressing areas of concern for the borough, we will of course make representations that the model should be amended accordingly.

In response to a supplementary question, the Cabinet Member explained that agreement to the new police model was a Cabinet function. Members would however be kept fully informed and a Member briefing on this issue would take place shortly.

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## **Harrow Lodge Park**

### **11) To the Cabinet Member for Culture & Community Engagement (Councillor Melvin Wallace)**

#### **From Councillor Jody Ganly**

Would the Cabinet Member confirm what steps he has taken to ensure that the council and Thames Water have carried out their promises at Harrow Lodge Park, and in particular, the de-silting of the main sewer.

#### **Response**

A Parks Development Officer recently met with Thames Water and their contractors who confirmed that they will be cleaning out the sewerage pipe that runs through the park by the end of the month. Works will take approximately 4 weeks. They have said that this will be carried out every six months after completion.

Officers will monitor the situation to ensure that Thames Water meet this undertaking

In response to a supplementary question, the Cabinet Member confirmed that this work would be monitored to ensure that it was carried out every six months.

## **Tribunal Cases Affecting the Council**

### **12) To the Leader of the Council (Councillor Roger Ramsey)**

#### **From Councillor Lawrence Webb**

In the last eighteen months how many non-housing related court and tribunal cases has the Council been involved in?

Please provide the details of those initiated by the Council itself and those that the Council were defending, how many were won and lost and the cost both in fees and compensation.

#### **Response**

Due to the wide range of court proceedings there is no central figure available for fees or compensation paid or awarded. However, if specific information about particular cases, or types of cases, is required those details can be requested via the Deputy Director of Legal and Governance.

In response to a supplementary question, the Leader of the Council confirmed that it was not possible to produce a general register of the cost of court cases the Council was involved in. There were a very wide variety of cases ranging from trading standards matters where the Council could sometimes recover considerable sums via the Proceeds of Crime Act to cases related to children where costs were not recoverable.



## **Council House Repairs**

### **13) To the Cabinet Member for Housing (Councillor Damian White) From Councillor Stephanie Nunn**

Given that the overwhelming majority of council properties have now reached the Decent Homes standards, would the Cabinet Member explain why with less than 10,000 council properties, they generate 40,000 plus repair requests in a year?

#### **Response**

The Council has a statutory obligation to provide a repairs service to tenants and these activities not only meet these requirements but help to keep the housing stock in good order. The investment programme completed via the Decent Homes programme was to address long standing major issues with large building elements, such as roofs, windows, kitchen and bathrooms. The backlog Havering had was significant with 56% of the stock being classified as non-decent. This figure is now less than 2% and 98.72% of the Council's housing stock is now at a decent level. The average number of repair-related requests undertaken each year, including building services is 31,375. This has reduced from around 42,000 two years ago as part of the Council's demand management strategy.

The current types of works principally relate to minor items resulting from

- Drain Blockages
- Gutter blockages
- Minor Leaks to plumbing and heating
- Broken window catches and sticking doors
- Minor electrical issues with broken sockets and light fittings
- Repairs to estate environments (not part of the decent homes programme funding regime)

We are working, with support of the Chartered Institute of Housing, and as part of an overall demand management strategy to reduce the numbers of works requests processed without any detriment to service quality.

Of the 31,375 repairs, some 9,000 of these are gas safety checks and 1,100 are repairs to vis properties, both of which are statutory obligations on the Council.

In response to a supplementary question, the Cabinet Member emphasised that the 40,000 repair requests figure had not come from himself, nor from Council officers, and asked for an apology for the suggestion that he had misled anyone.

Repair costs were borne by the contractor (Breyer Group) not the Council and the Cabinet Member was meeting regularly with the Chief Executive of Breyer Group to go through all missed appointments and incidences of repairs not being put right first time.

## **Academic Performance in the Borough**

### **14) To the Cabinet Member for Children & Learning (Councillor Robert Benham)**

#### **From Councillor Julie Wilkes**

The London Borough of Havering always had an excellent reputation in terms of educational performance, so would the Cabinet Member explain why Havering has been allowed to fall in the OFSTED league tables in both primary and secondary education and was also forced by Central Government to convert the Pupil Referral Unit into an academy because of its failings?

#### **Response**

The Ofsted measures referred to in the recent Ofsted annual report are relatively new, particularly in the secondary sector, where Attainment 8 and Progress 8 measures are being reported on for the first time. These measures replace the previous measure of five A\*- C grades at GCSE. There are complex calculations which result in the final outcome for these new measures and further information on how these work can be found via the OFSTED website.

It is important to note that GCSE performance in the secondary sector in Havering has been good and above the national average for some years. Even with the new Attainment 8 measure, this is in line with the national average this year. That said, we need to focus on improving attainment in certain curriculum areas such as maths and science. We have a significant task ahead to improve the rates of progress made by specific groups of pupils in secondary schools and are working with schools and partners, including the Regional Schools' Commissioner, on an improvement strategy.

Attainment in our primary schools continues to be strong, with outcomes for pupils in reading, writing and maths combined at the end of Key Stage 2 (age 11) in the top five per cent in the country in 2016. Pupils also make positive progress in the primary sector.

The league tables included in the information for London in the annual report refer to the measure of the percentage of pupils attending good or outstanding schools in the area. The figures for Havering are undeniably disappointing and we are focusing our attention on improving these ratings across both the primary and secondary sectors. There are a number of variables which can influence the movement up or down this particular set of league tables: the numbers of school inspections in an area in any given period, for example. In 2015 there were only seven primary inspections in Havering compared to significantly higher levels in other London boroughs. The impact of this is that schools which might have a less than good judgement do not have the opportunity to have improvement ratified until the next inspection, thus an authority's ability to change its ranking in the league table is also dependent on this contextual factor.

## **What are we doing?**

Clearly the Education landscape has changed dramatically over the last few years. With more schools now academies, the Local Authority has fewer statutory powers – we are now engaged with the education community as a system leader – influencing and supporting improvement across the sector.

We are working closely with secondary schools and the Regional Schools Commissioner and we will be launching an Improvement Board to specifically focus on performance across this sector. The Board will be chaired by Dame Joan McVitie who has an excellent track record in driving improvement in schools. Part of the work of the Improvement Board is to look at what has worked in other areas, and to prioritise the key areas that need attention in Havering. These include strengthening Leadership and Governance, and supporting schools to improve performance in key subject areas including Maths, Science and Modern Languages.

Through this process the aim is to foster a more collaborative partnership between Havering Schools in order to support sustainable sector- led improvement. We will look to local Schools to lead specific strands of this work and commit to contributing to achieving better outcomes for Havering Children.

The Local Authority does retain a statutory role in overseeing improvement in local state maintained schools. Our position is to provide schools with the necessary guidance and support, whilst taking decisive and robust action to address schools with serious or systemic failings.

## **Pupil Referral Service**

With reference to the Pupil Referral Service (PRS), the authority had been finding it difficult to secure permanent leadership for the provision for a considerable time. Pressures on the service were significant and the quality of the provision suffered as a result of these two factors. The authority had already started discussions about possible academisation of the secondary element of the service prior to the judgement of special measures. Following the provision being placed into special measures by OFSTED, the only available option open to the council was to convert this provision to an academy. As this is a specialised provision, it took a significant amount of time for the DfE to identify a suitable sponsor.

In response to a supplementary question, the Cabinet Member reported that he was working with the Schools Commissioner to set up a School Improvement Board.

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## **Transport for London Proposals in the Local Implementation Plan**

### **15) To the Cabinet Member for Environment, Regulatory Services & Community Safety (Councillor Osman Dervish)**

#### **From Councillor Ray Morgon**

At the July 2016 Cabinet meeting, the Leader of the Opposition received assurance that before any proposal was submitted to TFL under the Local Implementation Plan that any proposed submission would be discussed with the appropriate wards Councillors. Would the Cabinet Member explain why this did not happen?

#### **Response:**

The 2017/18 Annual Spending Submission was formally signed off by myself through an Executive Decision in October 2016.

Members had the opportunity to engage in the LIP submission process through the Cabinet report in July and the supporting documents for the submission being placed in the Members' Resource Room.

In addition, ward Members had the opportunity to comment on the proposed submission before it was submitted when the Executive Decision report was published on the Calendar Brief and could have asked for the matter to be 'called in' (as with the usual arrangements).

The extensive and wide-ranging content of the LIP submission, and the imperative of meeting TfL's tight timetable, meant that it wasn't possible for the Council to engage with Ward Members on each individual proposal in the submission.

No comments were received at this point from any Ward Member and the approved submission was subsequently sent to TfL so that it met their deadline for submission of this important matter.

In response to a supplementary question, the Cabinet Member clarified that funding for schemes such as these was from Transport for London rather than the council but he was happy to meet with ward Councillors to discuss these issues where possible.